

Geopolitics and internal power structures:
The state, police and public order in Austria and
Ireland in the late 18th century.

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ABSTRACT

In this thesis I contribute to the sociological discussion on the impact of geopolitical constellations on the class and cleavage structure of societies. The main concern is to analyse how the capacity of collective social actors to pursue their interests against other antagonistic collective actors can be impeded, or increased, by relations of violence between the state in which they operate and foreign states. This problem is developed in a first step by a review of the sociological literature on the formation of the modern state in Western Europe. A close scrutiny of the explanatory strengths and weaknesses of both the 'society-centred' and the 'state-centred' approaches leads to the conclusion that an adequate analysis of political structural change in Western Europe has to emphasize the dynamic interplay of political, cultural, economic and geopolitical structures of social action.

In the two case studies on Austria and Ireland in the 18th century, I discuss the interaction between class, political, regional/colonial, and ideological power groupings and economic, ideological, political and geopolitical interests. I show how the conflict structures of both Austria and Ireland gained momentum due to geopolitical constellations. I analyse how the attempts of the Austrian and the Irish state to establish police forces under their own exclusive control and to maintain public order were related to geopolitics. In order to explain the power capacity of these two states I analyse the effect of geopolitics on the distribution of power within the respective society.

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ABBREVIATIONS

AöG	Archiv für österreichische Geschichte
Beresford Correspondence	Beresford, William (ed.) 1854, The Correspondence of the Rt. Hon. John Beresford, 2 vols., London
BZ	Bancozettel
Castlereagh Memoirs	Marquis of Londonderry (ed.) 1848-53, Memoirs and Correspondence of Viscount Castlereagh, 12 vols., London
CM	Conventionsmünze
Cod. Aust.	Codex Austriacus
Cornwallis Correspondence	Ross, Charles (ed.) 1859, The Correspondence of Charles, 1st Marquis Cornwallis, 3 vols., London
Dickson	Dickson, P.G.M. 1987, Finance and Government under Maria Theresia, 1740-1780, 2 vols., Oxford
fl.	Florin [Gulden; or: half silver thaler]
Foster Correspondence	Malcomson, A.P.W. (ed.) 1976, An Anglo-Irish Dialogue: A Calendar of the Correspondence between John Foster and Lord Sheffield, 1774-1821, Belfast
Fox Correspondence	Russell, John (ed.) 1853-7, Memorials and Correspondence of Charles James Fox, 4 vols., London
Geschichte Wien	Alterthumsverein zu Wien (ed.) 1897-1918, Geschichte der Stadt Wien, 6 vols. in 8 parts, Vienna
Grattan	Grattan, Henry, Jr. (ed.) 1839- 46, Memoirs of the Life and

- Times of the Rt. Hon. Henry Grattan, 5 vols., London
- Grünberg Grünberg, Karl 1893-4, Die Bauernbefreiung und die Auflösung des gutsherrlichen Verhältnisses in Böhmen, Mähren und Schlesien, 2 vols., Leipzig
- HC (British) House of Commons
- Historical Collection (Belfast) Historical Collections Relative to the Town of Belfast, from the Earliest Period to the Union with Great Britain, Belfast 1817
- HMC Historical Manuscript Commission
- HMC Carlisle The Manuscripts of the Earl of Carlisle, preserved at Castle Howard, HMC London
- HMC Charlemont The Manuscripts and Correspondence of James, First Earl of Charlemont, 2 vols., HMC London
- HMC Fortescue The Manuscripts of J.B. Fortescue, Esq., preserved at Dropmore, 10 vols., HMC London
- HMC Lothian Report on the Manuscripts of the Marquess of Lothian ..., HMC London
- HMC Rutland The Manuscripts of His Grace the Duke of Rutland, 4 vols., HMC London
- IHS Irish Historical Studies
- JHC Journals of the (Irish) House of Commons
- Kropatschek/F. II Sammlung der Gesetze welche unter der glorreichsten Regierung des Kaiser Franz des II. in den sämtlichen K.K. Erblanden erschienen sind in einer chronologischen Ordnung von Joseph Kropatschek, 25 vols., Vienna 1793-1809
- Kropatschek/J. II Vollständige Sammlung aller seit dem glorreichsten Regierungsantritt Joseph des Zweiten für die k.k. Erbländer ergangenen höchsten

Verordnungen und Gesetze durch
privat Fleiss gesammelt und in
chronologischer Ordnung
gebracht, 17 vols., Vienna
1785-91

Kropatschek/L. II

Sammlung der Gesetze welche
unter der glorreichsten
Regierung des König Leopold des
II. in den sämtlichen K.
Erbländen erschienen sind, in
einer chronologischen Ordnung
[ed. by Joseph Kropatschek], 5
vols., Vienna 1794-96

Lecky

Lecky, W.E.H. 1892, A History
of Ireland in the Eighteenth
Century, 5 vols., new ed.,
London

MEW

Institut für Marxismus-
Leninismus beim ZK der SED
(ed.), Karl Marx, Friedrich
Engels: Werke, 35 vols. + 1
supplement, Berlin 1956 ff.

MEW 1

Karl Marx, Kritik des
Hegelschen Strafrechts, in:
MEW, vol. 1, 203-333

MEW 7

Karl Marx, Die Klassenkämpfe in
Frankreich, 1848 bis 1850, in:
MEW, vol. 7, 9-107

MEW 8

Der achtzehnte Brumaire des
Louis Bonaparte, in: MEW, vol.
8, 111-207

MEW 13

Zur Kritik der Politischen
Oekonomie, in: MEW, vol. 13, 3-
160

MEW 17

Der Bürgerkrieg in Frankreich,
in: MEW, vol. 17, 313-65

MEW 23

Das Kapital. Kritik der
politischen Oekonomie, vol. I
[= MEW, vol. 23]

MEW 25

Das Kapital, vol. III [= MEW,
vol. 25]

MIöG

Mitteilungen des Instituts für
österreichische Geschichts-
forschung

Minute Book

Minute Book of the Catholic
Committee, 1773-92, in:
Archivium Hibernicum 9(1942),
3-172

- MöSA Mitteilungen des
 österreichischen Staatsarchivs
- Moore Diary Maurice, J.F. (ed.) 1904, The
 Diary of Sir John Moore, 2
 vols., London
- n.a. [data] not available
- Oberhummer Oberhummer, Hermann 1938, Die
 Wiener Polizei. Neue Beiträge
 zur Geschichte des Sicherheits-
 wesens in den Ländern der
 ehemaligen österreichisch-
 ungarischen Monarchie, 2 vols.,
 Vienna
- OEZ II Oesterreichische Zentral-
 verwaltung, Part Two: Von der
 Vereinigung der österreichi-
 schen und böhmischen Hofkanzlei
 bis zur Einrichtung der
 Ministerialverfassung (1749-
 1838), 5 vols. [= Veröffent-
 lichungen der Kommission für
 Neuere Geschichte Oester-
 reichs], Vienna
- OEZ II/1/1 = vol. 1, part 1: Walter,
 Friedrich 1938, Geschichte der
 österreichischen Zentralver-
 waltung in der Zeit Maria
 Theresias (1740-1780) [Ver-
 öffentlichungen ... vol. 32]
- OEZ II/1/2 = vol. 1, part 2: Walter,
 Friedrich 1950, Die Geschichte
 der österreichischen Zentral-
 verwaltung 1780-1848, part 1:
 Die Zeit Josephs II und
 Leopolds II (1780-1792) [Ver-
 öffentlichungen ... vol. 35]
- OEZ II/2 = vol. 2: Kallbrunner, Joseph
 and Winkler, Melitta (eds.)
 1925, Die Zeit des Directoriums
 in publicis et cameralibus.
 Aktenstücke [= Veröffentlich-
 ungen ... vol. 18]
- OEZ II/4 = vol. 4: Walter, Friedrich
 (ed.) 1950, Die Zeit Josephs
 II. und Leopolds II (1780-
 1792). Aktenstücke [= Ver-
 öffentlichungen ... vol. 36]
- P.P. Parliamentary Papers of the
 (British) House of Commons

- Parl. Reg. Ire. The Parliamentary Register, or
History of the Proceedings and
Debates of the House of Commons
of Ireland, 17 vols., Dublin
1784 - 1797
- Pitt Correspondence Correspondence between the
Right Hon. William Pitt and
Charles Duke of Rutland, Lord
Lieutenant of Ireland, 1781-
1787, 2 vols., Edinburgh and
London, 2nd. ed. 1890
- Sammlung/MT = Sammlung aller k.k.
Verordnungen und Gesetze [Maria
Theresias] vom Jahre 1740 bis
1780, die unter der Regierung
des Kaiser Joseph des II.
theils noch ganz bestehen,
theils zum Theile abgeändert
sind ..., 8 vols. and 1
register, 2nd ed., Vienna 1787
- Tractatus 1679 Tractatus de iuribus
incorporalibus [13 March 1679],
in: Cod. Aust. I: 581-607

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Introduction:

State systems and state forms.

A review of some recent sociological analyses
of the state and state formation in Western Europe.

I. State systems and state forms. A review of some recent sociological analyses of the state and state formation in Western Europe.

In this thesis I endeavour to contribute to the sociological discussion on the impact of geopolitical constellations on the class and cleavage structure of societies. The main concern is to analyse how the capacity of collective actors to pursue their interests against other collective actors can be impeded or increased by relations of violence between the state in which they operate and foreign states. In the two case studies on absolutist Austria and colonial Ireland in the 18th century I will discuss the interaction between class, political, regional/colonial, and ideological power groupings and economic, ideological, political and geopolitical interests. One of the major empirical tasks of this thesis is the analysis of the attempts of the Austrian and the Irish state to establish organizations under their own exclusive control for the maintenance of public order, i.e., to establish a monopoly of violence through the formation of state police forces. This process is often taken for granted in the analysis of the state, but has rarely been documented. In so far as police forces must be considered as part of the state apparatus, the analysis of the development of state agencies of internal security sheds light on one major aspect of state formation. Attempts to establish a monopolistic command over the means of violence, however, are likely to be contested by those (groups of) individuals who are either expropriated from the means of violence they hitherto possessed or excluded from the group of people who are to gain control over these means. It is

the contention of this thesis that both the attempts to appropriate the means of violence and the form and outcome of the struggle over the monopolization of the use of the means of violence are intricately linked to the power and conflict structure of society. It will therefore be the task of the substantive, empirical analyses in this thesis to describe the linkages between police formation, geopolitics and internal power structure in Austria and Ireland in the 18th century.

In this introductory chapter I want to situate the theoretical *problematique* of this thesis within the current sociological discussion on the state and state formation in the West. I shall outline the debate which led to the rediscovery of a geopolitical approach to the analysis of political structural change. I will argue that an adequate analysis of the formation of the modern state in Western Europe has to emphasize the relations between political, cultural, economic and geopolitical structures of social action. The formation of the modern state was not determined by any single one of these structures but resulted from their dynamic interplay. This argument will be developed by reconstructing Max Weber's analysis on the formation of the modern state.

According to Weber's well-known definition, the state is a centralized, differentiated set of institutions enjoying a monopoly of the means of legitimate violence over a territorially demarcated area. But one searches Weber's writings in vain for a sustained discussion of the processes that led to that monopolization. In the two case studies on police formation in Austria and Ireland I want to offer an empirical documentation of this process of

monopolization and the conflicts it generated while, it is hoped, remaining within a Weberian framework.

A) The state and state formation in recent sociological debate.

How best to analyse the modern state in Western societies is still a hotly contested issue in sociology. In marxist and pluralist analyses it is argued that it is necessary to inquire into societal processes in order to understand and explain the activities of the state. It is maintained that the modern state is best understood as an arena in which contending social groups - or antagonistic social classes - attempt to achieve their objectives. The modern state is thought to be a functional unit coordinating and resolving divergent and conflicting social interests as a systemic output that would outreach the capacity of individual (and groups of) social actors. In stark contrast to this 'society-centred' approach it is argued in the 'state-centred' approach that the modern state is best characterized as an autonomous organization with institutional structures and goals of its own - independent from social constellations of interests. The state is analysed as a sovereign actor pursuing preferences of its own when formulating and implementing policies. Furthermore, the state is thought to structure social interests and the organizational forms in which these interests are articulated. In this perspective, society can only be understood when the formative potential of the state is taken into consideration.

This discussion about the adequate analysis of the modern state has far-reaching consequences for our understanding of modern society in general. To address the question of the 'autonomy' of the modern state means to enter into the discussion about the identification of the structural principle of the society as a whole at the same time. Let us assume, for the moment, that autonomy of the state means its capability or power to shape its social and interstate environment according to its own objectives. If autonomy is accepted, it is not possible to argue for this society and this interstate system to be, e.g., formed or determined exclusively by the dynamic of the capitalist mode of production. To argue otherwise, it would have to be demonstrated that the autonomy of the state is, 'in reality', an autonomy of the 'dependent' state - conceded, until revoked, by capitalism (or, rather, capitalists) at a specific conjuncture in its history in order to maintain itself. To argue for the modern state to have a logic of its own, independent from economics, and a transformative capability for acting on its own, implies the assertion of a reversible relation of causality between economy and polity. It thus challenges the claim that modern society is best understood as a *capitalist* society. A theory of the state contains therefore necessarily a theory of society. The following sections are meant to sketch the framework within which recent discussions about the state and state formation have taken place.

Marx's Analysis of the State

In bourgeois-capitalist society private producers exchange their labour products on the basis of their values as measured in the form of money. It is through this exchange that individuals constitute social

relations. It is with regard to this basic exchange relationship that the 'doubling' of bourgeois society in society and state must be explained. For Marx, this bifurcation is manifest in the distinction between the spheres of private interests and general interests, between the 'private' bourgeois, the selfish individual, and the 'public' citizen, the abstract citizen. Contrary to Hegel, Marx maintains that this distinction is a real, essential contradiction which cannot be reconciled by intermediary institutional mechanisms such as the 'Stände' (estates). Marx asserts that it is false to conceive of civil society as the difference between state and family (as Hegel does in the 'Philosophy of Right'). Rather civil society and family are to be understood as the empirical preconditions of the state; they turn themselves into the state, they are the driving force behind the state [MEW 1: 207]. In his preface to the Critique of Political Economy [MEW 13: 8], Marx summarizes the result of his analysis of Hegel's theory of the state:

[T]he conclusion [was] that legal relations as well as forms of the state could be neither understood by themselves nor explained by the so-called general progress of the human mind, but that they are rooted in the material conditions of life, which are summed up by Hegel ... under the name 'civil society'.

In capitalism, the exchange between capital and labour, as indeed the selling and buying of any other commodity, appears as if it were an exchange of equivalents [MEW 23: 189-90, 563; Grundrisse: 152 ff.]. In exchanging commodities (including labour power), individuals enter into social relationships as apparently formally free and equal owners of these commodities. The very notion of ownership, however, presupposes a legal concept of property, a legally

formulated right to acquire and dispose of commodities according to one's own choosing. This is one instance in which the importance of legality for capitalism becomes apparent. The centrality of state-enforced legality for capitalism becomes also manifest when labourers enter into exploitative wage-labour relationships while the appearance of their independence is maintained by the 'fictio juris' of the labour contract [MEW 23: 599].

Given the specific structure of the capitalist mode of production, the necessity of developing and safeguarding the law as the prerequisite of social relations among individuals gives rise to the function of coercive power and thus to the basis of the state. Guaranteeing the structural conditions for the continuity of the 'exchange of equivalents' - the structurally produced ideological distortion of the material reality of substantive inequality within capitalism - is the main objective as well as the specific constraints of politics. According to Marx, the law and the state have a function for the economy without which it could not work in the way it does. Cohen [1978: 231 ff.] correctly argues that - according to Marx - "bases need superstructures": "[The property relations are as they are because their being so is conducive to the initiation or maintenance of the production relations ... The content of the legal system is dictated by its function, which is to help sustain an economy of a particular type."

So far I have sketched the framework of Marx's analysis of the state as it is derived from his conceptualization of the capitalist mode of production. But in his political writings, too, Marx

aims at an understanding of the state. In his analyses of the political and economic developments in France in the 19th century, Marx conceives the state as a coercive apparatus which results from class divisions. The state is seen as instrumental in both oppressing the working class and reconciling the conflicting interests of factions within the capitalist class. These internal class factions reflect the objective individualization of human beings who pursue contradictory private economic interests in capitalist society. In this analysis the state emerges as a unity-bestowing mechanism. It is a capitalist state exactly because it functions as a safeguard of the economic relations of exploitation in a structure of conflicting capitalist interests.

In arguing the case for a connection between specific state structures and distinct forms of unity amongst several dominant capitalist groups, Marx's analyses pose the question about the 'relative autonomy' of the state about the structural conditions in which the 'executive' can become 'independent'. This relative autonomy arises, in Marx's argument, from the separation between general class interests and economic self-interest that becomes manifest in concrete historical situations. 'Bonapartism', e.g., is explained by Marx not only in terms of the specific position of the bourgeoisie in times of crisis, but also by means of a more general, complex class analysis. This class analysis considers specifically the class alliances which are structurally possible and those which have been actually realized. Thus, these inquiries into the social and political order in 19th century France refer to the necessity for a historical analysis of concrete class relations in order to understand state forms [cf. Class Struggles

in France, in: MEW 7; The Eighteenth Brumaire of Louis Bonaparte, in: MEW 8; Civil War in France, in: MEW 17].

A similarly historically sensitive argument is called for to explain the structural variations of the modern state. In his Critique of the Gotha Programme, Marx asserts forcefully that "[t]he 'present-day state' is ... a fiction"; it "changes with a country's frontier. It is different in the Prusso-German Empire from what it is in Switzerland, it is different in England from what it is in the United States" [in: Feuer (ed.) 1978: 168]. The reason for these structural variations in political forms is to be found in the variable relationship between wage labour and capital:

The specific economic form in which unpaid surplus labour is pumped out of the direct producers, determines the relation of domination and servitude, as it emerges directly out of production itself and in its turn *reacts determinantly upon production*. Upon this basis, however, is founded the entire structure of the economic community, which grows up out of the conditions of production itself, and consequently its specific political form. It is always the direct relation between the masters of the conditions of production and the direct producers ... which reveals the innermost secret, the hidden foundation of the entire social edifice, and therefore also of the political form of the relation between sovereignty and dependence, in short, of the particular form of the State" [Mew 25/Das Kapital III: 799-800; cf. the English translation in: Bottomore/Rubel (eds.) 1978: 112; this translation has been slightly altered by adding 'determinantly' in the emphasized sentence; emphasis added).

To reiterate, relations of domination react upon production in a determining way ("bestimmend ... zurückwirkt"). Thus, Marx draws our attention to the interaction, or rather reciprocity, between economics

and politics. This reciprocity operates, however, within the structural constraints of the capitalist mode of production. It is, after all, a functional reciprocity.

These few paragraphs are obviously not meant to gauge the subtleties of Marx's analyses of the modern capitalist state. They should have adumbrated, however, the framework within which the neo-marxist debates about the character of the capitalist state take place. Both the instrumentalist approach à la Miliband and the functionalist approach, either in its political or economic version represented by, e.g., the early Poulantzas and the German derivationists respectively, could call on Marx as their witness [cf. Carnoy 1984 for summary of the neo-marxist debates]. All neo-marxist approaches share, however, the view that the form of the state and its policies are fundamentally related to the mode of production and the specific requirements of class rule. They argue firmly within a society-centred perspective and do not grant the state any substantive autonomy.

The 'pluralist' approach

Pluralist and marxist analyses share the view that a state independent from society is a fiction. For pluralists, society is an atomistic universe of contending social groups. It is shaped by continuous contention between different social groups and political actors with different objectives and different resources at their disposal with which they pursue those interests. While pluralists like Truman [1952] and Dahl [1961] maintain that there are no limitations on the number of social groups that can effectively articulate their demands, neopluralists like McConnell [1967] and Lowi [1969] emphasize the predominance and overpowering effectiveness of those groups that direct their organizational strength and their financial resources to well-defined interests in narrow bonds of public policy.

Pluralists argue strongly in favour of a concept of factual, visible power. They are opposed to a notion of power as rooted in developed structures that pervade a social system in all its articulations and shape all relationships between classes or social groups. Instead they argue, firstly, that power is the visible capacity of (groups of) individuals to put their objectives through even against resistance. They maintain, secondly, that "[v]irtually no one, and certainly no group of more than a few individuals, is entirely lacking in some influence resources" [Dahl 1961: 228]. For Dahl [1971: 106-7] religion, race, ethnic group and regional identities are as significant as class in the division of society into "subcultures" of interests. In pluralist thinking, all social groupings are given equal theoretical status as it is assumed that power in society is fragmented and

non-hierarchically and competitively arranged: "there are many determinants of the distribution of power other than class and, therefore, many power centres" [Held 1989: 44].

Dahl [1961: 200] assumes that the best test of power are publicly visible political issues which are subject to legislative control. For pluralists, public policy results from competition among organized interests; it is the contingent outcome of pluralist interest representation and modes of negotiation. Social groups have manifested their power if they could successfully influence contested public policies. In most pluralist analyses, the state is not considered to play a decisive part in formulating public policy. As Alford and Friedland [1985: 35-158] show the pluralist perspective has never made the state, qua state, a central object of theoretical inquiry. Nevertheless, pluralists do have a notion of the state - or the political system, the polity, the political community as they would prefer to call it. At their theoretical best, pluralists analyse the state as a specific type of interest group competing for resources and influence with other groups. But for most pluralists, the range of action and the degree of activity of the state are defined by the public weal that emanates from pluralist modes of negotiating divergent interests. Social forces and their specific demands compel the state to act in certain ways. It is within these limits that the state is sometimes seen as the arena in which conflicting social interests are balanced; and sometimes as the arbitrator and producer of the equality of resources to be employed in social competition between contentious social forces.

Pluralists claim to explain only modern democratic states. But many studies on political modernization and political development have been undertaken from within a pluralist framework. A particularly fine example of this literature is Samuel P. Huntington's book on 'Political Order in Changing Societies' [1968], a classic pluralist study of macropolitics, i.e., political institution-building. The fundamental issue conferring a thematic coherence on his study is the question of how to avoid political violence and instability in societies undergoing economic, social, and cultural modernization. He contends that political instability and disorder result from high rates of social mobilization and the expansion of political participation while rates of political organization and institutionalization are low [Huntington 1968: 5]. For political order to exist mobilized new social groups who demand political participation have to be accommodated by political institutions. It is to institution-building that Huntington [1968: 85-6] gives primacy:

The effect of the expansion of political participation ... is usually to undermine the traditional political institutions and to obstruct the development of modern political ones. Modernization and social mobilization, in particular, thus tend to produce political decay unless steps are taken to moderate or restrict its impact on political consciousness and political involvement.

The importance of political institutions results from their systemic performance they render for the society as a whole: "maintaining order, resolving disputes, selecting authoritative leaders, and promoting community among two or more social forces" [Huntington 1968: 8-9]. This essentially functional argument is extended in two directions. First, it is argued that the dependence of society upon political

institutions increases with the heterogeneity and complexity of the society: "As societies become larger in membership, more complicated in structure, and more diverse in activities, the achievement or maintenance of a high level of community becomes increasingly dependent upon political institutions" [Huntington 1968: 10]. Second, he asserts that, "[a]s social forces became more variegated, political institutions had to become more complex and authoritative" [Huntington 1968: 11]. This increase in authority is best understood as increased independence of political institutions from the interests and values of other institutions and social forces. Huntington [1968: 20] thus propounds the thesis that the autonomy of political institutions is a feature of modern polities and therefore an instance of political development.

It is now instructive to see how Huntington [1968: chap. 2] vacillates between a functional and a historically contingent argumentation in his comparative analysis of political modernization in the United States and Europe. Discussing the historical processes that led to the emergence of the particular sets of political institutions, Huntington [1968: 122-134] stresses the decisive importance of war, civil strife, and resistance to social change for the centralization of power. He identifies concrete social actors who form temporary coalitions while pursuing their own interests. Thus, Huntington maintains that "[w]ar was the great stimulus to state building": "Competition forced the monarchs to build their military strength. The creation of military strength required national unity, the suppression of regional and religious dissidents, the expansion of armies and bureaucracies, and a major increase in state revenues" [Huntington 1968: 122 & 123].

Huntington expands on this line of analysis asserting that "[i]n modernizing societies, the centralization of power varies with the resistance to social change" [Huntington 1968: 126]. Religious, aristocratic, regional, and local 'traditional' interests had to be overcome in Europe if modernization were to occur: "The centralization of power was necessary to smash the old order, break down the privileges and restraints of feudalism, and free the way for the rise of new social groups and the development of new economic activities. In some degree a coincidence of interest did exist between the absolute monarchs and the rising middle classes" [Huntington 1968: 126].

From a methodological point of view it is important to notice the anti-functional twist in the argument that political processes were set in motion by an alliance of social actors in their attempt to overcome resistance to their interests by social classes with a vested interest in the social and economic status quo [Huntington 1968: 126]. In the same analysis, however, one will find ahistorical and functional arguments as well. According to Huntington [1968: 125], "[d]ivided societies cannot exist without centralized power; consensual societies cannot exist with it". Huntington also asserts that the breakdown of unity in society gives rise to irresistible forces to reestablish that unity through government - his historical examples being France and England in the 16th and 17th century respectively [Huntington 1968: 12]. Here we find the hypothesized sequence of order/unity - change/conflict; breakdown/disorder - reestablishment of equilibrium, a sequence familiar from systems analysis. Identifiable social actors

with identifiable interests play no part in this process.

This fundamental ambivalence in Huntington's analysis can be shown from a different angle as well. Huntington [1968: 140 ff.] argues that social modernization poses a challenge to be met by the political system. To cope successfully with this challenge, social and economic reforms have to be promoted by state action. For policy innovation to occur it is necessary for power to be concentrated and centralized within the polity. Both social modernization and successful policy reforms, however, foster new social groups who pose a further challenge to the political system in so far as they demand political participation. To master this challenge, the political system must assimilate these groups. It thus brings about the expansion of the power of the polity by increasing its receptivity to new types of political groups and political resources:

In an early stage, modernization requires changes in traditional social, economic, and cultural beliefs and behavior, hence policy innovations, and hence the concentration of power. The gap between the powerful and the weak becomes greater. At the same time, the social and economic change encouraged by the policy innovation leads new groups to demand entry into the political system and requires the expansion of the system. In a third phase, much later, the expansion of the system may make possible a new dispersion of power within the system [Huntington 1968: 145].

This argument, couched strongly in functional terms, asserts political change to be essentially determined by challenges and demands emanating from society. But in his analysis of the 'traditional monarchies in the twentieth century', Huntington

[1968: 155] identifies a concrete political actor who endeavours to bring about social and political change:

The principal threat to the stability of a traditional society comes not from invasion by foreign armies but from invasion by foreign ideas ... The stability of twentieth-century traditional monarchies is endangered from within rather than from without. The monarch is forced to modernize and to attempt to change his society by the fear that if he does not, someone else will ... twentieth-century monarchs modernize to thwart revolution.

The ambivalences of Huntington's analysis is mainly due to his quantitative view of society. Huntington does not identify the 'bearers' of modernization and their specific interests. Modernization thus appears to be neutral, uncontested social development. The result of modernization is also seen in terms of quantity: new, and thus more, social groups are now populating the political and social arena pursuing interests that remain as much in the dark as those of the 'modernizers'. In sum, modernization is not seen as a restructuring of power relationships within society as a whole that influences in different ways the chances of different groups of social actors to come to an understanding of their own interests and to pursue them successfully in collective action. Huntington depicts the incremental growth of the state as resulting from a response of public leaders to political demands of ever more diversified social groups. At the same time, however, but still within the pluralist perspective, he analyses 'the state' as an interest group of its own, a social actor with distinct objectives of its own.

This brief discussion of the marxist and pluralist analyses has shown that they share a reductionist approach: the state itself is credited with no significant autonomous power. In order to understand and explain the structure and the activities of the state, one must analyse society. Notwithstanding whether this society is conceptualized as class-structured or group-based, it is society that determines politics and policies. Furthermore, as I attempted to show, in both marxist and pluralist theories there is also a tendency towards analysing the state and political institutional arrangements by inquiring into the (social) function they serve. But these two theoretical approaches share a further characteristic. Both of them conceive society as a self-contained entity. Their unit of analysis is the territorially-bounded nation-state. The methodological and theoretical assumption which underlies their analyses maintains that the causes for political, economic and cultural change are situated within the internal structures and processes of the self-contained nation-state/society.

In the the remainder of this chapter I want to qualify this statement about the territorially-bounded society as the unit of analysis. Over the last fifteen years or so, the sociological debate about state-formation and the modern state has increasingly addressed the theoretical significance of the empirical fact that states are not self-contained entities but are located and operate within an interstate system. It has been emphasized "how the very nature of the state crystallizes at the intersection of international and national conditions and pressures" [Held 1989: 46]. I want to discuss two such approaches: Immanuel Wallerstein's theory of the

modern world system and the geopolitical approach in the tradition of Otto Hintze. I will show how these two distinct approaches conceptualize the state.

Immanuel Wallerstein: The capitalist world economy

The most sustained attempt to conceptualize the modern world-system as a system of structured inequality has been undertaken by Immanuel Wallerstein [1974]. In this discussion I want to sketch his theory and empirical arguments in so far as they pertain to the question of how best to analyse political structural change.

According to Wallerstein, the structure and development of the political-administrative institutions of societies are determined by the position of the respective countries within the international division of labour and by their function for the world market. If a country experiences a change in its economic position in the capitalist world-economy, then its internal political institutional structure changes as well. Wallerstein analyses this problem by means of a 'personalistic' argument, referring to class interests of the capitalist class, on the one hand, and a 'structuralist' argument, applying a functionalist thesis of systems maintenance and survival, on the other hand.

Wallerstein argues that in capitalism economic production is determined and geared to the realization of profit on the market. On this market actors with different objectives and wants meet. All buyers want to buy at a low price - they are therefore interested

in efficient production and unimpeded market procedures; all sellers, on the other hand, want to sell as dearly as possible - they have therefore a vital interest that their competitors' efficiency should not reduce their profits. In this situation the producers endeavour to exert political power to eliminate competition. Oriented in its activities towards the world-economy, the capitalist class thus turns to the national state apparatus and demands the establishment of market-constraints by state intervention. The capitalists' objective is to enhance their economic advantages with the help of the state. They demand that the state should protect them from the dynamics of the market with its risks and uncertainties and, in particular, safeguard the supply of raw material and markets:

The state is the most convenient institutional intermediary in the establishment of market-constraints ... in favour of particular groups ... The states are created institutions reflecting the needs of class forces operating in the world-economy [Wallerstein 1980b: 745 & 747].

For state intervention on the world market to be successful the chances of the states for exerting decisive influence must be differentially great, i.e., the state apparatuses must have different strength. Wallerstein [1974a] argues that the higher the convergence of interests within the capitalist class from early on in its development, the stronger the state apparatuses. This different strength allows for a coerced transfer of the economic surplus from 'peripheral' economies to the 'core' of the world-economy through political-military might.

The appropriation and realization of the economic surplus by the owners of the means of production is the *conditio sine qua non* of the existence of the

capitalist system. To secure its survival, the capitalist world-economy requires, of necessity, the unequal distribution of state-constituted political-military institutions. Only this unequal structuration of the international system allows for capitalist accumulation on a world scale:

[I]f there is to be a multitude of political entities ... then it cannot be the case that all these entities be equally strong. For if they were, they would be in a position of blocking the effective operation of transnational economic entities whose locus were in another state. It would then follow that the world division of labor would be impeded, the world-economy decline, and eventually the world-system fall apart. It also cannot be that no state machinery is strong. For in such a case, the capitalist strata would have no mechanisms to protect their interests, guaranteeing property rights, assuring various monopolies, spreading losses among larger population, etc. [Wallerstein 1974: 354].

The *conditio sine qua non* of the existence of the modern world-system is therefore the development of relatively strong state apparatuses in the core of the world-economy, and relatively weak ones in the periphery. According to Wallerstein [1980a: 284], "a state is strong to the extent that those who govern can make their will prevail against the will of others outside or inside the realm".

Presenting a historical argument, Wallerstein shows that the attempts to develop strong national state apparatuses were intensified in Europe after both Spain's and France's imperial policies had run aground and resulted in their bankruptcy in 1557. In the ensuing cyclical economic crisis the 'absolutist monarchy' became the predominant form of a strong state [Wallerstein 1974: 265 ff.]. Monarchs strengthened the state apparatuses through the bureaucratization of the administration, the

establishment of the monopoly of violence, the creation of legitimacy by means of the concept of 'absolutism', and the homogenization of the population [Wallerstein 1974: 133-162]. According to Wallerstein [1974: 136] this secular process of increased centralization and internal control, at least within the core states, had been required and facilitated by the capitalist world-economy.

Functionalism and economic reductionism cannot substitute a theory of political structural change and the state. Politics, in general, is an un-theorized aspect in Wallerstein's analysis. When analysing the English Court in the decades before the English Revolution, Wallerstein [1974: 257-8] asserts that

[t]he state-machinery, the Court, was at one and the same time a protagonist of the drama and a mediating agency, a vector of different forces. This was true of all so-called absolute monarchies. They balanced forces; they served as power brokers; they effected compromises. But one of the outcomes they hoped for was to strengthen themselves

But the 'ambiguity' of the role and objectives of the Court, or the absolute monarchies in general, is precisely the theoretically important aspect that would deserve particular attention, had it not been decided beforehand that whatever the 'state' does will be beneficial to the world-economy.

Wallerstein encounters serious explanatory problems within his own analytical framework due to his understanding of state form and state activity as reflecting the profit interests of the capitalist classes acting on the world market. To start with, Wallerstein gets entangled in two circular arguments. (1) He cannot solve the contradiction within his

argumentation that, on the one hand, a 'strong' state is required for capitalism to be developed at all, and that, on the other hand, the formation of a strong, absolutist state presupposes economic growth. Not only did the setting up of a standing army require material and financial resources, but the venality of office presupposed financially well-to-do private buyers. (2) Wallerstein [1974: 355] asserts the necessity for strong state-machineries to exist in the core of the world-economy so that the capitalist classes can conquer markets and pursue their interests such as the safeguarding of their monopolies and property rights vis-à-vis their competitors. But then it would seem that the position of a country in the core of the world-economy does not lead to a strong state apparatus, but rather that political strength and military might of a country render the economic predominance of a society possible. Both circular arguments point to the need for incorporating further variables in addition to economic factors into the explanatory model of political structural change.

Furthermore, in 1550, the Netherlands, Northern Italy, and parts of Southern Germany were situated in the core of the European world-economy; but they did not have a strong state-machinery. In 1700, Prussia, Austria, and Sweden had strong state apparatuses, but did not belong to the centre of the world-economy [cf. Gourevitch 1978a: 423-4]. These historical facts are even somewhat puzzling for Wallerstein. How does he take them into account when, for example, analysing the Eastern European periphery?

According to Wallerstein, the typical form of labour control in the periphery is 'coerced cash-crop production'. The state and its juridical apparatus is

required to enforce this labour [Wallerstein 1974: 100].

[The landowner] was maintained in power by the strength rather than the weakness of the central authority, at least its strength vis-à-vis the farm laborer ... 'Coerced cash-crop labor' is a system of agricultural labor control wherein the peasants are required by some legal process enforced by the state to labor at least part of the time on a large domain producing some product for sale on the world market [Wallerstein 1974: 91].

Prussia and Russia are examples of such strong states in the periphery. The strong state-machinery was necessary, on the one hand, to hinder the peasants from fleeing exploitation - a possibility given the spaciousness of the borderland - and thus endangering the profitable grain trade with the core economy. On the other hand, a strong state was necessary to prevent in-fighting within the aristocratic elite for scarce labour. On the theoretical level, this explanation reduces the thesis of a necessarily unequal distribution of state power within the world system to absurdity. On the historical level, we are faced with the further problem that what may perhaps apply to Prussia is not valid for Poland. There 'coerced cash-crop production' existed despite a notoriously weak state-machinery. The political system and particularly the strength of the state apparatus are supposedly determined by the specific forms of labour control [Wallerstein 1974: 87]: Which country is then the exception - Prussia or Poland?

These explanatory shortcomings are not confined to the 'periphery'. Wallerstein argues [1974: 263-4], for example, that France in the 'long 16th century' was partly core, partly semiperiphery, and partly periphery. Despite of these internal structural

differences France had established a strong monarchy because of the necessity for the national system to resist and tame the centrifugal forces - both geographical and socio-structural - in order to secure its own survival. To do so a strong state was required [Wallerstein 1974: 296]. Even if one does not take issue with the functionalist argument itself, one should inquire critically how this 'relative autonomy of the state' in France could come about - again contrary to Wallerstein's own theory.

Finally, Wallerstein cannot offer any explanation why the Netherlands, England, and France - each of them a 'strong' state - developed different internal institutional political structures. He asserts [1980a: 33] that it is decisive how strong the state is and not how absolute the form of government is. But this leads to posing the question about the structural conditions that enable differently organized political systems to be nevertheless 'strong' enough to 'function' according to the interests of the capitalist class.

Wallerstein argues that genesis, structure, and operation of the modern world system are exclusively determined by economic processes. In the world-system approach, political-military interactions between the constituent units of this system are functionally related to the developmental logic of the capitalist world economy. Against this theoretical assumption it has been argued by Zolberg [1980; 1981; 1983] that the modern world system of the 16th century was a complex unit whose parts had never been exclusively connected by economic mechanisms. He maintained that the system of modern states formed the identifiable *political* structure which had decisive effects on the system as

a whole. Instead of conceptualizing the modern world system as a network of relationships between economic actors endowed with a differential degree of economic power, it was now conceived as constituted by a network of relationships between political-strategic actors endowed with a differential degree of military power [Zolberg 1981: 258-9]. Whereas Wallerstein's theory of the capitalist world economy can arguably be placed within a Marxist discussion of imperialism, Zolberg's argument is indebted to the geopolitical approach which had been influential in Prussian historiography at the turn of this century. In the following section I will adumbrate some of the core arguments of this approach.

Geopolitics and the state

The leading exponent of this approach was Otto Hintze. He maintained that the formation of states and the development of their institutional orders are not determined by socioeconomic conditions; it is the external situation of the state which determines its internal political institutional structure. The political institutional arrangements, as well as the social structure in general, are formed and confined by the geopolitical position of the country, its position within a state system, and the tasks of its external politics [Hintze 1970: 34 ff., 55, 83]. Hintze contends that the specificities of the European state system and the specific external position of the respective countries posed different institutional demands. In all cases, war operated as "the flywheel of the whole political enterprise of the modern state" by enforcing rationalization and intensification of the state organization in general and of the financial and military systems in particular [Hintze 1970: 480].

The European state system, that had been developing since the Italian Wars in 1494, was fundamentally shaped by the strife for hegemony by some continental powers and the balance-of-power politics set against these claims to supremacy by other contending European powers [cf. also Dehio 1962 and Mattingly 1955]. The 16th century was characterized by the power struggle between Habsburg and France and the denominational antagonisms of the post-Reformation era. Either of these conflicts increased the military requirements of all continental states. The necessity of continuous readiness for war made it paramount for the ruler to push back the particularistic forces within the countries in favour of the centralized monarchical power:

Absolutism can be considered as a concomitant phenomenon of that process of state formation by which an aggregation of territories is melted down to a unified polity ... But the historical necessity of such larger state formations resulted from the condition of the European state system ... The system of militarism with all its political consequences has emerged from the power struggle and rivalry of the continental states since the end of the Middle Ages [Hintze 1970: 48-9].

Hintze analysed the interlocking of the political-administrative system of domination, the military, and the economy. This interlocking was formative in so far as the development of the army and its striking power depended on the efficiency of the state institutions to mobilize the required resources. Increased economic growth by means of economic and commercial policies of the state and/or the excessive exploitation of the population and the development of military and administrative institutions were complementary phenomena. Preparation for war was the great activity of state formation in Western and

Central European countries. Absolutism was the appropriate organizational structure given the European state system with its international pressure. After military absolutism with (semi-) bureaucratic administration had been fully developed in France by Louis XIV, it was a "duty of survival" (Hintze) for all the other continental states to imitate that model. But how, then, does Hintze explain England's political institutional structure that differed from the continental type?

Parliamentarianism and aristocratic self-government in England had their main foundation in the geographical position of the country. Due to her insular separation and security, England was not directly involved in the struggles on the Continent. Furthermore, after the defeat against France in the Hundred Years' War, England turned away from the Continent and, at the end of the 16th century, saw her future in a maritime orientation. On the one hand, therefore, the geographical-political situation spared her the necessity of a strong military build-up. Since the 16th century, on the other hand, England's interests were not any longer directed towards conquering continental territories. Since then her ambitions turned to the domination of maritime trade and the foundation of colonies and factories in overseas countries. These maritime and commercial interests did not make it imperative to establish a militaristic system in an absolutist form. Instead of large land forces, naval forces were required for the pursuit of these ambitions. But a navy being afloat on the oceans cannot influence and change the internal structure of a polity in as decisive a way as an army being stationed in the country itself [Hintze 1970: 428].

England, without too great a degree of compulsion, could develop internally according to the purposes of bourgeois society because the external military and political pressure on her was missing [Hintze 1970: 434]. In pointed contrast to the Continent, there was no social antagonism between the aristocracy ('gentry'), the city dwellers and non-aristocratic landowners. To explain this fact, Hintze takes again account of the geographical position of England. The overseas dominions of the English kings meant that war had to be conducted, above all, on the Continent. Since the conditions of the military services to be rendered in a feudal relationship were laid down precisely with regard to the length of time and material contributions, this kind of warfare was highly unfavourable for such campaigns. Feudal military services were, therefore, very early replaced by 'mercenary troops' financed by 'scutage'. This decline in the importance of the aristocracy in military terms was reflected in the transformation of the feudal aristocratic warrior into the land-cultivating noble farmer that took place two hundred years earlier than on the Continent. In so far as this change brought about an assimilation of aristocratic interests to those of bourgeois and landowning non-aristocratic strata, it was possible for a relatively coherent coalition against the Crown and its retainers to be built which secured the constitutional confinement of the Crown [Hintze 1970: 437-8].

Hintze does not develop a theory of geopolitics in its effects on internal power structures. A critique of Hintze would therefore have to scrutinize the explanatory validity of his approach in each individual case. The thrust of such a critique can be indicated for the English case by asking the following

question: Why were the commercial and naval pressures, as they were manifested in the competition with Holland, not a 'substitute' for the absence of military pressure and cause a special alliance between state and wealthy classes? In order to answer this question a thorough analysis of the power structure of English society would have to be undertaken, linking geopolitical factors with the internal distribution of power. But this presupposes a theory of society which is, however, never spelled out by Hintze.

But sociological analysis can usefully draw on geopolitical arguments. The explanatory validity of geopolitical arguments has been proven in writings of Theda Skocpol and Charles Tilly. Both sociologists have analysed rebellions and revolutions linking them to geopolitical relations and internal power structures.

A widely discussed attempt to link geopolitics with the development and change of state forms and social structures has been Theda Skocpol's comparative analysis of the causes and outcomes of the social revolutions in Bourbon France, Romanov Russia, and Manchu China in her 'States and Social Revolutions' [Skocpol 1979]. Skocpol's theory of the state is central to her analysis of revolutions. For her, states are organizations whose autonomy results from their operating within an interstate system. The state is not a

mere arena in which socioeconomic struggles are fought out. It is, rather, a set of administrative, policing, and military organizations headed, and more or less coordinated by, an executive authority. Any state first and fundamentally extracts resources from society and deploys these to create and support coercive and administrative organizations ... the

administrative and coercive organizations are the basis of state power as such [Skocpol 1979: 29]. [Furthermore] a state's involvement in an international network of states is a basis for potential autonomy of action over and against groups and economic arrangements within its jurisdiction - even including the dominant class and existing relations of production [Skocpol 1979: 31].

The state possesses a potential of autonomy *viv-à-vis* civil society because it operates in an interstate system whose demands and challenges can only be successfully met on the basis of such independence.

On the basis of this theoretical position, Skocpol develops her analysis of social revolutions. Three relations are important as explanatory variables for the causes and outcomes of social revolutions in Skocpol's structural analysis: relations of states to one another; relations of states to dominant and subordinate classes; relations between classes [Skocpol 1979: 31, 284, 292]. She argues that France, Russia, and China were states with 'Great Power' ambitions. Their position within the international arena was challenged, however, by economically more developed powers. Interstate competition increased and intensified as uneven economic, *viz.* capitalist, development allowed for an unequal distribution of material resources to be mobilized for international ambitions. As a consequence of the restructuring of the interstate environment the autocratic, imperial states ran into severe fiscal crises as they strove to maintain their international position. Whether these crises could be overcome and the challenges be met depended on whether the institutionalized relationships of the autocratic state organizations and the landed upper classes enabled or constrained

reform policies that would allow for the mobilization and coordination of material resources.

Monarchs and landed upper classes did not entirely share the same interests. Although partners in the exploitation of the peasantry, they disagreed with one another on the use of the extracted agrarian surplus. Whereas the monarchy was more interested in military aggrandizement and state-controlled economic development, the landed upper classes were more concerned with the perpetuation of the domestic socioeconomic status quo. Therefore, the position of these classes within the structure of the autocratic organization became important:

To the extent that dominant-class members gained a capacity for self-conscious collective organization within the higher levels of the existing imperial state structure, they might be in a position to *obstruct* monarchical undertakings that ran counter to their economic interests [Skocpol 1979: 49].

The landed upper classes in France, Russia, and China were in a position to constrain or check the state's response to the international challenge by preventing or retarding the settling of the fiscal crises. In France and China the landed upper classes had gained a foothold in the administrative organizations of the autocratic state that allowed them to block reform policies right from the start, while the position of the Russian nobility at the local level within a stagnant agrarian economy enabled it to delay or protract the implementation of reform policies despite its weak position vis-à-vis the imperial state. Within this structural setting the breaking apart of the state organizations was the result of political factional struggles within the administrative state

machinery. These political crises were transformed into revolutionary crises through peasant revolts.

In her analysis of the outcomes of social revolutions, Skocpol concentrates on the changes in state structure. The rise and demise of political leaderships, their power and their impotence hinges on their ability to cope with the exigencies of waging wars and coping with their domestic political repercussions [Skocpol 1979: 286]. According to Skocpol [1979: 178], state building in France, for example, was more powerfully shaped by these abilities of the political leadership than by the class interests of conflicting social groups. The upshot of this analytical approach is the argument that, in the last instance, political contradictions and political factional struggle within state organizations are more important for social and political development than class contradictions.

This theoretical approach has been reinforced by Skocpol ever since the publication of 'States and Social Revolutions'. Skocpol [1980: 200] very clearly states the essence of her approach:

Capitalism in general has no politics, only (extremely flexible) outer limits for the kinds of supports for property ownership and controls of the labor force that it can tolerate. States and political parties within capitalism have cross-nationally and historically varying structures. These structures powerfully shape and limit state interventions in the economy, and they determine the way in which class interests and conflicts get organized into (or out of) politics in a given time and place. More than this, state structures and party organizations have (to a very significant degree) independent histories. They are shaped and reshaped not simply in response to socioeconomic changes or dominant-class interests, nor as a side-effect of class struggles. Rather they are shaped and reshaped through the struggles of politicians

among themselves, struggles that sometimes prompt politicians to mobilize social support or to act upon the society or economy in pursuit of political advantages in relation to other politicians. In short, states and parties have their own structures and histories, which in turn have their own impact upon society.

Since 'States and Social Revolutions', Skocpol has been trying to demonstrate in a number of articles how state structures affect the possibilities for policy outcomes [Skocpol/Finegold 1982; Skocpol/Ikenberry 1983; Finegold/Skocpol 1984; Weir/Skocpol 1985]. However, in these more recent articles on the politics of the welfare state geopolitical considerations are not put forward anymore. The position of a state in the interstate system has ceased to be an important explanatory variable. This tacit, but swift, removal of geopolitics from the list of explanatory variables would appear to be closely bound up with the preponderance of methodology over theory in Skocpol's analyses - the 'comparative method' as the substitute for theory building. It would seem that Skocpol attaches significance only to those variables whose presence or absence in comparable cases can be convincingly shown. The research design, rather than a set of theoretical prepositions, decides upon the independent variables. As Carnoy [1984: 220] points out: "[Skocpol] calls for analyses that consider each historical case in its own right, with historically specific political institutions as key explanatory variables". This does not allow for theoretically based prediction. Rather, it is an "ex post facto empiricism" (Carnoy) propped up by methodological considerations.

One of Skocpol's emphases lies on the organizational aspect of the state and the importance of political factional contention within the state organization. Geopolitical constellations are only one factor that might, at certain times and at certain places, influence this political in-fighting. If this is to be so in more than one of the cases under investigation, Skocpol will judiciously take the position of a state in the interstate environment into serious consideration as an important explanatory variable. Skocpol does not offer, however, a sustained theoretical discussion about the distribution of power chances within a society and its links to geopolitics.

Another attempt to analyse linkage between political structural change, socio-economic development and geopolitical relations of violence has been Tilly's writings on statemaking and collective violent action. In so far as some of Tilly's major analyses are centrally concerned with the formation of the modern state in Western Europe, his arguments are of particular relevance for this study.

Charles Tilly states categorically: "War makes states" [Tilly 1985: 170]. To conduct a war any power holder has to deploy means of coercion which, in the past, meant above all the levy of troops. To do so resources had to be mobilized to provide for the financial and material logistic infrastructure - supplies and wages for the military. In Europe raising taxes became the typical way of extracting resources. And to make raising taxes easier the commercialization of the economy was often promoted by governments:

Power holders' pursuit of war involved them willy-nilly in the extraction of resources for war making from the populations over which they

had control and in the promotion of capital accumulation by those who could help them borrow and buy. War making, extraction, and capital accumulation interacted to shape European state making [Tilly 1985: 172].

In absolutist France forced loans, sale of offices, and tax farming established the great capitalists as the major source of royal credit and as an important 'intermediary power' possessing sovereignty rights in their function as collectors of royal taxes. This dependence on major creditors and the organization of the financial administration in general brought about the structural decentralization of the absolutist monarchy. This systemic curtailment and circumscription of the power of the absolutist ruler was complemented by the functional interdependence between the absolutist monarch and parts of the 'estate society'. After all, the absolutist ruler could strike a bargain with his creditors since he controlled the avenues for social mobility and the political means to help bring about the much desired nationalization of the markets via mercantilist policies. It must suffice here to point to the interlocking of social actors who pursue distinct and different goals in their attempt to mobilize resources. It is the specific needs of the political power holder as a geopolitical actor who make him enter into this relationship out of necessity.

But while some win, others lose. The building of armies; taxation and tax gathering; bureaucratization and commercialization: all are likely to infringe upon established rights and interests. In France in the seventeenth century, for example, tax rebellions were the most important and effective form of popular resistance to the making of the state [Tilly 1986: 79-

161]. More specifically, Tilly [1981b: 124] lists a number of contentious collective actions of the population in response to military exigencies:

Battles between regular armies and armed civilians ... Resistance to direct exactions by the military: impressment and the commandeering of meat, wine, bread, sex, and lodging ... Resistance to official efforts to raise the means of support for armies: especially taxation, but also the commandeering of corvée labor, wagons, horses, food, and housing ... Resistance to efforts ... to divert resources - especially food - to armies ... Conflicts emerging as by-products of the presence of troops: soldier-civilian brawls, clashes over military smuggling and poaching ...

'In the last instance', however, those rebellions and forms of resistance were crushed successfully and in the course of the repression the state apparatus was enlarged. Thus, "[t]here's the complex: warmaking, taxation, bureaucratization, resistance, repression, statemaking" [Tilly 1981a: 114].

In Tilly's analysis statemaking is presented as a struggle over the appropriation of power resources that results in the restructuring of the distribution of power chances within a territorial and social space. This restructuring does not only pertain to the institutional complex we are used to associate with the state: bureaucracy, centralized coercive organizations, national financial administration and budgets etc.. To prepare efficiently and effectively for war, social and economic power configurations had to be transformed. For example, financiers and bankers forwarding credit to the state made their way into the power elite, while resistance by local or regional traditional power holders as well as popular resistance had to be overcome. While some segments within a population acquire new rights in the process

of state formation, other segments stand to lose. In this perspective, state-building is necessarily a conflict-ridden, contested political process that affects the social structure of a society as much as its political structure.

Tilly's analyses show convincingly that the distribution of power within a society has to be related to the geopolitical relations of violence in which it participates. This is not an original theoretical position, though, as I have shown above, it has only recently been rediscovered. In the remainder of this chapter I want to present one analysis of the formation of the modern state to whose analytical logic Tilly's arguments could be traced back. I shall reconstruct Max Weber's discussion of the formation of the modern state and argue that, according to Weber, an adequate analysis of these formation processes has to emphasize the relations between political, cultural, economic and geopolitical structures of social action. I will show that for Weber the formation of the modern state was not determined by any single one of these structures but resulted from their dynamic interplay. The empirical studies in the following chapters will take heed of this theoretical position. In these studies I try not to give prime causal importance to geopolitics but attempt to focus on the interactions between class, political, regional/colonial, and ideological power groupings and economic, ideological, political and geopolitical interests.

B) Geopolitics and internal power structure: A reconstruction of Max Weber's analysis of the formation of the modern state.

The following explication of Weber's analysis of political structural change in Western Europe is informed by a methodological observation which bears upon the problem of causation. Weber forcefully maintains that structures of social action follow 'laws of their own' [*Eigengesetzlichkeit*] [Weber 1978: 341; hereafter, all figures in brackets refer to Weber 1978 unless otherwise stated]. This is said to be true for the major political, economic, legal and religious forms of association as well as for structures such as the household, the kin group and the ethnic group. While Weber concedes that 'groups that are not somehow economically determined are extremely rare' [341], his insistence on the independent developmental logic of different structures directs us to an investigation into the internal dynamic of the different structural forms of social action.

This analysis has to be complemented, however, by inquiring into the relationship between these different structures. Following Weber, it has to be established whether there exists an 'elective affinity' between structures. That is to say, whether there is a relation of structural adequacy which determines the degree to which structures further or impede or exclude each other [341]. These distinctive structures of social action constitute each others' environment, forming constraints and opening up opportunities for each other. To account for structural change it has to be shown how social groups

as collective actors exercise pressure upon existent constraints and, through acting upon interests of their own and by mobilizing distinctive resources, make use of the enabling aspects of the environment [cf. Poggi 1983: 36-9].

According to Weber, the political structure of the European feudal polity after the break-up of the Carolingian Empire enabled the formation of the hierocratic organization of the Catholic church and the development of the medieval cities. The unfolding dynamics of these distinctive social organizations undermined the feudal system of domination. Their respective structural principles proved incompatible with the political structure. The bureaucratization of the system of political domination as a result of military conflicts between states, and the development of capitalism brought about new constellations of interests and offered possibilities for new coalitions and alliances between well-entrenched and new social actors. Given these constellations of interests and the degree of formal rationality of the emerging social and economic organizations, the formation of the modern state was an 'objective possibility' to be realized through concrete social action.

The Feudal System of Domination

For Weber, 'every domination both expresses itself and functions through administration' [948]. He maintains that historical reality involves the continuous, though for the most part latent, conflict between rulers, or chiefs, and their staffs for the appropriation and expropriation of the means of administration [264]. Taking this power struggle as his analytical starting point, Weber distinguishes

different types of administration with regard to the concentration of the means of physical coercion in the hands of the administrative staff. Furthermore, it is through an analysis of the relationship between the ruler and his administrative staff and their specific division of labour that Weber develops subtypes within his types of legitimate domination.

The purest type of traditional domination is patriarchal domination. It is characterized by the patriarch's rule over those people who live within his household. Paternal authority as well as obedience of the personal dependents are based on tradition and piety. Once a patriarchal ruler extends his power beyond his household, however, he is faced with the necessity of delegating authority to individuals recruited from outside his domestic sphere of domination. This delegation entails, in turn, chances for the ruler's functionaries to strive for autonomy, i.e., to aim at appropriating the administrative means of domination at the ruler's expense. Weber distinguishes analytically between two principal types of organizing this extra-domestic domination: 'patriarchal patrimonialism' and 'estate patrimonialism'. Sultanism, with its seemingly tradition-free arbitrariness of the ruler and the total dependence of the staff, is the epitome of 'patriarchal patrimonialism'. Occidental feudalism [*Lebensfeudalismus*], with its contractual relationship between ruler and his staff who are independent due to their social standing, is the purest type of 'estate patrimonialism'. While patriarchal patrimonialism is mass domination by one individual, feudalism is always domination by the few who have military skills [1106].

Weber's terminology is sometimes confusing. I will use the following definitions: Patrimonialism means the extension and decentralization of domestic authority through assignment of land and sometimes of equipment to sons of the house or other dependents while the ruler remains in possession of the means of administration [1011]. Hence, in principle, the patrimonial prince organizes his political power over extradominial areas and political subjects in the same way in which he also exercises his patriarchal domestic power [1013]. I will speak of feudalism, on the other hand, wherever the paternalistic relationship is replaced by a contractually fixed fealty between social equals on the basis of knightly militarism and where the staff have appropriated the means of administration. This 'system of relations of purely personal loyalty between the lord and his vassals and between these in turn and their own sub-vassals (sub-infeudation)' [256] is premised on the ascription of charismatic qualities to the lord by his followers. Hence, whereas occidental feudalism is an example of traditional domination with regard to the structure of administration, it is at the same time an example of charismatic domination as far as the *quality* of the social relation between the feudal lords is concerned [250, 255].

In contrast to the wide realm of discretionary power which the ruler yields under pure patrimonialism under feudalism the lord's powers are severely circumscribed. The vassal's obligations towards the lord are based on a contract of fealty. Such a contract presupposes the vassal to be a free man and, at the same time, involves reciprocal obligations of loyalty [255 f.]. The obligations are stereotyped and

contractually fixed on the basis of personal fealty and shared status honour: The contractual character of the feudal relationship compares with the 'juxtaposition [under pure patrimonialism, R.A.] of traditional prescription and appropriated rights, on the one hand, and arbitrariness and discretion on the other' [1082]. As the fief-holder's position was guaranteed through a bilateral contract, which constituted and maintained 'subjective' rights, feudalism was an approximation of the *Rechtsstaat* [a state under the rule of law] [1082, 1099]. It is precisely because of the strict legal autonomy of the individual vassal that Weber can characterize fully developed feudalism as 'the most extreme type of systematically decentralized domination' [1079]. From this contractually secured legal autonomy results an inelastic, stereotyped division of labour:

Type and distribution of powers are fixed through this contract, but there is no general *règlement* and no rational differentiation of individual jurisdiction. For the powers of the office are personal rights ... their extent is determined positively by the official's personal grant and negatively by the subject's exemptions, immunities and privileges, whether they be granted or sanctified by tradition [1082].

Given the vassal's legal autonomy which is safeguarded, in the last instance, by his independent military might, and, in light of the vassal's chance of evading feudal duties on the basis of multilateral obligations and the financial inelasticity of the feudal apparatus (which is, in turn, due to traditional regulation of the tributes and services to be rendered), the whole system, and above all the overlord's authority within it, is manifestly precarious. A chronic struggle for authority is characteristic of the feudal system in which the ruler depends 'on the voluntary obedience ... of the

administrative staff, who ... are themselves in possession of the means of administration' [257]. Why is it that this struggle resulted in the ruler's victory [259] ? Let me first turn to the Catholic church as an important institutional structure which contributed to the erosion of the feudal system of domination.

The Catholic Church and the Feudal Polity

The Investiture Conflict in the 11th century was the manifestation of the conflict between sacred and secular power which had been latent even in earlier periods. The papal conception of the subordination of the secular ruler to divine law as it had been preached by the church was confronted with the imperial theory emphasizing God's direct mandate to the emperor to rule. This mandate was seen as the ultimate justification of imperial authority and of the imperial right to appoint a successor to the emperor without undue interference by the church. When lay investiture was forbidden by Pope Nicholas II at the Synod of Rome in 1059, open conflict between political and hierocratic power commenced. It was a struggle between two types of authority and legitimacy - each of which raised universalist demands with regard to the extent of their respective spheres of influence [1193, 1207]. This conflict was brought to a head when Gregory VII in 1075 in his *Dictatus Papae* declared the papacy to be politically and legally supreme over the entire church, the clergy to be independent from secular control and the emperor to be subordinated to ultimate papal supremacy even in secular affairs.

Seizing on the emperor's defeat in this confrontation, many a ruler in the various principalities within the empire succeeded in building territorial states which were to become politically independent from imperial authority. In this respect, the Investiture Conflict contributed to the political plurality of Western Europe and to an interstate system which proved to be the decisive barrier for any attempt to build an overarching patrimonial empire. But the changes within the church itself were, at the very least, to be equally important. The elimination first of the feudal and then of all independent local intermediary powers, which was begun by Gregory VII, brought a further advance of bureaucracy within the Church as a professional court, a professional treasury, a chancery, papal legates as representatives of the Holy See etc. were established [985-6]. The head of this rational bureaucratic organization was the pope who was supreme legislator, supreme administrator, and supreme judge. The church's laws were executed through an administrative hierarchy and its laws interpreted and applied through a judicial hierarchy. Furthermore, between 1050 and 1250, the church developed a rational system of jurisprudence with the Canon Law [828 ff.].

This body of ecclesiastical law, whose fundamental principles can be found in the *Decretum Gratiani* in 1140 and the *Decretals of Gregory IX* in 1234, was clearly set apart from liturgy and theology and thus constituted an autonomous legal sphere. Internally, this law had the function of securing the organizational and legal unity of the church under the papacy; whereas externally, it had to maintain the church's relations with the secular authorities. Weber argues that Canon law became one of the guides for

secular law on the road to rationality [829]. In this respect, he points above all to the procedural aspect of Canon law with its formal rationality: Canonical procedure was written; testimony was required to be under oath; parties were permitted to be represented by counsel; judges were to interrogate parties and witnesses according to principles of reason and conscience and, finally, this judicial investigation was to be guided by rules concerning the establishment of probable truth and the appreciation of the relevancy and materiality of evidence [Berman 1983: 250 ff.]. This procedural rationality was complemented by the rationality of lawmaking as it was achieved through the Councils, the bureaucracies of the dioceses, the Curia, and, in particular, through the papal powers of jurisdiction and infallible exposition of doctrine [792].

It is thus not to the material Canon law of marriage, of inheritance, of property and of contracts that Weber draws our attention when he argues that 'the direct practical significance of Canon law for secular law, as far as substantive private, and especially commercial, law was concerned, varied a great deal in the course of time' [829] and, furthermore, that it was circumscribed by both political and economic-bourgeois countervailing interests. Instead, it is the formal rationality of lawmaking and of procedure which figures prominently in his discussion. Here lies one element of the corrosive potential of the Catholic church for the feudal system of domination with its network of personal relationships based on concern for material equity and on the disregard for formal rationality.

Furthermore, the church after Gregory VII claimed to be an independent, hierarchical, public authority, and the ecclesiastical corporation law within the Canon law was meant to maintain this new, independent and visible corporate legal unity. In a legal sense, the church was the first 'institution' [*Anstalt*], 'and it was here that the legal construction of public organizations as corporations had its point of departure' [829]. On the most general legal level, corporation law established organizations as juristic persons. According to Weber, 'the most rational actualization of the idea of the legal personality of organizations consists in the complete separation of the legal spheres of the members from the constituted legal sphere of the organization ... certain persons designated according to rules are regarded from the legal point of view as alone authorized to assume obligations and acquire rights for the organization' [707]. Amongst other things, corporate law addresses the relation between the organization as a legal entity and its individual members and the issue of the rights and duties of the corporation vis-à-vis those of its officers.

The canonists argued that 'the church as a corporate legal entity ... conferred jurisdiction upon individual ecclesiastical officers (pope, bishops, abbots), and [that] it was the law of corporations that determined the nature and limits of the jurisdiction thus conferred' [Berman 1983: 215]. Thus, jurisdiction could not be absolute but was confined by law. The church was established as a '*Rechtsstaat*' (Berman). The conciliary movement in the 14th and 15th century based its arguments on this legal interpretation: The pope as executive authority can take certain actions only after the '*advice and*

consent' of the General Council as the supreme consultative body. This consultation is warranted because those who are directly affected by a decision should have the right to participate in making it.

The legal consequence of the 'papal revolution' (Berman) was thus twofold: It was through legal institutions that ecclesiastical rulers had to pursue their policies; and the rulers were bound by the very institutions through which they governed. It was above all in these two regards that ecclesiastical corporate law 'influenced the development of the secular corporation concept of the Middle Ages' [714-5]. The papal notion that the secular ruler had to keep the peace by controlling violence and had to establish justice under the law, that he was guarantor and trustee of the law, bestowed preeminence both on the law and on the secular ruler as lawmaker. It was possible to link this notion up with the early medieval idea that the emperor had to show '*pietas*' and to guarantee '*justitia*'. Secular rule was to be rule of law and rule by law. Furthermore, the ecclesiastical conciliary theory was used by local and regional notables to confront the doctrine of the royal officials - '*quod principi placuit, legis habet vigorem*' - with their idea that '*quod omnes tangit, ab omnibus approbetur*'. The struggle of the territorial notables with the king or overlord for establishing parliamentary bodies or estate assemblies was couched ideologically in these terms. The rationally structured hierarchical order of the church as a corporate legal entity became the model of all secular corporate bodies.

As the Concordat of Worms of 1122 demonstrated, in the West (despite or because of the Investiture

Conflict), the distribution of power resources did not allow for the unification of political and hierocratic power either in a caesaropapist or a theocratic system of domination. Typically, therefore, a compromise was concluded delimiting their respective spheres of influence [1193, 1207]. This compromise between political and hierocratic power was, according to Weber, beneficial to both of them. The political power could provide the hierocratic power with the coercive means of maintaining its power position in general and the annihilation of heretics and the collection of church taxes and other contributions in particular. The church as a 'hierocratic organization', in turn, could offer its religious sanctions in support of the ruler's legitimacy and as a means of domesticating the subjects 'in things great and small' [1175-6, 1161-2].

One form which this domestication could take was the education of the political subjects towards a methodical conduct of life. Weber maintains that, initially, the monk was strategically best suited for fulfilling this task:

The monk was the first *professional* ... The monk lived in a methodical fashion, he scheduled his time, practiced continuous self-control, rejected all spontaneous enjoyments and all personal obligations that did not serve the purposes of his vocation. Thus he was predestined to serve as the principal tool of bureaucratic centralization and rationalization in the church and, through his influence as priest and educator, to spread corresponding attitudes among the religious laymen [1172-3].

The monk was disposed towards a methodical conduct of life because of his belief that only if he achieved complete control over his self and his natural drives could he prove himself before God. And it was this belief that led him to treating work as an ascetic

instrument, to be deployed in pursuit of '*certitudo salutis*' [1170]. The rational achievements of occidental monasticism, such as the first rationally administered manors and the first rational work communities in agriculture and the crafts, rested on this belief and attitude [1169].

To the degree in which the monastic movements were incorporated into the hierocratic structure of the Catholic church, the monks would become 'the disciplined army of a rational bureaucracy of office' [555]. But this relationship between hierocracy and monasticism was inherently fragile: the personal charisma of the monk, who sought to achieve individual salvation through finding a personal, direct path to God by means of an ascetic conduct of life was frequently in conflict with the hierocratic claims of the Catholic church. As an institution of grace the church sought to monopolize the way to God and, as an organization, it had to compromise with the economic and other mundane power interests [1166-67]. Many of the reform movements within the church emanated from this tension between personal charisma and office charisma. Only under specific conditions, therefore, would the monks be a compliant tool of bureaucratic centralization and rationalization in the church.

The monk's capacity for influencing the conduct of life of the laity at large was structurally limited by the character of the Catholic church as an institution of grace. The disciplining influence of the church, with the monk as its main bearer, rested on its capability to enforce 'its order through psychic coercion by distributing or denying religious benefits' [54]. The command over the means of hierocratic coercion - such as confession, admission

to Holy Communion or dispensation of sacraments in general, or excommunication - could then 'form the basis of a system of spiritual domination over human beings' [56]. The power position of the Catholic church was linked to its successful monopolization of these means of psychic coercion. But by using these means, the church inevitably restricted the scope and impact of its spiritual domination. Through the confessional or the purveyance of institutional grace, Catholicism provided an opportunity for the individual sinner to gain release from sins, not through the sinner's own methodical ethical action, but through pure obedience to the institution:

Every type of actual dispensation of grace by a person ... has the net effect of weakening the demands of morality upon the individual ... The vouchsafing of grace always entails an inner release of the person in need of salvation; it consequently facilitates his capacity to bear guilt and, other things being equal, it largely spares him the necessity of developing an individual pattern of life based on ethical foundations [561].

In Catholicism, therefore, the content of the pattern of life is not apt to be pushed in the direction of ethical systematization. Hence, the sole principle integrating the life pattern is a formal humility of obedience, not concrete, substantive ethical obligations which would compel the believer from 'within' to lead a rational, disciplined life [562-3].

It was the great historical achievement of ascetic Protestantism, not only to have transferred rational asceticism from the cloisters into the life of the world, but also to have favoured the evolution of an ethically rationalized pattern of life of the individual believers by cutting them off from institutional grace, thus doing away with the means to

a periodical discharge of the emotional sense of sin
[Weber 1967: 117-22]:

[O]nly in the Protestant ethic of vocation does the world, despite all its creaturely imperfections, possess unique and religious significance as the object through which one fulfills his duties by rational behavior according to the will of an absolutely transcendental god. When success crowns rational, sober, purposive behavior of the sort not oriented to worldly acquisition, such success is construed as a sign that god's blessing rests upon such behavior ... This religion demanded of the believer ... the avoidance of all surrender to the beauty of the world, to art, or to one's own moods and emotions. The clear and uniform goal of this asceticism was the disciplining and methodical organization of conduct. Its typical representative was the 'man of a vocation' or "professional" (*Berufsmensch*), and its unique result was the rational organization of social relationships [556].

This ethic was structurally adequate, not only for modern rational capitalism but also for bureaucratic organizations as the materialization of objectified power structures [601, 975]. The ethic of ascetic Protestantism led to the rejection of the world as an incomplete and contingent place. The form taken by the Puritans' world-rejection was, however, one of active rational world-domination since it was *within* the world that the religious believers had to prove their worth. This notion promoted bureaucracy as the tool of an all-encompassing rationalism of world-domination.

But there is also a limit to the compatibility of this religious ethic with objectified secular power structures. Weber maintains that public political activity leads to the surrender of rigorous ethical requirements 'since political activity is oriented to average human qualities, to compromises, to craft, and

to the employment of other ethically suspect devices and people, and thereby oriented to the relativization of all goals' [593]. A conflict between non-ethical matter-of-fact considerations in the sphere of politics and the personal ethic of religion is inevitable:

The use of force within the political community increasingly assumes the form of the *Rechtsstaat*. But from the point of view of religion, this is merely the most effective mimicry of brutality. All politics is oriented to *raison d'état*, to realism, and to the autonomous end of maintaining the external and internal distribution of power. These goals ... must necessarily seem senseless from the religious point of view [600].

The very existence of Protestantism shows that, in the long term, the compromise between the political power and the hierocratic power was detrimental to the Catholic church. As Weber points out, the reform movements within the church were provoked by 'the unavoidable compromise of the hierocracy with the secular powers and with sin' [1197]. For the reformers the religious penetration of worldly life through the hierocracy had not gone far enough. This was especially believed by bourgeois groups. The economic rationalism of these bourgeois groups corresponded with particular types of rigoristic ethical religion [480] which came into conflict with the politically circumspect religiosity of the office charisma of the Catholic church:

It was the peculiar piety of the intensely religious bourgeois strata that made them side with the reformist preachers against the traditional ecclesiastical apparatus, just as they had sided earlier with the hierocracy against the Empire and with mendicant orders against the secular clergy; their piety was characterized by a relatively rational ethics, by the nature of bourgeois occupations and by a relatively strong preoccupation with self-justification before God ... [1197].

These (urban) bourgeois strata, which helped undermine the hegemony of the Catholic church, owed their political and economic power to the position of the medieval cities within the feudal system. Their effect on the political structure will now be discussed.

Medieval Cities and the Urban Economy

The cities in medieval Europe were everywhere to some degree 'communes' with autonomous political rights and an autonomous economic policy. The 'political association of the burghers' of the medieval cities, which was directed against the 'legitimate' powers and took the form of 'sworn confraternizations', was aimed at shaking off the bonds of seigneurial domination and at the appropriation of the means of domination by the urban citizenry. This process is described by Weber as 'revolutionary usurpation' which - 'formal-juridically' - calls into question the 'validity of the legitimate order' and breaks down the 'continuity of legitimacy' [1250, 1239].

This revolutionary innovation had a number of prerequisites. The urban confraternizations were confederations of *individual* burghers whose personal affiliation with the urban association was guaranteed by their legal position as burghers. Their loyalty was to the city, not to the sib or tribe. Christianity, with its universalistic notion of membership through faith and its demand for conformity to its rituals, had destroyed the importance of sib or tribe for political loyalty: 'The Christian congregation was a religious association of individual

believers, not a ritual association of clans' [1247, 1244]. Furthermore,

[t]he elimination of all ritual barriers of birth for the community of the eucharists, as realized in Antioch, was, in connection with the religious preconditions, the hour of conception for the Occidental 'citizenry'. This is the case even though its birth occurred more than a thousand years later in the revolutionary *conjurationes* of the medieval cities. For without commensalism - in Christian terms, without the Lord's Supper in common - no oath-bound fraternity and no medieval urban citizenry would have been possible [in: Gerth/Mills (eds.) 1967: 403-4].

In the medieval city, fraternization was not impeded by any magical or religious barriers. But, on the other hand, in so far as 'every foundation of the Occidental city, during Antiquity and the Middle Ages, went hand in hand with the establishment of a cultic community of the [productive] citizens', only membership of the parish community bestowed the legal status of citizen on the individual [in: Gerth/Mills (eds.) 1967: 402].

Another prerequisite for this revolutionary innovation was the capability of the cities to put a military check on the coercive power of the city lord: All *conjurationes* and city unions in the Occident were coalitions of the *armed* strata of the cities [1262]. The dispersion of military power that was founded on the principle of self-equipment of the armies had severe political consequences in so far as it opened up room for manoeuvre for the bearers of arms. This argument ties in with Weber's emphasis on the beneficial effect which the competitive political structure had on the development of the cities. The less unitary the organization of the larger political association, the more the political autonomy of the urban community could develop: 'The competition

between the non-urban powers, in particular the conflict of the central power with the great vassals and the hierocratic power of the church, came to the aid of the cities, especially since an alliance of any one of the contending powers with the money power of the burghers could provide it with a decisive advantage' [1351-2].

Since they were granted 'city' status initially for purely economic reasons, and not because of political or military motives of the founder, the cities could develop and maintain their autonomous position only in so far 'as the non-urban power-holders did not yet possess a trained apparatus of officials able to meet the need for an urban administration even to the limited extent required by their *own* interest in the economic development of the city' [1351]. The extent of urban autonomy was thus inherently unstable and a question of power. Scanning the history of the city after the fall of the Roman Empire in the West, Weber argues that in the Carolingian period, the cities had been nothing - or almost nothing - but administrative districts, differentiated from other administrative units only by certain peculiarities of their status structure. In the modern patrimonial state, they were again very close to this position, distinguished only by certain corporate privileges. Only in the intermediate period had they been everywhere to some degree 'communes' with autonomous political rights and an autonomous economic policy [1322-3, 1325]. The autonomy of the medieval city was therefore a 'historical interlude' [1352; also Weber 1976: 344-7].

The political setting made the medieval townsman a *homo oeconomicus* [1354]. And it was the political

and legal autonomy which made possible the formation of a bourgeois class interested in a rationally organized profit-making economy. Urban autonomy meant the chance of consociation through exchange in the market [635]. A precondition for the success of this new type of consociation was the rationalization of economic, legal, and political relationships. The feudal system of domination, however, is structurally inadequate for the development of a 'capitalist' economy [1099 ff.]: Freedom of acquisition is impeded by congeries of acquired rights; opportunity for capitalist acquisition is provided only through the granting of concrete privileges; commercialization of land is obstructed by the legal institution of the fief which normally makes land inalienable and indivisible; the siphoning off of mass purchasing power through feudal tributary and service demands does not allow for the development of a market for industrial products; and finally, the *nouveaux riches* are motivated by the social prestige of the manorial lords to invest their acquired wealth in land rather than in capitalist ventures in order to rise into the nobility.

The continuity of the legal order, on the other hand, may facilitate capitalist development. And so may the social closure of the feudal stratum against the *nouveaux riches*, thus directing their wealth to purely bourgeois-capitalist use. But there is clearly no 'elective affinity' between the feudal system of domination and capitalism. The ethic of the market is an abomination to every system of fraternal ethics. With its exploitation of constellations of interests and monopoly positions and its 'dickering', 'the market is fundamentally alien to any type of fraternal relationship', including the feudal type [637].

Weber argues that the urban market economy had the tendency to undermine and dissolve feudal structures [1331]. The existence of a 'money economy' itself, however, did not create an immediate clash of economic interests between the political and manorial lords and the cities. The city provided the peasants with a local market for their products and hence with the possibility of paying their dues to their manorial and judicial lords in money rather than in services or products. To the lords, the city provided the opportunity to turn their in-kind income into money: instead of consuming the appropriated agrarian surplus themselves, they could realize its value through sale either on the local market or abroad via the increasingly capitalistic long-distance trade:

the lordly political and manorial revenues in the territories of intensive city development could increasingly be fed from the market sale of peasant products or of peasant deliveries in kind, and beyond this from sources of the market economy, all of which replaced the direct exploitation of personal service obligations of the subjects or the allocation of delivery obligations for household wants in the manner of the ancient *oikos* economy [1332].

The knightly militarism of occidental feudalism which barred, and spared, the peasants from military service had been crucial to the development of the medieval peasantry as an increasingly economically-oriented, unwarlike class. The development of the medieval city and the urban economy, which owed its form to the structure of the feudal system, transformed the landlord-peasant relationship in that it allowed the conversion of personal and material claims of the manorial and judicial lords into rent claims. This resulted in far-reaching economic freedom of the peasantry and the dissolution of the old manorial association and of peasant bondage [1332,

1333]. This freedom, however, one should hasten to add, was soon to be curtailed in the process of the rigorous commercialization of agriculture [Weber 1976: 347-52].

Military Conflicts, Bureaucratization, and Capitalist Development in Western Europe and England

Undermining the political and economic feudal relationship between landlord and peasant, however, was insufficient in itself to establish the market economy as the dominant economic structure. Bourgeois interests had to 'demand an unambiguous and clear legal system that would be free of irrational administrative arbitrariness as well as of irrational disturbance by concrete privileges, that would also offer firm guaranties of the legally binding character of contracts, and that, in consequence of all these features, would function in a calculable way' [847]. In continental Western Europe, the alliance of bourgeois and monarchical interests was one of the major factors which led towards establishing such a legal system [847].

This alliance materialized within the configuration of the *polity of Estates* [*Ständestaat*]. For Weber, feudalism was a cosmos or, according to circumstances, also a chaos of concrete subjective rights and duties of the lord, the vassals and the ruled. These rights and duties, which were contractually guaranteed, overlapped and limited one another in such a way that it was necessary for the various power-holders to enter into temporary alliances between one another for the purpose of a concrete action which would not have been possible without this collaboration. In the *Ständestaat*, the

mere agreed-upon action of the various power-holders and the temporary associations were transformed into a permanent political structure. Extraordinary needs of the ruler which were centred on his political, and especially his military administration, could not be met within the stereotyped feudal relationship. First, feudalism was based on the principle that all power-holders had to pay the cost of their, and only their, administration out of their own pocket. There were no provisions for raising any required special, or new, revenues. Secondly, 'the changing economic structure, in particular the advancing money economy, exerted its influence by making it possible, and hence mandatory in view of the struggle and competition with other polities, to satisfy these [new] needs in a manner superior to the normal means of stereotyped feudal-patrimonial administration; this involved especially the raising of considerable amounts of money all at once' [1086]. As the lord had to approach his militarily independent subjects with new economic demands, and in particular money demands, a new power configuration developed which took on the form of the *Ständestaat* [1261-2]. The *polity of estates* signified the consociation of the individual power-holders who now exerted their power vis-à-vis the ruler in a corporative assembly [1085 ff.].

In continental Europe, the rulers struggled to eliminate the supremacy of estate privileges and the 'estate' character of the legal and administrative system. They 'desired "order" as well as "unity" and cohesion' of their realm [848]. At the expense of the feudal law with its profusion of 'subjective' rights, the monarchs pursued a policy of promoting the predominance of formal legal equality and objective formal laws [846]. The rulers' interest in extending

the scope and quality of their political power was shared by their staff who were concerned with their career prospects. These were furthered by the ever more thorough administrative penetration of society: legal uniformity rendered possible employment of every official throughout the entire area of the realm, in which case career chances were 'better than where every official is bound to the area of his origin by his ignorance of the law of any other part of the realm' [848]. These officials were the true systematic codifiers of the law, since they had a special interest in a 'comprehensive' legal system as such [850]. The bourgeois economic interests were thus compatible with the power-political interests of the patrimonial rulers, particularly those ruling in an absolutist state, and the interests of their staff. All these forces were 'structurally' inclined towards overcoming substantive rationality and bringing forward formal rationality and, in particular, the formal rationalization of the law.

This alliance of monarchical and bourgeois interests was fostered by the competitive political and military struggle between the states in the European interstate system. Bureaucratization of the political structure was a consequence of this military rivalry. Standing armies had to be created and the infrastructure of public finances had to be developed by states which were locked into the interstate competition lest they should be defeated [972]. For this power-political reason, and because of the expanding money economy, all political competitors needed ever more capital: 'This resulted in the memorable alliance between the rising states and the sought-after and privileged capitalist powers that was a major factor in creating capitalism' [353]. A

plurality of political communities competing with each other provided capitalists with an important bargaining position vis-à-vis the state. They could threaten to move their property to another country and thus erode the tax base. In addition, they had the opportunity of denying to give loans to the state unless they received preferential political treatment [352].

But the capitalists could not only demand economic privileges but also demand a political infrastructure compatible with the organization of their economic activities. In this respect, Weber argues the case for the structural adequacy of bureaucracy and capitalism. He maintains that the technical and economic basis of 'modern culture' 'demands' [975] the calculability of results which bureaucracy can provide. Furthermore,

when fully developed, bureaucracy also stands, in a specific sense, under the principle of *sine ira ac studio*. Bureaucracy develops the more perfectly, the more it is "dehumanized", the more completely it succeeds in eliminating from official business love, hatred, and all personal, irrational, and emotional elements which escape calculation. This is appraised as its special virtue by capitalism. The more complicated and specialized modern culture becomes, the more its external supporting apparatus demands the personally detached and strictly objective expert ... Bureaucracy offers the attitudes demanded by the external apparatus of modern culture in the most favorable combination [975].

Capitalism could not continue without 'stable, strict, intensive, and calculable administration'. Bureaucratic administration, on the other hand, could only develop in its most rational form because capitalism, as its most rational economic basis, supplied the necessary money resources [224]. Thus bureaucratic organization of the political structure

was in the interest of both economic and - given the geopolitical power struggle - political actors. The support by the capitalists for the political communities was forthcoming because of the benefits that accrued to them from doing so. This 'demand' of the capitalists was, in turn, met by the state because of its self-interest in doing so. The fact that there was within the state apparatus a group of professional administrators, the university-trained experts in Roman law, with an interest of their own in a qualitative and quantitative increase in public bureaucracy through the formalization and systematization of law in a logically impeccable way, enhanced considerably this trend towards rationally organized, bureaucratic administration [852 ff.].

According to Weber, law and formal legality became a political force via the Canon law of the Catholic church and the reception of Roman law by the medieval lawyers/administrators. The 'formal natural law' of the 17th and 18th century, however, articulated the structural principle of the modern state for the first time:

All legitimate law rests upon enactment, and all enactment, in turn, rests upon rational agreement. This agreement is either, first, real, i.e., derived from an actual original contract of free individuals, which also regulates the form in which new law is to be enacted in the future; or, second, ideal, in the sense that only that law is legitimate whose content does not contradict the conception of a reasonable order enacted by free agreement. The essential elements in such a natural law are the "freedoms", and above all, "freedom of contract". The voluntary rational contract became one of the universal formal principles of natural law construction, either as the assumed real historical basis of all rational consociations *including the state*, or, at least, as the regulative standard of evaluation [868-9; emphasis added].

Weber points out that the basis of this legal construction lies in the economy: '[C]onceived as a system of rights legitimately acquired by purposive contract', formal natural law, as far as economic goods are concerned, 'rests upon the basis of a community of economic agreement ... created by the *full development of property*' [869; emphasis added]. And Weber specifies the class character of this type of formal natural law even more poignantly: 'Freedom of contract and the propositions regarding legitimate property derived therefrom obviously belong to the natural law of the groups interested in market transactions, i.e., those interested in the ultimate appropriation of the means of production' [871]. In Weber's analysis, the importance of capitalism for the formation of the modern state is therefore not limited to the impact of concrete historical alliances between monarchical rulers and sections of the bourgeois class. The structural principle of the market economy in the phase of the full development of property becomes also the structural principle of the modern state via the formal natural law.

Weber sees quite clearly that, whereas his explanation is applicable to processes in continental (Western) Europe, the English development has to be explained in a different way. After the Norman conquest, the power of the royal administration in England was much greater than on the continent. But even here, the local patrimonial interests challenged the power of the central administration. In order to prevent the appropriation of the whole local state administration by the local patrimonial lords, the English monarchs put the administration into the hands of the *justices of the peace*. Their rise in the 14th century during the wars with France was due to the

fact that 'the patrimonial administration of the manorial lords and their judicial powers, but also the local offices - the sheriff - dominated by the feudal nobility could not cope with purely administrative tasks because economic developments dissolved the servility relationship' [1059]. In its attempt at pushing aside the patrimonial and feudal authorities, the Crown was vigorously supported by the Commons. The justices of the peace were recruited from private groups economically interested in the functions of these positions. Appointments by the Crown were made from among the local notables of the district who qualified by virtue of their ground rent and who maintained a knightly style of life. Attempts at making the appointment of justices of the peace directly dependent upon election of the local *honoratiore*s were frequently defeated by the Crown [1059-60].

As a consequence of the financial needs of the English state during the French wars in the 14th century, the knights and burgesses, who were 'represented' in the Commons, used their economic power to secure their participation in national politics. Parliament became the central, national meeting-ground for the *political* nation, juxtaposed to, and at the same time mingled with, the central administration. The unity of contradiction of this political nation is succinctly captured by Weber - and it is well worth quoting him at length:

It is true that the royal administration was always strictly supervised by the Estates, and that it had to rely on the collaboration of the *honoratiore*s. But this very fact had the consequence that the economic and political interests were oriented not to the individual closed urban commune, but rather to the central administration whence they expected economic opportunities and social advantages, guaranteed

monopolies and aid against violators of their own privileges. The crown, which was financially and administratively utterly dependent upon the privileged strata, feared these groups. But the political strategy of the English kings was essentially one of rule through central parliament. In the main they tried to influence the urban constitutions and the composition of the city councils only in the interest of their parliamentary election politics; hence they supported the oligarchy of notables. The urban notables, for their part, could find a guarantee for their monopoly position vis-à-vis the non-privileged strata in the central administration, and only there. In the absence of a bureaucratic apparatus of their own, and in fact precisely because of the centralization of administration, the kings were dependent on the cooperation of the notables ... The financial power of the townsmen... was considerable. But it was exerted collectively - within the status union of the commons represented in Parliament - as the power of an estate of privileged urban interests. It was around this grouping that all interests transcending the utilization of purely local monopolies revolved. Here we thus find for the first time an interlocal, *national* bourgeoisie [1279-80].

This configuration was not so much a network of voluntary alliances but a structured system of mutual dependencies. The economic interests of the bourgeoisie were an integral part of national politics which was not negotiable. The interests of the state were the interests of the 'political' nation and vice versa. As England could dispense with a large standing army because of her geographical location, she could also resist the advance of the bureaucratic state structure which characterized the political development on the continent [970, 987].

The early national unification of England also brought about 'a national body of law' whose bearers were the English lawyers. They enjoyed a 'nation-wide organization which was made possible ... by the

concentration of the administration of justice in the royal courts' [793]. The political centralization conditioned the power position of the lawyers [977]. Centrally organized like a guild in the Inns of Court with an exclusive control over the teaching of law, these carriers of the administration of a national law succeeded in stifling all efforts at a rational codification of law and at introducing the Roman law. The guildlike English method of having law taught by the lawyers [785] 'naturally produced a formalistic treatment of the law, bound by precedent and analogies drawn from precedent. Not only was systematic and comprehensive treatment of the whole body of the law prevented by the craftlike specialization of the lawyers, but legal practice did not aim at all at a rational system but rather at a practically useful scheme of contracts and actions, oriented towards the interests of clients in typically recurrent situations' [787]. In the continental legal tradition, legal concepts were formed by abstraction from concrete instances, by logical interpretation of meaning, or by generalization and subsumption. These concepts were apt to be used in syllogistically applicable norms. But in England, no such 'general concepts' were formed. Rather, here they were constructed in relation to concrete events of everyday life, open to pragmatic modifications [787]. The degree of legal rationality in England, therefore, was essentially lower than, and of a different type from, that of continental Europe [890, 977].

The fight of the common law advocates against Roman and ecclesiastical law was to a considerable degree conditioned by their material economic interests in fees [976-7, 785-6]. But this opposition was also compatible with the interests of their

property-owning clients who benefited from the English legal system in a number of ways. As a result of this practical compatibility English law and the English legal administration did not obstruct capitalist development despite the lower degree of formal rationality. Apart from the flexibility of English law and its pragmatic adaptability to changing circumstances precisely because of its lower formal rationality, there are two more reasons given by Weber for the compatibility of the English legal system with capitalism: (1) 'Legal training has primarily been in the hands of the lawyers from among whom also judges are recruited, i.e., in the hands of a group which is active in the service of the propertied, and particularly capitalistic, private interests and which has to gain its livelihood from them' [892, 1395]; (2) 'The concentration of the administration of justice at the central courts in London and its extreme costliness have amounted almost to a denial of access to the courts for those with inadequate means' [892, 977]. In addition, Weber argues that the English legal system was typically dualistic. On the one hand, the courts of justices of the peace, which dealt with the daily troubles and misdemeanors of the masses, were informal and representative of 'khadi-justice'. On the other hand, all cases coming before the central courts were adjudicated in a strictly formalistic way thus ensuring the calculability of the law which the economically privileged demanded [814]. The English state thus being an instrument of the 'political' nation and the legal system being geared towards the needs of the economically privileged classes, England would become the hegemonic power of the European interstate and economic (world) system without having developed a bureaucratized political structure.

To sum up, in his analysis of political structural change in Western Europe, Weber emphasizes the relations between political, cultural, economic and geopolitical structures of social action. The formation of the modern state was not determined by any single one of these structures but resulted from their dynamic interplay. The interlocking of these (analytically distinct) structures was mediated through collective actors in pursuit of their material and ideal interests. The historically specific relations between these collective actors promoted constellations of interest which made the emergence of the modern state possible.

The preceding reconstruction of Weber's arguments on the formation of the modern state may have surprised the reader in that it did not pay attention to one element in Weber's definition of the (modern) state which is normally considered of utmost importance: the modern state as that set of institutions that enjoys a monopoly of the means of legitimate violence. Charting the social and political processes that led to this monopolization would therefore have to be considered as explaining a major aspect of state formation. But Weber himself did not address this empirical issue. In this thesis, I want to offer a modest empirical contribution to an understanding of this contested process of monopolization. Taking my lead from Weber, in the following two case studies I will analyse the attempts of the Austrian and Irish state to establish organizations under their own exclusive control for the maintenance of public order, i.e., to establish a monopoly of violence through the formation of state police forces. I will show that these attempts by the state can only be adequately understood when they are

placed firmly within the totality of the internal power structure of the respective country.

When writing the two case studies I endeavoured to avoid interlacing the historical narrative with theoretical reflections. But theoretical concerns did initially lead me to address the empirical topic. One theoretical concern has already been mentioned. In asking about the impact of geopolitical constellations on the class and cleavage structure of societies I question the assumption that societies are best described as territorially-bounded, closed systems and that the causes for structural social change are situated 'within' these societies. A second theoretical concern has to do with the question of how best to conceptualize the pre-industrial state in Europe. It is this concern that led me to choose my two case studies.

As I have shown above in the section on 'Military conflicts, bureaucratization and capitalist development', Weber distinguished very clearly between a continental path and that taken by England. In continental Europe, the rulers struggled to eliminate the supremacy of the Estates and to abolish their formative involvement in the legal and administrative system. The continental rulers "desired 'order' as well as 'unity' and cohesion" of their realm [Weber 1978: 848]. They fought for the establishment of an 'absolutist' state. In England, on the other hand, a *political nation* had been formed since the 14th century whose central, national meeting-ground was Parliament. It was here that the interests of the state and the interests of the *political nation* were negotiated and reconciled on the basis of a system of mutual dependencies. Whereas on the continent there

were attempts by the monarchical rulers to disenfranchise the hitherto politically privileged groups, in England there was a movement (though not necessarily wished for by the ruler) towards a cooperation between the state and the *political nation*.

In 'Sources of Social Power' [1986a: 450-499], Michael Mann also addresses this issue of state forms in pre-industrial Europe. He distinguishes between absolutist and constitutional regimes. According to Mann [1986a: 481] these regimes were subtypes of a single form of state: "a weak state in relation to the powerful groups of civil society, but a state that increasingly coordinated those groups' activities". Both regime types shared two principal characteristics: "Their power was limited by their largely military functions and did not include a share in property rights, and they extracted fiscal revenues and coordinated their dominant classes primarily for military purposes. Their differences concerned merely the forms of coordination - one approaching organic unity, the other backing away from it ..." [Mann 1986a: 482].

In distinguishing between two forms of state power, Mann is able to highlight the specific characteristics of the pre-industrial state more clearly. The first kind of state power is 'despotic power'. It refers to the range of actions that the ruler and his staff are empowered to undertake without routine, institutionalized negotiation with civil society groups. Where despotic state power is high, representation of civil society groups and their voluntary participation in the activities of the state are low. Despotic power is 'power over' civil

society. 'Infrastructural power' is the second kind of state power. It is the capacity of central states, whether despotic or not, to actually penetrate the territory of civil society, and to implement logistically political decisions throughout the realm. The state has 'power through' society, coordinating much of social life with its own infrastructures [Mann 1986b]. The pre-industrial state was infrastructurally weak, but whereas in absolutist regimes despotic power was high, in constitutional regimes it was low.

These distinctions between absolutist and constitutional regimes, and between despotic and infrastructural power underlie the following discussion in two ways. First, I take Austria in the 18th century to approximate to the absolutist regime type, and Ireland in the 18th century to the constitutional type. In both cases, the relationship between the state and civil society groups/local notables will be especially scrutinized. Second, the formation of state police forces must be seen as an increase in the infrastructural power of the state. At the same time, police forces are means *par excellence* of increasing, and intensifying, the despotic power of the state. This Janus-faced quality of the police in itself is likely to make the development of state agencies of internal security a much contested policy. This conflict over the appropriation and the exercise of the means of violence is likely to be extremely fierce in societies, such as those of pre-industrial Europe, in which the appropriation of the economic surplus is closely linked with extra-economic coercion. Any attempt to undermine the (economic and political) position of the economically dominant class by expropriating it from the means of coercion is likely to encounter strong resistance.

The following analyses rest on a methodological stance which will be developed in greater detail in the concluding chapter. Each particular state is a complex and unique sociohistorical configuration. Though social scientists analyse each configuration with general concepts, it can be a legitimate task for social scientists to interpret the historical particularity of each case. Comparative studies of macropolitical and macrosocial constellations can help to increase the 'visibility' of one structure by contrasting it with another. As Reinhard Bendix [1978: 15] put it: "In order to preserve a sense of historical particularity while comparing different countries, I ask the same or at least similar questions of different contexts and thus allow for divergent answers". In my two case studies I ask about the impact of geopolitics on internal power structures and, in particular, on the relationship between central state and local power holders.

My two selected cases are similar in that they are examples of the political regime type of pre-industrial Europe. But the differences between them overwhelm their similarities. Austria is a representative of the absolutist regime type, whereas Ireland represents the constitutional type. Given this methodological research design, the aim of the following studies is not to arrive at empirical generalizations about the connection between geopolitics, internal power structures and police formation in the state of pre-industrial Europe, or even within the absolutist and constitutional subtypes. The aim of the following studies is to tell as comprehensively as possible in a historical narrative whether and how this connection took shape in Austria and in Ireland in the 18th century.

Part One:

The state, police and public order:
the Habsburg Monarchy in the late 18th century.

II. Monarchical ruler and Estates: On the distribution of power in pre-absolutist Austria.

A) The political functions of the Estates

In the discussion of Max Weber's analysis of the formation of the modern state I paid attention to his arguments concerning the relationship between monarchical ruler and Estates in continental Europe. The particular type of distribution of political power which the *polity of Estates* represented can be summarized as follows. In pre-industrial societies economic wealth was mainly achieved by agricultural production. The financial needs of the state could only be satisfied on a regular basis if part of the agrarian production, be it in kind or realized in money, could be transferred into the coffers of the state. But the state did not have direct access to the agrarian producers. This access was mediated by (mainly) noble landlords who possessed property rights over the lands the peasants farmed and sometimes also over the peasants themselves. Even if the state had been prepared to overrule these property rights, it did not have the infrastructural means which would have allowed it to appropriate the agrarian surplus without the involvement of the local landholders. Of necessity, local government lay in the hands of local landlords.

Given the fiscal dependence of the territorial ruler on the Estates, it was highly unlikely that he could afford a complete overhaul of local government. And even if he had wanted to, the power position of the local aristocracy was entrenched to such a degree, and their interest in maintaining this position was so

strong, that any attempt by the territorial prince was likely to be rebuffed. Only if the ruler succeeded in undermining the patrimonial authority of the aristocracy and their hold over local government, could he enhance his own power position. To do so, the ruler had to wean the peasantry away from their landlords; he had to establish an immediate relationship with the peasants. But this strategy would have to be pursued with two considerations clearly in mind. First, dislodging the aristocracy from their entrenched local power position could under no circumstances be allowed to lead to a breakdown of authority which would result in disorder and disobedience amongst the peasantry. Second, agrarian production could not be allowed to suffer as this would undermine the fiscal interests of the state. It will be a main task of the following analysis to show that the policy of 'enlightened absolutism' under Maria Theresia and Joseph II in Austria failed to overcome these contradictions and constraints.

Before the institutional reforms of Maria Theresia in the middle of the 18th century, the Estates in the territories of the Habsburg Empire were closely involved in the government of the monarchy. In fact, Estates government was parallel to royal government, and partly overlapped with it. In the various Austrian provinces - the family lands of the Habsburgs - as well as in the Lands of the Bohemian Crown (Bohemia, Moravia, Silesia) and in the Kingdom of Hungary (including Transsylvania) there existed territorial Estates which met on a regular basis in diets and participated in the government and administration of the territory. The Estates always included clergy, nobility and towns. In the Tyrol, Vorarlberg, and parts of Further Austria, communities

of peasants also elected representatives to the diets. But everywhere the nobles were dominant, either as a single, consolidated Estate, or more often as separate Estates of lords and knights [Hintze 1962; Dickson I: 297-8; Evans 1979: 166; Klingenstein 1983: 374-5; Schulze 1983].

The rights and functions of the Estates were manifold. They had the right of jurisdiction as well as the task of maintaining law and order and, more generally, stability, security and public welfare in their territories. Furthermore, everywhere in the Monarchy, the Estate assemblies had the right to approve the taxes demanded by the territorial prince. But not only did the Estates vote the *Contribution*, the direct tax earmarked for the maintenance of the army, they were also in charge of collecting it: the financial administration lay in the hands, not of central government, but of the Estates. Only indirect taxes could be administered by the royal government. The revenue from the prince's own possessions and the *regalia* were administered by the Court Chamber of the prince.

The Estates were also involved in military matters. The recruitment of soldiers for the prince's army as well as their provisioning was, in part, the responsibility of the Estates. It was during the almost continuous warfare of the Habsburg monarchy against the Ottoman Empire in the 16th century that the political importance of the Estates had been enhanced. It had been necessary for the Habsburg rulers to ask the Estates for new grants of taxation at regular intervals. The Estates normally agreed to raise the required money and collect them through their financial administration. Faced with the Turkish

threat, the Estates in Styria, Carinthia, and Carniola also raised their own troops to defend the frontier between the Turkish and the Habsburg parts of Hungary. But while this contribution of the Estates to the war effort could be translated into securing the concession of the Catholic monarchs to tolerate the Protestant religion of the Estates, the Estates, at the same time, also became more entrenched in the existing political structure. They had taken over so many financial and military responsibilities that a fundamental opposition to the policies of the Habsburg monarchs that would have led to a breakdown of government in a situation of Turkish military might would have affected them nearly as much as their rulers [Asch 1989: 117-8; Schulze 1983: 266-7].

The financial and military administration by the Estates as well as their concern for 'policing' their territories made it necessary for the diets to establish bodies for the continuous management of their affairs [Hassinger 1969: 268-9]. As a rule, the Estates assembled once a year but only for a rather short period. Between the diets a standing committee under the chairmanship of a member of the nobility acted as a 'small-size' diet. The main task of this standing committee was a preliminary discussion and appraisal of all items which would come before the general assembly. In addition to these permanent standing committees, the diets elected well-paid delegates (*Verordnete*), responsible to themselves, who collected taxes, met the needs of defence, raised military levies, and carried out the other decisions taken by the Estates: "all kinds of experts (especially jurists), servants and concessionaries, customs and excise officials, teachers, doctors, printers and architects, even painters and cooks, were

overseen and paid by the estates. As administration grew more complex and taxation more ingenious, their share of government actually increased" [Evans 1979: 167].

The political power the Estates, however, was not confined to the running of their own administration. They were also closely involved in the government apparatus which the prince installed for the administration of each province. Each province within the Empire had its own lord-lieutenant who was appointed by the prince to transmit decrees, preside over courts, and maintain order with the help of a deputy, a number of counsellors, and the administrators of local regalia, who mainly managed crown estates. Though appointed by the prince, candidates for the post of lord-lieutenant were nominated by the Estates. As a rule, these candidates were members of the *Herrenstand* [i.e. knights]. Only since Maria Theresia was this right of the Estates to propose the head of the provincial government disregarded by the monarch. In effect, the lord-lieutenants were answerable to both the Estates and the ruler; local loyalties to the Estates often were in conflict with loyalties towards the monarch [Hassinger 1969: 265; Evans 1979: 165, 167]. In the case of the government of Lower Austria, the influence of the Estates went even further. There, in 1508, the Estates threatened to withhold financial resources which the Emperor desperately needed for the war with Venice. The intransigence of the Estates led the Emperor to appointing members of the Estates to the government in 1510 [Hellbling 1956: 144-5].

Since Emperor Maximilian I in the late 15th and early 16th these collegiate governmental bodies

[*Regimente*] were in charge of matters concerning internal/political administration and jurisdiction. The financial affairs of the territorial ruler - excluding, though, the main financial resource: the *Contribution* - were concentrated in the royal treasury. This separation had a far-reaching effect. On the one hand, as the legitimation and justification of the privileged position of the Estates was derived from the traditional 'law of the land' [*Landrecht*], the Estates vigorously fought for having officials appointed for government positions who would uphold the *Landrecht* in their judicial judgements. Such was the concern of the Estates for the perpetuation of the traditional law that they even sometimes gave money to the counsellors as an incentive to uphold it [Brunner 1973: 449]. On the other hand, however, the appointments to the treasury were by and large left uncontested to the ruler's discretion. As the main bulk of the financial resources, the direct taxes, remained under the control of the financial administration of the Estates, the power of treasury officials was considered by the Estates to be negligible.

It was for this reason that from very early on in the development of central bureaucratic government organization the financial offices were particularly closely linked with the ruler's interests [Tezner 1898: 165-8]. As long as there remained a separation between the ruler's financial administration of the '*Camerale*' and the Estates' financial administration of the '*Contributionale*', the political consequences of the Estates' indifference towards the organization of the treasury could not be precisely determined. As we shall see later, the reforms of the state under Maria Theresia centred on a breakdown of this

separation and thus altered fundamentally the relationship between Estates and monarch in financial matters.

Ideologically, the power position of the Estates was founded in the traditional "law of the land". In the following chapter, I shall discuss in some detail the role of the law in constraining, as well as enabling, the monarchical ruler to extend his (or her) political power to the disadvantage of the Estates. But it was the political, judicial, economic and social domination of the aristocracy as a class, and of the aristocrats as individuals, over the peasants which was the decisive power resource which could be mobilized in the power struggles with the ruler.

B) The system of local government in the Austrian lands of the Habsburg monarchy.

The dominant unit within the structure of local government in the Austrian lands of the Habsburg monarchy was the *Grundherrschaft*. A *Grundherrschaft* was a system of domination in which the landlord was in a position to appropriate in cash or kind part of the agrarian produce from those peasants who had rented plots of his land. Furthermore, the landlord was able to extract a labour-rent by imposing obligations on his peasants to work for him for a certain number of days during the year on those lands which he farmed himself. Finally, the landlord could not only determine the economic activities of his peasants with regard to the use they made of the rented land and the disposal of their agrarian produce, but he could also exert his authority with regard to the overall structure of peasant life

stipulating, for example, conditions for marriage among peasants or restricting the geographical mobility of his peasants.

Typically, revenue from demesne operations accounted for only a small proportion of the lord's dominical income. Based on gross revenue figures for Lower Austria in 1754 it has been calculated that revenue from demesne farming accounted for only 9.9% of dominical income, whereas revenue derived from *robot* and other labour services in cash and kind as well as dues and tithes in cash or kind accounted for 29.5% and 28.8% respectively of total dominical income. A series of smaller sources, such as woods (6.8%) or brewing rights (3.8%), made up the balance [Dickson I: 96-7]. Rents and other payments of a cultivating peasantry were thus of the utmost importance for the lords who did not themselves engage in large-scale farming. These payments were often customarily fixed. Periods of high inflation were therefore extremely disadvantageous for the lords whereas peasants would experience a beneficial effect. On the other hand, in order to be able to meet their monetary obligations towards their lords, the peasants had to produce for the market. They thus became dependent on agricultural cycles and price fluctuations. An agricultural crisis with a downward movement of prices for agricultural products could lead to increased indebtedness and ultimately to economic ruin. This risk was only partially made less hazardous by the economical and individual liberties which these market-orientated peasants necessarily enjoyed [Feigl 1985: 45-7].

Though the concrete forms of the relation of domination between lord and peasants, which

constituted the *Grundherrschaft*, varied across time and space, the structural organizing principle remained the same. The landlord's appropriation of parts of the agrarian produce and of the labour-power of the peasants as well as his disciplinary interference in peasant life was based on his property rights. But these rights comprised more than only the landlord's legal title to the ownership of the land. These property rights also included the political and judicial power to persecute, prosecute and punish those peasants who had allegedly violated the rules and regulations in force on the manor or had allegedly committed a crime which unsettled and disturbed the manorial community. The landlord's economic power was thus backed up by his power derived from his right to patrimonial jurisdiction which included (welfare and security) police [cf. following chapter for welfare and security police; on landlords' policing functions as part of their jurisdiction: Tezner 1898: 104 n.18; Osterloh 1970: 46-7; Osswald 1907; Tractatus 1679].

The landlord's patrimonial jurisdiction, however, was circumscribed in a number of ways. To begin with, during the reign of Maximilian I and Ferdinand I in the 16th century the principle was established that patrimonial jurisdiction should only constitute the court of first instance. Those peasant subjects sentenced in the patrimonial courts could appeal to the government of the territorial ruler for a review of their case. The patrimonial landlords were thus subordinated to the authority of the territorial ruler [Feigl 1964: 48; Feigl 1974: 58]. Furthermore, as each property right included judicial powers there was a plethora of concurrent and competing judicial

authorities each of which was claiming immunity from each others' interference.

The inherent conflict between these different judicial authorities was the result of two conflicting legal principles, the personal and the territorial principle [Feigl 1964: 186-228]. According to the personal principle, every inhabitant had his or her personal place of jurisdiction: peasants at the patrimonial court of their landlord, aristocratic landholders at the court of the lord-lieutenant [*Landmarschallsgericht*]. According to the territorial principle judicial powers were related to the place in which a punishable act was committed or in which a perpetrator was apprehended or else in which the disputed 'object' was kept or found. On the basis of this territorial principle, the landlord exercised his patrimonial jurisdiction over all those crimes which were committed on his land and on the farms and in the houses and buildings of his peasants [Tractatus 1679: Tit. 4, §§1-3; Tit. 14, §§1-3]. This meant, that a landlord could persecute, prosecute and punish even those people who were not his own dependents as long as they stayed within the area over which he possessed jurisdiction. On the other hand, as soon as perpetrators had left his jurisdiction the lord of the manor had to seek the cooperation of the holder of the judicial powers in that area into which they had fled if he wanted to pursue the persecution.

In Lower Austria and Styria, for example, village courts existed side by side with patrimonial courts. They had the task of maintaining public order on the streets, lanes and squares as well as in the areas adjacent to the village. They were entitled to supervise the village community and all those

activities and institutions which related to the village as a whole. Their task thus ranged from the policing of the parish fair to the control of the quality of the products on sale and of the weights and measures used in the shops [Tractatus 1679: Tit. 3, §§ 1, 4]. If all houses in a village belonged to the same landlord, then, as a rule, he also possessed the right to exercise the judicial authority over the village as a whole. If there was more than one landlord with patrimonial rights in the village, then the judicial authority over the village belonged normally to the one with more dependent subjects in the village [Feigl 1964: 123-4]. It was on the basis of the territorial principle that the village authority could claim the jurisdiction over crimes committed within the village vicinity but outside the judicial reach of individual landlords [Tractatus 1679: Tit. 3, §3]. But as in the case of patrimonial jurisdiction, had the perpetrator absconded and reached a location not under the jurisdiction of the village authority only negotiations between the authorities involved could bring a lawful solution. These negotiations could be protracted not only because of contradictory claims by the respective judicial powers to rightful and exclusive jurisdiction in contested cases, but also because of the obligation of each landlord, engrained in the feudal relationship between lord and peasant, to protect and represent his dependent subjects vis-à-vis other lords.

The judicial power of the lord of the manor was further circumscribed in that he possessed only the *imperium mixtum*, not the *imperium merum*. That is to say, patrimonial jurisdiction did not comprise the power to pass sentence over those crimes which carried the death penalty or severe corporal punishment such

as dismemberment. The imposition of these punishments was left to the county courts [*Landgerichte*]. The patrimonial authorities were obliged to hand over to these county courts all those persons accused of such crimes [Feigl 1964: 26-7; Feigl 1974: 22]. Apart from persecuting, prosecuting and sentencing those people who had been convicted of having committed a serious crime as well as carrying out the sentence, the county courts were also charged with maintaining public order and ensuring public safety in that geographical area over which they exercised jurisdiction. But either task was hampered by the fact that the county courts had to respect the legal immunity and the judicial powers of patrimonial authorities as well as the authorities of towns and markets. In order to apprehend criminals the county courts had to seek the cooperation of the holders of the *imperium mixtum*. And with regard to maintaining public order in their district, they were confined to those public highways or areas over which no authority could extend its patrimonial jurisdiction [Feigl 1964: 179-83].

But like the *imperium mixtum*, the *imperium merum* was in the hands of the higher nobility in Lower Austria. Over the decades, the territorial rulers would sell ever more rights to county court jurisdiction, which were in their possession, to aristocratic landlords for reasons of revenue. By the middle of the 18th century the county courts had thus been reduced to 'private' courts [Mell 1916: 7-8; Feigl 1974: 59 n.140]. We shall see shortly why the purchase of the right to county court jurisdiction was such an attractive investment for aristocratic landlords. In the context of our discussion on policing in Austria it must be emphasized that the necessary cooperation and sometimes formal negotiation

between holders of the *imperium mixtum* and those of the *imperium merum*, but also between different county court jurisdictions, could not but impede efficient policing.

As shown, the patrimonial jurisdiction of the lords of the manor was circumscribed by the interaction between a multitude of autonomous legal authorities. But there were also limits to the judicial power of the landlords which stemmed from the interaction between lord and dependent peasantry. The agrarian crisis of the 14th century enabled the peasants to improve their position vis-à-vis the landlords [on crisis: Lütge 1950; Bruckmüller 1985: 137-45]. The sharp decline in prices for agricultural products and the concomitant rise in prices for manufactured goods affected both peasants and lords. But the peasants had sold only that part of their grain crop on the markets which was left after the payment of rent in kind (grain) to the landlord and after putting aside their crop for self-consumption. The landlord, on the other hand, was lumbered with grain which he had to sell on the market to realize his rent. His economic position was further weakened by the demographic repercussions of the epidemics which were spreading throughout Europe. The decline in population resulted in a decline of rent income for the landlord in that many farmsteads would not be inhabited. Furthermore, the shortage of labour meant that landlords had to pay higher wages and offer more favourable conditions to agricultural labourers employed in the manorial economy. To make matters worse for the landlords, the inflation of the 15th century further reduced their rent income in that those money rents which had been fixed in the past could not be adjusted to the new situation. It was

within this context that the peasants could improve their position. But not only did they often succeed in enlarging their farms and reducing obligations imposed on them by the landlords, they also strengthened their position within the structure of patrimonial jurisdiction.

In the course of the high and late middle ages the close involvement of peasants in the proceedings in the patrimonial courts was established. First, they acted as jurors or 'lay' assessors passing sentence over those brought before patrimonial courts. Second, peasants were pronouncing on traditional law. In open court and in the presence of the heads of the houses which fell under the jurisdiction of the court, the lord would ask the eldest and most respected members of the community to direct the assembly on the laws which had been traditionally applied in the cases under consideration. Since the 15th century, these directives [*Weistümer*] were written down. Apart from statements on the prosecution of crimes and the punishment of offenders, these *Weistümer* contained the rules and regulations which defined the rights and duties of the members of the manorial community [Baltl 1951, 1953; for the situation in Bohemia in the 17th century cf. Stark 1952: 348-57].

But while the peasants might have expected to achieve a higher degree of legal certainty through the recording of the law, it would be the landlords who could turn this innovation to their advantage. Now that the law and the sentences to be passed for committed crimes or minor misdemeanors had been fixed, court proceedings turned from a potentially contentious cooperation between the lord as the supreme holder of patrimonial judicial authority and

the lay assessors as the 'representatives' of his dependent subjects into a set-up in which the role of the assessors was merely passive in that most of the cases before the court had already been covered by the recorded law and thus were not open for interpretation by the jury. The decreasing importance of the active involvement of the peasant members of the manorial community was reflected in the tendency to hold court in the lord's chancery instead of sitting in judgement in the meetings of the whole community, in public places at fixed times during the year. Though the judicial power of the lord of the manor remained circumscribed by the law as it had emerged through the interaction of lord and peasants, with the marginalization of the peasants in the court proceedings the lords had, in fact, improved their power position by the end of the 15th century.

With the onset during the late 15th century of population growth and the price revolution new economic dangers and opportunities presented themselves to the landlords. For the seignorial landlords of Upper Austria, for example, it has been pointed out by Rebel [1983: 23] that

the threats offered by the inflationary devaluation of fixed rents and by the increased costs of conspicuous consumption were more than offset by the decreasing cost of labor; by the increase in the economic rent of the soil; by inflationary profit-taking through large-scale investment in land, credit, and commodity markets; and by exploiting the advantages of having economic, social, and political connections that transcended the limits of the local economies ... The Upper Austrian ... magnates were in a particularly favorable position in that they could draw on an expanding labor pool for skilled, diverse, and increasingly cheap labor, an advantage that would distinguish their experience with forced labor and rural industry from developments in Bohemia where labor was scarce.

But to benefit from the opportunities offered by the economic upswing, landlords considered it necessary to turn the manorial law to their advantage. One way of doing so was to 'reform' the recorded *Weistümer* which constituted a barrier for wide-ranging innovations. Those articles in the *Weistümer* which did not meet with the lords' approval were changed and new rules were added to the existing ones by the lords. The absolutism of the territorial prince to which the magnates objected was introduced by them on their manors. They considered it legitimate for them to take on the role of legislator and thus of the creator of new law. In the manner of absolutist rulers they asserted the right to confirm and 'interpret' existing legal arrangements made by their predecessors conveniently forgetting that, unlike royal 'privileges' which were in principle revocable, the recorded directives had not been freely granted by them but were part of the peasants' justly acquired rights [Feigl 1974: 115-20]. Police legislation on the territorial level was thus shadowed by police legislation on the local level. In the course of the 16th century and during the 17th century the police legislation of the lords led to the substitution of the commonly formulated *Weistümer* for 'ordinances' issued by the lords without consultation [Winter 1913: 233-4; Baltl 1953: 62 n.268; Rebel 1983: 151-6; Feigl 1974: 121-31; Feigl 1964: 41-2, 205-7; cf. following chapter on 'police' legislation].

The net result of these changes in the legal make-up of the manorial community was a strengthened position of the lords. To the extent that all peasant wars in the 'long' 16th century were defeated by the magnates, their power over their peasants increased [on peasant wars Bruckmüller 1985: 186-214]. They used

this power to develop a bureaucratic manorial capitalism [*Wirtschaftsherrschaft* (A. Hoffmann)], not only in Upper Austria but throughout east Central Europe, and most particularly in Bohemia and Inner Austria. The objective of the magnates was "not merely to enter the market in a capitalistic manner but also to control as great a portion of it as possible through economic diversification, direct control over significant quantities of goods and over their flow, and the acquisition of exclusive administrative, judicial, and policing functions over specific markets" [Rebel 1983: 22; Bruckmüller 1985: 224-30; Matis 1981b: 282].

It is in the light of the emergence of this type of bureaucratic manorial capitalism in the course of the 16th century that the reason for the interest of the magnates in taking on the difficult, cumbersome and rather expensive task of exercising county court jurisdiction becomes understandable. Not only did the acquisition of the judicial power strengthen the personal bond between lord and subject peasantry; it also gave the holder of the county court jurisdiction the administration of economic 'police'. It depended on the county court authorities whether the police regulations of the territorial ruler or those of the Estate assembly would be implemented. The position gave leeway to its holder to select those pieces of police legislation for implementation which conformed to his interests [Hoffmann 1952: 99; Hoffmann 1979: 228]. For example, ordinances by the territorial ruler concerning vagrancy could be implemented in such a way that police pressure on vagrants led to them having to take up employment either on the lords' manor or with employers promoted and in business with the lords. By the same token, regulations concerning

Fürkauf were most likely to be enforced only if such a practice violated the lord's economic interests. In his endeavour to monopolize the local market he would want to establish himself as the prime purchaser to whom all marketable agricultural produce and manufactured goods had to be offered in the first instance. He could use his judicial and policing powers to pursue this goal [Hoffmann 1979: 297-300].

To sum up, patrimonial judicial authority and the control over policing was vitally important for the economic interests of the landlords. At the same time, their economic prowess also determined their political position vis-à-vis the territorial ruler: the political ascendancy of the Estates in the 16th century was firmly based on the economic strength of their manorial economy. Thus, any attempt by the ruler to accrue policing powers to himself would not only undermine the social and economic power of the manorial lords but also their 'national' political power, and was therefore likely to be resisted.

C) Landlords and peasants in Bohemia

We have seen that since the 16th century there had been attempts in the Austrian lands of the Habsburg monarchy to transform the traditional *Grundherrschaft* into a new type of bureaucratic manorial capitalism. But the figures given at the beginning of this chapter showed that even as late as 1754 the landlords in Lower Austria derived less than 10% of their dominical income from demesne operations. The situation was decidedly different in

Bohemia. According to the revised tax cadastre of 1756 for Bohemia, more than three quarters of dominical income originated in the economic activities of the landlords themselves. Income from seigneurial breweries and other commercial enterprises accounted for 43% of total dominical revenue, and income from demesne farming constituted on average 38% of revenue. Rents in cash and kind and other obligations of the subject peasantry accounted for the remaining 19% of total dominical income [Hanke 1973-4: 486; Dickson I: 95]. These regional differences are related to the overall importance of dominical lands in the respective agricultural economies. The proportion of dominical lands to total productive acreage after the middle of the 18th century has been calculated as follows: Lower Austria - 26%, Moravia - 35%, Bohemia - 42%, Galicia - 50%. The proportion of dominical arable lands to productive acreage shows a similar picture: Upper Austria - 0.6%, Styria - 2.3%, Lower Austria - 4.3%, Bohemia - 12% [Melville 1981: 302]. All these data support the view of the Bohemian landlords as active economic entrepreneurs.

It was during the 16th and 17th century that Bohemia witnessed the gradual rise of large-scale serf-tilled manorial estates. The Thirty Years War was an important watershed in the social and agrarian history of Bohemia. During the war years, the population declined by more than 40%, from 1,700,000 before the war to 950,000 in the immediate post-war period [Klima 1985: 195 and passim for following discussion]. As a consequence of the decline in population, a large number of agricultural holdings was abandoned and much of the land became fallow. In this situation landless peasants were enabled to occupy and cultivate vacant holdings. At the same time

lords themselves were encouraged to take over fallow land, either adding it to their existing demesnes or establishing new ones. But the devastation of the war had been so fundamental that official surveys estimated that in the 1650s 25% of peasant lands were still abandoned in Moravia, and 20% in Bohemia in the 1680s [Kann/David 1984: 117].

Not only did parts of abandoned peasant holdings become incorporated into the estates of the great nobles during that period, but so did the bankrupt estates of the lower nobles who lacked sufficient subject peasantry to withstand the post-war agricultural crisis [Kann/David 1984: 118]. It was during those decades after the war that the foundation was laid for the accumulation of land in the hands of a small group of members of the *Herrenstand* (princes, counts, and barons). This concentration process resulted in a constellation in which just ten owners, including the Crown, controlled 27% of the total agricultural revenue in 1770 [Dickson I: 93-4]. The predominance of the *Herrenstand* over the lower nobility can also be deduced from the fact that, in 1789, the value of the dominical lands of the princes, counts, and barons in Bohemia accounted for 68% of the total value of all dominical lands (162 mill. fl. out of 239 mill. fl.) [Hanke 1973-4: 486-7]. As a matter of fact, the small landed nobility had virtually disappeared by the early 18th century. In the 18th century, Bohemia was - *cum grano salis* - a land without gentry [Melville 1981: 301].

But the great nobles, who formed ever larger estates, experienced a severe manpower shortage in the second half of the 17th century: epidemics, hunger and the plague, all connected with the war and the

devastation it brought, had long-lasting effects [Kavke 1964: 58]. This shortage was aggravated by the fact that formerly landless peasants who now settled on fallow land were no longer obliged to rely on wage labour to make a living. This and the overall decline in population led to a general rise in wage levels. At the same time the demand for agricultural produce fell also markedly, reflecting the overall decline in the size of the urban population. As Klima [1985: 196] argues:

Under these twin pressures, lords looked for the means to cut production costs of their estates, and this was made possible by the increased exploitation of the various labour services (*corveé* or *Robot*) of the serfs, for which of course the lords paid nothing at all. The extension of labour services on their demesnes enabled the lords to sell their produce cheaply both at home and on the international market, and accordingly labour services were increased considerably from the mid-seventeenth century onwards.

The changes in the relationship between lords and peasants must be related to the socio-economic consequences of the political and military defeat of the Bohemian nobility at the hands of the Habsburg Emperor Ferdinand II. in the Battle at the White Mountain in November 1620. The military reconquest of Bohemia by the Bavarian and Imperial forces was accompanied by the political proscription of the bulk of the old seigneurial class and the concomitant economic expropriation of its estates. The confiscation and redistribution of these estates by the Habsburg state resulted in a new type of landowner: "a new, motley aristocracy of fortune, expatriate captains and emigrant bravos of the Counter-Reformation" [Anderson 1974: 307; Richter 1971-73: 354-51]. Furthermore, the anti-Protestant measures of 1627-8 resulted in the emigration of a

quarter of the native nobility [Dickson I: 84]. In addition to these changes in landownership as a result of the crushed rebellion came those originating in the vicissitudes of the war. Though three-fifths of subjects recorded in the tax-roll of 1654 in Bohemia had still native lords, only one third of all landlords still possessed their old estates: two thirds of the holdings belonged to lords who had either taken over other holdings within the country or who, as foreigners, had acquired landed property in Bohemia for the first time [Richter 1971-73: 354; Dickson I: 84].

The changes in landownership offered the new landlords an opportunity to do away, if they so wished, with local customs which had hitherto regulated the subject peasantry's obligations towards their landlords and replace them with new, harsher rules. The *Renewed Territorial Ordinance* of 1627, the new Constitution for Bohemia, had already worsened the position of the peasantry by legally incorporating features of the landlord-peasant relationship. It endorsed the lords' rights to restrict peasant mobility, to decide on peasant marriages, and to interfere with the 'patriarchal' authority of the head of the peasant family [Kavke 1964: 58-9]. It was within this context that the serf-tilled large-scale manorial economy developed.

The crop production on the enlarged demesne estates was destined more for the domestic than the foreign market [Kann/David 1984: 118]. It has therefore been argued [Spiesz 1969, 1969a] that it would be inappropriate to conceptualize the structure of domination in the manorial economy in Bohemia as 'second serfdom'. As the agricultural production was

geared towards the home markets, the purchasing power of the peasants had necessarily to be sustained given the decline in urban population and thus in urban consumption. These considerations for the peasantry were absent in Poland where production for international markets allowed the system of 'second serfdom' and the concomitant destruction of the purchasing power of the peasants. Whether we want to define the power configuration within which the peasants were situated as 'second serfdom' or not, the fact remains that their position had vastly deteriorated during and after the Thirty Years War. Such was the intensity of their exploitation that in 1680 they rose against their lords demanding the abolition or reduction of their *robot* obligations and withholding their labour services. They attacked the castles and demesnes of the nobility and could only be suppressed by the deployment of imperial troops. Over one hundred peasants were executed in the aftermath of the revolt and a *robot* patent was issued by Leopold I in which the state intervened for the first time directly in the relationship between lords and serfs.

This intervention was firmly aimed at benefiting the lords. It was stipulated that the serf was obliged to perform labour services on the demesnes of his lord for three days a week, but at hay-making and harvest time, and also at the fish harvest, the number of days could be increased by the lord "at will" [Klima 1985: 196; Wright 1966: 154-5]. The stipulated maximum duration of the weekly *robot* now became a rule even on those estates where hitherto no labour obligations had been fixed and the subjects had enjoyed more advantageous conditions [Richter 1971-73: 323-5].

Another labour services decree was issued in 1738. This patent reflected the policy of Charles VI of placating the nobility in order to ensure the succession of his daughter to all his lands [Wright 1966: 155]. All serfs were now required to perform labour services for their lord, whether they actually held land or not. But during the previous decades the shortage of manpower had been converted into a substantial surplus: the population increased considerably and had more than doubled to about 1,970.000 in 1754: "the lord now found himself with far more labour at his disposal than he could fully utilize. The following course was therefore adopted. Serfs who lived locally continued to work on the lord's demesne, in much the same way as before, but in the case of those living at a distance from the demesne the labour services were commuted to a money rent" [Klima 1985: 198].

This was the situation when Maria Theresia ascended to the throne in 1740. The Bohemian Estates had been politically emaciated ever since the 1620s. They were not in a position to combat the nascent absolutist state in Bohemia. Rather than fight it, they copied absolutism and run their demesne estates accordingly. The victory of the Emperor at the White Mountain in 1620 had reduced his political dependence on the Bohemian aristocracy. But the post-1620 Bohemian aristocracy now turned its energy to economy activities which, in the long run, enhanced its power position within the absolutist polity. For the aristocracy in the Austrian and Bohemian lands of the Habsburg Empire, patrimonial judicial authority and the control over policing was vitally important to their economic interests. Economic prowess determined their political power position vis-à-vis the

territorial ruler. The political ascendancy of the Estates in the 16th century was firmly based on the economic strength of their manorial economy.

The conflict between monarchical government and the Estates in the Austrian Empire was played out within an explicitly formulated ideological context. In the Austrian lands of the Habsburg Empire between 1500 and 1800 the legal and ideological assumptions about the legitimacy and capacity of monarchical government to influence and shape social life were contained in the concept of 'police'. In the following chapter I will discuss the transition from a practice which regarded policing as the *administration* of the affairs of the state to the practice of 'high policing' with the police as a *preventative* force functioning as the early-warning system of an authoritarian state and mainly concerned with the defence of the realm [Brogden 1987: 8 on these two types of policing]. These changes in the meaning of 'police' were the ideological reflection of changes in the social and political power structure of early modern society that led to the formation of the modern state. In the following chapter I thus aim to achieve two goals. First, I want to describe the evolution of that set of ideas that helped to legitimate monarchical rule vis-à-vis the Estates. Second, by analysing the changing meaning of 'police' I want to establish the context within which the formation of policeforces under the control of the state has to be placed. These attempts by the state to increase its coercive powers by forming a state police will be discussed after the following chapter.

III. "Police" and the state. Legal and ideological assumptions on state capacity in the Austrian lands of the Habsburg Empire, 1500 - 1800.

A) The concept of 'police' and 'police' legislation:
Organizing social life.

In German-speaking Europe the term 'police' [*Policey*] was first found in the towns and, subsequently, in the principalities: in Würzburg in 1476, in Nuremberg in ordinances of the town council [*Regiment und Polliceil*] of 1482 and 1485, in the Electorate of Mainz [*Regiment und Pollucy*] in 1488. From the early 16th century, the combination 'police and good order' or 'good police and order' is used in the sources. In the imperial and the territorial police ordinances [*Polizeiordnungen*] of the 16th century the word 'police' was used in a very distinct and specific way. The spelling of the word 'Policey' was not fixed. One can find 'Policy(ei)', 'Pollicey(ei)', 'Pollizey(ei)', 'Politzey', 'Pollucy', 'Pollucey' and 'Pullucey in the sources. Its meaning, however, remained invariable: it meant the condition of good order in the public realm and in the common weal. The aim of 'police' was to establish a well ordered civic or territorial community. 'Good police' [*gute Polizei*] meant the redressing and correcting of disorder. Furthermore, the word 'policey' was also used to refer to the instructions and activities which were considered necessary for the maintenance or reformation of 'good order', thus being identical with 'police ordinance'. In the course of the 16th century the term was used in an increasingly extended form to indicate one of the major tasks of government: the

ruling authorities claimed a general competence in the combating of all social disorders for which existing law and custom did not provide a remedy [Maier 1980: 92-8; Knemeyer 1967: 155-62; Preu 1983: 33-5; Oestreich 1982: 156; Scribner 1987: 104].

In so far as the police ordinances were dissociated from custom and traditional law, they constituted a new departure in the history of the formation of the modern state. The police ordinances created *new law*. The ordinances were deliberate acts of will and reason. These new laws stood, in principle, in stark contrast to the old law [*gutes altes Recht*] which had not been *created* and *enacted* by a secular sovereign legislator but was thought of as representing and expressing perennial norms contained in tradition, ethical values, and religious prescriptions. 'Old' law was not enacted but 'found'; changes in the law were thought of, not as a purposeful creation, but as a 'reformation' of still binding traditional norms. The task of the ruler, which emerged from this notion, was to provide for *pax et iustitia*. For the medieval ruler to govern meant to sit in judgement; to 'find', ascertain and confirm law was the ruler's main political responsibility.

The rulers performed this task within two main constraints. The dominant ideology contained the idea that the rulers had received their authority from God, *Dei gratia*. As deputies of Christ, *vicarii Christi*, their office, as *ministerium*, obliged them to perform their duties in a devout and just way. But in so far as the rulers' 'legislative' power was subordinated to their judicial power (or, rather, was by and large comprised by it), they did not only rule under God but also under the law. This constraint of the ruler's

authority, which was rooted in religious ideology, was complemented by a political constraint. The power structure of medieval society, which was characterized by a plurality of autonomous, if not autogenous, authorities with economic and military resources of their own, prevented the ruler from imposing law without the consensus of the *meliorum et maiorum terrae*. Herein lies the fundamental tension of the medieval polity: as a consequence of the feudal contract, the vassals were obliged to give aid and counsel, *consilium et auxilium*, to their feudal lord; but given the fragmented power structure, this duty to give advice could be transformed into a right to be consulted and even the right of approval. Likewise, the duty to come to the support of the lord could be interpreted as legitimating the participation in the administration of the realm. While the nobility was thus providing power resources for the ruler, at the same time it also restricted his use of these resources. In the course of this negotiated confrontation, the nobility acquired (and reaffirmed) legal rights which further bound the ruler. These *iura quaesita* were, in principle, unimpeachable by the ruler. This led to a situation in which particularistic law or individual rights held predominance over general or universal law [Brunner 1973: 133-46; Boldt 1984: 48-50, 54-9; Berman 1983: 292-4, 482-6; Maier 1980: 50-3; Raeff 1983: 53; Brauneder 1976: 210; Merk 1934: 481-99].

Keeping the peace and providing justice were the two main responsibilities and justifications of royal authority. The task of preserving the peace, however, gave the rulers the opportunity of formulating and creating new law in the imperial and territorial peace statutes [*Landfrieden*]. Between 1103 and 1235 eighteen

imperial peace statutes were issued; and between 1093 and 1235 ten territorial peace statutes were published. It was this legislation which turned a ruler increasingly into a *legum conditor*. The peace statutes of the twelfth and thirteenth centuries were mainly concerned with preventing violence, blood feuds and duels, but also with preserving public order more generally, which led to including some matters of an economic and administrative nature into the statutes. To achieve these goals the existing legal order was systematized and reformed and rulers demanded of all people within their jurisdiction to obey these new laws. This legislation remained firmly rooted in the legal thinking of the time in that it emanated from the ruler's duty to maintain *pax et iustitia*. In the late middle ages the regulative force of these statutes waned and aristocratic self-help to redress perceived wrong came to the fore again. It was only in 1495 that a new Imperial Peace Statute was issued at the imperial diet at Worms forbidding feud and violent self-help. But the '*Ewiger Landfrieden*' ['Eternal Peace of the Land'] of 1495 was not an expression of the authority of the Emperor, rather the contrary: The Imperial Estates acquired the right to determine the composition of the Imperial Court [*Reichskammergericht*] which was designed to guarantee the peace by allowing and securing due legal process. The Imperial Peace Statute of 1495 thus restricted, not augmented, the legislative power of the Emperor [Boldt 1984: 56-7, 123-4, 256; Berman 1983: 493-510; Oestreich 1980: 21-4; Brunner 1973: 17-9; Gernhuber 1952; Angermeier 1966; Landwehr 1968].

Since the notion of the ruler as legislator was familiar through the tradition of the peace statutes, the police ordinances of the 16th century, as enacted

law, did not break completely with legal tradition. Furthermore, though police legislation was the prerogative of the ruler, co-operation between him and the Estates was by no means ruled out. Thus the police ordinance of Lower Austria of 1552/1568 stated that it had been issued with the knowledge and consent of the Estates [Cod. Aust. II: 147]. It was a kind of emergency legislation, dictated by dire need [*der notturft nach*], and passed in the interest of the common weal [*gemeiner Nutzen*]. Well into the 17th century, police ordinances were typically drawn up on the instigation of the Estates and with their active participation [Schulze 1982: 39]. The decline in the power position of the Estates in the wake of the Thirty Years War found one of its expressions in their diminished role as participants in police legislation.

It was through defining and re-defining the meaning of the 'common weal' that the territorial rulers attempted to undermine existing *iura quaesita* which restricted the growth of their legislative authority. As long as the Estates had not yet been deprived of their power, the notion of the *bonum commune*, which the ruler had the duty to guarantee, was entwined in the notion of *pax et iustitia*; the legislative authority of the ruler, as expressed in the police ordinances, was considered to emanate from his judicial power. The common weal or welfare was seen as the result of justice as represented and exercised by the ruler and of the condition of peace to which this justice gave rise. But this consensual understanding of the legal and political order was undermined by the development of absolutism. The definition of the common weal now became the domain of the ruler and his staff; it became the strategic point of the ruler's penetration into the traditional power

structure in his attempt to accrue powers to himself which so far he had had to share with the Estates [Maier 1980: 157-9; Merk 1934: 503-9].

By the ruler's appellation of the common weal, 'policey' could be constituted as *ius inspectionis* and as *ius reformandi politicum*, i.e., police legislation could claim the right and duty, not only to oversee the social and political consequences of the *iura quaesita* as they materialized in 'private' legal orders, but to redress any resulting harm to the *salus publica*. And even if this common weal was defined in a traditional way as the maintenance of the old status order, in a time of fundamental social and economic change the ever more far-reaching police regulations in defence of the old order could not but strengthen the state as legislator and thus contribute to its rise above the old powers [Preu 1983: 47-51; Willoweit 1978: 20; Grawert 1972: 11-4; Maier 1980: 119; Wessel 1978].

We can gain an insight into this process by reconstructing the notion of the 'good order' which informed the police ordinances. The Imperial Police Ordinances of 1530, 1548 and 1577 regulated a variety of activities and circumstances. In order to prevent the blurring of status distinctions, dress regulations and sumptuary laws were enacted whose disregard was either punished by the confiscation of the luxury item or by the imposition of a high fine. These sumptuary laws also covered excessive expense at christenings, weddings and funerals. Blasphemy and cursing was made punishable as was adultery, concubinage and procuration of women. Provisions prohibiting the formation of economic monopolies as well as the practice of selling and buying goods under avoidance

of market transactions [*Fürkauf*] were among the most important regulations concerning economic matters. Profiteering, usury, and embezzlement was considered a criminal offence and so was breach of trust, particularly in cases of wardship. Slander and libel became punishable; adulterators of wine and of foodstuffs faced severe penalties. Such was the range of the provisions and prohibitions in the imperial police ordinances that increasingly all imperial criminal law was concentrated in these ordinances [Segall 1914: 101; Maier 1980: 83]. Since the Imperial Peace Statute of 1495 had already outlawed feud or private warfare as a legitimate means of redressing private grievances, issues of 'public order' in the narrow sense of public tranquillity and the absence of illegitimate violence in social relations were marginalized in these ordinances [Koch (ed.) 1747, vol. II: 332-45 (1530), 587-606 (1548); vol. III: 379-98 (1577) for edition of Imperial Police Ordinances].

By and large the police ordinances of the principalities within the Empire resembled the imperial police ordinances. The Police Ordinance of Lower Austria in 1542, for example, maintained that vice, frivolity and wrongdoings of the populace had stirred the wrath of God. This was evident in the threat to the well-being of the population posed by the Turks and by inflation. The reformation of good police [*Reformation guter Pollicey*] was therefore necessary. The Police Ordinance of Lower Austria in 1568 reiterated the concerns and objectives of the 1542 ordinance. Vice and frivolity, annoying bad habits and extravagance, expressed by gluttony and unseemly and immoderate attire, had brought the wrath of God in the guise of the Turks upon the populace. Re-establishing a common order and good police [*eine*

gemeine Ordnung und Reformation guter Politzey] made it incumbent upon the ruler to implant [*Pflanzung*] virtue, propriety, discipline, decency and piety in his Christian subjects [Hanns Singrüener n.d. for Police Ordinance of 1542 ; for Ordinance of 1568: Cod. Aust. II: 147-51; on Ordinance of 1552: Brauneder 1976; Hampel-Kallbrunner 1962: 45-9 on dress regulations].

In these as in other territorial police ordinances of the 16th century, 'good order' was related to concerns about morality and comprised primarily the conduct of a virtuous and religious life. Religion, both as a body of beliefs and as a pattern of behaviour was the primary concern. Good order was thought to exist only if the subjects led a modest, orderly Christian life. It is therefore not purely accidental that the list of regulations in the police ordinances of the 16th century frequently commenced with prohibitions concerning blasphemy and cursing: Apostasy of religious faith was considered to be the root of all social evil and disorder [Knemeyer 1967: 179; Raeff 1983: 167-81].

Though police legislation increasingly constituted the main bulk of the *ius publicum*, it also contained rules and regulations concerning the *ius privatum* [Schmelzeisen 1955; Schmelzeisen (ed.) 1968 and 1969 for edition of German police and territorial statutes]. The civil and public law dimensions of police legislation are particularly well manifested in the state's concern with monitoring and deploying the country's population in general, and the labour force in particular. Numerous pieces of police legislation between the 16th and 18th century attempted to secure a continuous supply of the work

force and to shape the conditions of work. The fundamental principle, underlying police regulations on work, was simple: idleness is the parent of vice, and, in particular, of begging and vagrancy. Idle persons were not tolerated: should admonition or imprisonment not convince them of the social undesirability of their behaviour, idle persons should be ordered to leave the territory [Cod. Austr. I: 205 (January 1679) where penalties are listed for workshy vagrants ranging from expulsion and incarceration to capital punishment "in order to set a warning example"]. According to an ordinance for Vienna in 1563, all unemployed people should be expelled from the city. To prevent them from finding accommodation, the police ordinance in 1597 threatened all innkeepers with severe punishment should they give board and lodging to the unemployed (as well as to vagrants and criminals). Such was the concern of the authorities with detecting the unemployed that in the early 18th century special district commissioners were set up to trace the whereabouts of unemployed individuals. In 1721 these commissioners were placed under a special municipal commission for security [Geschichte Wien V/2: 133-5].

Closely connected with the question of work and idleness was the problem of the poor and beggars. How best to deal with them was a major political issue. One recurrent trait of the attempts to come to grips with this problem was the distinction between 'deserving' and 'undeserving' poor. In Vienna in 1443 an ordinance regulated the tasks of the city official [*Sterzenmeister*] who had the penal authority over local and foreign beggars [Luschin v. Ebengreuth 1879: 233]. They had to prove to him that circumstances beyond their control had compelled them to take up

begging. If he was convinced of the truth of their claim, he could issue a certificate allowing them to beg provided, however, that they could prove knowledge of the common Christian prayers and that they had gone to confession during the previous year and received the sacraments [Weiß 1882/I: 361].

The police ordinance of 1552 made it incumbent upon the parish authorities to provide for their poor. Apart from giving alms to their poor, local authorities discharged of their duty by issuing certificates to their 'deserving' poor which allowed their holders to beg within the locality [Feig] 1964: 128-30]. The financially less well-off parishes, however, were legally entitled to issue certificates granting the right to beg outside the locality. For holders of such a licence, Vienna seemed to be the most rewarding place. But with an increasing number of certified as well as unlicensed beggars and vagrants, particularly during the 'crisis of the 17th century', there arose the need of controlling this category of people more stringently [Hoffmann 1952: 246-8 states that in 1727 about 8 or 10 per cent of the population of Upper Austria, i.e. almost 26,000 people were considered by the government to be in need and deserving of support].

The local authorities were reminded by the government that they had an obligation to look after their 'deserving' poor; should they not comply with this rule they would face severe penalties. But the reissuing of such admonitions indicates that the local authorities did not heed them [Cod.Aust. II: 76 (ordinance of 1662), 76-7 (for its reissue in 1682); Cod.Aust. I: 207-9 (ordinance in 1695)]. The county courts [*Landgerichtel*], which were under the authority

of local aristocratic landlords, were urged to cooperate in order to improve the combat of vagrancy [Cod.Aust. I: 727, 730 (Ferdinand III's county court regulation of 1656), 757 (for ordinance in 1697)]. But for reasons discussed in the previous chapter, the state was rather powerless to coerce the local authorities and power-holders into determined action. It thus took it upon itself to persecute the beggars and vagrants.

In the 18th century, 'police' raids across the country to apprehend suspicious individuals were made fairly frequently [*Land-Visitations-Ordnung* in June 1727, in: Cod.Aust. IV: 433; *Visitations-Ordnung* (Upper Austria) 1752 in: Sammlung/MT I: 376-83]. In 1721 in one of these raids, the government of Lower Austria deployed more than 1000 cavalry and four-hundred infantry in addition to the forces provided by the local authorities [Gutkas 1973: 297-8]. Those able-bodied, unlicensed vagrants, caught either in these raids or in the course of normal policing, could be compulsorily conscripted into the army [Cod.Aust. I: 206-7 (March 1693); 210 (May 1697); 216 (February 1698); Sammlung/MT III: 222 (August 1755); V: 60-1 (June 1766); VIII: 492-6 (December 1767)]. But while the army thus contributed to the endeavours of the state to police vagrants and beggars, it also contributed to the problem of vagrancy. Discharged soldiers frequently roamed the country begging for money and sustenance but also extorting money by force [Cod.Aust. I: 4-5 (for 1606/1609/1611)]. Crippled and disabled soldiers who could not find employment added to the problem. The period of war between 1672 and 1714 aggravated the situation and it was in response to deteriorating conditions that the state embarked on a policy of devising state-subsidized invalidity

provisions for disabled soldiers. This policy was the starting-point for a comparatively wide-ranging system of state provisions such as pension schemes for civil servants in the course of the 18th century [Wunder 1984].

Yet another way of dealing with the 'undeserving' poor or beggars was to put them into workhouses [Cod. Aust. II: 545-7 (July 1671); I: 205 (January 1679); 209-19 (May 1697)]. There they had to work for the food and shelter they received. The first of these houses was founded in 1671 in Vienna (Leopoldstadt) and over the next hundred years or so eleven more of them were established throughout the Habsburg monarchy [Bruckmüller 1985: 270; Stekl 1978: 62-73, 181]. Beginning in the 1720s, mercantilistic ideas penetrated this mechanism of social control. Charles VI envisaged a network of such houses across the country engaged in manufacturing. For small wages the inmates, hitherto "idle persons", would produce goods out of domestic raw material so cheaply that expensive imports would be unnecessary thus making sure that, "for the common good", money would not leave the country [Cod. Aust. IV: 160 (January 1724)]. The workhouses thus acquired a double task. First, they should 'socialize' the inmates so that they would become obedient subjects; second, they should instil a strict work discipline in the inmates without which an efficient work process would not be possible [Stekl 1978: 91].

The 'policing' of economic activities was also manifested in rules forbidding workers to go into service with more than one employer or to change the place of work (or, for employers, to take someone into employment) at times other than stipulated in the

ordinances [Schmelzeisen 1955: 328-381. This provision was meant to contain competition amongst employers for workers in times of scarcity but also to restrain workers from achieving an advantageous wage-bargaining position [Cod.Aust. I: 281-2 *Dienstbotenordnung* (September 1688)]. With regard to the level of wages, ordinances frequently set an upper limit to prevent workers from taking advantage of the scarcity of labour and demanding higher wages [on wages for day labourers: Cod. Aust. I: 480 (ordinance for woodcutters in 1689), Cod. Aust. II: 425-32 (ordinance for labourers in vineyards in 1666)]. These regulations harked back to economic measures taken by the territorial rulers and the manorial lords since the second half of the 14th century. After the Black Deaths in the middle of 14th century a policy of regulating wages and working-conditions had been pursued to combat the strengthened position of peasants and day-labourers which had resulted from the decline in population. As early as 1352, for example, wage scales for labourers in vineyards had been fixed in response to labour shortages [Mitterauer 1974: 36-7; Lütge 1950: 193-8; Hon-Firnberg 1935: 55-112]. The new police ordinances explicitly forbade to demand, concede or agree on wages higher than the officially fixed rates [Schmelzeisen 1955: 350-9]. These attempts to coerce workers into compliance were underpinned by outlawing workers' combinations [Tyrol Police Ordinance of 1573, and the Austrian Ordinance for Domestic Servants 1688 in: Cod.Aust. I: 278-81, S10; Schmelzeisen 1955: 367-8].

Police ordinances also legislated on the conditions of taking up a profession or entering a trade. The 'policing' of the guilds can serve as a prominent example. Typically, craftsmen could only

pursue their occupation as members of a guild. But in their policy against monopolies, territorial rulers would sometimes threaten to license outsiders should the guilds not perform their duties which they were considered to have vis-à-vis the public. It could also happen that guilds suffered attacks at the hand of the rulers who tried to suppress them out of opposition to any sort of semi-private associations. The Tyrol Ordinance of 1602, for example, forbade blacksmiths and carpenters to form a corporation or guild [Schmelzeisen 1955: 305, n. 82]. Over the years, the guilds became public bodies in that they owed their privileges to the sovereigns' concessions [cf. King Matthew's decree in 1617 that henceforth all guilds needed the sovereign's concession: Hoffmann 1979: 230-11]. But it was only in the second half of the 18th century that the guild system in Austria came under sustained political attack. At the end of the reign of Joseph II gradual reform had whittled away the power of the guilds. An important step towards curbing their power was the division of industrial enterprises into those producing for the local market ['police' industries] and those producing for a distant market, either domestic or foreign ['commercial' industries] in 1754. These 'commercial' industries were placed outside the guild restrictions. As a consequence, the number of masters working for distant markets was not any longer determined by the guilds but by market forces. This policy did not only establish the state's supervisory control over the guilds, it also allowed to instrumentalize the guilds for a state policy aimed at stepping up economic production and to increase the population and thus the economic and political power of the state [on 'police' industries: Slokar 1914: 132-42; Pribram 1907: 38, 104, 268; Gutkas 1984: 182;

on the guilds: Komlos 1986: 442-8; Hoffmann 1952: 399-415].

The economic measures contained in the police ordinances of the 16th and early 17th centuries did not amount to a mercantilistic policy 'before mercantilism'. The goal of these economic policies was the maintenance of a 'moral economy': the preservation of the established status order by securing the means of subsistence for each established 'estate' and social group according to its respective ranking, standing and tradition [Hartung 1950: 76-7]. But there occurred a decisive shift after the Thirty Years War which did constitute a new departure. In the period of reconstruction after the breakdown of political, economic and religious order, the state's aim of achieving financial strength through economic growth gained priority in economic policy over the maintenance of the 'moral economy'. It now became the aim of the economic policy of the state to manipulate and mobilize all sections of society in order to increase, and make use of, the economic potential of the country [Preu 1983: 17].

The police ordinance which Leopold I issued in 1671 indicates the changes taking place in the last decades of the 17th century [Cod.Aust. II: 153-9]. As so often before, the ordinance imposed sumptuary laws restricting in particular the wearing of luxurious dresses. In one respect, this ordinance remained within the traditional form: it asserted the importance of maintaining social distinction and distance between the various groups of society [Plodek 1976: 100-1]. Conspicuous consumption was accepted as an affirmation of status; attempts of certain sections of society to live outside their station by emulating

their social betters were deplored. While the highest three ranks of society were thus exempted from the regulations concerning the wearing of dresses, the rest of society had to conform to the newly laid-down rules. But in two other respects, this police ordinance expressed the realities of a new age. To start with, the traditional religious motivation for issuing an ordinance had receded. The ordinance was formulated, not in order to redress religious or moral wrong-doings, but to prevent the purchase of expensive foreign goods which led to "an extremely large sum of money" to be taken abroad. The ordinance thus perceived a sovereign territory as a spatially bounded economic area - a major step towards state-formation. Furthermore, the classes which were established by the ordinance were constructed with reference to the sovereign's court; the closer in their political, social and administrative functions individuals were to the centre of courtly life, the less they were restricted by the provisions concerning the wearing of particular types of clothes. In both respects, the sovereign became the focal point in the ordinance.

This trend was reinforced in the police ordinance of 1686 [Cod.Aust. II: 159-61]. Whereas in the ordinance of 1671 the three highest ranks of the status order had been exempted from the provisions concerning 'conspicuous consumption', they, too, were now subjected to the new rules. This inclusion indicates the increasing incorporation of even the top status groups into a system of domination which centred on the ruler residing at his or her court. Furthermore, the ordinance of 1686 put the ruler's officials in charge of executing the new regulations. The responsibility of the state for maintaining good order was thus firmly extended to include not only

legislative duties but also executive tasks. This could not but mean a subordination, at least in theory, of the local aristocracy under the supervision by the state [on police ordinances of 1671 and 1686: Bruckmüller 1985: 276-8; Hampel-Kallbrunner 1962: 50-63]. In 1697, finally, the sumptuary laws became a means of enhancing the revenue of the ruler who faced financial difficulties due to the Turkish wars. The ordinance stated that the financial burden of the wars made it necessary to impose a fine for the wearing of dresses embroidered with silver or gold or, alternatively, to sell licences which exempted their holders from these provisions [Cod.Aust. II: 165-6]. By the end of the 17th century, then, the ruler's interests and concerns had firmly taken the central place in the territorial police ordinances.

When in August 1749, during the great reforms of the state under Maria Theresia, the subject-matter of 'police' was raised, the discussion and understanding of 'police' was informed by the developments since the second half of the 17th century. For Count Haugwitz, Maria Theresia's chief reforming minister, the main goal of a well-organized police was to ensure that money was not to leave the country in exchange for luxury goods from abroad. In line with mercantilistic thinking and the disciplining thrust of the intensifying absolutist state, the officials in the '*Directorium in publicis et cameralibus*' were agreed that squanderers had to be compelled to show moderation [OEZ II/1/1: 242 f.; Mayer 1986: 77]. It was this reasoning which led 'logically' to an ordinance on luxuries in September 1749. Not as if this ordinance prohibited the purchase of luxury articles; rather it set out to prevent the import of luxury goods and articles. Apart from mercantilistic

ideas, consideration for the status concerns of the aristocracy and for the adverse impact on the domestic industry of sumptuary laws as well as the difficulties, thought unsurmountable, in enforcing them, informed this ordinance [OEZ II/2: 391 ff.].

It thus retained the main thrust of the luxury 'Patent' of 1732 [Cod. Aust. IV: 770]. There, for the first time, it had been explicitly stated that the domestic industry which produced luxury items should be protected against foreign competition. The state's policy concerning luxury had thus taken a decisive turn. Up to the middle of the 17th century, sumptuary laws in general, and luxury decrees in particular, were motivated by attempts to stabilize and maintain the traditional religious order and the status distinctions between the ranks of society. After the end of the Thirty Years War these motivations receded in importance and rational considerations commensurate with mercantilistic policies came to inform state policies on luxuries. The ruler's interest in economic protectionism went hand in hand with the realization that economic and social developments had transformed society to such a degree that the traditional status order could not possibly be re-established by passing traditional sumptuary laws [Stolleis 1983a: 35-50].

The concern for the promotion of the welfare and economic interests of the state, which could be discerned in the regulations regarding luxury, also informed the draft by the government of Lower Austria of the realm of activities subsumed under 'police' which was presented to Maria Theresia in 1768. It was maintained that police was nothing but the promotion of the well-being of the individual families in order to bring about the welfare of the state as a whole

[Bibl 1927: 211]. Starting from this premiss nine areas of police activities were distinguished: population policy, health, religion and propriety, supply of victuals, supervision of the quality of foodstuffs and other vital goods and their price, industry (which included education, soil cultivation, matters concerning trade, commerce, crafts and industry proper), poor relief as well as unemployment relief, building police, and, finally, 'administration', i.e., the execution of police regulations [Walter 1927: 22-3; Osterloh 1970: 137, n. 5; Bibl 1927: 211-3; Kallbrunner 1916: 239]. All these areas were claimed to fall firmly within the policing duties of the state.

B) 'Police' and natural law theories of the state.

The police ordinances since 1671 reflected the increasing political predominance of the territorial ruler. This predominance was ideologically supported by the natural law theories which had been formulated since the late 17th century. Since then, and well into the second half of the 18th century, 'police' was thought to be concerned with promoting the public good, the happiness, or even bliss [*Glückseligkeit*] of the population. To put it more succinctly: Since the mid-17th century the purpose of the state had been seen, both by the rulers themselves and the majority of the natural law theorists, as going beyond the confines of preserving *pax et iustitia* and comprising the task of actively promoting the secular and material welfare of the state and the population. *Salus publica* and *felicitas/beatitudo civitatis* replaced *pax et iustitia* as the primary definition of

the *Staatszweck* or 'state-objective'. Not the 'reformation' of a destabilized 'good old order', but the creation and formation of a new order based on reason and rationality was now thought to be the ruler's task [Scheuner 1979: 477-82; Engelhardt 1981: 48-50; Wessel 1978: 135-50; Hennis 1959; Funk 1863: 536-7; Wehler 1987/I: 233-40].

In Christian Wolff's rationalistic natural law theory, *societas civilis*, which was thought to have been established through a social contract and to be identical with the 'state', was "a means to promote the common weal [*gemeine Wohlfahrt*]". The contractual relationship between sovereign authority and its subjects comprised the promise by the ruler "to muster all his powers and diligence to devise those means beneficial to the promotion of the common weal and security and to make all necessary preparations for their deployment". The subjects, on the other hand, promised "to consent and accede to any given instructions which are considered by the ruler to be beneficial to them" [Wolff 1725/1756: §§4, 230; 223, 433].

This theory established a particularly strong teleological conceptualization of the 'state'. The state had now become a rationally created means to achieve an end which was conceived as prior to the state. This meant, in effect, that political rule or domination could not any longer be derived from, and legitimated by, its origins, for example as being *dei gratia*; rather, political legitimation was derived from the purposive and rational pursuit of common welfare as the contractual end [Niedhart 1979: 201]. In Wolff's philosophy, every activity was regarded as lawful which conformed to reason. The state as the

sole and only guardian of the common weal was not only entitled to but, indeed, obliged to subject to its direct control all facts of social life [Strakosch 1967: 120; on Wolff cf. Krieger 1957: 66-71; on Pufendorf, Wolff and the influence of natural law theories on the policies of enlightened absolutism: Voltelini 1910; Stolleis 1981: 67; Stollberg-Rilinger 1986: 103; Bloch 1961: 65-6; on the relationship of natural law, rationalism and enlightenment/enlightened absolutism cf. Wieacker 1967: 249-347].

In this theory, as in all the other natural law theories before the middle of the 18th century, the *common good* was not defined by taking the welfare and well-being of individuals as the starting-point. Rather there was the assumption of a coalescence of the interests of the state and those of the individual subjects (organized in patriarchal families). Should a conflict between these interests arise, then private interests should be curbed in favour of public/state interests. Thus, on the one hand, the state-objective of common welfare confined domination by formulating a 'social' goal the pursuit of which was considered the only legitimate activity of the state. On the other hand, however, it was left to the ruler's discretion to determine the means which would serve the common weal best; to destroy those political or social forces thought to prevent its promotion; and to decide on the degree of 'civil' liberties permissible from the point of view of the common welfare. This ambivalence was particularly manifest in the writings of Justi and Sonnenfels who, in the second half of the 18th century, were influential in forming political thinking in the Habsburg monarchy [Tribe 1988: chap. 4].

Johann Heinrich Gottlob von Justi, who, in the early 1750s, had taught in Vienna, adhered to Wolff's teleological conceptualization of the state. The creation of "the common blissful happiness [*gemeinschaftliche Glückseligkeit*] of ruler and subjects" was the purpose of the state; it was the duty of the ruler "to maintain and increase the fortune and assets of the state and make his subjects happy" [Justi 1755/II: §15; I: §21]. Justi conceived the relationship between ruler and subjects as one of mutual obligations: the ruler's responsibility with regard to the promotion of happiness was matched by the subjects' duty to obey [Justi 1755/I: §21; Haussherr 1953: 84]. But not only did the state become a means to an end in this theory; the subjects, too, became instrumentalized as a means of the state: it was their duty "to promote with all their powers the welfare of the state" [Justi 1771/1969: §136]. This idea was derived from the quintessentially cameralistic notion that the welfare of the individual subject was a necessary precondition for the ruler's financial wealth. Thus, whereas rational natural law served as the springboard for the definition of the state-objective, cameralistic theories informed the thinking about the practical policies and, at the same time, served as their justification [Stollberg-Rilinger 1986: 104-5, 109-10].

Justi defined 'policey' as the "science to organize the internal constitution of the state in such a way that the welfare of individual families should constantly be in a precise connection with the public good [*dem allgemeinen Besten*]" [Justi 1760/I: §3]. This view of the police was shared, as we have seen, by the government of Lower Austria in 1768. Police was thought of as an activity aimed at

mediating between the happiness of the individual (family) and that of the state. Justi thus rejected the idea of a coalescence of private and public interests. The recognition of private interests led to the idea of a sphere of civil liberties which remained outside the reach of the state. Justi argued that "as long as the citizens are obliged to obey only those laws that had been enacted for the common happiness, they are in fact free. This is the essential characteristic of civil liberties [*bürgerliche Freyheit*]" [Justi 1771/1969: §235].

But this assertion of the *libertas civilis* remained restricted in several ways: first, happiness as the purpose of the state remained the determinant of liberty; second, neither ruler nor 'state' were said to be equally bound by enacted law; third, there were no legally fixed guarantees of those liberties. If the common weal was both linked to private welfare and was dependent on the balance of individual happiness and the happiness of the state, then the activity of the state had necessarily to be concerned with both private and public happiness at the same time. The pursuit of private interests could not be left to the discretion of the individual (family), but had to become an area of intervention within the purview of the state. Furthermore, according to Justi, the overall aim of the state had to be to curb the power and influence of all social groups and the political estates to remove any possibility of them challenging the authority of the state and, as a result of their struggles between themselves, destabilizing the community. Neither was thought to be beneficial to the common welfare [Justi 1755/I: §76; Schulze 1982: 94; Klippel 1976: 63, 66; Stollberg-

Rilinger 1986: 120; Kluefing 1986: 87-114; Engelhardt 1981].

For Justii 'police' comprised all activities concerned with the promotion of the common weal. 'State-objective' and 'police-objective' were identical: the furtherance and maintenance of the *salus publica*. Joseph von Sonnenfels, who took up a professorship in Vienna in 1763 and was to be an influential member of the political classes in the Habsburg monarchy over the following decades, however, departed from the tradition of equating police with welfare. For him "police is a science to establish and manage the internal security of the state" [Sonnenfels 1768/I: §29]. The sphere of internal security, as the area of police intervention, comprised two distinct dimensions: "public security" as the condition where the state had nothing to fear from its citizens, and "private security" as the condition where the citizens were protected from illegal encroachments by the state on their civil liberties as well as from attacks on their life, property and honour [Sonnenfels 1768/I: §§ 31 ff.; Osterloh 1970: 49-79 for summary of Sonnenfels's 'Polizeywissenschaft'; Ogris 1988: 26-30]. The concern for both "public security" and the citizen's protection against criminal assault led to Sonnenfels's involvement in the formation of police forces under the control of the state.

There are two aspects in Sonnenfels's arguments which are of some importance to our discussion. First, it would be wrong to assume that those activities which were aimed at promoting (economic) welfare would be considered as falling outside the purview of the state now that police was conceptually restricted to establishing and managing internal security. Rather,

Sonnenfels accepted that economic changes had brought a certain degree of autonomy for private economic activities. A distinct economic discipline, the '*Handlungswissenschaft*', was to analyse these new developments [Osterloh 1970: 79-104]. Freed from economic considerations, the 'security' police (forces) could now be used more efficiently to deal with the disruptive effects of the strengthening of private forces which resulted from the economic changes. The police (forces) were construed as a coercive instrument which intervened when it became necessary to "keep the private forces in a position of subordination to the forces of the state" [Sonnenfels 1817]. In so far as the control over the police (forces) should reside with the territorial prince, this new definition of police extended the power of the ruler to the detriment of the Estates and local power-holders [Link 1983: 536-7; Maier 1980: 187-8; Schulze 1982: 102-9; Preu 1983: 157-64].

This description of the task of the police as a guarantor of 'public security' sheds ample light on its importance for maintaining 'private security'. For Sonnenfels 'civil liberties' consisted in the "freedom to act in so far as this act did not violate public welfare [*öffentliche Wohlfahrt*]" [Sonnenfels 1768/I: §76]. This understanding of civil liberties remained in line with the position already taken by Justi. However, Sonnenfels supported attempts to codify criminal, public, and civil law. Such codification was an important step towards establishing 'private security'. A certain degree of coherence and predictability of the law would be achieved by formulating legal principles as the cornerstones of codified law [Strakosch 1967; Ogris 1981: 146-51;

Matis 1981a: 21; on codification: Kocher 1985: 380-3; Wieacker 1967: 335-91.

But Sonnenfels did not transcend the confines of monarchical absolutism. On the one hand, he was adamant that legislation should bind the ruler as well as the ruled and be limited to those enactments which pertained to the common weal. On the other hand, however, Sonnenfels left it to the monarch's discretion to determine whether any particular law did or did not contribute to the *salus publica* [Sonnenfels 1768/I: §76; Ogris 1988: 35, 42-51; Wolff 1725/1756: §433 argues that subjects do normally not know what constitutes the common good]. This bias in favour of the monarch was also reflected in Sonnenfels's notion of 'police'. As the police was charged with controlling social groups in order to prevent any of them gaining a preeminence which would threaten not only social harmony and happiness but also the very existence of the state, Sonnenfels understood the police as an instrument used by the absolutist state as a means of securing its own existence [Osterloh 1970: 51].

A second aspect of Sonnenfels's discussion of the police deserves attention. Standing in a legal and theoretical tradition which went back to the late 15th century, Justi conceived police essentially as '*cura promovendi salutem publicam*'. By removing concern for welfare from the field of activity of the police, Sonnenfels defined the task of police much narrower than the overarching 'state-objective'. Pütter in 1770 epitomized the new departure in the thinking about police when he conceived police as '*cura avertendi mala futura*'. Not the promotion of the common good, but the concern for averting the ills to come would

increasingly define the task of the police. It was this re-definition of police which shifted the meaning of police as the synonym of good government and public order to a conceptualization of the police as an organizational force charged with maintaining public order and safety and with preventing and investigating unlawful activities [Pütter 1770: § 321; Maier 1980: 163; Walter 1927: 25; Pasquino 1978: 45-7; Preu 1983: 167-92].

The dissociation of an all-encompassing notion of *bonum commune* and the narrower concept of internal security made two different kinds of developments possible. On the one hand, 'police' could develop into an executive organ of the state. While the state claimed the sole competence of defining the common weal (which was equated with the welfare, internal security and survival of the state), the police would become that governmental instrument which performed all those tasks without which the internal security of the state would be put in jeopardy. As we shall see in the following chapter this was the course of events in Austria since Joseph II and his Minister of Police, Count Pergen who established a secret police force operating throughout the monarchy. Its main task was the surveillance and apprehension of individuals considered to be enemies of the state [Walter 1927]. On the other hand, a re-evaluation of the notion of *salus publica* would lead to a different definition of police. In the last two decades of the eighteenth century German idealist philosophy set out to destroy the natural law theories regarding the 'objective' of the state. The concept of *salus publica* was, rightly, interpreted as enabling the state to interfere with the self-determination of the individual. In clear contradistinction it was maintained that it was a

human right of each individual to embark on 'the pursuit of happiness' unencumbered by the 'police' state [on the impact of the American Revolution on German political thinking cf. Dippel 1978].

In this theory, the scope of state activity was limited to guaranteeing a legal framework which would allow each individual to participate in society on the basis of individual property/properties. For Kant, *salus publica* was exactly that legal constitution which guaranteed everyone his freedom within the law. Kant maintained that, within such a legal context, everyone would retain the right to pursue his own happiness by whatever means, so long as he did not impair the general lawful freedom and thus the rights of his fellow subjects at large [Kant 1793: 382; Schulze 1982: 152-7; Scheuner 1979: 486-8; Klippel 1976: 131-4; Engelhardt 1981: 70, 75; Preu 1983: 193-273; Stolleis 1981: 75-9; Krieger 1957: 86-125]. This perspective led to the conceptualization of police, not as an interventionist force with almost totalitarian powers, but as an executive body operating within the law. It was charged with ensuring that all hindrances and threats to the security and welfare of the *citizen*, not the state, were averted thus enabling his self-determined individual pursuit of happiness [Berg 1799-1809; Funk 1863: 513-5; Maier 1980: 200-7].

Towards the end of the 18th century in Austria, there was not yet an economic and social basis for a potent 'bourgeois' society which could have transformed theory into practice. There, in the last decade of the eighteenth century, the reality was a restaurative state, as we shall see later in this analysis of the Austrian state. Nevertheless, the

policies of social engineering by the absolutist Habsburg monarchy had contributed to the gradual emergence of distinct 'bourgeois' groups such as intellectuals and civil servants who were demanding ever more radical political reforms to establish their right of full political participation and social equality [on the Austrian 'Jacobins' cf. Wangermann 1959; Reinalter 1980]. These demands, partially engendered by state policies, were gradually undermining the material and ideological foundations of the absolutist monarchy. At the same time, the policies of the absolutist state, propelled by (geo-) political requirements since the loss of Silesia in 1740 and legitimated by rationalistic theories of rule and domination, had whittled away the power of the traditional bearers of authority, the aristocracy and the clergy. Their attempt to regain lost ground in the period of the Turkish War and the wars with revolutionary France contributed to the formation of an authoritarian régime in the 1790s. This restaurative state used its police forces to stifle and suppress political and social discontent. In the last decade of the 18th century, 'police' was firmly established, and deployed, as the repressive arm of the state.

IV. The formation of the state police in Vienna and the Austrian lands of the Habsburg Empire, 1500 - 1790.

In this chapter I chart the attempts by the monarchical rulers between 1500 and 1790 to organize a state police force under their exclusive control which was charged with maintaining 'good government and order' by enforcing the regulations issued by the monarchical government and contained in the police ordinances. This organizational effort was part of the endeavour of the state to establish a monopoly of the legitimate use of force within its territory.

A) The state police until the reign of Maria Theresia

The efforts of the Habsburg rulers to get a hold over existing police *forces* and to organize their own police under their own control are well documented in the case of Vienna. In 1221, the charter of the city of Vienna stipulated that each citizen had the duty to contribute to the protection of the city against internal and external enemies. This duty reflected the organizing principle of the medieval town in the German lands. The relation of the individual citizen with the town as a corporate body resembled that of the peasant with his feudal lord: he swore an oath of fealty which compelled him to render certain services and perform certain duties in his capacity as a citizen in support of the town. This relationship was normatively founded on the idea of the 'common weal'. Not only did this notion of '*salus publica*' comprise the duty of any citizen not to undermine the common

good, but also to further it by personal services and material contributions [Merk 1934: 486]. The payment of taxes as well as the defence and policing of the town were part of the citizens' obligations towards the town [Brunner 1973: 352-3].

In Vienna, the control over policing lay with the twenty-four aldermen under the direction of the town judge [Polizei 1867: 198; Geschichte Wien II/1 (1900): 465]. The office of town judge, which seems to have been founded in 1137, was under the control of the prince. While the prince retained the right of appointment, the office of town judge had in effect been monopolized by patrician families since the middle of the 13th century [Hellbling 1956: 104-5]. After the plague in the 14th century had depleted the ranks of the civic guard [*Bürgerwehr*], a decree by Rudolph IV in 1361 required all citizens, without any exceptions, to share in the duties of guarding the city [Bibl 1927: 24]. In 1322, the city had been divided into four districts to allow a more efficient policing. Each district had its own civic guards under the command of their captain; the burgomaster of Vienna, however, was in charge of the overall supervision of the guards [Weiß 1882/I: 369-70]. But over the years it became customary for the well-to-do citizens to pay poorer citizens to perform the policing duties in their stead. So unreliable did policing become that the council decided in the middle of the 15th century to staff the guard at the city gates and the city walls with municipal employees [Polizei 1867: 198]. Outside the city walls a 'roaming formation' on horse [*streifende Rottel*] was to protect travellers on the highroads [Mayer 1985: 42; Polizei 1867: 199; Link 1983: 509].

The government [*Regiment*], which Emperor Maximilian I established in the course of his administrative reform in Lower Austria in 1493/1501 as the supreme provincial administrative body and administrative court of the prince, affected the structure of policing in a number of ways. Though policing power in Lower Austria was still exercised by the lords of the manor or, respectively, the municipal council, police supervision now rested with the 'regime' of Lower Austria. This 'regime' was charged with tracing suspicious individuals, interrogating them and, if necessary, trying them. They were responsible for quelling any city riots and, in case of a pending attack from outside, they had to mobilize the defence forces [Mayer 1985: 46 f.; *Polizei* 1867: 198]. To give greater urgency to the activities of the law-enforcing authorities, the instructions issued by Ferdinand I laid down that those people who had suffered from street robbery could claim compensation from the patrimonial authorities responsible for apprehending the robbers if it was proven that they had neglected this duty [Tezner 1898: 41-2, 67-70, 80-6, 107; *Cod.Aust.* I: 102; *Cod.Aust.* II: 146 on the administrative (policing) duties of the local authorities and the procedure for redressing illegal actions by the authorities].

These reforms constituted but another step towards the subordination of Vienna under the control of the prince. In 1517 the Emperor reserved himself the right to assess the suitability of those citizens elected for the position of burgomaster or councillor. After the revolt of the council of Vienna and the Estates of Lower Austria against the 'regime' in 1519/20 was crushed, Ferdinand I issued a new charter

for Vienna in 1526 [Novotny 1963]. It established the office of town advocate [*Stadtanwalt*]. The town advocate was in the employ of the prince. His task was to supervise the proceedings of the city council. Officials from the 'regime' now audited the city's public accounts. They informed the government on any tax arrears and debts incurred by the municipal authorities. Furthermore, twelve of the twenty-four members of the 'inner council', the administrative body of the city, were appointed by the prince. These twelve councillors together with the town judge formed the city court which was in charge of criminal cases and matters arising from indebtedness. Through this new charter the council thus became increasingly subject to instructions and supervision from the government. At the same time, by excluding artisans from membership of the 'inner council', the patrician character of the city council, which had been gradually eroded by an influx of (albeit wealthy) craftsmen since the late 14th century, was restored [Hellbling 1956: 102-8; Oestreich 1980: 127-8; Mayer 1985: 47; Bruckmüller 1985: 148-9, 184-6; Weiß 1883/II: 366-9.

Religious unrest in the wake of the Reformation led to the establishment of the Viennese Day and Night Watch [*Wiener Tag- und Nachtwache*] in 1528 [Veltzé 1902: 9-10; Mayer 1985: 60] or 1531 [Oberhummer I: 30] with a total strength of sixteen men. This watch was formally linked to the municipal finance department [*Ober-Stadt-Kammeramt*] but it did not have a commanding officer who would have organized and controlled its activities. In 1543 this watch was separated into a Day Watch, consisting of seventy men, and a Night Watch, comprising fifteen to twenty men. The Night Watch, which remained under the formal

supervision of the financial department, was now charged with standing guard on the city walls, while the Day Watch, now under the command of a colonel of the guard [*Obrist-Wachtmeister*] and drilled in a military fashion, was to guard the city gates from sunrise to dawn [Mayer 1985: 63; Veltzé 1902: 15-16]. In 1564 the number of men serving in the Night Watch was increased, but its size remained still considerably lower than that of the Day Watch. The scope of duty of the Night Watch was also enlarged and now included policing within the city walls. In the same year the Viennese City Guard [*Wiener Stadtguardia*], consisting of sixty mercenaries and paid by the municipal authorities, was founded [Benna 1942: 91-2; Mayer 1985: 70]. The town advocate was now put in charge of all aspects of policing: all matters to do with 'welfare' (health, poverty, market, trade, cleanliness) and security (including monitoring foreign visitors) fell now within his remit [Weiß 1883/II: 370].

Only five years later a re-organization of the police forces took place. By imperial ordinance, the Night Watch and the Day Watch were reunited and incorporated into the City Guard. The cost of these new City Guards [*Stadtguardia*], which now comprised 150 men, was to be defrayed by the municipal authorities. The Guards were not allowed to enrol men who lived in Vienna. The commanding officer, who was to be paid by the city, had to be presented to the Emperor for approval. The task of these new guards included opening and closing the city gates, controlling the city walls, checking upon dangerous individuals and peacebreakers, and enforcing compliance of the citizens and foreigners with compulsory registration [Mayer 1985: 68-72; Veltzé 1902: 16; Oberhummer I: 30;

Ehrenfreund 1919: 12]. In 1570, in order to improve the policing of the countryside, the Estates of Lower Austria established a police force of forty-five men (including twenty cavalry). Initially, this police force was under the command of the *Landprofoß*, an officer from within the Estate administration, but since the middle of the 17th century, the *Regierungsprofoß* was put in charge, thus linking the force more closely with the territorial ruler [Feigl 1964: 183, n.25].

Both town judge and town advocate in Vienna were, as we have seen, imposed on the municipal authorities by the government. In 1576 the municipal authorities attempted to gain a greater influence in the policing of Vienna by creating municipal police commissioners. But no sooner had these commissioners taken up their jobs than conflicts arose between them and the town judge over the accounting of fines and the apprehension of 'malefactors'. As expected, the government of Lower Austria sided with the town judge and in 1581 the commissioners handed in their resignation. The municipal authorities had evidently failed to establish some autonomous control over matters of policing [Geschichte Wien V/2: 132].

In 1580, faced with the growing danger of Turkish invasions, the government appointed a city commander [*Stadthauptmann*] who was to take charge of the military aspects of the City Guards. But since the municipal authorities had to feed the bill for this force, there remained at least a certain degree of municipal control over the Guards. In 1582 the city commander ordered the Guards to be augmented by enlisting 150 imperial troops. At the same time the Guards' pay was now underwritten by the government

[Veltzé 1902: 24, 33]. But the resistance of the citizens of Vienna was such that no real fusion between the old Guards and the imperial squad [*kaiserliches Fähndel*] ensued [Mayer 1985: 74]. In 1586, finally, the Guards came under the command of the Court War Council and were thus removed from any supervision by the city council, but also from the provincial government [Veltzé 1902: 24]. The resistance to this force, however, did not abate. Such was the attitude of the citizens to the force that the Vienna Police Ordinance of 1597 threatened anyone who attacked the Guards with the imposition of the death penalty in the case of conviction [Geschichte Wien V/2: 133].

The size of the new Guards increased over the years. In 1595 it comprised already 500 men and, in response to the military situation in 1618, the new Guards were augmented to 1200 men. In the same year a troop on horseback of 300 men was formed which was to assist in policing and was also to function as a reconnaissance detachment in case of enemy activities. But mounting costs led to its dissolution in 1621 [Polizei 1867: 205; Veltzé 1902: 39; Mayer 1985: 74-5]. During the siege of Vienna by the Turks in 1663 the Guards, which had been called the 'Imperial Viennese City Guards Regiment' [*kaiserliches Wiener Stadtguardia-Regiment*] since 1634, numbered 2000 men, only to be reduced after the Austrian victory in August 1664 to 1200 men in order to relieve the Estates of Lower Austria and the city of Vienna from a financial burden [Mayer 1985: 75-80; Veltzé 1902: 41; Polizei 1867: 211-2].

The Guards were not a very effective city police force. Bad pay and squalid accommodation contributed

to the demoralization and inefficiency of the force. Furthermore, there appear to have been disagreements between the provincial government and the municipal authority over the deployment of the force as well as an increasing alienation between the citizenry and the Guards [Mayer 1985: 77-8]. One reason for this alienation may have been the involvement of members of the Guards in illegal activities detrimental to the interests of the citizens. In the Vienna market regulations of 1638 and 1665, for example, soldiers of the Guards were accused of being prominently engaged in '*Fürkauf*'. They obviously took advantage of their role as market police to appropriate goods under avoidance of proper market transactions to their own financial benefit [Gigl 1865: 153, 156].

To counterbalance the deplorable state of affairs a new force, the '*Rumorwache*', was established in 1646 which was under the direct supervision of the provincial government. But the establishment of this new force was not just a 'pragmatic' response by the government to 'technical' deficiencies of the existing forces. Rather, it was an expression of the conflict between the prince and the Estates. As I pointed out when discussing the distribution of political power in pre-absolutist Austria, the Estates could rightly consider the government and its highest 'officials' as representing, in the end, their interests. Whereas the City Guards operated under the ultimate control of the prince, the *Rumorwache* was thought to be a 'governmental' force: the City Guards received their instructions from the War Council, the *Rumorwache*, however, was instructed by the government of Lower Austria [Cod. Aust. II: 263 (for instruction in 1672); Mayer 1986: 90; Weiß 1883/II: 403; Ehrenfried 1919: 13]. Since 1654, this new force of five officers and

sixty men was paid, however, by the municipal authorities [Geschichte Wien V/2: 133].

Their duties were comprehensive [Oberhummer II: 203-6 on the instructions for the new force]. They had to apprehend a wide range of perpetrators: blasphemers, be they drunk or sober; workmen and traders who went about their business on sundays and public holidays during the time of church service and mass; beggars without permit and those beggars of Catholic faith who could not prove that they went to confession regularly; Jews without permit to stay in Vienna on sundays and public holidays; magicians, sorcerers and fortune-tellers; prostitutes, adulterers and adulteresses; rapists and those who had committed incest; usurers and profiteers, be they Christians or Jews; drunk and disorderly people; those who stayed on in pubs after licensing hours; all persons bearing arms, except soldiers; people involved in routs and riots; gamblers and thieves, burglars and murderers; those persons who, as bearers of a contagious disease, had returned to Vienna before their days in quarantine outside the city had lapsed. The *Rumorwache* was thus charged with acting as public health officers, maintaining public order, upholding public morality, and providing internal security - all this under the supervision of the provincial government and its officials [The Vienna market regulation of 1647 put the *Rumormeister* also in charge of the market police: Gigl 1865: 153-5]. The instruction of 1706 reaffirmed the tasks of the *Rumorwache* and added as new important tasks street-lighting and fire-fighting. In this new instruction the military character of the *Rumorwache*, in particular with regard to internal discipline, was once again emphasized as was its subordination under

the provincial government [Oberhummer II: 206 'Instruction'].

But there was yet another police force which was controlled by the provincial government: the Security Day and Night Watch [*Sicherheits Tag- und Nachtwache*]. It had already been formed in the 1580s after the old Day and Night Watch had ceased to exist as an independent body. The Security Day Watch was directly answerable to the provincial government, the Security Night Watch, however, was subordinated to the *Rumorwache*. The *Rumorwache*, in turn, was under the supervision of the government of Lower Austria [Seliger/Ucakar 1985: 66]. In the early 1740s the Security Day and Night Watch was commanded by one principal officer and had a total strength of 120 men, divided evenly between the two watches. On the beat, the Day Watch was controlled by four officers and the Night Watch by three. At that time, the *Rumorwache* consisted of one principal officer and his deputy and fifty-three men under the direct command of three sergeants. The cost of the Security Watch was about 10,000 fl., that of the *Rumorwache* about 4,500 fl. [Polizei 1867: 221].

An instruction of 1733 clearly defined the main task of the Security Watch as that of catching beggars. Apart from specifying the lines of command and the duties of the Security Watch, the instruction also specifically warned the Watch not to get in any kind of argument or even fight with the other two forces should they not be given the kind of support by either of them to which they deemed themselves entitled. It thus acknowledged the uneasy relationship between the three police forces and the low position of the Security Watch vis-à-vis the other two forces

[Oberhummer II: 216-26; on the tension and conflict between City Guards and the *Rumorwache*: Cod.Aust. II: 311 (instruction in 1678 and in 1700) which admonished the Guards to co-operate with the *Rumorwache*]. But all three forces were subordinated to the provincial government of Lower Austria, not to the municipal authorities of Vienna; they were not communal or city police forces. The dissolution of the City Guards in 1741, of the Security Watch in 1776, and of the *Rumorwache* in 1791 by the government was proof of this subordination to the government of Lower Austria [Oberhummer I: 34; Seliger/Ucakar 1985: 66-7; Mayer 1985: 93 ff.].

B) The reform of the state police under Maria Theresia

In the reforms of the state in 1749 the *Directorium in publicis et cameralibus* was created as the highest governmental body for the political and fiscal administration of the territories of the Habsburg Empire (excluding Hungary). At the same time, the organization of provincial government underwent far-ranging changes. In the 'Representations and Chambers' [*Repräsentationen und Kammern*], the influence of the Estates was much reduced: provincial government 'represented' now more comprehensively the wishes and interests of the monarch [some aspects of the state reforms will be discussed at the end of this chapter]. The *Directorium* now decided that in all Austrian lands police commissions should be established which would be in charge of implementing this police agenda. These police commissions were to be set up within the 'Representations and Chambers' and their members should be recruited from amongst the

staff of the provincial government [Benna 1953: 198; OEZ II/1/1: 244]. For Lower Austria, however, a different procedure was devised as the reform of the provincial government had not yet been concluded. There, a Court Commission was established which was responsible for the 'welfare' police in all its manifold aspects: from enforcing the luxury decree and the regulations regarding commerce [*Kommerz- und Luxuspolizei*] to dealing with the 'deserving' and the 'undeserving' poor as well as ensuring public safety and security [OEZ II/2: 402].

After some organizational restructuring, the *Hofkommission in Polizei-, Armenverpflegs-, Sicherheits- und Schubsachen* set about their task under the chairmanship of the president of the provincial government of Lower Austria. This presidency had been achieved only after some determined manoeuvre of the provincial government which had feared for its influence should police matters for Lower Austria be decided at the Court without its participation [Mayer 1986: 77-8]. In 1751 this Court Commission was further augmented by incorporating the Court Commission for Endowment Funds [*Stiftungs-kommission*], which was supervising the administration of the financial means used for providing for the 'deserving' poor [Stekl 1978: 33]. The enlarged [Police] Court Commission was formally incorporated into the *Directorium* in February 1752. But within little more than a year this structure was overhauled again when the reform of the 'Representation and Chamber' of Lower Austria was concluded and the duties of the Court Commission fell on this newly organized provincial government [OEZ II/1/1: 244-9; OEZ II/2: 401-7; Bibl 1927: 200; Benna

1942: 68; Benna 1953: 198-200; Osterloh 1970: 47-9; Mayer 1985: 129-31; Oberhummer I: 68].

Notwithstanding these organizational innovations, the *Directorium* was convinced that further changes were necessary since they perceived a widespread disregard for the decrees and regulations issued on behalf of the territorial prince [Bibl 1927: 201-2; Kallbrunner 1916: 238]. This perception had resulted in the introduction of the office of police commissioner for Vienna in 1751. In that year twenty-four commissioners were appointed as liaison officers between the [Police] Court Commission and the police forces of the city [OEZ II/1/1: 246; OEZ II/2: 405; Osterloh 1970: 76]. These city police forces comprised by now the officials of those patrimonial authorities which had jurisdiction in the suburbs of Vienna. While the inner city was under the immediate jurisdiction of the territorial ruler, the increase in population had led to the sprawling of the city into adjacent areas in which patrimonial judicial authority was exercised by individual lords. It was one of the tasks of the newly appointed police commissioners to ensure co-operation between these authorities in the suburbs and those governmental forces and offices in the inner city.

A further step towards a more comprehensive surveillance of the population in Vienna was taken when the office of commissioner was expanded. Eight commissioners for the inner city and twelve commissioners for the suburbs together with a number of 'house inspectors' [*Hausnachseher*] were put in charge of keeping a close watch over the inhabitants and visitors of Vienna, conducting secret inquiries, if need be, to ascertain whether they abided by the

regulations concerning compulsory registration [Bibl 1927: 204]. In 1754 this system was improved by giving it a more hierarchical structure. From within the provincial government, twelve chief commissioners were appointed who, with the help of a secretarial staff of six, had to supervise the police in the four districts of the inner city and the two districts in the suburbs. In order to improve the system of surveillance, the office of 'special constable' [*Unterkommissar*] was established at the same time. Citizens of Vienna would be appointed as special constables by the government on the suggestion of the city council. They did not receive any pay, but were exempted from trade tax. In all, 188 special constables were installed. Their main duty was the policing of compulsory registration. Their activities were controlled by three professional 'police supervisors' [*Polizei-Aufseher*], who were directly answerable to the chief commissioners. But drunkenness and lack of diligent performance of duties led to the abolition of the office of special constable in 1756 [Sammlung/MT 2: 357-60 for instruction for special constables; Bibl 1927: 205; Kallbrunner 1916: 238-9; Oberhummer I: 23-3; Benna 1953: 200; Osterloh 1970: 76-7; Mayer 1986: 81-2].

In 1773 a Commission for Police and Security was established as a separate department within the provincial government. This Commission of seven government officials was in overall charge of the police forces in the city [Mayer 1985: 151-2; Bibl 1927: 217]. The Commission supervised the activities of the 'police office' [*Polizeiamt*] which had been created as the supervisory local body of the Viennese police forces and which comprised twelve officials and a secretarial staff of eight under the direction of

two senior officials [Bibl 1927: 220; Osterloh 1970: 142 describes the police office as consisting of one senior official (*Polizeioberaufseher*) and his personal assistant, four police officers and six secretaries]. The reform of 1776 created a new police force and introduced the office of 'district superintendent' [*Bezirksaufseher*], who was a government official [Mayer 1986: 81]. Each of the twelve superintendents was responsible for the police in his own district. He had to ensure public tranquillity, order, propriety and security as well as the diligent execution of the governmental decrees. But he had also to make sure that the private welfare of the citizens was not obstructed [Osterloh 1970: 145; Sammlung/MT 8: 614-34 for 1776 reform].

Improving the monitoring of the movements of the population was a major concern of this new police order. To achieve this, the system of compulsory registration was reinforced. The owners or caretakers of houses were required to bring to the attention of the district superintendents all 'suspicious' lodgers or house guests. Furthermore, they had to inform the district superintendents on old lodgers moving out and new ones moving in [Sammlung/MT 8: 618-20]. This law thus reaffirmed the legal duty of the citizens to help the authorities monitor the movements of the population. The Vienna Police Ordinance of 1597 had stipulated that anyone who would not register guests or visitors with the authorities would lose his status and rights as a citizen [Geschichte Wien V/2: 133; for new rules concerning the registration of the people in Vienna in 1696: Cod.Aust. I: 468-9]. In July 1746 and June 1751 compulsory registration was justified in two decrees as an important measure against vagrancy [Sammlung/MT 1: 32-3, 295-7]. Yet another decree

concerning compulsory registration in May 1757 was followed by two more decrees in April 1765 [Sammlung/MT 3: 350; Sammlung/MT 4: 376-81]. The owners and caretakers of houses were again reminded of their duty to register all those individuals living in their house who had not yet had abode in Vienna for at least ten years. Information about these individuals concerning name, religion, nationality, age, marital status, occupation, date of arrival and/or (expected) departure had to be forwarded to the authorities. The second decree enacted that 'house inspectors' [*Hausvisitations-kommissionäre*] had to visit the houses assigned to them for surveillance once a month to enforce compliance with compulsory registration. Whereas eighty years earlier the task of inspecting the houses in Vienna had been assigned to the City Guards and the *Rumorwache*, this responsibility was now transferred to special officials [Cod. Aust. II: 263-4 for instruction to police forces in 1685].

This system of compulsory registration could only be operated efficiently if it was possible to clearly identify each individual house. The numbering of houses allowed such a systematic recording of places of abode. The numbering of houses had already been introduced in 1556. Then it was motivated by the dire needs of the expanding court of the monarch for finding accommodation for its staff. To satisfy this need, the requisition of accommodation was considered justified. Yet another attempt at gaining a more detailed knowledge of the number of houses in Vienna was made in 1664. In 1749, the municipal authorities engaged in a project of surveying and numbering the houses in order to draw up a tax register. The census of 1770, which was undertaken for military purposes,

led, finally, to an effort to enforce the legibility of house numbers [Weiß 1883/II: 388].

One reason for the police reform of 1776 was the indiscipline and inefficiency of both Security Day and Night Watch and *Rumorwache* as well as public hostility towards the forces. This had caused the provincial government to suggest an overhaul of the police system to the Court Chancery in 1773 [Oberhummer I: 35-6 for comments of the government of Lower Austria; on obstruction of police work by the public: Cod.Aust. I: 210: people preventing *Rumorwache* from catching beggars are to face punishment (May 1697); Sammlung/MT 1: 34 (January 1747; instruction of Maria Theresia in 1754 in: Oberhummer II: 226-9, also: Sammlung/MT 2: 331-2; for decree concerning resistance to Security Day and Night Watch: Sammlung/MT 4: 36-7]. As a result, a Military Police Guard [*Militär Polizei Wache*] replaced the Security Day and Night Watch in 1776 [Sammlung/MT 8: 630-4]. This force of 250 men, who were taken over into the force from active military service and were accommodated in twelve barracks across the city, was answerable to the government of Lower Austria. During the next fifteen years the force grew to 355 men including officers [Oberhummer I: 74].

The instructions for the force were, in effect, an extended version of those issued for the *Rumorwache* in 1706. The Military Police Guard was responsible for public safety and public security: it was charged with controlling street cleaning and traffic as well as with lighting the street lamps; at night the men had to be particularly alert to all kinds of suspicious activities which might disturb the peace, offend public propriety or might be linked to unlawful acts. Idle children prowling the streets had

to be returned to their parents; if parents were found repeatedly not to have taken care of their children, they had to be reported to the district superintendent [*Bezirksaufseher*], who, together with the captain of the Military Police Watch, was in command of the force. The men were admonished that they did not have the right to arrest individuals unless issued with a warrant or directed by their superiors. Rather than arrest a suspect straight away, they had to wait for a superior officer to be fetched to decide whether a person should be taken into custody. This procedure should be particularly adhered to if a clergyman or a person of rank was involved. In any case, the policemen should take care not to offend the public in any way and, above all, should await orders from the government in case of riots before discharging their weapons [instruction in: Oberhummer II: 229-55].

At the end of the reign of Maria Theresia the police of Vienna was firmly placed under the supervision of the government of Lower Austria. Through the Commission for Police and Security, the government of Lower Austria was in charge of the police: the governmental commission was the supervisory body for the police office, the district superintendants and the Military Police Watch. But the police reforms of Joseph II further extended the government's control over police forces.

C) The state police under Joseph II

The reform of the police system, on which Joseph II embarked in the spring of 1782, was initially closely connected with the reorganization of the

political administration of Lower Austria. It was the overall intention of these political reforms to reduce the participation of the Estates in the government of the country. Up till now the diets had elected six delegates from among their members who, under the chairmanship of the *Landmarschall* had supervised the execution of the laws and decrees passed by the Estates. The competence of this committee [*ständisches Verordnetenkollegium*] included, amongst other things, the recruitment, supply and accommodation of troops and the administration of taxation. The central government now decided that the government of Lower Austria should take over these duties and that the Estates should only be represented in the government by four delegates. Only those members of the diet could become delegates who had acquired a government certificate attesting to their eligibility. As members of the government these delegates would have the same responsibilities as the other officials [Walter 1927: 28; Benna 1953: 202; Hellbling 1956: 302-3; Bibl 1902: 10-11; Klingenstein 1983: 378-9].

It was also decided that Vienna should have a circle office [*Kreisamt*] of its own. Matters of police, which so far had rested with the provincial government of Lower Austria, should be transferred to the chief of the *Kreisamt*, the *Stadthauptmann* or *Polizei-Ober-Aufseher* ['city commander' or 'police superintendent']. But in so far as this *Kreisamt* was also a political office, all its dealings, including police matters, would have had to be reported back to the provincial government, thus retaining overall governmental control [cf. the Emperor's orders of 1. March 1782 to the Court Chancery in: Walter 1927: 28; the *Kreisamt* will be discussed at the end of this chapter]. Internal discussions about the organization

of the police, however, led to the conclusion that it would be impossible on practical grounds to transfer the police duties to the *Stadthauptmann*, who, after all, was already encumbered with extensive political responsibilities [Mayer 1985: 190 ff.; Benna 1953: 202-3; Walter 1927: 28-9].

The decree of 28 April 1782 thus provided for the following police organization in Vienna: the municipal authorities were put in charge of all matters concerning trade, street cleaning, street paving and street lighting but also of the market police; as part of his police duties, the *Stadthauptmann* would have to supervise the diligent performance of these duties by the municipal authorities; the town court was made responsible for all aspects concerning security, in particular for arresting perpetrators and for the compulsory conveyancing of beggars and other unwanted individuals; finally, the newly created director of police, who was to be independent of the *Stadthauptmann* and directly subordinated to the lord-lieutenant, would be in charge of the secret police and the remaining matters of police [Walter 1927: 29-30 for excerpt of decree issued by Court Chancery on the jurisdiction of each authority].

All matters of policing, which so far had resided with the provincial government, had now been transferred to separate public bodies. Though the division of labour between these distinct authorities was relatively clear cut, it was with regard to the office of director of police that uncertainties arose. First, it was not defined without ambiguities what should be understood by 'remaining matters of police'; this was likely to lead to controversies over the precise competence of each authority. Second, the

director of police was the immediate subordinate of the governor (lord-lieutenant) of the provincial government to whom he had to send his reports, bypassing the government. The governor, in turn, would transmit these reports to the Emperor, himself bypassing the Court Chancery. This line of command and communication would give room for organizational manoeuvring which, in the end, led to the separation of the police from the government and to its organizational independence [Walter 1927: 30; Walter 1972: 112].

By the end of 1782, the organization of the police in Vienna had already been altered. Count Pergen, the governor of Lower Austria, and Beer, the director of police, convinced the Emperor that the Police Watch, which had been put under the command of the town court early in the year, should be subordinated to the provincial government by affiliating it with the office of the director of police. In support of this change they argued that the town court had not been performing its duties diligently and did not supervise the Police Watch sufficiently [Walter 1927: 30-1; Benna 1942: 110]. Joseph II agreed to these changes and, after establishing the police in Vienna along these lines, it was now thought desirable by both the Emperor and Count Pergen to extend this system to all hereditary lands.

Pergen's line of reasoning expressed the underlying logic of state centralization very cogently. He perceived the relationship between Vienna and the hereditary lands as one between centre and periphery/"province". It was considered necessary for the centre to have constant knowledge of the movement

of individuals in the provinces who might be suspected of criminal behaviour. This constant surveillance could only be achieved, so it was asserted, if a uniform and integrated system of police was introduced throughout the monarchy. Only uniformity and consistency would allow the police to be conducted efficiently from the centre. Police commissioners, who had to receive training from the director of police in Vienna, would have to be sent into the provinces. These commissioners would take control over all aspects to do with surveillance. In particular, they would supervise the system of compulsory registration and the movement of travellers, looking out for individuals who might have been already put on official lists of suspected individuals. In order to be able to perform these tasks the commissioners would take command of the local police forces.

These police commissioners would keep close contact with the director of police in Vienna; in the last instance, they were answerable, not to the provincial governments, but to the director of police in Vienna and, through him, to the governor of Lower Austria. The provincial governments, which had hitherto been in control of the police in their respective territories, would thus have to hand over this responsibility to the centre. Up till now, for the provincial governments this centre had been the Court Chancery. But Pergen's plan for the police in the monarchy did not assign any influence to the Court Chancery. It aimed therefore not only at restructuring the relationship between centre and periphery, but also at reorganizing the spheres of competence of the political offices within the central state apparatus [Walter 1927: 32-3; Benna 1942: 111].

But Pergen's attempts at centralizing the police system of the monarchy met with spirited resistance from the Court Chancery which was determined not to lose any power to the governor of Lower Austria. In the spring of 1785 it was thus resolved that only matters concerning the secret police should be transmitted by the police commissioners directly to the police directorate in Vienna. All the other 'public' matters of police should be dealt with by the police commissioners under the direction of the provincial governments. Through establishing a supervisory role for the provincial governments in non-secret police matters, the Court Chancery, as their direct superior office, had secured its influence. [Between 1785 and 1787 directors of police were appointed throughout the monarchy: for Prague and Brünn, for Preßburg, Ofen and Troppau, for Linz, Milan, Pest, Hermannstadt and Innsbruck; the police commissioner of Graz had jurisdiction over Inner Austria as whole; in Lemberg, Triest and Brussels, where the office of director of police had already been established, an organizational structure along the lines of the Viennese police system was introduced; cf. Walter 1927: 34-5; Benna 1953: 204-5; Oberhummer I: 50; Mayer 1986: 83].

The instruction which was issued for the police commissioners in 1785, delineating their duties and responsibilities, expressed unambiguously the supervisory role of the heads of the provincial governments over the directors of police [for instruction: Oberhummer II: 133-65, for supervisory role: *ibid.*: 134, 137, 160]. The activities of the police commissioners were restricted to matters concerning the security of the state and of the individual. Their remit did not cover 'welfare

police'. For example, it was stated explicitly that matters concerning market transactions should be of no concern to the directors of police unless public safety was at stake. Police directors had to take action against health hazards such as those caused by rotten vegetables or putrefied fish. But as a matter of principle police directors had not to interfere with matters of '*Publica et Politica*' [Oberhummer II: 149, 146].

In order to be in a position to prevent, detect and investigate unlawful activities or those considered undesirable from the point of view of public order, the respective local or regional police force (security watch) was put under the command of the directors of police [Oberhummer II: 150, 159-60]. They were responsible for their efficient deployment during day and night; they were answerable, too, for the forces' diligent performance of their duties. It was left to the discretion of the police commissioners how they organized the forces, though suggestions were put forward on the basis of the experience in Vienna [Oberhummer II: 160]. To achieve the best results, the police commissioners were advised to co-operate closely both with the other public local authorities and with their colleagues in the other provinces as well as in Vienna. The success of policing throughout the monarchy depended, it was argued, on the diligent collation of "data" and the continuous interchange of the important pieces of information among the offices involved in policing [Oberhummer II: 136-7, 141, 143, 148-50, 153, 157].

But yet again, this organizational structure was not to remain in force for long. The instruction for the directors of police and commissioners in the

provinces, which was issued in November 1786, in effect downgraded their importance within the system of police. In line with an order directly given by Joseph II in September 1786, the directors of police lost control over matters of police to the municipal authorities [Mayer 1986: 83]. The directors of police, not any longer in charge of the police forces and matters concerning public security and the security and safety of the individual citizen, were reduced to the role of inspectors ascertaining whether the municipal authorities were performing their policing responsibilities meticulously. They did not have the right to interfere in the actual policing, but rather had to inform the head of the provincial government should they discover any deficiencies. The directors of police had to be kept informed about official correspondence and they were entitled to demand and receive support from the local authorities, but they were prevented from taking any initiative of their own on matters concerning policing. This meant that with regard to matters concerning 'public' police the governor of Lower Austria and the director of police in Vienna had lost out, and that the Court Chancery, to whom the heads of the provincial government had to report, had reasserted its influence [cf. instruction of 1786 in: Oberhummer II: 165-8].

It would appear that this reorganization was the pragmatic response to the opposition the system of police encountered in the provinces after its introduction in 1785. Then, the provincial governments had in effect lost their responsibilities for policing; the municipal authorities had to deal with police commissioners whose brief had not been clearly delimited vis-à-vis the municipal magistrates; the heads of government, though formally the

commissioners' superior authority, had to reckon with the directors sending secret reports to the governor of Lower Austria; and the Court Chancery, one may surmise, might have been interested in rescinding the intra-governmental compromise which had cut into their power [Walter 1927: 35 on the opposition to the new structure of the system of policing throughout the provinces].

Furthermore, the reform of municipal local government in 1783 had streamlined the town administrations. The elected mayors, vice-mayors, and town councillors now needed governmental approval in regard to their qualification. Magistrates and town *syndici* had to come from the civil service rank. Magistrates performed their task for life, mayors for a duration of four years which, however, could be prolonged by the government for another four years. All holders of these positions drew a salary from the state; they did not so much represent the citizens of the town, but rather acted as agents of the territorial ruler. The magistrate itself was divided into three senates each of which had clearly defined responsibilities: the *senatus in publicis et oeconomicis* was in charge of the political and economic administration; the *senatus in iudicialibus civilibus* was the court of civil law cases; the *senatus iudicialibus criminalibus* constituted the criminal court [Hellbling 1956: 306-7; Kann 1974: 177-8]. It might have been hoped by the government that this new structure of local municipal government might be sufficiently well equipped to police the towns efficiently.

With regard to 'public' policing in the provinces, Count Pergen's plans for centralizing all

aspects of police in his hands were thus thwarted by the instruction of November 1786. However, Pergen succeeded in keeping the system of police for Vienna unaltered, with the director of police in charge of all aspects of policing [Walter 1927: 37]. With regard to the secret police, too, Pergen's position remained strong. Though the police commissioners would be operating under the direction of the head of the provincial government even as secret police agents, their reports would have to be sent directly to Pergen by the heads of government. Under circumvention of the Court Chancery, Pergen would both communicate the information from the provinces directly to the Emperor and transmit the Emperor's orders to the provincial authorities [instruction concerning secret police of 1786, in: Walter 1927: 46-50; also reprinted in: Oberhammer II: 168-76; on communication: Walter 1927: 47].

The tasks of the secret police were comprehensive. With regard to maintaining public order and avoiding any threats to the state, the police officers were urged to inquire thoroughly the opinion among the population about the monarch and governmental policies; in particular, they were admonished to survey the activities of likely rabble-rousers [*Aufwickler des leichtgläubigen Pöbel(s)*] [Walter 1927: 47, 48]. Furthermore, they were instructed to monitor the movements of suspicious individuals, in particular of foreigners. But they were also urged to ascertain whether any money was being brought out of the country.

But their brief was even more comprehensive. Not only did they have to spy on the population at large, but also on other state officials and the military

personnel. In fact, to keep state officials under close watch was considered the primary concern of the secret police. What opinion does the public hold of the official ? Does he accept bribes ? Has he any relatives living abroad and does he communicate with them in a suspicious way ? Does he keep confidential contact with foreigners or even pass on official documents ? These were the concerns which the secret police should address [Walter 1927: 47]. As we shall see in the last chapter in this part on the Austrian state, the duties of the secret police reflected the increasing disenchantment of reform-minded bureaucrats with Joseph II's reversal of 'enlightened' policies and their gradual move into active political opposition. But the military personnel, too, was to be investigated by the secret police to detect any officer who might have dubious secret contact with foreign powers. Finally, though it was conceded that the clergy was, on the whole, well-inclined towards the monarchy and supportive of it, it nevertheless was to be surveyed lest some of its members should agitate among their congregation against the state [Walter 1927: 48; Fournier 1912: 4].

The secret police was advised to put particular emphasis on the efficiency of the local system of compulsory registration to achieve the desired goals. Furthermore, they were to employ people who were in a particularly good position to collect valuable information as their personal assistants. Domestic servants and coachmen, for example, should be employed as informers; only those persons who could be trusted to co-operate with the police should be helped to gain employment in the post office. Surely, it would be completely superfluous, it was stated in the instruction, to give any pointers to the police

officials as to how the post office could be used for their purposes ! In any case, letters from and to suspicious individuals should be opened and analysed [Walter 1927: 49].

This system of secret police, thus established in 1786, was to remain in force essentially unaltered until the revolutionary turmoil in the middle of the 19th century. Its guiding principle was the view that the duties towards the state would not allow any compassion or consideration for those bent on opposing it [Walter 1927: 49; Benna 1942: 98].

Longevity of the command structure of the police, however, was not the hallmark of the system of 1786. Yet again, a re-organization was implemented in 1789. It would seem that the heads of the provincial governments and the magistrates in the provincial towns were either not willing, capable or in a position to conduct the police in an efficient way [cf. chapter VIII. on growing political and social discontent in the monarchy in the late 1780s]. Whereas the police in Vienna operated rather successfully, the police in the provinces was not up to expectations. When, due to reasons of health, Pergen had to shed some of his administrative responsibilities at the beginning of 1789, Joseph II put him in overall charge of the police in the monarchy. From now on, the heads of the provincial governments had to liaise with Pergen and his office, which was not any longer incorporated into the government of Lower Austria, but had become an imperial ministry [*Hofstelle*]. In the last instance, the orders concerning police were given by Pergen. In the provinces, the police of the regional towns and market places had to remain in direct contact with the capital of the province which,

in turn, would have to report to the police directorate in Vienna. At the end of this system stood Pergen, supported by his two officials, who was answerable only to the Emperor [Walter 1927: 37-9].

This was the structure of the state police when Joseph II died in 1790. I will resume the discussion of the state police in Austria when I analyse the reform policies of Leopold II. In the previous discussion on the concept of '*policey*' and on the formation of police forces under the control of the state, it should have become evident that 'policing' was mainly concerned with monitoring the population. The surveillance of people and disciplining them so that they would not create 'bad government and disorder' but rather contribute to the public welfare as defined by the state was a more important consideration than preventing 'crime'. We have also seen that a permanent struggle was waged within the state apparatus over the exercise of control over the police forces. The conflict between central and provincial state agencies over policing authority was complemented by conflicts over competence within the central state agencies. The factionalized and fragmented structure of the state apparatus which was reflected in these conflicts became even more apparent when the secret police as the coercive arm of the state was charged with monitoring even the state officials themselves.

D) Police, local government and state reform under Maria Theresia and Joseph II

The police reforms I have discussed so far were implemented in that political space where the authority of the monarchical government was not principally disputed by the aristocracy. As we saw, the lordships enjoyed great economic as well as political and judicial powers over their subject peasantry. It was this power on the local level that, in principle, allowed the lords to wield power on the 'national' level as well. The centralizing thrust of the modernizing absolutist state, which was reflected in its attempts to harmonize judicial and political power across the territories of the monarchy, constituted therefore a fundamental threat to the power resources of the aristocracy.

With the introduction of 'circle offices' [*Kreisämter*] under Maria Theresia, the central government imposed some sort of state supervision over the local landlords in the political and judicial administration of their manor. The circle offices thus set out to penetrate that political space which had so far been monopolized by the aristocracy. These circle offices under the direction of circle captains supervised the implementation of the new system of taxation on the local level. But the circle captains were also urged in an instruction issued by the government of Lower Austria in 1753 to uphold the Catholic religion, seize heretics, check the use of parish funds, inspect charities, investigate guilds, and visit prisons [Dickson I: 281 n.127]. More generally, the circle officials had the task of protecting the peasants against their lords. In this

capacity they were charged with overseeing the implementation of the governmental decrees thus controlling the 'political' function of the local authorities. With regard to economic matters, the officials were to make sure, for example, that the peasant would not any longer be forced to give his lord a right of pre-emption on his agricultural products; the peasant should be free to sell his produce in the free market [Sammlung/MT VI: 255-8 (July 14, 1770)].

Circle officials also infringed upon the landlords' patrimonial judicial authority. It was decreed in December 1769 that punishment of peasants by patrimonial courts should not be imposed until the circle offices had been informed about the case and had approved the sentence of the patrimonial court [Sammlung/MT V: 479]. But the circle offices also acted as the local state agency with which peasants could lodge a legal complaint about their landlords. In this capacity the officials were entitled to investigate maltreatment of the subject population in villages, monasteries and schools. This curtailment of the landlords' judicial power was enhanced by the introduction of the institution of the 'subject's advocate' [*Untertansadvokat*] whose task it was to provide legal advise to the peasants once they had brought a charge against their lords [Link 1983: 522; Liebel-Weckowicz 1985: 345-6; Hantsch 1968: 157-8; Brunner 1973: 455; Dickson I: 277-80]. But whilst this law laid down the peasant's right of complaint, a patent of February 29, 1772 defined the manner in which peasants could bring these complaints against their landlords. In it those peasants were threatened with the most severe punishment who showed "stubbornness, obstinacy, disorder, wickedness

[*Frevel*], wantonness [*Uebermut*], or who would dare to take part in mob gatherings and uprisings" [Sammlung/MT VIII: 539].

The central state agencies clearly understood that there was bound to be some sort of accommodation between local landlords and circle officials. After all, the circle captains shared a similar social background with the local aristocracy. Moreover, the lower-rank officials were likely to be well aware that there were material gains to be made if they showed leniency in their dealings with manorial officials. As a result of this situation central government issued decrees in which government officials (including circle officials) were threatened with stiff penalties should they accept presents from members of the local community [Sammlung/MT V: 404-5 (1769)] and in which all "understandings and partialities" between circle and manorial officials were prohibited [Sammlung/MT VI: 407 (October 1771)]. Eventually, circle officials were forbidden to accept food from the lords' stewards without payment [Sammlung/MT VII: 516-8 (April 1776)]. But the close connection between local aristocracy and circle officials remained a problem for the state. This situation led Joseph II to dismiss a considerable number of circle captains right at the beginning of his reign [Liebel-Weckowicz 1985: 355].

By 1780, a total of seventy circle offices had been set up across the monarchy [Stundner 1970: 13]. Under Joseph II practically the whole administration on the level of local government came under the control of the circle offices. Towards the end of his reign circle captains were urged to go on a tour of inspection in their district once a year. They had to

ascertain whether the officials of the local authorities knew the laws of the land and applied them in their daily actions and, more generally, whether governmental decrees were complied with. Furthermore, they had to investigate whether vagrancy and begging were kept in check by the local authorities, whether the streets were maintained in good condition and whether the weights and measures used in economic transactions were correct [Liebel-Weckowicz 1985: 349].

The judicial power of the landlords had already been curbed at the beginning of the reign of Joseph II. The Penal Law of September 1781 reasserted the *de jure* subordination of the patrimonial courts under the circle offices: it reaffirmed the right and duty of the circle offices to approve of the sentences imposed by manorial courts by stipulating that any prison sentence of more than eight days had to be approved by the circle officials. But even more detrimental to the patrimonial lords' interests was the provision in the law which prohibited the patrimonial courts from levying any fines on convicted perpetrators [Kropatschek/J.II 2: 252-4; in particular § 11 (p. 253); Bibl 1902: 16]. But the legally sanctioned fees did not pay for the salary of the patrimonial officials. Since the judicial and policing functions which the landlords performed thus incurred a financial deficit, many of them did not object out of hand to the state's attempts at taking over these tasks [Feigl 1964: 327-8]. This state of affairs was made worse for the patrimonial lords by yet another important curtailment of their patrimonial judicial authority. A decree in 1787 laid down that only landlords with a legal qualification were entitled to exercise patrimonial judicial authority. If they did

not possess this qualification they had to employ duly qualified officials [Mischler/Ulbrich I: 39].

The institution of the circle offices demonstrated the central government's endeavour to encroach upon the privileges of the patrimonial authorities. This judicial assault on patrimonial authority was complemented by the reform of agrarian policies which aimed at curtailing the economic power of the aristocratic landlords over their subject peasantry. I shall analyse these agrarian reforms in the next chapter. It will be one of the main concerns of the remaining chapters to analyse why the various attempts of the Emperor to curtail the power of the aristocratic landlords failed in the end.

But before engaging on this task the establishment of the circle offices should be briefly placed within the context of the political reforms of the state under Maria Theresia [see Dickson's magisterial study on 'Finance and Government under Maria Theresia, 1740 - 1780' as the most detailed and authoritative account yet on state reform in the Austrian Empire]. The principal stimulus to political reform in the Habsburg monarchy was the serious defeats inflicted by the Turks during the 1730s and by Prussia during the 1740s and in the Seven Years War. The loss of Silesia, and in particular the Silesian linen industry, to Prussia in the War of the Austrian Succession in 1740 did not only deprive the monarchy of a major source of revenue; it also meant the loss of Austria's preponderance within the (German) Empire through the rise of Prussia. But this loss of leadership had a liberating effect for Austria: as (German) Emperors, the Austrian monarchs had considered it imperative to pursue a policy of

alliances with the Estates in each principality of the (German) Empire in order to prevent developments towards princely absolutism in the territories. Absolutist centralization of government in the principalities of necessity would have undermined the imperial structure. But the upholding of the autonomy of the Estates out of 'imperial' considerations weakened Austria internally: she could not *legitimately* pursue a policy of curbing the powers of her own Estates while at the same time upholding the principle of political participation of the Estates in the (German) Empire. Her weakened position within the (German) Empire allowed Austria to embark on a policy of absolutist reform; her defeat at the hands of Prussia made such reforms imperative [Strakosch 1967: 19; Scott 1990: 150].

The loss of Silesia was in itself a bad blow for the monarchy. But the fact that within a few years the Prussian government had vastly increased the taxation collected, almost doubling the total revenue from 3.9 million florins to slightly over 7 million florins, demonstrated to the Austrian government beyond any doubt the relative backwardness of the monarchy. As it was perceived by the government, the Prussian success had been achieved by the more efficient administration provided by Prussian officials and by abolishing both the Estates' right to approve taxation and their involvement in its collection [Scott 1990: 152]. To the Estates within the Habsburg monarchy the subordination of the Estates by Prussia in the conquered territories demonstrated beyond any doubt that they would not gain in power if the Austrian monarchs would be defeated by Prussia. The defence of the realm made institutional reform necessary: that

much was agreed between monarchical government and territorial Estates.

The reforms under Maria Theresia aimed at excluding the Estates' influence in *politica et cameralia*. The power of the Estates was curbed in two respects. First, changes in the administration of taxation vastly reduced the Estates' control over public finance. Second, changes in the organization of the state apparatus marginalized the aristocracy in the political decision-making bodies. With regard to fiscal policy, the right of the Estates to approve of the taxes demanded by the ruler was *de facto* curbed. To start with, instead of the annual approval of the ruler's tax demands the Estates were now compelled to agree to tax demands for a period of ten years. Furthermore, from now on the approved taxes should be considered as fiscal resources under the control and at the immediate disposal of the territorial ruler. The traditional separation between the fiscal administration of the Estates and that of the territorial ruler, between the *Cameral* and *Contributionale* was suspended. From now on, the collection and administration of both direct and indirect taxes were considered the task of the state. Fiscal administration was to be taken out of the hands of the officials of the Estates and placed in the hands of the ruler's staff. It was considered appropriate to charge the Estates for this reduction in their responsibilities by increasing the amount of *Contribution* they had to forward into the coffers of the state. This increase went hand in hand with the abolition of the freedom from taxation on their property for the aristocratic (and clerical) landlords.

On the local level, the circle officials were charged with supervising the administration of the new fiscal system. Within each province, the newly established *Repräsentationen und Kammern* ['representations and chambers'] were put in charge of all fiscal affairs. The head of the provincial government was appointed by the ruler without formal consultation with the Estates. But even more important for the position of the Estates was the fact that the head of the provincial government was now at the same time also the chairman of the Estate's standing (governing) committee. The delegates of the Estates in this committee, furthermore, now needed the approval of the state. In effect, the power of the Estates as a political body was restricted to the *Judicialia*: judicial responsibility was all that was formally left to the Estates as a consequence of the reforms [for an excellent account of the intricacies of the reforms cf. Dickson, vols. I and II; Hellbling 1956: 288-318 for brief factual account of reforms under Maria Theresia and Joseph II; Walter 1958; cf. also, e.g., Link 1983: 520; Dopsch 1980: 34; Sturmberger 1969: 89-90; Ilwolf 1914: 172. The organizational changes and 'rationalizations' in the structure of central government are beyond the scope of the current discussion. Suffice it to say that in their political implication they replicated the transformations on the provincial level: they aimed at marginalizing the political influence of the Estates and their aristocratic representatives in the governing bodies.]

This absolutist reform programme since the middle of the 18th century laid the foundation for the formation of a civil service increasingly open in its middle and lower ranks for men without aristocratic background. It has been estimated [Dickson I: 306]

that at Maria Theresia's accession in 1740 total numbers of royal officials in the Austrian, Bohemian, and Hungarian lands of the Monarchy, including those employed at Court, numbered about 6,500. On the basis of an estimated population in these lands of 12.7 million, this amounts to about one royal official for 2,000 people [Dickson I: 36, table 2.5 for population estimate]. By 1762, these numbers had increased to a total of almost 10,000 for the same geographical/political area: 7,494 (or 6,966) royal officials in the Austrian and Bohemian lands, and 2,424 (or 2,817) in Hungary and Siebenbürgen. If we again relate these figures to the estimated population, we arrive at the following relations: for the total population (of an estimated 14 million), there was one royal official for 1,400 people; for the combined population of the Austrian and Bohemian lands of 7.3 million, there was one royal official for 980 citizens (or 1: 1047), and for the Hungarian lands with an estimated population of 6.7 million, one royal official for 2764 citizens (or 1: 2378) [Dickson I: 309 (for number of officials), 36, table 2.5 (for estimated population)]. At the end of Maria Theresia's reign the number of officials had increased to an estimated total of 11,000: "1,500 at Court, further 1,500 in the central offices, 1,700 locally in the Bohemian and Austrian lands, 1,500 in Galicia, and 2,500 in the Hungarian lands, with perhaps 2,000 officials of the Vienna City Bank" [Dickson I: 310]. Dickson argues that these results implied "that a considerable increase in the numbers of officials occurred between 1740 and the end of the Seven Years War. This is not unlikely, given the doubling of royal revenue in the same period, and the qualitative evidence that Haugwitz's revolution in government greatly increased its scope" [Dickson I: 309]. The

increase in numbers during the co-regency appears to have been mainly due to the acquisition of Galicia.

These royal officials were trying to intensify the '*policing*' of the political, social and economic life of the monarchy. This attempt can be read off the statistics on the number of decrees that were published during the reform period. During the first decade of Maria Theresa's reign, 1741-50, "the annual average number of published decrees was only thirty-six, much the same as the average thirty-one of the period between 1731 and 1740. From 1751 to 1760, the annual average was sixty-eight, from 1761 to 1770 100, from 1771 to 1780 ninety-six ... The total number of decrees listed for 1780-9, 6,206, is more than double the 3,017 of 1741-80. The annual Josephine average is 690" [Dickson I: 318]. The administrative machinery of the state had got into full swing in Joseph's reign.

As a consequence of the political and economic reforms of Maria Theresa and Joseph II, a bureaucratic stratum distinct from the officials of either the Estates or those of the lords of the manor developed. This stratum of state officials did not just grow in numbers; the officials also gradually developed a specific professional ethos. The material basis for the formation of this professional and social identity was the financial security which each state official enjoyed. State officials could rely on material support even in case of illness, incapacity to work as a result of old age and in case of redundancy as a result of administrative reform. Furthermore, the state provided for the officials' bereaved family. This remunerative system was institutionalized during the governmental reforms in

1749/50 and was cast into a final form in 1781 by Joseph's decree on superannuation. This decree moulded the civil service until the middle of the 19th century. It linked the pensions of civil servants to their position within the career structure and the length of their service to state.

In this way the 'rational' civil servant became interested in being promoted so that he would draw a higher salary. But he was also motivated to consider his occupation as a long-term career as it would provide him with financial security in old age and also give his family financial support after his death. These material provisions helped to turn taking a job in the civil service into a career worthwhile pursuing. This transformation became further entrenched when in 1786 the seniority principle put the system of promotion on a less personalized and arbitrary basis. Now that entrance into the civil service was dependent on passing an exam and promotion, salary and superannuation were - in theory, at least - removed from nepotistic favourism or arbitrary interference on the part of the political authorities. As a result, the civil service could take on the form of a professional career which was not exclusively open to sons of aristocratic families, but also to men with a 'bourgeois' background [on civil service: Wunder 1984, in particular: 342, 374, 404-5; Heindl 1985; on reform in 1786: Kropatschek/J.II 11: 928-91].

In his famous 'epistle' to his civil servants in 1783, Joseph II tried to shape the contents of their professional ethos [OEZ II/4: 123-32 for reprint of 'epistle']. In it, Joseph admonished his officials to perform their duties diligently and with creative

enthusiasm, to follow the spirit of the decrees they were supposed to implement, and not to stick slavishly to the letter. Every civil servant, on every level in the service, was to contribute to the joint effort of increasing the common weal of the state. Joseph urged his officials to realize that their 'fatherland' was the Monarchy as a whole, not particular nations or regions within it. All prejudice or acrimonious rivalry within the bureaucracy based on such feelings of regional distinctiveness had to be overcome [OEZ II/4: 127]. Clearly, the civil service was considered by the Emperor as an integrative force, overcoming the national fragmentation of the monarchy and helping to establish a unitary centralized state [Bruckmüller 1984: 91-2]. With its appeal to the civil servants to perform their duties *sine ira ac studio*, under conditions of constant communication with each other along clear lines of authority and the admonition not to attempt to gain personally from these administrative activities, this document enshrined some of the principles which gained prominence in Max Weber's ideal type of rational bureaucracy.

We shall see in the last chapter that the reform-minded bureaucrats contributed to the instability of the political regime in the 1790s. But I will now return to the central political confrontation in the Habsburg Empire: the struggle between monarchical government and the aristocracy over the distribution of political power. I argued above that the institution of the circle offices can be interpreted as an attempt by monarchical government to encroach on the political power base of the aristocracy which was firmly laid in their patrimonial authority. In addition to this institutional innovation, the peasant policy of the absolutist state

was aimed at gradually undermining the hold of the landlords over the local, peasant population. It was thus part of the power struggle between ruler and aristocratic landlords. It is to these agrarian policies that I now turn.

V. Peasant policy and tax reform of the absolutist state in the 1780s and the resistance of the aristocracy.

A) Peasant policy under Joseph II

The peasant policy of Maria Theresia and Joseph II was not confined to attempts to undermine the patrimonial judicial authority of the landlords. To maintain the capacity of the peasants to pay taxes as well as ensure that their living conditions did not undermine their capacity to serve as conscripts in the army were core concerns for the monarchy. Maria Theresia maintained in 1770 that the peasantry, as the largest class among the state's citizens [*Staatsbürger*], was the foundation and the greatest support of the state. The peasants, therefore, had to be maintained in such a condition that they could nourish themselves and their families. At the same time they had to be able to contribute to the taxes in times of war and peace. The [property] rights of the lords of the manors had to yield to these 'welfare' considerations [Grünberg II: 118-9]. This sentiment of Maria Theresia's was shared by Joseph II. In 1785 he argued that, as the noblest class of human beings, the subjects, and in particular the peasants, had to be set free; they should not have to pay any other dues than those levied for the common good. The ruler had a moral duty to change all those laws which had been detrimental to the citizens at large even if opposed by the most privileged landlords who might have held their land for hundreds of years [Grüll 1963: 375].

When Joseph II expressed these views he had already translated political ideas into policies. In November 1781 he had issued a patent abolishing serfdom in Bohemia, Moravia and Silesia [Kropatschek/J.II 1: 423-4; Link 1949: 106-12; on hereditary subjection of the peasants in Bohemia in the 17th century cf. Stark 1952: 357-62; Feigl 1980: 48 on the definition of serfdom, *Leibeigenschaft*, in the literature and political discussion of the enlightenment]. The peasants in the Bohemian lands were granted the freedom of marriage, the right to learn arts and crafts of their choosing, and the freedom of movement - if provisions relating to conscription were observed. Peasants were now allowed to move from place to place, settle down or seek employment in any part of the monarchy. Henceforth, only the formal consent of the landowner was necessary and this consent should be given without incurring any cost to the ex-serf; fees on departure were thus abolished. The law confirmed the continuation of the existing urbarial patents which laid down the peasants' manorial obligations. But the statute also stipulated that, apart from these established services and dues, "no further burden can be imposed on the subject". Following this patent, serfdom was also abolished in Austria in 1782 and in Hungary in 1785 [Heinsch 1980: 221].

To understand the significance of this policy for determining the social and political character of the absolutist regime, we have to situate it within the context of the state's economic policy. Since the late 17th century agencies within the political apparatus of the monarchy had advocated an interventionist, mercantilist economic policy. In 1699 the Bohemian Lieutenantcy Council put forth a comprehensive plan for

customs reform. This plan provided for high tariffs on imports of finished goods and on exports of raw materials, and low tariffs on imports of raw materials and exports of finished goods [Kann/David 1984: 121-2; Klima 1965: 109-19]. In the course of the 18th century, the state increasingly supported manufacturing industry:

Manufacturers obtained preferential customs on the import of raw materials. Guild restrictions did not apply to them and they could employ any amount of skilled as well as unskilled labour ... Manufacturers, their sons and employees were not liable to conscription, and soldiers were not to be quartered on the premises of manufacturing firms. In the 18th century a number of new customs regulations restricted imports of foreign goods and protected the home market for the native manufacturing industry. Manufacturers ... were exempt from taxation during the whole period that ended with the abolition of serfdom ... the state made considerable loans to manufacturing firms, which were in effect subsidies [Klima 1957: 94].

In Bohemia, this policy resulted in the foundations of twenty-five manufactories by 1775. In 1788 this number had risen to eighty-six. Predominant among the manufacturing industries (both in manufactories and in domestic industries) were those producing textiles, with about 177,000 employees in 1775 and 230,000 employees in 1780. Glassworks and ironworks, the next two leading industries, employed by comparison only 3,622 and 2,354 workers respectively [Hanke 1973-4: 481; Kann/David 1984: 205]. In Bohemia in 1788 the official statistics listed 435,641 persons engaged in manufacturing industry. The manufacturing population thus comprised about 15% of the total population. Almost three-quarters of these employees were spinners: out of a total of 313,842 spinners, 234,008 spun in flax and hemp, 51,087 in wool, and 28,747 in cotton. By 1797,

the manufacturing population had increased by more than 27% to 555,074, of whom almost two-thirds (or 354,308) were spinners. By 1797, therefore, almost 19% of the population in Bohemia were employed in the manufacturing industries.

A comparison with Lower Austria shows the advanced economic position of Bohemia. In 1783, the registered industrial population in Lower Austria amounted to 94,094 or 5.8% of the total population. Two years later, this number had risen to 120,614 or 7.5% of the population. Two-thirds of those employed in industry (or 81,756) were spinners. In 1790, about 11% of the population were employed in manufacturing industries (or 182,473), but the percentage of those employed as spinners as a proportion of the manufacturing workforce had slightly decreased from 67.8% in 1785 to 65.7% in 1790 [Dickson I: 47-8 for employment figures; Bolognese-Leuchtenmüller 1978: 50-1 for population figures of Lower Austria; to calculate the percentages for Lower Austria in 1790 the population of 1789 serves as point of reference; cf. Melton 1982: 51-5 and Freudenberger 1960: 395-7 on Bohemian textile industry].

Many manufacturing enterprises in Bohemia were owned by the aristocracy. And though the lords of the manors took advantage of the fact that the serfs, now increasingly employed in their commercial enterprises, were still legally bound to the soil, the traditional relationship between lord and serf was gradually converted into a contractual economic relationship based on wage labour. By supporting the rise of new industries within the traditional agrarian economy, the absolutist state did not only help to bring about

economic advance, but also the victory of new social relations over old ones [Klima 1957: 92, 94].

In the second half of the 18th century the numbers of large bourgeois manufacturing enterprises increased. Such was the growth of these enterprises that almost all the cotton mills were in the hands of non-aristocratic owners by the second half of the 18th century. Not only linen merchants who set up workshops for the finishing processes of linen production, but also artisans who had done well enough to own big enterprises employing several hundred workers competed with the aristocratic manufacturers. But the continuation of feudal restrictions did not only result in these urban and bourgeois enterprises being established in royal towns, especially in Prague. It also meant that these urban entrepreneurs encountered obstacles in the way of expanding production. In effect, with the mobility of labour still restricted under the conditions of serfdom, "manufacturers competed with each other for domestic workers, offering high wages, until they realized that the existing system was unworkable" [Klima 1957: 96-7].

In this situation, the abolition of serfdom cut back the commercial advantage of the lords of the manors, which had emanated from their politico-cum-legal domination over those peasants holding leases on their land, and enabled the urban, merchant and artisan entrepreneurs to expand their manufacturing enterprises [Hanke 1973-4: 539-40]. Accordingly it was explicitly stated in the patent which abolished serfdom that it would "usefully influence the improvement of agriculture and industry". There is no doubt that the abolition of serfdom contributed to the process of the gradual emancipation of the peasant

from his traditional bonds. But 'liberated' from the soil which he had tilled and which had provided him and his family with the basic means of subsistence he now had to enter a new type of economic relationship as a wage labourer. He was set free to enter and produce a new relationship of dependence.

The *robot* patent for Bohemia in August 1775 had already contributed to the formation of this new economic relationship. As in 1680, the patent of 1775 was preceded by peasant uprisings. Excessive *robot* was only one among a number of lordly practices which put a heavy burden on the peasantry. These practices included not paying peasants for fire or weather damage, payments which were deductible from the *Contribution*; unwarranted demands of fees for levying tax; and compelling peasants to buy from, and sell to, lordships at fixed prices [Dickson I: 126-7]. In a period of bad harvests and famine, these oppressive practices finally resulted in peasant uprisings. Such was the intensity of these rebellions that the peasants could only be defeated by the deployment of troops forty thousand strong [Melton 1982: 63-4; Wright 1966: 41-5; on *robot* obligations in Bohemia in the 17th century cf. Stark 1952: 362-74].

The novel aspect of the 1775 patent was the division of serfs who performed labour services into eleven categories. By far the heaviest burden of labour service was placed upon the better-off peasants. Their obligations were considerable. At the same time the decree greatly reduced the obligations of smallholders, cottagers and landless serfs. The rationale behind this policy was the state's endeavour to free some of the labour in rural areas for work in domestic industry and the manufactories: "The

'freeing' of the landless rural population from the agricultural sector as a result of the Labour Services Decree of 1775 met the growing demand for manpower in the various industrial enterprises that were coming into existence, and gave a much-needed boost to their development" [Klima 1985: 211; also *ibid.*: 198-9, 201-2]. At the same time, the commutation of surplus labour services to money rents continued and the monetarization of the lord-serf-relationship further contributed to the peasant's involvement in market relations.

In addition to the patent of the abolition of serfdom, Joseph II introduced other measures aimed at improving the position of the peasants vis-à-vis the landlords. A law, issued at the same day as the patent abolishing serfdom, provided that peasants could request to obtain property rights over their farms. The circle offices were charged with paying "close attention to make sure that there is neither the slightest compulsion [to buy], nor the subjection of the peasants to burdensome conditions" [Kropatschek/J. II 1: 422-3]. Those subjects who already owned their lands should be able to "use, pawn, mortgage, sell or exchange" as they pleased. The sole exception was that lands attached to the farmhouse could not be sold without it. The new law also gave the peasant owner the right to go into debt without the permission of the lord, but the limit of his liability was set at two-thirds of the value of the property. By bestowing property rights upon the peasant who farmed the land, the law made market transactions of landed property easier.

A string of laws regulated the hereditary acquisition of peasant farms. The law of April 1787

designated the eldest son as legal heir. By preventing the division of the farm unit through inheritance, it aimed at ensuring the survival of the farm as a viable economic unit. At the same time, it also drastically limited the nobles' right to choose among heirs. If the lords raised any objections, the final decision on the rightful inheritance rested with the circle offices [Kropatschek/J.II 13: 98-101; also: *ibid*: vol. 15: 126 ff.; vol. 17: 35; vol. 18: 590; cf. Gutkas 1982: 17-8; Link 1949: 124-9].

The position of the peasants was further enhanced by the government's attempts to make eviction of peasants from their holdings almost impossible. Peasants could be evicted as a last and most severe form of punishment if they had been lawfully convicted; but only if and when the circle office had endorsed the sentence could eviction take place. Eviction was also possible if the peasant's accumulated debts went beyond the two-thirds mark set by the decree of November 1781 [Link 1949: 124-6].

Given these reform measures it can be argued that Joseph II attempted to improve the position of the peasants at the cost of the aristocratic landlords. One motive behind these policies was the endeavour to curtail the political power of the aristocracy by undermining their legal, economic, and social hold over their subject peasantry. When we now turn to another set of reform measures we shall see that another motive for the state's peasant policy was the government's concern with ensuring as broad a tax basis as possible. Again, this goal set the monarchy against the entrenched interests of the aristocracy. However, in the pursuit of this goal it also became manifest that the aristocratic opposition was not just

a force to be confronted 'outside' the political state apparatus, but rather that it was part of the political apparatus and operated 'within' it.

The attempts of the landlords in the first half of the 18th century to encroach on the rustikal lands occupied by the peasants constituted a major threat to the tax revenue of the monarchy [Komlos 1986: 472-4 on which the following account is based]. The growth in population had increased the demand for land. The endeavours of the lords to increase the rent of their lands were, however, thwarted by the fact that they found themselves locked in long-term contracts which, in the current situation of great demand, were highly unfavourable for them. The landlords, therefore, attempted to encroach on the lands leased to the peasantry in a number of ways. They had the land revert back to their own use or subdivided the leased holdings. In some cases, lords forced their peasants to switch their landholdings to other parts of the manor; in other cases more labour services were demanded than were contractually due. But landlords also tried to convert leases from tenures-for-life into short-term leases. In a period of rising population and rising demand for land, this more flexible contract opened up the opportunity for the landlords to raise rents in the future:

Converting leases, however, threatened the government because changing the legal status of the land led to loss in tax revenue. The allodial land of the lord was subject to extraordinary taxes which had to be approved by the provincial assemblies. The government attempted to cope with this situation by ordering lords to pay taxes on the rustikal land converted into dominikal land, but the provincial estates resisted resolutely in the name of the ancient tax-exempt status of the lords [Komlos 1986: 473].

Faced with this resistance by the aristocracy, the monarchy adopted another strategy in 1751 in Bohemia. It was stipulated that exchanging a peasant's plot for another and reverting rustikal lands to dominikal land required prior approval of county authorities. After 1769 conversion of any kind was prohibited in Bohemia and eventually lords were prohibited even from purchasing land from the peasantry. In 1786, all commoners were allowed by the government to purchase manors. Peasants were thus legally entitled to expand their landholdings; and some of them even acquired manors by forming companies: "In 1805 there were 12 such manors in peasant hands in Bohemia; ownership was divided among 215 peasants" [Komlos 1986: 474].

B) The tax reform in the Austrian Empire in the late 1780s

Joseph II was not content with only defending the existing tax system against attempts by the aristocracy to alter it to their advantage. Complementary to this reactive policy was the endeavour to create a new tax system. But creating a new system of taxation meant, of necessity, to restructure the political and economic relationship between lord and peasant. On the one hand, given the political power structure, tax revenue could only be increased by transferring a larger amount of peasant income into the coffers of the state. But if this transfer was not to lead to the economic ruin of the peasantry, and thus to the destruction of the economic basis of the tax system, the peasantry's obligations towards their landlords had to be reduced accordingly.

Only then was it possible for the peasants to bear the new economic burden imposed by the state. Thus, the introduction of a new system of taxation constituted, in effect, a political struggle between ruler and aristocracy over the ground rent. On the other hand, imposing taxes on the aristocracy inevitably led to the same confrontation. Their political and economic power would enable the manorial lords to shift their own tax burdens onto their serfs. Only by erecting regulative safeguards could the state attempt to prevent the landlords from recovering their tax payments to the state by imposing greater demands on their serfs [Wright 1966: 142; Vilfan 1973: 5; Rozdolski 1961: 9-10]. In so far as a new tax system affected both power and purse of the lords, it was likely to arouse their determined resistance.

In November 1783 Joseph II informed the First Chancellor, von Kollowrat, of his plans to reform the tax system in the Habsburg monarchy. The basic principle of this reform project was the physiocratic belief that land was the source of wealth in the state. The plan provided for the existing distinctions, which divided land into noble, crown, peasant and Church lands, to be wiped out. The Theresian system had established different taxation rates for dominikal and rustikal lands. The lord's dominikal land was taxed according to its net, while the peasant's land was taxed according to the gross product. Joseph proposed that the reform should provide for all lands to be taxed at an equal rate regardless of who owned them or leased them. He laid down that in future only the net product was to be taxed. In order to arrive at a just distribution of the tax burden, the land was to be resurveyed and reassessed and a uniform percentage of its value

levied upon it. A part of this percentage was to go to the landlords as compensation for the loss of dues, the rest was to be paid to the government in taxes [Link 1949: 131; Liebel-Weckowicz 1974: 74; Mikoletzky 1971: 312, 315-7; Rozdolski 1961: 17-20].

The Court Chancellery did not approve of this reform program. And neither did the State Council. In the previous year, Joseph had already initiated some reform in Galicia to relieve the situation of the peasantry there. But Count Hetzfeld, the President of the State Council, advised against reform and warned that the welfare of the peasant subjects must not be achieved by destroying the aristocratic manorial system of domination [Rozdolski 1961: 16]. This consideration also led him to opposing the extension of the Galician reform principles to all the lands of the Habsburg monarchy. The Chancellery endorsed these objections and implemented administrative delaying tactics to bring the project to a halt [Rozdolski 1961: 17-23]. Undeterred by this obstructionism, Joseph reverted to an old device: in the summer of 1784 he installed a 'Tax Regulation Court Commission' to overcome intragovernmental opposition. But as the president of the court commission, von Zinsendorf, vehemently disagreed with Joseph over the best method of calculating taxable income, resistance from within the administration to the new tax system continued [Liebel-Weckowicz 1974: 75; Mikoletzky 1971: 319-20; Rozdolski 1961: 26].

The next major step in organizational terms was taken in spring 1785 when it was resolved on April 15 that for each province there should be established commissions which would operate directly under the court commission. Their task was to supervise the

newly established subcommissions within each district of the provinces. These subcommissions, consisting of a circle official and a steward from the cameral estates, had, in turn, the duty to oversee the surveying and assessing of the land on the local level [Link 1949: 132; Bibl 1902: 18-21]. This emphasis on supervision resulted from a fundamental infrastructural weakness of the state: the government had no staff that was either large enough or well-trained enough to carry out the task of resurveying and reassessing the land; the survey, therefore, had to be executed within the manorial organization by manorial officials with the assistance of peasants. It was stipulated in a governmental decree that the local judges and jurors had to be present at these local surveys [Grüll 1963: 378]. In order to deter those participating in the survey from falsifying the figures, their remuneration should be based, not on the time expended, but on the correctness of the survey data. Soon afterwards, however, it was decreed that local judges and jurors should not be reimbursed at all as the project contributed to the 'common weal' [Mikoletzky 1971: 323].

According to the patent of April 20, 1785, all arable land was to be surveyed and its probable produce estimated on the basis of past yields. This survey was thought as laying the foundation for a new system of taxation "without increase in the present contribution ... each province, each community, each individual shall give according to the fertility of the land" [quoted in: Link 1949: 132-3]. Aware of the need to obtain the co-operation from the landowners for this project, and conscious of the lack of any means to coerce them into co-operation, Joseph remitted in advance all penalties for those landowners

who had concealed part of their property in the Theresian surveys. He ordered that no landowner was to be questioned if lands "which had hitherto been undiscovered ... suddenly appeared" [quoted in: Link 1949: 133]. Such was the opposition to the whole enterprise, however, that in February 1787 Joseph II had to issue a circular urging that "all obstacles, be they persons or things, are to be eliminated" [Kropatschek/J.II 13: 207-8]. And in order to overcome the resistance of the village headmen and elders he resolved in December 1787 that "agitators and ringleaders who have incited their communities to refuse to give the necessary data ... are to be punished, with the explanation that the penalty is due solely to their obstinacy" [Kropatschek/J.II 13: 219-20].

Despite the attempts to obstruct the land survey, most of the land reform work was completed during 1787. But there still remained the question of calculating the seigneurial obligations. Only if the urbarial regulation would prevent the manorial lords from passing on the financially detrimental effects of the land reform to their peasants, would the power position of the noble landowners have been seriously undermined. The issue of seigneurial obligations hinged on setting an upper limit on the individual tax burdens. In February 1788, the Emperor laid down that no subject was to pay more than 50% of his gross product as a total obligation to the combined collection of lord, village, and state [Rozdolski 1961: 104]. In no instance should it be possible for the manorial lords to increase their subjects' obligations in order to push the total obligations to the 50% margin in those cases where so far less had been demanded from the peasants. Joseph's reform plan

also provided for all urbarial obligations to be commuted - "*de regula*" - to money payments. But to ease this process, a period of transition was designated in which payment in kind was still allowed [Rozdolski 1961: 103-6].

The translation of these ideas into a binding decree was placed into the hands of Councillor of State Eger who took over the presidency of the court commission after the dismissal of von Zinsendorf by Joseph II. But while Eger was more in agreement with the Emperor's policy than von Zinsendorf, the effect of this change of personnel was somewhat diluted by the decision to subordinate the new commission to the Court Chancellery and the Chancellor, Rudolf Chotek, a supporter of von Zinsendorf, who was to sign the decrees which Eger drew up. And the Court Chancellery tried very quickly to put the breaks on. Soon after Eger's appointment a general survey of urbarial obligations in all provinces of the monarchy was ordered by the Chancellors Kollowrat and Chotek. Not only did they play for time as such a survey was bound to be highly time-consuming; they also seem to have hoped to stir up opposition among the manorial lords. They justified the survey as "necessary because it allows to gain genuine and reliable data about the loss which the manorial lords will suffer as a result of substituting the new constitution for the old system" [quoted in: Rozdolski 1961: 110]. But no sooner had Joseph discovered this ploy than he forbade the Chancellery any direct interference with the deliberation of Eger's commission.

There were further administrative attempts by high officials within central government to prevent the formulation and the publication of the tax and

urbarial regulations [Rozdolski 1961: 111-6]. In January 1789, a few months before the publication of the decree, the Chancellery tried yet again to convince the Emperor that insisting on this reform was inadvisable: "a decision by authority, which measures all dues by the same scale and commutes them into money payments, without respect for deep-rooted customs, legal contracts, and judicial settlements, is incompatible with the duty of the state to protect the property of each of its subjects [*Bürger*] and transgresses the limit of a moderate form of government". Apart from taking recourse to fundamental principles which, in the Chancellery's opinion, should guide the policies of the state, pragmatic arguments were put forward. If the nobles became impoverished, as after the enactment of the decree they surely would, they would no longer be able to support charitable institutions. Furthermore, it would be ingenious to assume that the effect of this reform would be beneficial to the national wealth since the industry of the peasants would not increase in such a degree that the loss of the manorial lords would be made good. If the reform had to go ahead, then the commutation of seigneurial obligations into money payments should at least be postponed until November 1790. If not, this "revolution" would severely undermine the economic fortunes of those landlords who were running large-scale estate economies [quote in: Link 1949: 137-8; Rozdolski 1961: 114; Mikoletzky 1971: 337-8; Grünberg II: 440-1]. But this intervention of the Chancellery could not deter Joseph, and neither could the resignation of Count Chotek. Rather than sign the decree which in his opinion meant the destruction of the nobility, Chotek resigned five days before its publication.

In spite of all the opposition, the Tax and Urbarial Reform Patent was published on February 10, 1789 [Kropatschek/J.II 17: 153-70]. Its first part dealt with the Imperial land tax. It declared that the new tax aimed at a "perfectly equal distribution" of the tax burden. In order to achieve this goal all differences among estates as well as the quota system for different provinces were abolished. In future, all those who owned land, be they peasants or landowners, were to pay 12^{2/3} per cent of the gross income derived from the land in taxes. With tax now imposed on the gross rather than on the net product of agriculture, Joseph had changed his essential principles of taxation. Liebel-Weckowicz [1974: 78] argues that this change was caused by the dire financial needs of the Habsburg state due to the fiscal repercussions of Joseph's involvement in the Turkish War. We will discuss the importance of this war for the political regime in greater detail in a later chapter.

The peasants' obligations towards their lords were dealt with in the second part of the edict. It was declared that it was the final aim of the state "to strengthen those who live on the land and to enable them to carry out their duty as citizens". To achieve this aim, peasants "severely oppressed by the demands of the land and tithe lords" had to receive relief. Therefore, "a just goal and irremovable limits" had to be set wherever dues and services surpassed the subject's ability to pay. It was thus provided that the peasant could keep 70% of gross income. The remainder of 30 % was shared by the state and the lord: the state should receive 12^{2/3} per cent, the lords 17^{7/9} per cent. But this sum was to cover all of the lord's costs in labour services and other seigneurial dues rendered by the peasantry. This meant

that from now on all seigneurial obligations had to be settled in money [Link 1949: 129-41; Liebel-Weckowicz 1974: 78-80; Mikoletzky 1971: 338-40; Rozdolski 1961: 117-21; Feigl 1980: 50; Heinsch 1980: 221].

The reform of the urbarial obligations was to apply only to rustical peasants:

the relations between dominical peasants and their lords would continue to be determined by mutual, private agreement. Cottagers and laborers, of course, did not come under the new regulation. The operation of the law was further narrowed by the stipulation that only those rustical peasants who paid more than two gulden annual land tax could qualify for its benefits. Only a minority of peasants of Bohemia [e.g., R.A.] stood to gain any immediate advantage from the new law, and those serfs whose conditions were not to be regulated by it resented being left out ... [Wright 1966: 147].

As there was a considerable number of dominical peasants, the regulations constituted a major concession to the manorial lords [Rozdolski 1961: 119-20].

If we try to characterize this agricultural reform in socio-economic terms, prime emphasis must be put on the attempt to transform the manorial economy from a system of production (and domination) based largely on labour services and rent in kind into an economic enterprise centred on money transactions and money rent. The reform aimed at turning the manorial lords into recipients of a fixed rent without any lawful possibility of increasing their yield [Feigl 1982: 259-60; Bruckmüller 1985: 292; Rozdolski 1961: 10, 13-4]. This reform, therefore, reinforced the trend towards the monetarization of the economy which has already been mentioned above. This monetarization went hand in hand with an increase in the importance

of wage labour. As we have seen, the law reduced the amount of *robot* at the command of the lords and forced the lords to seek wage labour. This could not but drive up the level of wages for free labour. Dominical peasants, cottagers and labourers, who had not been affected by the reform, could thus 'benefit' from it in the long run, as they could now work for increasing wages after they had performed their *robot* services [Wright 1966: 147]. Wage labour was also favoured by a concession made by the Emperor to assuage manorial lords in Bohemia and Galicia: "If a lord found it completely impossible to manage his estate without labor services, the peasants were to perform their customary duties until November 1, 1790. For this work, they were to receive a money wage fixed by the government. In other words, the ex-*robot* peasant was to become an agricultural wage-laborer for one year before the full effect of the *robot* abolition system came to fruition" [Link 1949: 142; Rozdolski 1961: 121].

The formulation of a new policy is one thing; its implementation quite another issue. Hitherto, manorial officials had collected the taxes approved by the Estate assemblies. In the course of 1789, however, tax collectors became state officials [Rozdolski 1961: 72-4]. It was said of the manorial tax officials that they lacked the inclination to implement the new tax system [Kropatschek/J.II 17: 256 (September 15, 1789)]. It was therefore decreed that the tax collectors should not any longer be dependent on the manorial lords, but become subordinated to the commission for tax regulation and the local circle offices [Kropatschek/J.II 17: 250 (September 17, 1789)]. But as we saw earlier in this chapter, there was a certain degree of mutual understanding between

the local landholders and the circle officials. As was to be expected, in the preparatory phase of the new tax and urbarial system the circle officials were often sympathetic to the complaints and delaying tactics of the landlords. This collusion had led to Joseph's order that every candidate for the office of circle captain had to obtain the approval of the provincial commission in charge of the tax and urbarial regulation. Naturally, the Court Chancellery objected vehemently to this order. But in realization of the true situation at the local level, Joseph felt compelled after the publication of the regulation patent to warn the circle captains in Inner Austria that they would be dismissed from office should they show any aversion to the new system [Rozdolski 1961: 145, n. 77]. Thus, even with tax collectors being in the employ of the state, there was still some doubt as to the diligence with which they would perform their task or, rather, given the influence of the circle offices, whether they were allowed to perform their duties.

But even if the officials of the commission for tax and urbarial regulation were willing and eager to do their job, they had to confront not only the obstructive activities of the manorial lords, but also the hostility of the provincial governments which sided with the local aristocracy. Far from aiding the tax officials with the execution of their tasks, they denounced them as agitators being engaged in the business of alienating the peasant subjects from their lords: again, the Court Chancellery was prepared to endorse this view [Rozdolski 1961: 143-5]. As before the publication of the patent, the high state officials actively opposed the new system after its introduction.

This opposition of the high state officials, all of them members of the landowning nobility, and of the manorial lords to the new tax and urbarial system can be deduced from their political and economic interests, as discussed above. It would be wrong to assume that this active resistance to state-induced agricultural reform policies was something new and never experienced before. When attempts were made to regulate the urbarial obligations of the peasants in Bohemia in the early 1770s, a pattern similar to the constellation and events of the late 1780s developed. Assisted by the provincial government and the Court Chancellery which did not consider exerting any pressure, the Bohemian lords resisted the imperial order to write down all seigneurial dues which their peasants had to render. When, after the *robot* patent of 1775, special court commissioners were sent to Bohemia and Moravia to investigate peasant complaints that manorial lords would not comply with the stipulations of the patent, both provincial government and Court Chancellery accused the commissioners of consciously stirring up trouble; instead of restoring law and order, they would contribute to the break-up of public order [Grünberg 1911: 145-53].

The very same collusion between high state officials and the local aristocracy could also be seen in Silesia in the late 1760s and early 1770s. Instead of ensuring the successful implementation of the *robot* patent of 1771, the provincial government attempted to dodge the law [Grünberg 1911: 133-43]. And it was in Silesia and Bohemia that the manorial lords resorted to a ploy, which was to be resurrected in the late 1780s, to regain some of the losses suffered under the new laws: the manorial lords deprived their peasants of the traditional right to use the allodial and

manorial woods and grassland. In 1789 they argued that this step was justified because they alone were obliged under the new law to pay the taxes which had been imposed on these lands. Fully supporting the claims of the manorial lords, both Court Chancellery and provincial governments proposed that, instead of having the right to use these lands free of charge, the peasant subjects had either to pay part of the taxes or to pay a fee to the lords as compensation [Rozdolski 1961: 145-6].

There were two overriding financial reasons for the aristocracy to oppose the new law. First, landlords in Bohemia and Austria were used to receiving on average between 20 to 30 per cent of the peasant's gross income. The 17 per cent which the new law set as the ceiling on payments to the lord was thus evidently below the customary amount on which the lords had based their economic calculations. Second, the new tax collectors, which were responsible to central government, posed a serious threat to the Estates' administration of tax collection as they were to collect the Estates' traditional taxes as well:

The taxes owed the estates could not very well be added to Joseph's new land tax ... Yet the old taxes had been set aside to amortize the provincial debts and if they were to vanish, all payments on the principal and annual interest on these debts was threatened with default. It is because they were literally faced with bankruptcy that the provincial estates were on the point of revolt when Joseph died [sc. on February 20, 1790] ... [Liebel-Weckowicz 1974: 80].

Discussing the seigneurial opposition to reform in Bohemia, Wright points out that, as an effect of the reform, seigneurial incomes were reduced:

Land values declined sharply because of the loss of income and because of general uncertainties occasioned by tax, land, and *robot* reforms ...

Agrarian reforms were not alone, however, in reducing the sales value of land; state lands in considerable quantity were thrown on the real estate market, depressing prices even more. At the same time the uncertain effects of the agrarian and tax reforms made lenders chary about extending credit to noble landowners ... In addition, the losses of *robota* forced the seigneurs to hire labor, and agricultural wages were increasing with the reduction of *robota* [Wright 1966: 162; Kerner 1932: 211].

But the peasants, too, were dissatisfied with the reform. As we have seen above, not all peasants would be covered by the new regulation. Those serfs whose conditions were not regulated by the new law were bound to resent being left out. Furthermore, as a concession to the manorial lords, *robot* commutations and abolitions which the peasants had anticipated, had been suspended in those cases in which a petitioning lord could show that the immediate application of the law would work a hardship on him. Peasants feared that this respite was the first move towards the ultimate evasion of the law [Wright 1966: 147]. But peasants were also under the impression that the reform constituted only a first step towards freeing them from all obligations towards their lords. According to the Bohemian tax commission this apprehension was the reason why the peasants refused to sign a form acknowledging their current *urbarial* obligations. Such was the extent of this misapprehension, fuelled by the events in France, that an Imperial decree had to be published in September 1789 in which it was made clear that no further reforms could be expected. The peasant opposition to the reform led to the outbreak of peasant uprisings throughout the monarchy. Military force had to be used to quell this unrest [Rozdolski 1961: 128-32; Grünberg II: 450-1; Wright 1966: 148; Liebel-Weckowicz 1974: 80-1].

Shortly after the accession to the throne in February 1790, Leopold II took the first step towards the repeal of the tax and urbarial regulation. By a law of March 22, 1790, the Court Commission for Tax Regulation, as well as the various subcommissions in the provinces, were abolished; the Court Chancellery was to take over the task of the Commission. The same law also abolished tax collection by Imperial officials; it was argued that this system had meant an additional burden to the peasants as the Imperial officials had to be salaried to fulfill their function [Kropatschek/Leo. II 1: 59-60]. On April 6, 1790, the first of the decrees abolishing the Josephinian tax and urbarial system was issued. This decree for Lower Austria was followed by decrees for Austria above the Enns (April 19), for Styria (May 5), for Carinthia (May 20), and for Carniola (June 10). For Galicia a patent was signed on April 19 and for Bohemia on May 9, 1790. Responding to the critical situation in Hungary (which we will discuss in the following chapter), Joseph had already ordered on January 28, 1790 that in Hungary all work on the cadastre should be halted [Bibl 1904: 82; Link 1949: 149-51; Rozdolski 1961: 158].

In the decree repealing the Josephinian system Leopold II considered himself "duty-bound to protect the lawful property of the nobility and to lend an ear to their complaints at the arbitrary and gratuitous curtailment of their justly acquired rights". Urbarial obligations constituted "the natural bond between lord and subject" and were beneficial to the peasants as it was on the basis of this obligation that the subjects would always obtain support from their lords whatever the circumstances. Leopold admonished the subjects "to cast aside the fallacious delusion as if

their obligations towards their lords had ever been rescinded or that it ever could in fact be rescinded" [quoted in: Mikoletzky 1971: 344]. With this decree, therefore, Joseph's agrarian reform had been revoked and the claims of the manorial lords to the legitimacy and propriety of their domination over their subjects had been accepted.

Throughout the monarchy, peasants rose against the restitution of the traditional conditions. In Bohemia, in particular, this protest was much influenced by the ideas of the French Revolution. There, the peasants (or, at least, their leaders) were not content with challenging the lords' right to impose seigneurial dues, but aimed for the destruction of the feudal system as such. In Krain, too, peasant unrest went beyond the protest against economic seigneurial obligations and encompassed demands for political representation of the peasants in the Estates assembly. The peasants in Bohemia and Styria, too, made the same political demands [Reinalter 1988a: 73-6; Reinalter 1988b: 189-96; Zwitter-Tehovnik 1975: 97-107]. But instead of giving in to these economic and political demands, the Court Chancellery empowered provincial governors to proclaim a state of emergency thus enabling them to dispatch military reinforcements in aid of landlords beleaguered by recalcitrant peasants [Wangermann 1959: 68-70].

In order to understand why the aristocracy succeeded in defeating Joseph's tax and urban reform, we have to go beyond an analysis of the interest constellation which bound together noble landowners and high officials of central and provincial government agencies. The room for manoeuvre of the absolutist state was severely restricted in the

late 1780s. Political conflict in the Austrian Netherlands and Hungary threatened the political survival of the Habsburg Empire. The financial and military demands of the war against the Ottoman Empire made it necessary for the monarchy to give in to the interests of the aristocracy. This need for establishing some cohesion within the ruling class was reinforced by the political repercussions of (the ideas of) the French Revolutions. It was within this context that Joseph's tax reforms were revoked. In the remaining chapters, this régime crisis of the Austrian monarchy in the late 1780s and 1790s will be analysed in greater detail.

VI. The political crisis in the Austrian Netherlands and Hungary in the late 1780s.

A) The Austrian Netherlands.

The reforms which Joseph II introduced in the Austrian Netherlands resulted in the virtual collapse of Imperial authority there. His religious reforms met with the opposition of the Belgian clergy amongst whose ranks there were no supporters of a reform of the Catholic Church as could be found in the hereditary lands of the monarchy [Stradal 1968: 275]. As in the Austrian lands, the religious reform policies were informed by the Emperor's insistence that as God's guardian of the welfare and tranquillity of his realm, he had the right, and obligation, to prevent the publication of those apostolic briefs and bulls which he considered to undermine the civil authority, or subordinate it to that of Rome. In asserting the right to exercise the *placet regium*, Joseph claimed both secular and sacred predominance over the Pope in his territory. It was an important means of establishing a national church in the face of the ultramontanistic claims of the Roman Catholic Church. At the same time, religious reform was thought to bring about economic advantages: "[Religious] toleration, in my view, simply means that in purely temporal affairs, I would employ and allow the possession of property and the rights of citizenship to those who bring benefit to the state", notwithstanding their religious beliefs, as Joseph declared [quoted in: Davis 1974: 193]. But in a country such as Belgium where a substantial proportion of the population in the 1780s (17,350 of approximately two million women and men) devoted

itself to religious service, and where most of the regular clergy were life-long residents in their parishes and thus closely involved in the everyday life of their congregation, reforms considered by them to undermine the position of the Catholic Church were bound to be opposed [Polasky 1987: 28-9, 33-4].

But this situation did not deter the monarch. Official recognition to Protestantism in the Austrian Netherlands was given in November 1781. The immediate protests from the Belgian episcopacy were to no avail; the right for the Protestants to worship was not rescinded by the government. But worse was to befall the Catholic establishment. A first decisive step against ultramontanism was taken in the same month when all monastic orders in the Belgian provinces were declared to be absolutely and completely independent of all foreign superiors. Henceforth they were to be subject to the jurisdiction of the diocesan bishops. As Davis [1974: 199] points out this provision meant "that cloisters would no longer secure and maintain from Rome exemptions from episcopal jurisdiction in exchange for monetary considerations, and exempted abbots and prelates would not forward confirmation fees outside the country".

Extending the reform policies already undertaken in the Austrian hereditary lands to the Austrian Netherlands, it was ordered in January 1782 that an inventory was to be taken of "all convents and religious orders of either sex which lead a purely contemplative life without contributing in any visible manner to the welfare of their fellow men" [quoted in: Davis 1974: 204]. This was the first concrete step towards the dissolution of the Belgian convents. The disestablishment of these contemplative orders was set

in process in March 1783 when the order was given to transfer all assets of those convents singled out for dissolution to a special religious fund from which pensions could be provided for the displaced monks and nuns. Following this order, altogether 163 cloisters were disbanded in the Austrian Netherlands [Davis 1974: 209]. These dissolutions were not unique to the Austrian Netherlands. In 1780, there were slightly over 2,000 monasteries in all the Habsburg territories. By 1790, slightly more than a third of all monasteries had been dissolved. In the same period, the number of monks and nuns fell from some 40,000 to slightly over 27,000 [Dickson I: 72-7; Scott 1990: 171].

Two further reforms reinforced the rift between the Belgian clergy and the Imperial government. In November 1783, Joseph II forbade the publication of papal bulls conferring benefices. The Pope thus lost, in effect, the right to confirm, invest, or institute religious offices below bishoprics. Finally, in October 1786 the old episcopal seminaries were disestablished in favour of two new institutions under the government's control - a general seminary at Louvain and an affiliate at Luxemburg were now to train young clerics on the basis of a curriculum drawn up by government. Such was the dislike of this institution that in December 1786 students revolted against the regime and the doctrinal contents of the teaching which they considered heretical. Troops had to be called in to quell the rebellion and on December 13 the seminary in Louvain was invested by troops [for religious reforms cf. Davis 1974: 189 - 219; Schlitter 1900: 21-35; Polasky 1987: 39-43].

But while the opposition amongst the clergy against the religious reforms took a violent turn, discontent with Imperial rule had not yet spread amongst the political and social elite outside the Church. But the political and judicial reforms, which Joseph set out to implement, were to change this elite's attitude towards the Imperial government soon. It was after religious protest was joined by political opposition to Imperial government that monarchical authority in the Austrian Netherlands was severely threatened.

The plans for the revision of the entire Belgian administrative and judicial system were announced in January 1787. The administrative reform provided for a centralized and departmentalized *Council of General Government* which was to take over the responsibilities of the collateral councils - the honorific Council of State, the Privy Council, and the Finance Council - and all existing councils and commissions which were to be abolished, with the one exception of the bureau of customs [on the administrative structure before the reforms: Polasky 1987: 16-9]. All judicial matters should fall within the remit of a newly-instituted *Sovereign Council of Justice*; financial matters were to be dealt with by the renovated Chamber of Accounts. For administrative purposes, the ancient political divisions of the provinces were dissolved and supplanted by nine circles, each governed by an intendant with the assistance of twelve district commissioners. They were to supervise all phases of public administration, whether political or economic, and had the power to overrule the traditional authority, the Estates. In order to further curtail the power of the Estates, the permanent deputations, which had been in effect responsible for the

continuous administration of the provinces, were abolished [on permanent deputations: Arndt 1843: 244; Davis 1974: 15-20]. The Estates retained two 'checks' on the Emperor's authority. They still had the right to vote on the Austrian tax subsidy twice a year. And they were allowed to elect five representatives in all who, if approved by the government, could represent them to the new general council. But these delegates were to appear only when summoned to render, as it was put by the government, "advice and information ... relating to the general interest of the province" [quoted in: Davis 1974: 229; on administrative reform: Arndt 1843: 254; Davis 1974: 228-9; Polasky 1987: 45-6].

The judicial reform aimed at the suppression of the traditional system of provincial, municipal, seigneurial, and ecclesiastical justice. These old jurisdictions were replaced by sixty-four regional courts which operated under the central direction of a *Sovereign Council of Justice* located in Brussels. This central court also supervised the two newly-created appeal courts - one located in Luxemburg, the other in Brussels [Arndt 1843: 259-60; Davis 1974: 230-1].

The political opposition to these administrative and legal reforms was fuelled by the consequences of an economic crisis in 1786-7. With the end of the American War of Independence shipping firms representing countries at war had withdrawn from the Austrian Netherlands thus terminating the commercial boom of the decade's earlier years. As a result, production was cut back in the urban industries leading to a drastic reduction in the work force. The impact of unemployment was compounded by widespread crop failures and the government's insensitive policy

since December 1786 of permitting duty-free departure of grain. But at the same time as free trade in grain was introduced, the government also attempted to recoup lost revenue by raising import duties. Rising bread prices were thus accompanied by overall inflation. While this situation could not but exacerbate the living conditions of the city dwellers at large, the government's failure to open the Scheldt River against Dutch opposition enraged the commercial sections of society since, as a result, Antwerp could not regain its former economic grandeur [Davis 1974: 248-9; Weis 1975: 78].

Given the nature of the reforms, it was to be expected that the Estates, as the traditional power-holders most directly affected, would attempt to resist their implementation or even to overturn them. But the ensuing conflict between the government and the Estates was intersected by demands for institutionalized political participation by those sections of bourgeois society such as the wholesalers, manufacturers, and bankers who were outside the guilds and consequently without political representation. The forces which resisted governmental policies were thus constituted by a structurally contradictory alliance between the defenders of the old order and the proclaimer of a new, 'democratic' political order [Polasky 1987: 30].

The Estates of Brabant formed the spearhead of the opposition of the traditionalists. As the traditional responsibility of the Estates for matters of state revenue would lead us to expect, their main source of power was the refusal to approve taxation and subsidies as desired by the government. It was, in particular, the third Estate - dominated by the guilds

of Brussels, Louvain, and Antwerp - who urged to exert financial pressure on the government and only to yield to financial demands by the government in exchange for a revocation of the reforms. In the highly-charged political atmosphere of spring 1787, the political opposition of the Estates was taken up by the citizens who, between April and June, began to seize arms and organize themselves into free corps. Such was the agitation that the governors-general in the Austrian Netherlands announced in May that all Imperial decrees had been suspended - although this proclamation had no backing from the Emperor [Davis 1974: 239-40; Polasky 1987: 49, 55-7; Arendt 1843: 257; Schlitter 1900: 96-7; Stradal 1968: 278; Lorenz 1862: 47-55].

A change at the top of the Belgian government did not bring any respite for the Austrian rulers. The compromise proposed by Joseph, which provided for the termination of the position of the intendants under the condition that the customary taxes, including arrears, had been paid and the companies of military volunteers had been disbanded, was rejected. The social and political unrest as well as the military confrontation which ensued when the volunteers corps could not be disarmed by government troops showed up the weakness of the Austrian rulers. Because of its involvement in military conflicts elsewhere, the Imperial government could not dispatch a strong military contingent to the Austrian Netherlands:

Joseph was faced with turbulent factions in Galicia and an incipient revolt in Hungary ... and Prussian agents, active there as in the Netherlands rebellion, were inciting them to throw off the Habsburg yoke. But more than this, the Emperor had involved himself in Russia's war against the Ottoman Empire, and the Emperor was at that moment making feverish preparations to take personal command of an army being launched against Belgrade [Davis 1974: 245; Polasky 1987:

60-3; more on these conflicts later in this chapter].

Though a new military commander for the Austrian Netherlands managed to bring a resemblance of order by a policy of strength in 1788, the power of the opposition could not be broken. In the winter of 1788/89 the Estates of Brabant and Hainaut again refused to vote the desired subsidies. This refusal led to the Emperor's declaration that he no longer considered himself bound to uphold the privileges of the Estates and he thus ordered the Belgian government not to reconvene the Estates any more [Arendt 1843: 266-8; Davis 1974: 251-2; Polasky 1987: 81-3; Stradal 1968: 283-4]. The confrontation between Estates and Emperor came to a head in June 1789 when Joseph proclaimed all provincial privileges "*abrogés, cassés, et annulés*". This declaration included the *Joyeuse Entrée*, which was the constitution of Brabant confirming the rights and privileges of the Estates (including the right to resistance if the ruler disregarded its provisions which he had to confirm when being sworn in). Being the only written constitution in the Belgian provinces, the *Joyeuse Entrée* was considered as the basic law of the Austrian Netherlands [Schlitter 1900: 4; Arendt 1843: 268-9; Polasky 1987: 88; Stradal 1968: 287].

After this breach of the constitution by the Imperial government, the confrontation intensified. While the traditionalist opponents under Van der Noot organized for armed resistance through a committee in Breda to where they had flown to escape the persecution by the government, the democratic forces under Vonck formed the '*Pro Aris et Focis*' group in Brussels at the beginning of the summer of 1789 [Stradal 1968: 289-90]. The leaders of this group

represented precisely those classes that posed a potential threat to the traditionally privileged orders with their demands for political representation. More than a third of its members were lawyers. But they were the ones without those (pre-reform) government connections which had given lawyers the basis of their economic and political power. Wholesale merchants and bankers constituted the second largest group, followed by members of the liberal professions [Polasky 1987: 88-106].

Despite their ideological and political differences, the Vandernootists and Vonckists formally merged to form one revolutionary committee in October 1789 and, after mobilizing a citizens' and peasants' army, defeated the Austrian troops in December 1789: "In only two months, the Belgian general Van der Mersb and his ragged band of artisans, lawyers, peasants, and monks had driven the Austrian dragoons from their country" [Polasky 1987: 129; Stradal 1968: 292-300]. The military involvement with the Ottoman Empire and the trouble in Hungary were one of the reasons for Austria's military weakness. But social unrest, too, weakened the monarchy: Peasant unrest in Bohemia in the wake of Joseph's tax reform made it appear necessary for the provincial government there to insist on the retention of the German regiments which central government had planned to deploy in Belgium [Wangermann 1959: 34].

In January 1790, the victorious Belgian provinces sent delegates from the Estates to Brussels. There on January 18 they signed a treaty establishing the new government of the *Etats Belgiques Unis*. The delegates pledged to protect the Catholic religion and to preserve the separate provincial constitutions:

Agreeing that the provincial Estates should retain all of their traditional powers, the Estates [General] elected delegates from each of the provincial Estates to serve in a permanent national Congress. They limited the authority of the new executive body to issuing money and defending the country. The Congress could declare war and peace, establish a national army, and conclude foreign alliances. The Estates General would continue to exercise an even more limited legislative function [Polasky 1987: 135; Stradal 1968: 303].

These delegates to the Estates General and the Congress, all of them members of the pre-revolutionary Estates, were agreed upon their joint responsibility for reestablishing traditional Belgian institutions and privileges. The ideological and political differences among the forces which had resisted the Austrian rulers had now to be addressed. Faced with the task of establishing a political order independent of the Austrians, one central question required a clear answer: where does sovereignty reside - in the Estates, as the traditionalists argued, or in the people, as the democrats maintained. Popular sovereignty for the traditionalists meant the indirect representation of all the Belgian people by the privileged orders - that is, the Estates. For the democrats, popular sovereignty meant full political rights for all citizens under the rule of law. But for them, 'citizens' meant the members of the educated and propertied bourgeoisie; they had no intention to grant political citizenship rights to the propertyless [Polasky 1987: 150-2, 272; Stradal 1968: 300-1, 305].

The political disintegration (along class-lines) of the victorious anti-Austria coalition led to civil war during the summer months of 1790. This fighting between the Belgian rebels offered the Austrian government the chance to reconquer Belgium [Stradal

1968: 309-121. The Convention of Reichenbach on July 27, 1790 was the military and political turning-point in the fortunes of the monarchy. This agreement with Prussia obliged the Habsburgs to conclude a peace settlement with the Ottoman Empire without territorial aggrandizement. It thus confirmed the *status quo ante bellum* with regard to the situation in the Balkans and in the relations of Austria and Prussia regarding Poland. As a consequence of the Convention, the Austrian armies could attack Belgium at full strength by the autumn of 1790 now that the Turkish campaign was completed. After invading Belgium on November 24, Austrian troops reoccupied Brussels on December 3 [Stradal 1968: 313-5]. Following this reconquest, Leopold repudiated most of Joseph's religious reforms though the Edict of Toleration remained in force. As in other parts of the monarchy, Leopold guaranteed that the privileges of the Estates as they had existed during the reign of Maria Theresia would be maintained: "The collateral councils were restored ... Reforms in the judicial system could be instituted only with the consent of the provincial estates, and they, as well as the judges of the superior courts, must be consulted on all matters of general legislation, including those related to the imposition or regulation of customs" [Davis 1974: 281].

Disunity amongst the forces opposing the monarchy and changed military constellations allowed the Imperial government to regain control of the Belgian provinces. But as we have seen this victory by the government was accompanied by a policy of placating the privileged orders. A similar pattern emerges when we now analyse the political conflict between central government and aristocracy in Hungary.

B) Political conflict in Hungary.

In the discussion about the conflict constellation in the Austrian Netherlands, I argued that events in Hungary constrained central government in its policies towards the rebellious province. In the context of the analysis of peasant reforms in the 1780s, I also emphasized that the resistance of to the Emperor's policies was particularly strong amongst the Hungarian aristocracy. Their opposition compelled Joseph II to revoke most of the reforms which he had introduced in Hungary since the early 1780s. Why was there such determined aristocratic opposition and why did the Hungarian nobles succeed in their struggle against Joseph?

For more than one and a half centuries since the Battle of Mohács in 1526, large parts of Hungary were occupied by the Ottoman Empire. If the Habsburg monarchs did not want to lose those areas in the western and northern parts of the country which still remained under their jurisdiction, then they had to make concessions to the demands of the Estates to prevent them from aligning themselves with the Ottoman rulers. With the loss of Hungary the strategic position of the Habsburg Empire would have been seriously weakened. It would have enabled the Ottoman Empire to prepare in a more unrestrained way for an onslaught on other regions of the Habsburg Empire. On the other hand, if the Estates did not want to fall under the authority of the Ottoman rulers, then they could not forego the military and financial support which their kings could offer them in their capacity as rulers over other Habsburg lands.

This constellation resulted in a constitutional dualism between monarchy and Estates. This, admittedly frequently strained, co-operation could not be completely destroyed even by the success of the Imperial troops against the Ottoman Empire in the Turkish Wars between 1683 and 1699 - though it undermined the settlement of Sopron of 1681. That settlement saw the fortunes of the Hungarian nobility revived after the loss in power in the wake of the defeat of a nobles' revolt against Habsburg rule in 1670. Then, the Hungarian constitution had been suspended and, without a functioning diet, taxes were imposed by royal decrees. In the late 1670s, however, yet another rebellion against the Habsburg ruler had resulted in the conquest of thirteen counties of northern Hungary. Under these circumstances and in the face of an approaching war with the Turks, Leopold re-established the old constitution: "The diet [of Sopron] was permitted to elect a new *palatin* [i.e. viceroy, R.A.] ... Hungarian troops were no longer to form an integral part of the imperial army ... The sales taxes, imposed by royal decree [on spirits, meat, and - in some areas - grain, R.A.], which the nobles found particularly objectionable, were abolished. The Hungarian Chamber, its staff purged of foreign councilors, was to cooperate with, but not be subordinate to, the Viennese *Hofkammer*. Traditional courts resumed their functions, and sentences passed under the special judiciary of 1671-79 were mostly invalidated" [Kann/David 1984: 139].

But after the Imperial troops had conquered Buda in 1686, Leopold I summoned a diet at Pozsony [Preßburg] in 1687. Up to that time the Hungarian nobility had the right to elect the king. It was the customary and legal procedure that, when the king

died, a Coronation Diet assembled, elected the ruler, drew up a list of conditions which the king-elect had to accept before he could be crowned and legally become king. The Estates which assembled at the diet at Pozsony renounced their right to elect their king and accepted the hereditary kingship in the male line of the Habsburg family. They also renounced the *ius resistendi*, i.e., their right to armed resistance against an "unjust king" who violated their privileges, as it had been laid down in the *Golden Bull* of 1222. The right to hold Coronation Diets and the privileges of these Diets were, however, retained. But though the ruler conceded that he would preserve all the laws of the land and the lawful rights of the inhabitants, it was agreed that the exact meaning of these laws and rights would be determined by mutual agreement between the king and the Estates. This stipulation opened, in principle, the way of questioning the validity of all aspects of the Hungarian constitution [Heckenast 1985: 114-5; Sugar 1958: 341, n. 41; Barudio 1981: 274-6; Kann/David 1984: 140-1]. But whereas these constitutional conflicts could erupt in the future, the present reality was the administration of the reconquered Hungarian territories through the Viennese *Hofkammer* without Hungarian involvement.

The Peace of Karlovce [Karlowitz] in 1699, which brought the Hungarian Lands (Hungary proper, Siebenbürgen/Transsylvania and Croatia) under the jurisdiction of the Habsburg Emperors, made it manifest that the Turkish card could not any longer be convincingly or successfully played by the Hungarian nobility. Militant resistance between 1703 and 1711 against Habsburg proto-absolutism, and in particular against the reforms of the war tax (the *Contribution*)

which was to be made stable and permanent, with the nobility having to pay a share, proved, therefore, to be unsuccessful. But there remained the potential danger of a renewed confrontation with the Ottoman Empire, which might have been supported by the French monarchy. This political consideration must have convinced the Habsburg monarchs that it was advisable to adhere to their legal obligations, into which they had entered in 1687, and seek the consent of the Hungarian Estates to the *Pragmatic Sanction* which established hereditary succession to the throne even in the female line. This consent was given by the Estates in 1722/3, but on condition that the king or queen of Hungary had to be crowned in Hungary and had to take an oath confirming the Hungarian constitution and, in particular, the right of Hungary to be governed according to her own laws, i.e., as a *regnum independens*. This consent of the Hungarian Estates to being ruled by the Habsburg dynasty was reinforced in 1741 when the diet at Pozsony offered support to Maria Theresia at a time when the Bavarian elector had invaded Upper Austria with the assistance of France and had already been crowned king of Bohemia. In this situation, the support of the Estates for Maria Theresia could not but strengthen and reaffirm the constitutional dualism between crown and Estates [Barudio 1981: 291-2; Heckenast 1985: 120].

In Hungary, then, only the diet in co-operation with the monarch could pass laws; and it was the diet which had the duty to see to it that the constitution was observed. Issues of taxation and anything to do with the military had to be brought before the diet. While the magnates and the high clergy were represented in the Upper House, the Lower House was

constituted of representatives from the lower clergy, the royal free towns and the counties [Csáky 1980: 56-7]. To get a better understanding of the power of the Hungarian nobility vis-à-vis the Habsburg monarchs we have to describe local government or administration in the counties of Hungary in some detail.

The county in Hungary was a *Ständestaat en miniature*. The nobility discharged their overall responsibilities for legislation, jurisdiction and administration at the county assembly, or general congregation, which was convened normally twice a year. It was on these occasions that the county nobility discussed propositions for the diet, elected their delegates and instructed them how to vote at the diet. Because of this right of instruction it was not the diet but the counties that were the real vehicle of legislative action in Hungary [Király 1969: 113]. The power of the members of the county assemblies was expressed in their right to elect the county officials who were also paid by the Estates and bound to them by an oath of office. The control by the Estates over the county administration, which was based on this procedure for recruiting officials, was enhanced by the fact that the Estates also elected the deputy county high sheriff [*alispán*], who was the head of the county administration. The appointment of the county high sheriff [*főispán*] was in the hands of the king. The main task of the county high sheriff was to summon the general congregation and to preside over its proceedings. As a matter of fact, such was the distribution of power in the counties that the high sheriff could not pursue a political course to which the county nobility objected.

In their executive function, the counties could not be directed by the high sheriff. The collection of taxes, the distribution of the military burden, and the administration of justice was in the hands of the county officials under the direction of the deputy county high sheriff. These officials were also charged with executing the royal ordinances. But should these ordinances not meet with the approval of the Estates, their execution could easily be obstructed or totally discarded, i.e., put aside by the deputy high sheriff with the customary formula: *cum respecta ad acta* [Bernath 1963: 352; Haselsteiner 1983: 27-38; Csáky 1980: 57].

Aristocratic local self-government was dominated by one section of the nobility: the *bene possessionati*. Compared to this group, the *possessionati* held less political power. These two aristocratic groups can be distinguished along economic lines. While both were involved in the economic management of their estates, it was primarily the *bene possessionati* who produced predominantly for the market. It could be argued, therefore, that local government was in the hands of the gentry. The magnates, about 4,000 strong, occupied the Imperial offices; the impoverished nobility, the *bocskoros nemesek*, were politically dependent on the gentry: such was their status and power position that everywhere could the county officials force them to contribute to the county taxes and periodically the state also taxed them, which led to them being called the *taksás nemesek* (taxed nobles) [Haselsteiner 1983: 19-26; Kosáry 1987: 29-33].

Given Joseph II's endeavour to centralize political power and establish a strong absolutist

state, the autonomous local administration in Hungary could not but challenge the Emperor. At the beginning of his reign he already indicated his intention to do away with the special status of Hungary among the Habsburg lands. Then he refused to be crowned king of Hungary and thus to take the oath binding him to uphold the laws and the constitution of Hungary. The explicit challenge to the privileges and rights of the Hungarian nobility was intensified by his refusal to summon the Hungarian diet. But this unconstitutional decision of the Emperor resulted, unintentionally, in mobilizing the nobility at the local level where their power position was most entrenched. On the one hand, this decision curtailed the nobility's right to voice their grievances and participate in the legislative process; on the other hand, it increased the importance of the county assemblies as they were now the only way to formulate and express the political demands of the nobility.

As no diet was convoked by Joseph II, all of his reform policies in Hungary were unconstitutional. This was the case with the emancipation of the peasants in August 1785, the abolition of the manorial courts and the concomitant provision for the appointment of village notaries charged with enforcing the laws, protecting the peasants' rights, and serving as links between the state and the people. The tax and urbarial regulation of 1789, too, was unconstitutional and so was the reform of the local administration in 1785 when Hungary was divided into ten districts incorporating four or five counties. These districts were headed by royal commissioners. These commissioners replaced the county high sheriffs and took over the executive function of the deputy high sheriff. The royal commissioners supervised the county

administration, and the deputy high sheriffs, now also appointed by the king, became royal officials with tasks similar to those of the circle captains in the hereditary lands of the Habsburg monarchy. This attempt to transform county administration into fully-fledged bureaucracies affected the county officials, too, who, instead of being elected by the county assemblies, were now also appointed by the king [Haselsteiner 1983: 38-41; Kann/David 1984: 225-6].

The nobility's chance to revert to open opposition against the Emperor's policies came when the Habsburg monarchy engaged in yet another military conflict with the Ottoman Empire in February 1788, this time as an ally of Russia. In 1715, it had been agreed between the Estates and Charles VI (as king of Hungary Charles III) that a standing army should be created in Hungary. The Estates acknowledged the need for a tax for this purpose but they also maintained the right to consent to the necessary taxes and subsidies at their diet. At the same time, the 'Muster of the Nobles', or *insurrectio*, was not abolished: this general levy obliged the nobles to go to war if the land was in danger and the king called them to arms; but, notwithstanding the king's call, the diet retained the ultimate decision as to the extent and the modalities of the muster. This obligation to military service in person was the foundation of the nobles' immunity from taxation. The institution of the *insurrectio* thus enabled the nobles to shift the entire financial burden of a standing army to the peasantry. But in so far as a considerable part of the responsibility for recruiting troops, preparing quarters for them, and supplying the army was assumed by the counties, the nobles exerted their influence on the military and military politics, on both the

central and regional level [Haselsteiner 1983: 46-50; Király 1969: 110].

Since the reign of Maria Theresia, the county administration communicated in military matters with regional commissaries who had been appointed by the director of the *commissariatus provincialis*, the department within the Hungarian provincial government in charge of military affairs. The Hungarian provincial government, in turn, was in communication with the General Command Hungary and its commander, the *supremus armorum Regiorum in Hungaria praefectus*. This general command was subordinated to the War Council in Vienna which retained overall authority in all matters concerning military infrastructure, strategy and tactics. Given, in addition, the diets right to authorize the necessary subsidies for the army, the tight entanglement of military and civil agencies in military politics made protracted and time-consuming negotiations on military matters likely which might, in cases of military emergencies, impede military success [Haselsteiner 1983: 51-3; Király 1969: 103-5].

Joseph did not summon a diet at which the Estates could have given their consent to his military policy during the confrontation with the Ottoman Empire in the late 1780s [for the following discussion cf. Haselsteiner 1983: 126-216]. He called on the nobility in the counties, assembled at their general congregations, to provide for the manpower needed to replenish the ranks in the regiments which would be, or had already been, depleted owing to desertion or losses in combat as well as to provide for the financial and material support needed for the troops. In 1787 and 1788 the counties did not oppose the

Emperor's demands, though many of them did remind Joseph that the legal procedure would require a diet to authorize the necessary personal and material subsidies. They therefore demanded a diet to be summoned at which they could give their consent to his military request as well as present their grievances [*gravamina*] to the monarch. In this demand the nobility was supported even by the Hungarian provincial government. Even the Minister of Police, Count Pergen, advocated a conciliatory approach and declared in November 1788 that the Estates' "enthusiasm seems to have reached such a pitch, that force and compulsion will scarcely suffice to constrain these people" [quoted in: Wangermann 1959: 50]. But the Emperor did not yield to the requests of the Estates. In 1789, Joseph justified his position by arguing that in this situation of military emergency no diet could possibly be convoked without detrimental repercussions to the cause of military success [Haselsteiner 1983: 144, 147, 196-7].

In the summer of 1789 it became manifest that the regimental recruitment of volunteers was not sufficient to fill the vacant ranks in the army; the contribution of the Estates in the counties was unavoidable. But in the autumn of 1789 the majority of the counties refused to cooperate with the monarch. Again, the Estates in the counties pointed out that a diet had to be convoked at which the Emperor's demands had to be discussed. But there were new arguments raised as well. The general congregation of the county of Nógrád, for example, maintained that, even if the manorial lords were inclined to participate in the new drive for recruiting soldiers, they could not successfully do so as the Emperor's agrarian reforms had undermined their influence on their peasant

subjects. Furthermore, the military demands of the current conflict had already reduced the number of peasants and agricultural labourers in the counties to such an extent that the execution of the necessary agricultural tasks and thus the provision of food for the population as well as the alimantation of the army had been put at jeopardy [Haselsteiner 1983: 180-1].

Indeed, the bad harvest of 1789 added to the rise in prices for agricultural products already under way due to military provisioning and worsened the living conditions of the population. The peasant population had clearly to bear the brunt of the personal and material cost of the war; they also had now to face the consequence of the financial repercussions which the war had for the government. Such were the financial straits of the government that it decided early in 1789 that all products delivered to the army should only be paid for after the war. If this condition was not accepted by the vendors, the military was to be sent in in order to forcibly appropriate the necessary goods [Haselsteiner 1983: 193-4].

As a consequence, at the end of 1789 there was resistance to governmental policies both among the nobility and the peasantry of Hungary. And there was the possibility of a war on two fronts looming on the horizon: against both the Ottoman Empire and Prussia. In such an event central government had planned to withdraw a large contingent of the troops stationed in Hungary and to move them north-west against Prussia. The Emperor would thus have been deprived of the means which would have allowed him to try to impose his will on a recalcitrant nobility and peasant population. Faced with the virtual collapse of Habsburg authority

already in the Austrian Netherlands, central government urged the monarch to revoke his reforms in Hungary. This Joseph did in January 1790, with the exception of the patents of religious toleration and peasant emancipation [Wangermann 1959: 50-5].

Though victorious as to the repeal of most of the reform policies, the nobility still insisted on the convocation of a diet at which Joseph's successor, Leopold II, should be crowned and their political demands be voiced. The reform party within the diet, led by the *bene possessionati*, embraced far-reaching proposals for constitutional amendments:

- (1) annual meetings of the diet should be held in Pest, and royal invitations for the convocation should not be necessary;
- (2) all taxes and subsidies should be voted by the diet;
- (3) the convocation of the diet might be postponed, if necessary, only by the diet itself, and then for no longer than three years;
- (4) the crown should have only a suspensive veto regarding drafted legislative acts, and if the draft were passed over the king's veto, it must be promulgated by him as law of the land;
- (5) a newly created Senate should control all royal decrees, and if any were found unconstitutional, they should be revoked;
- (6) the Royal [Hungarian] Chancellery should be transferred from Vienna to Hungary, where it would be responsible to the diet;
- (7) the *főispánok* should be appointed by the king from four candidates nominated by each county;
- (8) all national officeholders should be appointed by the king from four candidates presented by the Senate;
- (9) Hungary should have her own national army, independent of the Imperial [Hof-]Kriegsrat, controlled and commanded by a central military headquarters to be staffed by members of the *bene possessionati*;
- (10) the Palatine [i.e. the viceroy] should head the military headquarters and receive his instructions from the king by way of the newly created Senate;
- (11) the *ius resistendi* should be reestablished [Király 1969: 181].

In short, these proposals aimed at almost total political control of the nobility, and in particular the *bene possessionati*, over royal power.

The aristocratic reform party pursued three strategies in order to achieve their political goals. First, the nobility organized its own military force along the lines of the *insurrectio*: "The *banderium* of 1790 was nothing more than a specific form of the *insurrectio*, given a different name primarily because it was organized by the gentry-dominated county administrations and not called forth by the king, and also because it was mobilized not for the defense of the country but ostensibly for another ... [internal] reason" [Király 1969: 184]. It was the intention of the *bene possessionati* to keep the *banderia* at a high level of training and preparedness. For this reason, young noblemen were to be enlisted so that they would be ready to take command of rebel units in case of a general uprising. In some counties, unit commanders, supported by county officials, visited the villages assigned to them to assess the manpower they had available, make inventories of all weapons and able-bodied noblemen, and take oaths of loyalty - even from peasants as it was feared that the court would mobilize the serfs against their lords. By promising the lower, impoverished sector of the lesser nobility that they, too, would in future be exempt from domestic taxes and free of periodic assessments for state taxes, the *bene possessionati* secured the support of the *boscoros nemesek*.

Second, the *bene possessionati* tried to enlist the support of officers and soldiers of the Hungarian regiments [Király 1969: 187-90]. For this purpose discontent within the officer corps of the Hungarian

army was exploited. There were four points which constantly recurred in the proposals, petitions, and appeals drafted by different Hungarian regiments: "They sought to have Hungarians appointed as commissioned, warrant, and noncommissioned officers in the Hungarian regiments and to oust non-Hungarians from those ranks in these regiments. They wanted to increase the efficiency of the service by introducing Hungarian as the official language of command. They called for the establishment of a Hungarian Supreme Command and War Council, subordinate to the diet. They proposed that in time of war the Hungarian unit should be merged into a single Hungarian corps" [Király 1969: 188]. These proposals aimed, in fact, at making the Hungarian units independent of the War Council in Vienna and thus of Imperial central government and to subordinate them to political institutions in Hungary which would have been dominated by the *bene possessionati*. Such was the response of Hungarian officers to the advances of the reform party that in the summer of 1790 Leopold II considered the Hungarian units to be highly unreliable [Király 1969: 189].

The third strategy which the aristocratic reform party pursued in order to achieve their political goals was entering into negotiations with Prussia. In 1788 Prussia had joined Britain and Holland in a Triple Alliance. It aimed at keeping France out of the Austrian Netherlands and at checking Russia and Austria in the Balkans. The reform party thus considered Prussia to be interested in supporting internal divisions in Hungary and to be a potential ally in its struggle with the Habsburg monarchy. In line with this consideration, contact was established with the Prussian government as early as July 1788 [Wangermann 1959: 10]. The aim was a Prusso-Hungarian

military alliance against Austria, and a Prussian guarantee of Hungarian independence irrespective of the results of the prospective war [Sugar 1958: 341; Király 1969: 190-5]. But Leopold II acted swiftly to destroy all Hungarian hopes of foreign intervention by concluding, in July 1790, the agreement of Reichenbach with Prussia [cf. the previous section on the Austrian Netherlands]. With an armed clash between Prussia and the Habsburg monarchy thus forestalled, Leopold II decided to pour the troops previously stationed on the Silesian border into Hungary. Military resistance to Habsburg rule was not any longer a viable option for the Hungarian nobility: "With this turn of events, the feudal revolt and its concomitant *banderium* movement gradually faded into oblivion" [Király 1969: 190].

This collapse of the feudal revolt was not solely caused by Leopold II's strategy to undermine the 'diplomatic' efforts of the aristocratic reform party in Hungary. Leopold also mobilized the bourgeoisie of the towns against the nobility. As it became apparent during the sessions of the diet that the aristocratic reformers intended to keep the commoners excluded from high state offices and army commissions, Leopold II paid lip-service to the demands of some sections of the urban bourgeoisie for greater political representation. Leopold even encouraged publications critical of the aristocracy's privileged position. These publications were not submitted to the ordinary censorship and were even distributed by Leopold's agents and their assistants. But as soon as the feudal revolt had collapsed, Leopold quickly disregarded the political requests of the urban bourgeoisie [Király 1969: 196-211; Wangermann 1959: 77, 86-8].

Even if it had been possible to mobilize the hitherto unpolitical urban bourgeoisie in greater numbers, they still would not have posed a serious challenge to the power of nobility. In terms of sheer numbers, the urban bourgeoisie - merchants, craftsmen, 'professionals' and 'intelligentsia' - constituted only about 2 per cent of the population in Hungary, whereas the nobility formed about 4.4 per cent of the population [Benda 1972: 48]. Exploiting the conflicts between serfs and manorial lords, however, would have given the monarch much greater leverage. The history of peasant unrest in Hungary made this consideration a viable option.

To put the peasant unrest of the 1780s and in 1790 in its social and economic context, we can, yet again, draw on Király's seminal account of Hungarian history in the 18th century:

Already in the early 16th century Imperial forces penetrated Hungary every year because of the long Ottoman wars. The presence in Hungary of massive foreign forces meant the presence of many more persons to be fed, and this 'imported' consumer market created a great demand for food. The Peace Treaty of Karlovce in 1699 ... seemed to spell the end of this advantageous economic situation ... But the formation of the standing army only sixteen years later guaranteed that a large number of consumers would be permanently stationed in Hungary. The War of the Austrian Succession (1740-48) and the Seven Years' War (1756-63) created new and even more profitable food markets for the landlords ... The landowners ... considered the profits from their lands not as reinvestable but as a means of augmenting their own luxury. This attitude prevented the occurrence of a broad agrarian revolution on the English pattern ... [B]y the middle of the agrarian boom in the 1760s the repopulation of Hungary was complete. The virgin lands that could be freely settled had disappeared, and this made the serfs ever more dependent on the whims of the landowners ... [It] led to an acceleration in their obligations to the lords and the gradual

expropriation of their landholdings [Király 1969: 9-10].

In 1765 and 1766, excessive urbarial duties and fees were the principal cause of peasant unrest in the Transdanubian region. The peasants' refusal to pay part of the urbarial fees or to perform the prescribed *robot* led to the promulgation of the urbarial regulation in 1767 [Kosáry 1987: 17-8]. The most ferocious peasant revolt in Hungary during the 18th century occurred 1784 in Siebenbürgen/Transsylvania. In this region the urbarial regulations of 1767 had never been introduced. When Joseph II ordered a military conscription for Transsylvania in 1784, many peasants believed that enlisting into the Frontier Guards would relieve them of any obligations towards their manorial lords - a widespread view, as the governor of Siebenbürgen reported to the Court Chancellery in August 1784 [Zieglauer 1881: 18; Schaser 1848: 60-1, 83; Schuller 1969/II: 121-2; Kutschera 1985: 265]. But the lords continued to demand the customary *robot* and urbarial services from all their peasants, notwithstanding any claims by them of immunity as members of the Guards. Under the leadership of Horia and Closca, about 30,000 Rumanian, Saxon, and Hungarian peasants rebelled against the landlord class, killing, reputedly, 157 nobles and destroying more than 230 mansions, 23 churches and 389 villages [Kutschera 1985: 265, n. 79; Király 1967: 143, n. 14; Király 1969: 217].

The demands of the peasants in 1784 are noteworthy because they were forward-looking and revolutionary in character rather than appealing only for the renovation of supposedly violated 'customary rights'. They demanded the abolition of the nobility; only through public service should nobles gain a

livelihood. Aristocratic landowners should be expelled from their manors and all manorial lands should be distributed among the peasants - in anticipation of an Imperial decree which the peasants expected to be issued of necessity shortly. Finally, like the common people, all nobles should pay the Contribution henceforth [Zieglauer 1881: 21-2; Schaser 1848: 77, n.]. Though Imperial forces suppressed the revolt by force, this rebellion caused Joseph II to decree the abolition of serfdom in the Hungarian lands in 1785.

The peasant movement in the spring of 1790 was caused by the fear that the enlightened reforms of Joseph II would be revoked. The 'Peasants' Declaration' of May 1790 called on "all peasants, take mercy on yourselves, raise your cudgels, pitchforks, and axes against the cruel, lazy, good-for-nothing lords, who destroy the country and rob the King". The peasants declared that they stood by all the regulations of Joseph II and that they would not let "one jot of them abolished, for all of them are as sacred, just, and beneficent as if God Himself had suggested them to him". They pledged their unstinting support for Leopold II and demanded that "the diet, which is not needed because we already have our King, should act in our behalf, or else we shall hold a diet here, the like of which has never been seen, and to it will go only those who support the King". They also demanded the abolition of county offices as well as the abolition of labour services due to landlords even in their limited form as established by Joseph II's edicts [text of declaration in: Király 1969: 241-3; on peasant movement in 1790: Király 1969: 218-33; Király 1967; Sugar 1958: 343].

In their clear support for Leopold II the peasants demonstrated to the nobles that there was a possibility of coalition between the monarch and the peasants against them. Given the overall constellation of forces in the summer of 1790, with the army occupying Hungary since mid-August - serving both as a warning to the recalcitrant nobles and as a shield for the Estates in case of a peasant revolt -, a compromise was struck between the monarch and the Estates. The Estates accepted that Hungary was a hereditary monarchy and dropped all proposals for constitutional reform. On the other hand, however, the Coronation Diet of 1790/91 reiterated the principle that legislative power should be shared by the Crown and the diet; it was agreed that the promulgation and approbation of laws was the right of the king, but that these laws had to be passed by the diet in the first place. The king was urged to summon the diet, not as he would see fit, but at regular intervals of three years. It was laid down that the king could exert his executive power only within the confines of the law and that the delegates to the diets should have immunity from prosecution by government agencies, enjoying, rather, freedom of opinion and speech. The diet also confirmed that Hungary was an independent kingdom to be governed only according to its own laws and constitutions and not like the other lands of the Habsburg monarchy [Csáky 1981: 40-5]. The peasant revolt of 1790 was reflected in the social legislation of the diet: the urbarial regulations of Maria Theresia, hitherto an extra-constitutional royal rescript, was incorporated into the laws of the land and the abolition of perpetual serfdom was solemnly endorsed, thereby reaffirming the freedom of movement of the serfs [Király 1967: 156].

VII. The military and financial repercussions of the Turkish war in the late 1780s and the revolutionary wars with France in the 1790s.

In the previous chapter I have shown that the Turkish War had some impact on the capacity of political groups and social classes in the Austrian Netherlands and Hungary to resist reform policies imposed on them and their countries by the Imperial government in Vienna. I have shown how the concurrent conflicts in Hungary and the Austrian Netherlands prevented central government from quelling each respective resistance by the use of military might. But while military constellations were initially beneficial to the opposition forces, changes in geopolitical relations also helped to restore Imperial authority. But this restoration could only be achieved by reinstating the traditional aristocratic elite in their privileged position within the state. This *rapprochement* between monarchical ruler and Estates was precipitated by the break-up of the opposition movement along class and political lines. It became evident that the interests of the aristocracy in reestablishing their traditional rights could not be reconciled with the revolutionary democratic demands of hitherto politically disenfranchised bourgeois groups. In the case of Hungary, the possibility of peasant unrest drove the aristocracy finally back into an alliance with the monarchy.

In this chapter I will take the argument about the importance of military conflict in the interstate system for the distribution of political power within the Austrian monarchy a step further. The conciliatory policy of the monarchical ruler towards the aristocracy must also be seen as being informed by the

realization of the central government that it had to face two problems due the geopolitical constellation: the mobilization of an army of sufficient size for the military confrontation with the Ottoman Empire and the provision of financial means to support it. At the end of the 1780s, events in France added to these concerns. Not only did the ideas of the French Revolution potentially undermine the traditional power structure and made it thus imperative for monarchical ruler and aristocratic power holders to close ranks. But since 1791 the Austrian Empire was involved in a series of wars with revolutionary France which exacerbated the fiscal and 'manpower' problems of the government. Given the entrenched position of the aristocracy within agrarian society on the local level, further attempts to stifle its power would have led to a serious weakening of the international standing of the Empire. It will be the main task of this chapter to analyse the effects of the wars in the late 1780s and 1790s on the financial situation of the monarchy. But the effects of conscription on the political constellation within the monarchy, too, must briefly be discussed.

It is notoriously difficult to ascertain the correct size of the armies of the pre-modern era. Within the confines of already highly unreliable official figures on army size, a distinction would also have to be made between nominal, effective, and battle strengths of armies. Based on official figures, Dickson [II: Appendix A, Table 1, p. 353] gives the official infantry and cavalry strength of the Austrian military establishment for 1787, that is, before the war, as amounting to a total of 221,572 men, of which 179,112 were infantry and 42,460 were cavalry. By October 1788, the total had increased to 313,804 men,

of which 261,000 were infantry and 52,804 were cavalry. By 1790 the official strength of infantry and cavalry had risen to 314,783 men, to fall back to a total of 215,478 in the year after peace was concluded. It rose again during the wars with revolutionary France since 1792 to a total of 313,874. This would mean that the military establishment in peace time was about 215,000 men, in time of war it was increased by 100,000 to about 315,000 men.

If one compares some of the figures given by Dickson with those in other publications, one immediately realizes the degree of uncertainty which prevails in this area. Hauer [1849: 62] gives the *effective* strength of the Habsburg armies in 1787 with 247,048 men, thus exceeding Dickson's figure of the *nominal* strength by more than 25,000. Allmeyer-Beck [1983: 83] gives the strength of the army in the Turkish War with 281,847 men, of which 245,062 were infantry and 36,785 cavalry. It would appear that this figure states the *effective* strength of the army. Roider [1982: 177] states that the official strength of the Austrian army at the outset of war was 245,000, of whom 140,000 were to take the field against the Turks in the spring of 1788. Meynert [1854/IV: 113] maintains that the nominal strength of the Austrian army at the outset of the wars with France must have been 267,000 men (infantry and cavalry), but concedes that the Turkish War must have reduced the effective numbers dramatically. Rothenberg [1982: 24] states that at the outbreak of hostilities with France in April 1792 there were but 230,000 effectives compared to a paper strength of the Austrian military establishment that exceeded 359,000 [cf. Rothenberg 1977: 167 where he gives the number of effectives with

250,000, pointing out that this number was raised to about 300,000 the following year].

Although we cannot establish the correct, nominal or effective, size of the army at the start of the Turkish War (or, for that matter, of the wars with revolutionary France), we know that the war effort made it imperative for the authorities to mobilize the male, adult population even if the intake of men was somewhat less than the 40 per cent or so of the peacetime military establishment, as Dickson's figure would suggest. As in any war, recruiting soldiers and securing the financial resources for the war effort were the major concerns of the authorities. It was during the Turkish War that the political consequences of the system of recruitment, which had been reformed by Joseph II in 1781, were felt for the first time.

This new system constituted a modification of the system introduced by Maria Theresia ten years earlier. Then, copying the Prussian system, regimental recruitment was replaced by conscription. The traditional system of regimental recruitment operated sometimes on the basis of inducing males to voluntarily enrol in the army in exchange for some sort of reward but, more frequently, took on the form of drafting men into the army by the use of force. In the new system, the German-Austrian hereditary lands were divided into thirty-seven districts which had to present a specified number of their male population as conscripts to the recruiting army officers. Certain categories of people were exempted from military service: the clergy and the aristocracy, civil servants, wealthy citizens, but also those individuals who were considered necessary for the economic welfare of the people - peasants, artisans, miners, river

navigation and manufacture. This meant, in effect, that the lower strata in the countryside and those people employed in the small craft economy were normally drafted [Allmeyer-Beck 1983: 81-2]. It is also worth realizing that the system of conscription established *direct* contact of the state with the peasant population. This direct contact also increased the state's concern with the well-being of the peasants and thus with their overall living conditions. Agrarian policy and the protection of the peasants and peasant land from excessive landlord demands was closely linked to these concerns [cf. Hintze 1962: 350]

The most decisive input into this system by Joseph II was his attempt to put it on a sound 'statistical' basis. He recognized that an efficient system of conscription depended on the state knowing exactly the composition of the population at large. He thus provided for state commissioners to make a census of the population in the military districts. With the help of standardized questionnaires, these district commissioners had to take down the data for each family as well as the number of cattle in each village. The files for each village were to be updated annually and were made available to both the military and political authorities [Bradler-Rottmann 1973: 60-1; Allmeyer-Beck 1983: 82]. The reform of conscription itself did not really introduce any significant new aspects. Though it confirmed the principle that, in theory, each male citizen between the age of seventeen and forty was liable to render military service, the decree retained the provisions for exempting certain categories of people. It also provided for the possibility for those with sufficient means of either buying an exemption or sending a

substitute. But in the case of those men unfortunate enough to be drafted, military service lasted a lifetime [on the conscription system: Heint 1941: 13-4; Jähns 1891/III: 2294-7; Meynert 1868-69/1973/III: 283-6; Fiedler 1986: 90].

As Wangermann [1959: 28-9] put it, "[u]nder the new system of recruitment to the regiments, nearly all non-privileged subjects and especially the peasants, lived under the constant threat of having to spend the rest of their lives in the army. The system was universally condemned". In the Tyrole, resistance to the system compelled the Emperor to withdraw it from the province. Conscription was also one reason for the internal unrest during the French wars since 1792 [Reinalter 1980: 155-7; Reinalter 1988a: 76-7; Reinalter 1988b: 196-8]. But not only did the peasants have to bear the brunt of conscription, the peasants, especially those in the provinces behind the battle front, also suffered greatly from requisitions and from the imposition of extraordinary labour services for the maintenance of the army [Wangermann 1959: 29].

The main threat to the stability of the regime, however, did not come from popular resistance to conscription. The financial repercussions of the wars far outweighed the destabilizing effect of popular unrest. As with regard to figures on the size of the military establishment, a note of caution has to be issued as to the reliability of state revenue and expenditure figures which can be found in publications. In the appendix to this chapter, the reader will find three tables which list figures for state revenue, state expenditure, and military expenditure between 1781 and 1811 (the year in which a financial reform was implemented to cope with the

bankruptcy of the state). As is immediately evident when looking at the figures, there is considerable variation between the various figures given. The explanatory notes will, it is hoped, indicate some of the reasons for these differences and divergences and allow the reader to make judicious use of the data contained in these tables.

The years in these tables refer to military years, i.e., the year 1785, e.g., comprises the twelve months between November 1, 1784 and October 31, 1785. It is important to keep this in mind when one analyses expenditure (or revenue) data for those years in which Austria was involved in wars. For the period covered by the tables, the following military involvements would have to be considered:

1785: conflict over the river Schelde;

February 1788 - 1790: Turkish War;

April 1792 - October 1797: First War of the Coalition (Peace of Campo Formio);

March 1799 - February 1801: Second War of the Coalition (Treaty of Lunéville; Austria has to end military involvement);

April/September 1805 - December 1805: Third War of the Coalition (Treaty of Pozsony/Preßburg; Austria has to end involvement);

April 1809 - July 1809: armistice at Znojino/Znaim ends war with France (October 1809 Treaty of Schönbrunn).

As the figures given in the tables show, military expenditure in the period 1781 to 1811 has always been higher than expenditure for civil administration or debt repayment. It is also evident that, as soon as Austria was involved in military confrontations, military expenditure rose dramatically. What common

sense leads us to expect, is borne out by the data: for example, in 1788 59.5 per cent and in 1809 more than three quarters, or 75.4 per cent, of all expenditure were committed to the military establishment. These percentages constitute the lowest and highest percentages respectively in war years [based on the data given by Czoernig]. But in order to fully appreciate the financial repercussions of the various war efforts during the period 1781 to 1811, it is apposite to calculate state expenditure as percentage of state revenue: how much of state revenue was committed to the military, to civil administration and to debt servicing ? This information is contained in Table 4 in the appendix to this chapter [again based on the figures given by Czoernig].

Whereas in 1788 'only' three quarters of the total state net revenue were spent on the military (= 75.9 per cent), more than twice the net revenue was spent on the military in 1809 (= 208.6 per cent). In 1795 for the first time more than the total net revenue was spent on the military (139 per cent). As could be expected, in years of peace this percentage was radically reduced, so that between 1802 and 1804 an average of 51 per cent of net revenue were committed to the military establishment (though in 1807 and 1808 an average of 68.8 per cent were spent on the military). But as the figures also indicate, in the years of peace between 1788 and 1810 debt servicing commanded a higher percentage of state revenue than civil administration (except in 1806). As this debt was mainly caused by military spending during war, it is evident that even in peace time civil expenditure was clearly subordinated to military and military-related spending.

How was this military effort financed ? Wangermann [1959: 26-30] points out that the economic policies of central government since the mid-1780s had already negatively affected the commercial sections of society even before the Turkish War. The constant demand of the state for privately borrowed money had resulted in a chronic shortage of credit and inflation of the interest-rate for private would-be borrowers as financiers preferred the secure investment in the credit-hungry state rather than in rickety new industrial or commercial enterprises. Until 1786, money could be put into private foundations which then advanced considerable sums from these private assets to peasants and entrepreneurs as credit. But in 1786 it was decreed that all these capital assets in the private foundations had to be transferred immediately to state funds, with the result that a situation of chronic credit shortage was transformed into one of acute crisis. When in January 1787 the existing usury laws were repealed, the lid was taken off the interest rate altogether. As a result, the economic situation of this section of society further deteriorated.

The imposition of a new war tax also contributed to the economic crisis:

The burghers (and the badly-paid officials) were subjected to the new war tax at the very time when rapidly rising prices had already forced them to tighten their belts a good deal. The rapid rise in prices had originally been caused by the diversion of supplies to the army. It was aggravated by the fact that the Emperor, undeterred by the extraordinary situation created by the war, remained faithful to his policy of abolishing governmental regulation of internal trade, and simultaneously reducing imports. Thus the Viennese poor man's diet of imported fish disappeared from the market at the same time as bread and meat were rising in price [Wangermann 1959: 29-30].

A large number of poor people, who had their meagre savings invested in one of the 'brotherhoods', a sort of mutual friendly society, had already suffered financial hardship when these saving banks were dissolved by the government. Many of the petitions which were lodged with the authorities in an attempt to reclaim contributions were turned down. The economic depression, therefore, cut straight across all sections of society.

During the French wars the government increasingly followed the course of emitting paper money, the so-called Bancozettel, as a means of financing the war effort [for the following discussion: Klein 1974: 95-8; cf. also explanatory notes to Table 1 in the appendix to this chapter]. This course had already been pursued in the 1780s. In 1785 paper money amounted to 12,9 mio. fl. CM. and totalled 28,1 mio. fl. CM. in 1790. In 1795 it was almost three times higher than in 1785, amounting to 35,5 mio. fl. But it was only since August 1796 that the limits imposed on the emission of the Bancozettel were lifted to alleviate the financial crisis of the state. The economic and financial effect of this policy, however, made itself not immediately manifest:

Despite the issue of large amounts of paper currency and the mounting deficits during the 1790s, the financial system of Austria - except for the run on the Viennese banks in 1797 - had remained quite stable. The quantity of paper money poured into the economy had not caused the serious inflation it should have, because during the war years merchants and vendors accepted the currency at face value. The confidence in the currency along with good harvests kept prices of food and other products fairly stable throughout the period, which not only maintained the monarchy's financial system but helped to preserve social and economic peace as well. By 1801, however, confidence in the money was eroding, and inflation was becoming serious. By 1803 prices in Vienna ranged from three to four

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times what they had been in 1790 ... [Roider 1987: 373-4].

The monetary policy of the state was not limited to emitting paper money. The state also reverted to the time-old strategy of depreciating the silver coins, turning the currency in effect into a purely internal means of exchange. The government also introduced new taxes: in 1789 and 1790 a war tax, which constituted a top-up on the Contribution of between thirty and sixty per cent, was introduced as was an income tax in 1799 which covered twenty-three income groups and amounted to an additional imposition of between 2½ and 20 per cent of the respective income. This income tax of 1799 was introduced in place of the forced loans which had been in operation since January 1794. This forced loans scheme had stipulated that manorial lords had to forward sixty per cent of their *Contribution*, their dependent subjects thirty per cent; people owning houses in Vienna or in the provincial capitals had to lend an amount equivalent of fifty per cent of the tax they had to pay on their houses; Jews had to provide the equivalent of thirty per cent of the tax for Jewish people; civil servants and clergy above an income of 300 fl. CM. had to contribute between 5 and 15 per cent of their income; the remainder of the people with income of more than 100 fl. CM. were grouped into various categories and had to provide between 4 and 12 per cent of their income as forced loans. These forced loans should have paid an interest of 3½ per cent after the war, but due to financial manoeuvrings of the state the population did not see any returns on their loans. It has been calculated that this tax raised about 9,5 mio. fl. CM. in 1798 [Botzenhart 1980: 488]. Finally, the government also received subsidies from Great Britain in support for the

Austrian military effort against France. Between 1800 and 1808 a total of 31,3 mio fl. CM. was transferred into the coffers of the Austrian state in that way. And between 1808 and 1810 a sum of about 30 mio. fl. CM was raised through external loans [Klein 1974: 92-5].

The financial repercussions of Austria's military involvements can be immediately appreciated when we look at the size of the indebtedness of the Austrian state. At the beginning of the 1790s the national debt was about 391 mio. fl. CM [Otruba 1985: 249]; in 1811 this had risen to about 671 mio. fl. CM [Hauer 1848: 164; Botzenhart 1980: 487 cites the semi-official figure of 686,2 mio. fl. CM.]. According to figures given by Klein [1974: 98], 15.7 per cent of the revenue were spent on *interest* payments on the national debt in 1789, but by 1810 this percentage had risen to 29 per cent. In these circumstances, a reform of the financial system was considered necessary. This reform took the form of a devaluation of the *Bancozettel*: they could be exchanged for redemption notes [*Einlösungs-scheine*] of the new *Wiener Währung* in relation 5:1 [Botzenhart 1980: 490].

The burgeoning fiscal crisis of the Habsburg monarchy between 1790 and 1811 was compounded in the early 1790s by the political repercussions of the ideas of the French Revolution and by the opposition amongst sections of the population to the restaurative policy pursued by the government to contain the political and social impact of both revolutionary ideas and military conflict. It is within this context that I shall take up the history of the state police in the Austrian Empire in the following chapter.

APPENDIX

Chapter VI.

State revenue of the Habsburg monarchy,
1780 - 1811

Table VI.1 *State Income of the Habsburg monarchy, 1780 - 1811 (in mio. fl CM)*

Year	I.	II.	III.	IV.	V.	VI.
1780	n.a	n.a	n.a	n.a	n.a	n.a
1781	64.2	65.8			68.6	7.4
1782	63.9	75.3			85.0	22.7
1783	63.9	64.4			78.3	12.4
1784	68.5	69.0			88.7	17.0
1785	75.8	76.6			86.3	14.1
1786	73.3	74.3			88.8	13.8
1787	75.6	76.2			92.5	22.2
1788	87.0	87.4			112.7	38.3
1789	80.4	83.6				
1790	85.1	85.6				
1791	80.4	89.3		80.4		
1792	85.5	86.7		85.5		
1793	84.3	85.6		84.3		
1794	92.1	92.7		92.1		
1795	67.3	67.6		67.3		
1796	64.9	65.6		64.9		
1797	70.3	71.0		70.3		
1798	72.6	73.2		72.6		
1799	80.0	80.3	74.7	74.0		
1800	85.7	85.9	75.6	65.5		
1801	70.4	95.5	*84.4	82.1		
1802	80.2	86.2	71.5	70.4		
1803	88.8	101.4	*84.2	76.1		
1804	99.9	107.6	80.7	78.0		
1805	97.8	111.8	76.0	78.1		
1806	83.6	86.7	55.5	51.2		
1807	119.9	140.0	*89.6	67.1		
1808	157.4	161.9	72.9	66.9		
1809	155.0	94.7	*42.6	31.1		
1810	136.6	135.6	33.9 (27.1)	25.0		
1811		70.8				

Sources and Explanatory Notes:

Col. I. = Hauer 1849: 361-2; Hauer gives 'real state income': "reelle Staatseinnahmen"; extraordinary revenue has been excluded (subsidies, loans etc.). To ascertain the real

increase in revenue over the decade of 1781 to 1790, an inflation rate of 9.5 per cent has to be taken into account [cf. Otruba 1985: 219]. The nominal increase in revenue between 1804 and 1810 is also due to inflationary processes, it does not represent a real increase [cf. Klein 1974: 91].

Col. II. = Czoernig 1861: 122, 124. Czoernig states on p. 124 n.2 that for the period 1799 - 1810 his figures are for "Bancozettel" [BZ]. It should be noted that, while at the end of the 'first war of the coalition' in 1797 the value of the Bancozettel was still roughly on par with fl CM, the BZ experienced a devaluation after it was officially decreed in April 1797 that there should cease to be an obligation to accept BZ for fl CM and thus to honour the BZ by converting it without deduction into fl CM. According to the official statistics the exchange rate was as follows: in January 1800 - 114 fl. BZ = 100 fl CM; in January 1802 - 120 fl BZ = 100 fl CM; 1804 - 134 fl BZ = 100 fl CM; 1806 - 157 fl BZ = 100 fl CM; 1808 220 fl BZ = 100 fl CM; 1810 - 409 fl BZ = 100 fl CM. According to one economic historian the exchange rate before the financial reforms of 1811 was 492 fl BZ = 100 fl CM, and the rate of 5 fl BZ to 1 fl CM was established in the 1811 financial reforms [cf. Botzenhart 1980: 487; cf. also Klein 1974: 97 for exchange rates]. Tegoborski 1843/I: 14 gives the following exchange rates [first figure = year, second = January, third = July]: 1799 - 103 - 106; 1800 - 113 - 115; 1801 - 116 - 116; 1802 - 119 - 120; 1803 - 130 - 132; 1804 - 134 - 135; 1805 - 133 - 132; 1806 - 147 - 184; 1807 - 190 - 197; 1808 - 204 - 242; 1809 - 221 - 315; 1810 - 469 [? 409 ?] - 405; 1811 - 500. (See below col. III)

Col. III. = Czoernig's figures re-calculated on the basis of the exchange rate BZ - fl CM. According to the figures given in Botzenhart 1980: 487 and Klein 1974: 97, Czoernig's figures have been multiplied as follows:

1799 = 0.93
1800 = 0.88
1802 = 0.83
1804 = 0.75
1805 = 0.68
1806 = 0.64
1808 = 0.45
1810 = 0.25 [= 409 BZ = 100 fl CM]
 = 0.20 [= 492 BZ = 100 fl CM; figure is given brackets]
1811 = 0.12

Col. III contnd.: Figures with * have been calculated on the basis of the exchange rate of the previous year.

Col. IV. = Beer 1877: 390-1. Beer points out that Czoernig's original figures for 1799 - 1810 (as rendered in col. II.) give a distorted picture because they are based on BZ without taking account of the impressive disagio. He has therefore calculated his figures on the basis of the average annual value of the BZ measured in fl CM. The figures he uses for this calculation into fl CM are taken from files of Baldacci's [cf. Baldacci 1889]. Beer's figures for 1793 - 1798 have been calculated by deducting the amount he gives for the annual deficit for the respective years (on p. 391) from the annual expenditure he states on p. 390.

Col. V. = Hock 1879: 595 [1781-83], 608 [1784-86], 621 [1787-8]: total revenue (including extraordinary revenue as listed in col. VI.)

Col. VI. extraordinary revenue according to Hock 1879: 595 [1781-3], 608 [1784-6], 620 [1787-8]. According to Hock 1879: 620, Austria took up two new loans in 1787 (= 12.3 mio fl. CM) and in 1788 (= 22.2 mio. fl. CM) during the war with Turkey.

Table VI.2 *State Expenditure of the Habsburg monarchy, 1780 - 1811 (in mio. fl CM)*

Year	I.	II.	III.	IV.
1780	n.a	n.a	n.a	n.a
1781	65.0		69.4	8.4
1782	80.6		85.4	22.7
1783	71.1		74.9	10.7
1784	78.2		84.2	13.1
1785	83.9		87.1	7.1
1786	81.4		85.7	12.5
1787	82.4		85.4	23.4
1788	111.5		114.7	55.8
1789	120.0			
1790	113.1			
1791	112.3	91.4		
1792	90.8	86.9		
1793	115.6	112.9		
1794	151.3	147.7		
1795	135.9	133.3		
1796	158.2	154.7		
1797	131.6	130.4		
1798	133.2	129.3		
1799	(143.5)	137.1		
1800	(146.8)	143.9		
1801	(*132.4)	128.4		
1802	(97.9)	87.3		
1803	(*95.6)	75.4		
1804	(85.6)	78.3		
1805	(99.2)	102.7		
1806	(104.1)	97.5		
1807	(*132.2)	98.5		
1808	(85.5)	78.7		
1809	(*117.9)	86.3		
1810	(87.8)	76.1		
1811	117.7			

Sources and Explanatory Notes:

Col. I. = Czoernig 1861: 123, 125; his figures between 1799 and 1810 have been converted from BZ fl into fl CM and are given, therefore, in brackets. Figures with * indicate that

they have been converted from BZ fl into fl CM on the basis of the exchange rate of the previous year. The 1810 figure is based on 409 BZ fl = 100 fl CM. f. for exchange rate Table 1, explanatory note to col. III. Czoernig's figures include expenditure for civil administration, the military, and interest on national debt plus (credit) repayment plus redemption of BZ. They cannot, therefore, be directly compared with the figures given in col. II.

Col. II. = Beer 1877: 390, 392; debt repayments and redemption of Bancozettel not included in expenditure figures

Col. III. = Hock 1879: 595 [1781-83], 608 [1784-86], 621 [1787-8]

Col. IV. = extraordinary expenditure according to Hock 1879: 595 [1781-3], 608 [1784-6], 621 [1787-8]

Table VI.3 *Military Expenditure of the Habsburg monarchy, 1780 - 1811 (in mio. fl CM)*

Year	I.	II.	III.	IV.	V.	VI.
1780	n.a	n.a	n.a	n.a	n.a	n.a
1781	30.5				33.1	
1782	27.6				30.2	
1783	32.6				37.0	
1784	28.3				32.6	
1785	36.6				38.6	
1786	29.8				33.3	
1787	34.1				36.8	
1788	25.5	38.0	63.5		66.4	
1789	26.1	43.3	69.4		71.7	
1790	26.5	41.8	68.3		69.7	
1791	25.8	25.4	51.2	51.3	51.3	
1792	27.4	16.6	44.0	44.3	44.3	
1793	29.1	41.6	70.7	69.5	69.5	
1794	27.3	58.0	85.3	85.4	85.4	
1795	27.3	67.3	94.6	94.6	94.6	
1796	27.1	82.9	110.0	110.0	110.0	
1797				92.7	92.7	
1798				81.9	81.9	
1799				89.7	96.8 (90.0)	
1800				96.2	111.1 (97.8)	
1801				87.4	94.4 (*83.1)	
1802				45.4	55.4 (46.0)	(38.7)
1803				35.9	47.0 (*39.0)	(*37.8)
1804				34.4	46.1 (34.6)	(32.6)
1805				64.8	87.5 (59.5)	(47.4)
1806				57.5	94.3 (60.4)	(67.8)
1807				52.2	105.4 (*67.5)	(60.7)
1808				45.2	100.8 (45.4)	(48.2)
1809				66.8	197.6 (*89.0)	(113.9)
1810				52.2	223.4 (55.9)	(43.9)
1811					28.8	30.4

Sources and Explanatory Notes:

Cols. I., II., III. = Hauer 1849: 70; col. I. = ordinary expenditure; II. = extraordinary expenditure; III. = sum total

(without expenditure for building of garrisons which would add 28.0 mio flCM [= figures given for 1781 - 1793] to sum total. Hock 1879 gives figures for 1781-88 which are fairly similar to those in col. I. (cf. Hock 1879: 597, 607, 620 f.). He gives the extraordinary military expenditure in 1787 with 6.6 mio. fl CM, in 1788 with 38 mio fl. CM which gives him a sum total of military expenditure in 1787 = 33.6 mio, in 1788 = 62.2 mio. fl. CM. He also states (1879: 630) that between 1787 and 1790 (inclusive) the military expenditure amounted to 252.1 mio. fl. CM with 107.2 ordinary and 144.9 mio. fl. CM extraordinary expenditure.

Col. IV. = Beer 1877: 390-1; Beer gives amount in flCM on the basis of BZ converted into flCM according to the respective (average) annual exchange rate (for figures 1799 - 1810).

Col. V. = Czoernig 1861: 123, 125; the figures given in brackets are re-calculated on the basis of the average annual exchange for the respective years of BZ fl. into flCM. These bracketed figures should therefore be compared with Beer's figures in col. IV. Figures with * have been calculated on the basis of the exchange rate of the previous year; for 1810 the exchange rate has been calculated as being 409 BZ fl = 100 flCM; with 492 BZ = 100 flCM the bracketed figure would read 44.7 mio flCM. Cf. Table 1 explanatory note to col. I. for exchange rate.

Col. VI. = Schmidt-Brentano 1975: 105. For the years 1802 - 1810, Schmidt-Brentano gives the figures in BZ fl (nominal value). The bracketed figures give the amount in fl CM into which the BZ fl have been converted. Cf. notes to col. V for exchange rates used for the years 1807 and 1809. The figures in this column should be compared with those bracketed figures in col. V. The figure for 1811 in Wiener Währung.

P.S. It may perhaps be interesting to compare the figures given above with the figures Mayr 1940: 22-7 gives in his discussion of that period. He states that the military expenditure for 1787 - 1797 amounted to 784 mio. fl[CM]. For the following years he offers the following figures [as above, BZ fl will be converted into flCM and given in bracketed figures]:

1799	111 mio. (103.2)
1800	129 mio. (113.5)
1805	180 mio. (122.4) [Mayr talks about 0.5 mio. per day]
1806	106 mio. (67.8)
1807	106 mio. (67.8: on the basis of the 1806 exchange rate)
1808	106 mio. (47.7)
1809	262 mio. (118.0: on the basis of the 1808 exchange rate) (65.5: on the basis of the 1810 exchange rate)
1810	223 mio. (55.8)

Table VI.4 *State Expenditure of the Habsburg monarchy, 1780 - 1811 (as per cent of state revenue)*

Year	civil administration	military establishment	debt servicing
1780	n.a	n.a	n.a
1781	27.8	50.3	20.7
1782	30.7	40.1	36.2
1783	29.8	57.4	23.2
1784	41.2	47.2	24.9
1785	39.0	50.4	20.1
1786	39.5	44.8	25.2
1787	37.5	48.3	22.4
1788	32.6	75.9	19.1
1789	34.8	85.8	23.0
1790	27.9	81.4	22.8
1791	27.9	57.5	40.4
1792	29.3	51.2	24.3
1793	32.1	81.2	21.8
1794	50.0	92.1	21.1
1795	33.3	139.8	27.8
1796	41.0	167.6	32.5
1797	29.4	130.5	25.4
1798	30.6	112.0	39.5
1799	30.3	120.6	41.3
1800	27.0	129.3	37.8
1801	28.3	98.8	30.3
1802	30.4	64.2	42.2
1803	26.4	46.4	40.8
1804	26.9	42.9	36.3
1805	23.9	78.2	28.4
1806	40.0	108.7	38.9
1807	32.3	75.3	39.9
1808	19.9	62.3	32.3
1809	39.0	208.6	29.0
1810	38.1	164.7	56.1
1811	72.1	40.7	53.5

Source: Czoernig 1861: 122-3.

VIII. State police and Jacobins in Austria in the time of the French Revolution.

I have discussed above how Leopold II attempted to stabilize the Habsburg Monarchy by appeasing the privileged orders with the repeal of most of the Josephinian reforms and the hitherto politically disenfranchised bourgeois groups by endorsing their demand for adequate representation in the diets. Not only in Hungary but also in Styria did Leopold support the political demands of the non-privileged orders, including the peasantry, against opposition by the nobility [Wangermann 1959: 77-81, 85, 103]. But whether the Emperor's endorsement of these political demands was more than a tactical move to win the loyalty of the non-privileged order in a time of crisis it is impossible to say - Leopold died before this policy could be implemented in Styria. The reform of the state police under Leopold II, however, can be interpreted as an attempt to make concessions to enlightened bourgeois concerns about state power.

The reorganization of the state police constituted a partial victory for the Court Chancellery. The police system in the monarchy in its current form ceased to exist by decree of the Emperor when Count Pergen, after being vigorously attacked by other central government officials ever since Joseph's death, finally asked in 1791 to be relieved of his duties. It has been argued by Wangermann [1959: 93-5] that Pergen resigned in March 1791 because Leopold II put the hitherto autonomous Ministry of Police under the authority of the law. As recently as February 28, a general instruction had been issued designed to

prevent in future any violations of legality by the police:

Since the unfortunate are entitled to my full protection, I hereby order ... to see to it that every three months a Justice of the Court of Appeal and a Councillor of the [Lower Austrian] Government are sent to the *Polizeihaus* in order to inspect the treatment of prisoners ... Immediate steps are to be taken to ensure that no one is detained for more than three days without the notification of the authority concerned and the commencement of the investigation in which a Justice [*Justizmann*] is always to participate [Kropatschek/Leo. II 3: 232-3, quoted in: Wangermann 1959: 93].

The affirmation of due legal procedure in the instruction constituted a clear break with the conduct practiced by Pergen. When Pergen had submitted an account of the duties of the secret police to Leopold II in 1790, he pointed out that the summary investigation of arrested persons provided the basis for the Emperor's decision "whether they are to be handed over to the Criminal Court, or whether there is to be a secret police investigation". But as there were no published regulations governing these secret police investigations with regard to methods of investigation, witnesses, or proof of guilt, this procedure clearly deprived the prisoners of the protection of the law [Wangermann 1959: 39]. Leopold II's instruction made it clear that the new Emperor did not condone this state of affairs.

But while the secret police was more firmly put under the authority of the law, its surveillance function was enhanced. This was considered necessary for two reasons. First, the First War of the Coalition against France generated widespread resistance amongst the middle and lower classes. This war reinforced the sympathies these classes had with the ideas propagated

through the French Revolution. Second, the government feared that revolutionary France would send agents into the territories of the monarchy with the intention of undermining political stability there. As a consequence of this fear, the police was given the task of observing all foreigners, and, in particular, Frenchmen and Italians, who resided in the monarchy for reasons unknown to the state. Accordingly, those places such as coffee houses and inns which were frequented by foreigners were put under observation [Reinalter 1988a: 99-100; Wangermann 1959: 61-4].

The new police organization, which was implemented after Pergen's departure from office, made the heads of the provincial governments again responsible for policing their lands. Henceforth they would communicate directly with the Court Chancellery [OEZ II/1/2: 94; OEZ II/4: 160]. However, the supervision over policing in Vienna was again incorporated into the remit of the government of Lower Austria [Walter 1927: 52-3]. Thus, while Pergen's separate Ministry of Police was abolished, the Court Chancellery nevertheless had to share responsibility for policing in the monarchy with another government office.

The new police order for Vienna in November 1791 reflected the changed circumstances [Kropatschek/Leo.II 4: 471-94 for new police order]. The inner city of Vienna was divided into four, the suburbs into eight districts. The police in each district was controlled by a 'district superintendent' [*Bezirkdirektor*] who was a provincial government official [Benna 1942: 124]. These district superintendents were by and large independent from the director of police: they would communicate directly

with all government offices bypassing the director of police; their immediate superior was the president of the government of Lower Austria, not the director of police in Vienna. The officers of the patrimonial authorities in the suburbs were urged to co-operate with the district superintendents [Benna 1942: 126; Oberhummer I: 59].

The district superintendents in the suburbs were to be assisted by 'special constables'. With the re-introduction of 'special constables' as assistants to the superintendents in the suburbs a clear reference was made to the police system under Maria Theresia. As in the 1750s these special constables should be reimbursed for their work by tax reductions [Bibl 1927: 259]. Furthermore, police forces under the supervision of the superintendent should be established in all suburban districts. A 'Civil Police Watch' [*Zivil Polizei Wache*], consisting initially of a total of 64 men (or eight in each district), had duly been founded by the end of 1791. It was independent from the Military Police Watch, which retained its responsibility for policing the inner city. As a result of the establishment of this new force, the police forces in Vienna now amounted to a little over 400 men [Ehrenfreund 1919: 28; Oberhummer II: 256-7; Mayer 1985: 110-11]. But already during the summer of 1792 a committee of inquiry was set up to investigate into the newly established organization of the Vienna police forces. This inquiry finally led to the dissolution of the new force in 1793. However, it was re-established in 1807 [Benna 1942: 93; Mayer 1985: 112].

The police reform of 1791 led to one institutional innovation: the foundation of a public

health service in each suburban district, consisting of a surgeon, a physician and a mid-wife, under the control of the police. Such was the success of this service that by the end of its first year already more than 16,000 people had availed themselves of the services offered. This success was much helped by the fact that the poor were treated free of charge [Seliger/Ucakar 1985: 69; Oberhummer I: 60; Benna 1953: 212; Osterloh 1970: 157].

The cost of this new system of police in Vienna for the 12 months between November 1, 1791 and October 31, 1792 was almost 168,890 fl. About one quarter of this sum was spent for administration with the head of the Vienna police, e.g., earning 4,500 fl. and each district superintendent earning 1,200 fl. The Military Police Watch claimed 23 per cent, whereas the newly established Civil Police Watch required only 5.5 per cent of the money. The new district health service took up 15.5 per cent of the budget, two thirds of which were spent on medicine for the poor (= 20,645 fl.). Finally, the last substantial amount was taken up by expenses incurred in the course of apprehending offenders. This category included the rewards paid to police informers (16.6 per cent of the total budget) [Oberhummer II: 80-3 for figures on police expenditure].

As we shall see later in this chapter, Francis II yet again changed the system of police. These changes under Francis II were part of his efforts to put a stop to all reforms which could be seen as endangering the privileged position of the aristocracy and the clergy. The constitutional reforms in favour of the disenfranchised political groups were dropped; voluntary agreements between lords and tenants on

labour services were favoured over their compulsory commutation into money payments; greater influence was conceded to the clergy by dissolving the Ecclesiastical Commission which had been a mainstay in the government's attempt to influence religious affairs; and large-scale compulsory retirement of Josephinian officials was set in process [Wangermann 1959: 107-151].

The restaurative policy of the new Emperor was mainly occasioned by the need for financial and political support by the aristocracy and the clergy during the French wars. Subsidies had still to be voted by the Estates and given the spiralling cost of the wars, the government depended on the swift cooperation of the privileged orders [Reinalter 1981: 97; Wangermann 1977: 236]. But the new policy had destabilizing repercussions for the monarchy. Peasant protests which had to be suppressed by the deployment of the military were the result of the new government policy on labour services [Reinalter 1980: 153-4]. But even more politically destabilizing was the dismissal of the Josephinian officials. This move estranged the reform-minded civil servants from the regime.

The status and economic position of these middle-ranking civil servants was closely linked with the reform policies of the enlightened, absolutist state. Organized in the various lodges of the Freemasons, in the 1780s these civil servants thrashed out ideas of their own about the reform of state and society. Their involvement in the absolutist reform policies had initially convinced them that the monarchy could be reformed without revolution and violence. The purge of the civil service by Francis II thus could not but estrange the majority of these reform-minded officials

from the regime. Ousted from office for going beyond the political confines of a traditional state, many civil servants organized themselves in secret circles to continue their fight for reform [Reinalter 1981: 96].

When Joseph II engaged on his reform course, he had tried to mobilize support among the intellectuals of the non-privileged order for his policies of containing and curtailing the powers of the aristocracy and the established clergy. One means of attaining this support was the liberalization of censorship law in 1781. The new rules on censorship established a degree of freedom to write and read unique in the German-speaking territories. But we have already seen when discussing the secret police under Joseph in the second half of the 1780s that the liberalization of the censorship laws was undone once the demands by the intellectuals for reform surpassed what the government attempted to achieve: the containment of the aristocracy as a political force, but not its destruction [Bodi 1978: 40-3; Grab 1978: 55-6].

These disillusioned intellectuals now forged links with the estranged Josephinian civil servants. In their circles, they discussed the developments in France and circulated prohibited newspapers and books amongst themselves. Their own experience of marginalization in the political system as well as the ideas of the French Revolution made them advocate the overthrow of the political regime and its replacement by a constitutional republic based on human and civil rights [Reinalter 1988a: 147-55]. To spread their ideas, the members of these circles would try to recruit new members to their groups and publish and

distribute leaflets, pamphlets, and songs [Wangermann 1959: 133-7].

In Hungary, too, political groups formed in opposition to the regime. Under the leadership of Martinovics, who had served under Joseph II and Leopold II, two societies were formed: the *Society of the Reformers of Hungary* and the *Society of Liberty and Equality*. The lesser nobility and gentry constituted the backbone of the *Society of the Reformers*. Its catechism envisaged an independent Hungarian republic ruled by the Hungarian gentry. It provided for the suppression of all privileges of the aristocracy and high clergy and for the equal representation in the parliament of non-nobles. A spontaneous uprising of the Hungarian gentry would achieve these aims. But this was considered as only the first move towards the overthrow of the old regime. Once the *Society of Reformers* had succeeded in bringing down the regime, then the intellectuals and enlightened noblemen, organized as the *Society of Liberty and Equality*, would liberate the peasants from their feudal bonds and crush the privileged position of the gentry. It was thus essential in Martinovics's strategy that the *Society of Reformers* should know nothing of the *Society of Liberty and Equality*. The *Reformers* would mobilize on the basis of Hungarian nationalism, carrying those social groups with them which were interested in national independence; the 'Jacobins', i.e. the members of the *Society of Liberty and Equality* would mobilize on the basis of social issues. They would constitute an independent, federal republic in which each province would have its own assembly [Palmer/Kenez 1961: 423-6; Bödy 1962: 11; Benda 1979: 201-3].

But neither in Austria nor in Hungary were these conspiratorial circles of mainly intellectuals and former civil servants a real threat to the state. There was no substantial bourgeois stratum in the Habsburg Empire which could have provided the mass support for revolutionary action. Nor did these circles attempt to gain the support of the peasants. Contrary to the situation in Ireland, which we will discuss in the following, second, part of this thesis, there was no social basis on which a mass mobilization for the overthrow of the established order would have been feasible [cf., however, Wangermann 1959: 137, who points to Styria where the joint campaign of the burghers and peasants for constitutional reform had forged a link between these two groups]. But the main reason for the ineffectiveness of these circles was the restructured police system in the Austrian Empire.

The death of the Leopold had ushered in yet another period of police reform [Reinalter 1980: 158-62, 174-9, 181-4]. Whereas under Leopold II the police system in the Habsburg monarchy in general, and in Vienna in particular, took on features of that during the reign of Maria Theresia, under Francis II the Josephinian police system of the mid-1780s was resurrected. At first, the Court Chancellery under the Supreme Chancellor, Count Kollowrat, and in close co-operation with von Sonnenfels, criticized the preeminence of the government of Lower Austria within the system of police and demanded the subordination of all Austrian police under its control [Benna 1953: 214]. But as before, the Court Chancellery did not succeed. Instead of giving in to its demands, Francis II informed Kollowrat in January 1793 that he intended to re-establish the Josephinian police system and that he had already appointed Count Pergen as his minister

of police. Already in September 1792 the Emperor had written to Perggen that he wanted him to set the secret police onto a proper footing again. As secret police correspondence from the provinces had for the most part ceased after Perggen's resignation in March 1791, the Emperor's interest in re-establishing the secret police was manifest [Wangermann 1959: 120-1]. In January 1793 Francis also informed the president of the government of Lower Austria that henceforth all matters concerning police had been transferred to Count Perggen and that therefore all police files in the government's archives had to be handed over to him [OEZ II/5: 400-1; Benna 1942: App. I and II].

Perggen hastened to re-assert his authority in matters concerning police. In two long official documents in early 1793 he reminded the police officers and the presidents of the provincial governments of their rights and duties [Benna 1942: 127-45 for copies of these documents]. One of his main objectives was the attempt to clearly delineate the respective sphere of competence of each authority involved in policing. He confirmed that the directors of police were subordinated to the presidents of the provincial governments. He left it to their discretion how they organized the system of police outside the provincial capital: whether they wanted to employ government officials as police officers or whether the local magistrates should take charge of the police. In any case, however, he emphasized the obligation of both local magistrates and the patrimonial authorities to inform the respective *circle office* on any person actually or reputedly dangerous to the security of the state. Perggen maintained that the police should not get involved in matters concerning public welfare [*politico-publica*], which also included matters such

as street lighting and road paving. The police was to concentrate on public security, not on the active promotion of (economic or social) welfare. But it was Pergen's conviction that upholding public security would contribute to the material welfare of the citizens. The paramount importance of enforcing the system of compulsory registration and, more generally, of state surveillance was reiterated. Pergen impressed upon those responsible for policing on the provincial and local level the need to pay close attention to the subversive machinations of those political clubs and organizations up and down the country which, inspired by developments in France, were trying to arouse the population with 'freedom humbug' [*Freiheitsschwindel*]. In Pergen's view it was necessary to counter the publications of subversive pamphlets by government propaganda [Wangermann 1959: 123-4 on the surveillance of French residents in Austria and the government's efforts to expel them; Reinalter 1988a: 101-2, 103, 111].

This strong emphasis on the task of the police to maintain public order/tranquillity and security in a time of political turmoil led also to the rescinding of the judicial duties of the police superintendents. Leopold II had tried to accrue the right to adjudicate in civil matters to the police should the parties involved decide to turn to the police in these matters [Kropatscheck/L. II 4: 476-7]. He had thus attempted to appropriate the power of jurisdiction for some cases of *Niedergerichtsbarkeit* for the state. Under Francis II, however, the police was relieved of this duty and installed as an exclusively executive body [Oberhummer I: 83-4; Benna 1942: App. III for copy of letter by the president of the government of Lower Austria to the directors of police rescinding their judicial

rights]. With regard to shedding the police of its responsibilities for the local public health service, Pergen was encumbered by its popularity. Nevertheless, Pergen introduced a number of measures in order to reduce its cost: A means test on those who wanted to use the service was introduced; regulations were issued to keep down the cost of prescriptions; and the service was limited as far as possible to treatment in hospital [Wangermann 1959: 122]

Pergen secured for his ministry of police the responsibility for all activities to do with state security [Benna 1942: 180-3, who quotes Pergen's statement on the sphere of competence of his ministry]. The tasks to be performed included surveillance of foreigners (e.g. issuing of visa) and diplomats, enforcement of compulsory registration, the licensing of theatres, surveying of public opinion and its 'guidance', and uncovering of secret societies [Wangermann 1959: 125-7]. From 1801 onwards Pergen's ministry was also in charge of censorship [Kropatschek/F. II. 16: 157; Benna 1953: 221-5]. In January 1794, a Court Resolution had already informed Pergen "that he was to receive fortnightly lists of all permitted and prohibited publications from the Censorship Department, and that all cheap publications intended for mass circulation would in future have to be approved by his ministry before permission to print could be granted" [Wangermann 1959: 128]. Furthermore, Pergen asserted the right to appoint all police officers in Vienna. At the same time, the government of Lower Austria was put in charge of trade supervision and market police and matters concerning public safety and public hygiene.

Though this clear distinction between the responsibilities of the ministry of police and those of the government of Lower Austria would appear at first sight to have limited conflict and competition between the two government bodies, in reality this was not the case. First, the same police forces were answerable to two different bodies according to the tasks they were performing at any one time. This could not but give rise to controversy. Second, Pergen was not prepared to accept any communication between the director of police in Vienna and the government of Lower Austria of whose content he was not aware. In December 1793 he requested that the director of police provided him with a copy of all those reports which were being sent to the government. Furthermore, before any suggestions concerning innovations or improvements in policing were sent to the government, he demanded to be informed and consulted beforehand. But it would seem that the director of police was reluctant to conform to these demands, a fact manifestly reflected in Pergen's reminder of this request in March 1794 and February 1795 [Oberhummer I: 89-90].

Despite the opposition by the government of Lower Austria to a reduction in its power, the ministry of police could secure its predominance. Whereas in the provinces all matters concerning the employment of officials were settled by mutual agreement, in Lower Austria, on the other hand, the government was bypassed. The directorate of police in Vienna was obliged to keep the ministry of police informed about its policing activities, whereas the provincial directorates were required to communicate directly with the ministry only in difficult cases. As Oberhummer [II: 105] pointed out the voluntary and amicable co-operation between the ministry and the

provincial directorates opened up an opportunity for either side to bypass, if thought advisable, the president of the provincial government. In any case, the recurring justification for the different treatment of the government of Lower Austria was the importance which was attached by the minister of police to an efficient policing of Vienna in the interest of the security and survival of the state in a time of internal and external threat [Oberhummer II: 96-7, 100-5]. It was only in March 1848 that all matters concerning police were incorporated within the ministry of the interior [Benna 1953: 230].

Since the summer of 1793 the police had been aware of the identity and movements of some of the 'Jacobins' - as the members of these circles were now called by the state authorities. When they attempted to exploit the discontent amongst the population during the crisis of the summer of 1794, the police moved in and arrested the ringleaders. In his seminal study on that period, Wangermann cogently describes that critical situation:

The failure of the [military] campaign of 1793 had shattered whatever hopes of a short war had survived earlier disasters. The preparation of the 1794 campaign involved new financial burdens ... and a new drain of the badly needed manpower from the land to re-form depleted regiments. The continued requirements of army provisions helped push up prices from the already high level prevailing since the Turkish War and jeopardized supplies for the capital. The attempts to suppress exports to Revolutionary France and, after April 1794, also to Revolutionary Poland inflicted considerable dislocation on Austrian commerce and industries. Everywhere an acute lack of money and men made itself felt. To crown all, the 1794 harvest in Hungary, the monarchy's principal granary, was threatened by a severe drought. Inevitably, the brunt of all the hardship was borne by the non-privileged, who were still waiting for the concessions which had seemed at hand at the close of Leopold II's reign, but which

had been shelved in that of his son [Wangermann 1959: 141].

In 1794, peasant resistance to recruitment became more obstinate and the sympathy for the French soldiers and the ideas of the French Revolution was growing. This sympathy "emerged in all the Habsburg provinces through which French prisoners of war had been transported, and even more in those where they finally settled. Everywhere the population showed a keen desire to come into close contact with the prisoners, and it was not long before the relations established were so friendly that an alarmed Ministry of Police urged decisive intervention" [Wangermann 1959: 142-3; Benda 1977: 278].

In the summer of 1794, the police arrested the leading Jacobins in Austria and Hungary, and after the Jacobin Trials in 1794/95, two Austrian and eighteen Hungarian 'conspirators' were executed [Schuh 1979; Schuh 1980]. The restaurative 'police-state' had been established. It was founded on the cooperation between monarchy and aristocracy which had come about in the face of external military and ideological threat coupled with an internal revolutionary challenge by disappointed sections of the middle class and the peasantry to the established political, economic, and social order.

Part Two

The state, police and public order:
Ireland in the late 18th century.

IX. The cleavage structure of Ireland in the 18th Century

As in the chapters on the Austrian Empire it will be the main task of this analysis to describe and explain the ways in which the form and dynamics of the Irish class and cleavage structure have been affected by geopolitical relations of violence. Again it will be the analysis of attempts by the state to establish police forces under its own exclusive control for the maintenance of public order which will allow us to elucidate the distribution of power in Ireland. In this introductory chapter I shall sketch three interrelated components of the Irish conflict constellation. Conflicts arose from the fact that Ireland was a colonial dependency; that it was a Protestant kingdom in which the Catholic majority was politically and socially disenfranchised; and that its agrarian economy and society were affected by commercialization. It will be the task of the following chapters to show the impact which the American War of Independence and the wars with revolutionary France had on the power structure of Ireland.

A) Ireland as a colonial dependency

For most of the 18th century Ireland is a prominent example of a colonial dependency. The structure of both the Irish economy and polity was determined by, and subordinated to, English interests. In her economic relations with England, Ireland was subordinated to English interests in many respects. In the 1660s the English parliament passed legislation to

prohibit the importation of Irish cattle into England [e.g., 15 Charles II, c. 8; 18 Charles II, c. 2]. The act of 1667 forbade the importation of cattle, sheep, pigs, beef, pork and bacon from Ireland into England after February 2, 1667. As the export of cattle constituted the largest share in Irish trade, accounting for 55 per cent of the total export value in 1665, this act was thus seriously affecting one of Ireland's main sources of earnings [O'Donovan 1940: 49-76; Crotty 1966: 12-7]. An act of 1699 prohibited the export of Irish woollens to any country other than England [10 & 11 William III, c. 10 (Engl.); Kelly 1980 on the history of the act]. Given the high duties on the import of woollen manufactures already operating in Britain, this act amounted in effect to an embargo and brought a serious set-back to the Irish woollen industry [O'Donovan 1940: 84-93; Crotty 1966: 11; McDowell 1979: 15; Beckett 1981: 155-6; Cullen 1986: 131-41].

The growth of the brewing industry in the early 18th century was hampered by a series of British acts from 1710 onwards which stipulated that only British hops could be imported into Ireland [e.g., 9 Anne, c. 12; Mathias 1959: 151-70 on the history of the Irish brewing industry in the 18th century]. An act of 1746 made it illegal to export glass to any country whatsoever. Goods from British plantations had to be imported into Ireland through Britain; this stipulation, in turn, hampered direct export to the plantation "since an export without a corresponding import of commodities rendered shipping arrangements impractical" [O'Connell 1965: 51; cf. 19 Geo II, c. 12 (Engl.)].

Some economic activities were not regulated prohibitively. In 1696 English parliament enacted that from August 1, 1696 "hemp, flax and all production thereof" imported into England from Ireland should enter free of all customs duties in order to reduce English dependence on foreign, continental linen [7&8 Will. III, c. 39]. Furthermore, in 1705 direct exportation of Irish linen to the colonies was allowed [3&4 Anne, c. 7; Harte 1974: 91-3]. Although export of Irish linen was unhindered Irish coloured linens were excluded from the British market in the interest of the Scottish linen-weavers [3 Geo. I, c. 21; Beckett 1981: 168]. The provision trade, including the export of cattle-products, was likewise unrestricted.

A look at Irish trade in the 18th century shows the increasing commercialization of the Irish economy. But it also clearly shows the dependence of economic growth in Ireland on the English or British markets. In 1665, export in current values was a mere £400,000 [O'Donovan 1940: 53]. In the 1710s, however, it passed £1,000,000, giving a compound rate of increase of 2 per cent [Cullen 1981: 39 for these and the following figures]. Slow growth in exports between the 1710s and 1740s was followed by sustained growth. Between 1743/4 and 1770/1 exports rose by 150 per cent, i.e. at a compound annual rate of 3.4 per cent. For the entire period 1743/4 to 1792/3 exports rose at a compound rate of 2.9 per cent. This indicates that after 1770/1 the pace slackened. For the period 1792/3 to 1835 the rate of growth fell further, to 2.6 per cent per year. But the war years between 1793 and 1815 were a period of boom with the volume of exports rising by 40 per cent between 1792 and 1815. Exports valued at current prices rose by 120 per cent. According to Cullen

these years were the culminating phase of a long wave of expansion going back to the 1740s [Cullen 1987a: 100].

The rapid growth of Irish trade was due to the expansion of Irish-British commerce. At the beginning of the 18th century 46 per cent of all Irish exports went to Britain. In 1740 Irish exports to England had risen to almost 54 per cent. By 1780 the dominance of the British markets had become even more demanding with more than 79 per cent of exports going to Britain. This figure was surpassed in 1800 when over 85 per cent of the total of Irish exports went to Britain [Cullen 1968: 45]. With regard to imports into Ireland, Britain was equally dominating. At the beginning of the 18th century British imports accounted for almost 54 per cent of all imports into Ireland. By the end of the century almost 79 per cent of all imports came from Britain [Cullen 1968: 45].

For Britain, the relative importance of the trade with Ireland increased when both the linen trade and the provisions trade grew rapidly in the second half of the 18th century. Imports from Ireland into Britain accounted for 3.9 per cent of all imports in 1700. By 1750 almost 8 per cent of all British imports came from Ireland. In 1781 imports from Ireland constituted more than 14 per cent of all imports, falling back to 10 per cent in 1800 [Cullen 1968: 46]. In 1700 more than 4 per cent of total British exports went to Ireland, reaching more than 10 per cent in 1750. In 1771 almost 15 per cent of all British exports went to Ireland and in 1781 Ireland received 15.3 per cent of all British exports. In 1800 the importance of Ireland as a market for British goods had been somewhat diminished with 11.1 per cent of all British export

going to Ireland. During the 18th century, however, British trade with Ireland was greater than that with any other European country [Cullen 1968: 46-7].

Throughout the eighteenth century the export of linen textiles far exceeded agricultural exports. So predominant was the export of linen textiles that at the end of the 1750s as much as 80 per cent of Irish exports to Britain (by value) consisted of linen cloth and yarn [Cullen 1968: 51]. From 1710 onwards the Anglo-Irish trade balance was in favour of Ireland [James 1973: 198-200; Clark/Donnelly 1983b: 29]. However, "Ireland's favorable balance was consumed in large part by charges paid for shipping, by merchants' commissions, by interest on loans, and especially by rents paid to absentee landlords [residing in England]" [James 1973: 205]. Furthermore, the steady growth of Britain's share in Irish trade does not only reflect the strength of the British economy, but gives also testimony to the advantages Britain gained from the restrictions imposed on Irish colonial and foreign trade.

Summarizing his magisterial study on Anglo-Irish trade in the 18th century, Cullen arrives at the following conclusion:

It seems clear that England's industrial expansion and Ireland's economic development in the 18th century are associated. Alternative markets for Irish products were few, and the English market, from the start the motor of expansion in the linen industry, came in the second half of the 18th century to play the same role as far as Irish agricultural products were concerned. At the time England's industrial expansion hardly appeared to threaten Ireland's industrial prospects. Indeed the growth in effective demand in Ireland made possible by enlarged export outlets appeared to strengthen industry, and, as the second half of the 18th century progressed, larger units employing more

capital and an extended division of labour replaced small and scattered units, many of which had succumbed to English competition in the middle of the 18th century [Cullen 1968: 206].

For better or worse, however, the structure of the Irish economy and Irish economic development was profoundly influenced by political and legislative action taken in England. The highly profitable provision trade, for example, was the result of the involuntary development of the new industry of processing meat products as a response to the Cattle Act of 1667 [O'Donovan 1940: 62]. Since this act permitted the export of provisions to continental Europe, the British American colonies and the American colonies of the continental powers, Ireland, instead of sending live cattle to England, turned to exporting salt beef, salt pork, butter, and some cheese. But until the Seven Years' War, Ireland was prevented from exporting provisions to England. And as the embargo on the export of provisions in February 1776 during the first phase of the American War would show, the provision trade of Ireland with other regions was not outside the regulatory reach of the British government. It was because of this political subordination that the objection to the trade restrictions was as much constitutional as economic.

Economic dependence was accompanied, and maintained, by a highly developed system of political and legislative subordination. Poynings' law of 1495 gave the Irish Privy Council the right to suppress or alter Heads of Bills arising in either Irish House of Parliament. The same power could be exercised by the English Privy Council once a Bill had been sent by the Irish Privy Council for scrutiny. On return of an altered bill from the English Privy Council the Irish

Houses of Parliament had only the alternative of either accepting or else rejecting the bill. It was therefore only in cooperation with the Privy Councils that the Irish parliament could legislate [Foster 1988: 23; Beckett 1981: 51 on Poynings' Law].

Moreover, in the Declaratory Act of 1720 the British legislature had claimed its supremacy over the Irish parliament by asserting the right of binding Ireland by its acts [McDowell 1979: 130-1]. It had also stipulated that the British House of Lords was the final court of appeal in all Irish litigation. Furthermore, as about two-thirds of the revenue of the country, including customs and excise, had been voted to the crown in perpetuity - the Hereditary Revenue -, the financial control of parliament was heavily limited. Until 1768, when the Octennial Act was passed, there was no law limiting the duration of parliament which thus lasted an entire reign [McDowell 1986: 205-7]. This encroached most seriously on the electoral privileges of the voters. There was no Habeas Corpus Act and judges held their seats not during good behaviour but during pleasure. Finally, there was no national militia and, until 1780, no Irish Mutiny Act which would have regulated the Irish military forces.

The legislative dependence of the Irish parliament was reflected in the structure of the political administration. There was a complete separation between the legislature and the executive. The Lord Lieutenant as the chief governor was nominated and appointed by the British government and represented the King and the English cabinet. His tenure of office was thus not dependent on his securing a majority in the Irish house of commons, but

on the support of the British government and on the overall political constellation in Britain. The role of the Lord Lieutenant had gained in importance since the viceroyalty of Viscount Townshend in 1767. Townshend had been instrumental in breaking-up the 'undertaker' system in which local magnates undertook to carry through the king's business inside parliament in return for a generous share of administrative patronage. He had succeeded in bringing administration back to Dublin Castle, the seat of the Lord Lieutenant [Bartlett 1979: 88-112; McCracken 1949: 152-68].

The management of the Irish parliament in general, and the securing of revenue (money) bills in particular, became the chief task of the Lord Lieutenant and the Irish administration. To achieve this task the administration used the traditional means of patronage to create peerages, positions, and pensions for supporters of the administration. The administrative exercise of the executive authority lay in the hands of the Chief Secretary who was also the leader of the house of commons. Appointed by the British cabinet, his powerful position owed much to the fact that he was responsible to the Lord Lieutenant alone and that he was the channel through which honours, favours and rewards were dispensed. Since the 1760s all political and administrative power became increasingly centralized in the hands of the chief secretary [Johnston 1963: 39].

B) Political and religious cleavages in Irish society

To fully understand the political structure of Ireland in the 18th century one has to recognize that Ireland was a Protestant kingdom although the mass of

the population were Catholic. Protestants alone held the elective franchise and were eligible to sit in parliament; they alone could hold office under the crown; they alone could participate in local government. The Roman Catholic population, which represented about three-quarters of the inhabitants of Ireland, was deliberately kept in a position of political, economic, and social inferiority through acts of parliament. A plethora of 'penal laws' between 1692 and 1728 prevented the Catholics from acquiring the economic means and the social position which would have enabled and entitled them to participate in the country's government. It was indicative that those provisions of the penal laws that were taken most seriously were directed, not against the practice of the Catholic religion, but against Catholic landed property, for land was the basis of political power [Troy 1793: 17; Stewart 1977: 103-4; Corish 1981: 73 ff.].

Through the penal laws the Catholic majority was marginalized and the 'Protestant Ascendancy' established [on Anglo-Irish Ascendancy as a political and social elite: Beckett 1976; Canny 1987 on the identity formation of the Anglo-Irish since the late 16th century; Foster 1988: chap. 8 on 'The Ascendancy Mind']. This Ascendancy was thoroughly Anglican, in distinction to the Protestant Dissenters of Scottish origins who settled in Ulster in the 17th century. This Anglican, Anglo-Irish Ascendancy was not so much a strictly ethnic group but rather a socio-political elite which constituted itself in and through parliament. The Irish parliament in the 18th century was the exclusive preserve of the Ascendancy. Catholic peers who received writs of summons to the House of Lords were prevented from taking their seats by being

unable to subscribe to the Oath of Supremacy. Throughout the century Catholics were excluded from membership of the House of Commons and between 1728 and 1793 Catholics and those married to Catholics could not vote at parliamentary elections. The 'Popery Act' of 1704 stipulated that the oath of allegiance and an oath abjuring the Jacobite pretender had to be taken before voting at parliamentary elections [2 Anne, c. 6; Simms 1986: 263-76; Beckett 1981: 157-8]. The test clause of the act made it obligatory for holders of public office to take the sacrament according to the usage of the Church of Ireland. This sacramental test clause was obviously meant to further legally maintain the exclusion of Roman Catholics from offices in the State, municipal corporations, and the army. But it equally applied to the Presbyterians, i.e., the Protestant dissenters, and brought about the political marginalization of this religious denomination as well. The explanation for including in an anti-Catholic bill provisions that obviously affected Presbyterians seems to lie in English tory politics, which was actively anti-dissenter at that time [Simms 1986: 263 ff.; Beckett 1948: 43-5]. In any case, this act merely legally legitimized the marginalization of the Presbyterians which was in effect founded on their social and economic status. Most of them were tenant-farmers in the North and did not qualify as forty-shilling freeholders. This would have entitled them to participate in county elections [McCracken 1973a: 139].

But not all sections of the Anglicans were represented in the Irish parliament. Rather, parliament was an instrument of the Anglican landlords. The landed aristocracy exercised decisive control over the election of the three hundred

members of the house of commons. One hundred and fifty constituencies each returned two members. Thirty-two of these were county constituencies, based on a forty-shilling freeholder franchise. In these constituencies control over the election of candidates could be exercised by creating fictitious freeholds and by putting pressure on the freeholders, by using bribery and patronage or by controlling the appointment of the sheriffs who acted as returning officers. There were also 117 boroughs (plus Trinity College, Dublin), and membership for these was less prestigious than for the county constituencies. Curtis [1937: 323-4] points out that

In the boroughs the votes varied from place to place; in some the corporation alone elected the member, in others the local magistrate, in others all the residents. Most of them were insignificant places, owned by the patron and called 'pocket boroughs', others, the 'decayed' or 'rotten' boroughs, had few or in several cases no inhabitants. The patrons had the nomination of 176 members, and 86 sat for rotten boroughs. Above two-thirds of the seats in the House, [Henry] Grattan declared in 1790, were private property.

Lecky [II: 347] states that in 1783 it was computed "that 124 members of the House of Commons were absolutely nominated by fifty-three peers, while ninety-one others were chosen by fifty-two commoners". In those boroughs where only the members of the corporation and the freemen had the right to vote, it was imperative for the political magnate to ensure that the thirteen or sometimes twelve members of the corporation were his nominees and that only his supporters were admitted as freemen [McCracken 1973a: 141]. In these constituencies control was less troublesome than in county constituencies. But, whereas, in fact, few county elections were contested, in those boroughs which were more open as regards

representation as a result of a fragmented local power structure elections were more frequently contested [Foster 1988: 234-5].

Given the electoral system and composition of parliament, there is, thus, ample justification for arguing that "but for the handful of Protestant Dissenting M.P.s, and but for a few Protestant Dissenting and Catholic landowners who had proprietary interests in county elections, the Anglo-Irish Ascendancy could be defined as comprising those who themselves sat in the Irish parliament or who exercised significant influence over the return of the 300 members to the House of Commons" [Malcomson 1978: XIX]. It was in parliament that the Ascendancy as the 'political nation' of Ireland assembled. The overall position of the Irish Protestant Ascendancy as the dominant class within Irish society, however, brought about a general disposition towards centralization and uniformity in government. MacDonagh [1981: 316] argues that "centralised authoritarianism and national uniformity were inherent tendencies in Irish government at all levels, including the local, even in the eighteenth century". The Protestant ruling class was numerically too small and it was too scattered in residence to govern individually or in small groups. Furthermore, given the economic conditions the parish could not be administratively self-sufficient. Finally, alienated from the mass of their fellow countrymen through differences in religion, language, interest and habit, the ruling class "bound themselves together on national rather than parish, county or even regional lines. Their primary identification was with their own order spread thinly across the entire country, not with a particular place or neighbourhood. Their common ground was Dublin ...". It was thus in

parliament that the uneasy but necessary co-operation between the Irish ruling class and the English-orientated Irish administration had to materialize.

But the Irish administration, too, had an influence in parliament. In the 1690s, when the expenditure of the Irish administration was greater than the hereditary revenue of the crown, the Irish parliament had voted additional duties for a limited period only. It became therefore necessary for the Irish government to devise strategies and mechanisms to secure parliament's vote for supplies on which the maintenance of the administration depended. One way of doing so was for the administration to exert the power of patronage and bestow honours, favours, offices upon members of parliament and thus bind them to government interests. Kennedy [1974: 60] states that in 1769 the Irish administration was likely to be able to control seventy-eight places, in 1782 ninety-six, and in 1789 one hundred and ten. That is to say, that the government's influence increased from 26 per cent to 32 per cent to 37 per cent of the lower house. It was through the use of patronage that the legislature was joined to the executive.

In these cases patronage was distributed for electioneering and 'party' purposes. But patronage was also used as an essential part of local government. Local magnates who were not in systematic opposition to the government could expect a fair share of local patronage. Malcomson argues that political considerations held low priority in local appointments, unless record of residence, size of property, and personal respectability of the persons under consideration were equal or nearly equal: "Those local magnates who had the distribution of it,

were not merely electoral interests; they were the unpaid representatives of the government in the provinces, and as such were entitled to expect that the patronage as well as the authority of the government would be delegated to them" [Malcomson 1978: 248-9; 250-1].

In practice, there was a confluence of the two motives behind the system of patronage. The control, for example, which Lord Shannon exerted over the county and borough constituencies of County Cork made him vital to the strength of the Irish administration. Well aware of his position of power, which he held vis-à-vis the government as a result of his large parliamentary following, Shannon demanded that "he should always have the nomination of one bishop, one judge, and one commissioner of the revenue, besides office for himself, inferior office for his dependents, and the whole patronage of the county and city of Cork" [Shannon to the Earl of Buckingham [without date], quoted in: Bric 1983: 102].

By and large, the Anglo-Irish Ascendancy and the Irish government were agreed on keeping the Catholic population excluded from political participation. The measures designed to achieve this were manifold [Wall 1961: 13-33; Corish 1985: 123-5; Brady/Corish 1971 (on the situation of the Catholic Church under the penal laws); Brady (ed.) (1953) on Catholics and Catholicism as represented in the 18th century press]. In 1692 members of both Irish houses of parliament were required to take an oath of allegiance, a declaration against the Mass, Transubstantiation, and other Roman Catholic doctrines, and also an oath abjuring the spiritual supremacy of the Pope. This act virtually prevented Roman Catholics from becoming members of

parliament. In 1695 acts were passed against Catholic education, abroad or at home, and for disarming 'papists' - as the Roman Catholics were now to be called. An act of 1698 allowed Roman Catholics to practice law only if they took an oath of allegiance and abjuration of the papal authority.

Barring Catholics from practicing law secured, in effect, the monopoly of government office to the Anglicans. This monopolistic position was strengthened by the fact that local administration of justice was completely in their hands. They alone appointed the sheriffs for each county, who, in turn, had the power to nominate people of sufficient property qualifications to serve on the grand jury of the counties. In 1708 the political exclusion of Catholics from grand juries was legalized by an act which forbade them to act as grand jurors. These grand juries were responsible both for criminal jurisdiction and for local government at the county level, deciding, as one of their major tasks, the level of county taxation, i.e. the county cess. They completed their domination of the machinery for the local administration of justice by monopolizing the task of the local justice of the peace and by retaining the right to adjudicate local grievances in their manorial courts.

In 1697 an act was passed for the banishment of all Roman Catholic bishops and dignitaries. At the time of the passing of the Banishment Act [9 Will. III, c. 1], thirteen sees were already vacant, and three archbishops and two bishops had left Ireland for the Continent on the defeat of King James in 1690. Of the eight bishops who remained in the country, only two, perhaps three, were still in Ireland by 1703

[Wall 1961: 15-7; Brady/Corish 1971: 6-7]. The Banishment Act was complemented by the Registration Act of 1704 [2 Anne, c. 7]. It stipulated that any secular priest who took a simple oath of allegiance would be officially registered and could then perform his priestly functions undisturbed by the political powers. This act brought about the registration of 1,089 priests. It was to remain in force until 1780. The Registration Act was tightened up in 1709 [8 Anne, c. 3] when it was decreed that all priests who had registered in 1704 should now be compelled to take the Oath of Abjuration in open court. If they refused, they should be expelled from the country. But of those priests who had registered in 1704, only thirty-three are known to have taken the Abjuration Oath. This refusal of more than a thousand priests rendered government powerless against them, "as any attempt to banish them would have caused riots and rebellions in every parish in Ireland, and troops could not be spared in time of war to deal with such a situation" [Wall 1961: 55; cf. also Wall 1961: 23-4; Brady/Corish 1971: 17-9].

The most far-reaching legislation was the 'Popery Act' of 1704, which has already been mentioned above as regards its direct political implications. In its provisions relating to real property the 'Popery Act' thought to prevent any increase in the area of land held by Roman Catholics. This meant in practical terms that the property freehold of about one-eighth of the land which the Roman Catholics possessed by 1700 should not be increased [Curtis 1937: 276]. The act stipulated that Roman Catholics could only inherit from one another; that they might not purchase land and could not take a lease for a term exceeding thirty-one years; and that the lease had to be at a

rent of at least two-thirds the yearly value. Furthermore, it was enacted that on the death of the landlord his land had to be equally divided among all his sons unless the eldest son 'conformed' to the established church - in which case he was to inherit the whole estate. This meant that there was a premium of religious conformity to be paid if the estate was to be maintained as a viable economic unit.

These provisions almost completed the destruction of the Roman Catholic gentry: "Landed families, faced with a choice between conforming to the Church of Ireland and seeing their estates dissipated by repeated subdivision in successive generations, commonly preferred to conform; and those who did not tended to sink lower and lower in the economic scale ... those who survived had no desire to attract the attention of government by engaging in any political activity" [Beckett 1981: 158].

Estimates of the percentage of land in Catholic hands indicate the effect of the Williamite land confiscation and the penal laws. In 1603 ninety per cent of the land under cultivation was held by Catholics; in 1641 fifty-nine per cent; in 1688 twenty-two per cent; in 1703 fourteen per cent; and in 1778 five per cent [Elliott 1982: 8]. These figures reflect not only the effects of the penal laws in the 18th century but also the confiscations of land by the English crown during the seventeenth century. Up to 1641 almost all the victims of these confiscations were the Gaelic Irish magnates. But after 1641 the 'Old English', who had colonized Ireland under Henry II's 'lordship of Ireland' after 1171, also lost land to the crown. The plantations in Ulster were set in motion after 'the flight of the earls' to Rome in

1607/8. The rebellion of Ulster chieftains against the authority of the English crown had ended in their defeat in 1603. When the leaders of the rebellion fled the country in 1607, their secret and unauthorized departure was treated as confession of treason and their estates were declared forfeit to the English crown.

The next major confiscation of land was the Cromwellian settlement of 1652. The Irish rebellion in 1641 had been squashed by English troops. The English parliament had passed an act promising repayment in Irish land to those who would advance money for the war (the so-called 'Adventurers'). 2,500,000 acres out of the expected confiscations were set aside to meet this liability. But it was only after Cromwell's conquest of Ireland in 1652, that an Act of Settlement gave force to the Adventurers' Act of 1642. Those proprietors who had forfeited their land were transported to Connaught and new proprietors established in their place. Although legislation in 1662 and 1665 in the reign of Charles II did reinstate a number of former proprietors, almost four-fifth of the land was now in the hands of Protestant landlords. The treaty of Limerick in 1691 after the defeat of James II against William ushered in the last substantial confiscation of land in the 17th century. Almost 1,000,000 acres were confiscated giving the Protestants legal control over about eighty-five per cent of the land under cultivation [Beckett 1981: 43-8, 87, 105-9, 119-21, 149; also Moody 1939, Percevall-Maxwell 1973, and Stewart 1977: 21-41 on Ulster plantations; Prendergast 1865 and Bortigheimer 1971 on the Cromwellian settlement; Simms 1956 on the Williamite confiscation].

The restrictive penal laws of the 18th century drove many Catholics into trade as the only career open to them. And it was through commercial activities that a Catholic middle class developed during the 18th century. So successful were the Catholic merchants that the Protestant guilds and corporations frequently demanded protection from parliament against Catholic intrusion into their business interests. In February 1762, for example, the corporation of Galway petitioned parliament complaining that Protestants were discouraged from following trade or business, papists in general declining to deal with them; and the wealth of the town, or by much the greater part of it, being in their hands, they thereby acquired considerable influence and power over the indigent Protestant tradesmen [JHC VII (1761-4): 144].

This complaint contained some truth. The rules, regulations, and traditions of government in cities and chartered towns were often directly contravened. These charters provided that only guild members were entitled to carry on trade. Catholics, however, were excluded from membership in guilds for economic and political reasons. In theory, therefore, it would have been possible to obstruct their trade and confiscate those goods which they offered for sale. But in practice, such a policy was likely to yield a negative result. First, the Protestant traders and merchants had to reckon with a boycott of their own goods by their Catholic customers. Second, there was nothing that could prevent Catholic merchants to set up business immediately outside the town boundaries. It was in this situation that the Protestant merchant class turned to parliament for support [Wall 1969: 43].

One attempt by the Protestant urban middle-class to proscribe the economic activities of the Catholic merchants and traders was the endeavour of the Protestant corporations and guilds to have a quarterage bill passed by parliament. MacGeehin has succinctly summarized the issue at stake:

Catholics could not be permitted to become freemen of corporate towns as they would then share in all the privileges, exemptions and benefits of freemen, and moreover, they would have the right of voting for members of parliament and municipal officers ... As non-freemen were non-eligible to become "free brothers" in the guilds (i.e. they could not become full guild members), it was now decided to introduce to the guilds the new status of "quarter-brother" ... A non-freeman was admitted as a quarter-brother ... on payment of a fine called "intrusion money" and remained free of the guild so long as he paid his quarterage regularly every quarter day, and conformed to the guild regulations [MacGeehin 1952: 94].

Catholics regarded quarterage as an unjust and illegal levy and very often refused to pay it. The law courts, however, denied the legal right of guilds and corporations to enforce quarterage from non-freemen by virtue of their charters. The guilds and corporations attempted therefore to secure statutory sanction for quarterage. But although heads of quarterage bills were passed in parliament in 1768, 1772, and 1778, they did not get on the statute book because they were cushioned in the privy council [MacGeehin 1952: 101 ff.]. The case for the Catholic interests was effectively made by the Catholic Committee which organized and mobilized the Catholic middle class around this issue [cf., e.g., the committee's petition against the 1772 Quarterage Bill in: Minute Book: 14-15]. This Catholic Committee was to play an important role in the struggle for Catholic emancipation in the 1790s.

It was due to the social composition of parliament that the Catholics occupied a fairly strong bargaining position. In a parliament composed almost entirely of landed gentlemen it was highly unlikely that additional supplies should be found by levying taxes on land. It was in the field of commerce that new sources of revenue were realized: taxes on imports and exports and on the sale of tobacco, ale and spirits could be levied without too much adverse affect on the landed aristocracy and gentry. It has been calculated that customs duties and excise contributed around three-fifths to the national revenue for most of the 18th century. The English land tax had no parallel in Ireland and the "quit" and crown rents, which had to be paid by the inheritors of certain classes of forfeited property, were fixed and generally low [Dickson 1987: 76-7]. Given this structure of taxation, the landed elite, assembled in parliament, had very good reasons to protect the Catholic merchants and traders against any attempts by the Protestant urban middle-class to hinder their economic activities [Wall 1958].

But one should not overestimate the importance of the Catholic merchant class. Neither in the city of Dublin nor in Belfast and Derry was there any considerable number of Catholic merchants of substance. In Cork, Limerick, Waterford and Galway as well as in many towns outside Ulster, however, they consolidated and extended their trade during the century. This found its expression in petitions against Catholic traders such as the one from the corporation of Galway which I cited above. But even in these areas, the influence of Catholic merchants was far from being dominant. The city of Cork, for example, had a two-to-one Catholic majority in the

1730s; by the turn of the century, this majority had increased to four-to-one, including the extra-mural quarters. But of those merchants who engaged in foreign trade in 1758 only about twenty per cent were Catholics, and they formed about 27 per cent of a similar total in 1795 [Dickson 1980: 47; Wall 1969: 40-1]. But notwithstanding these qualifications as to the overall position of the Catholic merchant class it should be noted that a Catholic middle-class did develop in the 18th century achieving such wealth which would allow the Irish Catholics by the time the Bank of Ireland was set up in 1783 to subscribe 10 per cent of the total capital [Foster 1988: 205].

C) The agrarian economy and economic conflict

In agrarian Ireland during the 18th century, ownership of land and control over the tenants who were cultivating it remained the foundation of economic wealth, political power and social standing. Economic changes in Irish agriculture and a social transformation of the agrarian class structure were thus likely to have a strong impact on the distribution of power chances in Irish society at large. Fundamental to the Irish land system in the 18th century was its hierarchical structure. The estates of many landlords in Ireland in the 18th century were held by a mixture of two forms of property ownership. Freehold estate was land held under patent from the Crown which was encumbered only by a fixed "quit" rent of very modest proportions. Apart from the fee-simple or freehold estates there were those tracts of land occupied on the basis of perpetuity leases which run for three lives and were renewable for ever.

Until the middle of the 18th century, landlords typically aimed at attracting substantial, industrious and resident improvers, preferably Protestant and English, as their tenants. In the seventeenth and early 18th century, when price trends had been indifferent and the great mass of rural inhabitants did not possess the necessary means of stocking a farm, leasing large units of land to single individuals who would reside on the land was meant to guarantee a steady rent return. As the number of migrants from England decreased around 1700, there was an additional incentive to let large units of land to single tenants since the local supply of capitalized tenants with the desired qualities was inadequate. The duration of the lease depended on the religion of the prospective tenant. In accordance with the Popery Act of 1704, Roman Catholics could not hold a lease of more than thirty-one years. For Protestants, however, there was no such limitation. Rather, they could be granted leases that remained in force as long as any number of persons named in the lease survived. With such a lease for lives the tenant became a freeholder and was thus entitled to vote in parliamentary elections. As the landlords' political clout depended on the number of voters they could control it was in their political interest to grant leases for lives.

The large size of the rented lands enabled these substantial lease-holding tenants to sublet tracts of their land at a higher rent and for a shorter term to undertenants. They could thus become 'middlemen' who were intermediaries between the head landlord and their own undertenants. Although middlemen were to be found in many parts of the country, it was only in the poorer parts of the south-west that the system was entrenched. In the dairying regions of Waterford,

Cork, and Kerry, for example, the middleman system was universal. In these regions the middlemen were frequently Catholics involved in the dairy economy. They provided capital for dairying by letting cattle as well as land to "cowkeepers" or "dairymen" tenants [Cullen 1981: 100; Dickson 1980b: 133]. As this involvement in building up a profitable industry indicates, middlemen were not necessarily 'rentiers', living on profit rents exclusively. Particularly in tillage areas, middlemen were large farmers who worked parts of their land themselves and sublet the remainder to several tenants [for this and the previous paragraph: Cullen 1981: 99-108; Cullen 1986: 174-7; Dickson 1979: 162-85].

In the course of the 18th century, those tenant farmers, who were holding their lease either from a middleman or a head landlord, frequently established an economic and social relationship with yet another segment of rural society, the 'cottiers'. Different types of relationships were included in this category. Bell, writing in 1804, gave the following description of the "cottiers" in the late 18th century as a labourer tied to work for the farmer if required, at rates which were credited as payments against the rent:

The master allowed each cottier an acre or two of ground to plant potatoes in, with liberty for his cow to graze on the pasture grounds; and he agreed to pay him a certain sum for every day's work ... the whole amount of the cottier's wages, at the end of the year, did not exceed what the master charged for his potatoe-garden, and for the grazing of his cow [Bell 1804: 8].

In its essence this description is accepted by Dickson for the region of South Munster. Dickson [1980b: 133] arrives at the conclusion that in South

Munster in 1700 cottiers did not constitute a precise economic or tenurial category. The term was applied to anyone who lived in a cottage or a cabin, who wore brogues, and whose diet for much of the year was based on the potato. Dickson contents that towards the end of the eighteenth century, however, the term had become synonymous with the tied labourer - whose subsistence was primarily derived from an acre or two of land paid for in labour. Cullen [1987a: 78-82] distinguishes two types of 'cottiers', those who rented land for a nominal rent from a farmer and discharged their rent in labour reckoned by the day, and those without land who had to pay an inflated cash rent for a plot and had to seek employment where it was available. Beames [1974/75: 352], on the other hand, argues that in the counties of Clare, Limerick, Kerry, Tipperary, Waterford and parts of King's County, the term 'cottier' designated an occupier of a smallholding up to about ten acres of land who paid rent in money, not in labour. It would therefore seem that the term cottier is best applied to those peasants who could either approximate to the status of a small farmer or fall to the status of a (migrant) farm labourer.

There were a number of conflicts inherent in the structure of the land system. A major contentious issue was the level of rent on lease-hold land. As the leases had a typical duration of twenty-one or thirty-one years, or three lives, the years or decades in which rent became a bone of contention are easily identified. Starting-point of such an analysis are the years immediately after the Treaty of Limerick in 1691 when some order was restored in Ireland [Cullen 1981: 43-4]. After 1691 there was massive resetting of land for several years as the difficult economic conditions

of the late 1680s and early 1690s had led to the abandonment of many farms by their tenants, with Protestants frequently returning to England. With economic conditions remaining uncertain due to the continuing Nine Years' War, until 1697 landlords attempted to attract tenants by demanding low rents. These twenty-one and thirty-one years leases set before 1697 expired between 1712 and 1717, and 1722 and 1727 respectively, causing a sharp rise in rents in the late 1710s and 1720s. In a period of economic stagnation these increases were responsible for a redistribution of a static national income in favour of the landlords. The next period of rent reassessment, however, fell into the period of economic growth. Lease for twenty-one or thirty-one years, or three lives, set in the 1720s, fell in typically at various dates from 1740 to 1770. Rising farm income due to the widespread commercialization of agriculture allowed for rents to roughly double between 1745 and 1770. The economic stagnation of the 1770s also halted the rise of rents, but it was at some time during the sustained rise in prices during the war years between 1793 and 1814 that lands set before the 1770s usually became due for renewal. By 1815 rents had probably doubled again to £12 million [Cullen 1986: 177-8].

But conflict did not only arise over the level of the new rent but also over the renewal of the lease. In the course of the increasing commercialization head landlords realized that the middleman tenant who had taken land at low rents and on long leases was the beneficiary of the general economic advance. He had been subletting tracts of land on higher rents and shorter tenures to undertenants and had thus been in a much better position than the head landlord to

appropriate more speedily the economic profits which the rise in farm income created. From mid-century, therefore, the conventional letting policy of landowners changed radically [Dickson 1980b: 135-7]. As old leases fell in landlords increasingly rented out land directly to undertenants. As a consequence of the economic upswing many more small tenants than before were now capable of stocking a farm and of paying rent. Cullen [1981: 101] has cogently summarized the social and economic issues at stake:

Thus, the [middleman] system was being challenged from above by the urge of landlords to eliminate middlemen and from below by the rise of the better-circumstanced tenantry ready to pay higher rents and no more likely than middlemen intermediaries to default on payment. Landlords were, however, very ambivalent towards the replacement of middlemen: they frequently envisaged their replacement, but when leases came up for renewal they as frequently relet the land to them. This ambivalence can be accounted for very simply by the fact that many of the middlemen were related by blood or marriage to members of gentry families, or were Protestants whose replacement by occupying farmers in the more backward regions necessitated a departure from long-established tradition of favouring the solvent Protestant tenant. But the break-up of the system was inevitable though it could be slowed down by the operation of family and social considerations.

But there also developed an increasingly sharp conflict between the prospering tenant farmer and the cottier and labourer class. Rising prices benefited the tenant farmer. But the commercialization of farming gave the tenant an economic incentive to restrict access to land and to decline to grant plots of land to the land-poor if his own labour needs had been satisfied. In areas where commercial farming was well-developed, the cottier or labourer found himself in a situation in which he had to pay a competitive rent for his plot without in many instances the

compensation of higher wages or more regular employment [Cullen 1969: 17]. This conflict between the well-to-do farmer and the marginalized smallholder and labourer gained increasing importance in the second half of the eighteenth century and during the nineteenth century.

To sum up, the economic and political structure of Irish society brought about a number of major conflicts. There were the nationalist ambitions and economic interests of the Protestant Ascendancy which were at odds with the policies of the Irish (and British) government. The Protestant Ascendancy pressed for constitutional reform in the form of parliamentary independence since their interests were subordinated to English interests through legislation in the British parliament. As these interests were related above all to commerce and trade, the Irish dominant class also demanded a thorough restructuring of the Anglo-Irish trade relations. Whereas the Protestant Ascendancy fought for parliamentary independence, parliamentary electoral reform was on the political agenda of the politically disprivileged Protestant middle class and was likewise demanded by Catholics and Protestant Dissenters who were disenfranchised on religious grounds. In so far as the Catholic majority strove for full social as well as political participation in Irish society, and thus for a complete repeal of the penal laws, theirs was the most far-reaching demand. Their threat and challenge to the established power structure was only surpassed after the French Revolution when the 'democratic republicanism' of the United Irishmen gained ground and brought further strain to an already highly fragile political structure. Finally, as in all agrarian class-societies faced with the

commercialization of agriculture, Ireland also experienced agrarian unrest and agrarian class struggle.

In the following analysis I will discuss the extent to which this conflict structure gained momentum due to geopolitical constellations in the late 18th century. I will also show how the capacity of the colonial government to establish organizations under its own exclusive control for the maintenance of 'good government and public order' was circumscribed by the internal power configuration as well as by geopolitical imperatives.

X. The American War of Independence and its political repercussions in Ireland.

I will show in this chapter that the American War of Independence, which effectively began in April 1775 with the Skirmish at Lexington, precipitated a change in the power structure of Ireland. After the withdrawal of troops from Ireland for combat in the American colonies it became manifest that the Irish government did not have sufficient means of coercion to police the country and protect it against a French invasion. In this situation, sections of the Protestant population took it upon themselves to form private companies to preserve the 'peace and good order' and defend the borders. These 'Volunteers' became a major force in Irish politics, transforming the political cleavage structure. It will be discussed in this chapter how the government attempted desperately to exert some form of control over the Volunteers and to assert its authority.

A) 'Public order' and the formation of the 'Volunteers' during the American War of Independence

The imposition of an embargo on the export of provisions from Ireland in February 1776 had an enormous impact on Irish politics. The embargo was designed to secure the supply for the British army and navy by prohibiting the export of victuals, above all meat and butter, to the European continent and the rebellious American colonies [O'Donovan 1940: 119-27]. The opposition in parliament argued that the embargo would ruin the Irish provision trade. The parliamentary agitation against the embargo could not

but appeal very strongly to the merchant elements outside parliament. As the first octennial parliament had entered upon its final session in February 1776, the parliamentary opposition was hoping that its stance against the embargo would be translated into electoral gains in the pending general election. The economic consequences of the embargo, however, were detrimental, not so much to the merchants, but to the poor. As increasingly large supplies of provisions for the British troops were required, the price of foodstuffs rose substantially within a month. This resulted in numerous riotous attempts by the destitute to prevent the removal of cargoes of provisions. So alarming did the situation become that in 1777 legislation to control the price of foodstuffs was introduced. But despite the gains which could be realized under the embargo, the provision merchants demanded the repeal of the embargo as the ensuing shortage due to renewed export would allow them to demand even higher prices [O'Connor 1940].

Opposed thus by the opposition within the Irish parliament and by important agrarian and commercial interests in Ireland, this embargo served as a focus for a far-ranging attack on the general commercial restrictions imposed on Ireland by Britain. The renewed agitation for a change in the Anglo-Irish trade relations which followed the imposition of the embargo, finally led to the British trade concessions in 1780. But in order to understand why the agitation for a 'free trade' could be successful one has to analyse how the military demands imposed on Ireland by the British government as a result of the military engagement in the American colonies changed the parameters of Irish politics.

The role of the Irish army was seen as encompassing manifold functions. The Irish army owed its structure and size to arrangements between William and the powerful country opposition in England in 1699. As the 90,000-strong English army was to be reduced in the aftermath of the 'Glorious Revolution', Ireland was to become in effect a reserve camp where extra regiments, beyond the minimal 7,000 men left on the English establishment, were to be maintained at Ireland's expense. These Irish troops, comprising 12,000 men, were considered to be freely available for overseas services and accountable to London [Dickson 1987: 49]. Apart from this imperial function the troops were charged with providing for "the security of the kingdom from foreign and internal enemies, the support of the civil magistrates, the aiding the collection of the revenue, and the having an eye to the popish interest" ['Remarks on barracks', c. 1768, quoted in: McCracken 1986: 83].

For an adequate performance of these functions it was considered necessary that the number of troops remaining in Ireland should not fall below 12,000 [cf. preamble to Augmentation Act of 1769 in which the nominal strength of the army was increased to 15,235 : 9 Geo III, c.2, s.2]. As the total strength of the army in Ireland in January 1775 was 13,474 men [Burns 1963: 43], the number of troops remaining in Ireland fell well below this margin of 12,000 men when in November 1775 the Irish house of commons approved the despatch of 4,000 troops to America. It was this withdrawal of troops from Ireland for combat in the American colonies which precipitated a profound change in the distribution of power chances within Ireland.

In September and October 1775 the peasant secret society of the Whiteboys was active in Kilkenny and Tipperary and other counties in Leinster and Munster. This agrarian unrest did not allow the landlords to depart light-heartedly with the protection which the army offered them and their property. In a county such as Wexford where the many resident landlords provided a substantial gentry class, a volunteer force could be raised in 1775 in order to suppress Whiteboy disturbances [Powell 1970: 16-9]. But in regions with a low number of resident landlords the raising of a private volunteer force was not a viable option. But everywhere it was the army which bore the major responsibility for policing the countryside. As violent agrarian class struggle did not abate in the following months, government was confronted with the task of establishing and maintaining 'internal peace and good order' without being able to use a sufficient number of troops.

The entry into war of France in February 1778 and of Spain in June 1779 added the task of organizing the defence of Ireland against invasion to the government's concern with the suppression of 'tumultuous risings'. Both threats - the one to internal peace, the other to the security of the borders - were linked in that troops were concentrated in those areas most likely to be exposed to enemy forces trying to invade the country thus leaving other parts of the country without military police forces. Faced with this dilemma the government considered a classical instrument: the (re-)introduction of a militia [McAnally 1949: 2-4].

In 1778 the Militia Act was passed [17&18 Geo III., c.13]. It entitled the Lord Lieutenant to issue

commissions to Protestants for arraying the militia in such counties as were considered to be in need for further police forces. The militia was to be called out "for the publick service at any time upon the authority of any magistrate for the purpose of protecting the peace, and enforcing the execution of the laws" [s.34]. Militia companies should not be smaller than one hundred men nor bigger than five hundred, except in the county of the city of Dublin (1,000 men), of Cork (600 men) and of Limerick (500 men) [s.14]. The cost for clothing and pay should be defrayed by the treasury [s.20] and arms, accoutrements, and ammunition should be delivered out of the stores [s.21]. Property qualifications for the officer ranks were stipulated so that the deputy lieutenant, for example, had to command a freehold of £300 per annum or had to be heir to £600 [s.38].

When the Militia Bill was discussed in the Irish Privy Council a number of privy councillors pointed out the profound dilemma in which the government found itself. The Lord Lieutenant argued in April 1778, on the one hand, that "in the southern parts the number of Protestants is so inconsiderable, that it would be difficult to form a militia, and the troops being stationed in those parts, there cannot be much occasion for it". In the north, on the other hand, the militia would be rather an unreliable force given that its intended function was "the preservation of the peace and good order amongst the lower ranks of people". "The militia would be composed of that body of people which may be suspected of being inclined to enter into ... riots" such as those which ensued from the opposition to the payment of rents, tithes, and assessment. That is, it was argued that those people

who should be policed would assume the role of the police [quoted in: Grattan I: 300-1].

The Lord Lieutenant estimated the cost for forty militia companies, consisting together (commissioned and non-commissioned officers included) of 4520 men, at about £34,000 for two years [in: Grattan I: 303]. But as the Irish administration faced financial bankruptcy it was considered to be too expensive to put the Militia Act into operation. The financial situation of the government was so desperate that the Lord Lieutenant felt that he could not encamp the army and that "a large sum ought to be remitted from England, or no defence can be made" [Buckinghamshire on June 28, 1778, in: HMC Lothian: 352; on bankruptcy: Buckinghamshire to Lord North, May 16, 1778, in: Grattan I: 324-5].

The impending state bankruptcy was a symptom of the severe credit crisis of 1777-8 which was caused by a sharp slump in linen sales. The American war had caused a depression in England which was reflected by the autumn of 1777 in slow sales and poor prices for Irish linen: "Adverse rates of exchange from the autumn of 1777 heralded the beginning of an acute credit crisis. Unemployment was widespread in the towns. In the countryside the linen weavers were underemployed. Reduced incomes were reflected in a decline in the consumption of dutiable commodities; from the end of 1777 government revenue slumped; the government had to borrow from the banks. Credit became very tight ... A sense of economic crisis was pervasive" [Cullen 1987a: 75; Dickson 1987: 147].

With the government thus incapable of providing protection, sections of the Protestant population took

it upon themselves to form private companies to preserve "the peace and good order" and defend the borders: the 'Volunteers', who had come to the fore with the Belfast Volunteers in March 1778, entered Irish politics as a major force [on Belfast Volunteers and the beginnings of the volunteers in general, HMC Charlemont I: 48-53].

It has been argued [Burns 1959] that the formation of the Volunteers was not linked with any kind of ineptitude and weakness of government: "During the spring and summer of 1778 neither local politics, national politics, nor Government's reputed impotence in a time of crisis fostered volunteering in Belfast. Behind the volunteers of 1778 was the precedent of 1760" [Burns 1959: 682]. Burns [1959: 683] points out that "Government's financial distress was relieved in early June by a loan of £50,000 from the Bank of England; the army was enabled to execute its planned manoeuvres and encampments in July". This interpretation, however, is at odds with the view a member of the Irish administration expressed in February 1785. In the debate on the militia in 1785 the attorney general Fitzgibbon told the house of commons that the then chief secretary Heron had conveyed to the citizens of Belfast "that the government had no power wherewith to afford them protection, [whereupon] they armed themselves" [Parl. Reg. Ire. V (1785): 226-7.; cf. also letter by Chief Secretary Heron to Banks, the Sovereign of Belfast, on August 14, 1778, in: MacNevin 1845: 72, n. 1].

The Volunteer corps were formed either by a landlord taking the initiative and enlisting his tenantry or by neighbours binding themselves together [McDowell 1979: 256]. They were thoroughly middle and

upper class organizations with merchants and the professional class dominant in the towns and landlords dominating in rural areas. The gentry usually provided the officers, while the rank and file tended to be middle class - businessmen and farmers [McDowell 1986: 222; Beckett 1981: 212]. The working class was bound to be virtually debarred from joining the Volunteers because of the expenses involved. After all, the Volunteers had to provide their own equipment and with the development of the Volunteers to a kind of status group and fashionable part of 'Society' the expenses for conviviality could be very high, indeed prohibitive. Under much changed circumstances, which will be discussed in the course of this analysis, one of the Belfast Volunteer companies would agree in 1792 to adopt a cheap uniform in order to facilitate the admission of new members [McSkimmin 1849: 23].

The class character of the Volunteers became unequivocally manifest in their endorsement of the Combination Act of 1780 [O'Connell 1965: 259-66; McLernon 1976 and Park 1979 for a brief discussion of the various anti-combinations acts in Ireland in the 18th century]. This Act declared all combinations of employers as well as employees to be "a nuisance" and inimical to civic liberty. This act was a determined attempt to curtail the power of the Dublin journeymen combinations which had been formed amongst the tailors, shoemakers, printers, shipwrights, wool-combers, flax-dressers, broadcloth-weavers, hosiers, rope-makers, lamplighters, masons and carpenters [McDowell 1979:23]. Prices, wages, and working conditions were the object of their activities, much to the annoyance of the employers. When the journeymen assembled on June 13 to draw up a resolution in protest against the Combination Bill, the military

was called out and the Volunteers rushed to prepare for the suppression of any riots and the defence of Dublin against "domestic enemies", as the Independent Dublin Corps put it. In the struggle with the skilled workers "the middle classes stood firmly on the side of the masters" [O'Connell 1965: 263].

In their endeavour to maintain order and support the civil authorities the Volunteers acted as special constables. They arrested dangerous criminals and escorted prisoners to court and to gaol; they protected the cargo of shipwrecks and provided protection for excise men; they were engaged in crowd control and the suppression of local riots and agrarian disturbances; they guarded French prisoners of war and acted as fire brigades; and sometimes they assisted in the collection of tithes [O'Connell 1965: 83; McDowell 1979: 258; McDowell 1986: 223; Lecky II: 230].

In 1779 the number of Volunteers had risen to over 40,000 and their discipline they resembled more and more regular soldiers. And when in the summer of 1779 a French invasion was thought to be imminent the Irish government decided to distribute 16,000 stand of militia arms among the Volunteers for home defence [Lecky II: 234-5 ; Butterfield 1949: 110-1; Smyth 1979: 116 argues that "By the end of the summer of 1779 ... the Volunteers more resembled the militia than they did the rather self-consciously 'independent' force a year before".] The distribution of these militia arms was the most visible sign of the weak infrastructural power of the Irish administration.

The government found itself in a very real dilemma. On the one hand, the Volunteers did perform tasks in the maintenance of public order and the defence of borders which were beyond the capacity of the state. But on the other hand, the Volunteers formed companies of armed men which were outside the sphere of government influence. The Lord Lieutenant would have much preferred regular soldiers to defend the northern coast against the French instead of the Volunteer corps of Belfast and Carrickfergus which mobilized about 8,000 men in May 1779. But he realized that seizing the Volunteers' arms would have been "a violent expedient", and even "the preventing them from assembling without a military force, impracticable". "In the interior and remote parts of Ireland", he argued, "magistrates are scarce, and those few act with reluctance and timidity"; suppressing the Volunteers would therefore have been "difficult and delicate". He then gave a description of the condition of local administration which highlights the overall infrastructural weakness of the state:

for when the civil magistrate will rarely attempt to seize an offender suspected of the most enormous crimes, and when convicted, convey him to the place of execution without soldiers, - nay, when in many instances, persons cannot be put into possession of their property, nor, being possessed, maintain it, without such assistance, - there is little presumption in asserting, that unless bodies of troops had been universally dispersed, nothing could have been done to effect" [for this and the above quotes: Buckinghamshire to Lord Weymouth, May 24, 1779, in: Grattan I: 349].

Buckinghamshire also complained in another letter to Lord Weymouth on June 4, 1779 that "it is not understood [in England] how very little is known of the interior and remote parts of this kingdom, and

how difficult it is to obtain intelligence which may be depended upon". He pointed out that only rarely did he know anything about the activities of the Volunteer companies before he would read about it in the public newspapers. And the personal communication he received had been frequently contradictory [letter in: Grattan I: 357]. These difficulties in collating and collecting information had most likely more to do with local power holders holding back information from central government than with little developed communications technology [Malcomson 1978: XXVII].

The Earl of Carlisle, the successor to Buckinghamshire as Lord Lieutenant, emphasized the very same weakness, complaining in September 1781 that the Volunteers had "the arms of Government in their hands" [Carlisle on September 16, 1781, in: HMC Carlisle: 518]. A week or so earlier Carlisle had justified his attitude vis-à-vis the Volunteers in a letter to Lord Hillsborough. In this letter he stated very clearly the difficulties the government had to face:

In accepting the eventual services of the Volunteer Corps, these considerations presented themselves to me, and quickly decided me in the part I was to take; viz., that our Army consisted of hardly ten thousand men; that your Lordship's intelligence announced an invasion of fifteen thousand of the enemy; that there existed in this country a force of about twenty-five thousand men bearing the arms which government had put into their hands; that these would undoubtedly take the field; that many had made the actual offer to act under Government: - under these circumstances I make no doubt you will perceive the danger of hesitation, as it might have implied distrust, and have made it very difficult for me to have obtained hereafter the direction of a power which may possibly decide the fate of this country [in: HMC Carlisle: 517].

As the government did not have the means to suppress the Volunteers and establish a monopoly of the means of coercion, Carlisle tried therefore to co-opt the Volunteers and bind them in this way to the policy of the government.

Given the acknowledged strength of the Volunteers and the equally acknowledged weakness of the government during the American War of Independence, it was very likely that the Volunteers should make economic and political demands on the basis of their strength and in return for the services they rendered to the state. The agitation against the imposition of the embargo on provisions and the precarious economic situation in 1777-8 put economic demands on the top of the political agenda.

B) Constitutional reform and trade concessions: the political success of the 'Volunteers'

In April 1778 the British House of Commons had resolved that Ireland should be granted a direct export and import trade with the colonies. The only articles excluded should be woollen goods and tobacco. Furthermore, Irish sail-cloth, cordage and cotton yarn was to be admitted into Britain. But the legal implementation of these resolutions for the relaxation of the commercial restrictions was virtually made impossible by the ferocious opposition of the British manufacturers to these measures. It was with regard to these measures that Edmund Burke sent his well-known letters to his constituents in Bristol justifying his support for trade concessions against their criticisms [Burke 1852]. The proposal permitting Ireland the direct import from the colonies was dropped and the

concession for direct Irish export to the colonies was diminished in its value by the huge number of articles which were to be exempted from export. But notwithstanding the revocation of the planned concessions, the very fact that the resolutions in favour of Irish trade had been carried at all in the British House of Commons, had a profound effect on public opinion. As Butterfield [1949: 79] puts it: "The English had confessed their sins; the parliament at Westminster had admitted its duty to Ireland - who that was an Irishman at all could now deny that his country had a case ?"

These half-hearted policies of trade concessions were received in Ireland by declarations against the importation of British manufactures [Williams 1972: 442-3]. In 1779 non-importation agreements in Ireland gathered force [O'Connell 1965: 132 ff.]. Except for most parts of Ulster, where those in the linen industry and trade feared British counter-measures, non-importation agreements were entered into throughout the country. These non-importation associations expressed the interests of the propertied commercial classes [O'Connell 1965: 135]. Furthermore, the civic magistrates, high sheriffs, and grand juries, who played a major part in organizing them, were for the most part identified with the Volunteer movement [Beckett 1981: 212]. The social composition of the associations made it difficult for the government to confront them head on. Even if their economic effect was rather limited, the success of the associations in arousing public opinion and popular emotions was a major problem for the Irish government. The agitation in Ireland was complemented by the policy of the opposition in the British parliament which used the Irish issue to vigorously attack the

British government [Butterfield 1949: 83 ff.; 138 ff.; 169 ff.].

Before the Irish parliament met again in autumn 1779 members of parliament had been urged by their constituents to press for the removal of the trade restrictions in the next session. In parliament an amendment to the Lord Lieutenant's address was carried stating "that it is not by temporary expedients but by a free trade alone that this nation is now to be saved from impending ruin". When the King's reply to the address was considered unsatisfactory the Volunteers staged a major parade on College Green (Dublin) on November 4, demanding a short money bill and relief from the commercial restrictions and displaying a placard with the slogan "Free trade or else ?". On November 24 Henry Grattan carried a resolution in the House of Commons by 170 to 47 "that at this time it would be inexpedient to grant new taxes". On November 25 the parliament passed a short money bill and voted supplies for only six months and on the same day the opposition in the British parliament renewed its attack on the Irish policies of the government. The pressure for some alteration of the Anglo-Irish trade relations was mounting.

Concessions were finally enacted. The restrictions on the export of wool, woollen goods and glass from Ireland were wholly repealed. Ireland was allowed to trade with the British colonies in America, the West Indies and Africa on terms equal to Britain's. This meant that the Irish parliament had to impose duties on the imports and exports to and from Ireland equal to those paid in British ports. Ireland was allowed to import foreign hops and had the restrictions on carrying gold and silver coins into

Ireland lifted. The Irish were allowed to become members of the Turkey Company and to trade directly with the Levant Sea. The two restrictions which were still kept in force excluded Irish trade from the area covered by the monopoly of the East India Company and forbade the re-export of colonial products to Great Britain [McDowell 1979: 267-70; Lecky II: 242-3; Butterfield 1949: 175-7; Beckett 1981: 215-19].

These trade concessions were a major victory for the Irish Patriots. But there was still the legislative dependency of Ireland. After the economic success the demand for constitutional reforms gained force [O'Brien 1987: 28-62 gives a summary of the political manoeuvres of both the Irish and British administrations and the Irish opposition]. In parliament on November 19, Grattan moved a resolution "that the king's most excellent majesty, and the lords and commons of Ireland, are the only power competent to enact laws to bind Ireland" [quoted in: Beckett 1981: 219]. Although Grattan did not succeed with this resolution in parliament, he expressed not only the sentiments of the Irish Patriots but also the real situation in Ireland: British acts were frequently considered not to be binding.

On the one hand, there was popular resistance to the implementation of English law. Lord Lieutenant Carlisle wrote to Lord Hillsborough in March 1782,

Your lordship cannot be ignorant that the actual exercise of the British Parliament of Ireland [sic!] was utterly and totally impracticable long before I arrived in this country. There was not a magistrate or revenue officer, however attached to or dependent on the British Government, who could venture to enforce an English law. The attempt would have been madness, as it was certain to receive a general and decided resistance. [quoted in: Lecky II: 289]

As a contemporary observer pointed out the refusal to pay hearth-tax was so widespread in some areas that "it was no uncommon thing for the officers of the government to consider whether the whole of the taxes collected in some particular districts would be equal to the expense that must be incurred by the armed force which it must be necessary to employ in order to compel payment of them" [Bell 1804: 29].

On the other hand, even those who as officials were in charge of implementing English law did not distinguish themselves through diligent performance of their duties. When the substitution of an Irish mutiny act for the British mutiny act, which had hitherto governed the Irish military, was debated in 1780, the then Lord Lieutenant supported such a measure:

few magistrates would be found, throughout the kingdom, who would enforce the [British] Mutiny Act; that hardly any Jury, grand or petite, would take notice of it; and that so far as it is necessary for the protection of the officers, in keeping up the discipline of the army, by punishing offenders, it would not be admitted; and Juries would find indictments and verdicts against every officer who might be prosecuted for the inflicting of Court-Martial sentences [quoted in: Grattan II: 74]

When, in response to this situation, the heads of an Irish mutiny bill were passed by parliament and transmitted to England through the privy council, Grattan's principle was practically accepted by the government. The attempt by the British cabinet to uphold its legislative prerogative in Irish matters by making the mutiny act perpetual instead of accepting its limited duration for one year proved utterly counter-productive. The Volunteers in Newry took issue with this alteration of the mutiny bill and resolved in August 1780 that

rather than submit to the perpetual establishment of martial law in this country, we are ready to engage, as citizens and soldiers, to undergo the toil and discipline that may be necessary in order to support the police, and to enforce the due execution of the law of this land [quoted in: Grattan II: 149]

The armed citizens did not intend to put up any longer with their legislative dependence from Britain. In the same resolution they unequivocally threw down the gauntlet:

we are firmly convinced that the influence of the Crown has increased, is increasing, and ought to be diminished; and that the freedom of the country can only be preserved by the spirit of the people, and the virtue of the House of Commons [quoted in: Grattan II: 148].

The renewed threat of invasion in 1781 underlined the Volunteers' influence in, and importance for, the Irish state. The Lord Lieutenant had to accept, though grudgingly, the services of the Volunteers. On 15 February 1782 the representatives of 143 Ulster Volunteer Corps convened at Dungannon and passed far-reaching resolutions which had been drawn up in advance by Charlemont, Grattan, Flood and other patriots. They resolved that "a citizen by learning the use of arms does not abandon any of his civil rights". They proclaimed that "a claim of any body of men, other than the King, Lords, and Commons of Ireland, to make laws to bind this kingdom is unconstitutional, illegal, and a grievance". They also considered as unconstitutional the power exercised by the British and Irish Privy Councils and the perpetuity of the Mutiny Act. They demanded the independence of judges and reaffirmed the principle of free trade. They also expressed their pleasure at "the relaxation of the penal laws against our Roman

Catholic fellow-subjects" [for the resolutions: Lecky II: 283-5].

With the fall of Lord North's ministry in Great Britain, the formation of a Whig government under Marquis of Rockingham in March 1782 and the replacement of Carlisle as Lord Lieutenant by the Duke of Portland in April the prospect for constitutional reforms improved [Beckett 1972: 123-41 on co-operation between English Whigs and Irish Patriots]. For the third time, and at last successfully, Grattan moved a declaration of rights in parliament on 16 April 1782 [Grattan II: 236-8]. As he explained in a letter to Charles Fox, who had joined the Whig government, these rights were meant to do away with "the causes for discontents and jealousies ...: a foreign legislation - a foreign judicature - a legislative Privy Council - and a perpetual army" [Grattan II: 243]. They were not meant to bring about the severance of links with Great Britain as such: Ireland wanted to share the freedom of England and likewise her fate; "standing and falling with the British nation" was, Grattan argued, the desire of Ireland [Grattan II: 238; Harlow 1952: 527 ff. about the idea of 'togetherness'].

The new Lord Lieutenant, the Duke of Portland, supported the demand for concessions with regard to legislative independence and alterations of the mutiny act. In a letter to Fox, Portland expressed his "most anxious wishes for a speedy and favourable determination". He maintained that

There is still an appearance of government; but if you delay or refuse to be liberal, Government cannot exist here in its present form; and the sooner you recal [sic] your Lieutenant, and renounce all claim to this country, the better [in: Grattan II: 274].

Portland was in agreement with his chief secretary, Fitzpatrick, who had already complained to Fox that they had been sent upon "a hopeless errand". The real truth was, he had written, "that there is no existing government in this country ... I hope you will be speedy in your resolutions ... Long debates in your cabinet upon these matters will be very dangerous" [in: Fox I: 398].

Constitutional reforms were enacted in June and July 1782. The Declaratory Act was repealed, and Poynings' law was drastically amended, providing that all bills which had been approved by both houses of parliament had to be transmitted unaltered to England, and stipulating that the British Privy Council was only entitled to veto, not to alter Irish bills. The Irish Mutiny Act was made temporary and the independence of judges was proclaimed by proscribing their appointment on good behaviour. Together with the Liberty of the Subject Act [22 Geo III., c.11], which had already been passed in February clarifying the right of *habeas corpus*, these statutes constituted a major constitutional reform.

XI. Ireland after the constitutional reforms, 1782 - 1789.

I have argued in the previous chapter that the formation of the Volunteer forces during the American War of Independence created a very real dilemma for the Irish government. On the one hand, the Volunteers did perform tasks in the maintenance of public order and the defence of the borders which were beyond the capacity of the state. But on the other hand, the Volunteers formed companies of armed men which were beyond the sphere of government influence. Not having the means of suppressing the Volunteers, the government's policy of co-opting them, and binding them in this way to the government, proved to be no way out of this dilemma either. Given the acknowledged position of strength of the Volunteers and the equally acknowledged weakness of the government, it was very likely that the Volunteers should make political demands on the basis of their strength and in return for the services they rendered to the State.

But after the constitutional reforms in 1782 there was a realignment within Irish politics which opened up the opportunity for the Irish government to reassert its authority. Several factors contributed to this realignment. The split within the patriotic party became evident with Henry Flood's agitation against the 'simple repeal' of the 'Sixth of George I', i.e. the Declaratory Act of 1720. Grattan and his followers accepted the repeal of the Declaratory Act as a sufficient guarantee of Ireland's constitutional independence. Flood, however, contended that an unequivocal and formal renunciation by the British parliament of its claim to legislative superiority was

warranted. He argued that the Declaratory Act had only asserted the British parliament's right to legislate for Ireland and had not been the basis upon which this right was claimed. He argued, therefore, that an act by the British parliament renouncing the right, and not only the assertion of this right, to legislate for Ireland was necessary in order to prevent the British parliament from changing its mind in future times and repeal the repeal of the Declaratory Act thereby resuming legislative and judicial superiority. Flood's agitation ended in success: in April 1783 the British renunciation act [23 Geo. 3, c. 28] acknowledged the exclusive right of the Irish parliament to legislate for Ireland and the exclusive jurisdiction of the Irish courts [O'Connell 1965: 333 - 42; Beckett 1981: 228-9].

Flood's political agitation ran counter to the political strategy of Grattan and his supporters. They wanted to end political mobilization in Ireland, or rather: they wanted parliament to be the only legitimate arena where political agitation should take place. At issue was the re-definition of the relationship between parliament and the Volunteers now that legislative independence had been won. The question over the form of, and the way towards, parliamentary reform was to make this problem manifest. At the National Volunteer Convention, which assembled in Dublin in November 1783, a plan for parliamentary reform was agreed [HMC Charlemont I: 120-36 on the proceedings of the convention and the parliamentary debate]. It was decided that all voters had to be resident and registered in their respective constituencies; that the poll in the county constituencies were to be taken in all baronies at the same time; that the boundaries of decayed boroughs

were to be enlarged in order to include neighbouring parishes and baronies; that the franchise was to be granted to the Protestant freeholders and leaseholders; that elections for parliament were to be held every three years; that pensioners at pleasure were to be excluded from the House of Commons; and that Members of Parliament who accepted a pension for life or a place under the crown were to offer themselves for reelection [McDowell 1986: 271; cf. Henry Flood's scheme for parliamentary reform in: MacNevin 1845: 197-8, n.].

The very fact that an extra-constitutional body demanded the reform of the legislature and prepared a plan to such effect aroused the anger of the majority of the Protestant Ascendancy in parliament - be they supporters of the Castle or patriots. When Flood moved to bring in the reform proposals as a bill in the House of Commons on November 29, parliament refused, by 157 to 77 votes, to receive the bill. Moreover, it passed a resolution, by 150 to 68 votes, declaring that it would "maintain its just rights and privileges against all encroachments whatsoever". Significantly, Grattan, who had voted for Flood's motion, voted also in favour of this resolution. He was to keep this line when he condemned the discussions of the radical reform congress which took place in October 1784. He argued then that conventions or congresses of that kind would not be "reconcilable to a House of Commons. Two sets of representatives - one *de jure*, and another, supposing itself a representative *de facto*, cannot co-exist" [Grattan III: 215].

But it was not the extra-parliamentary character of these "representatives" as such which aroused opposition. After all, Grattan and others within the

patriotic party had availed themselves of their support in their own fight for free trade and political and juridical independence. It was the changed social composition of this extra-parliamentary body which caused widespread anxiety. In the same speech Grattan drew the attention of the House to

the alarming measure of drilling the lowest classes of the populace, by which a stain had been put on the character of the Volunteers. The old, the original Volunteers had become respectable, because they represented the property of the nation; but attempts had been made to arm the poverty of the kingdom [Grattan III: 215].

It was this fear that "the volunteers without property", as Fox wrote, would soon be the only government in Ireland, unless they were faced "in a manful manner" [Fox on November 1, 1783 in: Grattan III: 108; Cannon 1969: 90-1] which informed the patriots' response to demands for political reform. Charlemont, who was in principle in favour of some sort of parliamentary reform, expressed these considerations bluntly when he wrote that

the true definition of a just and beneficial reform in the representation of the people is simply this, that *property* should be equally and fully represented. But change this into the allowance of suffrage to every indigent individual ... and, instead of constitutional freedom, the alteration would be productive of anarchy ... [HMC Charlemont I: 136; emphasis added].

Thus, the supporters of parliamentary reform stood a bad chance of succeeding in their agitation. Major representatives of the Patriots did not endorse a reform which would have reduced their own power as borough-owners or the power of the borough-owners who were their sponsors "by extending boundaries and by rendering void all bylaws designed to limit the number

of voters" [O'Connell 1965: 386]. They were furthermore concerned that a lowering of the property requirements for voters would usher in a state of "anarchy". This view was 'naturally' shared by government. Lord lieutenant Rutland was well aware that "the system of Parliament in this country ... does not bear the smallest resemblance to representation. [But] I do not see how quiet and good government could exist under any more popular mode" [Rutland to Pitt, June 16, 1784, in: Pitt Correspondence: 17-18]. This common opposition to parliamentary reform was so much more unassailable as the controversy within the reform group over Catholic enfranchisement did not allow for the rallying of support from the Catholic middle class [Rogers 1934].

The split within the patriotic party was also reflected in the response to the government's attempts to concentrate the means of physical coercion in their hands. In June 1782, when the government's infantry strength was down to 7,555 men, it was proposed by government to raise fencible regiments, a kind of full-time militia, as a means of restoring "to the Crown the sole exercise of the sword", as the Lord Lieutenant put it [O'Brien 1987: 147-8]. Both the British government and the Irish parliament accepted the government's proposals and it was decided that six regiments, two in each of the provinces of Ulster and Munster, and one each in Leinster and Connacht, should be raised.

This scheme was obviously designed to undermine the position of the Volunteers and eventually to threaten their very existence. Charlemont and most of the Patriots supported the public detestation of the fencibles which found expression in the radical press

throughout the autumn and winter of 1782 [HMC Charlemont I: 75-77]. But the protest was not unanimous. All six officers who were responsible for raising the fencibles were leading members of the Volunteers and Grattan did not publicly denounce the fencible regiments. But continued public agitation (during the same months in which the 'simple repeal' campaign was conducted) eventually resulted in the scheme being abandoned in the autumn of 1783 [Smyth 1979: 127-8; O'Connell 1965: 337-8].

But the government was not to be discouraged. The Duke of Rutland, who was sworn in as Lord Lieutenant in February 1784, was adamant that "the existence of any order and good government in it" would not admit of "a body of troops independent of and unconnected with the State" [Rutland to Sydney, May 29, 1784, in: HMC Rutland III: 99; also: Rutland to Pitt, June 16, 1784, in: Pitt Correspondence: 18]. Rutland strongly advised against the reduction of the army in Ireland, which was under consideration in the British government, because it would "dangerously encourage the volunteers": "If government is to be maintained respectable in this country, it must be powerfully backed, and armed against all contingencies; and if this material check on the spirit of intemperance, of discontent, and of sedition be removed, no man can answer for the consequences" [Rutland to Sydney, June 17, 1784, in: HMC Rutland III: 109; also: Rutland to Pitt, June 16, 1784, in: Pitt Correspondence: 19].

In April 1784 agrarian unrest, the first signs of which could be seen in Kilkenny, broke out again. In the same month parliament was occupied. The "mob", showing itself well aware of parliamentary procedure, carried in the affirmative a motion that the Speaker

should be hanged. In view of these happenings parliament later censured the Lord Mayor that he had not exerted himself as he ought to have done and accused the magistrates and the police of inefficiency [Beresford Correspondence I: 255; Parl.Reg.Ire. III (1784): 86, 149-50]. These disturbances as well as the continued popular unrest in Dublin during the summer months gave some force to Rutland's opinion that Ireland was "not a land of tranquillity" [Rutland to Pitt, June 16, 1784, in: Pitt Correspondence: 19; also: HMC Rutland III: 86-7]. "The spirit of sedition and tumult" in Dublin was considered to make the strengthening of the garrison in Dublin necessary [General W.A.Pitt to Rutland, July 15, 1784, in: HMC Rutland III: 124]. The perceived inactivity of the magistrates to quell the disturbances led Chief Secretary Orde to argue for an inquiry into the state of the magistracy and the police [Orde to Rutland, June 24, 1784, in: HMC Rutland III: 113]. It was "the dominion and tyranny of the mob", countenanced by the Volunteers (as Rutland saw it), together with the magistrates' neglect of their duties which made Rutland call "loudly for an immediate and vigorous interposition of Government" [Rutland to Pitt, August 15, 1784, in: Pitt Correspondence: 37].

Pitt shared Rutland's concern with the political stability of Ireland. In the autumn of 1784 he proposed three reform policies which he considered to form "one general system" [Pitt to Rutland, November 4, 1784, in: Pitt Correspondence: 50]. He proposed the establishment of a 'common market' of the British Isles by the freeing of trade between Ireland and Great Britain in exchange for an automatic Irish contribution towards the upkeep of the imperial navy [Kelly 1975: 536-63; Koebner 1961: 252-65]. He

proposed that, whenever the annual yield of the hereditary revenue exceeded £656,000, the surplus should be paid towards the expenses of the navy. He also proposed "a prudent and temperate reform of Parliament" which should "unite the Protestant interest in excluding the Catholics from any share in the representation or the government of the country" [Pitt to Rutland, October 7, 1784, in: Pitt Correspondence: 43-4]. Both the parliamentary reform and the commercial settlement should be informed by due regard for the interests of the Protestant Ascendancy [Pitt to Rutland, January 6, 1785, in: Pitt Correspondence: 56-7]. Finally, he proposed the formation of a national Protestant militia. The aim was either to convert the Volunteers into a militia or to bring them "under the sanction and control of the executive Government" [Pitt to Rutland, November 4, 1784, in: Pitt Correspondence: 49]. Rutland saw as the objective of these reforms the quieting of tumult, the subduing of the factions that had disturbed the tranquillity, the establishing of a lasting commercial union and the laying of the foundations of eternal amity between the two countries [Rutland to Pitt, November 1784, in: HMC Rutland III: 154].

The political tactic aimed at linking the reform of the commercial relations closely with the formation of the militia. Economic concessions should induce the industrial and commercial interests to give the monopoly of the means of coercion to the government. Rutland suggested to Pitt in November that

at the same time as you communicate participation of the commercial advantages as part of a great and conclusive system for the final settlement of this country, a militia should be constituted and an Act of Parliament passed rendering it high treason for bodies of men to assemble as volunteers, with arms, uniforms, accoutrements,

etc., without a legal commission from Government [in: HMC Rutland III: 148].

This linkage was maintained over the next few months. After the Irish parliament had generally endorsed Pitt's propositions in February 1785, Rutland was confident that the Volunteer army could be abolished and the sword be restored to the executive in a short time [Rutland to Sydney, February 20, 1785, in: HMC Rutland III: 182]. After the revision of the original propositions in the British House of Commons he was much less confident, realizing the strong Irish opposition to the modifications. He wrote to Pitt in July 1785 [HMC Rutland III: 225] that he was in doubt "whether we shall be able to contend with the volunteers this year, and establish a militia; that must be determined by events in the progress of the propositions [on commerce]".

In parliament, the supporters of the motion that a sum of £20,000 should be granted for the purpose of clothing the militia, made no bones about the objective of this motion: the abolition of the Volunteers [on 1785 militia, McAnally 1949: 5-6]. It was pointed out that the Volunteers had done nothing to help quell the riots of the previous summer. The Volunteers had not taken "that warm part" to suppress the "very great violences and outrages" "which their former conduct had given reason to hope". This was all the more deplorable because these riots, which were not confined to Dublin, "had the very worst effect upon public credit and upon private property. There are too many gentlemen in this country who have occasion to borrow money, and such was the opinion in England, that no man would venture to lend a guinea" [Parl. Reg. Ire. V (1785): 225-6]. The Volunteers had

become unreliable in securing the economic interests of the dominant class.

The Volunteers had allowed their name to be "blasphemed" by admitting into their ranks "all the armed beggary of the soil", as the Attorney General put it [Parl.Reg.Ire. V (1785): 227]. The problem, as Grattan saw it, was that "there is a cankered part of the dregs of the people that has been armed". The "primitive Volunteers" were a "great and honourable body of men"; but "they who now assume the name have much degenerated" [Parl.Reg.Ire. V (1785): 237-8]. Arthur Wolfe, who was to become Attorney General in 1789, expressed fear for his property and religion should all Dublin Volunteers be under arms [Parl.Reg.Ire. V (1785): 232]. The Attorney General, moreover, charged the Volunteers with eulogizing American liberty, with mobilizing the "dregs of the people" in their pursuit of sedition and even inviting Catholics to arm themselves [Parl.Reg.Ire. V (1785): 227]. The political conclusion of these charges was clear: a militia had to be established lest the Volunteers should succeed in their attempts to attack state and property, constitution and religion. The resolution was carried by 139 to 63 votes. Given the tone and thrust of Grattan's intervention it was small surprise that the Chief Secretary thanked Grattan for "the distinguished part" he had played "respecting the establishment of good order and just subordination to the Legislature" [Orde to Grattan, February 17, 1785, in: Grattan III: 217].

Mobilizing the militia, however, would have confronted the government with the same kind of problems which had been anticipated in the Privy Council in 1778. In a letter to Rutland, Lord Sydney

summarized the thinking within the English government. Firstly, there was "the jealousy of the Volunteers" to be overcome. Secondly, the establishment of a militia would be used as a pretext for arguing the case for diminishing the army, which would be "by no means a desirable measure". Thirdly, as "it is taken for granted" that the militia had to be a Protestant one, the Roman Catholics "cannot but be offended at being deprived of their arms, which will be put into the hands of Protestants". This posed a very real dilemma: on the one hand, "it is not advisable to allow the Catholics power", but on the other hand, it was also "extremely unadvisable to give them offence and mortification" [Lord Sydney to Rutland, January 7, 1786, in: HMC Rutland III: 273]. The political risks involved in establishing the militia were thus considerable. And it was only in the critical situation of 1793, when Britain was at war with France, that the government effectively established a militia [Militia Act 33 Geo III, c. 22; this act will be discussed in a later chapter].

In the year "when volunteering was on the wane" [Wall 1973: 21], Ireland experienced a new outbreak of sustained peasant unrest. In mid-1785 the new bout of agrarian unrest started on the borders of Cork and Kerry. By July 1786 the 'Rightboy' movement embraced the counties of Cork, Kerry, Clare, Limerick, Tipperary, Waterford and Kilkenny. The Chief Secretary was quick to point out that this renewed unrest should not be allowed to serve as a pretext for the Volunteers to re-enter the public domain as an aid of the civil power. He urged the deployment of the army, "until some regular police shall crush disorder in the seed, or some regular establishment of militia shall supersede any pretended necessity for occasional and

voluntary armaments of the people" [Orde to Rutland, November 9, 1785, in: HMC Rutland III: 257]. Given the problems with establishing a militia, it was to be expected that the government would attempt to form county police forces to combat agrarian unrest. But establishing such police forces would have to be reconciled with the interests of the Ascendancy class as the local power holders. Only in a situation of emergency were they likely to cede power to central government. The agrarian unrest of the mid-1780s proved to be decisive for a successful government policy of police reform.

XII. The Rightboys and peasant unrest in Ireland in the late 18th century.

In the second half of the 18th century outbreaks of agrarian unrest were typically linked to major shifts in agricultural circumstances. A depression in agricultural prices, a series of bad harvests, a sharp and sudden rise in the level of rents, or new fiscal demands imposed by the state could instigate collective action by the peasants [Connolly 1987: 53; Clark/Donnelly 1983b: 26]. There were a number of structural conditions of peasant unrest in the 18th century. First, Ireland experienced demographic growth unique in 18th century Europe. The Irish population expanded from less than 2.5 million in 1753 to 4.4 million in 1791 and reached 6.8 million in 1821 [Daultrey et al. 1981: 624]. In so far as population growth was heavily concentrated at the lower end of the agrarian class structure, one social consequence of the rapid demographic expansion was the multiplication of the labourer and cottier classes of society [Clark/Donnelly 1983b: 26-7].

Another socio-economic effect was an increased competition for land. This competition for the occupation of, and control over, land was also aggravated by the enormous changes which the Irish rural economy underwent after c. 1760. The enormous growth of English demand for agricultural products, for grain, beef and pastoral products, brought about an intensive commercialization of Irish agriculture. Peasants were now confronted with more exacting head landlords and substantial farmers who set about to increase rents and actively pursued the encroachments of dairy and beef cattle on commonage. The

commercialization of agriculture in the second half of the 18th century thus constituted the other structural cause for peasant unrest [Clark/Donnelly 1983b: 26-30].

A total of twenty-two out of Ireland's thirty-two counties were affected at least to some extent by the different outbreaks of agrarian unrest in the period 1761 to 1790. But only Tipperary, Waterford and Kilkenny were seriously affected in each of the three decades [Connolly 1987: 53]. Peasant unrest was most intense and violent in those midland and southeastern counties "where the population was not quite as deprived as in the far west, and where the deeper penetration of commercial pressures and the higher value of land made farmers and landowners more determined to resist sub-division of peasant holdings. Here conflicts of interest between social groups existed in acute forms" [Devine 1988: 132].

Initially, the Rightboys, as the peasant activists called themselves in the mid-1780s, succeeded in bridging social divisions: between farmers and the poor of country and town and, for a time, also between a significant section of the Protestant gentry and the 'lower orders' as a whole. Active leadership was provided by some members of the Protestant gentry while others encouraged the Rightboys' activities and, as magistrates, disregarded their duties to actively prevent agrarian combinations [Donnelly 1977-78: 127]. One reason for the involvement of members of the gentry lay in the political constellations of contemporary party politics. In County Cork, the 1783 elections had led to the defeat of the Independent candidate and the victory of Lord Shannon's protégé. As the benefited

clergy was considered a cornerstone of Lord Shannon's 'aristocratic combination', any attack on the Established Church was thought to wield political advantages for the Independent party. The Cork Farmers' Club had been campaigning since its foundation in 1775 for the commutation of tithes arguing that tithes inhibited the industry of the farmer as well as improvements to agriculture. Widespread opposition to the payment of tithes which was economically motivated could thus be joint with politically motivated protest [Bric 1987b: 164 ff.; Hewitt (ed.)1982: LXII - LXVI; Wall 1961: 6-7 on tithe as dividing Established Church and gentry representatives in the House of Commons].

Up to the late summer and autumn of 1786 an alliance between this section of the gentry and the Rightboys could be struck because the collective action of the peasants was initially directed primarily against tithes. The agitation of peasants against tithes was nothing new in 18th century Ireland. In the early 1760s the Whiteboys in Munster, as the peasant activists called themselves then, had mobilized against tithes in general and the tithes of potatoes in particular. The method of collecting tithes had likewise been under attack. The collection "was generally in the hands of tithe-proctors, who acted as the agents of the clergy, or of tithe-farmers, who bought the right of collection and made what profit they could ... The Whiteboys did not propose to abolish tithe altogether, but they attempted to settle the rate at which it should be levied" [Beckett 1981: 177; on method of collection: Lecky II: 15 ff.; on tithes system and problem of tithe farming: Bric 1987b: 168-72; also Bric 1987a].

But then, the gentry did not support the Whiteboys' agitation against tithes. The reason was simple: from 1735 to 1823 livestock and livestock products were wholly or largely exempt from liability to tithes and thus the economic interests of the gentry were not centrally threatened [Bric 1987a: 275 ff.]. This situation changed, however, dramatically with the corn legislation of 1783-84 which stimulated an expansion of tillage. This shift of the gentry's agrarian economic interest away from pasture to tillage and a transfer of capital from the (linen) manufacturing sector to subsidized agriculture brought about a major conflict of economic interests between the clergy of the Established Church and the gentry: the converted land "ceased to be virtually tithe-free and became liable to the traditional imposts on oats, barley, and wheat" [Donnelly 1977-78: 153-4; Corish 1981: 131-4; Corish 1985: 143; Burns 1962: 156]:

this process [towards tillage] greatly augmented the amount of tithes payable on the harvest of 1785 and promised a correspondingly large rise in the incomes of tithe-owners. But the rush to corn did more: it brought within the ranks of the Rightboy movement farmers and even landed gentlemen for whom the tithe of potatoes was not the burning issue that it had long been for cottiers and labourers. After having invested in conversion to grain production with government financial encouragement, farmers were no doubt maddened when the proctor's charge in effect cancelled a substantial part of the new bounties, and landlords fretted, though unduly, that their rents thereby became less secure. As hostility bristled up the social ladder, it made the waging of war against tithes immeasurably more effective [Donnelly 1977-78: 153-4; cf. Burns 1962: 156: "Since tithes rose with the value of the crop, landlords viewed them as taxes upon initiative and impediments to greater production and larger profits."].

The alliance between sections of the gentry and the Rightboys was also helped by the fact that the

peasants remained initially preoccupied with other 'religious' grievances in addition to tithes. Apart from tithes, they agitated against church rates and priests' dues. Church rates for the Established Church were opposed since they were levied on all parishioners, regardless of their religion, by the votes of Protestant vestrymen. They were meant for the upkeep of service and the construction or repair of buildings belonging to the Established Church. The hostility of the Rightboys towards the Catholic priests and bishops was symbolized in their agitation against the size of priests' dues. This agitation was caused not by economic considerations alone. Rather, it was the persistent overall subservience of the Catholic hierarchy and priests to the government and the corresponding enmity of the Catholic Church to peasant movements which infuriated the peasant activists.

Throughout the 18th century the Catholic clergy constantly admonished their flock to behave in a peaceful manner and be loyal to the government. The Catholic peasants were reminded of the religious obligation of obedience to temporal rulers whatever their religion. They were also reminded of the toleration which had been granted to them by the government and warned that any misbehaviour could result in a stricter enforcement of the laws against their religion. The Catholic Church itself struggled continuously for a closer incorporation into the state. In its endeavour to gain political and social acceptance, the Catholic Church had approved of the Test Oath [13&14 Geo III, c. 35] at the Munster synod in July 1775. The Test Act's provisions included a "promise to maintain, support, and defend ... the succession of the crown to his Majesty's family" as

well as "the utter renouncing and abjuring" of the Stuart Pretender. It also denied both the temporal and deposing powers of the papacy "within this realm". In urging all priests to take the oath, the Catholic Church could not but alienate local parishes and village communities [Bric 1987b: 172 ff.; Connolly 1982: chap. 6].

The opinion of the Catholic hierarchy at large can be found encapsulated in a circular letter which the Catholic bishop of Ferns, Dr. Sweetman sent out during the Whiteboy disturbances in 1775. He told his clergy that

the detestable, lawless and unmeaning disturbances of the public, commonly called White Boys, are drawing on us, and our holy religion, the odium of our mild government, and the gentlemen in power in our country. You are hereby ordered to denounce and declare the aforesaid banditti excommunicated, by God and the holy Catholic Church, from your altars; and all their setters-on, abettors, and advocates [quoted in: Brady (ed.) 1953: 174].

Almost twenty years later, during the campaign for Catholic relief in the 1790s, the Catholic archbishop of Dublin, John Thomas Troy, could claim with considerable justification that

The same gospel spirit of subordination and respect towards God, and the ministers of his power on earth, constantly manifested itself in the zealous endeavours of the Catholic nobility, gentry, clergy, and informed individuals of every description in their communion, to aid the government and magistrates in repelling a foreign enemy [i.e. France] or preserving internal peace [i.e. by "suppressing White-Boys, Right-Boys, Defenders, and other rioters"] [Troy 1793: 16].

As we shall see later, the archbishop's intervention was not concerned so much with justifying the demands of the Catholics for emancipation but rather with

warning the Catholic laity not to engage in violent actions to bring about Catholic relief: "None but the seditious, or the enemies of subordination and national prosperity, and of our emancipation which is intimately connected with it, can be pleased at your being concerned in any commotion" [Troy 1793: 18-19]. This attitude resulted from the correct realization that the Catholic Church was held responsible by the secular authorities for the peaceable behaviour of its flock. The church's awareness of this reality made for political antagonism between the Catholic clergy and peasant and middle-class activists [Donnelly 1977-78: 168; Burns 1962].

Connolly [1982: 236-9] has rightly pointed out that, on the local level, a Catholic priest opposing agrarian disturbances did not merely enforce the law of church and state but took sides in a conflict within his congregation. This was the case when tenant farmers on the one side and cottiers, farm labourers, farm servants on the other side confronted each other over the employment of migrant agricultural labourers and the cost and availability of conacre. With regard to the employment of farm labourers, the conflict was over attempts to regulate their wages, to protect them from dismissal and to ensure that labourers from outside the community were not employed at the cost of employment opportunities for the inhabitants of the area. The conflict over conacre, that is the letting of a piece of ground for a single season to farm labourers, who were dependent on it for their own and their families' survival, arose out of the rents charged for that plot of land, but also out of disputes over the amount of land which should be let in this way. In taking sides with the more wealthy Catholic tenant farmer against the poorer Catholic

peasant and farm labourer, the Catholic priest helped to sustain the stratified structure of his congregation. Political circumspection was thus coupled with enforcing social inequality.

During the previous quarter of a century agrarian unrest had been directed much more clearly against landlords and middlemen. In the 1760s the Whiteboys protested against enclosures of commons and waste lands and against the keeping of land from tillage [Donnelly 1978: 34]. This protest was a response to the removal of restrictions on the import of Irish cattle into England in 1758/9 during Britain's engagement in the Seven Years War [Bric 1985: 151; O'Donovan 1940: 109-10]. Now that salted beef, pork and butter could be exported the immediate effect was an extension of land under pasture and a move towards enclosures: beef and dairy cattle encroached on commonage and threatened thus the livelihood of peasants. Furthermore, the Whiteboys also tried to enforce regulations governing land occupancy, landlord-tenant relations, wages, hearth-money, the cost and disposal of provisions in time of scarcity, roads, tolls, and the right to work [Wall 1973: 16]. Charlemont stated some of the reasons for the Whiteboy activities in the late 1760s very succinctly:

Exorbitant rents, low wages, want of employment in a country destitute of manufacture ... where oxen supplied the place of men, and, by leaving no room for cultivation ... starved the miserable remnant of thinly scattered inhabitants. Farms of enormous extent let by their rapacious and indolent proprietors to monopolizing land-jobbers, by whom small portions of them were again let and relet to intermediate oppressors, and by them sub-divided for five times their value among the wretched starvers upon potatoes and water. Taxes yearly increasing, and, still more, tithes, which the Catholic, without any possible benefit, unwillingly pays in addition to his priest's money, and by whose oppressive

assessment the despairing cultivator, instead of being rewarded for his industry, is taxed in proportion as he is industrious" [HMC Charlemont I: 21].

On the basis of the objectives espoused by the Whiteboys in the 1760s, one can surmise that they were overwhelmingly drawn from the landless and the land-poor [Power 1987: 270].

In the 1770s the agitation penetrated into new geographical areas, covering Kilkenny and south Tipperary as well as parts of Queen's County, Carlow, Wexford and Kildare. The methods, and some of the aims, of the Whiteboys in the 1770s can conveniently be deduced from the preamble of the Whiteboy Act of 1776:

[I]t has frequently happened of late years in different parts of this kingdom, that several persons calling themselves White Boys and others as well by night as in day time have in a riotous, disorderly, and tumultuous manner assembled together, and have abused and injured the persons, habitations, and properties of his Majesty's loyal and faithful subjects, and have taken and carried away their horses and arms, and have compelled them to surrender up, quit, and leave their habitations, farms, and places of abode, and have with threats and violence imposed sundry oaths and solemn declarations contrary to law, and solicited several of his Majesty's subjects by threats and promises to join with them in such their mischievous and iniquitous proceedings, and have also sent threatening and incendiary letters to several peasants to the great terror of his Majesty's peaceable subjects, and have taken upon themselves to obstruct the exportation of corn, grain, meat, malt, and flour, and to destroy or damage the same when intended for exportation, and have also destroyed mills, granaries, and storehouses provided for the keeping of corn ... [15&16 Geo III, c. 21, s. 1].

These Whiteboy activities were widespread particularly in Kilkenny, but also in Waterford, Tipperary, Queen's County and Wexford during a period of economic recession and a series of bad harvests. They clearly showed the economic and social interests of the peasants in re-establishing a 'moral economy'.

In the 1770s rent and eviction became a major concern of the Whiteboys. The reduction of the tithes of corn gained increasing prominence among the Whiteboy demands. The expansion of commercial tillage in the south-east and the cultivation of grain was due to an increased demand in England but also to a system of bounties which had been introduced in 1758 in response to the near-famine of the previous year. Designed to encourage more corn-growing in Ireland, the total sum paid in bounties between 1767 and 1769 quadrupled from £6,100 to £25,200; by 1776 the subsidies had reached £60,700 [Donnelly 1983: 299]. The increased cultivation of grain put the issue of tithes of corn and the struggle over the control and occupancy of profitable arable land, and thus the issues of increased rents and eviction of defaulting peasants, firmly on the political agenda of the Whiteboys [Power 1987: 266; 271 on situation in Tipperary]. These concerns of the Whiteboys in the 1770s reflected a changed social composition of the Whiteboys towards small farmers and their sons.

But the commercialization of corn-growing also affected social groups hitherto on the margins of peasant unrest. The commercialized cultivation of grain made the employment of migratory seasonal labourers (or 'spalpeens') a profitable options for larger farmers. These migratory labourers now competed with the urban journeymen weavers, who had regularly

switched to agricultural work at harvest time for the high seasonal wages. These urban journeymen weavers could thus be recruited rather easily into the ranks of the activists against the spalspeens [Donnelly 1983: 314]. Tithe proctors, exacting head landlords, substantial tenants, and tenants who had taken evicted holdings and/or employed migratory workers were thus among the chief targets of collective violence [Donnelly 1977-78: 126].

The immediate economic interests of the landlords were, in this respect as well, much more at stake than in the first twelve months of the Rightboy movement in 1785. In Tipperary, Kilkenny, Waterford, Laois, Wexford, and Carlow the anxiety felt amongst the propertied class led to the formation of county associations of leading Protestant landlords with the resolve to "unite personally to aid and assist each other in suppressing these Insurrections, and in bringing Offenders to public Justice", as the Tipperary association put it. At the same time, local volunteer corps were raised to suppress Whiteboy activities. It is therefore appropriate to argue that the Volunteers owed their origins as much to the desire for a local police force as to the much grander notions of protecting an exposed kingdom during Britain's military involvement in the American colonies [Bric 1985: 166; Donnelly 1983: 329; Power 1987: 294; cf. Donnelly 1977/78: 187 ff. on attempts to raise similar organisations in the winter of 1785/86].

The agrarian protests in Ulster in 1763 and the early 1770s, too, were not limited to the issue of tithe. The activities of the 'Oakboys' in the first half of 1763, which were largely confined to Counties

Armagh, Tyrone, Monaghan, and Londonderry had only partly been caused by a more rigorous exaction of tithe by some of the local clergy. A cause for complaint was also the conduct of the grand juries. The grand juries had been empowered by a recent act to require the personal labour of all householders in the construction and repair of roads. In line with the intentions of the act, the grand jury of Armagh had approved presentments for roads, bridges, and buildings at their most recent assizes. This led to a steep increase in the level of local taxation. In Armagh, the county cess, rather than opposition to personal labour, was the original source of complaint. Furthermore, the peasants of Armagh and Londonderry believed that the act had been administered harshly by the grand juries and in such a way that only the selfish interests of the landlords had been served. But their agitation was unsuccessful. In July 1763 military re-inforcements were sent into the disturbed districts and the Oakboy movement was squashed [HMC Charlemont I: 137-42; document in: Crawford/Trainor (eds.) 1969: 34-6; Beckett 1981: 178; Donnelly 1981: 7, 12-3, 20-1; Lecky II: 45 ff.].

In Antrim and Down, many leases expired in the late 1760s and early 1770s. As a consequence of the commercialization of agriculture, land values had increased in the 1750s and 1760s and many landlords now expected to secure substantially increased rents for those lands where the lease was up for renewal. The 'Steelboy' agitation started on the Donegall and Upton estates in south Antrim when tenants combined to resist the raising of rents, the demand of fines for the renewal of leases, the eviction of those tenants whose leases were not renewed, and the activities of a number of merchants from Belfast who were taking over

land as middlemen tenants. The Steelboys expressed their opposition by maiming cattle, destroying crops and burning down houses and haystacks. During 1771 and 1772 these disturbances spread to other parts of Co. Antrim, to Co. Down, Co. Londonderry and parts of Armagh [Maguire 1979: 351-2; Beckett 1981: 178; Donnelly 1981: 55].

There was a sectarian note to this agitation as a petition, which the Steelboys addressed to the Lord Lieutenant in 1772, shows:

We are all Protestants and Protestant Dissenters, and bear unfeigned loyalty to his present majesty and the Hanoverian succession ... Some of us by refusing to pay the extravagant rent demanded by our land lords [!] have been turned out, and our land given to papists, who will pay any rent [quoted in: Corish 1985: 143-4].

But religious concerns did not dominate the movement. Rather, the letting policies of Lord Donegall and his agents appear to have aroused the fears of many small tenants that they might lose their holdings or be reduced to the status of undertenants. The hopes of the undertenants, in turn, of becoming tenants of the estate had been disappointed by the landlord. They regarded middlemen "as synonymous with rackrenting and the confiscation of the value of their improvements ... they were convinced that their industry and expenditure under the middlemen's daunting regime entitled them to the preference of the head landlord at the termination of the lease" [Donnelly 1981: 32-3; Maguire 1979: 374-5].

Adverse economic conditions added to the discontent of fearful tenants and frustrated undertenants. Between 1769 and 1771 three successive seasons of deficient crops caused a scarcity of food

and an increase in food prices which particularly hit journeymen weavers and cottier weavers in the area and thus added to the devastating effect of the depression of the London linen market in 1771-2. A crippling fodder famine in the winter of 1769/70 and spring 1770 added to the economic crisis causing higher feeding costs and a decline in the quality of the meat of the half-fleshed beast at a time when the cattle producers were already faced with a contracting market for cattle products. Farmers, cattle producers, and consumers alike suffered severely. The introduction of increased rents and other changes at a time of such adverse economic conditions was likely to encounter opposition [Donnelly 1981: 44-6; Maguire 1979: 376; Trainor/Crawford (eds.) 1969: 37-40, 42].

But as in the case of the Oakboys the military was deployed in the spring of 1772 . These troops of more than 2,000 men successfully suppressed the insurgency [Donnelly 1981: 64-7]. Convictions for those peasants committed for trial, however, were difficult to attain as juries were often afraid of having to face possible revenge for convictions, or else were sympathetic to the cause of the Steelboys. It was therefore thought necessary by the authorities to try the Steelboys not locally but in Dublin [cf. documents in: Crawford/Trainor (eds.) 1969: 45, 47-8].

In the Rightboy movement of the mid-1780s, too, the issue of rent and tenure of land gained prominence in the course of time. This broadening of the peasant objectives did not surprise all members of the landed elite. In September 1786, Lord Tyrone wrote to his brother, John Beresford, that

At this moment the complaints [of the peasants] go to the exactions of their own clergy and of tithes. I have my doubts of the sincerity of the

former; and I foresee infinite difficulty as to the latter in respect to both kingdoms, should Parliament take up the subject with the intention of substituting a new mode of paying the clergy. Expectations of advantage to the holders of land at present, and to the proprietors in future, have involved classes in encouraging these disturbances, which you could not easily conceive ... there stands an arrayed body of all the southern inhabitants, determined, after gaining a victory as to tithes, in the next instance to regulate the letting of land, and to begin with the agencies and properties of absentees [in: Beresford Correspondence I: 308-9].

These economic concerns, which directly threatened the existing agrarian class structure, were firmly on the peasants' agenda in the second half of 1786. What Lord Tyrone had not contemplated was that, as a consequence of these new goals, the attitude of the gentry towards the agrarian unrest changed [Bric 1983: 116-8].

The Rightboys not only challenged the landlords' power to distraint for arrears but also tried to control rent by preventing canting. Canting "entailed the public advertisement of farms to be let and the solicitation of written proposals from others besides the occupying tenants" [Donnelly 1977-78: 179; Bric 1987b: 182-3]. The novel perception of canting as a grievance against which organized opposition should be mustered is explained by Donnelly [1977-78: 179] as resulting from "the convergence of increased competition for land with unusually high grain prices, which together placed landlords in an extremely strong bargaining position at the termination of leases". It was also in this phase of the Rightboys' protest that the issue of the regulation of labour and of labourers' wages was raised [Bric 1987: 183].

The marked shift in the attitudes and behaviour of the gentry towards the peasants was accompanied by

the government's display of military force. In August 1786 the government began to take stronger repressive measures and dispatched General Luttrell south to take command of the military forces in Munster. It was thought necessary by the Castle to make Luttrell a privy councillor so that he would not have to depend "on the timidity or negligence of county magistrates", as the Lord Lieutenant wrote to his Chief Secretary [in: Pitt Correspondence: 157]. Luttrell was by no means unsympathetic to the social and economic problems of the peasants in the south. In the debate in the House of Commons in March 1786 on a "Bill for the protection of the persons, houses and properties of rectors, vicars and curates resident in their respective parishes", he had urged the House to find a method to induce the clergy "to practice more moderation towards the people" [Parl.Reg.Ire. VI (1786): 412].

The administration, too, saw clearly the structural causes for the agrarian 'disturbances'. Rutland knew that "there is ... in truth much oppression from the landlords to their tenantry, and the manner in which the tythes are collected is a real and substantial grievance to the poor" [in: HMC Rutland III: 319]. There seemed to have been some difference of opinion within the administration about whom to blame more for the disturbances: the clergy or the landlords. Rutland emphasized the importance of the question of the tithes, as his correspondence with Pitt makes clear [Pitt Correspondence: 167 ff.]. For Orde, too, the commutation of tithes was of eminent political urgency [HMC Rutland III: 314]. The Attorney-General Fitzgibbon, on the other hand, laid the blame firmly on extortionist landlords and

absolved the clergy [Parl.Reg.Ire. VII (1787): 57 ff.].

But whatever the differences within the administration as to the ultimate cause of the 'disturbances', the government was unanimous in its belief that the peasant unrest was a "revolt against its authority". It had to be crushed by the army so that "the appearance of too much consequence in these disturbances" could be prevented lest "the malignant propensity of foreigners to interfere in our disputes" might be influenced [Orde to Rutland, June 25, 1786, in: HMC Rutland III: 314]. Rutland, furthermore, was concerned that "the principle that combinations are to compel measures must be exterminated out of the country and from the public mind" [in: Pitt Correspondence: 167]. This view was backed by Lord Tyrone who wondered about "the consequences of yielding to clamour backed by force" and warned that "the lower people, you know, are quick in discernment, easily elated, and full of the idea of their own strength" [Lord Tyrone to Beresford, in: Beresford Correspondence I: 308]. This, of course, was rather undesirable.

There was a lull in agrarian unrest in the wake of General Luttrell's mission to the South. Exertions of the magistracy, activities of voluntary police associations, increasing committals of Rightboy activists, tougher assize sentences together with widespread hope in early 1787 that the reconvened House of Commons would examine Luttrell's rather favourable report on the situation in the south and redress Whiteboy grievances contributed to the short period of respite [Bric 1983: 119-20]. However, the Rightboy agitation was renewed during the winter of

1786-7, especially in Cork and Galway. Rutland, again accusing the magistrates of "inactivity" and "inattention to their duty", opined that "nothing but a resolute determination in Parliament to enact effectual and vigorous laws, to which Government must give a vigorous execution, will put an absolute period to these disgraceful commotions" [in: HMC Rutland III: 355].

Orde, too, showed himself "extremely alarmed" about the reports he had received from judges telling him about "the general possession of arms, which the Popish poor make their great object". He suggested to Lord Lieutenant Rutland "the idea of keeping on foot, in such counties as require it, a sort of police guard of horse and foot, to be paid by the county" [Orde to Rutland, November 28, 1786, in: HMC Rutland III: 359]. In December he had worked out "an extended scheme for police" [HMC Rutland III: 362]. The "Bill for the better Execution of the Law, and Preservation of the Peace within Counties at Large" was introduced in the session of 1787 and became law in May 1787 [27 Geo. III, c. 40; hereafter called Magistracy Act].

XIII. The police reforms in Ireland in the 1780s.

A) The Magistracy and Riot Acts of 1787

The Magistracy Act of 1787 reflected the government's concern about the state of the magistracy. One of the objectives of the bill, as the Attorney-General Fitzgibbon put it, was "to cancel the present commissions of the peace, thereby enabling the Chancellor to purge the magistracy, by directing new ones only to such persons as it might be supposed would execute them honourably, and for the benefit of the country" [Parl.Reg.Ire. VII (1787): 432; cf. 27 Geo III, c. 40, s.2]. This policy of issuing new commissions of the peace was supplemented by the repeal of the "Act ascertaining the Qualification of such Persons as shall take out Commissions of the Peace for Counties at Large" [23&24 Geo III, c. 30]. That act had stipulated that all new Justices of the Peace had to have estate of the clear yearly net value of £100 [s.1]. The abolition of the property qualification for holding a commission of the peace gave the Lord Lieutenant the right to appoint barristers of six years standing as stipendiary magistrates. These new assistant barristers, who were to draw a government salary of £300 p.a., had the duty to attend at general sessions as constant assistants to the justices [27 Geo. III, c. 40, ss. 15 and 16]. The unpaid magistracy was thus supplemented by paid professionals. The Act also stipulated that sessions of the peace would be increased to eight in every year and that towns had to be appointed for holding such sessions [s.14]. The attendance of the new voluntary magistrates at sessions had to be recorded by the assize judge and reported to the Lord Lieutenant.

The Magistracy Act gave powers to the Lord Lieutenant to divide counties into districts and to nominate and appoint chief constables for these districts [ss. 3 and 4]. But substantial power was left with the local power holders. The chief constables should act under the direction of the JPs of the county [s. 4] and for them to draw their salary (£50 p.a) their conduct had to be certified by the JPs [s.9 and 10]. It was also left to the grand jury of each county at large at the assizes "to nominate and appoint sixteen proper persons, being protestants, to act as sub-constables within every such district" [s.4]. Their conduct had also to be certified by JPs and the judges of assizes had the right to dismiss sub-constables [s.12; their salary was £12 p.a. (s.11)]. The new police was designed as a full-time force, "on duty by night and day, on foot or on horseback", to be provided with proper arms and accoutrements as the magistrates saw fit [s.5]. The cost incurred by this act had to be defrayed by the county [s.6]. The chief constable, however, and the assistant barristers were to be paid by government.

Notwithstanding the government's acceptance of the fact that it was necessary for the government to compromise and work with the grand juries and county magistrates as the local power holders, the bill was critically received in Parliament. For the opponents the bill was "dangerous to the constitution of Ireland" in that it set out to establish a general police [Parl.Reg.Ire. VII (1787): 433 and 435]. Apart from charging it with being a "police bill", disguising an army of soldiers under the name of constables [Parl.Reg.Ire. VII (1787): 449], the bill was said to be setting out "to purge the magistracy" without good reason [Parl.Reg.Ire. VII (1787): 439-

40]. While supporters of the repeal of the property qualifications for JPs pointed out that wealth could by no means be the criterion for merit and thus the sole basis for a commission of the peace, the opposition saw the danger of "common vagrants" becoming magistrates [Parl.Reg.Ire. VII (1787): 459, 461]. The strength of this opposition was, however, much muted. In January 1787 Parliament had discussed the agrarian disturbances and heavily criticized the magistrates for failing to suppress the 'outrages' [Parl.Reg.Ire. VII (1787): 57-63]. The opposition was thus in a weak position to resist the Magistracy Act which the government could claim to emanate from concerns shared by the whole House.

With regard to the new institution of stipendiary magistrates it was argued that these professional magistrates would attempt to dictate to the justices of the peace and that "they would perhaps overawe, and undoubtedly disgust them" thus driving away all respectable men from the unpaid magistracy [Parl.Reg.Ire. VII (1787): 460]. There was a clear awareness that the country gentlemen would lose power to the professional magistrates and that the creation of assistant barristers was likely to lead to government patronage. But there was also status contempt for the social upstarts from the professional middle-class:

The bar was now the well known path to preferment. Men of no family, no connexion, men who could not trace back to their grandfathers, or who, if they could, would be ashamed to name them, would now be placed over men of respect and honour, who, perhaps, would be ashamed to sit in company with them" [Parl.Reg.Ire. VII (1787): 446].

Opposition in parliament was to no avail. The only 'concession' the government made was to confine the act "to such counties as occasion might warrant" [Parl.Reg.Ire. VII (1787): 438; cf. also the proposed amendment limiting the geographical range of the bill, in: JHC XII (1786-88): 263]. Whether the government had actually conceded this point to the opposition is a moot question. Orde's letter in November 1786 to Lord Lieutenant Rutland, cited above, seems to indicate that the bill was intended right from the beginning to be confined - as the opposition demanded - "merely to those counties which had manifested a neglect in executing the laws" [Parl.Reg.Ire. VII (1787): 433]. But in the early stages of the drafting of the bill, Orde and Fitzgibbon had prepared proposals which provided for a general police throughout Ireland [Palmer 1988: 111; on Orde's 'concessions': Palmer 1975: 419].

The passing of the Magistracy Act was a major parliamentary success for the government. It compared favourably with the government's defeat in April 1786 when a police bill had to be withdrawn. That bill had provided for judges of assize courts to be empowered to declare a county disturb, to embody a group of subconstables and to despatch them to the disturbed area. This police was intended to be a temporary force only, to be deployed in the counties of Cork, Kerry, Limerick, and Tipperary [Palmer 1973: 253; Palmer 1988: 108-9; also: Parl.Reg.Ire. VI (1786): 440-1]. But then, there was not the same widespread concern among the country gentlemen that the rebellious peasants would harm their economic and political interests as there would be twelve months later.

While parliamentary opposition was rather unsuccessful, there was, however, sustained resistance to the implementation of the Magistracy Act [Palmer 1988: 136-7]. It was only because of the co-operation of those local magnates who were attached to the government that the act could be put into effect in Munster. In Cork and in Kerry, for example, strong popular hostility had to be overcome with the help of Lord Shannon and Lord Glandore before the new police could be established. In September 1787, for example, Rutland was informed that:

from Cork the accounts are good. The Magistracy Bill has been carried through by means of the friendly and powerful exertions of Lord Shannon, and the very able conduct of Lord Earlsfort upon the Bench. An address was intended to Your Grace against the measure, which there is every reason to think will be converted into an address to thank you for it. In Kerry the business was carried through by the Prime Serjeant, with the assistance of Lord Glandore and others" [in: HMC Rutland III: 412].

Earlier in the session the government had already introduced a Riot Bill as a first response to a government sponsored resolution passed in parliament declaring

that some further Provisions, by Statute, are indispensably necessary to prevent tumultuous Risings and Assemblies, and for the more adequate and effectual Punishment of Persons guilty of Outrage, Riot and illegal Combination, and of administering and taking unlawful oaths [JHC XII (1786-88): 163].

This act gave powers to the magistracy or other law officers to disperse, by means of proclamation, "twelve or more persons riotously, tumultuously and unlawfully assembled". If the assembled failed to disperse within one hour after the proclamation they were considered to have committed a felony which was

punishable by death without benefit of clergy [27 Geo III, c. 15, ss. 1 and 2]. Those persons who administered illegal oaths were liable to transportation for life; those who took them without compulsion were to be transported for seven years. The unlawful seizure of arms, levying contributions by force and intimidation, posting or even printing notices tending to cause riots or instigate combinations were made capital offences.

During parliamentary discussion of the bill [Parl.Reg.Ire. VIII (1788): 179-201, 205-32] the government made two concessions. First, it agreed to make the act not a permanent statute but to limit its duration to three years. Second, it allowed the Roman Catholic chapel clause to be removed. This clause had been a provision whereby all Catholic chapels suspected of use for Rightboy meetings were to be razed to ground and their material sold [this clause is reprinted in Grattan III: 285n; cf. also Parl.Reg.Ire. VII (1787): 181-4; on concessions: Palmer 1973: 259-60; this act, together with the Whiteboy Act of 1776 (15&16 Geo III, c. 21), was made perpetual by 40 Geo III, c. 96].

Responding to peasant unrest by passing a riot act was a well rehearsed strategy. In 1765 an act had been passed [5 Geo III, c. 8] which was, above all else, designed to force the inhabitants of a disturbed area to assist the authorities in apprehending and convicting the peasant rebels. It was a common experience for the Crown not to find witnesses being prepared to testify against the Whiteboys - be it because of intimidation, bribery, or genuine sympathy with the rebels. The act provided for grand juries to be empowered to levy money in those districts in which

a crime had been committed in order to compensate the victims - unless the inhabitants apprehended the offenders or came forward with information as to their identity and whereabouts. Magistrates were also empowered to force any person who was suspected of having taken an unlawful oath to give evidence. The Whiteboy Act of 1776 was yet another riot act which was passed in response to agrarian unrest. It added to the already long list of capital felonies and allowed magistrates to search houses and seize arms and ammunition of papists, or persons so reputed, not licenced or in trust of them by day or night. The strategical innovation of 1787 was the coupling of a new riot act with a new police and magistracy.

The Riot Act and the Magistracy Act of 1787 were designed to enable an effective policing of rural Ireland in a period of agrarian unrest. The previous year the government had already scored a major political success when it passed a police act for Dublin. This success was particularly impressive because Pitt had been defeated in his attempt to reform the police of London in 1785. The English government had agreed that "a Police Bill is much wanted in the capital of Ireland, not much more than in that of Great Britain" and expressed its hope "that, as the capital is so much smaller ... the plan will in that proportion be more easy to accomplish" [Sydney to Rutland, 7 January 1786, in: HMC Rutland III: 273].

B) Policing Dublin in the 1780s

The Dublin Police Act of 1786 [26 Geo III, c. 24] constituted Dublin, for policing purposes, as one "district of the metropolis", subdivided into four divisions [ss.1 and 2]. It empowered the Lord Lieutenant to appoint three magistrates of the city of Dublin to be commissioners of police and to nominate and appoint a resident JP for each district [ss.3 and 43]. The first commissioner was to receive a salary of £500 p.a., the second and third were to receive £300 p.a.. Drawing a salary of £200 p.a., the resident JP was in effect a stipendiary magistrate [s.61].

The commissioners of police were empowered to employ 485 ministerial officers of the peace "by night as by day": one principal peace officer (high constable) for the district; one chief constable in each division; ten petty constables in each division for duty on foot or on horseback; 400 nightly watchmen for the district and forty constables of the nightly watch charged with supervising the watchmen [ss.4 and 15]. It was stipulated that the chief constables and the high constable could only be appointed with the approbation of the Lord Lieutenant [s.4].

The commissioners and the constables appointed by them were empowered, on the basis of a warrant issued by a commissioner upon information given under oath, to break into houses in order to search for felons or stolen goods [s.30]. Furthermore, the commissioners and the JPs had the right to search for concealed arms [s.45]. It was also enacted that, "as often as any riot, rout, or unlawful assembly shall happen, or when there shall be reasonable ground to apprehend that there may be any riot, rout, or unlawful assembly",

JPs and a sufficient number of constables should attend as the commissioners would direct [s.52]. The Whiteboy Act of 1776 was continued for seven years, but the Dublin Police Act of 1777-78 was repealed [ss.73 and 75].

The radically new departure of the new Dublin Police Act can be immediately grasped if it is compared with the "Act for improving the police of the city of Dublin" of 1777-78 [17&18 Geo III, c. 43]. This act had reaffirmed the Corporation's responsibility for policing. It constituted a step towards centralizing the watch system by grouping the city's parishes into six wards. It stipulated that

the lord mayor and board of aldermen ... shall from time to time nominate and appoint some of the aldermen ... to be aldermen of the said ward, and as such to have the special superintendance and care of and to be president or guardian of the police of each of the said respective wards ... and every such alderman, president, or guardian of the police in each respective ward shall have power and authority to nominate and appoint some person of the common council of the said city, and a resident in and inhabitant of the said ward, to be and act in the said ward as assistant to the said president ...[s.1].

This deputy had to be approved by the lord mayor and the board of aldermen [s.2]. The wardmote [moot] court was established as a kind of supervisory body. This wardmote court consisted of not less than six, and not more than twelve inhabitants who had to be paying scot and lot, i.e. sharing in the financial burdens of the ward. This court was empowered to make or alter rules as to the police and the preservation of the peace. It had the power to appoint and remove constables, watchmen, or patrols. This court was to be chaired by the president or the deputy who had the casting vote [s.4]. The number of police was not fixed but left to

the discretion of the court [Palmer 1988: 81 states that in 1780 there were about two dozen constables and 368 watchmen in summer and 463 in winter].

Compared to the old system of policing, the new Dublin Police Act could not but "strengthen the hands of government", as a supporter of the bill put it [Parl.Reg.Ire. VI (1786): 347]. This view was shared by the Attorney-General who was quite sure that, if the bill was passed into law, "it will give great additional influence to the crown" [Parl.Reg.Ire. VI (1786): 366]. But this, of course, could not be in the interest of the opposition. They saw it as an attack on the constitution. The bill was seen as destroying the chartered rights of the city of Dublin and as putting down the ancient magistracy of the city: there would no longer be any freedom of election in the city of Dublin but its representatives would from now on be nominated by and under the letters patent of the Lord Lieutenant [Parl.Reg.Ire. VI (1786): 337, 386, 327].

The freeman and freeholders of the city of Dublin claimed in a petition to parliament that this bill would give a most dangerous influence to the crown and tended to subvert public liberty. They expressed their fear that

the commissioners of police and other magistrates to carry the purposes of the bill into execution, holding their places at the will of the minister, may become dangerous instruments in his hands, wherewith to harrass all those persons within their jurisdiction who may constitutionally oppose any ministerial scheme [Parl.Reg.Ire. VI (1786): 365; cf. also the petition of the freeholders of the county of Dublin, in: Parl.Reg.Ire. VI (1786): 389].

Grattan supported this line of argument. The government's argument that the police commissioners

and the magistrates ought to be men in whom the crown may place a confidence was interpreted by him as meaning that "the magistrates of the city of Dublin ought to be men in whom the Secretary shall place a confidence - a confidence that they will act for him in a political as well as magisterial capacity - will be his friends in all corporate meetings, and support him with their votes and influence in the capital" [Parl.Reg.Ire. VI (1786): 380]. In Grattan's view these paid commissioners, magistrates, and constables formed a "mercenary army, paid by the minister". Because of all this, he defined the bill as "a bill of armed patronage" [Parl.Reg.Ire. VI (1786): 351, 340].

The opposition complained that the bill invaded the rights of the subject in that it was a law "which breaks open your house for a ruffian, and deprives you of your right of action as for trespass against any of the parties concerned" [Parl.Reg.Ire. VI (1786): 381, 336; cf. s.30]. And there still was some support for the Volunteers left in parliament. It was argued that the clause empowering the commissioners and the JPs to search for concealed arms [s.45] was intended "to take the arms out of the hands of the volunteers" [Parl.Reg.Ire. VI (1786): 329-30, 344-5].

But the government could not be swayed. The Attorney-General conceded that the search clause was intended to disarm the Volunteers. It was meant to empower the commissioners to search the houses of suspected and unqualified persons for concealed arms. Making no bones about his motivation, he submitted "whether this provision of the bill ought not to be extended to the south of Ireland, where the arms of the volunteers have got into the very worst hands, the hands of the lowest order of Roman Catholics"

[Parl.Reg.Ire. VI (1786): 342]. This kind of intimation gave some justification to the opposition's charge that this bill was only "a preliminary and leading step to a general police" [Parl.Reg.Ire. VI (1786): 386]. This suspicion was shared by the opponents to the bill in the House of Lords who expressed the "fear [that] the present measure is only an experimental introduction to a premeditated system" throughout Ireland [quoted in: Palmer 1975: 418]. Charlemont was convinced that the Dublin Police Act was "the means of slavery" and a step by the government towards establishing a country-wide police force. It was quite clear to him that "for the attainment of this, the disturbances of the south have been magnified, and, perhaps, tolerated" [HMC Charlemont II: 43-44].

While the Magistracy Act of 1787 was thus foreshadowed, the Dublin Police Act was justified on practical terms. "You cannot bring an offender from prison to trial without a military guard", the Attorney-General argued, "you cannot whip an offender through the streets without an army". Furthermore, "very great inconveniencies have heretofore been experienced, because county magistrates were not able to act in the city, or city magistrates in the county; it has therefore been thought necessary to give to certain magistrates a concurrent jurisdiction that shall run through the whole district, without which there can never be an effectual police" [Parl.Reg.Ire. VI (1786): 341]. In view of this 'pragmatic' orientation towards "the preservation of the peace, the safety of the citizens of Dublin, and the good of the community at large", as the Chief Secretary put it, the charges of the opposition were considered as petty and uninformed [Parl.Reg.Ire. VI (1786): 327].

The salaries of the new police were calculated by Orde as amounting to £5916 p.a.. This was thought not to justify the inhabitants' complaints about oppressive taxation [Parl.Reg.Ire. VI (1786): 383, 365; Palmer 1973: 228]. The bill was duly passed by the government's supporters in parliament.

The passing of the bill was much facilitated by the fact that many members of the opposition were gone to attend the assizes in their different counties [Parl.Reg.Ire. VI (1786): 327, 328-9, 330]. The very same situation would occur again when the magistracy bill was being discussed in 1787. Both the Dublin Police bill and the Magistracy bill were introduced late in the session in a much depleted House and rushed through parliament; for the decision on the Magistracy bill the House was only one-third full [Palmer 1975: 418, 420, and Palmer 1988: 100, 112]. Furthermore, the police of Dublin was indeed in need of reform because it was inefficient - from the point of view of the authorities which were concerned with putting down riots, routs, and tumultuous assemblies. The disturbances of April 1784, it was said, should not be allowed to happen again. It might have been because of the earlier reprimand of the Corporation by parliament for inefficiency in putting down these disturbances that the Corporation of the City of Dublin did not petition against the Dublin police bill [Boyle 1973: 102]. But more decisive for the Corporation's acquiescence in the new police legislation was certainly the government's concession to pick the police commissioners and magistrates from the ranks of the city magistracy.

It has been argued that the municipal government of Dublin, which was gathered into the hands of the

Lord Mayor and a few aldermen, was "in subservience to the Castle" [Maxwell 1956: 72; Palmer 1988: 80 on the political and social composition of the Corporation]. However, the Corporation had indeed protested, although unsuccessfully, against a number of acts which had been passed in the years 1784-86 and which set out to regulate many aspects of urban life such as street widening and paving. In each case, "powers traditionally vested in the Lord Mayor and his Corporation were transferred to commissioners or new corporations, appointed and salaried by government" [Boyle 1973: 100; Palmer 1988: 97]. It was pointed out by the opposition in parliament that the Corporation had surrendered its charter, had become "a kind of eunachised [!] corporation", and had formed an unnatural alliance with the administration [Parl.Reg.Ire. X (1790): 309]. But on the whole, the Corporation was very much seen as a victim of government policies of which the police act was the most important one for "muzzling" the Corporation for ever, as Grattan said [Parl.Reg.Ire. IX (1789): 420]. In Grattan's various proposals for a police reform it was the Lord Mayor and the members of the Corporation who were to constitute the supervisory body of the new police force [Parl.Reg.Ire. IX (1789): 423; XI (1791): 262; XIII (1793): 456].

To explain the police legislation it may be more important to turn to the structure of the Irish political system. It has been pointed out by Palmer that passage of the Irish police acts reflected the corrupt structure of a Parliament unrepresentative even of Protestant opinion. Police legislation was a party question:

Dublin Castle maintained a parliamentary majority so that, barring national crises such as occurred during the American War, the opposition was bound

to be defeated. The distinction between the Castle or "court" and the "country" parties is clearly seen in the voting on the police bills. Supporters of the legislation were Tories, while opponents were Whigs, or, as some called themselves, Patriots. Members favoring the new police were also on record as opposing the Volunteers of 1778-1782, parliamentary reform in 1783, free trade in 1785, and pension list reform in 1786; conversely, those voting against the police legislation had supported the Volunteers and the above reform measures. After 1787 the same voting patterns emerged on the question of tithe reform and voting rights for Catholics, the Tories opposing and the Whigs favoring them [Palmer 1975: 420-1; Palmer 1988: 103-4; 635-6 n.78].

Policing was to remain a party question. For almost a decade, the Dublin police was under constant attack. The police did not succeed in repressing crimes and containing crowds. Fiscal irregularities and repeated police misconduct could be proven and added to the politically motivated resistance to the new police force [Palmer 1988: 121-8]. The opposition kept on making the argument that the police establishment had been attended with "unnecessary patronage, waste and dissipation" [Parl.Reg.Ire. IX (1789): 397]. It was eloquently argued that "when the majesty of the crown blends itself with inferior magistracy, when it comes to operate directly upon the people, when it makes the petty officer look directly up to itself, when the hand that holds the sceptre catches the constable's staff, it may improve patronage, it may improve influence, it may increase power, but it will not cherish liberty" [Parl.Reg.Ire. X (1790): 308]. It was also pointed out that the expense of the police establishment was at least three times more than the estimate given by Orde (with an average of about £18,000 p.a.) [Parl.Reg.Ire. XI (1791): 270]. Petitions against the police were being continuously presented to parliament [e.g.,

Parl.Reg.Ire. VIII (1788): 248; JHC XII (1786-88): 344-5; XIII (1789-90): 90; XIV (1790-91): 54-55, 62, 119; XV (1792-4): 98-99, 134, 146]. But the government majority remained solid. It was only in 1795 that the principle of local control of the Dublin police was re-established, and for a short period only.

By 1790 the Magistracy Act, which had been proposed for southern and western Ireland generally, was in operation only in the southwestern counties of Tipperary, Cork, Kerry, and Kilkenny, constituting there a county police force of about 500 chief constables and subconstables [Parl.Reg.Ire. X (1790): 299; Palmer 1988: 137]. In a period of a relative lull in agrarian unrest, and facing sustained opposition from the country gentlemen, the government endorsed a bill in 1792 which provided that a modified version of the Magistracy Act should come in force in all counties other than those in which it was already in operation. This "Act for regulating the Office of Constable, etc." [32 Geo III, c. 16; hereafter called 'Constable act'] made it

lawful for the grand jury of every county ... at the assizes thereof, to make and appoint any number of constables not exceeding eight, in any or in every barony or half-barony within such county, such constables to be in lieu, and in the place of all constables appointed or to be appointed by such grand juries ... according to the laws now in force [s.1].

These baronial constables were to be directed by the magistrates [s.2]. Nothing was said about government-appointed chief-constables and stipendiary magistrates and the provision of the Magistracy Act for creating special police districts was absent. Control over these police forces was thus firmly rooted in the local gentry.

Thus this act essentially reaffirmed an act of 1773 [13&14 Geo III., c. 32; amended by 23&24 Geo III., c. 42] which had given the county grand jury the right to appoint four, respectively eight (1783), subconstables as assistants to the head constable in every barony or half-barony. That act had constituted an innovation in so far as the control of the high and petty constables, which had hitherto been exerted by locally prominent individuals and feudal institutions, was transferred to county authorities. But this act had never been forcefully implemented so that in the 1780s there were only about 600 baronial constables out of a possible number of over 2,500 (for Ireland's 316 baronies) [Palmer 1988: 75-6].

But despite this transfer of control to the local authorities, thirteen northern and southeastern counties, including almost the entire province of Ulster, moved successfully to be exempted from the new police [s.1; these counties were: Wexford, Termanagh, Carlow, Tyrone, Donegal, Mayo, Down, Kildare, the King's County, Sligo, Armagh, Monaghan, and Wicklow]. The reason they gave was the cost this act would incur on the counties [Parl.Reg.Ire. XII (1792): 301]. By 1796, therefore, only seven central and western counties had established the new police [Palmer 1975: 421].

Let me summarize the discussion on police reforms in Ireland in the 1780s. I have discussed the Dublin Police Act of 1786, the Riot Act of 1787 and the County Police/Magistracy Act of 1787 in the context of the agrarian class structure and the political cleavage structure. Police reform was, by and large, a party question. The parliamentary Whig opposition was opposed to any kind of police reform which would give

government control over the means of coercion by expropriating local power holders from their means of maintaining order and administering justice. But given widespread unrest and the confluence of the economic and political interests of a vast number of landowners, police reforms could eventually be implemented. However, government had still to rely on a close co-operation of the local power holders and was not in a position to establish a centralized control over the forces of law and order.

The 1790s would show that the newly established law enforcement agencies could not maintain public order. The struggle for Catholic emancipation and parliamentary reform; republicanism in the wake of the French Revolution; the war with France and the Irish Rebellion confronted the Irish government and the Anglo-Irish Ascendancy at large with a wave of violent unrest for which the various agencies of policing were insufficient. In the following chapter I shall analyse the political conflicts which resulted from the struggle for Catholic emancipation and parliamentary reform between 1790 and 1793.

XIV. The struggle for Catholic emancipation and parliamentary reform, 1790-93.

A) The political organization of the Protestant and Catholic middle class

In June 1789, the most conservative members of the opposition in Ireland formed a Whig Club in Dublin. Its political 'philosophy' centred on rather well-rehearsed topics: Its members were full of praise for the revolutions of 1688 in England and 1782 in Ireland; they reiterated the constitutional, *de jure*, principle of 1782 that the parliament of Ireland was "the only legislature of this realm"; they expressed their determination that they would ever maintain, "as sacred and indissoluble" the connection of Ireland with Great Britain; and they proclaimed their determination to reduce "the undue influence of the Crown over both Houses of Parliament". In order to combat corruption through government, they declared to continue campaigning for a Pension and Place Bill and for a bill "for the better securing the freedom of election, by disqualifying revenue officers from voting for members to sit in Parliament". They also intended to have "the present extravagant, ineffectual and unconstitutional police of the city of Dublin" abolished [Grattan III: 436: Resolutions and Declarations of the Whig Club, 19 August 1789].

The Northern Whig Club, which was founded in February 1790 in Belfast, adhered to the same political objectives. This Club was inaugurated under the strong influence of the followers of Lord Charlemont and counted amongst its members practically all the persons active in Ulster politics, and in the

Volunteer movement [Rogers 1934: 201 ff.]. The Whig declarations of intent are remarkable, not so much with regard to what they demand, but rather with regard to what they omit: There was no proposal for an extension of the elective franchise or even a mentioning of it; and there was no demand for Catholic relief. The Whig Clubs' demands were such that loyalty to the Anglo-Irish Ascendancy was maintained.

But a more radical opposition was being built in the early 1790s [Jacob 1937]. It found its radical manifesto in Theobald Wolfe Tone's pamphlet "An Argument on Behalf of the Catholics of Ireland, in which the Present Political State of that Country, and the Necessity of a Parliamentary Reform, are considered. Addressed to the People, and more Particularly to the Protestants of Ireland". The title of this pamphlet, which was published in September 1791, indicates the thrust of the argument. Only a reformed parliament, Tone argued, could effectively oppose the domineering English influence over the government of Ireland. But parliamentary reform could be brought about only if an alliance between Irish radicals and Irish Catholics could be established which would strive for a joint programme of Catholic emancipation and parliamentary reform:

My argument is simply this: That Ireland, as deriving her Government from another country, requires a strength in the people which may enable them, if necessary, to counteract the influence of that Government, should it ever be, as it indisputably has been, exerted to thwart her prosperity: that this strength may be most constitutionally acquired, and safely and peaceably exerted, through the medium of a Parliamentary reform: and, finally, that no reform is honourable, practicable, efficacious or just, which does not include as a fundamental principle, the extension of the elective franchise to the Roman Catholics ... [Tone

1826/I: 348; cf. for the text of the whole pamphlet: *ibid.*: 341-661.

Parliamentary reform; Catholic emancipation; the view that the Revolution of 1782 had been a "most bungling, imperfect business" [Tone 1826/I: 346]; the critical stance vis-à-vis Great Britain: All this distinguished Tone's position from the Whig Clubs' point of view. But even Tone's radicalism was rather limited. Tone stood in the tradition of middle class opposition to commercial restrictions and to the dominance of the landed class in political life. In effect, his radicalism came down to an endeavour to achieve the takeover of the existing political system and its more fair and efficient management by a larger number of the propertied class. In particular, the limitations of Tone's radicalism were apparent in his scant concern with the major social question of the day, the state of the peasantry. In all his statements he remained vague as to how a republican Ireland would improve the peasants' lot [Dunne 1982: 33-8]. The success of Tone's radical middle-class policies would depend on the effective organization of the radical elements within the Irish opposition and the forging of an alliance with the politically active sections within the Catholic population. Only on the basis of such a broad political alliance could it make political sense to challenge the distribution of power in Ireland and confront the Ascendancy with political demands.

In Belfast in early 1791, a radical group of Presbyterians had become disillusioned by the tameness of the Belfast Whig Club which seemed to them to be strong in conviviality and weak in political agitation. They were determined to establish an alternative reform organization. William Drennan, who

had argued the case for parliamentary reform and Catholic emancipation already in November 1783 at the National Volunteer convention in Dublin, suggested in May 1791 the founding of a society "having much of the secrecy and somewhat of the ceremonial of Freemasonry ... A benevolent conspiracy - a plot for the people - no *Whig* Club - no party title - the Brotherhood its name - the Rights of Men and the Greatest Happiness of the Greatest Number its end - its general end Real Independence to Ireland, and Republicanism its particular purpose" [in: Chart (ed.) 1931: 54; on Drennan: Stewart 1976: 80-92].

With the active support of Tone, such a society was founded in Belfast in October 1791. The founder members of the Belfast Society of United Irishmen were prominent Presbyterian merchants, among them a woollen draper, an owner of a linen mill, a shipbroker, a merchant, a watchmaker, a linen draper, an apothecary, three tanners, and a retired army ensign [Elliott 1982: 22]. How strong Tone's influence was on the Belfast Society is evident when Tone's pamphlet is compared with the Society's resolutions and declaration of 18 October:

First, resolved, that the weight of English influence in the government of this country is so great, as to require a cordial union among all the people of Ireland to maintain that balance which is essential to the preservation of our liberties and the extension of our commerce.
Second, that the sole constitutional mode by which this influence can be opposed is by a complete and radical reform of the representation of the people in parliament.
Third, that no reform is practicable, efficacious, or just, which shall not include Irishmen of every religious persuasion [in: HMC Charlemont II: 161].

The United Irishmen added that "with a parliament thus reformed, everything is easy; without it, nothing can be done" [HMC Charlemont II: 161].

This political programme challenged the conservative members of the Belfast Whig Club. They had succeeded at the Volunteer parade in July, which had been celebrating the fall of the Bastille, in having Drennan's clause on the desirability of political co-operation between Protestants and Catholics in Ireland omitted in an address to the French people [McDowell 1979: 381]. This conservative opposition had to be overcome if the radical opposition was to have any lasting impact.

In Dublin, Tone found the way better prepared for the introduction of the United Irish Society. There, the corps of the Dublin Independent Volunteers had agreed unanimously to a resolution stating the necessity for a union of all denominations of Irishmen. The Independent Dublin Volunteers had also condemned the manoeuvrings of the Armagh grand jury which, perturbed by serious sectarian rioting in their county, had issued a notice deploring "the rage among Roman Catholics for illegally arming themselves" and offering a reward for the conviction of persons illegally carrying arms [McDowell 1979: 381-2].

The Dublin Society of United Irishmen, which was founded in November 1791, was thoroughly middle class. Among the professionals, there were twenty-six barristers and more than twice that number of attorneys; twenty-four medical men; fourteen booksellers and printers; half a dozen army officers, a schoolmaster, and a fellow of Trinity College, Dublin. There were over one hundred merchants, of whom

sixty-seven were cloth merchants; thirty-one textile merchants; an iron-founder; a pin-maker; tailors, jewellers, hatters, hosiers and butchers [McDowell 1940]. The Dublin Society soon came to be regarded as the United Irishmen's principal branch. Together with the Belfast Society it was to influence the United Irish societies in Armagh, Clonmel, Gorey, Limerick, Lisburn, Nenagh, Sixmilewater, Templepatrick and Tullamore.

By autumn 1791, a first major step had thus been taken towards organizing the radical opposition in Ireland. Building an alliance with the politically active Catholic population had to follow to keep up the momentum and to create a power constellation which would offer a chance of achieving success [Brooke 1987: 121-9].

During England's involvement in the American War of Independence the Catholics in Ireland had been granted some relief by the Anglo-Irish Ascendancy. The Catholic Relief Act of 1778 [17&18 Geo III, c. 49] enabled Catholics to take leases of land for 999 years and inherit property in the same way as Protestants. The Relief Act during the reform period of 1782 [21& 22 Geo III, c. 24] allowed Catholics to acquire land, except in parliamentary boroughs, and thus enabled Catholics to become landowners and middlemen in their own right. In the same year Catholics were also permitted "to teach school" and act as guardians [21&22 Geo III, c. 62; McDowell 1979: 189-92 on these acts].

These reforms had been preceded by the Quebec Act of 1774. This Act had set up a separate government for French Canada which had been ceded to Britain at the

Peace of Paris in 1763. In order to maintain effective government in this region, the British government had conceded that the province was to be ruled by French civil law; that Catholics might hold office by taking an oath specially devised for them; and that the Catholic church could remain established by being given the power to collect tithes [Corish 1985: 137-8]. Imperial concerns were clearly diminishing the importance of religious considerations. Concern for the stability of the Empire during the American War also informed British politics towards Ireland. On the one hand, it was expected that concessions to the Irish Catholics would assuage their disaffection with their marginalized position within society and help to prevent them from giving support to an envisaged attempt by the French navy to invade Ireland. But more immediate military exigencies would appear to have been even more important.

Legal military service by Catholics of all three kingdoms, England, Scotland and Ireland, had been prohibited by an act of 1714 [1 Geo I, stat. 2, c. 47]. Until the 1750s virtually no Catholics and few Irish Protestants had been recruited into any British regiment:

But in the early stages of the Seven Years War, unauthorised recruiting by English regiments began in the southern counties and formal government permission was given for the enlistment of catholics as marines ... [In 1771] large-scale recruitment took place in the provinces ... Irishmen of whatever religion had formed only about 6 per cent of all non-commissioned ranks of the British army in the mid-fifties, whereas on the eve of the American war the proportion was over 20 per cent. There were considerable recruiting problems in much of Britain by that stage and so it was to the periphery, to the Scottish Highlands and to parts of catholic Ireland, that the army was being

forced to go to augment its numbers [Dickson 1987: 145-6].

The Catholic relief policies of the British government, which were developed in 1778 and onwards up to 1780 for Britain and Ireland, were thus designed as a means of promoting army recruitment at a critical moment in the history of the British Empire. The opposition to Catholic relief, particularly in Scotland under the leadership of Lord Gordon, drew on sectarian arguments and widespread resistance to the American War. For Lord Gordon, the Catholic relief proposals had "the diabolical purpose of arming the Papists against the Protestant Colonies in America" [quoted in: Donovan 1985: 101]. In Scotland, the connection of Catholic relief with military ventures which were unpopular in aim and objectionable in conduct had disastrous consequences for the Scottish Catholic Relief Act [Donovan 1985: 102]. In England as well as in Ireland, however, no opposition comparable in size to that in Scotland could be organized and Catholic relief acts were passed by Parliament.

But despite these reforms the Catholic population in Ireland was still suffering under severe discrimination at the beginning of the last decade of the 18th century. A report on the 'Popery Laws', published by the United Irishmen in 1792, summarized their political and social marginalization succinctly:

Such is the situation of three millions of good and faithful subjects in their native land ! Excluded from every trust, power, or emolument of the state, civil or military; excluded from all the benefits of the constitution in all its parts; excluded from all corporate rights, and immunities; expelled from grand juries, restrained in petit juries; excluded from every direction, from every trust, from every incorporated society, from every establishment occasional or fixed, instituted for public

defence, public police, public morals, or public convenience; from the Bench, from the Bank, from the Exchange, from the University, from the College of Physicians ... There is no institution, which the wit of man has invented, or the progress of society produced, which private charity or public munificence has founded for the advancement of education, learning, and good arts, for the permanent relief of age, infirmity, or misfortune, for the superintendance of which, and all cases where common charity would permit, from the enjoyment of which the legislature has not taken care to exclude the Catholics of Ireland [quoted in: Plowden 1803/II: 377].

This discrimination, however, had not produced *ipso facto* a widespread and vociferous protest. The Catholic aristocracy and gentry was very much incorporated into the political and social system; the Catholic church leaders hoped that submission to the *status quo* would prevent the Irish administration from rigorously enforcing the penal laws and eventually improve their position; and the Catholic mercantile middle class had developed and prospered in a system which gave them some space for their economic activities for reasons of revenue. But politically and socially, the position of the Catholic middle class was the least entrenched. Radical opposition to the existing system grew out from amongst their ranks. The frequent professions by the Irish Roman Catholics of allegiance to the crown had not been mere tactics. In March 1774, for example, the Catholic Committee had passed a resolution promising to maintain, support, and defend the succession to the crown in George III's family and rejecting the claim "that the pope of Rome, or any other foreign prince, state or potentate, hath any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly within this realm" [Minute Book: 18]. After Spain's declaration of war in July 1779 the Catholic Committee

reaffirmed the "inviolable attachment" to the King and his government [Minute Book: 40 ff.].

But events outside Ireland stimulated renewed demands for full emancipation by the Irish Catholics in the early 1790s. At the end of 1789 the French national assembly decreed that French Protestants should enjoy all civic rights; in the United States religious equality was considered a corner-stone of the new constitution; and although the Test and Corporation Acts for England were not repealed, the discussion at Westminster in 1789 and 1790 about the disabilities of the Dissenters had pushed religious issues very much to the forefront of political debate. In 1791 the English Catholic Relief Act, while still debarring Catholics from any share in political power, swept away most of the disabilities and showed that "catholicism was no longer regarded a menace to British society" [McDowell 1979: 394]. In her imperial policy, too, Britain kept on disregarding religious issues. The Canada Act of 1791 did not contain religious disqualifications of any kind. The representative institutions which had been granted for Upper and Lower Canada had been balanced by powerful aristocratic upper chambers. And the aristocracy upon whom Britain relied in Lower Canada were French Roman Catholic seigneurs [Harlow 1952: 631].

In Ireland, the Catholic Committee became the main force behind the renewed agitation for emancipation. This committee, which had played such an important role in the disputes over quarterage, had been dormant since 1783. Revived in the early 1790s in the renewed campaign for emancipation, the radicals among the Catholic middle classes succeeded in establishing control over the Committee. Within the

Catholic Committee, the thriving and prospering merchant and professional Catholic middle class confronted the landed, aristocratic Catholics. With the success of 'trade' over 'land', these years marked the emergence of the Catholic urban middle class, and the substantial Catholic farmer, as a powerful political force in Ireland [McDowell 1986: 306].

Among considerable sections of the middle class the ideas of the French Revolution found ready acceptance, and with increased democratic aspirations a determined section within the Catholic Committee refused to submit to the pandering to government of the aristocrats [Rogers 1934: 232]. The democratic party set out to pursue a policy of outspoken petitioning to parliament and public representation of their demands. Their campaign began tamely. The Catholic Committee resolved in February 1791 "that application may be made for such relief as the wisdom and justice of parliament may grant" and the hope was expressed that the Catholics "be restored at least to some of the rights and privileges which have been wisely granted to others who dissent from the established church". It was also resolved that these goals of repeal should be pursued "in the most submissive and constitutional manner" [Minute Book: 123].

The conflict within the Catholic Committee between conservative aristocratic members and the more radical members of middle-class background led, finally, to a secession of the aristocratic faction in December 1791. Three Catholic peers, the Catholic archbishop of Dublin, three baronets, a number of Catholic landowners, and about half a score of Dublin

businessmen presented a petition to Lord Lieutenant Westmorland expressing their desire for a further repeal of the penal laws. But they hastened to add that "grateful for former concessions, we do not presume to point out the measure or extent, to which such repeal should be carried, but leave the same to the wisdom and discretion of the legislature" [Plowden 1803/II, App.: 173-75; McDowell 1986: 305]. This subservience could not but enrage the democratic faction of the Catholic Committee and on 14 January 1792 Lord Kenmare was condemned for having procured "insidious and servile addresses calculated to divide the catholics of Ireland, and eventually to defeat their first application for relief" [Minute Book: 144; O'Flaherty 1985: 20].

This conflict within the Catholic Committee was certainly aggravated by status considerations of the aristocratic faction which considered the middle class democrats as an upstart group of agitators [Rogers 1934: 233]. But the fundamental conflict stemmed from the fear of the growth of revolutionary ideas amongst the Catholics due to their connection with the United Irish movement. There was not only the fear that the Irish administration would crush the movement for reform by coercive means; but the aristocratic faction also realized that they stood a much better chance of receiving support from sections within the English political elite if they did not espouse and endorse demands for radical political reform.

Not only had the Catholic Committee to come to terms with the conservative forces of Catholicism, but with a more radical section within the middle class as well. The Catholic Society of Dublin published a declaration in October 1791 professing its

dissatisfaction with the constitution in a more forthright manner than the Catholic Committee. It declared that its members would "to the outmost of our power, endeavour, by all legal and constitutional means, to procure the repeal of the laws by which we are aggrieved, as Roman Catholics". The Roman Catholics "may look with envy to the subjects of an arbitrary monarch, and contrast that government, in which one great tyrant ravages the land, with the thousand inferior despots whom at every instant they must encounter". It was stressed that the Catholics did not have any interest in interrupting the tranquillity of the country and that they had "neither passion nor interest at variance with the order of things". After all, "engaged for the most part in the various departments of commerce, we are concerned not less than any other class of citizens, to cultivate the blessings of tranquillity" [Plowden 1803/II, App.: 165-70]. Thus, while the goals of the Catholic Society were thoroughly middle class, the tone was much more aggressive than that of the Catholic Committee. The Catholic Committee decided to dissociate itself from the production of the declaration, but could not disavow or condemn its contents [Minute Book: 137-9]. When the Chief Secretary explicitly asked representatives of the Catholic Committee for a disavowal at a meeting in November 1791, he was met with refusal. This meeting added to the sense of crisis which was widespread among the cabinet and its supporters and reaffirmed the Lord Lieutenant's view that "if they [the Catholics] must have a struggle for their property it is better to do so in the present instance rather than give strength ... by concession" [quoted in: O'Flaherty 1985: 19].

B) Catholic emancipation and parliamentary reform

The Catholic Committee had become obnoxious to government in proportion to the sympathy and contact which was developing between the Society of United Irishmen and other political reform clubs and the Catholics [Plowden 1803/ II: 379]. Fear of the danger of an alliance between the politicized Dissenters and Catholics had made the British government impress upon the Irish administration the necessity for undertaking such measures "as may effectually counteract the union between the Catholics and Dissenters, at which the latter are evidently aiming" [quoted in: Lecky III: 3]. In December 1791 the British government pointed out to the Lord Lieutenant that if the Irish government demanded aid from Britain in an emergency situation, the public and the British Parliament would wish to know whether the object was one in which they were interested and whether the cause of the Irish government was just and politic. That would not be the case if the contention was only over the question whether "one description of Irishmen or another are to enjoy a monopoly or pre-eminence". The British public would not be prepared to see their resources expended in enabling the Irish government to hold the Catholics in a continued state of political proscription [quoted in: Harlow 1952: 634].

In an official dispatch it was suggested to the Lord Lieutenant that the Catholics should be relieved from all disabilities connected with the practice of any trade or profession; the Home Secretary urged the repeal of all legislation which interfered with Catholic education, penalized intermarriage between Protestants and Catholics and which "made a distinction between protestants and papists as to the

use of arms", and prevented Catholics from serving either on grand or petty juries. He also made it clear that the English cabinet favoured "a moderate and qualified [electoral] participation" of Catholics [quoted in: Lecky III: 38-41].

These proposals were not well received by the Irish administration. Westmorland, Fitzgibbon, Foster, Beresford and Agar, the archbishop of Cashel took particular issue with the proposals relating to the use of arms and the granting of the elective franchise [Lecky III: 41 ff.; McDowell 1986: 309-10]. In his reply to Dundas on 11 January 1792, Westmorland was adamant that the English proposal of granting the franchise to the Catholics, if made to parliament, and by the administration, would occasion such ferment, both inside and outside the House of Commons, as would totally prevent any of the concessions wished for, and "it was impossible to foretell to what degree the House of Commons might be affected on the subject, should they imagine such a proposal (and so it would be construed) as an abandonment of the Protestant power, and a sacrifice of it to Catholic claims" [quoted in: Lecky III: 43].

At the beginning of 1792 the alliance between Irish radicals and those Catholics who were striving for emancipation had not yet reached any threatening proportions for the Irish administration and the Anglo-Irish Ascendancy at large. But there were signs of a quickening of moves towards a *rapprochement* between the Irish radicals and the Catholic activists. In Belfast the moderate opposition lost a motion which had proposed the repeal of the penal laws "from time to time, and as speedily as the circumstances of the country and the general welfare of the whole kingdom

permit" [Belfast Politics 1794: 284-5]. This gradualism, which was very similar to the position of the aristocratic faction of the Catholic Committee, was not approved by the citizens of Belfast who, at a general meeting, demanded Catholic emancipation without any conditions [Rogers 1934: 244-50]. In its support of Catholic emancipation the Belfast townmeeting was thus expressing its continuing adherence to radical politics: In the early 1780s, it had enthusiastically welcomed the Volunteers; in 1782 it had opposed the raising of fencibles and had declared its support of Flood against Grattan over renunciation; by 1783-4 it had been spearheading the Ulster campaign for parliamentary reform [Crawford 1979: 200].

Its position on Catholic relief was welcomed, not only by the Roman Catholic Society of Belfast, but also by the Catholic Committee [Belfast Politics 1794: 317-22]. The Belfast Catholics had shown their positive attitude to the United Irish already on 19 January when they paid tribute to the "true spirit of Christianity" which, for them, was inspiring their Protestant fellow-citizens [Historical Collection (Belfast) 1817: 362]. However, there was no unanimous support for the reform factions. This became evident, for example, when the electors of Co. Antrim passed the motion of the Belfast moderates in February and added that repeal of the penal laws should not affect the elective franchise or endanger the Protestant religion of the kingdom. It became also increasingly clear that the Dissenting clergy on the whole was rather inimical to the United Irishmen [Rogers 1934: 251-4].

Under these circumstances the Protestant ruling elite was unlikely to be compelled to yield substantial power. In the end, the united opposition of the Irish administration prevailed, one more time, over the wishes of the British government. Some concessions, however, were proposed to be offered to the Catholics in the hope of forestalling any further *rapprochement* between them and the Irish radicals. The Relief Act of 1792 [32 Geo III, c. 21] demonstrated the limits within which the Irish Ascendancy was considering concessions to the Catholics. This act provided that Catholics might become barristers and attorneys; it abolished the obligation for Catholic schoolmasters to obtain a licence from the ordinary; it removed the limitation on the number of apprentices a Catholic might keep; and it removed the restrictions on intermarriage and on foreign education. But it did not make any constitutional concessions and did not give the Catholics the elective franchise.

During the parliamentary proceedings of the relief bill the Catholic Committee specified its demands for reform. It demanded that Catholics be admitted to the profession and practice of the law; that Catholics be capable of serving as county magistrates; that they be entitled to be summoned and to serve on grand and petty juries; that they be granted "the right of voting in counties only for protestant members of parliament in such a manner however, as that a Roman catholic freeholder should not vote unless he eighther [sic] rented and cultivated a farm of £ 20.- per annum: in addition to his forty shilling freehold, or else possessed a freehold to the amount of £ 20.- a year" [Minute Book: 151].

To ingratiate themselves further with the Protestant ruling class, the Catholic Committee issued a "Declaration of the Catholics of Ireland" on 17 March 1792 in which they tried to assuage the fears of the Anglo-Irish Ascendancy that the political incorporation and participation of the Catholics would eventually bring about the dispossession of the land the Protestants had confiscated in the 17th century. They declared that

We do hereby solemnly disclaim and for ever renounce all interest in, and title to, all forfeited lands resulting from any rights of our ancestors, or any claim, title or interest therein: nor do we admit any title as a foundation of right which is not established and acknowledged by the laws of the realm as they now stand. We desire further, that whenever the patriotism, liberality and justice of our countrymen, shall restore us a participation in the elective franchise, no Catholic shall be permitted to vote at any election for members to serve in parliament, unless he shall previously take an oath to defend to the utmost of his power, the arrangement of property in this country as established by the different acts of attainder and settlement [Minute Book: 159].

But despite the modest demands and manifest restraints on the part of the Catholics, parliament rejected the calls for the parliamentary franchise by 208 to 25 votes. One member of the conservative Protestant elite argued during the parliamentary debate on the bill that "a line must be drawn somewhere, beyond which we must not recede"; it was impossible, he argued, for parliament "to grant the Roman Catholics what they demand, if we at all regard the Protestant safety" [Parl. Reg. Ire. XI (1791): 126; cf. debate on bill: *ibid.*: 123-224].

After their unsuccessful attempt to gain the parliamentary franchise in spring 1792, the Catholic Committee, including the secessionists of 1791 [Plowden 1803/II, App.: 182], engaged in an effort to broaden its basis by mobilizing for a representative Catholic congress to give concerted force to Catholic demands. The county delegates to the congress were to be chosen by "electors", "respectable persons", who had to be selected, in turn, in each parish at a meeting "in a private house" . It was recommended that the electors should elect also "associate delegates", resident in Dublin, who could keep the county informed about the congress's proceedings [Plowden 1803/II, App.: 183-7: "On the manner of conducting the Election of Delegates"].

The Protestant power holders were perturbed at the prospect of a representative Catholic congress. The grand juries of at least twenty-eight counties declared themselves against the proposed congress [McDowell 1979: 407 n.25]. The grand jury of the county of Louth, with John Foster, the Speaker of the House of Commons, as its foreman, resolved that

the allowing to Roman Catholics the right of voting for members to serve in parliament, or admitting them to any participation in the government of the kingdom, is incompatible with the safety of the Protestant establishment, the continuance of the succession to the crown in the illustrious House of Hanover, and must finally tend to shake, if not destroy our connexion with Great Britain [Plowden 1803/II, App.: 191; cf. protest resolutions *ibid.*: 187-99].

In its protest resolution the Corporation of Dublin stated what it wished to see maintained: "A protestant ascendancy, which they defined as a protestant king of Ireland, a protestant hierarchy, protestant electors and government, the bench of

justice, the army, the revenue, throughout all their branches and details, protestant, and this system supported by a connection with the protestant kingdom of Great Britain" [McDowell 1979: 407].

Not in all counties was there unanimous support among the Catholics, and the Catholic gentry in particular, for the election of delegates to a national congress. In Galway and Mayo, for example, the Catholic landed gentry, which were more numerous and influential there than in other parts of the country, were rather adverse to a more 'democratic' Catholic Committee. In the end, however, all counties did send delegates to the congress [McDowell 1979: 408]. The 233 delegates, who convened in early December 1792 in Dublin, represented the bulk of the Catholic propertied and professional elite [O'Flaherty 1985: 25]. They formulated complaints and demands which were by now familiar. This time, however, these demands were given additional force by the more representative character of the Committee.

The convention decided to present a petition to George III without involving the Irish administration as an intermediary [Plowden II, App.: 215-24 for petition]. A favourable reception in London by the government and a presentation to the King left the Roman Catholic delegation with the hope that relief would be forthcoming in the new parliament. For the Anglo-Irish ruling class, however, these developments were highly discomfoting because they showed that they could not ultimately rely on British support for their position.

In a letter to the Lord Lieutenant in January 1793 the English Home Secretary pressed once again

for concessions for the Irish Catholics suggesting enfranchisement, jury service and admission to those civil offices which would not carry political power [McDowell 1979: 413 ff.]. Undoubtedly, the international constellation informed the policy of the English cabinet: the British Government viewed the Irish Catholics as a conservative force which was predisposed towards monarchical institutions. They were considered to be natural allies against the anti-clerical French Revolution and, within Ireland, against Presbyterian republicanism. Furthermore, the British Government wanted to take positive steps to make Ireland a fruitful field for British recruitment, and an uninviting arena for French invasion. It might have also influenced the British government's policy that in the anticipated war with France, Britain would have to form a coalition with a major Catholic power such as Austria [Malcomson 1978: 65].

The British emphasis on imperial issues when dealing with Ireland had a long tradition and had already informed Pitt's commercial propositions of 1785. It stemmed from the basic insight that "Ireland is too great to be unconnected with us [i.e. Britain], and too near us to be dependent on a foreign state, and too little to be independent" [Grenville to Rutland, 3 December 1784, in: HMC Rutland III: 155]. The power interests of imperial Britain dictated her attitudes towards the Anglo-Irish Ascendancy, not any notion of ethnic or social identity. For Pitt, it was quite clear that the Ascendancy was putting up a fight against full Catholic emancipation, not because they feared for the Protestant faith or the restoration of the lands to the old Catholic proprietors, but because they feared the loss of their political "monopoly of power and emoluments". Douglas, Pitt's designated

Chief Secretary for Ireland, understood from conversations he had with Pitt in January 1794 that "his plan seems to be to let the weight of the Catholics, from their numbers and their increasing property, carry them by imperceptible steps into the legislature and their share of office" [in: Bickley (ed.) 1928/I: 35].

By the end of 1792, the Anglo-Irish Ascendancy was thus confronted by a Catholic reform movement much better organized now than at the beginning of the year and a British Government determined to find a solution to the Catholic question out of imperial considerations. But the Irish radical opposition, too, had enhanced its position over the year. The Northern Whig Club endorsed Catholic emancipation and parliamentary reform in November 1792 declaring its support for "an honest and effectual reform in the representation of the people on a broad principle of equal justice and equal liberty to all sects and denominations of Irishmen" [HMC Charlemont II: 202]. This resolution signalled a radicalization even of the moderate Whig opposition, even though the Dublin Whig Club decided that the Catholic question should not be taken into consideration by its members [Rogers 1934: 278].

The Belfast Volunteers, who had expressed their agreement with demands for reform and Catholic emancipation already in July 1792 [Belfast Politics 1794: 328-42], issued an outspoken address to the Volunteers of Ireland in December 1792 fully endorsing radical politics:

We have always, when called on, given our assistance to the magistracy of our country, in the due execution of the laws. In a word, we esteem it proper that citizens should know the use of arms, and we consider that country in the

best state of defence, when the people are strong. The same force which was ready to defend the country against the attempts of foreign force, we hope, will be ever found equally ready to assert domestic quiet, and the common rights of all the people of Ireland ... it is the unalienable right of all the people of Ireland to carry arms ... an effectual and adequate reform in the representation of the people in parliament, is our only object, in the pursuit of which object we shall never slacken our efforts. If bad advisers, or weak and wicked men, shall force the people into extremity, on them let all the miseries fall of civil convulsion [Historical Collections (Belfast) 1817: 392].

With its emphasis on the duty of the armed citizen, this resolution defiantly recalled the position of the Volunteers during the American War of Independence. Furthermore, it constituted a challenge to government in that it was justifying, if ever so subtly, "civil convulsion". And government was well advised to take this challenge of the Volunteers seriously as the Volunteers had been increasing in numbers during the summer with many new corps espousing liberal principles and winning over many Volunteers in the older companies, which so far had always inclined to conservative views and cautious action [Rogers 1934: 275].

The radicalization of politics, in Belfast, at any rate, could also be seen in the foundation of a new club, the 'Irish Jacobins' in December 1792. Whereas the Volunteers kept themselves guarded with regard to a forthright endorsement of violent action for bringing about change, the Jacobins declared much more blatantly that in order to bring about reform "we will individually and collectively exert every means in our power" [Historical Collections (Belfast) 1817: 388-9; emphasis added; McSkimmin 1849: 22-3]. Whereas the Belfast United Irishmen were apparently dominated

by a mercantile élite, the highest ranks within the Irish Jacobins seem to have been occupied by skilled artisans. But it has been suggested that it would be wrong to describe the Irish Jacobins as a working-class radical club independent of the socially superior United Irishmen: "Rather, they were an auxiliary group, perhaps encouraged to take a more radical stand to test the waters of public opinion while the United Irishmen remained rather circumspect in their rhetoric as they awaited the outcome of the catholic campaign for final repeal of the penal laws" [Curtin 1985: 472-3].

The inhabitants of Belfast declared at a general meeting that they did not wish for a revolution; but they hastened to point out to the government that revolutions occurred when lack of reform drove the nation to despair. And such reform had to take place "whenever the united voice of the people shall call for it". Thanking the Volunteers for their contribution to political life in Ireland, they expressed their hope that "should a contest for liberty ever become necessary, (which God avert) we trust you will rescue her [Ireland] from internal oppression" [Belfast Politics 1794: 105-7].

The general meeting of the inhabitants of Belfast also proposed an Ulster (provincial) convention of the Volunteers [Belfast Politics 1794: 106]. This convention took place on the 15th and 16th of February 1793. "The meeting", as a correspondent wrote to Drennan, "was rather led by aristocracy, but the people's spirit was infused into the resolutions" [in: Chart (ed.) 1931: 136]. The convention disapproved of republican forms of government "as not applicable to this kingdom"; it declared that all boroughs should be

disenfranchised and "representation established on a fair and rational principle, by extending the franchise equally to persons of every religious persuasion, by frequent elections and by a distribution of representatives proportioned to the population and wealth of the country"; and it expressed disapproval of the proposed formation of the militia [quoted in: McDowell 1986: 327; McDowell 1979: 428; Rogers 1934: 294-91].

There had been a discussion within the Dublin Society of United Irishmen whether there should be any property qualification attached to the franchise. Drennan had proposed that "persons not property must be the rule of representation; not land, but lives; not money but men". Another United Irishman, Malachy O'Connor, however, had argued that "the house of commons should speak the sense of that portion of all the people, where common sense, wisdom, and virtue, are most abundantly found. This portion of the people consists of the middle ranks of society. The electors then of the house of commons should be, the middle rank of society". He therefore suggested a £ 10 freehold or other property qualifications. But the committee which was set up to draw up plans for parliamentary reform decided by a small majority of eleven to nine votes to reject property qualifications [McDowell (ed.) 1942: 45, 56].

In this situation of increased pressure on the Anglo-Irish Ascendancy, the administration devised a policy of concession and compulsion. A tentative step towards "a full participation of all the advantages now held exclusively by the Protestants" [in: Bickley (ed.) 1928/I: 36] was the Catholic relief bill which the Chief Secretary was ordered to introduce in the

House of Commons on 4 February 1793 [33 Geo III, c. 21]. It was proposed in the bill that the Catholics were to be granted the parliamentary franchise, thus restoring to them the rights of voting in parliamentary elections on equal terms with the Protestants. The Catholics had been deprived of this right since 1728 [1 Geo II, c. 9, s. 8; Simms 1960/61; Malcomson 1978: 69]. This right was granted by 144 to 72 votes. It was also provided that Catholics might hold offices under the crown. But there remained exceptions: they could not become judges in the superior courts, law officers, king's counsel, generals on the staff, and privy councillors. However, the Catholics could now also become members of corporations. All this was granted without demanding from the Catholics that they took the oath of abjuration; taking the oath of allegiance to the King was deemed sufficient.

Furthermore, the Catholics were permitted to enter and take degrees in the University of Dublin. It was also provided that Catholics could keep arms on the same terms as Protestants if they possessed a freehold with a £ 100 or £ 1,000 of personal property. If they were £ 10 freeholders or possessed £ 100 worth of personal property [this was amended in the House of Lords to £ 300] they might keep arms if they took the oath of allegiance and filed affidavits as to their property. But there was one concession which was not being made: Catholics were still not admitted to parliament. A motion to admit them to the membership in the Commons was defeated by 163 to 69 votes [Parl. Reg. Ire. XIII (1793): 253-5].

One reason for the support of the bill by the majority in the House of Commons was certainly the

recognition "that the concessions proposed by the British Government would be less damaging to the Ascendancy than a situation in which the Catholics continued to regard the Irish Parliament as their enemy and the British Government as their only friend" [Malcomson 1978: 354]. Furthermore, the Protestant ruling class was obviously concerned to achieve at least a certain degree of content and unity in a period of emergency (after all, Great Britain was at war with France since February 1). There was a clear understanding that concessions to the Catholic reformers would forestall an even closer alliance between them and the radical reform party. The acceptance of the proposed measures of relief by the Catholic Committee was an undoubted victory for the government, in as much as it deprived the radical reformers of the main inducement they had held out to the Catholics [Rogers 1934: 308; McDowell 1986: 318].

The granting of the parliamentary franchise to the Roman Catholics produced an unintended result in those parts of the country where Protestants and Catholics were not unevenly divided. In their petition to George III, the Catholics had pointed out that

it continually happens ... that multitudes of the Catholic tenantry in divers [!] counties in this kingdom are, at the expiration of their leases, expelled from their tenements and farms to make room for Protestant freeholders, who, by their votes, may contribute to the weight and importance of their landlords ... [Plowden 1803/II, App.: 218].

With the 1793 Relief Act, the religion of his tenantry became immaterial to the landlord. The Protestant farmer found himself now in a potentially fierce competition with Catholic farmers for vacant farms without being able anymore of drawing an advantage out

of a political monopoly [Falkiner 1902: 49-50]. I will discuss later how this competition precipitated the conflicts between Defenders and the Orange Orders in Ulster and thus contributed to yet another area of instability.

The government also decided to placate the moderate Whig opposition. In the parliamentary session of 1793, the whole system of revenue was revolutionized. The old hereditary revenue was abolished and the old distinction between it and the additional duties ceased to exist: from now on, the whole revenue was to form a consolidated fund. A fixed civil list was granted to the King which was never to be more than £ 145,000, exclusive of the pension list. It was enacted that the whole amount of pensions should be gradually reduced to £ 80,000 per annum. To achieve this, no single pension of more than £ 1,200 a year was to be granted except to members of the Royal Family, or on an address from both Houses of Parliament. When the pension list had been reduced to the amount of £ 80,000, an additional £ 80,000 per annum should be granted with the civil list of £ 145,000, making in all £ 225,000 p.a., which should go to the payment of all expenses of the civil list, including pensions [33 Geo III, c. 34; O'Brien 1918: 333]. For the first time, Irish finances had, theoretically, been put under the control of the Irish Parliament.

A Place Act excluded from the House of Commons persons holding a group of specified offices, pensioners during pleasure and any person holding a place created after the passing of this act. It also provided that all members who accepted offices already in existence were to vacate their seats, although they

might seek re-election, and every member of parliament, before taking his seat, was to swear that he did not hold any pension or office which might incapacitate him from sitting [33 Geo III, c. 41].

A Barren Land Act [33 Geo III, c. 25], which provided that barren land brought into cultivation should be exempted from tithe for seven years; a Hearth-tax Act [33 Geo III c. 14], which exempted occupiers of a house with only one hearth from hearth-tax; a Libel Act [33 Geo III, c. 43], which provided that juries in libel cases might bring in a general verdict upon the whole matter at issue, instead of being confined to the questions of publication and of meaning; and the East India Act [33 Geo III, c. 31], which gave Ireland the right to participate in the East India trade: All these acts constituted concessions of the government to the Whig opposition in Ireland [Lecky III: 182-7; McDowell 1979: 435-6].

C) The repressive policies of the Irish government in 1793

This policy of concession was accompanied by a policy of repression directed against the radical opposition. This policy began with the government issuing a declaration on March 11 which, in effect, suppressed the obnoxious Belfast Volunteers [declaration quoted in: Belfast Politics 1794: 139-40]. The magistrates and peace officers of Belfast were charged with the duty of dissolving the Volunteer corps and the Commander of the troops in Ulster received orders to assist the civil power with all the force at his disposal [Rogers 1934: 311]. The Belfast Volunteers succumbed.

The Dublin Volunteers were not stirred by this repressive government policy and volunteered to hand over their cannon and arms to government. They had already demonstrated at the Ulster Volunteer convention in February that they were unreliable allies of radical opposition and rather responsive to Charlemont's moderate policies [Rogers 1934: 290]. The parliamentary Whig opposition at large kept quiet because there was the prospect for them to see long-demanded reforms enacted in parliament. The Catholics, too, were disinclined to commit themselves in expectation of the promised relief act. And the declaration of war by France on Great Britain on February 1 together with the imputed excesses of the Revolution in Europe had rather heightened the public's distrust of any opposition to constituted authority [Rogers 1934: 311-12].

A Gunpowder Act [33 Geo III, c. 2] made it an offence to import or transport arms or ammunition without a licence. The Convention Act [33 Geo III, c. 29], which became law in August 1793, prohibited assemblies purporting to represent the people under the pretence of preparing or presenting petitions to the King or parliament. Declaring assemblies appointed to represent "the people of the realm", or any section of the public, to be unlawful, it deprived the opposition of its principle instrument with which it had tried to exercise pressure on parliament since the American War of Independence [McDowell 1986: 331].

The mainstay of the repressive policy was the formation of a militia force [33 Geo III, c. 22]. The government considered it "essential to the safety and protection of this realm and its constitution" that "a respectable military force under the command of

officers possessing landed property within this kingdom" was established [33 Geo III, c. 22, s. 1]. But forming the militia had not been a policy objective for which the government had been striving out of its own volition. In May 1790, the Lord Lieutenant had expressed very eloquently the dilemma which a militia force would pose for the government:

The establishment of a militia in Ireland seems attended with unsurmountable difficulties; if it could be raised, would be burthensome [sic] and oppressive to a great degree, especially considering the disproportion of Protestants and Catholics. Considering the militia with a view to the government of England, the militia would form a military body of the inhabitants of the country, who, upon any disagreement between England and Ireland, would certainly be actuated by the popular opinion. The strength of the militia would form an argument against the necessity of so large a military force, and would probably, in the end, cause a reduction of the military establishment. It would change the power of the sword, *lex ultima regum*, from the English army to the gentlemen of the country ... Upon one idea only I think the subject can be considered ... the danger that the volunteering spirit should be renewed, and whether that spirit might not be counteracted by this establishment [in: HMC Fortescue I: 583].

To form a militia would thus lead to yielding considerable power over the means of coercion to the local gentry which was rather undesirable from the point of view of the Irish administration. If, however, armed citizens were roaming the country as Volunteers, then yielding power and co-operating with the local aristocracy and gentry would be the lesser of two evils.

Confronted with the political and social turbulence in Ireland, Westmorland and the administration gradually changed their opinion. In November 1792 Westmorland maintained that it seemed

"possible to form a militia that may tend very much to strengthen the hands of government and enable his majesty whenever occasion requires to employ elsewhere his British forces". He was aware, however, that the formation of a militia was "a question of great nicety and difficulty and I should hesitate somewhat more on the subject if I were not apprehensive that a general arming of volunteers ... was about to be renewed" [quoted in: McAnally 1949: 9-10].

Disturbances during the winter of 1792-3 did indeed lead to a revival of the old Volunteer corps. Serious disturbances over grain prices broke out in County Cork and County Waterford. As the Irish administration failed to deal with these disturbances in an effective way, the Volunteers were revived in the form of local police forces. The resurgence of the Volunteers in the North appears to have primarily been the result of the sectarian character of the disturbances, especially noticeable in Louth, Cavan and Monaghan. There, Volunteer corps were revived to counteract Catholic associations [Bartlett 1988: 195-6]. The internal threat to 'good government' posed by these Volunteer corps, which were beyond the control of the Castle authorities, and the external threat to the imperial order by France changed the parameter for the Irish administration. Aware of the voluntary arming that had taken place during the American War of Independence, the militia was thought of by government as a timely and useful measure to prevent this from happening again in the anticipated confrontation with France.

A week after the proclamation which had effectively suppressed the Volunteers in Ulster in March 1793, the Chief Secretary wrote to the British government that he looked upon the militia

as the most useful measure both to England and Ireland that ever has been adopted, and if I am not extremely mistaken, it will operate effectually to the suppression of volunteering, to the civilisation of the people, and to the extinction of the means which the agitators of the country have repeatedly availed themselves of to disturb the peace ... I am happy to add that there is every appearance of the restoration of peace in Ireland [quoted in: Lecky III: 179].

The Militia Act passed parliament without much debate [Parl.Reg.Ire. XIII (1793): 384-91, 417-8, 426-7, 442-3]. It provided that each county or city of county was to raise a regiment. Considerably influenced by the codified English militia act of 1786, it was stipulated that it should be decided by ballot who was to serve in the militia. Each county and county borough was given a figure for the numbers of men it had to provide. The counties were divided into subdivisions and parish constables were to draw up lists of all eligible men within these areas. A final list was to be drawn up after appeals had been heard and exemptions been made. The ballot would then commence and continue until the 'quota' for that subdivision was reached. Substitutes were allowed and so too were volunteers. It would seem that to a large degree the militia ranks were eventually filled by recruits who had volunteered for service [McAnally 1949: 29-30].

The Lord Lieutenant was to appoint the lieutenant-colonel commandant of each regiment; the commandant, in turn, nominated officers, subject to the Lord Lieutenant's approval. Property qualifications applied for the commissioned officers. It was laid down that the militia should receive four weeks' training in peacetime, but in times of emergency it could be embodied permanently. There was

a firm guarantee that the militia would not be sent abroad. Roman Catholics, now allowed to carry arms by the Catholic Relief Act, were not barred from serving in the militia [McAnally 1949; McDowell 1979: 491-2; Ferguson 1981: 145 ff.].

This force of 15,971 men in thirty-eight regiments became largely absorbed into civil duties. Dispersed throughout the country on a county basis with each militia corps serving outside its own county, the militia, initially, was a quasi-police force, policing the countryside and protecting magistrates [McAnally 1949: 278 -90]. In 1798, the militia would support the army in putting down the Rebellion.

It has been said of the militia that it was "in conception, and probably quite largely in reality, mainly a peasant force officered by country gentry". As the Volunteers were mostly middle class "it was therefore antecedently improbable that many ex-volunteers would be found in the militia; the middle class being even more disinclined to leave its own home place, and its business association, than the peasant class. The militia was definitely a new departure. The volunteer organizations faded out of sight ... [McAnally 1949: 60].

Resistance to the implementation of the militia act was widespread and militia disturbances accompanied the setting up of the militia corps in most counties. The opposition to the formation of the militia appears to have been stirred primarily by the fear of overseas service of the militia corps and by the compulsory element which was introduced into recruiting as a consequence of balloting [Lecky III:

216]. Within the province of Leinster, Co. Wexford, Co. Meath, and the Carlow, Kilkenny, Queen's County triangle were the areas most affected by militia disturbances. Co. Louth, where John Foster was the commander of the militia, was generally quiet, and so too was Dublin, city and county. In the province of Munster, Kerry and Limerick were the most disturbed areas, but there was also some trouble in Tipperary and Clare. The counties of Sligo, Roscommon and Mayo in the province of Connacht witnessed the most serious resistance to the militia. Ulster was the least disturbed of the four provinces, but there, too, some resistance to the militia took place. The most serious of these acts of resistance occurred in Co. Down where there was trouble at Rathfriland and Killinchy, and a full-scale riot at Castlereagh. The relative peacefulness in Ulster was explained by Westmorland by pointing to the activities of General Whyte's troops which had violently repressed radicalism a few months before the militia crisis: "The north having been lately dragooned remains in sullen silence" [quoted in: Bartlett 1988: 211; Bartlett 1988: 200-12 also the source on the regional militia riots].

Responding to these disturbances, the government encouraged voluntary enlistments and made some provision for the families of those who were drawn by ballot [33 Geo III, c. 28]. It also gave public assurances that there would be no overseas service for the militia. But sending in the troops to quell the disturbances was the government's main response. In these riots, which flared up in May and had run their course by August, as many as 230 lives had been lost throughout Ireland. This compares to around fifty deaths which resulted from, or were attributable to,

agrarian disturbances in Ireland between 1760 and 1790 [Bartlett 1988: 193, 212].

The violence shown in these disturbances by both rioters and the troops has been explained as a consequence of the 'end to moral economy' [Bartlett 1988: 214-8]. The Catholic Relief Act of 1793 is the cornerstone of this argument. Bartlett points out that in the minds of the Catholic peasantry the Relief Act had been linked to hopes of social reform: "They [the Catholics] have been taught that the elective franchise will improve their condition and they connect with it the non-payment of rents, tythes and taxes, the only objects of their consideration", Westmorland wrote to Dundas in November 1792 [quoted in: Bartlett 1988: 215, n. 114]. But instead of social reform, the Relief act was accompanied by a Militia Act. It was thus understandable that the anti-militia riots should soon throw up the historic peasant grievances of tithes and taxes, but also of priestly dues and food prices. It was rumoured that the formation of the militia was the price the middle class Catholics in the Catholic Committee were prepared to pay for their relief act and that the Catholic priests had agreed to help implement the Militia Act. The Catholic Relief Act had thus disorientated and effectively split the Catholic community [Bartlett 1988: 215-6].

Protestant morale and self-confidence, on the other hand, had been shattered in recent months as a result of the actions of Pitt's government with regard to Catholic relief in 1792 and 1793. Suspicion, hatred and fear of the Catholic masses succeeded this loss of self-confidence and the Protestant resignedly accepted the gulf between the Catholics and the Ascendancy :

"Not only had the peasantry been apparently abandoned by their Catholic betters, so too they had been actually abandoned by their Protestant superiors" [Bartlett 1988: 216].

It is possible to describe the constellation of interests in the summer of 1793 without falling back on the analytical concept of 'moral economy'. I have argued in this chapter that the formation of the Society of United Irishmen in 1791 reflected the radicalization of Protestant middle-class opposition to the *status quo*. Demanding parliamentary reform, and in particular a reform of the electoral system, and advocating the political and social equality of (middle-class) Catholics, the aims of the middle-class United Irish went well beyond those of the majority of parliamentary Whig opposition which was, and intended to remain, part of the Anglo-Irish Ascendancy. The revival of the Catholic Committee and its take-over by the leaders of the Catholic middle-class similarly indicated a radicalization of Catholic demands. But as this radicalization was taking place and was leading to an ever closer, if uneasy, co-operation between radical Protestant reformers and the politically organized Catholic middle-class, the Anglo-Irish Ascendancy closed ranks and became ever more entrenched.

Mainly under pressure from Britain, whose policy towards the Irish Catholics was increasingly determined by imperial considerations in view of pending military conflicts with France, some sort of Catholic relief, giving Catholics the right to vote in parliamentary elections, was conceded by an unwilling and unsympathetic Ascendancy. But concessions to the parliamentary Whig opposition were exchanged by the

government for connivance of the Whigs in a repressive law-and-order policy. Not only did government virtually suppress the Volunteers, it also established a militia force in 1793 in a situation of internal political and social turbulence and of war with France. Beware of the general arming of volunteers in the American War of Independence, government did not want to risk another humiliating and politically detrimental dependence on troops it could not control.

By the summer of 1793, the moderate Whig opposition had achieved some of its objectives for which they had been agitating for a long time. Concerned about the connection between Great Britain and Ireland, a period of war was not the time for them - after '1782' - to mobilize against British, and imperial, interests. And in any case, should the war with France drag on, there would very likely be some form of realignment or even coalition between the English Tories and Whigs (as there had been during the American war), with beneficial repercussions for the Irish Whigs. The Catholic middle class, too, had been rather successful over the last few years. Although still debarred from sitting in parliament, the Catholic middle class had gained a slice of political power, not through violent commotion, but, as they saw it, astute political manoeuvres.

There was no reason for either of these social groups to form an alliance with the political losers. None of the grievances under which the peasants suffered had been solved, and neither had the parliamentary and constitutional reform, for which the radical opposition had fought, materialized. And because of all this, the government had won as well: it had succeeded in splitting the opposition to its

policies without making any concessions which would have struck at the heart of the power structure which favoured the Anglo-Irish Ascendancy. With the Whig party thus even more strongly drawn into the Ascendancy, and the Catholic middle class partially incorporated into the political system for the first time, there was no danger that a show of force on the part of the government would have any (immediate) negative repercussion. Rather the reverse: it would reassure the ruling elite that it still had the power and capability of dealing with unruly elements. In any case, the war with France made it imperative for the administration to maintain 'good government' and public order in Ireland and gave more than ample justification for meting out rough treatment for those bent on being troublesome.

The newly formed militia corps, however, did not ensure internal tranquillity. As a matter of fact, the militia contributed to a restructuring of the conflict constellations of Irish society and their organizational forms. In particular, the embodiment of the Irish militia was instrumental to the spread of 'Defenderism'. To understand the formation of the secret society of the 'Defenders', whose members were mainly Catholics, it is necessary to survey the agrarian class structure of Ulster in the second half of the 18th century.

XV. The beginnings of Defenderism and Orangeism in Ulster.

Under the scheme for the plantation of the escheated lands in Ulster in the early 17th century, landlords had been granted extensive powers under royal patents. They were given the control over local government and were permitted, as the owners of the lands, to pursue a flexible policy as to the leasing of their holdings. The conditions in their patents required the landlords to build stone or brick houses with fortified enclosures and to keep arms for their defence. This meant that they had to invest large sums of capital, not only in order to develop the potentials of their land and to realize the value of their estates, but also in order to conform with the stipulations of their patents. As they themselves did very often not command the required capital, they were compelled to lease land for rent to tenants. Initially, however, only one group of colonizing landlords, the 'servitors' (those men, normally soldiers, who had served the crown in Ireland), were permitted to take native Irish tenants, whereas the other group, the 'undertakers', were required to bring over English or Scottish settlers. But as the 'undertakers' found it difficult to obtain British colonists the Crown could be persuaded in the late 1620s to permit them to lease land to the Irish in terms similar to those enjoyed by the British settlers.

The small scale of immigration from Britain together with the impecuniosity of landlords during the seventeenth century gave prospective tenants a very strong position from which to negotiate leases.

With economic conditions in many areas remaining largely adverse as late as 1750, the tenants in Ulster gained long leases on good terms, established the right to sell their lease to another person without undue interference from the landlord, and had the justice of their claim accepted that they were entitled to renewal of the lease at its expiry on offering to pay the current value of the farm in increased rent [Crawford 1975: 6-12; Crawford 1978: 194-6; Crawford 1979: 186; Crawford 1983: 63; Roebuck 1988: 84-5; Beckett 1981: 45-6].

From mid-century onwards the relationship between landlords and tenants was transformed throughout Ulster. One reason for this change lay in the increase in population. Between 1753 and 1791 the population of Ulster doubled from some 600,000 or 700,000 to more than 1,400,000 [Daultrey et al. 1981: 624]. The increasing demographic pressure on land resources in conjunction with the overall upturn in the economy, which has already been described at the beginning of this discussion of the Irish case, brought about a steep rise in the value of land and a rapid upward movement in rent levels [Clark/Donnelly 1983c: 144; Kirkham 1988: 100; Gibbon 1972: 143-7]. In order to realize the favourable potentials of the demographic and economic constellations for increasing their income from rent, the landlords typically resorted to a policy of setting land directly to original sub-tenants and of the general rise in rents as soon as an old lease had expired. It has already been discussed that the Steelboy disturbances of the early 1770s reflected the struggle between one 'improving' landlord and his tenants and sub-tenants over attempts to realize the increase in the value of the land. Nowhere were the changes in the agrarian class

structure more momentous, however, than in the linen triangle between Belfast/Lisburn, Dungannon and Newry [Crawford 1971: 117-44].

As a result of the Cattle Acts of the 1660s and the removal of duties on Irish linens in 1696, the domestic linen industry was well established before the turn of the century. In the 18th century the linen industry was Ulster's main source of prosperity. In the improving economic climate after 1740 many tenants on long leases realized that there was more profit in sub-letting land for small farms to weavers than in farming. So lucrative became the domestic linen industry that Ulster experienced an overall decline in agriculture in the second half of the 18th century. One consequence of the dominance of the linen industry was the evolution of a society of small tenant farmers. The income available from yarn and cloth production enabled families to maintain themselves on smaller holdings. The opportunities which the linen industry provided for young people to set up and maintain homes of their own stimulated the subdivision of holdings. And so did the expansion of the linen industry which enabled many independent weavers to take in cottiers in order to put out work to them [Crawford 1979: 188; Kirkham 1988: 100].

Furthermore, the letting policy of the landlords gradually destroyed the substantial farmer class:

In the districts where the domestic industry of weaving fine linens was spreading through the countryside, landlords were jealous of the profits made by many farmers in subletting holdings to weavers on short leases. Whenever these leases fell due for renewal, landlords insisted on renewing to the farmers only the holdings they actually occupied and on letting the properties that the farmers had sublet, directly to the weavers who lived on them. This measure destroyed the farming class in these

districts, and the weavers' holdings continued to subdivide so that by the end of the century the average size of holdings in County Armagh was little more than five acres ... [Crawford 1983: 63; Crawford 1975: 12 - 4].

The displacement of the substantial farmers and middlemen made it imperative for the landlord and his agent to deal directly with their numerous tenantry. As it proved to be administratively impossible for the landlords to ensure that all tenants adhered strictly to the stipulations of their leases, the new leasing policy typically led to an increase in the tenants' room for manoeuvre [Crawford 1975: 15; Crawford 1983: 63]. In their function as social brokers, the middlemen had contributed to the cohesion of social life in the countryside [Cullen 1981: 104]. The economic decline of the middlemen and the substantial farmers, therefore, also brought a decline in the efficiency of this traditional kind of social control.

The changes in the organization of linen manufacture added to the weakening of traditional mechanisms of social control. In the course of the 18th century, a significant section of the weavers in the 'linen triangle' lost their economic independence and underwent a process of proletarianization:

Earlier in the century weavers had ordinarily been independent entrepreneurs, buying yarn and selling cloth in the open market [on their own account]. By the 1760s, however, weavers increasingly found themselves dependent upon wealthier drapers, who would issue yarn to a weaver unable to buy it on his own account and would then pay for the resulting cloth by the piece. As the weaver was drawn into this system, he lost his independence and became an employee even though his home might continue to be his workplace [Miller 1983: 157; Gill 1925: 2-3, 144-60; Gibbon 1972: 148-9].

It has been estimated that 35 per cent out of a total of 35,000 weavers in Ulster in 1770 were producing within such a relationship of economic dependency, whereas in 1784 this number had increased to 40 per cent out of a total of 40,000 weavers [Gill 1925: 162]. The landed elite could exercise little social control over these rural weavers who had become virtual employees in a wage system [Miller 1988: 90-11].

County Armagh was roughly divided into three main settlement areas with Presbyterians (or 'Scots') being sandwiched between Anglicans (or 'English') in the north of the county and Catholics (or 'Irish') in the south. But nearly everywhere in Co. Armagh, Catholics were at least a substantial minority. But prior to the 1740s, Catholics had refrained from commercial linen weaving; by the 1780s, however, they were definitely engaged in weaving, though probably seldom as employers [Miller 1983: 160-11]. The Catholic Relief Acts of 1778 and 1782, which permitted Catholics to purchase and hold leases on land on an equal footing with Protestants, increased the ability of Catholics to compete for land with the Protestant weavers. The fear of the Protestant lower class that the intrusion of Catholics into all branches of the linen industry and their competition for land would threaten their interests was heightened by the policy of some radical Volunteer corps which opened their ranks to Catholics in order to combat the loss of political momentum they had been experiencing since 1784 [Stewart 1977: 130; Senior 1966: 6-7].

It was in these conditions that Protestant weavers banded together in groups, which were to be called the 'Peep o' Day Boys', and began daybreak

raids on the homes of Catholics in order to prevent the accumulation of arms amongst the Catholic peasantry. These activities can also be understood as attempts on the side of the Protestant weavers to block the creation of a free and unrestricted labour market which was thought to undermine a structure of social inequality from which they had hitherto benefited [Gibbon 1972: 150-1]. In response to these attacks Catholic bands were formed which called themselves 'Defenders'. Among their members were weavers, labourers, and tenant farmers who were also involved in some kind of domestic industry. In a later phase, when Defenderism was spreading beyond Armagh, it appealed strongly to radical urban artisans and petty shopkeepers thus shedding some of its initially exclusively rural associations. But Defenderism always remained committed to the idea of forming a secret organization which was to be based on masonic-like practices, and the movement was bound together in lodges by rituals, oaths and catechisms [Beames 1975: 504; Elliott 1982: 18-20, 40-1; Senior 1966: 8-9, 12; Garvin 1981: 27-31; Curtin 1985: 478].

As Miller [1983: 170-81, 187] argues, in the first three or four years of the troubles landlords seem to have generally sympathized with Catholic victims of the Peep o' Day Boys, advising them to purchase weapons or even lending arms to Catholics [also: Senior 1966: 9]. In view of the decrease in the effectiveness of the traditional means of social control, landlords resorted to a strategy of incorporating Protestant agitators into the Volunteer corps. By 1790 this strategy had by and large succeeded in disciplining the Protestant Peep o' Day Boys. The Catholics, meanwhile, "were confirmed in the

belief that the Protestant rabble was being deliberately set upon them" [Miller 1983: 174].

This conflict pattern, which resulted initially from the gentry's particular strategy of gaining control over the Protestant lower class, was consolidated by a shift in the attitude of landlords towards the Catholics. More and more, violent incidents were arising, not so much out of public brawls or faction fights which were considered as politically harmless forms of recreation, but out of demonstrations:

A successful Catholic attack upon a Volunteer procession or other Protestant parade would betoken Catholic ascendancy in the territory in question. Many landlords believed that Catholics were entitled to the quiet enjoyment of their lives and possessions, but few could contemplate with equanimity a challenge to the proposition that all of Ireland was Protestant territory. For upon this proposition their moral claim to their own landed possessions rested [Miller 1983: 175].

The economic conflict, which was structured along sectarian lines, thus increasingly took on the form of a political confrontation between the Protestant Ascendancy, which was represented in the Volunteers as the local police force, and the Catholic Defenders.

The Defenders, then, had their origins in the socio-economic conflict between the Protestant and the Catholic lower class that materialized in County Armagh in the 1780s in the form of sectarian feuding. By 1795, however, Defenderism had spread to at least thirteen other counties. The formation of the militia in 1793 played a crucial part in spreading Defenderism. It has been argued that the anti-militia riots, and their bloody suppression, helped create an anti-state ethos on which Defenderism could feed

[Bartlett 1985a: 375]. In those counties where they were already organized the Defenders took an active role in the riots. By May 1793, their movement had also spread into riot-torn areas like Sligo and Leitrim [Elliott 1982: 45]. But supporters and members of the secret society of the Defenders became also enrolled in the new militia corps:

The militia was organised mostly on a county basis and its rank and file consisted largely of the catholic rural poor, precisely the sort of people who appear to have found Defenderism appealing. There can be no doubt that many Defenders were balloted into a number of militia regiments and, since regiments generally were not permitted to serve in the counties where they were raised, some regiments, as they travelled around the country, became agents for the diffusion of Defenderism into new, 'uninfected' areas [Bartlett 1985a: 375].

The organization of the Irish militia, therefore, was instrumental to spreading Defenderism [MacNeven 1807: 120-1]. Furthermore, however, the Defenders succeeded in attracting widespread rural support outside of Ulster in consequence of the fact that they did not limit their goals to narrowly sectarian issues. Their aims were extremely diverse. They normally reflected the grievances of the different localities into which the movement penetrated. Among their general aims, which they pursued in every district, were the regulation of tithes and the opposition to tithe proctors or tithe farmers. They sought the reduction of hearth-money and rents and they agitated against the price of conacre land and the level of labourers' wages. They also attacked the high level of priests' fees. With regard to these goals, the Defenders stood in the tradition of earlier agrarian protest: "But unlike the programmes of previous agrarian societies, that of the Defenders also included vague plans to assist a French invasion,

bring about an Irish rebellion and secure a redistribution of Protestant estates among the Catholics" [Elliott 1978: 417; Bartlett 1985a: 376].

In the northern part of the province of Connacht and in County Meath, for example, the Defenders gained support from peasants who had been adversely affected by the embargo on grain exports from Irish ports shortly after the commencement of war with France. A switch to the production of beef brought huge increases in the value of that land which was suitable for extensive grazing. This development gave an incentive to reducing the area of land available for tillage and to raising the prices of potato ground and conacre to much higher levels. In 1795 the agitation for relief of economic hardship through either the raising of wages or the lowering of rents helped the spread of Defenderism in County Meath [Hogan 1976: 42-3; Kerrane 1971: 55-68; McDowell 1986: 346-7].

In this region, conflict was fierce. The houghing of cattle and the raiding of houses for arms seem to have been widespread in Co. Leitrim and Roscommon in April 1795. Even more alarming to the authorities must have been the killing of eleven revenue officers by Defenders in Leitrim in the same month. In May, the army killed about thirty Defenders in Co. Roscommon and between seventy or eighty Defenders in Co. Westmeath. In Castlerea in Co. Mayo, where "the Defenders had establish'd a democracy ... and its laws were submitted to", the army under its Commander Lord Carhampton behaved in a ruthless way: "The army has scour'd a great tract of country in the night and taken out of their beds all suspected persons. Lord C. ordered the soldiers always to fire upon those who assembled in arms; and that all lurking strangers

should be apprehended as vagrants and sent to sea" [[governmental document in: Bartlett 1985a: 382-3; cf. also: Moore Diary I: 271]. This highly irregular method of sending unconvicted prisoners to sea was meant to overcome the difficulties in getting convictions for captured Defenders through normal legal processes. It has been estimated that more than a thousand men were dispatched to the tenders through these procedures [Lecky III: 420; MacNeven 1807: 112 speaks of "nearly 1300"].

But in the province of Connacht, support for the Defenders was not solely based on economic grievances. In September 1795 a pitched battle between Peep O' Day Boys and Defenders took place at a crossroad near Loughgall, in north Armagh, 'the Battle of the Diamond'. In this affray between some 300 Catholics and a smaller group of Protestants, the Defenders were completely routed with thirty Catholics being killed. After this battle the victorious Protestants set up an Orange Society, and began to organize themselves in Orange lodges to protect their own immediate interests and to maintain the Protestant Ascendancy. During the next few months several thousand Catholics from Armagh, Tyrone, Down and Fermanagh were persecuted and driven from their homes [MacNeven 1807: 114-5; Tohall 1958; Beckett 1981: 257; Elliott 1982: 72; Bartlett 1985a: 375; McDowell 1986: 347; Senior 1973: 36-45].

"Acts of the greatest outrage and barbarity" were committed by the Protestants with the connivance of the local magistrates, as the Lord Lieutenant, Camden, noted in January 1796 [quoted in: Lecky III: 434]. Lord Gosford, the governor of Co. Armagh, claimed in December 1795 that the "merciless persecution" of Catholics by "lawless [Protestant] banditti" which

aimed at "confiscation of all [Catholic] property, and immediate banishment" did not meet with determined resistance by the local law-enforcement agencies: "The spirit of impartial justice ... has for a time disappeared in this county, and the supineness of the magistracy of this county is a topic of conversation in every corner of the kingdom" [quoted in: P.P. HC 1835 [377], XV: 229-30]. Such was the involvement of the officers of the peace in the atrocities that government considered it necessary in spring 1796 to pass an act indemnifying *ex post facto* the behaviour of the Protestant law officers [cf. following section on "Enforcing 'law and order', 1795-98"]. As many of the persecuted Catholics took refuge in Connacht, they initially mobilized for the cause of the Defenders by relating their experience.

By 1795, then, Defenderism had become a national movement. In most areas, in which it had emerged, Defenderism championed the interests of the Catholic farmers and small-holders against the clergy. In Armagh, the Defender movement opposed Protestant peasants; outside of Ulster, it threatened landlord interests and, in the South, it opposed tithe-proctors; and by infiltrating the predominantly Catholic militia and by espousing revolutionary goals it challenged the authority of the Irish government and the supremacy of the Protestant ascendancy at large [Senior 1966: 21; Senior 1973: 36-7; Rudé 1978: 37].

Carhampton's exertion in Connacht and the persecution of Catholics in Armagh contributed powerfully to the alliance between Defenders and United Irishmen. It was to the Armagh persecutions that, in retrospect, the United Irishmen attributed

the increase in supporters after 1795 [MacNeven 1807: 115-20; MacNevin 1846: 287; Castlereagh Memoirs I: 356-7; Elliott 1978: 424; Elliott 1982: 72-4; Curtin 1985: 484-6]. Orangeism added repression by Protestants, who were not constrained by the gentry, to that handed out by official government forces: "By the end of 1795, the Defenders were confronted with a government ruthlessly bending the law in order to deal with agrarian outrages and by newly-organized bands of protestant loyalists receiving sympathetic support from some members of the gentry. The Armagh outrages thoroughly demonstrated Defender vulnerability to this twin assault. It is small wonder, then, that the Defenders began to look for allies in their struggle" [Curtin 1985: 486]. An alliance with the United Irishmen thus became a possibility.

The United Irish had gone underground after the Dublin police had suppressed their organization in May 1794. Since then, Irish political radicalism had been in disarray. The Gunpowder Act, the Convention Act, and the suppression of the Volunteers early in 1793 had destroyed their means of bringing their political ideas to bear effectively on parliament. The connivance of the Whig opposition in parliament with this repressive legislation had further weakened the links between parliamentary and extra-parliamentary opposition to the upholders of the *status quo*. This legislation had been passed in a situation of war which had given conservatives a cause to rally round and offered an opportunity for moderate reformers to reconsider their activities and even abstain from further agitation out of national loyalty. Furthermore, the cause of the radical reform movement had been weakened by the legal campaign of the British and Irish authorities against conspicuous radicals all

over the British Isles. In the first half of 1794, sufficient convictions were secured by the Irish government to undermine the organization and the confidence of the Irish radicals.

When in February 1795 Earl Fitzwilliam, a supporter of the Portland Whigs, was dismissed as Lord Lieutenant after only a few weeks in office, leaving Ireland finally in March, the government had made it clear that there were to be no further concessions to the Catholics. Proposals to allow Catholics to sit in parliament were defeated in the House of Commons by 155 to 84 votes. Irish Catholics and political reformers had then realized that reform by conventional and legal methods was impossible under the existing system. A revolutionary overthrow of this system became thus ever more the objective of the radicals. To bring this revolutionary transformation about, the United Irishmen attempted to harness to their purpose the agrarian discontent which was associated with Defenderism. Such an alliance was also considered imperative in order to convince the French government that it could play that role in Ireland which Britain had played in the civil war in the Vendée: as a foreign power in support of insurgency against established authority [McDowell 1979: 438-9; McCracken 1973b: 62; Curtin 1985: 466-8; Elliott 1978: 422-3; Elliott 1982: 67-71, 96, and chap. 3; Bolton 1966: 15-20].

As the co-operation between United Irishmen and Defenders took shape, so Orangeism gathered strength. At first, government was unwilling to support moves by Protestants towards establishing "loyal associations" which, it was proposed, should be made up of Orangemen. The Lord Lieutenant, Camden, maintained

that such associations would be construed into Protestant combinations, supported by government, against the Roman Catholics [Senior 1966: 41-7]. The government saw quite clearly that "the irritating conduct of the Orangemen in keeping up persecuting against the Catholics" was used by the radical opposition for gaining new recruits [Senior 1966: 45, 48-9]. But the rise of the Orange Order could not be stopped or contained, and as disaffection spread, government could not afford to forego the support of the Orange Lodges. In summer 1796, the Orange Order numbered perhaps several thousand organized into about ninety lodges. They operated under the cautiously-exercised authority of a minority of Ulster landowners and magistrates who were strongly opposed to any concessions towards the Catholics. In summer 1797, however, the Orange lodges had gained a recognized position in Ulster, enjoying the open support of a powerful section of the gentry. At that time, they were accepted as allies by the government. This was the case particularly with Orange lodges which were under the direct influence of the gentry. With the founding of a gentlemen's Orange lodge in Dublin in June 1797 a first step was taken towards the creation of a national movement. High offices in the Orange movement were henceforth to be filled by the "gentleman class". To work in co-operation with Orangemen which were being led by members of the Protestant gentry was, by and large acceptable, for a government that saw itself under siege [Senior 1966: 51; 75-9, 90].

Orangeism owed its progress to the continued unrest which was kept up by the Defenders in alliance with the United Irishmen. By August 1796, disturbances were widespread in the counties of Antrim, Derry, Down

and Tyrone, but disaffection, yet less violent, had also appeared in Sligo, Roscommon, Leitrim, Westmeath, Meath, Kildare, Dublin, Longford, Fermanagh and Louth [Stoddart 1972: 61]. Popular disaffection had also experienced a boost by the attempt of a French invasion fleet to land in Ireland in December 1796. Though a most bungled exercise, which was not coordinated with the United Irishmen and which, in the end, came to nothing because of disagreement among the French commanding officers and because of bad weather, it boosted the radicals' morale by convincing them that France would support an Irish uprising [Elliott 1982: 109-23].

Such was the unrest in the north in March 1797 that government instructed General Lake to disarm the province. Pelham informed Lake that in pursuit of this goal he was empowered to act, if need be, without legal authorization by the local magistracy:

His Excellency ... authorizes you to employ Force against any Persons assembled in Arms, not legally authorized so to be, to dispense all tumultuous Assemblies of Persons though they may not be in Arms, without waiting for the Sanction and Assistance of the Civil Authority, if in your Opinion the Peace of the Realm or the Safety of His Majesty's faithful Subjects may be endangered by waiting for such Authority [JHC (Appendix 1798), app. DCCCLVII].

No 'rule of law', then, for Ulster. Worse, the army considered this order to give the troops full discretionary power to wage a 'total war' against the Catholic population. The proclamation of martial law on 17 May 1797 'legalized' this situation [JHC (Appendix 1798), app. DCCCLVII]. One commanding officer informed Lake that

I have arranged a plan to scour a district full of unregistered arms, and this I do, not so much with a hope to succeed to any extent, and to

increase the animosity between Orangemen and the United Irish. Upon that animosity depends the safety of the centre counties of the North. Were the Orangemen disarmed or put down, or were they coalesced with the other party, the whole of Ulster would be as bad as Antrim and Down [quoted in: Senior 1966: 67].

The techniques of the army for securing arms (in the possession of the Catholics) were merciless: house-burning, enforcing of free quarters for the troops, which were billeted on suspected persons, and requisitioning of provisions until all arms in the area were surrendered, in addition to other terror measures such as flogging, allowed the army to collect 6,200 serviceable and 4,400 unserviceable guns within four months [McDowell 1979: 575-82; Kee 1972: 86-8, 97]. Furthermore, under the protection of the military, the (Protestant) juries at the autumn assizes felt little restraint in convicting those disaffected who had been committed for trial [HMC Charlemont II: 306]. Though government succeeded in suppressing unrest in the North by deploying brutal force, the repressive campaign in Ulster helped to mobilize support for the radical movement in much the same way as the Armagh persecutions had done [Elliott 1982: 127-30].

Unrest in Ireland did not abate. In May 1798 disaffection turned into rebellion. The government and the Anglo-Irish Ascendancy did not go into this power struggle unprepared. Over the last few years, the government had introduced a variety of measures which were designed to maintain public order. It is these law-and-order policies and their political and fiscal repercussions that I will now discuss.

XVI. Enforcing 'law and order', 1795-98.

In the years of heightened internal and external conflict after the declaration of war in 1793, maintaining public order proved to be a challenging task for the government. The establishment of a militia force, which was designed to quell unrest, added, initially at least, to internal disaffection. To secure the prevailing of the British interest in Ireland and the dominance of the Anglo-Irish Ascendancy, major changes in the machinery for maintaining law and order were implemented during the war years.

In 1795 a new Police Act for Dublin restored local control of the police forces [35 Geo III, c. 36]. In line with the 1786 Police Act Dublin continued to constitute one district for policing purposes. This district was subdivided into two divisions, one north and the other south of the Liffey. One "superintendent magistrate" was to be in charge of policing in the district as a whole, and each division was to be headed by a "divisional justice". The act provided for these three magistrates to be chosen from amongst the aldermen of the Corporation. They were to be nominated by the lord mayor and the aldermen of the Corporation and elected by the members of the Common Council. After their election these magistrates were to be presented to the Lord Lieutenant and the Privy Council for approbation [ss. 1-5].

The "superintendent magistrate" was empowered to appoint a number of police officers. The district as a whole was to be superintended by one high constable who was to be responsible to the superintendent

magistrate only. Each division was to be headed by one "chief peace-officer" who was to control twenty-five petty constables. This Corporation police of fifty-three police officers plus the three magistrates and their secretaries and clerks were to be paid by a special government fund. The salaries of the police establishment were fixed at an upper limit of £3,900 p.a. [ss. 14, 21].

This new police force was to coexist with the individual watch of the nineteen parishes in Dublin. The act stipulated that church wardens and parishioners of each parish should appoint nine directors of the parish watch. These directors of the watch together with the church wardens were requested to appoint two constables and two sub-constables for each parish. In addition to the seventy-six parish constables the act provided for a total of not less than five-hundred watchmen to be employed by the parish authorities. All these police officers were to be under the command of the directors of the watch. But it was also enacted that "the whole watch of the metropolis are to be considered but as one body for the protection of each and every part thereof ... the said parish constables, sub-constables, and watchmen, shall in all things lawful, pay entire obedience to the lord mayor, or any justice of the peace within said district ..." [s. 72; cf. ss. 59-61]. This meant, that the operation of each parish police force was not restricted to any particular area and that in a case of emergency the parish police could be deployed anywhere within the district. Given this stipulation it is appropriate to say that this police act established a Dublin police force of 632 men, including the commanding officers (but excluding their administrative staff). Compared to the provisions of

the 1786 Dublin Police Act, the number of police officers had therefore been raised by 140.

This new act incorporated proposals which the Whig opposition had already suggested in 1789. Grattan's plan of police in April 1789 provided for a locally controlled and unarmed police force. He had suggested that each parish would have its own watch consisting of constables and watchmen under the command of one chief or head constable who, in turn, would operate under the control of the lord mayor. A city alderman and an elected committee of parish ratepayers would regulate the parish police force, and the overall control of the various forces would lie with the City Corporation [Parl.Reg.Ire. IX (1789): 423]. In March 1791, Grattan formally introduced his police bill suggesting a force of 700 men in winter and 500 men in summer, this being in addition to the forty petty constables who had been introduced by the 1786 Dublin Police Act. He had also proposed to establish two police offices, one on each side of the River Liffey. At these offices, the city aldermen should preside by rotation. He suggested to "leave the watch or city guard under the direction of the parishioners, and the whole under the direction of the lord mayor" [Parl.Reg.Ire. XI (1791): 266]. Grattan's bill was defeated by 135 to 87. In June 1793 Grattan again introduced his police bill. He proposed a police force of "550 men on an average of the year round" and suggested that the appointment of the magistrates who had the responsibility of superintending the police force should be vested in the City Corporation [Parl.Reg.Ire. XIII (1793): 455-7]. Once again, this bill was defeated by 86 to 30. One opponent argued that the bill, if passed, was set to establish "a democracy in the city, by divesting the Crown of that

wholesome controul [!] which it at present possessed over the city". It was argued that "it was highly dangerous ... to suffer the democracy to acquire an excessive preponderance in a large city; it always led to ... republican government". And in order to prove the validity of this argument, this M.P. hastened to draw the attention of the House "to the present state of Paris resulting from the same cause" [Parl.Reg.Ire. XIII (1793): 454-5].

But police reform had been in the offing since the radicalization of socio-economic and political conflicts in the winter of 1792-3. In January 1793 the Lord Lieutenant wrote to the British government that "it may seem advisable to give [government] supporters some popular ground to stand upon, in order to keep the government on its present basis, and accordingly it might be expedient to yield or at least modify some of the bills which had been proposed by opposition, such as a Place Bill, a diminution of Pension Bill, the Police Bill and the Responsibility Bill" [quoted in: Boyle 1973: 336-7; cf. also: Parl.Reg.Ire. XIII (1793): 461]. The prospect of success of police reform improved when in July 1794 the Portland Whigs entered into a wartime coalition with Pitt [McDowell 1979: 445-6]. It was during the short-lived administration of the Whig Earl Fitzwilliam that Grattan introduced his Dublin Police Bill which formed the basis of the government's own bill which it tabled a few weeks later.

It seems reasonable to assume that the government conceded a reform of the police in order to reward the supportive attitude of the Whigs towards the war efforts against France. Furthermore, after the defeat of Grattan's Catholic emancipation bill on 4 May, a

concession on police reform might have prevented an alliance between the parliamentary and extra-parliamentary opposition. But in any case, vesting power in the City Corporation had different implications now than it would have had earlier. As Grattan pointed out during the debate on Catholic emancipation, the Corporation of Dublin had been the only corporation to submit a petition against Catholic emancipation. It would seem that during the turbulences of the early 1790s the City Corporation and the guilds had become a stronghold of Protestant conservatism [Lecky III: 343, 67]. Not any longer the focal point for city liberalism, the Corporation could now be trusted with policing Dublin [Palmer 1988: 130-3; Boyle 1973: 336-40].

Set against this act, which apparently lessened government control of the metropolitan police, there were other measures which manifestly increased the government's central power of maintaining public order. Faced with the continued unrest across the country in 1796, the Irish government introduced legislation which was designed to strengthen its capacity to maintain public order. Manifestly in order not to discourage the zealous efforts of the loyal upholders of public order, government saw fit to have an Indemnity Act passed by Parliament [36 Geo III, c. 6]. This act stated that in their endeavour to "check insurrection and maintain the peace", magistrates and other persons had since January 1795 committed acts "not justifiable by law" [s.1]. However, as their intentions had been so commendable, the act provided that any proceedings brought against them for such acts should be void. This measure was complemented at the beginning of the new parliamentary season in the autumn by the suspension of the Habeas Corpus Act [37

Geo III, c. 11. Any person who was suspected of treasonable activities could now be detained by warrant signed by either the Lord Lieutenant or the Chief Secretary.

Whereas the Indemnity Act in fact legitimated unlawful action, if only it had been committed for the 'public good', the Insurrection Act, passed in March 1796, gave the law-enforcement agencies new powers so that what had hitherto been illegal was now transformed into a statutory right [36 Geo III, c. 20]. The act enabled the Lord Lieutenant and the Privy Council, at the request of the justices of the peace, to proclaim counties or particular districts within counties as in a state of disturbance [s. 16]. In proclaimed districts, a curfew was imposed and the inhabitants were forbidden to be out of their houses from one hour after sunset until sunrise [s. 17]. The magistrates were empowered to search all houses during those hours, to ascertain whether the occupants were present, or whether arms were concealed [s. 20]. Justices of the peace were entitled to demand the surrender even of those arms that had been registered under the act [s. 29]. The magistrates in proclaimed district were now empowered to do by law what had already been done previously in defiance of the law - to send people of "idle and disorderly" character to the fleet without trial [s. 18]. Those men who were out of house during the curfew, those who could not give a satisfactory account of their purpose, those who could not prove that they had lawful means of livelihood, and those who had voluntarily taken a "seditious oath" - they all could now legally be sent away upon sentence by two magistrates without the benefit of legal representation [ss. 20-22]. In November 1796, Antrim, Down, Tyrone, Derry and Armagh

were placed under the Insurrection Act. In 1797 and 1798, extensive use was made of this act. Between the beginning of May 1797 and the close of the year, districts in ten counties in the south and the west were proclaimed as being in a state of disturbance; in May 1798 six whole counties were proclaimed (Cork, Dublin, Kilkenny, King's, Tipperary and Wexford) [Elliott 1982: 108; McDowell 1979: 555].

The powers of the Lord Lieutenant were further strengthened by yet another act which referred back to the County Police Act of 1787. As some counties had obviously been reluctant to engage as many constables as were required by that act, the Lord Lieutenant was empowered by this new act to enforce the proper manning of a police force. If he was informed that the grand jury of a county divided into districts had neglected to appoint the obligatory number of constables, the Lord Lieutenant was entitled to choose such officers himself. If the grand jury declined to defray the expenses, then the judges of the assizes were obliged to tax the county for the money required [36 Geo III, c. 25, ss. 66, 67].

But maintaining law and order was not just an issue of passing laws. There had to be a sufficient number of men on whom the Irish government could rely to enforce the laws and quell any unrest. To ensure law-enforcement it was thought necessary to augment the army and the militia. Table XVI.1 below gives the nominal and (estimates of the) effective strength of both army and militia for 1793 to 1799.

Table XVI.1 *Nominal and effective strength of army and militia, 1793-1799*

Year	Army		Effective	Militia	
	Nominal	(Home)		Nominal	Effective
1793	20.232	(17.000)		15.971(x) 16.906	
1794			7.000- 8.000	17.050	14.000(a)
1795				21.660(x) 22.699	17.069(b) 17.162(c)
1796	22.698	(19.512)	15.000(d)	22.698	16.000(d) 18.183(e)
1797	40.901	(27.667 +10.000)	20.201(f)	22.698	21.590(f)
1798	32.854	(29.620)	22.500(g)	26.634	22.000(g)
1799				26.890	

Sources: for nominal army strength and nominal number of troops to remain in Ireland: 1793: 33 Geo III, c. 16; 1796: 36 Geo III, c. 14; 1797: 37 Geo III, c. 3; 1798: 38 Geo III, c. 5; the act in 1797 stipulated that 10.000 men should be stationed in either Great Britain or Ireland and should therefore not be sent overseas; for nominal militia strength: 1793(x): 33 Geo III, c. 22; 1795(x): 35 Geo III, c. 8 [these figures exclude officers]; 1793: JHC XV (1792-4), app. CCCXCVIII; 1794: JHC (1792-4), app. DI; 1795: JHC XVI (1795-6), app. LXXXVIII; 1796: JHC XVI (1795-6), app. CCXCIV; 1797: JHC XVII (1796-7), app. XCIV; 1798: JHC (Appendix 1798), app. CCCLII; 1799: JHC XVIII (1799), app. XXXIII f.;

- (a) = Foster Correspondence, 16;
- (b) = JHC XVI (1795-6), app. LXXXVIII;
- (c) = JHC XVII (1796-7), app. CLXXXVIII;
- (d) = Fortescue 1915: 518;
- (e) = JHC XVII (1796-7), app. CLXXXVIII ff.;
- (f) = Moore Diary I: 270;
- (g) = Hayes-McCoy 1959: 16.

It is notoriously difficult to ascertain correct figures for the number of military personnel before the 19th century. The figures on effective strength, in particular, should be treated as not more than (more or less) educated guesses. For the year of the Irish rebellion, it has been estimated that, at the outbreak of the rising in spring 1798, the Irish military establishment provided for a *nominal* total of 57,343 troops. According to one account, this military force consisted of 12,411 regulars (6,219 cavalry and 6,192 infantry); 16,963 fencibles (2,263 cavalry and 14,700 infantry), 26,794 militia (infantry), 514 German Cavalry and 661 invalids [Hayes-McCoy 1959: 16-7]. These figures give only the nominal strength of the military forces. But even with regard to only the 'paper' strength the figures which can be found in the literature are ambiguous. Griffin [1968: 161], for example, gives a nominal strength of 46,600 in 1798, whereas Bartlett [1985b: 115] gives the nominal strength of the front-line defence force as amounting to about 45,000 in 1798.

According to one estimate, the *effective* strength of the military establishment in 1798 was "at the most 13,000 regular and fencible infantry, 8,000 regular and fencible cavalry and about 22,000 militiamen. These figures, together with about 1,500 Royal Artillerymen and Royal Irish Artillerymen, would give a total of 44,500 for all categories and all ranks, but the real total may have been somewhat smaller" [Hayes-McCoy 1959: 16]. This calculation roughly conforms with a contemporary account. John Moore, who was a member of General Abercromby's staff, estimated the strength of the military force in December 1797 as follows: 5,805 regular and fencible cavalry, 12,796 infantry (of which 10,993 were English

and Scottish fencible infantry); 21,590 militiamen and 1,600 artillery which amounts to a force of 41,791 men [Moore Diary I: 270]. Griffin [1968: 161-2] calculates that the effective strength of the army was approximately 40,000 men. But both Hayes-McCoy and Griffin calculate that the effective field force was little more than 30,000 men. Bartlett [1985b: 115-6] estimates that the effective front-line defence force consisted of about 35,000 men. He argues that the Irish militia accounted for about sixty per cent of these troops (21,000 militiamen), whereas regular troops formed only a small portion of about fifteen per cent (5250 troops). The balance was made up by English and Scottish fencibles and militia (8750 men). McDowell [1979: 612-3] states that the armed forces which the Irish government had at its disposal early in 1798 comprised 7,200 regulars (4,600 cavalry and 2,600 infantry), 3,800 fencibles (2,000 cavalry and 1,800 infantry), and 25,000 militia, thus constituting a force of 36,000 men. In March 1799, the Irish administration estimated that the British troops serving in Ireland amounted to 15,000 men [Chief Secretary Castlereagh to Pitt in: Castlereagh Memoirs II: 245; the size of the British troops in Ireland should be related to the strength of the army in Great Britain. In 1798 the British force had a size of 48,609 men and in 1799 it rose to 52,051 men: cf. Clode 1869/I: 399].

In addition to the troops mentioned so far, in 1798 the Irish government could avail itself of the support of the Irish Yeomanry which had been established in the autumn of 1796 [37 Geo III, c. 2]. According to an estimate by the Lord Lieutenant, about 20,000 men had been enrolled into the corps by the autumn of 1796 [Senior 1966: 60]. By January 1797 a

yeomanry force of more than 24,000 men had been raised [Camden in: London Gazette 1797: 43-4]. At the outbreak of the rebellion in May 1798 the yeomanry had been augmented to the size of about 35,000 men and by June 1798 there were 40,000 men in 540 corps [Palmer 1988: 140; Moore Diaries I: 270; McDowell 1979: 559, 613; Dickson 1987: 189; Hayes-McCoy 1959: 16; for the financial year 1798-9 parliament had authorized payment for yeomanry corps consisting of 37,539 men: JHC (Appendix 1798), app. cccliii]. If we add the yeomanry to the military force which was, at least formally, under the ultimate command of the Irish administration, it can thus be assumed that between 65,000 to 70,000 men could be deployed by government to suppress the rising in 1798 [McDowell 1979: 613 gives the grand total as approximating 76,000 men].

The yeomanry corps were to play a major part in the suppression of the Irish rebellion. They had been founded when in the summer of 1796 Camden, the Lord Lieutenant, saw himself confronted with the task of containing the Orangemen in the North and the Defenders in the West of the country. As there was, according to the Lord Lieutenant, not much confidence in the loyalty of some of the militia regiments and in the competence of the commanding officers, he had been "called upon by almost all those whom we usually consult to establish some corps on the model of our Yeomanry Cavalry and Infantry in England", as Camden wrote in July 1796 [quoted in: Senior 1966: 46].

But it was clear to the Lord Lieutenant that the formation of yeomanry corps would create a situation which the Dublin administration had wanted to avoid ever since the formation of the Volunteers: it would change the 'power of the sword' from the army to the

gentry of the country. "I do not like to resort to Yeomanry Cavalry or infantry or armed associations if I can help it", Camden wrote to London. But he could not help it. Confronted with the possibility of a French invasion fleet landing in Ireland, Camden realized very clearly that "the Army must be withdrawn from many of its present quarters and must be drawn together to act in larger units than it has lately done". While the army's function of policing the countryside made it necessary to disperse the troops, its military function of defending Ireland against foreign enemies made it imperative to concentrate the troops in those areas most likely to be threatened with invasion. Faced with this structural dilemma, and well aware of it, Camden finally considered it "absolutely necessary to resort to the measures of arming the yeomanry under commissions from the Crown" [all quotes in: Morton 1967-8: 63].

The yeomanry corps were to be commanded by gentry officers under commissions by the Crown and they were to be manned by volunteers. For the duration of active service, the cost of the corps was to be defrayed by government. Regular army commanders were given a supervisory role over the yeomanry corps, but the local magistrates and gentry retained wide discretionary powers over their corps. The corps were meant to remain in their own localities, but, as a matter of fact, the yeomanry corps were not restricted in their range of action and the cavalry yeomanry did indeed operate away. Though Catholics who had first taken the Oath of Allegiance were not legally barred from joining the corps, the yeomanry was, by and large, a Protestant force, with practically all of the original Catholic yeomen having been weeded out prior

to the rebellion of 1798 [Dickson 1987: 189; Hogan 1976: 96-7; Hayes-McCoy 1959: 20].

From the start the yeomanry was under the influence of the Orange Order. The United Irish directed their efforts towards discouraging enlistment into the new corps: "This not only left the field free to Orangemen, but added to their prestige by seeming to confirm their assertion that they had government support" [Senior 1966: 57]. In this way the formation of the yeomanry exacerbated the socio-political and sectarian conflict between the United Irish and the Defenders on the one side and the Orangemen on the other. The intensification of this conflict was rooted in the very logic of this measure:

By permitting the gentry to raise a force of part-time soldiers ... the government unintentionally provided the means of creating a national Orange movement. The yeomanry could not be recruited without the cooperation of the lower class protestant, and the Orange lodges were to be both an agency for employing the energies of the protestant peasants and a means of keeping them under some degree of gentry control [Senior 1966: 50].

The government was much pleased with the performance of the yeomanry corps during and after the French invasion threat at Bantry Bay in County Cork in December 1796: "From the armed Yeomanry, Government derived the most honourable Assistance. Noblemen and Gentlemen of the first Property vied in exerting themselves at the Head of their Corps. Much of the Express and Escort Duty was performed by them. In Cork, Limerick and Galway, they took [on] the Duty of the Garrison", Camden reported to London in January 1797. Camden singled out the yeomanry corps in Dublin for particular praise: They "have been formed of the most respectable Barristers, Attornies, Merchants,

Gentlemen and Citizens ... their Zeal in mounting Guards [is] so useful, that I was enabled greatly to reduce the Garrison with perfect Safety to the Town. The members of Yeomanry fully appointed and disciplined in Dublin exceed Two Thousand. Above Four Hundred of whom are Horse. The whole Number of Corps approved by Government amount to Four Hundred and Forty, exclusive of the Dublin Corps. The gros Number is nearly Twenty-five Thousand" [both quotes in: London Gazette 1797: 43-44]. In January 1797, Fitzgibbon, too, praised the exertions of the yeomanry corps in the South "which have in every instance displayed the greatest alacity in tendering their services". But Fitzgibbon hastened to add that the internal situation remained tense:

In the northern province I am sorry to say a very different spirit prevails. The people of that district have not only refused to come forward in defence of the country but have openly avowed their satisfaction at the arrival of their French allies and betrayed the strongest symptoms of insurrection. And we are now obliged to keep ten thousand of the best troops in the kingdom in that district for the sole purpose of keeping down rebellion there [in: McDowell (ed.) 1951/2: 304].

One year later, during the Irish rebellion, the yeomanry corps would 'distinguish' themselves as the most reckless and violent force on the side of the government. But before I shall address the question of the enforcing of 'law and order' in 1798, I want to discuss briefly the financial cost incurred by the government for maintaining these forces of 'law and order'. As table XVI.2 shows these costs were considerable.

Table XVI.2 *Expenditure in £ for the army and navy, the militia and the yeomanry for the years 1793 to 1800.*

Year	Army	Militia	Yeomanry
1793-4	745.828	400.851	
1794-5	1,553.562	461.706	
1795-6	1,855.562	500.904	
1796-7	2,032.130	473.604	
1797-8	3,401.760	614.256	461.538
1798-9	3,865.530	717.093	271.560
1799-1800	4,596.762	718.265	634.601
Subtotal		3,886.679	
		87.427 (x)	
Total	18,050.941	3,974.106	1,367.699

Sources: for army: cf. table XVII.3 in chapter XVII; for militia and yeomanry: cf. Tables of Supply in: JHC XV (1792-4) - JHC XVIII (1799).

A few comments are warranted to set these figures into a wider context. For this purpose the reader may want to consult also tables XVII.3 - 5 in chapter XVII. Let us first consider the military expenditure. A look at the total military and naval net expenditure between 1793 and 1800 shows very clearly the impact of the war and internal unrest. During the decade of external peace between 1782 and 1793, the sum expended annually on the military amounted on an average to £ 585,000. If the military expenditure during the seven years 1793-4 to 1799-1800 had been at this same rate, it would have amounted for the whole period to £ 4,095,000. Actually, however, it amounted to £ 18,050,941. The transformation which the war caused can be shown with the help of a number of data. In the financial year 1792-3, i.e. before the declaration of war in February 1793, civil expenditure

had exceeded military expenditure even if only by a small margin (45.2% to 45.1% of total net expenditure). In the following year already 63.3% of the total net revenue was spent for military and naval purposes. When in 1794-5 total expenditure increased by 59% over the previous year, military expenditure showed an increase of 108% compared to an increase of 8% of the civil expenditure. Between 1796-7 and 1797-8 there was a steep increase in the percentage of the total net revenue which was being spent on the military, rising from 119.3% to 166.1%, only to be exceeded in 1798-9 by 180.2%. These developments are also reflected in the ratio of military expenditure plus debt charges to civil expenditure: this ratio rose steadily from 1.3 in 1793-4 to 5.7 in 1799-1800, jumping by 1.9 between 1796-7 (3.7) and 1797-8 (5.6).

When we compare these public accounts figures with those for the period of the American War of Independence, the impact of war and internal unrest on the state budget in the 1790s can also be grasped. During the American War the ratio of military expenditure plus debt charges to civil expenditure was highest in 1778-9 with 3.1 and lowest in 1776-7 when military expenditure plus debt charges were 2.1 times the sum spent on civil expenditure. In the financial year 1778-9, military expenditure constituted 98.5 per cent of total net revenue, falling back over the next two years to 94.3 per cent and 85 per cent respectively. Whereas on average three-quarters of total net revenue was spent on the military during the American War of Independence, on average almost one and a third of total net revenue was laid out for the military after 1793.

Between 1793 and 1800 parliament authorized militia payments of a total of £3,886,679. This total of £3,886,679 amounted to 29.5 per cent of the net revenue or 14.3 per cent of the net expenditure of the Irish state between 1793-4 and 1799-1800 [cf. tables XVII.3 - 5 in chapter XVIII]. But the counties, too, had to provide money for militia purposes. The Militia Act of 1793 [33 Geo III, c. 22] and the militia augmentation act of 1795 [33 Geo III, c. 8] contained clauses which required counties that failed to enlist their statutory quota of militiamen to pay a fine for every man short. The 1795 act fixed the county liability at £ 10 per man. The revised militia-families act of 1795 [35 Geo III, c. 2] also imposed financial burdens on the counties. This act was designed to provide maintenance for the dependents of militiamen who moved with these recruits from their native county [McAnally 1949: 74-5, 266-71; Dickson 1983: 51-2]. Between 1795 and early 1799, the counties spent £ 87,427 in accordance with the stipulations of these militia acts [cf. JHC XVIII (1799), app. ccvii ff.].

Since we possess a set of data on the county cess of nineteen counties from 1786 onwards, it is possible to calculate how much of their revenue these counties spent on the militia. Out of a total revenue of £ 630,536 for the (calendar) years 1795, 1796, 1797 and 1798, these nineteen counties spent £41,798, or 6.6 per cent of their total revenue, on the militia. But there were huge differences between the counties. County Kerry, for example, spent 17.7 per cent of the county cess on the militia, whereas Co. Down and Co. Wicklow, on the other hand, spent only 2.2 per cent [in: P.P.H.C. 1845, XXII [672], part IV, p.178 (for county cess); JHC XVIII (1799), app. cvii ff. (for

militia expenses); these nineteen counties account for 48 per cent of the militia expenditure of all counties]. The militia expenditure of the counties has to be added to the expenditure which was authorized by parliament to arrive at a rough estimate of the total militia expenses. It would thus seem that the cost of the militia between 1793 and 1800 amounted to a total minimum of £ 3,974,106. To arrive at the actual total, it would be necessary to add the militia expenditure of those thirteen counties for which no data are available.

The yeomanry, too, proved to be expensive. Though the cost of the yeomanry amounted to a total of £1,367,699 for three years, the yeomanry was cheaper than the militia for which parliament had voted £ 2,049,614 for the same period. Since the yeomanry was almost twice the size of the militia, and could also be expected to be more loyal to the Irish government because of its religious complexion and the influence of the Orange Orders in its corps, spending money on the yeomanry was a 'sound' investment. The expenditure for the militia and the yeomanry in the financial years 1797-8 to 1799-1800 amounted to almost a quarter of the total military expenditure for these years.

But there were more expenses to be met for maintaining public order after 1793. These law-and-order measures had to be paid for through the civil account [for the following data: P.P. H.C. 1868-9, XXXV [366], part I, pp. 331-55]. To start with, the Irish government had to provide money for the county police forces and the Dublin police. Between 1792-3 and 1796-7, the government spent on average £ 4,965 on the police, with the highest amount of £ 6,849 in 1796-7. The following year, however, 2.6 times as much

was spent on the police forces (£ 18,013). In the following two years, a total of £ 29,275 was spent on the police. The secret service, too, had to be financed. Between 1796-7 and 1799-1800, £ 32,891 were officially set aside for the secret service, while almost half of this amount (£ 15,226) was being spent in 1798-1799.

The judiciary, too, incurred increased expenses. With an increasing number of people committed for trial, law expenses for criminal prosecution as well as the additional salaries of the judges had to be met. In 1793-4, £ 11,076 had been spent for "criminal causes" [JHC XV (1792-4), Table of Supply]. In the following two years, "law expenses and criminal prosecution" cost £ 29,362. From 1796-7 onwards, the judicial system became ever more expensive. "Law expenses and criminal prosecution" plus "judges' additional salaries" rose from £ 34,672 in 1796-7 to £ 41,607 in 1797-8 and reached their highest point in 1798-9 with £ 42,515, falling back to £ 41,724 in 1799-1800. Finally, transportation of convicted persons was another item which had to be financed, although the overall cost seems to have been fairly small. Between 1792-3 and 1799-1800, the Irish government spent £ 40,932 on transporting prisoners to the colonies.

If we calculate these civil expenses for maintaining law and order as annual totals, we arrive at the following amounts, with the figures in brackets giving the percentage of these expenses of the total net civil expenditure of the respective years: 1793-4: £ 18,985 (2.8%); 1794-5: £ 17,336 (2.3%); 1795-6: £ 24,545 (3.5%); 1796-7: £ 52,643 (8%); 1797-8: £ 69,920 (9.8%); 1798-9: £ 80,396 (9.1%); and 1799-1800:

£ 70,703 (6.9%). Though the total sums are fairly small compared to the total civil expenditure, the increase in the relative importance of these items from 1796-7 onwards reflects the burgeoning internal power struggle and unrest. When we add the expenses incurred by the army, the militia, the yeomanry, the police, the secret service and the judiciary between 1796 and 1800, we see that these costs amounted to 89 per cent of total expenditure. The expenses for maintaining 'law-and-order' and defence of £ 18,034.645 were twice as much as the total net revenue of £ 8,950.655.

B) The rebellion of 1798

When rebellion broke out in May 1798 one of the main questions for the government was whether the money it had spent on public order policies had given it reliable and effective forces of law and order. In August 1794, Foster, the Speaker of the House of Commons, had come to the conclusion that "Our army is wretched bad ... mostly raw recruits and many raw officers; our artillery the same, and not sufficient ordnance to defend even one strong post" [Foster Correspondence: 14]. In February 1798, the new Commander-in-Chief, Abercromby, issued a 'General Order', which, though undoubtedly expressing a correct assessment of the condition of the military forces in Ireland, was to cost him his position: "The very disgraceful frequency of courts-martial and the many complaints of irregularities in the conduct of the troops in this kingdom have too unfortunately proved the army to be in a state of licentiousness which must render it formidable to everyone but the enemy" [quoted in: Fortescue 1915: 573].

The regular regiments in Ireland were in a particularly bad state as British demand for men for the campaigns in the West Indies had drained the best men and very nearly every regular regiment from Ireland. The troops which remained in Ireland comprised chiefly Fencible Infantry, a few old regiments of Cavalry, and a few recently created corps of Dragoons, both Regular and Fencible [Fortescue 1915: 518]. The condition of the troops in Ireland was worsened by the fact that many recruits, although recruited in England, were Irish. Irish labourers, who had migrated to England, were attracted to the army by the bounty money which was offered for enlistment; and "those who joined in England were drawn from the classes most effected by the revolutionaries" [Senior 1966: 54]. This situation was further aggravated by the policing function which the army had to perform. As this task made the dispersal of small military units across the country inevitable, under the prevailing weak communication network this constellation was likely to weaken the military command structure. Given the Irish government's determination to confront any nationwide conspiracy of urban and rural rebels, as long as there was not a sufficient number of 'civil' police forces the military had to remain in the contradictory position of a force charged with the task of both maintaining internal order and defending Ireland against foreign invaders.

Furthermore, in 1797, during the campaign for disarming Ulster, the policing function of the army led to a blurring of the distinction between civil and military authority - the army command being empowered to act as they saw fit without waiting for authorization from local magistrates. This unchecked

power allowed for a high degree of undeterred army outrages, to which Abercromby referred in his 'General Order'. But in a situation of heightened unrest, large sections of the Anglo-Irish Ascendancy exerted "relentless political pressure for a policy of counter-terror which the military command embraced (or yielded to)" [Bartlett 1985b: 120]. John Moore, who commanded troops in the south and who shared Abercromby's sentiments, complained that "those who have the government of the country seem to have no plan or system but that of terrifying the common people" [in: Moore Diaries I: 288; 283-4, 287].

Much of the indiscipline in the army was due to the license for using terrorist measures in order to subdue rebellion. Such was the conduct of the troops in the early summer of 1798, that the new Lord Lieutenant, Cornwallis, attempted "to soften the ferocity of our troops, which I am afraid, in the Irish corps at least, is not confined to private soldiers" [in: Cornwallis Correspondence II: 355]. One reason for this concern was the realization that the behaviour of some of the troops alienated even those parts of the population which were not well-disposed towards the rebels and which had to bear the brunt of military atrocities. In a 'General Order' in August 1798, Cornwallis instructed his officers "to assist him in putting a stop to the licentious conduct of the troops, and in saving the wretched inhabitants from being robbed, and in the most shocking manner illtreated by those to whom they had a right to look for safety and protection" [in: Cornwallis Correspondence II: 395].

But the army did not have a monopoly on committing atrocities. Cornwallis complained in the summer of 1798 about

the numberless murders that are hourly committed by our people without any process or examination whatever. The yeomanry are in the style of the Loyalists in America, only much more numerous and powerful, and a thousand times more ferocious. These men have saved the country, but they now take the lead in rapine and murder. The Irish militia, with few officers, and those chiefly of the worst kind, follow closely on the heels of the yeomanry in murder and every kind of atrocity, and the Fencibles take a share, although much behind the others. The feeble outrages, burnings, and murders which are still committed by the Rebels, serve to keep up the sanguinary disposition on our side [in: Cornwallis Correspondence II: 369].

The sectarian composition of the yeomanry may explain why the Lord Lieutenant could consider them as the most savage force in Ireland. As an almost exclusively Catholic force, the militia, however, though being infiltrated by Orangemen, counted a considerable number of United Irishmen and Defenders among its ranks [Senior 1966: 54-7]. Cornwallis, the professional soldier, instead of accounting for the militia behaviour by reference to either sectarian or political motivations, emphasized the organizational aspect. He maintained that "their total want of all idea of discipline and subordination" resulted "from their being dispersed in small detachments over the whole face of the country" [in: Cornwallis Correspondence III: 76]. Normal discipline may have been rather unstable in the first place because Protestant officers who were drawn from the gentry commanded Catholic peasants. The breakdown of discipline was further facilitated by "want of preparation, guerilla nature of fighting, transport difficulties, march fatigues, absence of supply arrangements, [and] general improvisation of attack and defence arrangements" [MacAnally 1949: 127].

Furthermore, in Cornwallis's view, which was quintessentially paternalistic, the militia outrages could also be attributed to a lack of "officers or non-commissioned officers who are capable of taking care of them [i.e. the militiamen]" [in: Cornwallis Correspondence III: 76]. The lack of qualified officers, however, was intrinsically linked to the power structure of Irish society. As Moore understood very clearly, "like everything else in this country, the giving of regiments was made an instrument of influence with the colonels, and they made their appointments to serve electioneering purposes. Every sort of abuse has been tolerated ... The officers are in general profligate and idle, serving for their emolument, but neither from a sense of duty nor of military distinction". Moore also pointed out that the time of enlistment with most of the militiamen had lately expired which meant that "the advantage of four years' discipline is lost" while new recruits were being incorporated into the militia [in: Moore Diaries I: 273-4].

Notwithstanding the widespread indiscipline within the government forces of law and order, the rebellion of 1798-9 was squashed. Indiscipline within the forces of law and order did not turn into disaffection. The Anglo-Irish Ascendancy survived the republican and peasant attack on their dominance by the use of sheer force. But it was not force alone that secured the victory of the government and the Anglo-Irish Ascendancy. By the time rebellion broke out, the organization of the radicals had already been severely damaged. The disarming of Ulster by Lake in 1797 had caused the collapse of the United Irish organization in the north. The raids of the Orangemen and the arrest of many of the experienced and

respected leaders of the United Irish had made the republican radicals incapable of serious action. This situation was exacerbated by the need for tightened security within the United Irishmen's organization in the wake of General Lake's campaign in Ulster. This meant, in effect, that the flow of information between the leadership and the lower committees was severely cut which led to a lack of communication between the upper and lower levels of the Society. When in March 1798 police raided the meeting of the Leinster directory of the United Irish in Dublin, acting upon a piece of information provided by an informant from within the radicals' organization, the United Irishmen were dealt another blow [Senior 1966: 100; Elliott 1982: 132, 172; McDowell 1979: 604].

But decisive action was also prevented by the United Irishmen's conviction that for a rebellion to be successful it would have to be precipitated by a French invasion of Ireland, or should at least coincide with it. After the defeats of Austria in Italy in 1797 and the Peace of Campo Formio between Austria and France in October 1797, which left Britain totally isolated, there was some justification for expecting French support and for postponing the uprising. But when the French were concentrating so much of their military power in Egypt in May 1798, it must have become obvious to the United Irish that not much foreign support for their rebellion would be forthcoming. Having embarked on their Mediterranean campaign, the French could spare only small expeditionary forces in support of the rebels. In August 1798 General Humbert landed near Killala in County Mayo with a force of about 1,000. Having defeated government troops at Castlebar in County Mayo, Humbert marched through Connacht, only to

surrender to Cornwallis's much stronger troops at Ballinamuck in County Longford. Little support by the western peasantry accompanied the French troops on their march.

Military repression, lack of efficient organization, belated and only half-hearted support of the rebels by the French go a long way to explaining the suppression of the rebellion. But the character of the rebellion itself contributed to its defeat. Rebellion broke out, not in the North where the government's policy had stifled opposition, but in the South. In the eastern counties of Wexford and Wicklow in the province of Leinster the rebellion was particularly fierce and sustained. Wexford and Wicklow were the most successful Protestant settlements outside Ulster. Wicklow had the largest proportion of Protestants of any county outside Ulster; in Wexford, whose Protestant population was next largest to Wicklow's, Protestant presence was heavily concentrated in the northern areas adjacent to Wicklow. In the 1780s and 1790s Wexford which had been an independent county swung to the side of the government. After the 1790 and 1797 general elections fourteen of the eighteen parliamentary seats in the county were won by supporters of the government. Politically, however, the county was polarized: the strongly anti-Catholic Ascendancy landlords in the north confronted a strong liberal party which enjoyed Catholic support in the south. Such was the power of the Protestant landlords in the north that not a single Catholic, it was alleged, had been admitted to the Volunteer corps in 1782; and in the 1790s efforts to oust Catholics from the yeomanry were successful. Furthermore, the election of the parliamentary candidates of the Protestant party in 1797 was

achieved only after the votes of the Catholic freeholders had been successfully challenged. The Catholics of Wexford, on the other hand, were by no means badly politically organized. They had strongly influenced the Catholic Committee in the 1780s and they managed in 1795 to collect 22,251 signatories to an address in support of Lord Fitzwilliam [Cullen 1981: 211, 217; Cullen 1985: 98, 103, 104; Whelan 1987: 66].

Political polarization was aggravated by economic competition. In Wicklow and in the north of Wexford, the Protestants held a higher proportion of farmland than their proportion of the population suggested. In Wexford Protestants were strongly established in the countryside in both the farming and labouring classes. Whereas north of the River Slaney middlemen and large-scale farmers were Protestants, west of the Slaney the principle tenants were never uniformly Protestant. On the whole, however, Catholics were better represented among the smallholders than among larger farmers. When the middleman system was breaking down by the end of the century, with large farms being replaced by direct lettings to sub-tenants, Protestants were more directly threatened than Catholics. Economic competition among Catholics and Protestants to hold or rent land could easily be exacerbated by mobilization along sectarian lines given the political structure of the county [Cullen 1981: 211, 213, 230-2, 252-3].

With Orangeism moving south, and acquiring social prestige and political clout due to increasing gentry support, the fear of being subjected to Orange reprisals led many Catholics to joining the United Irish movement. But as the rebellion in the south took on a predominantly Catholic character, sympathy for

the republican cause was waning in the north. In Ulster religious fears pushed many Presbyterian United Irishmen into Orange lodges as the only recognizable organization for the exclusive preservation of Protestant lives and property. The influx of Catholics into the movement, on the other hand, strengthened the impact of Defenderism on the rebellion [Elliott 1982: 197; Elliott 1978: 426-7; Senior 1966: 82-4, 100]. The social-revolutionary aims of the Defenders, linked as they were with the tradition of agrarian unrest, frightened off many members of the Presbyterian middle-class who had initially sympathized with the United Irish ideals of political and social equality for the Catholics.

The developments in the south thus reinforced trends which had already set in almost two years earlier, the desertion of middle-class supporters from the republican cause:

the republican movement rested on an unstable foundation of conflicting aspirations. Defenders demanded a major transfer of land from the ascendancy to themselves. Many presbyterians had millennial expectations of government by God's elect, a body which would hardly include Roman Catholics. Middle-class radicals, in true bourgeois revolutionary fashion, sought the sanctity of life, liberty and property under a government rationalised to suit their entrepreneurial need and political aspirations. Lower-class radicals [on the other hand] hinted at a certain levelling of wealth and property ... the aim of United Irish activists [since the middle of 1795] to enlist the lower orders by every possible means served to drive moderate middle-class radicals from the movement [Curtin 1985: 490-11].

Cleavages within the radical movement along class and sectarian lines, therefore, weakened its impact on the power structure in Ireland. These internal fissures contributed to the crushing defeat the rebels suffered

at the hands of the military forces. The Anglo-Irish Ascendancy survived the republican attack on its power. But less than two years later, the political independence of the Ascendancy was abolished when Ireland became a part of the United Kingdom of Great Britain and Ireland.

XVII. Appendix: Public income and expenditure in Ireland in the late 18th century.

The aim of this brief chapter is to demonstrate that public finance in Ireland in the late 18th century was dominated by the task of defending militarily the territory of Ireland against foreign powers and of maintaining 'law-and-order' internally. In particular, this discussion is meant to complement the arguments concerning public expenditure on law-enforcement measures which have been made in the previous chapter. Tables XVII.3 - 6 at the end of this chapter form the statistical backbone of the following analysis.

The winning of constitutional independence by the Anglo-Irish Ascendancy from Great Britain was reflected in the state budget. To start with, there was a 57 per cent rise in total expenditure in 1782-3 over the previous year. Military expenditure in that year rose by 22 per cent while civil expenditure rocketed with an increase of 147 per cent. In the eleven financial years after constitutional independence had been achieved only about half of total net revenue was spent on the military. In the financial years 1783-4, 1787-8, 1791-2, and 1792-3, civil expenditure exceeded military expenditure if only by small margins. Calculated in percentage of the total net revenue, civil expenditure in 1783-4 was 3.7 per cent above military expenditure, in 1787-8 it was 3.2 per cent above, falling back to 2.3 per cent and 0.1 per cent above military expenditure in the following two years.

This was a new and unique situation. In the previous decades, civil expenditure had only amounted to about a third or a half of the sum laid out for the military. This new fact is also reflected in the ratio of military expenses plus debt charges to civil expenditure. It is assumed in this calculation that debts had been encumbered as a result of increased military expenditure. For the aforementioned years, this ratio was 1.2 and in the period between 1782-3 and 1792-3, the ratio does not exceed 1.8. Only twice in the previous decades had this ratio been below 2.0: in 1759 (1.8) and in 1769 (1.9).

Public income in the years 1782-3 to 1792-3 did not exceed £ 1.4 million annually. Customs duties and excise on alcohol, sugar, tea, and tobacco then accounted for three-fifths of the Irish government's total revenue. Table XVII.1 below gives the trends in the receipts from customs and import excise and from inland excise. They shed some light on the economic buoyancy after 1785 and the increasing importance of inland excise for state revenue:

Table XVII.1 *Government receipts from customs and import excise and inland excise*

Year	Customs and Import Excise (100 = £ 792,216)	Inland Excise (100 = £ 205,382)	Inland Excise as a percentage of Customs and Import Excise
1782-3	100	100	28.2
1783-4	123	78	17.9
1784-5	123	80	18.4
1785-6	125	173	39.0
1786-7	118	162	38.8
1787-8	132	175	37.4
1788-9	119	216	51.0
1789-90	121	222	51.6
1790-1	124	258	58.6
1791-2	119	244	57.6
1792-3	109	233	60.3

Source: P.P. HC 1895, XXXXVI, table III, p. 370

The 'take-off' of inland excise in 1785 was mainly due to the new malt duty which was introduced that year. Increased receipts from tobacco accounts for the rise in revenue from inland excise in 1788-9. Dickson [1983: 41-2] aptly summarizes the financial situation after 1782:

The buoyancy of the economy [after 1785] insured a rising tax yield ... This improved budgetary situation provided the financial base that allowed greatly increased parliamentary expenditure for public works as well as grants and subsidies to manufacturers and promoters. Revenue from customs and import excise remained ahead of that from inland excise, but ... the difference was diminishing, together they eclipsed the contribution of assessed taxes (i.e., hearth money, the carriage tax, quit rents, and so on).

During these eleven financial years, the national debt remained almost stationary as the accounts were almost balanced. War and internal unrest in the 1790s, however, radically transformed the public accounts.

In the financial year 1799-1800, total net revenue was 2.5 times the size of that in 1793-4. Expenditure, however, was more than four times as large as in 1793-4. Whereas civil expenditure was just about fifty per cent above the level of 1793-4, military expenditure at the end of the century was more than six times the amount spent in 1793-4. To increase revenue, an eclectic range of taxes had been imposed or increased during the war years in the 1790s: a small export tax of cattle and hogs; import duties on carpets, timber, slates as well as hops and salt; higher duties on cotton, wine, spirits, and tea; an increased hearth tax on houses with six hearths and upwards, and a window tax on houses with more than four windows; increased stamp duties; and taxes on paper, cards, carriages, menservants, armorial bearings, hats and leather. Though Pitt proposed an income tax for Ireland in 1799, it was not pressed out of fear that it might strengthen opposition to the planned union between Britain and Ireland [McDowell 1979: 496-9; on income tax: Castlereagh Memoirs II: 270-31].

But these revenue-enhancing measures were by no means sufficient to meet the increased demands. Income from hearth tax, for example, effectively decreased by more than a third of the amount raised in 1794-5, when, beginning in 1795, all households in single-hearth dwellings, which constituted at least 85 per cent of total habitations, were excused from the tax for political reasons [Dickson 1983: 40; P.P. H.C.

1895, XXXVI: 370]. The most important changes in this period were implemented in the budget of 1797, when substantially heavier salt duties were imposed and the subsidies on the inland and coastal carriage of grain to Dublin was withdrawn. It was hoped that this withdrawal would save the exchequer about £ 80,000, a sum close to the expected yield of the new salt duties [Dickson 1983: 48].

The overall tax structure, however, remained intact. Between the financial years 1793-4 and 1799-1800, customs and excise (which in the available statistical accounts includes quit rents and other revenue from Crown lands as well as all the taxes under the management of excise) contributed on average 93.3 per cent to the total tax revenue and on average 73.6 per cent to the total net revenue with the main amount of non-tax revenue coming from lotteries. This compares with 93.2 per cent and 73.7 per cent respectively for the period between 1786-7 and 1792-3 [P.P. H.C. 1895, XXXVI: 369]. One other constant factor in the tax system during the 1780s and 1790s was the importance of revenue from alcohol (including malt). The size of the inland excise in the second half of the 1780s was predominantly determined by the malt duty introduced in 1785. This source of revenue (alcohol including malt) formed upwards of one-third of total income for the rest of the century [P.P. H.C. 1895, XXXVI: 370]. To give an overall impression of the tax burden in the 1780s and 1790s, it may be useful to give both the trend of total tax revenue in the state accounts and the trend of county cess in the nineteen counties and counties of cities for which we have data:

Table XVII.2 *Trend of state tax revenue and county cess in Ireland, 1786-1800*

Year	Tax Revenue (100 = £ 998,520)	County Cess (100 = £ 102,192)
1786-7	100	100
1787-8	106	108
1788-9	98	117
1789-90	103	123
1790-1	108	130
1791-2	105	132
1792-3	108	137
1793-4	95	133
1794-5	120	142
1795-6	122	146
1796-7	138	162
1797-8	148	148
1798-9	169	161
1799-1800	256	175

Source: P.P. H.C. 1895, XXXVI: 369 for tax revenue ;
P.P. H.C. 1845, XXII: 178 for county cess.

The county rate had already been considerably increased in the late 1780s and early 1790s, whereas the growth of state tax revenue set in with the financial year 1794-5 after it had fallen below the level of 1786-7 the previous year. In the years of internal unrest, tax revenue finally 'took off'. With regard to the overall tax burden, it has been pointed out in the literature that, for most families, the total taxes - indirect, direct, and local - could rarely have amounted to more than a few per cent of the value of gross household production:

Taxes of all kinds together took less than tithe, much less than rent. Yet there are several reasons why such bald assertions may understate the real weight of the tax burden. First, every tax rise necessitated an increased outlay of cash

for those affected, and this in an environment where, for laboring households at least, cash income and cash transactions were extremely limited ... Second, there was often an invisible supplementary impost attached to locally collected tax. Illicit fees and gratuities were sought by revenue officials and petty constables ... Lastly, with specific regard to cess, the archaic mode of applotting the county rate meant that the burden was unevenly distributed between areas of old and new settlement, both within plowlands and between one plowland and another [Dickson 1983: 52].

It is, therefore, difficult to gauge the impact of taxation on the population in Ireland. But it should be noted, in any case, that tax revenue could not fill the gap between income and expenditure after 1793. This gap was met by loans which added about £ 23 millions to the Irish national debt [McDowell 1979: 498].

Table XVII.3 *State expenditure for Ireland 1770
- 1800 (in £ at current prices)*

Year	Debt Charges	Civil Expenditure	Military & Naval Expenditure	Total Expenditure
1770-1	4.662	211.395	572.489	808.546
1771-2	26.198	207.366	504.227	737.791
1772-3	31.226	235.131	540.714	807.071
1773-4	32.834	171.681	467.608	672.123
1774-5	42.964	283.371	585.205	911.540
1775-6	48.530	195.740	489.522	733.792
1776-7	54.695	326.295	625.823	1,006.813
1777-8	57.453	234.488	449.735	741.676
1778-9	75.027	214.879	583.439	873.345
1779-80	77.260	231.344	524.880	833.484
1780-1	95.449	290.654	629.163	1,015.266
1781-2	100.538	236.758	500.212	837.508
1782-3	120.830	583.766	609.131	1,313.727
1783-4	127.210	526.074	488.985	1,142.269
1784-5	130.335	376.292	502.157	1,008.784
1785-6	144.023	428.231	606.591	1,178.845
1786-7	139.682	467.853	569.974	1,177.509
1787-8	147.763	621.096	580.857	1,349.716
1788-9	143.248	520.737	571.036	1,235.021
1789-90	140.578	556.534	598.771	1,295.883
1790-1	129.327	582.512	672.248	1,384.087
1791-2	133.173	647.277	615.500	1,395.950
1792-3	132.587	616.255	614.546	1,363.388
1793-4	146.507	688.534	745.828	1,580.869
1794-5	214.425	740.879	1,553.562	2,508.866
1795-6	244.978	702.586	1,855.369	2,802.933
1796-7	408.286	661.137	2,032.130	3,101.553
1797-8	622.693	715.775	3,401.760	4,740.228
1798-9	763.577	879.581	3,865.530	5,508.688
1799- 1800	1,232.532	1,025.510	4,596.762	6,854.804

Sources: Public Income and Expenditure of Great Britain and Ireland, 1688 - 1869

[= Parliamentary Papers 1868-69 (366), vol. 35, pp. 292 ff.; Financial Relations Commission 1895/96 [Parliamentary Papers C.-7720-1. & C.-8262],

TABLE XVII.4 *State expenditures for Ireland in percentage of total net revenue 1770 - 1800 (net revenue in British pounds at current prices)*

Year	Net Revenue (in £)	Military & Naval Expenditure	Civil Expenditure	Debt Charges
1770-1	707.996	80.9	31.3	0.7
1771-2	659.714	76.4	31.4	4.0
1772-3	718.536	75.3	32.7	4.3
1773-4	662.666	70.6	25.9	5.0
1774-5	721.053	81.2	39.3	6.0
1775-6	714.285	68.6	27.4	6.8
1776-7	876.934	71.4	37.2	6.2
1777-8	658.339	68.3	35.6	8.7
1778-9	592.191	98.5	36.3	12.7
1779-80	556.414	94.3	41.6	13.9
1780-1	739.850	85.0	39.3	12.9
1781-2	764.375	65.4	31.0	13.2
1782-3	1,106.505	55.1	52.8	10.9
1783-4	1,013.869	48.2	51.9	12.6
1784-5	881.064	57.0	42.7	14.8
1785-6	1,127.918	53.8	38.0	12.8
1786-7	1,228.484	46.4	38.1	11.4
1787-8	1,260.282	46.1	49.3	11.7
1788-9	1,233.411	45.3	42.2	11.6
1789-90	1,381.281	43.4	40.3	10.2
1790-1	1,313.477	51.2	44.4	9.9
1791-2	1,368.414	45.0	47.3	9.7
1792-3	1,363.800	45.1	45.2	9.7
1793-4	1,178.872	63.3	58.4	12.4
1794-5	1,475.216	105.3	50.2	14.5
1795-6	1,551.593	119.6	45.3	15.8
1796-7	1,703.109	119.3	38.8	24.0
1797-8	2,084.069	166.1	34.4	29.9
1798-9	2,145.719	180.2	41.0	35.6
1799-				
1800	3,017.758	152.3	34.0	40.8
1800-1	2,204.163	125.1	42.2	52.0

Source: P.P. HC 1869 (366), vol. 35: 292 ff.

Table XVII.5 *Distribution of state expenditure for Ireland (in percentage of total expenditure), 1770 - 1800*

Year	Debt Charges	Civil Expenditure	Military & Naval Expenditure	Total Expenditure
1770-1	0.6	26.1	70.8	808.546
1771-2	3.6	28.1	68.3	737.791
1772-3	3.9	29.1	67.0	807.071
1773-4	4.9	25.5	69.6	672.123
1774-5	4.7	31.1	64.2	911.540
1775-6	6.6	26.7	66.7	733.792
1776-7	5.4	32.4	62.2	1,006.813
1777-8	7.8	31.6	60.6	741.676
1778-9	8.6	24.6	66.8	873.345
1779-80	9.3	27.7	63.0	833.484
1780-1	9.1	28.6	62.0	1,015.266
1781-2	12.0	28.3	59.7	837.508
1782-3	9.2	44.4	46.4	1,313.727
1783-4	11.1	46.1	42.8	1,142.269
1784-5	12.9	37.3	49.8	1,008.784
1785-6	12.2	36.3	51.5	1,178.845
1786-7	11.9	39.7	48.4	1,177.509
1787-8	11.0	46.0	43.0	1,349.716
1788-9	11.6	42.2	46.2	1,235.021
1789-90	10.9	42.9	46.2	1,295.883
1790-1	9.3	42.1	48.6	1,384.087
1791-2	9.5	46.4	44.1	1,395.950
1792-3	9.7	45.2	45.1	1,363.388
1793-4	9.3	43.5	47.2	1,580.869
1794-5	8.6	29.5	61.9	2,508.866
1795-6	8.7	25.1	66.2	2,802.933
1796-7	13.2	21.3	65.5	3,101.533
1797-8	13.1	15.1	71.8	4,740.228
1798-9	13.8	16.0	70.2	5,508.688
1799				
1800	18.0	14.9	67.1	6,854.804

Sources: Public Income and Expenditure [= Parliamentary Papers 1869 (366), vol. 35, pp. 292 ff.]

Table XVII.6 *Ratios of military expenditure to civil expenditure and ratios of military expenditure plus debt servicing to civil expenditure, 1770 - 1800*

Year	military: civil expenditure	military + debt: civil expenditure
1770-1	2.7	2.7
1771-2	2.4	2.6
1772-3	2.3	2.4
1773-4	2.7	2.9
1774-5	2.1	2.2
1775-6	2.5	2.7
1776-7	1.9	2.1
1777-8	1.9	2.2
1778-9	2.7	3.1
1779-80	2.3	2.6
1780-1	2.2	2.5
1781-2	2.1	2.5
1782-3	1.1	1.3
1783-4	0.9	1.2
1784-5	1.3	1.7
1785-6	1.4	1.8
1786-7	1.2	1.5
1787-8	0.9	1.2
1788-9	1.1	1.4
1789-90	1.1	1.3
1790-1	1.2	1.4
1791-2	0.9	1.2
1792-3	1.0	1.2
1793-4	1.1	1.3
1794-5	2.1	2.4
1795-6	2.6	3.0
1796-7	3.1	3.7
1797-8	4.8	5.6
1798-9	4.4	5.3
1799-		
1800	4.5	5.7

Source: P.P. HC 1869 (366), vol. 35: 292 ff.

Conclusion:

The state, police and public order in
absolutist Austria and constitutional Ireland:

A summary

XVIII. The state, police and public order in absolutist Austria and constitutional Ireland: A summary.

In this concluding chapter I do not intend to add new factual layers to the historical narrative in the two preceding case studies. Rather I recapitulate the major points developed in the historical accounts of each country focusing on the impact of geopolitics on the internal power structure in general, and the relationship between central state and local power holders in particular.

The Habsburg Empire was a geopolitically-led military-fiscal state. As Dickson [1987] has shown for the period between 1740 to 1780, and as I have argued for the period after 1780, the state budget was dominated by expenditure for the military establishment, both in peacetime and during the wars, [also: Mann 1986a: 487]. Preparing for wars and conducting them was the main business of the state. Finding ways for raising the financial means necessary for the military enterprise was the main occupation of the monarchical rulers and their staff.

In order to create economic growth, which was to be utilized for achieving and retaining 'Great Power' status, the state strove to 'police' its population. The monitoring and surveillance of the population and the support for the commercialization of the economy, both through peasant policies and the mercantilistic support of nascent industries, formed part of this effort to increase the economic wealth of the state. But as most of the economic wealth was created in the agrarian economy, the financial needs of the state

could only be satisfied on a regular basis if part of the agrarian surplus could be transferred into the coffers of the state.

The agrarian economy, however, was predominantly structured by the manorial system of domination and production. The aristocratic (and clerical) landlords controlled the use of economic resources and appropriated the agrarian surplus through the exercise of extra-economic coercion in the form of judicial and police powers. On the basis of their property rights over the lands which the peasants farmed, and often over the peasants themselves, could the manorial lords block the direct access of the state to the agrarian producers and thus prevent the state from imposing a tax 'at source'. Thus, unless the landlords cooperated voluntarily with the monarchical rulers, the rulers had to engage in a power struggle with the aim of undermining the patrimonial authority of the manorial lords and breaking their hold over local government.

To achieve this aim, the rulers had to establish an immediate relationship with the peasants, cutting out the landlords as mediators. But this strategy would have to be pursued with two considerations clearly in mind. First, dislodging the aristocracy from their entrenched local power position could under no circumstances be allowed to lead to a breakdown of authority which would result in agrarian unrest. After all, the state had no independent means of maintaining order on the local level, but had to rely on the manorial lords to provide this function. Second, agrarian production could not be allowed to suffer as this would undermine the fiscal interests of the state.

But in their struggle with the patrimonial landlords the rulers faced yet more problems. In so far as the property rights of the patrimonial lords were founded on the same principles that legalized the monarchical rulers' own position as manorial lords, it was impossible for them to undermine the power position of the landlords on the local level by reformulating the legal framework without undermining their own position at the same time. Furthermore, such a policy of legal reform would only have been considered legitimate if it had been formulated with the consent of the aristocracy. But even if the state had attempted to overrule these property rights, it did not have the infrastructural means which would have allowed it to appropriate the agrarian surplus without the involvement of the local landholders.

Yet the power of the landlords was not confined to the local level. Their political and economic power on the local level allowed them to wield power on the 'national' level as well. Organized as Estates, they dominated the jurisdiction and the military and fiscal administration in the provinces. They had the right to vote for the tax (*Contribution*) earmarked for the maintenance of the army, to collect this direct tax themselves, and were responsible, by and large, for mustering the military forces. The core activity of the state, warrmaking, could therefore only be performed with the consent and the involvement of the aristocracy, which dominated the Estates. As long as the state lacked the infrastructural powers to perform by itself the administrative functions which were undertaken by the Estates, the undermining of the manorial lords' political and economic power on the local and 'national' level was self-defeating as it would have left the state weaker in both military and

financial terms. But for a state which wanted to reduce its dependence on these civil society groups the goal had to be to weaken them as the holders of power in local government and as indispensable participants in 'national' government.

Geopolitical conflicts in the 18th century created the opportunity for the monarchical ruler to embark on a course of fundamental reform of the state. Following the series of serious defeats inflicted on Austria by the Turks during the 1730s and by Prussia during the 1740s and in the Seven Years War, the Estates 'agreed' to cede primarily fiscal infrastructural powers to the central Habsburg state to protect them from greater Powers to the East and Southeast. Instead of approving annually of the ruler's tax demands the Estates were now compelled to agree to tax demands for a period of ten years. Fiscal administration was taken out of the hands of the officials of the Estates and placed in the hands of the ruler's staff. As a consequence of the reforms under Maria Theresia, the power of the Estates as a political body was restricted to their judicial responsibility in the law courts of the provinces.

The introduction of the 'circle offices' enabled central government to impose some sort of state supervision over the local landlords concerning their handling of the political and judicial administration of their manors. By infringing upon the landlords' patrimonial judicial authority, these 'circle offices' were designed as the local arm of central government. They should establish a direct link between the state and its subjects in their function as an agency to which the peasantry could turn in a case of conflict with their manorial lords. In so far as the 'circle

offices' were also charged with monitoring the implementation of the 'police' legislation, and the compliance with it by both the manorial lords and the peasant subjects, they also performed the function of a law enforcement agency.

Until the introduction of these 'circle offices', central government had had no 'policing' functions on the local government level. As I have shown, the 'policing' powers of the landlords constituted an indispensable means of exercising their domination over their peasant subjects. Granting those powers to the state would therefore have considerably weakened the landlords dominant position. Furthermore, there was no public order problem on the local level that would have needed permanent and institutionalized state involvement. Despite a plethora of patrimonial judicial authorities and their sometimes competing legal claims, the manorial lords and their agents were well capable by themselves of maintaining that degree of public order that was necessary for the maintenance of their political, economic and social position. In those cases where the forces of the manorial lords were insufficient to quell local disturbances and peasant unrest, troops would be dispatched. There had thus been no compelling reason for the manorial lords to cede these policing powers to the state.

As a consequence of this situation, the police reforms, which the state pursued since the early 16th century, were implemented in that political space where the authority of monarchical government was not principally disputed by the aristocracy. As I have shown, the ideological justification for the state's policing activities was based on the notion of 'policey' and its appellation to the ruler to

influence and shape social life in order to create and maintain 'good order'. This ideology, which legitimated interventionist state policies, together with the material economic interests of the state led to policing activities by the state which were not primarily geared towards preventing 'crime'. Rather, policing was aimed at the surveillance and disciplining of the people so that they would not create 'bad government and disorder' but rather contribute to the public welfare and economic well-being of the country as defined by the state. Since 'policing' was aimed at penetrating civil society by shaping the activities and behaviour of civil society groups, it constituted an attempt to increase the infrastructural powers of the state.

This increase in the policing powers of the central state was facilitated by the fact that state police forces did perform a real service for the aristocratic power holders. The social crisis of the 17th century, which had been caused by the military devastations and the concomitant economic collapse, found one expression in the increasing number of people roaming the countryside. These 'vagrants' were moving, so to speak, in the interstices of the network of patrimonial judicial authorities. As no single patrimonial authority could ultimately be held responsible for 'policing' these people, the state could take over the monitoring of their movements.

The establishment of a secret police force under Joseph II constituted yet another step in the state's endeavour to penetrate civil society. It reflects well the double-edged quality of the police: a police force not only increases the infrastructural powers of the state but also, potentially, its despotic powers.

However, in the case of Joseph II's secret police, this despotic potential was seriously curtailed, not so much by the active opposition of civil society groups, but by the fragmented structure of the state bureaucracy. We have seen that a permanent struggle was waged within the state apparatus over the exercise of control over the police forces. The conflict between central and provincial state agencies over policing authority was complemented by conflicts over competence within the central state agencies. The factionalized and fragmented structure of the state apparatus which was reflected in these conflicts became even more apparent when the secret police was charged with monitoring even state officials.

The introduction of 'circle offices' and the increasing control over police forces constituted two attempts by the state to undermine the political power position of the patrimonial authorities. These measures were supplemented in the 1780s by a peasant policy and attempts at tax reform which were intended to undermine the manorial lords' economic power. I have shown that, by and large, the peasant policy under Joseph II favoured the commercialization of the agrarian economy. By supporting the rise of new industries within the traditional agrarian economy and by abolishing serfdom, the absolutist state helped to bring about economic advance as well as the victory of new social relations over old ones. The peasant policies accelerated a trend towards a gradual transformation of the traditional relationship between lord and serf into a contractual relationship based on wage labour. For the peasant, the abolition of serfdom contributed to the process of the gradual 'emancipation' from his traditional bonds. 'Liberated' from the soil which he had tilled and which had

provided him and his family with the basic means of subsistence he now had to enter a new type of economic relationship. He was set free to enter and produce a new relationship of dependence as a wage labourer. For the manorial lords, the freedom of movement granted to the peasants further weakened their domination over their subjects. This domination had already been curtailed by the legal reforms which tied the exercise of patrimonial judicial rights to the possession of a legal qualification to be certified by the state. For the state, the peasant policies promised economic growth. But as the peasant was now further removed from the domination of the manorial lord, these policies also made it possible to conceive of the peasant, not as the subject of a manorial lord, but as the subject of the state.

The attempts by Joseph II to reform the tax system must be seen in the context of a situation in which the state had already succeeded in whittling away some of the important power resources of the manorial lords. The creating of a new system of taxation aimed, in effect, at restructuring the political and economic relationship between lord and peasant. Tax revenue could only be increased significantly by transferring a larger amount of peasant income into the coffers of the state. But if this transfer was not to lead to the economic ruin of the peasantry, and hence to the destruction of the economic basis of the tax system, the obligations of the peasantry towards their landlords had to be reduced in line with the increased tax demands. Hence, the introduction of a new system of taxation constituted, in effect, a political struggle between ruler and manorial lords over the ground rent. Attempts to impose taxes on the aristocracy would

inevitably lead to the same confrontation. They were in a position to shift their own tax burdens onto their subjects. Only by erecting regulative safeguards could the state attempt to prevent the landlords from recovering their tax payments to the state by imposing greater demands on their peasants. In any case, in so far as a new system of taxation affected both power and purse of the lords, it was likely to meet with their determined opposition.

In chapter V.B. I have given a detailed account of the opposition to the tax reform. As a result of its infrastructural weakness, the state had no staff that was either large enough or well-trained enough to carry out all the necessary tasks of resurveying and reassessing the land. Thus, from the very beginning of this reform measure, the government had to rely on the manpower and 'expertise' of the manorial lords and their officials, that is, on the co-operation of that social group which was likely to suffer from the reforms. In my discussion of this policy I have paid particular attention to the collusion between high state officials, provincial government officials and local aristocracy in their attempt to block this reform policy. This fact should make us conscious of the danger of distorting the actual structure of the state when using the concept of 'central state'. Perhaps it would be more apposite to think of the 'central state' as a highly fragmented and factionalized cluster of state agencies which formed temporary alliances with each other according to their respective organizational interests and entered into alliances with civil society groups when they share the same objectives. To the extent that all high government officials were also manorial lords, their economic interest in maintaining the old order was in

accord with the manorial lords who remained outside government. On this basis, it was possible for a 'grand coalition' to be formed against the monarchical ruler. When the discontent of the peasants with the tax reform added to the opposition to the policy, the monarchical ruler's position became untenable and the tax and urbarial decree was revoked.

I have argued that the power struggle in the Austrian lands of the Habsburg monarchy over the tax reform and its resolution must be placed within the context of the political conflicts in the Austrian Netherlands and Hungary. To the degree that they threatened the survival of the monarchy as a political unit, they made a compromise between ruler and aristocracy in the hereditary lands of the monarchy imperative. The concurrent conflicts in Hungary and the Austrian Netherlands came to a head while the monarchy was embroiled in a military confrontation with the Ottoman Empire. This geopolitical involvement prevented central government from quelling each respective resistance by the use of military force. But while geopolitical constellations were initially beneficial to the forces opposing the government, changes in the geopolitical relations after the conclusion of the Turkish war in a peace settlement also helped to restore Imperial authority.

But this restoration could only be achieved by reinstating the traditional aristocratic elite in their privileged position within the state. In the Austrian Netherlands this *rapprochement* between monarchical ruler and Estates was precipitated by the break-up of the opposition movement along class and political lines. It became evident that the interests of the aristocracy in reestablishing their traditional

rights could not be reconciled with the revolutionary democratic demands of hitherto politically disenfranchised bourgeois groups. Once the bourgeois opposition was split over the issue of political representation, it was possible for monarch and aristocracy to unite and marginalize the politically discontented middle class. In the case of Hungary, the threat of peasant unrest and the political concessions offered by the ruler drove the aristocracy finally back into an alliance with the monarchy.

The conciliatory policy of the monarchical ruler towards the aristocracy since the late 1780s must be related to the problems which central government faced due to the geopolitical constellation: the mobilization of an army of sufficient size for the military confrontation with the Ottoman Empire and the provision of financial means to support it. Since 1789, events in France added to these concerns. The ideas of the French Revolution potentially undermined the ideological legitimacy of the traditional power structure and made it thus imperative for monarchical ruler and aristocratic power holders to close ranks. This incentive to a close co-operation between the traditional power holders was compounded by the external military threat to the internal order as a result of the wars with revolutionary France. This military challenge also exacerbated the fiscal and 'manpower' problems of the government. Given the still powerful position of the aristocracy within the agrarian society on the local level, further attempts to stifle its power would have resulted in a serious weakening of the international standing of the monarchy. For the following two decades, faced with a geopolitically-induced fiscal crisis, which ultimately led to state bankruptcy in 1811, the monarchy did not

pursue any further a policy of marginalizing the aristocracy.

Such was the need for internal stability in the early 1790s that Leopold II even reformed the secret police to assuage liberal bourgeois discontent with this 'despotic' force. But with increasing unrest in the wake of the French Revolution and the revolutionary wars, police reforms were introduced under Francis II with the objective of clamping down on any unruly elements in society. With the end of state-inspired and state-directed reform policies came the dismissal of Josephinian officials. This move estranged the reform-minded civil servants from the regime. They founded, or joined, Jacobin organizations in the Habsburg monarchy. Disillusioned with the chances of far-ranging social and economic reforms within the old order, these Jacobin groups were now espousing a programme of fundamental change aiming at the overthrow of the regime. This challenge to the established order in a situation in which the state was involved in a military confrontation was taken by the government as a pretext for pushing through police reforms. Through these reforms a far-flung, yet centralized system of (secret) police was established which remained in force until the revolutionary turmoil of 1848.

Turning to my second case study, I have shown in the previous chapter that in Ireland, too, public finance was dominated by the task of defending militarily the country against foreign powers. Geopolitics thus found a reflection in the state budget in Ireland, too. As in the case of the Austrian Empire, geopolitics was constitutive of the political and social cleavage structure of this country. Ireland

was a colonial dependency for much of the 18th century. The structure of the Irish economy was profoundly influenced by political and legislative action taken in England. Economic dependence was maintained by a highly developed system of political and legislative subordination. Without an understanding of this geopolitical position of subordination, the political and social structure of Ireland cannot be understood. Furthermore, geopolitical relations of violence between imperial Great Britain and other states also affected Ireland.

In Ireland in the 18th century, the economically dominant class was also the ruling class. The Anglo-Irish (Anglican) Ascendancy as the ruling class constituted itself in and through parliament as the 'political nation'. This centralized, 'national' formation of the ruling class was caused by the fact that it was numerically too small and too scattered in residence to govern individually or in small groups. Furthermore, the tensions and conflicts between landlord and peasant subjects, which typically resulted from different economic (and political) interests, were aggravated by differences in religion, language, and habit. In this situation the Ascendancy "bound themselves together on national rather than parish, county or even regional lines. Their primary identification was with their own order spread thinly across the entire country, not with a particular place or neighbourhood. Their common ground was Dublin" [MacDonagh 1981: 316].

In contrast to the situation in the Habsburg Empire, the vast majority of the members of this ruling class cooperated, by and large, with the Irish government. There were a number of reasons for this co-

operation. To start with, Ireland was a Protestant kingdom in which a Protestant minority ruled a Catholic majority. As *Protestant* rulers, both government and the ascendancy class had to maintain their domination in the face of a *Catholic* majority of subjects. They shared an interest in keeping the Catholic majority in a position of subordination. I have discussed how a plethora of 'penal laws' prevented the Catholics from acquiring the economic means which would have enabled and entitled them to political participation. Throughout the 18th century, Catholics were excluded from membership of the House of Commons, and between 1728 and 1793 Catholics and those married to Catholics could not vote at parliamentary elections. The test clause of the 'Popery Act' of 1704 in effect excluded the Roman Catholics also from taking offices in the state, municipal corporations and the army. This virtual exclusion was due to the stipulation in the act that holders of public office were obliged to take the sacrament according to the usage of the Church of Ireland.

This clause also virtually excluded the Protestant Dissenters from office. Their political marginalization was reinforced by the fact that only a small number of them were prosperous enough to qualify as forty-shilling freeholders. The majority of Dissenters was thus barred from participating in county elections. But the Protestant middle class, too, was politically marginalized, though not disenfranchised: a majority of seats in the Irish parliament was controlled by a small number of political magnates and the government, too, directly controlled seats. Under these circumstances, the electoral significance of the Protestant middle class

was rather minute. As can be seen, religion was closely intertwined with politics: differing denominational affiliations translated into different political privileges and economic advantages. This constellation helped the formation of social and political networks along religious lines. But the cooperation between Ascendancy and government was based more broadly than simply on religious identification.

For the landlords, the formation of patron-client-relations was one means of maintaining (their) order on the local level. For such a relationship to be established, the landlords had to be in a position to dispense favours. The most effective means of upholding his domination was for the landlord to offer places in the administration of local government to his supporters. For those places which were under the control of the Dublin government he had to make sure that he was given the right to place his own men. The build-up of a large following of dependent clients which would help him to keep 'order' locally and to exert political influence nationally was thus premised on him having entered a patron-client-relationship with central government in turn. But this local clientalism proved sometimes insufficient for dealing with unrest. In the case of serious peasant unrest, the landlords had to rely on the army to quell the disturbances. In this case, too, the landlords needed the government's cooperation.

Government's cooperation with the landlords was forthcoming because they ensured that kind of local government that was necessary for upholding the established order and for which central government was infrastructurally too weak. But as long as the local

power holders were reigned in by their dependence on government patronage, there was no danger of central government losing complete control over local government. Another structural reason for the government's cooperation with the Ascendancy was the fact that parliament was the institution through which the Ascendancy organized itself as a political force. In order to assert its authority, the Irish government had to attempt to gain some hold over parliamentary affairs. Local power holders who controlled the seat(s) in their constituency became thus an electoral interest. Government had to woo them to gain their support in parliament.

Only once did this essential co-operation between government and Ascendancy break down temporarily. This happened over the issue of colonial dependency and the demands for parliamentary reform and economic independence. I have shown that political agitation over Ireland's colonial status led also to political conflict in the form of republicanism among sections of the radicalized middle class and Catholic peasants in the last decade of the 18th century. In both instances, these conflicts were linked with political demands for electoral reform. As membership of the 'political nation' was determined by class and religious affiliations, the struggle for political participation was also fought over the issue whether electoral reform should follow class lines (e.g. empowering all members of the middle class) and whether all denominations should be enfranchised (e.g. all members of the middle class irrespective for their religious affiliations). The political cleavages along class and religious lines gave thus rise to the major *political* conflicts in the late 18th century in Ireland.

But the economic structure, too, caused conflicts. Irish agrarian society had a highly differentiated structure. The landowning class was predominantly Protestant. For most of the 18th century, their Catholic tenants could only hold leases of not more than thirty-one years, their Protestant tenants, however, could become freeholders. Thus, in this area, too, religious affiliation led to different entitlements. We have also seen how the economic conditions at the beginning of the 18th century favoured the leasing-out of large plots of land to tenant farmers. In some areas of the country, these substantial lease-holding tenants sublet tracts of their land to undertenants. They became 'middlemen' between the head landlord and their own undertenants. In addition to the groups of head landlords, substantial tenants, middlemen and undertenants, there were the cottiers and (migrant) farm labourers who found themselves at the bottom of this hierarchically structured agrarian society.

Whenever an agrarian economy is structured by lease-hold arrangements, there is likely to be conflict between the landlord and his tenants over the level of rent and the duration and renewal of the lease when it expires. This is particularly the case when the conditions under which the lease agreement was concluded no longer prevail. I have shown how the commercialization and the growth of the agrarian economy in the second half of the 18th century transformed the agrarian social relationships. One major change, which caused considerable conflict, was the challenge of the middleman system. The middleman tenant had taken land at low rents and on long leases and had been subletting tracts of lands on higher rents and shorter tenures to undertenants. He was

therefore in a much better position than the head landlord to appropriate more speedily the economic profits which the rise in farm income created in form of an increase in rent when the undertenant's lease expired. To fully participate in the economic upswing, the landlord had to cut out the middleman by leasing land directly to the undertenant when the middleman's lease expired. On the other hand, economic growth now enabled many more small tenants than before to stock a farm and pay (a higher) rent directly to the head landlord.

The commercialization of Irish agriculture also led to peasants now being confronted with more exacting head landlords and substantial farmers who set about to increase rents and actively pursued the encroachment of commanage. This increase in economic expropriation was coupled with an increased competition for land as a consequence of rapid demographic growth. Both these factors contributed to an intensification of peasant unrest in the second half of the 18th century. But demographic growth and commercialization together with a restructuring of the domestic linen industry in Ulster formed the structural conditions within which a conflict between Protestant and Catholic labourers in the countryside could develop.

Economic conflicts also existed in the commercial sector. Here, too, the denominational factor was important. The most important economic provisions of the restrictive 'penal laws' of the 18th century aimed at preventing the continuance and/or formation of a Catholic landowning class. As a consequence, many Catholics were driven into trade as the only career left open to them - once entry into the professional

occupations had been almost (or, in the case of the legal profession, totally) made impossible. The laws thus contributed to the formation of a small Catholic commercial middle class. It was against these competing *Catholic* traders and merchants that the *Protestant* commercial middle class tried to mobilize politically.

I have analysed how this conflict structure in Ireland in the late 18th century was affected by the social and political mobilization of parts of the population along the class and religious cleavages. But I have also shown that geopolitical conflicts had a major impact on this complex conflict constellations.

I have traced the effect of the American War of Independence on the political conflict constellation in Ireland. This geopolitical conflict between Great Britain and the American colonies precipitated a change in the power structure of Ireland. After the withdrawal of troops from Ireland for combat in the American colonies it became evident that the government was infrastructurally too weak to police the country and protect it against a French invasion. The formation of a militia had to be ruled out for three reasons. First, the state did not have the financial resources to sustain such a force. Second, in the southern parts of the country it would have been necessary to arm the Catholics. This was constitutionally not possible and also considered to be politically inadvisable. Third, in the north the "lower ranks of the people" would have to be recruited into the militia. They were the very people whom the government held responsible for the internal unrest in the first place. Considerations of class and religion

together with fiscal reasons thus made the formation of a government-led militia force impossible.

In this situation, the private companies of Protestant 'Volunteers' took it upon themselves to preserve "the peace and good order" and defend the borders. The government found itself now in a very real dilemma. On the one hand, the Volunteers did perform tasks in the maintenance of public order and the defence of the borders which were beyond the infrastructural capacity of the state. But, on the other hand, the Volunteers formed companies of armed men which were beyond the sphere of government influence. Neither did the government have the means of suppressing the Volunteers, nor could it dispense with the services they rendered. It was in this situation of acknowledged strength of the Volunteers and evident weakness of the government that sections within the Ascendancy and supporting groups outside the ruling class exerted pressure on the governments in Ireland and Britain to agree to trade concessions and constitutional reform. As a result, the Ascendancy succeeded in achieving legislative independence and a reduction in economic dependence without having to grant 'disenfranchised' groups membership of the 'political nation'.

After the winning of trade concessions and the constitutional reforms of 1782, there was a political split within that section of the Ascendancy that had mobilized for legislative independence and trade concessions. There was controversy over two issues. First, admittance to the 'political nation': now that parliamentary independence had been won, how should parliament be reformed and, in particular, should the electoral law be changed? The majority within the

Ascendancy did not endorse a reform which would have reduced their own power as borough-owners or the power of the borough-owners who were their sponsors by extending constituency boundaries and lowering the property qualifications for voters. Since the supporters of electoral reform did not want to enfranchise the (middle-class) Catholics, they could not weaken the opposition by mobilizing support across denominational lines. The Volunteers were the second controversial issue. Was it still politically opportune to allow the Volunteers to continue with their political mobilization? The majority of the Ascendancy considered parliament the only legitimate place in which political debate and confrontation should take place. This attempt at excluding extra-parliamentary groups from legitimate political discourse and active political participation was fostered by the realization that the newly recruited "volunteers without property" could not be expected to secure the political and economic interests of the dominant class.

With political support of the Volunteers waning, the government tried to reestablish some control over the exercise of the use of force. But forming a militia would have encountered the same difficulties as previously. The government could make some advance towards a control over the means of legitimate coercion only when the peasant unrest in the second half of the 1780s made the maintenance of public order in the countryside and the cooperation between government and landlords in order to quell these agrarian disturbances a major issue. In this situation the government attempted to gain some control over the local magistracy and the local police. But the reform of the county police was premised on the realization

that it was necessary for the government to compromise and work with the grand juries and the county magistrates as the local power holders in the countryside. These local power holders accepted government's involvement in local policing because the public order problem could not any longer be solved with local forces alone.

But it became apparent in the 1790s, that even the reformed law-and-order forces were insufficient to control the political and social unrest in the last decade of the century. The struggle for Catholic emancipation and parliamentary reform intensified between 1789 and 1793. Political opposition to the *status quo* was organized in a number of extra-parliamentary groups. Radical opposition of sections of the Protestant middle class was organized in the Society of the United Irishmen. Their commitment to electoral reform, Catholic emancipation and republicanism distinguished their programme from that of the Whig Clubs. It was clear to them that their radical middle class policies would depend on the effective organization of the radical elements within the Irish opposition and the forging of an alliance with the politically active sections of the Catholic population.

Once the Catholic middle class had ousted the landed, aristocratic Catholics from the leadership of the Catholic Committee, contacts were established between the radical Protestant opposition and the Committee to unite the opposition to the ruling regime, though the commitment to republicanism was a bone of contention. When the Volunteers were re-entering the political fray, with some companies supporting radical goals, the government was

confronted with an opposition which was united and organized as never before. To the degree that both government and Ascendancy refused to give in to their political demands, this unity was further strengthened.

In this situation the English government intervened out of imperial consideration. The English government viewed the Irish Catholics as an essentially conservative force which was predisposed towards monarchical institutions. They were considered to be natural allies against the anti-clerical French Revolution and, within Ireland, against Presbyterian republicanism. Furthermore, the British government wanted to take positive steps to make Ireland a fruitful field for military recruitment and an uninviting arena for French invasion. It therefore recommended some form of Catholic relief.

Faced with the pressure exerted by the British government and by the internal opposition, and realizing the need of maintaining internal order in a situation of war with France, the government and the Ascendancy finally conceded the parliamentary franchise to the Catholics and also enacted some of the reforms demanded by the Whig opposition. As in the case of the constitutional reforms in 1782, the reforms in 1793 were caused by a confluence of a threat to the internal order from without in the form of a French invasion and from within in the form of a broadly based political opposition of the Protestant and Catholic middle class. These concessions secured the position of the Irish government and the Ascendancy by the summer of 1793: they had split the opposition to their policies without making concessions which would have struck at the heart of

the power structure that favoured the ruling class. As a result of government concession, but also because of the war with France, the Whig party was again firmly realigned with the majority of the ruling class. For the first time, the Catholic middle class was partially incorporated into the political system.

The policy of concession was complemented by a policy of repression. With the connivance of the Whigs the government virtually suppressed the Volunteers and, finally, succeeded in forming a militia. As a result of the policy of repression, the Society of United Irishmen turned revolutionary after its suppression by government in 1794. But now that large sections of the middle class opposition had gone over to the side of the government, the United Irish forged an alliance with the Catholic Defenders. The raids of the Protestant Orange Order against Catholic peasants, government's connivance in their unlawful activities as well as government's brutal conduct in the campaign for disarming Ulster in 1797 contributed to the co-operation of the Defenders with the United Irish. But to the degree that co-operation between United Irishmen and Defenders took shape, so Orangeism gathered strength. By 1797 Orangemen were accepted by government as allies in its fight to maintain order. This cooption of the Orangemen was in line with the government's strategy to form as broad an alliance amongst the various non-revolutionary sections in society as possible. After all, the military defence of the realm against the French did not allow government to commit all its forces to the quelling of the internal threat. Hence, it had to rely on the military support of 'civil society groups'. The formation of yeomanry corps, over which the government had hardly any control, showed yet again that the

government had to concede power over the legitimate use of violence to the gentry in order to maintain order.

Badly organized, undisciplined and poorly coordinated in their activities, the army, the militia, and the yeomanry managed nevertheless to crush the rebellion. One reason was the sheer brutality with which these 'law-and-order' agencies went about their business. But the causes of the failure of the rebellion are more deep-seated. As a consequence of the government's repressive policy since 1794, the organizational structure of the revolutionary United Irishmen was extremely ineffective and French support, on which the rebels had set their hopes, did not materialize in the expected manner. But more decisive for the government's victory were the internal fissures along class and sectarian lines within the United Irish movement. To the degree to which the rebellion in the South took on a sectarian character as a result of the influence of the Defenders, Protestant supporters in the North withdrew their support from the United Irishmen. As the Defenders stood in the tradition of violent agrarian protest and shared its economic aspirations, which included the repossession of land confiscated by the Protestants and an attack on property more generally, middle-class Protestants had also good economic reasons to go over to the side of the established order.

Now that the evidence has been presented and reviewed, I can return to the question left open in the first chapter and conclude the thesis by stating in greater detail the rationale of my methodology. In this thesis I started from the assumptions that an analysis of attempts by central governments to establish a monopoly of violence through the formation of state police forces sheds light on one major aspect of state formation. It was my contention that attempts to establish a monopolistic command over the means of coercion are likely to be contested by those (groups of) individuals who are either expropriated from the means of violence they hitherto possessed or excluded from the group of people who are to gain control over these means. I argued that the conflict over the appropriation and the exercise of the means of violence is likely to be extremely fierce in societies, such as those of pre-industrial Europe, in which the appropriation of the economic surplus is closely linked with extra-economic coercion. Any attempt to undermine the (economic and political) position of the economically dominant class by expropriating it from the means of coercion is likely to encounter strong resistance.

This hypothesis about the essentially contested character of the development of police powers led to the identification of the social relationship between "ruler" and "local power holders" as the unit of analysis in my comparative studies. In order to gain an analytical handle on the historical varieties of this relationship in pre-industrial Europe, I accepted as heuristically useful Michael Mann's ideal-typical classification of absolutist and constitutional regime types. In an absolutist regime, the relationship between ruler and local power holders tends to be

conflictual; the despotic claims of central government are high, but it does not possess enough infrastructural power to penetrate civil society and co-ordinate it according to its despotic designs. In a constitutional regime, the relationship between ruler and local power holders tends to be co-operative; despotic claims of central government vis-à-vis the local power holders is low, but the penetration and co-ordination of civil society is higher than in the absolutist regime type, as central government substitutes the lack of state-controlled infrastructural power with a co-operative relationship with the elite groups in civil society.

Mann's classification (as Max Weber's typology in his sociology of domination in *Economy and Society*), is constructed by focusing on the interaction of elite groups and neglecting the social relationships of the ruled amongst themselves and with these elite groups. This focus is justified in so far as the struggle between the centrality of royal authority and the locality of the landlord class is a major feature of recorded history. It was precisely the lack of infrastructural power which made it necessary for the ruler to delegate authority to local power holders. This delegation entailed the risk of the decentralization of political authority. However, the local landlord class established and enforced power relationships with the agrarian peasant producers. The struggle between central ruler and local power holders was centrally concerned with retaining control over these peasant producers on the side of the landlords and undermining this local power base on the side of the central ruler. Typically, the central ruler attempted to turn the peasant producers from subjects of a manorial lord into subjects of the state

('citizens'); the local power holders, in turn, attempted to retain control over their power base by securing their role as intermediaries between the state and their subjects. The relationships between ruler and local power holders were thus not constituted in a self-contained social space. They were embedded in the overall power and conflict structure of society. Whether the tendency towards a conflictual or co-operative relationship between ruler and local power holders materialized in reality was co-determined by the patterns of social relationship between the rulers and the ruled as well as those among the ruled.

This assumption led to the following specification of my research problem. I wanted to analyse the relationship between central ruler and local power holders in pre-industrial Europe. My two selected cases should belong to the absolutist and the constitutional regime types respectively. In each case, the relationship between ruler and local power holders should be discussed by concentrating on attempts by the state to establish state police forces. It was my contention that both the attempts to appropriate the means of violence and the form and outcome of the struggle over the monopolization of the use of the means of violence were intricately linked to the overall power and conflict structure of society. It was therefore not sufficient to analyse only the relationships between ruler and civil society elites. The relationship between state and elites with the ruled (and 'policed') had to be discussed as far as it had an impact on the relationship (and struggle) between ruler and local power holders.

These theoretical considerations had a direct bearing on my research design. Accepting the heuristical usefulness of Mann's classification, I surmised that it might be *illuminating* to contrast processes of the development of police forces in a country that could be classified as an absolutist regime with those in a country classified as a constitutional regime. In order to make this *contrasting comparison* as extreme as possible, I chose 'Imperial' Austria as my case study of the absolutist type and 'colonial' Ireland as my case study of the constitutional type. My aim was to grasp the *peculiarities* of each case and to establish what was particular about each particular historical experience through a contrasting comparison. I used the comparative method as a way of *illuminating* the special features or particularities of the individual societies I examined - surmising that each may look different in the light of the other.

I did *not* use the comparative method as a way of generating and/or testing theories or models "that are either of potentially universal application or at least readily transferable to a number of social situations other than those being directly examined" [Fredrickson 1980: 459]. I did *not* write a study which could have justifiably been given the title : "*The Formation of Police Forces in Pre-Industrial Europe: An Application of Theory to the Austrian and Irish State*". Such a title in the tradition of Neil Smelser's "*Social Change in the Industrial Revolution: An Application of Theory to the British Cotton Industry*" would have been inappropriate because I do *not* have any 'empty theoretical boxes', for example derived from Giddens's or Foucault's theories of modernity and surveillance/social control, which I

would want to fill with empirical evidence, "thus confirming or disproving the theory's utility for interpreting history" [Bonnell 1980: 162]. Nor did I write a thesis with the title: "*Social Origins of the Police State. Ruler and Local Power Holders in the Making of the Modern World*". I did not follow Barrington Moore who used the comparative approach as "a step toward specifying configurations favorable and unfavorable to the establishment of modern Western democracy" [Moore 1966: XIV]. That is to say, I did not test alternative explanatory hypotheses to establish the conditions under which attempts to form state police forces are (or are not) successful: I did not use "historical comparisons to test the validity of existing theoretical hypotheses and to develop new causal generalizations to replace invalidated ones" [Skocpol/Somers 1980: 182].

It cannot be the task of these concluding remarks to ascertain whether such alternative research designs and alternative applications of the comparative method would yield methodologically and empirically sound results. Rather, I want to state briefly the reasons why I used the comparative approach to highlight the particular features of each individual case. I start from the *ontological* assumption that each particular state, or each particular aggregate of clusters of social relationships, is a complex and unique sociohistorical configuration. Though social scientists analyse each configuration with general concepts, it can be a legitimate task for them to interpret the particularity of each case. Comparative studies of macropolitical and macrosocial constellations can help to increase the 'visibility' of one configuration by contrasting it with another. I fully subscribe to Reinhard Bendix's methodological position:

Comparative analysis should sharpen our understanding of the contexts in which more detailed causal inferences can be drawn. Without a knowledge of contexts, causal inference may pretend to a level of generality to which it is not entitled. On the other hand, comparative studies should not attempt to replace causal analysis, because they can only deal with a few cases and cannot easily isolate the variables (as causal analysis must) [Bendix 1978: 15].

It is important to be clear about what this position entails. This argument does *not* deny that the logic of causal analysis implies a counter-factual case or a 'control' case, and that, therefore, comparison is an integral part of this logic. Rather, it is an argument against the assumption that a comparative analysis, for example by applying J.St. Mill's method of agreement and/or method of difference, could conclusively establish a list of causal factors which could account for the occurrence or non-occurrence of social phenomena. Causal attribution is based on (explicit or implicit) theorizing, not method. For example, Barrington Moore's disinclination to consider the position of the countries he analyses within the international system as a possible causal factor for the formation of democratic, fascist or communist regimes has to be discussed, not on the basis of his method, but on the basis of his theoretical orientation which is essentially 'society-centred'. Again, his neglect of cultural factors is not intrinsically methodologically founded, but is due to his theory which has a clear 'materialist' bias.

Furthermore, for a causal attribution on the basis of comparative studies to be convincing the social scientist has to be able to isolate 'variables', categorize them as 'dependent' or 'independent' and, above all, keep them constant

across the analysed cases. This demands a degree of analytical rigour which, at least as far as macrostructures are concerned, entails the risk of downgrading historical variations in each case. Bendix argues against a research strategy which is based on *ceteris paribus* assumptions; he favours an approach which allows for variability and diversity of context. I share this preference. Pragmatically, I could not see how in my case studies, which focused on the overall power and conflict structure in Austria and Ireland, such an isolation, categorization and standardization of 'variables' could have been achieved. I therefore opted for a research strategy which aimed to preserve the historical integrity of each case as a whole rather than engage in its analytical breakdown into clusters of variables.

This research design did not, however, result in the construction of historical narratives which were limited to telling the stories of how police powers were developed in Austria and Ireland. At the very least, these 'narratives' were organized around a causal hypothesis which was already identified in the title of this study: "Geopolitics and internal power structures". This hypothesis holds that geopolitics has a determining impact on the overall pattern of group conflict in society; in particular, the effects of geopolitical relations of violence have the potential for restructuring the relationship between ruler and local power holders.

This hypothesis was derived, initially, from a reading of literature on state formation in Western Europe. To put it differently: the perusal of sociological studies on state formation resulted in identifying the possible impact of geopolitics on

internal power structures as the *orienting question* of my empirical research on the development of police powers. It seemed to me that Charles Tilly addressed this question most forcefully in his historical and sociological analyses of state formation:

War and preparation for war involved rulers in extracting the means of war from others who held essential resources - men, arms, supplies, or money to buy them - and who were reluctant to surrender them without strong pressure or compensation. Within limits set by the demands and rewards of other states, extraction and struggle over the means of war created the central organizational structures of states. The organization of major social classes within a state's territory, and their relations to the state, significantly affected the strategies rulers employed to extract resources, the resistance they met, the struggle that resulted, the sorts of durable organizations that extraction and struggle laid down, and therefore the efficiency of resource extraction [Tilly 1990: 15].

For Tilly, then, state formation is an essentially contested process in that it involves a power struggle over the appropriation of the means of waging war and over the extraction of resources more generally; and it is the geopolitical setting which provides an important context and formative influence for this power struggle. But at the same time, Tilly maintains that the organization of antagonistic collective actors has to be analysed in order to understand adequately the different *forms* of state making.

As the purpose of my review of the literature was thus the identification of a sociologically significant *orienting question* about the distribution of power (chances) within societies, and *not* the development of a theory of geopolitics, I did not consider it necessary to engage in a more comprehensive discussion of related arguments on

geopolitics and power structures. Rather, having identified my *broad themes*, i.e., (1) attempts by the state to establish a monopolistic command over the means of internal coercion, and (2) the impact of geopolitics on this process of monopolization, I then turned to my two case studies. When analysing the historical evidence in the Austrian case, I could show that geopolitics did indeed have a major impact on the power structure of Austrian society. Encouraged by this result, I then proceeded with applying this hypothesis to the Irish case. In both cases I demonstrated *how* geopolitics restructured conflict constellations. But I did not test alternative causal hypotheses. What were the main results of my contrasting comparisons on the impact of geopolitics on the internal power structures ?

The impact of geopolitics on the relationship between central government and local power holders was initially different in each country. In the Austrian lands of the Habsburg Empire, the local power holders ceded fiscal-military infrastructural powers to the central state to protect them from Prussia and the Ottoman Empire. A fierce struggle between central state and local power holders over the degree of the state's infrastructural penetration of 'civil society' ensued because the local power holders still controlled sufficient political and economic power resources in their locality. By and large, they were still capable of maintaining their manorial system of domination without the help of the state. The gradual commercialization of the agrarian economy did not yet fundamentally change the patron-client-relationship between landlord and peasant.

In Ireland, in contrast, it was not an external threat which determined the relationship between central state and local power holders. It was the internal threat to the maintenance of (their) order and their domination which made the local power holders cede infrastructural (police) powers to the state. Confronted with violent agrarian unrest and the political mobilization of the middle class, the economically and politically dominant class cooperated with central government to secure the survival of their privileged position. The government, infrastructurally too weak to contain demands for political and economic reforms and combat disorder with forces under its own control, had to coalesce with the Ascendancy to retain control over the population.

But geopolitics did shape the power structure of Irish society. The American War of Independence and the wars with revolutionary France restricted the government's room for manoeuvre vis-à-vis the Ascendancy. These geopolitical conflicts were also the setting in which the political mobilization of the (reformist and republican-revolutionary) middle class and the radicalization of Catholic peasants took place. It was because of these developments and the ensuing 'disorder' that the Ascendancy retained its close cooperation with central government.

In the Habsburg Empire, the revolutionary threat and the wars with revolutionary France, too, initiated a close cooperation between central state and local power holders. The break-down of (and the break-away from) imperial authority in the two 'provinces' in the periphery of the Empire, the Austrian Netherlands and Hungary, could be reversed once the central government

had made concessions to the local power holders in order to keep the Empire together during the geopolitical conflict with France. But the willingness of these power holders to be content with the concessions was partially caused by their realization that their own position, too, might be challenged by revolutionary forces. It was the ideological and political challenge of the French Revolution and the Austrian Jacobins which made central government and local power holders close ranks. It was the geopolitical and military threat of revolutionary France which reinforced this cooperation.

It is now possible in this context to summarize the causes of the development of police powers that I identified in my historical case studies. (1) I identified a "statist" cause whereby the central government/state elite sought to increase its powers vis-à-vis all social groups/classes in its territory. In Ireland, the central government initially embarked on the policy of police formation in order to secure Ireland's status as a colonial dependency. In Austria, dynastic reasons which were closely entwined with prestige aspirations of 'Great Power' status made central government embark on a course of 'policing'. In the Irish case, central government sought the cooperation of the main section of the Ascendancy class. In Austria, police reforms were set in motion without regard for the threat it posed to the local power holders. (2) I also identified a "class" cause whereby the state maintained property and regulated good order, principally between the classes. I have shown for both the Austrian and the Irish case how peasant and urban revolts as well as the political mobilization of politically disenfranchised social

groups had a major impact on the attitudes of both state elite and propertied classes to police powers.

In the case of Ireland, a compromise on policing between central government and the oppositional forces within the Ascendancy class was reached in the mid-1790s when geopolitical pressure coupled with internal unrest threatened the power position of the privileged groups. In Austria, geopolitical pressure and internal unrest did not result so much in a compromise on policing, but rather in the acquiescence of the local power holders in the state-led police reforms of Francis II. As can be seen in both cases, as soon as the power position of the dominant groups in society was challenged by either geopolitical pressure or internal unrest, a closer co-operation between central government and local power holders ensued which allowed changes in the policing of society.

To sum up, I have shown in my two cases how, at critical conjunctures, the effects of geopolitical relations of violence between states transformed the internal conflict constellations of Austria and Ireland, and the relationship between central government and local power holders in particular. I have argued that in order to understand the power structure and political change in 'absolutist' Austria and 'constitutional' Ireland in the 18th century, it is imperative to analyse the interaction between class, political, regional/colonial, and ideological power groupings and economic, political, ideological and geopolitical interests. I have thus advocated an explanatory strategy that combines 'society-centred' and 'state-centred' arguments regarding political structural change.

In this thesis I do not make any claims which go beyond my two case studies. In particular, I do not claim that my studies have materially contributed to a sociological theory of macrostructural change which would centre on the interaction I have just summarized. I do suggest, however, that with the importance of this interaction having been demonstrated in two 'extreme' cases, there is now added plausibility, beyond *prima facie* evidence, for looking out for such an interaction in comparable cases. In order to adequately understand the conflict constellation of societies, it was necessary in the two examined cases to analyse the effects of geopolitical relations of violence on internal power structures. Without such an approach that combines an 'internal' and 'external' perspective and that accepts that societies are not self-contained entities but are highly 'permeable' to 'extraneous' forces, I would not have been able to give an adequate account of 'The state, police and public order in Austria and Ireland in the late 18th century'.

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- A) Introduction and conclusion
- B) Part One: Habsburg Monarchy
- C) Part Two: Ireland

A) Introduction and conclusion

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