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## Reshaping an Earthly Paradise: Land Enclosure and Bavarian State Centralization (1779-1835)

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RESHAPING AN EARTHLY PARADISE: LAND ENCLOSURE AND  
BAVARIAN STATE CENTRALIZATION (1779-1835)

A Dissertation

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
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in

The Department of History

by

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## Abstract

The Electoral state of Bavaria was reformed through a comprehensive project of land-based allodification (the creation of a distinction between privileged titles and property designations) through the process of “redemption” beginning in 1799. This process was previously impeded by the strength of landholding estates that included notables and the Catholic Church. In addition, Electoral Bavarian leaders lacked centralized control. Civil servants, known as cameralists, mediated political and economic interactions between these estates. The economy was based on subsistence and the productive capacity of *Gutsherrschaft*, a manorial system based on regional jurisdiction and rent collection by notables who largely did not own property that could be bought or sold.

A shift in this system took place first in terms of cameral education, and second in its application by controversial reformers such as Maximilian Joseph von Garnerin, later ennobled as the Graf Montgelas, or simply, Montgelas. Cameral reformers in Bavarian, and German universities, proposed that the role of such civil servants be expanded to include arbitrating land sale as part of a centralized state. Additional educational reforms included the Enlightenment idea of physiocracy that cameral scholars interpreted as a school of thought that included land enclosure for productive crop yields. Montgelas was an early proponent of this school of thought but was exiled due to his membership in the Enlightenment inspired secret society, the Illuminati.

Montgelas found support in exile in the Duchy of Zweibrücken from its ruler, Maximilian IV Joseph. Also referred to as Max Joseph, this ruler allowed Montgelas to develop his ideas including the Ansbach Memorandum which called for a larger, centralized cameral authority in

the model proposed by reformers in cameral institutions. Similar reforms in Bavaria were seldom pursued and when attempted failed.

Max Joseph, a member of the minor Wittelsbach line, became Elector of Bavaria when Elector Karl Theodor died in 1799. The new Elector brought Montgelas with him to serve as his First Minister of state. Montgelas reformed the centralized bureaucracy and aligned Bavaria with France, leveraging the success of the Revolutionaries' armies to quash internal and external threats to Max Joseph's rule. This brought territorial expansion, recognition of Bavaria as a Kingdom, and the implementation of a unitary legal code in the form of the 1808 constitution. Legal supremacy allowed Montgelas to begin the process of allodification. Claiming the land for state use was beyond the power of the state ministries and Montgelas could not pursue this project by fiat. Instead the process, known as "redemption," was voluntarily done by notables seeking cash payment for their land. The collapse of the Napoleonic system nearly destroyed Montgelas' reform programs as debt, famine, and disorder ensued though Montgelas' efforts were vital to the state and the allodification, through compromise and modification, remained.

Montgelas was removed from power in 1817 and a new constitution in 1818 was implemented and included the creation of a legislative body, the *Landtag*, to advise the King. The limits of the Bavarian state, financially and beholden to an acceptable constitution in the eyes of much stronger postwar reactionary powers, impeded its ability to address pension payouts and other forms of support to landholders. Redemption efforts stalled but the process of land reform was given much-needed structure and transparency. The system survived until the 1830 when stronger German economic forces in the form of the Prussian led *Zollverein* (Customs Union) effectively placed Bavaria under the dominance of Berlin.

## **Introduction. The Interconnected Nature of Bavarian State Building and the Transformation of Land Ownership Classification (1779-1835)**

In 1808 the Bavarian noblewoman Ana Maria Meierl levied a grievance against the General Commissariat of the Isar *Landkreis* in the newly formed Kingdom of Bavaria.<sup>1</sup> Bavarian Finance Ministry officials based in the capital Munich read Meierl's complaint on the topic of the "breakup of neighboring fief properties" that her family possessed.<sup>2</sup> Meierl ended her complaint by both asking for assistance from Munich's Finance Ministry administrators and underscoring how the loss of fiefdoms affected so many of her fellow notables.<sup>3</sup> Meierl's petition to the regional government was answered. She retained the fief as private property. A Finance Ministry scribe recorded that the land would be respected, "...to each regarding the partition of the vacant fief property, taken over (for/by) her as owned item."<sup>4</sup> This complaint sheds light on several important economic, political, legal, and social developments in the Kingdom of Bavaria in the early nineteenth century.

The Meierl case represents not only one example of the division and sale of former fief property in the Kingdom of Bavaria it is also demonstrative of the dynamic shift in European conceptions of land ownership and usage in the early nineteenth century. The very notion of what constituted land ownership and land usage changed in Europe beginning in the eighteenth century. Common land ownership, semi-feudal tenant farming, and their organization under the watchful eyes of noble jurisdiction were fixtures of eighteenth century European subsistence-

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<sup>1</sup> Petition of Ana Meierl to the General Commissariat of the *Isar Kreisamt*, August 10, 1808, in BHStA, MF 17316. German: "Die beste des Anna Maria Meierl zu jedem die zertremmerung des Lehen lehren Guts betretend übernahme ihr als einen dahin gehörigen Gegenstand."

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid. German: "...zu jedem die Zertremmerung des Lehen lehren Guts betreffend übernahme ihr als einen gehörigen Gegenstand."



based agricultural production and social order. Land was not physical property but the shared basis of the hierarchical yet symbiotic stability of the European way of life. Reformers changed the legal definitions that governed this system, however, during the late eighteenth century for the purposes of social revolution and the belief that increased agricultural production would bring greater tariff and toll revenues for the state. In each case, productive agriculture required the breakup of the old feudal order. In turn, such a transformative alteration to the land system was a critical tool for state building.

Stimulating profitable and productive agriculture required the elimination, or restriction, of the entrenched legal definitions that governed the privilege of landholding. Physiocrats, economists who in part advocated for the amelioration of agricultural land through the introduction of new soils and land enclosure, greatly influenced eighteenth century reformers. Intrepid, reform-minded civil servants were confronted, however, with established definitions of land and property. Land law was of paramount importance for European rulers and legal terms like *Dominium directum* and *Dominium utile* were commonplace. *Dominium directum* concerned the eminent domain of the estate including the ability to rent land.<sup>5</sup> *Dominium utile* was the tenant farmers' right to farm and pay rent on land.<sup>6</sup> *Ancien regime* France, for example, had a system of property that was defined more by its ties to power and authority rather than as a descriptor for possession of commercial goods or land.<sup>7</sup> Manorial estates were frequently referred to as *seigneuries*, a feudal organization of land tenure. Land tenure, in the French case, meant that rents were collected on plots. Outright land ownership as a form of property was thus

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<sup>5</sup> John Markoff, *The Abolition of Feudalism: Peasants, Lords, and Legislators in the French Revolution* (University Park: Penn State Press, 2020), 55.

<sup>6</sup> *Ibid.*

<sup>7</sup> Rafe Blaufarb, "The Great Demarcation – The Decree of August 4, 1789," Modern European History Colloquium Lecture at Louisiana State University, Baton Rouge, LA, April 23, 2018.

rare. A rigid separation between owning land and the ability to exploit or sell land (alienation) was codified into French law from Roman and medieval legal precedents.<sup>8</sup> The rarest of land classification was the *Dominium plenum*, also referred to as an allodial.<sup>9</sup> Allodial land was by definition something that could be owned, divided, and sold in its entirety. It was the critical designation for land that reformers of the eighteenth century believed was vital to increasing crop yields and profits.

The French Revolution served as the catalyst for physiocratic-inspired reform of land systems in France and beyond, including Bavaria. Allodified land as *Dominium plenum* was the key to higher crop yields. The French revolutionaries abolished the archaic property definitions of the *ancien regime* on the night of 4 August 1789.<sup>10</sup> Allodial property replaced the old land system. French reforms inspired many beyond the Republic's borders and the armies of France brought the land system, as well as other legal reforms, with them. The new land system was appealing for various reasons. The new land system was studied by civil servants across Continental Europe who were in the process of studying physiocratic literature from the mid-eighteenth century. Bavarian civil servants were no exception. Proponents of allodified land promised higher crop yields. This meant more profit for farmers and merchants. It would also fill state coffers by increasing tariff and toll revenue. For emergent states like Electoral Bavaria this project could assist the ruler in his effort to secure state sovereign power. Reformers Franz Karl von Hompesch-Bollheim and his protégé Maximilian Joseph von Garnerin (the later Graf von Montgelas) sought to introduce such a project. Significant obstacles barred the implementation

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<sup>8</sup> Alfred Cobban, *The Social Interpretation of the French Revolution* (Cambridge University Press, 1999), 27.

<sup>9</sup> Ibid.

<sup>10</sup> Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property* (Oxford: Oxford University Press, 2016), 5.

of such a land system. An ill-defined process of land and economic management known as cameralism served as the sinews of the Elector's decentralized control. Cameralism was common in the German states. The system relied on intermediaries (known as cameralists or cameral civil servants). Any reform of land would mean the augmentation of cameral institutions to a role of greater importance as institutions of centralized state authority. Hompesch and Montgelas believed that realizing such a plan began with a vast alteration to the legal and economic classification of Bavarian land. Academic reform, internal conflict of the estates of Bavarian society, and the exigencies of the Napoleonic Wars both complicated and assisted Montgelas' reforms. The Bavarian state was committed to large-scale land allodification by the time Anna Maria Meierl levied her complaint against the breakup of her fief.

The Meierl case is thus an excellent place to begin an examination of the prime importance of land ownership and use in the early-nineteenth century Kingdom of Bavaria. Meierl's concerns were not only common but were quotidian for Bavarian bureaucrats from the moment of the Kingdom's inception through the next three decades. Meierl's consternation about the loss of a fiefdom as property therefore requires important background information regarding the nature of Bavarian land law. In addition, the term "property" itself is loaded: what constituted property in the early nineteenth century is not consistent with its present-day definition. Property consisted of "movables" and "immovables," as it does today. The former referring to a tangible good ranging from crops to lumber. Immovable property refers to land, forests, or any defined piece of geographic space that could not be physically relocated. Land itself, was rarely categorized as an immovable property, however. Land was property that was subject to a blend of older legal traditions ranging from loosely interpreted Roman precedent,

Rhenish traditions, and the institutions of the Holy Roman Empire.<sup>11</sup> Land could be rented out to peasants, divided in common fields, and, in rare cases, owned exclusively in all legal terms, by an individual. In Bavaria, land classification was no different. This would all change beginning in 1808.

Bavaria's key land reformer, the First Minister Graf Montgelas, allodified Bavarian land through his efforts to implement the first Bavarian constitution in 1808. The constitution eliminated lingering feudal privileges, including special tax rates and pensions, for Bavarian landed lords. Land was thus deemed an immovable property but the Bavarian state, acting as a property broker, still needed to buy the land where feudal estates once existed. This process, known as "redemption," would occupy much of the attention of the Bavarian state during the allodification process. Montgelas' goal was to allodify and redeem all land before supporting its mass transformation into highly productive enclosed plots. Montgelas' plans faced significant pushback from internal opposition from *Güter* feudal estate lords, the need for consistent crop production to feed the Bavarian population, and the exorbitant demands of erstwhile ally Napoleon Bonaparte who required significant resources for his military campaigns. The allodification process supported the centralization of the Bavarian state under its King Max Joseph and, despite the various challenges posed by internal and external factors, was largely successful in surviving the Napoleonic era.

### **Historiography**

The historiography of Bavarian, and by extension, German law, forms the first integral point of introduction to this dissertation topic. The legal status of property in Bavaria, according

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<sup>11</sup> Franz Wieacker, *A History of Private Law in Europe with Particular Reference to Germany*, trans. Tony Weir (Oxford: Clarendon Press, 1995), 13.

to German legal Historian Franz Wieacker, was the product of a synthesis of French (Rhenish), German (Holy Roman Empire), and Roman legal traditions strengthened by a search for agricultural and jurisdictional solidity in the wake of the Thirty Years' War.<sup>12</sup> Wieacker's work, *A History of Private Law in Europe with Particular Reference to Germany*, forms an essential basis for understanding the legal traditions so rooted in Bavarian society. Bavarian reformers contended with a wide array of laws and local customs during their land allodification project. Providing a standardized model of land administration and state sovereignty was thus a challenging task.

Explaining power relations in Bavaria is therefore also important. An analysis of the interaction of the Bavarian estates also helps readers understand the prevailing *Gutsherrschaft* and other land systems of the era. Historian and sociologist Werner Sombart, 1903 book *The German National Economy in the Nineteenth Century (Die deutsche Volkswirtschaft im neunzehnten Jahrhundert)* contended that this system (*Gutsherrschaft*) was popular due to its stable crop production and the connection of power and property through inherited titles.<sup>13</sup> Sombart explained that crop yields and the relationship between land and the power structures of the era were important institutions for economic and social stability and also a powerful bloc to be overcome by reformers. Further entries enhance Sombart's analysis of subsistence-based agriculture and the power balance between estates in German polities. Subsequent studies in the field enhance our knowledge regarding expected crop yields and the day to day operation of subsistence-based German agriculture. Wilhelm Abel's 1967 *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century (Geschichte der deutschen*

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<sup>12</sup> Wieacker, *A History of Private Law in Europe with Particular Reference to Germany*, 13.

<sup>13</sup> Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), 5.

*Landwirtschaft vom frühen mittelalter bis zum 19. Jahrhundert*) elucidated the instability of agricultural crises in Germany and why such a stable, yet inflexible system, was necessary.<sup>14</sup> Abel underscored the persistence of famine and crop failure in German agricultural history. Another facet of Abel's research is the truncated nature of his research which emphasized the physiocratic break in the continuity of German agricultural history. Abel contended that one of the boldest aspects about agricultural reforms of this era, including those undertaken in Bavaria, was the disruption of the entrenched and tested systems of semi-feudal agriculture and estate lordship.<sup>15</sup>

Peasants also stood by the system as a mark of consistency and mutual assistance. Thus, the conservative nature of Bavarian agriculture was in part the maintenance of a tested system and opposition to its disruption or destruction. Mutual aid was an important aspect of the subsistence economy and altering this system would affect many. Private land ownership on a large scale meant competition and a massive alteration of tested, traditional forms of agriculture. Lords had responsibilities to care for the common weal. German historian Renate Blicke identified the critical expectations of stability due to an economy of need over want during this era in her 1987 American Historical Association paper, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria."<sup>16</sup> Blicke concluded that land was a shared responsibility of lord and peasant prior to its designation as private property. The shared roles of agricultural production and checks on the exploitation of labor were important points of trust in Bavarian society among the estates' social hierarchy. Any reformer who sought to change the

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<sup>14</sup> Wilhelm Abel, *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century* (Stuttgart: Eugen Ulmer, 1967), 288.

<sup>15</sup> *Ibid.*

<sup>16</sup> Renate Blicke, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria." *Central European History* 25, no. 4 (1992): 377-85.

existing agricultural system would face considerable opposition not only from above but from below. Changing a way of life also posed legal challenges.

In the specific case of Bavaria, one must examine the legal codes used by the state to assess the value of existing property in this society of need. Legal guidelines delineated property classifications and the financial and privileged benefits of estate ownership. The precedent for property distinctions was Elector Maximilian III of Bavaria's *Maximilian Bavarian Civil Code of 1756*. Another key text to consider is that of the Celle based agronomist Albrecht von Thär, who, like Elector Maximilian III, provided a historical basis for the existing agricultural order. Thär's work, the *Grundsätze der rationellen Landwirthschaft* (1809–1812) (*Principles of Rational Agriculture*) examined the history of German agriculture and related laws while also calling for a break from restrictive manorial controls on agriculture and subsistence farming.<sup>17</sup> Thär's historical analysis and land-related theories were popular with Bavaria's future reformer Maximilian Joseph von Garnerin (the Graf Montgelas) and thus merit our attention as historians. Agricultural reformers like Thär and Montgelas were fixated on ideas of land as a potent source for the amelioration of all mankind that were encapsulated in physiocracy.

The Enlightenment school of physiocracy gained wide purchase in the German states and was widely applied for the purpose of land renewal and profitable trade. The transformation of land as a productive good drove Montgelas' application of the theoretical concept of physiocracy, best detailed in principle and varied forms of interpretation by historian Liana Vardi in her monograph *The Physiocrats and the World of the Enlightenment*.<sup>18</sup> Vardi's work is a key

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<sup>17</sup> Theodor Freiherr von der Goltz, *Geschichte der Deutschen Landwirtschaft* (Stuttgart: Scientia Aalen, 1963), 7.

<sup>18</sup> Liana Vardi, *The Physiocrats and the World of the Enlightenment* (Cambridge: Cambridge University Press, 2014), 115.

entry for anyone who wishes to understand the broad applications of aesthetic, scientific, and agricultural necessity for land reform that was so important to physiocrats. Physiocrats believed that land use was critical for improving society. Many European statesmen interpreted these physiocratic ideas as endorsements of farming enclosure. Vardi's descriptions of physiocrats reveals them to be enterprising and knowledgeable but hesitant to compromise. One can deduce that these bold theories were popular with state reformers for their ability to generate greater state revenues. These theories, however, were much like other Enlightenment ideas in that they had a limited penetration beyond a narrow literate stratum of society.

Any reformer would have to contend with the reality of considerable popular opposition to change and the challenges posed by the application of theories. In the Bavarian case, Eberhard Weis's sweeping biography, *Montgelas*, detailed the key reformer's narrow interpretation of physiocratic thought among his other major ideas for reforming Bavaria reformer.<sup>19</sup> Weis characterized Montgelas as intelligent, intrepid, and, at times, intransigent. Yet Montgelas is well-defended by Weis as a champion of much-needed state reform in the pattern of Enlightened absolutism. Montgelas was not quite the radical that many of his contemporaries believed him to be. As First Minister Montgelas brought coherence and direction to land policies and cemented the authority of Bavaria's rulers during a challenging time of war when a clear, cautious path was impossible to pursue. The funds and personnel at Montgelas' disposal were less than what many possessed in larger states such as Austria and Prussia. Weis noted that Montgelas was also not the only German statesman to seek agricultural and state reform to be met with many challenges along the way.

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<sup>19</sup> Eberhard Weis, *Montgelas, 1759 – 1838, Eine Biographie* (München: C.H. Beck), 2008, 8.



Montgelas was thus not alone in seeking the dramatic transformation and sale of land as private property in late eighteenth century Germany. For other attempts at applied physiocratic reform one must turn to David Warren Sabean's influential 1990 study, *Property, Production, and Family in Neckarhausen, 1700-1870*, which detailed the complexity of village life in Bavaria's neighboring state of the Duchy of Württemberg. Sabean's work is a masterful and detailed examination of village life and the nature of property inheritance and laws, both codified and understood on a verbal, common level.<sup>20</sup> Village traditions were cemented in law and oral agreement. They were a marker of consistency in village life and were a key component of interpersonal relations as well. Land was the basis of crop production but was also a family affair. The introduction of physiocratic reforms, as Württemberg's civil servants also attempted in the late eighteenth century, posed a serious challenge to traditions and family life. This created problems for Württemberg's reformers as well. Traditions in larger states like Prussia were equally difficult to disrupt.

William W. Hagen's *Ordinary Prussians: Brandenburg Junkers and Villagers, 1500-1840* considered land reform attempts in the Kingdom of Prussia in a sweeping chronicle of Prussian agriculture and village life.<sup>21</sup> Even the mighty King of Prussia had to make compromises with estate notables called *Junkers*. Hagen recorded the preeminence of rank, privilege, and staunch conservative resistance to private land sale. Incentives for military rank and land allotments were given to the Prussian *Junker* notables in exchange for maintaining law and order and providing their sons as military officers. The scope of Hagen's study also

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<sup>20</sup> David Warren Sabean, *Property, Production, and Family in Neckarhausen, 1700-1870* (Cambridge: Cambridge University Press, 1990), 5.

<sup>21</sup> Paul Warde, *The Agricultural History Review* 51, no. 2 (2003): 242-43.

demonstrates how persistent patterns of Prussian agriculture and power relations were difficult to alter. A common trend throughout the German states, including Bavaria, was stalled, complex efforts to compromise with notables and to alter existing agricultural systems.

Ferdinand Kramer's essays "Bayern" (Bavaria) and "Bavaria: Reform and *Staatsintegration*" highlight the trusted systems of Bavarian society in the form of the *Stände*, or the estates of Bavarian society. Kramer's work provides a reader with a detailed overview of the semi-feudal constraints of the estate-based, privileged nature of land ownership, jurisdiction, and tax making policy in eighteenth century Bavaria known as *Ständeschaft*.<sup>22</sup> Bavarian estates were powerful and well-supported by notables and peasants. Reformers faced a momentous task when they tried to alter the system, consolidate power in the hands of the Elector, and then obtain European respect for Bavarian sovereignty. Reform projects would necessitate a fundamental shift in the role of German, and by extension Bavarian, civil bureaucracy to implement any changes.

The world of civil servants who interpreted property and law transactions, as well as the great reforms begun by Montgelas, was dominated by the economic and social policing theories of cameralism. German sociologist Max Weber's pioneering research on cameralism in the early twentieth century is instrumental for analyzing the power relations of civil servants in the modern age.<sup>23</sup> Weber's rational legal model of the development of civil bureaucracy demonstrates that such a pivotal, powerful role of bureaucracy did not exist in eighteenth and

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<sup>22</sup> Ferdinand Kramer, "Bayern." *Historische Zeitschrift. Beihefte* 37 (2003): 5-24. And Ferdinand Kramer, "Bavaria: Reform and *Staatsintegration*," *German History* 20 (June 2002): 370.

<sup>23</sup> Max Weber, *Weber's Rationalism and Modern Society*, Ed. and Trans. by Tony Waters and Dagmar Waters (New York: Palgrave Macmillan, 2015), 50.

early nineteenth century Bavaria. Cameralism, in its place, maintained the connections, at times tenuous, between powerful interests. The existing systems in German localities were a rebuke to strong bureaucratic control and the power of centralized states. Shifts in cameral thought began in educational institutions where concerns for land and its varied usage abounded. David Lindenfeld's *The Practical Imagination: German Science of State in the 19th Century* is an expansive, coherent guide to shifts in cameral theory in German universities by the late eighteenth century that emphasized the critical role of physiocracy and the need for state centralization to buttress the authority of German rulers.<sup>24</sup> Cameral academies produced the first of many reformers in Bavaria that would eventually include Montgelas. Lindenfeld's scholarship thus allows historians to view the limits of cameral reform under bureaucrats like Montgelas and to understand how difficult implementing reform really was. Montgelas came to view property as integral to the financial success of the Bavarian state and the role of the cameral civil servants as paramount.

Such a definite shift in responsibilities thus constituted a controversial shift towards the centralized primacy of the state and its ruler from what historian Andre Wakefield would later describe in his book *The Disordered Police State: German Cameralism as Science and Practice* as a disconnected, inconsistent process of mediation and negotiation on the part of the cameralists.<sup>25</sup> Cameralism was designed to operate as an intermediary system between the estates in Bavaria. The faculties of cameralism maintained a way of life and estate relations and were therefore not a place for reformers. Bavaria's cameral officials, like other smaller German states,

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<sup>24</sup> David Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century* (Chicago: University of Chicago Press, 1997), 35.

<sup>25</sup> Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice* (Chicago: The University of Chicago Press, 2009), 2-3.

occupied a limited role in a small state surrounded by larger powers with better equipped officials.

Thus, analyses of diplomatic statecraft and the transformative role of estate mediation performed by such officials are crucial for any examination of state building in the late eighteenth century. Montgelas' preeminent biographer Eberhard Weis described the cameral official as intelligent, secretive, and paranoid in the author's complex examination of the official's life, *Montgelas, 1759-1838, Eine Biographie*.<sup>26</sup> Montgelas believed that a centralized state bureaucracy needed to take a commanding role in driving land reform. Montgelas' plan called for the expansion of the size of the Bavarian civil service and the scope of its responsibilities. Montgelas articulated these thoughts in the Ansbach Memorandum of 1796.<sup>27</sup> The path to state supremacy amidst the turmoil of estate power and foreign meddling was thus complex and tumultuous. Historian Karl Otmar von Aretin's *Bayern's Weg zum souveränen Staat, Landstände und konstitutionelle Monarchie, 1714-1818 (Bavaria's Path to Sovereign Statehood, Territorial Estates and Constitutional Monarchy, 1714-1818)* chronicled the impediments that Montgelas, and other reformers faced, when they forged a unified state from the Bavarian Electorate's porous borders and disjointed collection of estates.<sup>28</sup> The predatory larger states of the Habsburg Empire and the Kingdom of Prussia coveted Bavarian lands. Compromises were frequent and sweeping reform was abandoned for incremental gains. Seeing Montgelas, or other reformers, as failures, however, is misleading. Similar forces challenged the

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<sup>26</sup> Eberhard Weis, *Montgelas 1759 – 1838, Eine Biographie*, 8.

<sup>27</sup> Maximilian Joseph von Garnerin, "Maximilian von Montgelas, "Ansbach Memorandum." Proposal for a Program of State Reforms (September 30, 1796)," German History in Documents and Images (GHDI), [https://ghdi.ghi-dc.org/sub\\_document.cfm?document\\_id=3524](https://ghdi.ghi-dc.org/sub_document.cfm?document_id=3524) (accessed February 1, 2020).

<sup>28</sup> Karl Otmar von Aretin, *Bayerns Weg zum souveränen Staat, Landstände und konsitutionelle Monarchie 1714-1718* (München: C.H. Beck, 1976), 38.

smaller state of the Archbishopric of Mainz in the Rhineland. Tim Blanning's *Reform and Revolution in Mainz, 1743-1803* traced the origins and conduct of similar reactions to reform from traditionally bound domestic interests similar to the obstacles that plagued Bavarian reformers.<sup>29</sup> Mainz's emulation of the French Revolution met with a bloody riposte at the hands of the Prussians but Bavarian Elector Max Joseph and his First Minister Montgelas made the daring, and costly decision to side with the French to leverage the surging tide of the revolutionary wave to fund and legitimize land reform.

Understanding foreign influence on Bavarian state building, especially from France, is thus of paramount importance. Montgelas and Max Joseph tied Bavarian fortunes to the rising tide of Napoleonic victories, hoping to overcome the impediment of a small state budget and larger rival military powers with French assistance. The result was a complex and costly fifteen-year period of constitutional legal changes to Bavaria and disastrous participation in France's war, less as a partner state and more as a vassal. Historians such as Eberhard Weis, whose *Bayern und Frankreich* is a brief overview of the two state's close relations during the years of French Revolutionary and Napoleonic conflicts, highlight the complexity of navigating interstate relations for smaller powers like Bavaria.<sup>30</sup> Bavaria was besieged by foreign powers' and their predatory designs on land. An alliance with France offered the opportunity to secure Bavarian sovereignty in central Europe by allying with the rising tide of the French Revolution and its application of Enlightenment ideas. Weis' scholarship is helpful for contextualizing Montgelas and Max Joseph's embrace of the Enlightenment and the nature of a centralized bureaucratic

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<sup>29</sup> Tim Blanning, *Reform and Revolution in Mainz, 1743-1803* (Cambridge: Cambridge University Press, 1974), 134-135.

<sup>30</sup> Eberhard Weis, *Bayern und Frankreich in der Zeit des Konsulats und des Ersten Empire (1799-1815)* (München: Stiftung historisches Kolleg, 1984), 40.

state with the exigencies of border security and even aggrandizement.<sup>31</sup> Montgelas was also obsessed with developments in land law and legal distinctions in Revolutionary France. French revolutionaries destroyed the connection between privilege and property, a topic explored in Rafe Blaufarb's *The Great Demarcation: The French Revolution and the Invention of Modern Property*.<sup>32</sup> Blaufarb articulated the distinction of land designations, the creation of private property in France, and the sweeping influence such a program had in Enlightenment era Europe. The legal revolution of this "great demarcation" popularized ideas of mass allodification and the destruction of the notable challenge to the state. The reforms and the success of the French Revolutionaries' armies drove Montgelas and Max Joseph towards an alliance with Paris.

When Bavaria's leaders made this alliance, they planned to use French influence to drive a similar program of allodification. The French presence made the Bavarian state stronger, in the inchoate years of its status as a Kingdom from 1806-1808, and Napoleon's victories greatly assisted the drive to claim noble lands from cash poor elites. Such a program was strictly voluntary and was known as "redemption." Redemption is discussed by German historian Friedrich Lenger in the Economy and Society" subsection of Jonathan Sperber's *Germany, 1800-1870*.<sup>33</sup> Lenger identified that the problem with the redemption process was that reformers like Montgelas did not have strong enough bureaucracies to convince elite landholders to sell more estate land for cash payouts. Civil servants could not be everywhere, and landed notables were not willing to give up their titles and land without a fight. Compromise was not a defeat for Montgelas but a stark reality of the complex nature of land transformation. The idea of

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<sup>31</sup> Ibid.

<sup>32</sup> Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, 18.

<sup>33</sup> Friedrich Lenger, "Economy and Society," in Jonathan Sperber, *Oxford Short History of Germany, 1800-1870* (Oxford: Oxford University Press, 2004), 97.

allodification was possible in theory but reclaiming and transforming land required significant pressure and the maintenance of law and order. Support for notables was crucial to stabilizing the internal cohesion of Bavaria and bringing coherence to Montgelas' land program as well.

Bavarian civil servants lacked the trust of the local populace when they carried out Montgelas' reforms. Such was the case throughout Germany as well. Inconsistent behavior and broad interpretation of reforms produced conflict. The boundaries of state control appear to be a common theme of the era as Hans Rosenberg observed in the much larger Kingdom of Prussia in *Bureaucracy, Aristocracy, and Autocracy, the Prussian Experience 1600-1815*.<sup>34</sup> Rosenberg's analysis demonstrates that civil servants were inconsistently trained, not always ethical or lawful, and lacked sufficient support for their appointed tasks. The limits of the Bavarian state's power were no different. A theoretical understanding of such obstacles can be found in historian W.R. Lee's rejection of Reinhart Koselleck's modernization theory. Koselleck advanced that German states in the key *Sattelzeit era* (1750-1850) underwent massive economic, political, and infrastructural developments that brought the standardization of governmental trends and the domineering, ever-present control of armies of civil servants.<sup>35</sup> Lee, and Richard Evans, in an essay entitled "The German Family," demonstrated that the impact of "flattening" the same trends of modernization that Koselleck so passionately advanced, were frequently overstated by specialists keen to advance a progress arc for the duration of the *Sattelzeit era*.<sup>36</sup> Montgelas' great theories were tested by events that destroyed these flattening trends. Inconsistencies and the

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<sup>34</sup> Hans Rosenberg, *Bureaucracy, Aristocracy, and Autocracy, The Prussian Experience, 1660-1815* (Boston: Beacon Press, 1958), 69.

<sup>35</sup> Reinhart Koselleck, "On the Need for Theory in History," in Werner Conze (ed.), *Theory of History and Practice of History Teaching* (Stuttgart: Klett-Cotta, 1972), 5.

<sup>36</sup> "The German Family," in *Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany* ed. Richard Evans and W.R. Lee (London: Routledge, 2016), 85.

chaotic nature of the early-nineteenth century wars, famines, and periods of mass civil unrest destroyed even the best laid plans of state building.

The collapse of Montgelas' system, and that of the Napoleonic supported system, demolished notions of rapid economic and social progress in land reform by 1815. Bavaria's outsized exploitation of Napoleonic success is featured in the comprehensive *Napoleon's Wars, An International History, 1803-1815* by Charles Esdaile.<sup>37</sup> In part, Esdaile explained how Napoleon demanded draught animals and food from Bavaria as well as a 30,000-soldier levy for his campaign against Russia, making the cost of these wars questionable for the small south German state.<sup>38</sup> Napoleonic success was crucial to Bavarian survival. The suppression of local notables and the imposition of Bavarian law rested on the support of the French military presence. If Montgelas was the prime Bavarian reformer, it was Napoleon perhaps more than Max Joseph, who was his principal supporter and benefactor. The collapse of the *Grande Armée* in 1812 forced Max Joseph, at the behest of his son, the Crown Prince Ludwig, to terminate the alliance with Napoleon to salvage Bavarian sovereignty in 1813.<sup>39</sup> The fallout from French defeat weighed heavily on Bavaria's leaders. Land was overused and famine set in. Thomas Schuler's, "*Wir sind auf einem Vulkan,*" *Napoleon und Bayern* best explored the collapse of the Franco-Bavarian alliance. Schuler examined the actions of the Crown Prince (and future King) Ludwig to the Russia campaign and his animosity toward the French. These events informed his role as a key figure of Bavaria's postwar diplomatic mission to the Congress of Vienna in

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<sup>37</sup> Charles Esdaile, *Napoleon's Wars: An International History, 1803-1815* (New York: Viking Press, 2008), 235.

<sup>38</sup> Thomas Schuler, "*Wir sind auf einem Vulkan,*" *Napoleon und Bayern* (München: C.H. Beck, 2015), 17.

<sup>39</sup> *Ibid.*



1815.<sup>40</sup> Ludwig's immediate role is given more depth in the comprehensive biography of his life by German historian Heinz Gollwitzer in his *Ludwig I of Bavaria*. Gollwitzer presented a man who contrasted sharply with his father. Max Joseph was austere and well-read. Ludwig was a dandy known for his ostentatious tastes and for being a dilettante. Ludwig fancied himself a king with limitless power but was ultimately forced to compromise with notables, sharing power to salvage the Kingdom his father created.

Ludwig played a crucial role in the dismissal of Montgelas in 1817 and the drafting of a second constitution in 1818. The constitution allowed private landholders to be approved by the King for service in a legislative body known as the *Landtag*. Ludwig's role in the Bavarian state became greater by 1818 as his father's health failed. The drafting of the second Bavarian constitution provided a much-needed systemic overhaul to the operation of state ministries. The *Landtag* was also crucial in guiding state reforms by reviewing and commenting on the King's proposed legislation. Bavaria's new stratified legal and political system was itself riven with rivalries but also constrained by the King's ability to dismiss sessions of the *Landtag*. The complex innerworkings of the *Landtag* and its politics are deftly explained by Dirk Götschmann in *Bayerischer parlamentarismus im Vormärz. Die Ständeversammlung des Königreichs Bayern 1819–1848 (Bavarian Parliamentarianism in the Vormärz Era, The Meeting of the Estates in the Kingdom of Bavaria 1819-1848)*. Here Götschmann guides readers through the process by which key advisors, handpicked by King Ludwig, deliberated over his proposed reforms.<sup>41</sup> The number of state ministries increased and the growth of the *Landtag* as a legislative body posed new

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<sup>40</sup> Heinz Gollwitzer, *Ludwig I. von Bayern, Königtum im Vormärz, eine politische Biographie* (München: Süddeutscher, 1987), 71.

<sup>41</sup> Dirk Götschmann, *Bayerischer parlamentarismus im Vormärz. Die Ständeversammlung des Königreichs Bayern 1819–1848* (Düsseldorf: Droste, 2002), 5.

challenges for the King. In time, *Landtag* members complained of their limited role in the machinery of state. In its early years, however, *Landtag* members buttressed the state Montgelas created and improved it. The members of the *Landtag* also proved to be staunch defenders of the King and the need for compromise within the Kingdom.

The historiography of Bavaria that covers the ten years after King Max Joseph's death (1825-1835) presents a rich history of economic expansion and the persistent need to negotiate trade and diplomatic entanglements within central Europe and beyond. As King, Ludwig was more concerned with expanding his role as a sovereign rather than serving as a constitutional monarch. Agricultural land was in a constant state of degradation in large part due to new protectionist tariffs levied by rival grain markets in much larger states. The *Landtag* scrutinized rent, tax, and pension payments from estates while rendering assistance when and where it could for estate holders. These events in Bavaria are given greater context within the world of Vormärz German states by Theodore Hamerow's study *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871*.<sup>42</sup> Hamerow's analysis in part traces the development of the Bavarian state to the mid-nineteenth century but focuses a great deal on the 1830s when King Ludwig proposed a trade bloc with the bordering states of Baden and Württemberg. This South German Customs Union, Hamerow explained, was intended to benefit Bavaria but was eclipsed by the stronger Prussian-dominated *Zollverein* (Customs Union) to the north. W.O. Henderson's book, *The Zollverein*, featured a strong argument that the greater regional dominance of the expanding Prussian *Zollverein* bloc crippled the Bavarian system and subordinated the smaller south German state to a broader integration into Berlin's orbit. as explains so well.<sup>43</sup> Bavaria's

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<sup>42</sup> Theodore S. Hamerow, *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871* (Princeton: Princeton University Press, 1958), 4-5.

<sup>43</sup> W.O. Henderson, *The Zollverein* (Cambridge: Cambridge University Press, 1939), 63.

leaders thus faced consistent opposition and competition from abroad throughout the 1820s and 1830s. This was like the Kingdom's ordeal during the Napoleonic Wars. Compromise in the *Zollverein* negotiations, like the aftermath of the Napoleonic Wars, were therefore, a consistent trend that complicated Bavarian efforts at land and state reform through the 1830s.

### Argument and Sources

The Kingdom of Bavaria had a diverse array of legal land classification that reformers sought to change in 1808. Land in Bavaria *was* property, but property was usually associated with title, privilege, and jurisdictional rule. Land was not, however, immovable property which could be bought, sold, or transferred from one owner to another.<sup>44</sup> In the Kingdom of Bavaria land was mostly part of a semi-feudal arrangement. This *Gutsherrschaft* system of feudal rents was how most Bavarians saw land. Several plots, and a divided common land, were rented on each manorial estate (*Güter*) and used, by law, for the mutual benefit of lord and peasant. The Maximilian Code, the guiding legal charter and property guide in the Electorate of Bavaria in 1756 stated, “while the law has different meanings, here it signifies a vessel, that is a sovereign command which in matters relating to the common best (interest) is stipulated for the subject.”<sup>45</sup> In rare cases, the *Grundherrschaft* system, more common in the militaristic Kingdom of Prussia to the north, entailed protection in exchange for loyalty.<sup>46</sup> The rarest land property classification

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<sup>44</sup> Jerome Blum, *The End of the Old Order in Rural Europe*, 5.

<sup>45</sup> “Codex Maximilianeus Bavaricus, Civilis. Oder Neu Verbessert- und Ergänzt- Chur-Bayerisches Land-Recht,” niedersächsische Staats-und Universitätsbibliothek Göttingen [Accessed 8 May 2020]. “Das Recht hat zwar unterschiedliche Bedeutungen, hier aber bedeutet es ein Gefäß, das ist, ein oberherrschaftliches Gebot, welches in sachen das Gemeine Beste betreffend dem Unterthan (sic) vorgeschrieben ist.”

<sup>46</sup> Hermann Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts* (München: C.H. Beck, 1977), 320-321.

was the *Allodial-Gut*, an *Allod* or a defined, enclosed piece of land legally defined as a piece of property that could be bought and sold. In 1808, the *Allodial-Gut* would become incredibly important. That year the Kingdom of Bavaria would implement a new constitution that eliminated feudal privileges including jurisdictional claims. The Bavarian state thus turned *all* land into allodial property. This shift in the property definitions of land in Bavaria was crucial to state centralization and was a key reflection of broader alterations in the Kingdom's economy and social order. The archival sources used in this dissertation, including land allodification and redemption negotiations, price indices, and pension support for landed notables reveals the complexity of land reform when confronted with real problems when applied in practice rather than existing as mere theory. Anna Meierl's complaint is a great way to examine the intricate effects of the allodification process in the Kingdom of Bavaria.

Late-eighteenth and early-nineteenth century Bavarian civil servants, beginning with Montgelas, allodified all the territory's land as part of a program to boost agricultural production. A succession of Bavarian state bureaucrats sought to centralize power under the Elector, later King of Bavaria, to control the ownership of land. Bavarian authority over agricultural land also necessitated the expansion of a centralized state bureaucracy to manage these resources. The nature of the Bavarian civil service, and that of the Elector's rule, however, did not allow for total ownership and authority over land. Instead, the Bavarian civil service, much like the administration of other smaller German states, was driven by the mercantile and legal philosophy of cameralism. Cameralism was a broadly defined German system of commercial and social management to mediate the interaction between different estates (or orders) of Bavarian society including the Catholic Church, noble elites, and Bavaria's sovereign. Thus, cameral officials

were not civil servants with broad powers who answered only to the ruler.<sup>47</sup> The idea of mass land allodification was the product of reforms first in cameral institutions and the examples presented by other European forays into claiming land, compensating nobles, and selling plots to amenable, physiocratic minded owners. This effort was part of a crucial, successful effort to centralize Bavarian power, economic activity, and social cohesion under the rule of the King. Allodification was but the key to the elevation of the Bavarian King, his civil servants, and the political and economic independence of the new Kingdom.

The introduction of new ideas and shifting scholarship prompted cameral officials and German leaders to assess what the scope of a cameral official's responsibilities should be. Physiocracy was but one important Enlightenment school of thought that spread to Bavaria by the mid-eighteenth century. Physiocrats, the *philosophes* who promoted physiocracy, were prominent in both France and Great Britain in the mid-eighteenth century. These thinkers were motivated by the idea that the productive use of land was key to the revitalization of state economies.<sup>48</sup> By the 1760s, professors at Bavarian cameral institutions, namely the University of Göttingen, began to include physiocratic ideas in their curricula.<sup>49</sup> Professors like Johann Stephen Pütter, called for the role of the cameralists to be fundamentally altered.<sup>50</sup> Pütter proposed that cameralists take a more forceful role in state administration of economic activity and the legal interpretation of land ownership. This new direction in cameral science was therefore controversial. Land reform entailed allodification. Allodification inferred that the Bavarian leader would possess greater authority over his subjects' land and titles. This shift

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<sup>47</sup> Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 2-3.

<sup>48</sup> Liana Vardi, *The Physiocrats and the World of the Enlightenment*, 115.

<sup>49</sup> Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century*, 35.

<sup>50</sup> *Ibid.*

potentially deprived landed elites of their sources of income in the form of rent collection and pensions based on the possession of a manorial estate.

New content in cameral instruction was appealing to students who believed the cameralists needed to be the central agent for the introduction of physiocratic reform in Bavaria. Maximilian Joseph von Garnerin (the later ennobled Graf Montgelas) was a promising cameral official in Bavaria who supported Pütter's cameral approach.<sup>51</sup> Worth noting is that many of Montgelas' peers agreed with Pütter. Montgelas agreed with Pütter that the state, as a representative body of the Elector, should rule over Bavarian estates.<sup>52</sup> The young cameral official also railed against the Catholic Church as a moribund, dysfunctional institution that had too much influence over the Elector. Unsurprisingly, the Catholic Church in Bavaria took issue with Montgelas, and using his staunch anti-clericalist beliefs and membership in the Illuminati against him, pressured the Elector Karl Theodor to dismiss and exile the young civil servant. Karl Theodor himself failed at a land reform project, further crystallizing Montgelas' belief in the necessity for a more powerful civil bureaucracy.

Elector Karl Theodor proposed a series of land-related exchanges and taxation shifts in the 1770s with little success, demonstrating that major impediments stood in the way of reformers from both within the Bavarian state and from beyond its borders. The Elector Karl Theodor proposed exchanging land to protect Bavarian territorial integrity in the 1780s to no avail.<sup>53</sup> Bavarian notables blocked his bid at reform and foreign powers (Austria and Prussia)

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<sup>51</sup> Maximilian Joseph von Garnerin also appears in this dissertation under the guise of his later ennobled title "Graf Montgelas" or simply "Montgelas."

<sup>52</sup> Maximilian Joseph von Garnerin, "Maximilian von Montgelas, "Ansbach Memorandum." Proposal for a Program of State Reforms (September 30, 1796)."

<sup>53</sup> Karl Otmar von Aretin, *Bayerns Weg zum souveränen Staat, Landstände und konstitutionelle Monarchie, 1714-1818*, 64.

wished for more Bavarian land. Karl Theodor's reign (1778-1799) taught reformers like Montgelas two crucial lessons: any land policy would meet with significant resistance from the powerful interests of Bavarian estates and that governing, not just reform, would always be influenced by the more powerful states looming on the Electorate's border.

Montgelas found support for physiocratic influenced reform of cameral land policy in the court of the Duke Maximilian Joseph (Max Joseph) of Zweibrücken. Max Joseph was, like Montgelas, a student of the Enlightenment. A member of the minor line of the Wittelsbach dynasty, the ruling family of Electoral Bavaria, Max Joseph coveted the throne and sought to become an Enlightened ruler.<sup>54</sup> Max Joseph made Montgelas an advisor and supported the reforms he suggested for the small ducal territory. Montgelas' first major reform program was the Ansbach Memorandum of 1796.<sup>55</sup> The Ansbach Memorandum contained Montgelas' major ideas for the reform of Electoral Bavaria. Montgelas declared that the responsibilities and role of cameral ministers were archaic and needed to be changed. The solution was the training of a new type of civil servant with broader legal responsibilities and a key, cameral focus on *Ökonomie*, land-related management.<sup>56</sup> Reforming the Bavarian state, Montgelas would learn, was more difficult than simply addressing the shortcomings of its cameral civil servants.

It was the latter threat that surrounded Max Joseph's accession to power in 1799 and that complicated Montgelas' dramatic implementation of the reforms entailed in the Ansbach Memorandum. Max Joseph became Elector upon the death of Karl Theodor in 1799. The

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<sup>54</sup> Manfred Tremml et. Al, *Geschichte des modernen Bayern: Königreich und Freistaat* (München: Bayerische Landeszentrale für politische Bildungsarbeit, 2006), 21.

<sup>55</sup> Maximilian Joseph von Garnerin, "Maximilian von Montgelas, "Ansbach Memorandum." Proposal for a Program of State Reforms (September 30, 1796)."

<sup>56</sup> David Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century*, 58.

Elector, with Montgelas as his key advisor at his side, looked to legitimize the central role of the state above the powers of the estates. Max Joseph, like Montgelas, looked to Revolutionary France as a positive example for state reform, including the revolutionaries' approach to land classification. The French Revolutionaries allodified land by abolishing feudal titles and privileges, and with them, the connection between property title and the land itself.<sup>57</sup> Such a distinction was critical for Max Joseph and Montgelas. If the two could emulate such a process within the Electoral state of Bavaria they could accomplish two key goals of state building. The first was breaking the power of the notable held estates. The second was transforming land into property owned by those landholders who shared a physiocratic approach of productive land use. This transformation was more easily proposed than implemented. The project also hinged on the Elector and his advisor leveraging the fortunes of war by making a key alliance with France to both protect Bavarian sovereignty and to crush the established Bavarian estates.

Thus, Montgelas' proposed reforms of a centralized state led land allodification program hinged upon an alliance with France. This brought early benefits due to Napoleonic success and disaster as the French Empire disintegrated. Max Joseph gravitated towards the revolutionaries in 1801 when French forces defeated an Austrian army on Bavarian soil.<sup>58</sup> The two powers signed a peace treaty at Lunéville shortly thereafter. Large segments of land were redistributed to many German states because of French victories in 1803. Bavaria was given more land from several archbishoprics as part of the Final Recess of the Holy Roman Empire (*Reichsdeputationshauptschluss*) that year.<sup>59</sup> The reduction in power of the Catholic Church in

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<sup>57</sup> Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, 18.

<sup>58</sup> Waterloo 1815. Coppen, Bernard. "The Treaty of Lunéville 1801." [www.waterloo1815.com](http://www.waterloo1815.com). – [http://www.1789-1815.com/tr\\_luneville\\_txt.htm](http://www.1789-1815.com/tr_luneville_txt.htm) [accessed December 21, 2019].

<sup>59</sup> Günter Krings, "Das Alte Reich am Ende — der Reichsdeputationshauptschluss



these lands paved the way for the secularization of Church land in Bavaria. Montgelas achieved two major goals of his program by eliminating the political power of the estate of the Church and by allodifying its land, separating the manorial jurisdiction from the Church's authority to that of the Bavarian state. Subsequent French victories over Austria brought greater security to Bavaria's borders and Napoleonic recognition of Bavaria's status as a Kingdom rather than an Electorate in 1806.

The Establishment of the Kingdom of Bavaria was a high point for Bavaria's leaders as the power of the monarchy finally superseded the authority of the competing estates. The limitations of bureaucracies of this era were also on display. Montgelas worked quickly, establishing a centralized bureaucracy containing finance, interior, and justice ministries. Max Joseph approved the first Bavarian constitution in 1808 abolishing all feudal privileges, titles, and special tax rates.<sup>60</sup> This allowed Montgelas to pursue his long sought-after goal: the allodification of all manorial land. The process of allodification was followed in Bavaria by "redemption."<sup>61</sup> Redemption of land, plots voluntarily sold to the state for resale, revealed a key shortcoming of the more powerful state ministries, though. Cameral civil servants could not be everywhere and could not personally enforce every law. Systemic control by an ever-present bureaucracy was a century away at least.<sup>62</sup> Redemption was thus done on a voluntary basis. Estate lords were cash poor due to war in Europe. Montgelas believed that this desperation would make the lords sellers. Instead, they demanded the legal fulfillment of past due pensions.

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1803." *JuristenZeitung* 58, no. 4 (2003): 173-79.

<sup>60</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013.

<https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/> [accessed 05 2020]

<sup>61</sup> Lenger in Sperber. *Oxford Short History of Germany, 1800-1870*, 97.

<sup>62</sup> *Weber's Rationalism and Modern Society*, Ed. and Trans. by Tony Waters and Dagmar Waters, 50.

In addition, the health and vitality of their lands was critical to the Bavarian food supply and trade. Elsewhere protestations to the new system were stronger. Land ownership traditions of Tyroleans were challenged by the Bavarian state.<sup>63</sup> A revolt followed in 1809, and French assistance was needed to suppress it. Montgelas' program of allodification was failing to pay dividends but not exclusively his fault. Bureaucracies of the time were limited in their scope of power. Bavaria was also a smaller state making the power of its centralized authority difficult for its comparatively smaller and poorer bureaucracy. The alliance with France, so integral to the foundation of the Kingdom of Bavaria and the land reform project, would unfortunately bring famine, debt, and disorder beginning in 1812.

The allodification and redemption project stalled and collapsed amidst the implosion of the Napoleonic system and alliance from 1812-1815. Napoleon demanded more from Bavaria every year as the French viewed Bavaria more as a tributary vassal state than an equal partner. Napoleonic trade controls in the form of the Continental System, the internal blockade intended to cut Britain off from trade, had dire consequences for Bavaria.<sup>64</sup> Crops, draught animals, and conscription of Bavarian subjects for military service left farmland in disrepair and agricultural yields plummeted. The failure of Napoleon's Russian campaign destroyed Bavarian sustenance and ability to maintain its sovereignty independent of the coalition. The greatly weakened Bavarian state was now challenged by its more powerful regional enemies, Austria and Prussia. Facing this pressure, Max Joseph left the Napoleonic alliance at the behest of his son, the Crown Prince Ludwig, in 1813 and defected to the side of the Sixth Coalition, the allied powers

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<sup>63</sup> Eberhard Weis, *Montgelas, Eine Biographie, 1759 – 1838*, 80.

<sup>64</sup> "Rejoinder to His Britannic Majesty's order in council of the 11th November 1807." The Waterloo Association. [http://www.napoleon-series.org/research/government/france/decrees/c\\_decrees16.html](http://www.napoleon-series.org/research/government/france/decrees/c_decrees16.html). [accessed December 23, 2019]

determined to defeat Napoleon.<sup>65</sup> The cost of the war was immense and state debt and famine conditions ravaged Bavaria. Though allied to the victorious coalition, the most prominent of the major powers' leaders, Austrian Prince Klemens von Metternich, viewed Max Joseph as untrustworthy. Bavaria was also perceived as a state that benefitted from its close alliance with Napoleon until his demise. The survival of state sovereignty was in jeopardy when Europe's powers met in Vienna in 1815.

Montgelas' system, however damaged by conflict, survived the postwar era due to skillful negotiations with Austria and Metternich's support of constitutions in the German states. The Bavarian state was stripped of territory at the Congress of Vienna in 1815 and Austria took land on its periphery the following year in the Treaty of Munich.<sup>66</sup> Bavaria was stricken by famine, mounting state debt, and the deterioration of land quality. Famine in 1816-1817 produced dire consequences for many Bavarians. State debt incurred from the conflict damaged the centralized state bureaucracy but did not destroy it. Some, like the Crown Prince Ludwig, blamed Montgelas for Bavaria's misfortune. Ludwig led a successful effort to remove Montgelas from power in 1817. It was now time to find a structured solution to the damage incurred during the conflict.

The Crown Prince Ludwig represented his ailing father King Max Joseph during the drafting of a second constitution in 1818 intended to provide greater transparency and bureaucratic cooperation within the Bavarian state. Ludwig blamed Montgelas for Bavaria's

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<sup>65</sup> Adam Zamoyski, *Rites of Peace: The Fall of Napoleon and the Congress of Vienna* (New York: Harper Perennial, 2008), 107.

<sup>66</sup> "Treaty of Munich." April 14, 1816. Treaty of Munich. <https://books.google.ca/books?id=um1eAAAACAAJ&printsec=frontcover#v=onepage&q&f=false>. [accessed December 12, 2019].

catastrophic participation in the Napoleonic Wars. The former First Minister's efforts, however, established a centralized state with Max Joseph as its ruler. Montgelas' land system, and the state ministries that controlled it, needed to be reformed not eliminated. Graf Georg Friedrich von Zentner, a trusted legal theorist and civil servant under Montgelas provided a solution to the perceived flaws of the state ministries and their land system. Zentner drafted the second Bavarian constitution in 1818. This constitution created a bicameral legislature, the *Landtag*, that included some notables close to the King, as well as some non-nobles interested in land, into the government. The *Landtag's* upper chamber gave many notables more representation than before and the lower chamber included some non-noble property holders. In sum, the system represented something of a capitulation to mediatized nobles (those who had been relieved of their privileges). The *Landtag* was to be a representative advisory panel for the King and not a substitute to his rule. A strong "monarchical principle" gave the King the right to propose legislative ideas and for the *Landtag* to review it.<sup>67</sup> The *Landtag* was immediately inundated with complaints (*Beschwerde*) about deteriorating land conditions and assistance paying noble pensions and salaries. These complaints were inescapable as the years passed and a series of agricultural crises impacted Bavaria into the 1820s. The death of Max Joseph in 1825 brought Ludwig to the throne and forced him to further compromise with notables to preserve Bavaria's economic integrity.

Ludwig attempted to stabilize the Bavarian state during 1825-1835 by offering concessions with landholding notables and attempting to create a trade bloc to protect the Kingdom's export economy. Ludwig was forced to compromise with landed nobles. Ludwig helped notables, in a limited sense, keep their agricultural lands, now owned as property and

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<sup>67</sup> Hans-Michael Körner, *Geschichte des Königsreichs Bayern* (München: C.H. Beck, 2006), 55.

rented by tenants, stable. In the late 1820s Ludwig also attempted to create the South German Customs Union for the purpose of protecting regional trade.<sup>68</sup> Ludwig also believed that such a trade bloc would privilege the Bavarian economy while opening its merchants and landholders to new markets. The plan backfired. Prussian leaders created a much stronger *Zollverein* (Customs Union). Ludwig joined the *Zollverein* in 1830 surrendering to the stronger market forces and political power of the Kingdom of Prussia. Bavarian leaders, once again, were stymied by the larger forces on the periphery of their lands and by the domestic need for stability and agricultural production.

This dissertation, therefore, advances that the element of compromise complicated but did not deter Bavarian efforts at state-guided allodification during the late eighteenth century and early nineteenth century. Montgelas' reforms must be viewed within the context of their era. Challenges from notables and peasants alike complicated the process of reform due to the serious disruption to consistent, well-tested forms of agricultural production and mutual aid in a subsistence-based economy. Reformers of this era lacked authority to enforce sweeping changes to the character of everyday life. Civil servants, though given broad mandate by new state bureaucracies, were ill-equipped to change the nature of agricultural usage or to destroy the much needed, stabilizing influence of rural lords. The reforms of Graf Montgelas in this era did not fail they instead provided the crucial foundation for the reformation of the Bavarian economy and the secure power of the Wittelsbach Dynasty. They were imperfect in an era of chaotic interstate relations, savage war, and unbearable famine. The ultimate success of land

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<sup>68</sup> W.O. Henderson, *The Zollverein* (Cambridge: Cambridge University Press, 1939), 63.

allodification was in the state's retention of the program through these crises. Reforms followed upon reforms and Bavarian land production, state power, and the quality of life were improved in the long term.

### **Thesis Structure**

Chapter one of this thesis explores the estate-based structure of Bavarian agriculture and social organization. Titled and untitled nobility owned land and peasants paid rents for their plots. The estates were also a significant political bloc in Bavaria, as was the Catholic Church. This chapter also includes a description of the vital cameral reforms of the eighteenth century. New curricula borrowed physiocratic elements for a new reinterpretation of private property law and influenced future reformers such as Montgelas.

The topic of chapter two contextualizes the formation of the Kingdom of Bavaria amidst the climate of the French Revolutionary Wars and the rule of Napoleon Bonaparte. Max Joseph, as Elector, and his First Minister, Montgelas, were drawn to France as it was a purported beacon of Enlightenment virtue. French armies arrived on Bavarian soil and handily defeated Austrian forces. Max Joseph benefitted from the redistribution of German principalities defeated by Napoleon in 1803. The Kingdom of Bavaria was formed through the consent and support of Napoleon Bonaparte. Montgelas' massive expansion of bureaucratic led land reform of allodification was given the martial backing of French forces. Foreign intervention was crucial to solidifying the power of the new Kingdom of Bavaria. The 1808 constitution was a founding compact of the enlightened absolutist model of the new Bavarian state. Max Joseph used the constitution to crush the power of the competing estates leaving himself as sole ruler. King Max Joseph's successes and failures were buoyed by Napoleonic support through 1809.

Chapter three concerns the connection between the collapse of the Napoleonic alliance and Montgelas' property system. The inextricable link between the redemption process of land and the strength of the state centralization of bureaucracy was compromised by Napoleonic policies. The imposition of the 1810 Napoleonic Continental System, an internal blockade of European powers occupied or allied with France brought debt and famine. Napoleonic demands on Bavaria's leaders for resources crippled the small German state and led to its near ruin when the French Army was defeated in 1812. The Crown Prince Ludwig I convinced his father King Max Joseph to defect to the side of the Austrian and Prussian-dominated Sixth Coalition by 1813. In addition, the collapse of the Napoleonic order brought debt, destroyed agriculture, and the threat of conservative reaction from the Habsburg dominated Congress of Vienna system to Bavaria. Montgelas' efforts as First Minister ended in 1817 when he was dismissed by the Crown Prince Ludwig. Montgelas' reforms were critical for the future success of Bavaria's economy and the power of the King.

The creation of a compromise driven parliament (the *Landtag*), an advisory assembly of titled and untitled nobles and educated professionals, led by the monarchical principle of rule forms the basis of chapter four. Attempts at land redemption were relegated to a diminished role while support for mediatized, cash poor notables increased. Graf Friedrich Georg von Zentner's 1818 constitution produced a more structured state bureaucracy while strengthening the existing state dominated land law reforms of the Montgelas' era. A sense of order and systemic application was present in this system. Those notables who sought assistance for their destroyed lands and pensions to pay debts disagreed.

Finally, an epilogue discusses the swirling market forces that brought Bavaria into a Prussian-dominated trade bloc of the *Zollverein* over the last attempt at a state driven,

agriculturally driven economy. Bavaria was once again besieged by stronger economic forces and the further reduction of its political autonomy.



## Chapter 1. Redrawing the Map: The Role of Land in the Growth of Electoral Bavaria

Late-eighteenth century Electoral Bavarian civil servants faced significant challenges in their effort to transform agricultural land from its connection to semi-feudal jurisdiction to private ownership as property. Several impediments stood in the way of such a large-scale overhaul of land ownership. Landholding requirements were a deeply entrenched part of Bavarian life. Bavarian land was largely organized into *Gutsherrschaft* estates (*Güter*), a semi-feudal agricultural and social model, as well as the *Grundherrschaft* tenant farming system. The Catholic Church also had extensive lands managed using the *Gutsherrschaft* system. This model brought stability and reinforced the role of law and order in rural areas in the wake of Thirty Years' War (1618-1648).<sup>69</sup> Electoral Bavaria was a patchwork of these estate lands, as well as the political and social pull of the Catholic Church and mendicant orders (like the Jesuits and Norbertines), and the limited authority of the Elector. The Elector was a leader that bound these institutions together less through real power than from his title and historic importance. The sinews of state control were managed by cameral civil servants, or cameralists. Cameralists were officials who were schooled in the German economic management school of cameralism. A cameralist's career hinged on currying favor with the Elector and negotiating the web of powerful interests that both advised and constrained his rule. Such a system provided functional relations between the estates but left Bavaria weak in a turbulent sea of alliances, expensive wars, and shifting borders.

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<sup>69</sup> Hermann Kellenbenz. *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 320-321.

Physiocratic influence from beyond Bavaria's borders influenced shifting notions of cameral responsibilities. The role of the state in Bavaria, as well as in continental Europe, was increasing. Ideas concerning land usage, including physiocratic inspired notions of maximizing lucrative crop yields, were of interest to enlightened bureaucrats. The presence of these concepts in Bavaria became controversial. Aspiring reformers adopted these new ideas and promoted the notion of an expanded state that would drive agricultural development. In turn such agricultural development would fund the primacy of a more robust centralized leadership.

This chapter examines the stagnant, if stable, organization of agricultural land in the Electorate of Bavaria from 1648 through the conclusion of the late-eighteenth century. The period in question is of critical importance for Bavarian and European history. Ambitious civil servants advanced Enlightenment-inspired reforms that would fundamentally change the nature of land ownership and use. The new system would mean mass, state-sanctioned private land ownership and the elimination of feudal privileges associated with estates. This meant altering Electoral Bavarian legal traditions. The confusing array of legal codes were a product of institutions of the Holy Roman Empire and the various influences of Roman, French, and German law. Feudal property arrangements, including the collection of rent, were normative. Land as privately held property was uncommon. Several attempts at land reform, including an overhaul of the tax system failed due to the intervention and obstinacy of the landed nobility. Finally, in the 1750s, a new legal guide to land ownership, rents, and inheritance, the *Codex Maximilianeus Bavaricus, Civilis. Oder Neu Verbessert- und Erganzt- Chur-Bayrisches Land-Recht* – or “Maximilian Code” was introduced to provide clarity to land ownership distinctions.<sup>70</sup>

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<sup>70</sup> “Codex Maximilianeus Bavaricus, Civilis. Oder neu Verbessert- und Erganzt- Chur-Bayerisches Land-Recht,” [accessed May 8, 2020].

A handful of German civil servants first proposed a mass rewriting of the laws that governed land ownership and privilege by the mid-eighteenth century. One enterprising civil servant, Maximilian Joseph von Garnerin, the future Graf Montgelas, generated controversy by proposing to expand the size and role of a unitary civil bureaucratic state led by an unchallenged sovereign. Such a program was intended to manage Bavaria's economic interests, with a special focus on agricultural benefit, for the advantage of a more robust state.

### **Electoral Bavaria and Central Europe in the Wake of the Thirty Years' War**

Electoral Bavaria, the predecessor of the Kingdom of Bavaria, maintained a system of shared jurisdictional responsibilities between ruler (the Elector), notables, the Catholic Church in Bavaria, and subjects during 1648-1799. Bavaria, in the wake of the Thirty Years' War (1618-1648), was a patchwork of estates, bishoprics, and free cities. The Electoral Bavarian state owed its sovereignty to the Peace of Westphalia. Lessened, yet unbroken, Imperial authority gave Bavarian leaders more latitude. According to Robert A. Kann, "After 1648 every major move of the emperor had to be based exclusively on the strength resulting from the rule in the hereditary lands and those of the eastern crowns."<sup>71</sup> The elite assembly of the Holy Roman Empire, the Imperial diet, met for the last time as a complete and functional assembly of estates with decision making power in 1653-1654.<sup>72</sup> The product of this diet was the "electoral capitulation" (*Wahlkapitulation*) of the Holy Roman Emperor Leopold I in 1654.<sup>73</sup> Leopold effectively divvied up electoral states while severely curtailing the land rights and responsibilities of the major contingents of the Electoral Bavarian state: Old Bavarian (*Altbayern*) and Palatinate

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<sup>71</sup> Robert A. Kann, *A History of the Habsburg Empire, 1526-1918* (Berkeley: University of California Press, 1980), 55.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

(*Oberpfalz*) lords.<sup>74</sup> Subsequent Imperial decisions by Leopold reinforced the subservient role of electoral states like Bavaria. In addition, the Holy Roman Emperor Leopold I did not consult the electoral states or the landed gentry when making military decisions.<sup>75</sup> Kann, however, concluded that the subsequent sessions of Leopold I “gave little additional leverage to Habsburg power in imperial domestic matters.”<sup>76</sup> The electoral states lost their representative voice in the Imperial diet (which reconvened in 1663) but gained increased autonomy over their own polities. Leaders of electoral states, like Bavaria, turned to new forms of agricultural production and rural jurisdiction to bolster their power and to turn a profit.

Many Bavarian landed elites adopted the German *Gutsherrschaft* manorial system by the mid-seventeenth century to provide stable agricultural production and social control.<sup>77</sup> The *Gutsherrschaft* model, along with the *Grundherrschaft* model, was the basis of Bavarian agricultural production, landholding rights, and law and order for over a century and a half. German-speaking central European land was devastated by the Thirty Years’ War. Bavarian land was no exception. The priority of Bavarian rulers was agricultural stability. Recovery efforts were slow. *Gutsherrschaft* manorial estates (*Güter*) were the centerpiece of agricultural organization.<sup>78</sup> The *Güter Domainen* (domains of the estate) frequently, but not always, included

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<sup>74</sup> Karl Otmar von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 13. German: “Der Reichschluss von 1654 und die Wahlkapitulation Kaiser Leopolds I. von 1658 stellen insofern eine Zäsur in der Geschichte der deutschen Landstände dar, als ihnen damit die Bestreitung der Mittel zur Pflicht gemacht wurde...weiter durch das in der Wahlkapitulation erlassene Verbot galt auch für mehrere Stände eines Landesherrn, in unserem Fall der bayerischen und oberpfälzischen Stände.”

<sup>75</sup> *Ibid.*, 13-14 – German: “Der Reichschluss von 1670, der die Landstände zwingen sollte, alle Mittel zur Landesverteidigung zu genehmigen, wurde von Leopold I. allerdings nicht bestätigt.”

<sup>76</sup> *Ibid.*

<sup>77</sup> Rudolf Vierhaus, *Germany in the Age of Absolutism*, trans. Jonathan B. Knudsen (Cambridge: Cambridge University Press, 1988), 17.

<sup>78</sup> Vierhaus, *Germany in the Age of Absolutism*, 17.

a *Vorwerk* (manorial office).<sup>79</sup> Agricultural organization, along this model, was decentralized during the seventeenth century. Electoral Bavarian *Güter Domainen* were among the many *Gutsherrschaft* estates to undergo an agricultural and labor reorganization called *Bauernlegen* during the seventeenth century.<sup>80</sup> This process entailed the appropriation of peasant land followed by land rights transferred back to peasants based on rents.<sup>81</sup> Peasants would also repay manorial lords with a portion of their crop yields. *Gutsherrschaft* practices in northeastern German states entailed serfdom but Bavarian subjects escaped such an ordeal. Bavarian peasants benefitted from the close cooperation of the Catholic Church and the Electoral state's process of confessionalization that, in part, protected *Güter* laborers from abuses.<sup>82</sup> According to historian Renate Blickle, *Güter* law included the adherence to a 1616 labor code that restricted services and work for lords for "subsistence" related matters rather than for luxury.<sup>83</sup> Bavarians experienced stability during the latter half of the seventeenth century with farming as the basis for sustenance and social order.

The strengthening of the *Gutsherrschaft* system transformed both the organization of land and the legal responsibilities of landholders and estate lords. *Güter* lands were rented to peasants in exchange for as much as one third of all crop yields, livestock, fish, or wildlife.<sup>84</sup> Land was divided into furlongs (*Felder*) and then three separate large fields (*Zelgen*).<sup>85</sup> The periphery of

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<sup>79</sup> Ibid.

<sup>80</sup> Lujo Brentano, *Gesammelte Aufsätze. Bd. 1. Erbrechtspolitik: alte und neue Feudalität, Bd. 1* (Stuttgart: J.G. Cotta, 1899), 233.

<sup>81</sup> Vierhaus, *Germany in the Age of Absolutism*, 17.

<sup>82</sup> Marc R. Forster, *Catholic Revival in the Age of the Baroque. Religious Identity in Southwest Germany, 1550-1750* (Cambridge: Cambridge University Press, 2001), 219.

<sup>83</sup> Renate Blickle, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria," 380.

<sup>84</sup> Vierhaus, *Germany in the Age of Absolutism*, 16.

<sup>85</sup> Sabeau, *Property, Production, and Family in Neckarhausen, 1700-1870*, 5.

land was for the cultivation of flax and hemp.<sup>86</sup> Arable land, unfortunately, was overused to the point of soil depletion. Slash and burn farming techniques were common and parts of fields were left fallow.<sup>87</sup> Innovation or adaption was infrequent and life on the *Güter* estate could be Hobbesian. Peasants were born and died on estates. Labor obligations to lords supplemented crop payments. A “fitting subsistence” of “domestic necessity” – *Hausnotdurft* – unified the subjects and lords in a mutual respect for legal and moral boundaries.<sup>88</sup> A series of legal and religious principles also reinforced this hierarchical yet symbiotic relationship between noble and peasant.

There were few developments in land-related legal theory in German-speaking central Europe that concerned Bavarian lords. Instead, there was, in general, a shared concern for the potential abuse of regional jurisdiction by estate holders and its impact on the common weal. German legal thought, at its most theoretical, included the jurist Samuel Pufendorf’s combination of the established traditions of Roman legal codes with the socially compassionate influence of Christian natural laws.<sup>89</sup> Pufendorf delineated the “*entia physica* (the features of external nature) and *entia moralia* (the components of the social world of ethical freedom).”<sup>90</sup> In practical terms, Pufendorf’s ideas, and those of other thinkers, were not considered by either Bavarian lords or peasants. *Meierrecht* guided Bavarian law. *Meierrecht*, an unwritten but mutually understood agreement between tenant and lord, provided a notion of relative fairness.<sup>91</sup> Verbal agreements

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<sup>86</sup> Ibid., 6.

<sup>87</sup> Tim Blanning, *The Pursuit of Glory, The Five Revolutions that Made Modern Europe: 1648-1815* (New York: Penguin Books, 2007), 143.

<sup>88</sup> Blickle, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria," 378.

<sup>89</sup> Wieacker, *A History of Private Law in Europe with Particular Reference to Germany*, 245.

<sup>90</sup> Ibid.

<sup>91</sup> Vierhaus, *Germany in the Age of Absolutism*, 89.

between tenants and lords governed everything from inheritance laws and debts to where cottages could be built. The basis of these legal principles kept the relationship between *Güter* lord and subject less than amicable, but it was a consistent and understandable arrangement. *Güter* law was, however, not necessarily profitable.

Concerns about abusive profiteering and the exploitation of peasants by elite estate holders are present in the communal social contracts of German-speaking villages. These concerns did not result in any change in the enforcement of *Meierrecht*. Changes came only to address specific times of poverty or famine. The lingering devastation wrought by the Thirty Years' War handicapped the development of agricultural land, and the amelioration of peasant/noble relations, for long after its conclusion. There were few draught animals, limited arable tracts of land, and many people were killed before the conclusion of hostilities. Labor from subjects was limited to the number of workers available and the skills they possessed. Peasant farmers were busy with cultivating crops, the main form of rental payment and export profits for estates, and with the putting-out system of producing proto-industrial goods through the semi-profession of contracting known as *Vorlegen*.<sup>92</sup> Rudolf Vierhaus recorded in *Germany in the Age of Absolutism*, "At the end of the seventeenth century noble estates in Bavaria are thought to have had less than one half – indeed sometimes only one third or one quarter – of their prewar value."<sup>93</sup> In sum, *Gutsherrschaft* was not necessarily an ideal system for agricultural productivity, efficient labor use, or profitability from the standpoint of successive generations. Stability, through consistent crop yields and the maintenance of social order, however, was the paramount component of mid-seventeenth century rural life, and trumped demands for

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<sup>92</sup> Ibid. 23.

<sup>93</sup> Ibid.

productivity, efficiency, or the amelioration of everyday peasant life. Private landownership, limited to parts of common lands, and the much rarer *allodial-Güter* (land owned outright by individuals) was equally rigid in its construction and maintenance by the *Güter* lords.

The strict, private property semi-ownership within the *Gutsherrschaft* regime was the *Hoffuss* system. This system provided a rigidity to private land ownership. *Hoffuss* land was derived from the *Hufe* (literally hooves and in low Latin, *Hoba*) and existed in Bavaria since the eighth century CE.<sup>94</sup> The origins of the system are murky. The term *mansus* also appear in conjunction with the *Hoffuss*-system as a form of small household connected land ownership.<sup>95</sup> *Hufe* land was understood by Bavarian peasants as the responsibility of families.<sup>96</sup> Common land on the *Gutsherrschaft* estate was also open to shared pasturing and division.<sup>97</sup> This also stymied the development of productive rural agriculture. *Koppelwirtschaft* (crop rotation) was the predominant form of cultivation that produced enough foodstuffs for personal consumption and payment to the estate lord.<sup>98</sup> *Hoffuss*, much like the jurisdictional function of the *Gutsherrschaft* estate was ideal for the seventeenth- and eighteenth-century Bavarian farmer because it was stable. Historian W.R. Lee also noted that common pasturing and division of land had a peacekeeping element in everyday life, augmenting the role of the Catholic Church as a system that produced a semblance of equality and fairness in living conditions.<sup>99</sup>

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<sup>94</sup> Robert Latouche, *The Birth of the Western Economy: Economic Aspects of the Dark Ages* (Abingdon: Routledge Press, 2005), 77.

<sup>95</sup> *Ibid.*

<sup>96</sup> Georg Landau, *Die Territorum in Bezug auf ihre Bildung und ihre Entwicklung* (Whitefish: Kessinger Publishing, 2010), 4.

<sup>97</sup> "The German Family," *Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany*, ed. Richard Evans and W.R. Lee (London: Routledge, 2016), 85.

<sup>98</sup> Vierhaus, *Germany in the Age of Absolutism*, 19.

<sup>99</sup> *Ibid.*, 85.



Consistent, subsistence-based crop yields, however, were not suitable for the potentially productive nature of Bavarian agriculture. The natural order of things, as they were, did not always sit well with Bavaria's electors. In the first half of the eighteenth century crop prices soared in the city markets of the German states.<sup>100</sup> The Electoral Bavarian state profited from this uptick at the expense of its estate holders and small land holders through the imposition of steep land taxes and, indirectly, the extraction of cash crops from small farmers.<sup>101</sup> Bavarian taxes, increased by the beginning of the second half of the eighteenth century. A full thirty percent of all Bavarian state tax revenues were deducted from estate land and common landholders.<sup>102</sup> Bavarian Electors also counted on beer, wine, and meat taxes to produce significant revenues ever since the implementation of market and tavern taxes in the sixteenth century. By the eighteenth century, as much as fifteen percent of all tax (*Steuern*), toll (*Zölle*), and extra charges (*Aufschläge*) revenues came from the consumption of Bavarian beverages and meats, amounting to the impressive sum of roughly 500,000 to 600,000 gulden collected from the various estates, cities, and towns of the Electorate.<sup>103</sup> These revenues, though impressive, were consistently collected in peace time but did not provide room for growth if the need for increased state spending arose. It was a predictable pattern of production and consumption typical of the

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<sup>100</sup> Wilhelm Abel, *Agrarpolitik* (Göttingen: Vandenhoeck & Ruprecht, 1951), 284. "...und 1690/1740 stiegen die Getreidepreise..."

<sup>101</sup> Andreas Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart* (München: C.H. Beck, 1983), 296. "...die Landsteuer im Simplum, dem einfachen Satz, circa 27000 Gulden im Jahr ein 1728 betrug die angetrube Steuersumme, die fuer den Etatsausgleich notwendig war, 724000 Gulden, das waren 2.5 Simpla Landsteuer und 1.5 Simpla Landsteuer."

<sup>102</sup> *Ibid.*, German: "das bedeutet, dass um diese Zeit bereits 30% des gesamten Finanzbedarfs des Kurfurstentums Bayern unmittelbar vom gemeinem Mann als Steuer bestritten wurden."

<sup>103</sup> *Ibid.*, 296. "Für Bier kamen so im Durchschnitt an die 400000 Gulden, für Wein 40000 Gulden an Aufschlägen herein. Mit dem Fleischaufschlag auf geschlatetes Vieh von etwa 50000 Gulden betrug also die Aufschläge insgesamt 500,000 bis 600,000 Gulden, das waren etwa 15% des gesamten Staatsbedarfs. Steuern, Zölle und Aufschläge zusammen ergaben also je nach der Höhe der Bewilligung noch einmal eine Millionen Gulden an Einnahmen."

centuries old *Hoffuss* model. The Bavarian state, though flush with the profits of such consumption, faced the difficult challenge posed by the wars and political crises on Bavarian borders during the eighteenth century. Reform of this system would require a reconsideration of its value by administrators.

### **Early Cameralism and the Limits of the Bavarian State, 1700-1745**

Cameralism became the next iteration in Bavarian land management, agricultural reform, and the foundation of mercantilist law by the eighteenth century. The end of the seventeenth century in Bavaria was stable politically but not necessarily profitable. Farming was unsustainable and attempts to produce export cash crops failed. The eighteenth century witnessed the advent of new social and political ideas concerning state management and economic production. One of these ideas was that of cameralism: the scientific policed order of economic and social activity. Electoral Bavaria's cameralists thus had responsibilities that were vaguely defined. This was not uncommon in the eighteenth century. Like much of Germany, Bavaria's use of the *Gutsherrschaft* system decentralized power in the hands of *Güter* lords who were given special privileges, a pension, and jurisdictional authority over their estate land. The German sociologist Werner Sombart commented on this arrangement, "in earlier times wealth followed upon possession of power."<sup>104</sup> Privilege, in the Bavarian context, meant social status and a degree of local legal power. The application of laws, taxes, and tariffs were inconsistent, and many subjects sought a rational order to them.

Cameralists rose in prominence in the late-seventeenth century and early eighteenth century to address these calls for a semblance of legal and commercial order.<sup>105</sup> Cameralists were

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<sup>104</sup> Jerome Blum, *The End of the Old Order in Rural Europe*, 5.

<sup>105</sup> Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 2-3.

the forerunners of the latter Kingdom of Bavaria's Finance Ministry in the nineteenth century and were equally unpopular as less state reformers and writers and more stereotyped as hated tax collectors.<sup>106</sup> Collecting funds was no easy task. Even with the advent of cameralism, Bavaria's disparate estates, bishoprics, cities, and townships were difficult to reach. Johann Justi, arguably one of the foremost theorists of cameralism, wrote, "money is the blood of the state, just as the government its heart. Taxation brings blood to the heart and in a healthy system the government would pump it back into the veins."<sup>107</sup> Justi, however, served the warlord King Frederick II whose vast armies scoured his small Kingdom of Prussia for what meager resources were drafted into the King's service. Bavaria, by contrast, lacked the resources of a centralized state government or an army to police its subjects. If Bavarian cameralists were to develop a robust economy, they would need an Elector committed expanding their limited powers.

Cameralism in a broader German context brought the means of economic and social control to monarchs and princes but failed to cement the unchallenged rule of the leaders of small states (*Kleinstaaten*). American sociologist Albion Small defined cameralism in 1909 as an administrative technology," and continued, "it was not an inquiry into the abstract principles of wealth, in the Smithian way."<sup>108</sup> Similarly, historian Marc Raeff commented on the main goal of the more formally defined *Polizeiwissenschaft* as, "a major purpose of these police ordinances was to instill and encourage active, rational, and production-oriented attitudes in society."<sup>109</sup> Cameralism was also influenced by the economic theories of mercantilism.<sup>110</sup> A small army of

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<sup>106</sup> Ibid.

<sup>107</sup> James Sheehan, *German History 1770-1866* (Oxford: Oxford University Press, 1989), 33.

<sup>108</sup> Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 3.

<sup>109</sup> Marc Raeff, *The Well-Ordered Police State, Social and Institutional Change through Law in the Germanies and Russia, 1600-1800* (New Haven: Yale University Press, 1983), 92.

<sup>110</sup> Ibid.

cameral bureaucrats were required to enforce state economic restrictions and social and political controls. Cameralism suited the Bavarian electoral state because of its paradoxically less visible yet ever-present nature.<sup>111</sup> The state Finance Ministry of several small German states was called the *Fiskus* (treasury) which controlled trade and collected tariffs and the proceeds of even a fraction of illegal transactions.<sup>112</sup> Historian Mack Walker describes German cameralism, in general, thus “state administration of detail was weak, the cameralist combination of central administration in the state itself with differentiation among places and social estates...”<sup>113</sup> Specialized bureaucracy did not have either the training or the numerical presence to affect the daily lives of Bavarians. Wealth collection thus followed upon conserving the status quo of the *Gutsherrschaft* system of estate rent and crop payments and the reciprocal pension assistance from Munich. Walker concluded that cameralism sought harmony not reform and was designed to collect tariffs, tolls, while preserving the established social order of the old regime.<sup>114</sup> The cameralist bureaucracies of small German states thus existed to work within the system of absolutist structures of law and order, agricultural production, and the ability for electors and princes to perform various functions, namely raise armies.

Electoral Charles VII of Bavaria and his heir, Maximilian III, worked within this narrow bureaucratic structure to adapt to rising debt concerns or the exigencies of sudden warfare. The relationship between the rural *Stände* (estates of the Church and landed nobles) and the Elector was still defined by the semi-feudal *Gutsherrschaft* system in the mid-eighteenth century. This

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<sup>111</sup> Mack Walker, *German Home Towns, Community, State, and General Estate, 1648-1817* (Ithaca: Cornell University Press, 1971), 145.

<sup>112</sup> Raeff, *The Well-Ordered Police State, Social and Institutional Change through Law in the Germanies and Russia, 1600-1800*, 93.

<sup>113</sup> Walker, *German Home Towns, Community, State, and General Estate, 1648-1817*, 145-146.

<sup>114</sup> *Ibid.*, 147.

system, a stable and secure economic model of agrarian production and social order, failed to produce enough resources for the Bavarian state. Charles VII, the Bavarian elector and Habsburg Emperor, was tested by the Bavarian *Landesverordnung*, the estate hierarchy between ruler and landed elites. Bavaria's vulnerable, ill-defined borders of estates and titles throughout Germany and the Low Countries, were breached by foreign forces and the Electoral State became a battleground. The authority and production of crops of the rural estates were broken by invasion and conflict.

Charles VII lacked the resources to fight Bavaria's wars and sought new means to rein in spending and the burden imposed on estate holders.<sup>115</sup> News of military movements and rural destruction filled the yearly surveys and broadsheets in the Electoral State and free cities alike. The *Jahresübersicht* (yearly overview) of Augsburg in 1743 referenced the dangers of foreign forces operating on Bavaria's borders. The author of the *Jahreübersicht* stated, "...22 batt. along with grenadier company and 6<sup>th</sup> cavalry regiment and such all the rest marching near Bavaria."<sup>116</sup> Conflict exacerbated debt concerns. Charles VII clashed with Bavarian elites over state debt. State debt in the 1740s reached 7.8 florin.<sup>117</sup> The death of Charles VII in 1745 triggered another round of lively debate surrounding state debt. Maximilian III, the heir of Charles VII took power, and struggled to assert control over the disparate territories of the Electoral State. Charles VII, and his father, pledged support for France in exchange for French acknowledgment of

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<sup>115</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 23. German: "In der Zeit zwischen 1728 und 1742 bemühte sich der Kurfürst dann, durch eine sparsame Hofhaltung zur Besserung der Finanzen beizutragen."

<sup>116</sup> "Augsburger Abendzeitung. Augspurgische Ordinari-Zeitung, derer neuesten historischen, politischen und gelehrten Nachrichten (Augsburger Abendzeitung), Nro. 25."

<sup>117</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 24.

Wittelsbach claims to the Bavarian crown.<sup>118</sup> The authority of Bavaria's electors thus remained limited. Wars and debts plagued Bavaria in the mid-eighteenth century and the state lacked the resources to combat external and internal enemies. New means to categorize and marshal the resources of Bavaria, however, presented the opportunity to create more unified and functional system of managing the Electoral State. Such reforms would require a properly motivated Elector and the political capital to sponsor and enact changes in cameral institutions.

### **Habsburg Attempts at Reform and Bavaria's Uncertain Future**

The wars of the eighteenth century exposed the feeble authority of the Bavarian state, its inadequate military, and the wasteful spending of an ample yet overburdened treasury and taxation system. Electoral Bavaria was occupied by the Habsburg Empire in 1704-1715 during the War of the Spanish Succession.<sup>119</sup> Bavarians suffered from privations and violence reminiscent of the Thirty Years' War. Vienna coveted Bavarian lands as early as 1680, its leaders being particularly fixated on the fertile Innviertel and Salzburg that bordered German-speaking Habsburg land.<sup>120</sup> Habsburg occupation intensified in the 1740s when Bavaria allied with France before losing the Battle of Pfaffenhofen in 1745. Maximilian III, the Holy Roman Emperor, became prince-elect of Bavaria, and ruled the electoral state in 1745-1777.<sup>121</sup> Maximilian's positive programs in Bavaria featured the artistic contributions to Munich including the establishment of the Royal Porcelain Manufactory.<sup>122</sup> Maximilian's military expenditures, however, had an adverse effect on the Electorate. According to historian Andreas

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<sup>118</sup> Kann, *A History of the Habsburg Empire, 1526-1918*, 93.

<sup>119</sup> Joachim Whaley, *Germany and the Holy Roman Empire vol. 2., 1648-1806* (Oxford: Oxford University Press, 2012), 399.

<sup>120</sup> *Ibid.*, 399.

<sup>121</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 25.

<sup>122</sup> *Ibid.*

Kraus the cost of each Bavarian military unit added to the state payroll represented a consistent drain on Munich's finances. Maximilian raised an army so expensive that it cost 1.5 million gulden to simply maintain its strength each year.<sup>123</sup> Kraus concluded that Maximilian's profligate spending on the arts and military glory presided over the terminal decline of the already overburdened land taxation scheme.<sup>124</sup> Maximilian's spending, however, was tied to a more important and lasting legacy of increased cameral activity in the role of quantifying financial assets and the best means by which to expand the profits and political reach of the *Hofkammer*.

### **Information Revolution: Bavaria and the *Churbaierisches Intelligenzblatt*, 1745-1768**

Electoral Bavaria's cameral institutions, like its borders, were in flux during the reign of Maximilian III. Economic management, specifically crop production and the collection of rents, was not a uniform process. The Habsburg Empire and the Kingdom of Prussia embraced cameral bureaucracy through the training of civil servants including much maligned tax collectors. Both empires were led by energetic enlightened despots committed to reform and training those who would carry out new laws. So complete was the reach of Prussia's cameral officials under Frederick II that Berlin enforced a 1749 decision to ban "the sale of all 'scandalous and offensive books' published outside Prussia."<sup>125</sup> Electoral Bavaria, by contrast, did not have a cohesive civil service to implement and enforce legal decisions. The lack of consistent publications of vital information regime broadsheets (*Intelligenzblatt* and *Regierungsblatt*) in the eighteenth century infers certain limitations hampered the accurate reporting of events or resources in the Electoral

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<sup>123</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 296-297.

<sup>124</sup> Ibid, 296, German: "Ferdinand Maria hat so, wie eine Stimme des 18. Jahrhunderts beteuert, sein Land in blühendem Zustand hinterlassen Max Emanuel began der Niedergang."

<sup>125</sup> Tim Blanning, *Frederick the Great, King of Prussia* (New York: Random House, 2016), 345.

state.<sup>126</sup> Charles VII and Maximilian III remained dependent on the estate lords to carry out their decisions.<sup>127</sup> The finances of Maximilian III were in poor condition towards the end of his reign due to Electoral Bavarian participation in the War of the Austrian Succession.<sup>128</sup> The idea of increasing taxes on estates was not discussed. Instead, tradition and the notion of limited peasant autonomy persisted in a time when the programs of Frederick II, Maria Theresa, and Joseph II attempted to place the state in a more powerful, wealthier, and centralized status. The means to address such reforms did not exist in Electoral Bavaria. Bavaria's state administration lacked the personnel or the census information to pursue concrete reform.

Electoral administrators responded to the disordered nature of Bavarian finances, taxes, and decentralized rule by creating a broadsheet with economic data and current affairs in a simple, digestible broadsheet format. Finally, the current affairs, local ordinances, and economic assets included in Bavarian territory were presented in one singular publication. This played a transformative role in providing the data necessary for Electors to understand the economic products of Bavarian agriculture and trade. Informational guides in broadsheets existed for a very limited literate cross-section of the Bavarian populace beginning in the 1720s. Such sources, however, had a limited impact outside of informing local lords who were literate, cameral

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<sup>126</sup> Many eighteenth-century resources are incomplete. Many records begin in 1803 with other years being absent either through the lack of scanned material and information in existing *Regierungsblätter*.

<sup>127</sup> Lee, "The German Family," 85.

<sup>128</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 23-24. German: "Der bald nach dem Regierungsantritt Max III. Ausbrechende Konflikt zwischen der Landschaftsverordnung und dem Kurfürsten war aber nicht nur in den katastrophalen finanziellen Lage nach dem Oesterreichischen Erbfolgekrieg, sondern auch in der Absicht des neuen Kurfürsten angelegt, die Situation zur Entmachtung der Stände auszunutzen."



officials, or merchants.<sup>129</sup> New schools for noble education, however, changed this to a minor degree.

A differing educational approach enhanced the assimilation and impact of new agricultural and commercial information. The introduction of state-published economic data came at a time when aristocrats began sending their children to *Ritterakademien*, schools designed to teach Latin and to provide a basic education.<sup>130</sup> Other schools, called the *Gymnasia Illustria*, offered an alternative to the more numerous schools with Latin education and instruction focused on more practical skills including French language instruction for the purposes of diplomacy and political theory.<sup>131</sup> In Bavaria, and southern Germany in general, Jesuit education combined religious instruction with a humanistic approach to language learning and other disciplines. This educational shift coincided with the broader European reading revolution of the eighteenth century. Electors, civil servants, and merchants were not only capable of reading about affairs of state and trade, they possessed an eagerness to quantify and analyze such data. New toll regulations in 1762 reflected a need to collect and compile all toll rates, policing information, and crop prices. This demand yielded the idea of the *Churbaierisches Intelligenzblatt* (the Electoral Bavarian Intelligence Sheet), a project first discussed in the court chamber (*Hofkammer*) in 1762.<sup>132</sup> Unfortunately, the court found such a task beyond the capabilities of the existing cameral institutions. By 1765, Bavarian officials tasked highly educated scholars with the Academy of Sciences to collect and publish the appropriate toll and

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<sup>129</sup> “Churbaierisches Intelligenzblatt.” *Bavarikon, bayerisches historisches Lexikon*. [accessed December 20, 2020].

<sup>130</sup> Vierhaus, *Germany in the Age of Absolutism*, 73.

<sup>131</sup> *Ibid.*

<sup>132</sup> “Churbaierisches Intelligenzblatt,” *Bavarikon, bayerisches historisches Lexikon*.

pricing information of all Electoral Bavaria.<sup>133</sup> The *Churbaierisches Intelligenzblatt* was first produced in April 1765. Finally, the data needed to inform land policy and taxation was available to Bavaria's leaders.

The *Intelligenzblatt* served as a source for communicating ordinances, crop prices, and news information from throughout Europe. An official compendium of cereal and meat prices in market cities, for instance, informed a more active and engaged *Hofkammer*.<sup>134</sup> Church ordinances were also included in the *Intelligenzblatt*. The *Churbaierisches Intelligenzblatt* project became the responsibility of the Munich-based cameral official Franz Seraph von Kohlbrenner. Kohlbrenner was the chancellor of the electoral court (*Hofkammerkanzlisten*) as well as the secretary of toll policy (*Mauthdirektionssekretär* [sic]).<sup>135</sup> Kohlbrenner's vision of the *Intelligenzblatt* also went beyond the notion of its use as a state tool of communicating Electoral ordinances and crop prices. By 1767-1768, the *Intelligenzblatt* became a platform for moralizing articles, the promotion of general education, and an agent of expanding state authority in Bavaria. Such sources were common in German states at the time. Bavaria's version, the *Intelligenzblatt*, became a monthly publication, and, in time, a biweekly broadsheet, during Kohlbrenner's tenure.<sup>136</sup> However limited the role of Bavarian civil servants in 1760s, the *Intelligenzblatt* was a powerful tool for economic knowledge and at least the concept of a comprehensive, well-informed state administration.

A typical *Intelligenzblatt* issue featured seven articles, beginning with a public declaration from the Elector himself. "The 25 January 1768 edition of the *Intelligenzblatt* begins

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<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

<sup>135</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 344.

<sup>136</sup> "Churbaierisches Intelligenzblatt," *Bavarikon, bayerisches historisches Lexikon*.

with a salute to, “...the glorious rule of our Highness Elector Maximilian III of the highest order, generalities, and commands and prohibitions.”<sup>137</sup> Bulletins and regional information follows including commands for taxation and social order, sanctioned by the Elector himself, followed. This represented a key extension of the Elector’s power in the hands of mayors, patricians, and guild leaders in the disparate towns and villages of the Electorate. The *Intelligenzblatt* from 5 March 1768 provides an instructive example. This issue leads with a public declaration from Michael Bauer, the mayor of Rothgerber zu Landsberg.<sup>138</sup> Bauer, “[the] subject of Rothgerber zu Landsberg offered the inland public piece: each center for four florin.”<sup>139</sup> The desire to understand and guide the direction of rural policies was central to the ambitions of cameral officials of the Royal Academy of Science is present in the regional announcements. Cameral officials in Bavaria, like the Holy Roman Empire, as historian Andre Wakefield observes, were, “certainly not neutral or universal. It was an extractive logic, attuned to the particularity of local places and populations. It was also a creative logic, producing knowledge even as it yielded revenue.”<sup>140</sup> The creation of regional jurisdiction offices and a concern for economic products was thus common for cameral regimes. Article five of the *Intelligenzblatt* records the construction of a town hall for the purpose of benefitting manufactories and merchants.<sup>141</sup> Stimulating trade in Bavaria and accounting for profits were chief goals of Bavarian cameral

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<sup>137</sup> *Churbaierisches Intelligenzblatt Nro. 4.*” Digipress Bayerische Staatsbibliothek (BSB). [https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10345046\\_00045.html](https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10345046_00045.html) [accessed November 1, 2019].

German: “glorreich regierenden Churfurstl. Durchlaucht in Bayern Maximilian III hochstandesherliche, Verordnungen, Generalia, Geboth (sic), Verboth (sic).”

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*, Article 2 German: “Michael Bauer bürgl. Rothgerber zu Landsberg biethet dem inlandischen publikum theil...jeden Center 4 fl”

<sup>140</sup> Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 25.

<sup>141</sup> “*Churbaierisches Intelligenzblatt Nro. 4.*”

officials during the 1760s, reflecting a desire to overhaul taxation and state control over lucrative industries.

Electoral Bavaria's trade status, including debts, was also available to those sufficiently privileged to read and understand the complex nexus of merchants, banks, and exchange rates in Europe. The existing legal framework for categorizing and enforcing property law was the *Codex Maximilianeus Bavaricus, Civilis* into the 1760s. The *Codex* stated, "Of legal erudition and justice, of rights and duties writ large. Each [item] of legal scholarship or juris prudence consists of not only of thorough knowledge of its laws, but also the correct application of the same occurring cases."<sup>142</sup> The compact, created by Elector Maximilian III, made very general distinctions for property rights, inheritances, and authority.<sup>143</sup> It reflected both the rudimentary laws of Bavaria and the limits of the knowledge possessed by the Elector and his court of what economic assets existed in the Electorate. Maximilian III was, however, not to be deterred. Elector Maximilian III planned to control the leasing of tobacco importation in 1768, and again, in a broader 1770 toll reform program.<sup>144</sup> This testifies to the ambitious role that Bavaria's Electors and cameral officials began to play in the attempt to quantify and exploit the mercantile assets of the Electoral State.<sup>145</sup> The cameralists of Bavaria, like their other overly-analytical

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<sup>142</sup> "Codex Maximilianeus Bavaricus, Civilis. Oder neu Verbessert- und Ergnzt- Chur-Bayerisches Land-Recht." niederschische Staats-und Universittsbibliothek Gttingen. [https://gdz.sub.uni-goettingen.de/id/PPN620322853?tify={%22pages%22:\[10\],%22panX%22:0.44,%22panY%22:1.004,%22view%22:%22info%22,%22zoom%22:0.776}](https://gdz.sub.uni-goettingen.de/id/PPN620322853?tify={%22pages%22:[10],%22panX%22:0.44,%22panY%22:1.004,%22view%22:%22info%22,%22zoom%22:0.776}.). [accessed May 8, 2020]. German: Von der Rechts-Gelehrsamkeit und Gerechtigkeit, dann denen Rechten und Pflichten berhaupt. Je-Rechts-Gelehrsamkeit oder Jurisprudenz bestehet nicht nur in grndlicher Kenntniss deren Rechten, sondern auch in richtiger Anwendung derselben auf die vorkommende Flle.

<sup>143</sup> Ibid.

<sup>144</sup> "Churbaierisches Intelligenzblatt Nro. 4."

<sup>145</sup> Von Aretin, *Bayerns Weg zum souvernen Staat: Landstnde und konstitutionelle Monarchie*, 37.

brethren in other German states, were members of a, “ravenous fiscal-juridical chamber that devoured everything in its path.”<sup>146</sup> In theory, no singular point of datum related to trade escaped the grasp of the authors of the *Intelligenblatt*. For example, page 97 of the report detailed, “London. Rational debts from the previous year finalized at 129 million: 724 thousand, 936 Pound Sterling...”<sup>147</sup> Financial data compiled in the *Intelligenzblatt* goes beyond a simple accounting of state debt with a single creditor. A list of trading hubs and price comparisons follows the report of state finances. Prices for wares appear in the *Intelligenzblatt* are converted to florin (fl.), kreutzer (kr.), and the Austrian *Landmünze* (M.)<sup>148</sup> The inclusion of the *Landmünze*, a regional southern-German currency introduced in 1754, demonstrates the close ties of the Electoral Bavarian state to the Habsburg imperial court and to the greater regional trading circles. This categorization of trade and commercial activity exhibited the growing status of the Bavarian economy and the information available to the Elector.

Further data revealed the now global reach of Bavarian trade and the Elector’s desire to understand and exploit markets. The lengthy list of exchange rates for goods ranging from coffee from the Levant and Souriname [sic] or pepper, either English or Danish, were part of a new web of information that cameral officials provided to the active market climate of the Electoral Bavarian state.<sup>149</sup> The *Hofkammer* recorded market activity in and beyond the boundaries of *Altbayern* for the benefit of state profit. Current events, especially those affecting the acquisition of luxury goods, were recorded in detail, often by aggregating international financial and political news. The articles towards the end of the *Intelligenzblatt* commented on a diverse range

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<sup>146</sup> Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 25.

<sup>147</sup> “Churbaierisches Intelligenzblatt 5 März 1768.”

<sup>148</sup> *Ibid.*

<sup>149</sup> *Ibid.*

of topics from ethnography to politics. Consumer trends are the most consistent trend. One speculative paragraph is a summary that reads, “One can read, in one of the English papers, a Russian calculation which England may conclude from the trade with Corsica; it reads that the free Corsicans invite us to trade with them.”<sup>150</sup> The *Intelligenzblatt* authors dutifully reported, “Corsica brings wine, oil, wax, and other products forth. English wares are, woolen wears, manufactured wares of metal, porcelain, and clothing.”<sup>151</sup> The article emphasizes the value of British trade: “England needs wares of the sum of 4 million florin or 400,000 sterling.”<sup>152</sup> Market prices informed Bavarian trade, a source of indirect state income through tolls. A desire to categorize global information including trade and current events represented Bavaria’s engagement with broader European trends including the creation of centralized, royal bureaucracies (however marginal Bavaria’s administrative prowess was), the desire to increase revenue from merchant activity, and the acquisition of rare and valuable wares for the *Residenz*, the palace of the Elector. Reform, if possible, could utilize the powerful, yet limited, tools of state management for the purpose of enriching and enlarging the power of Bavaria. Bavaria, however, required an Elector committed to exploiting this data collection and to augmenting the role of the sovereign in everyday life.

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<sup>150</sup> Ibid, 167. German: “In einem der englischen Blätter liest man die Berechnung Russens, den England aus der Handlung mit Corsica ziehen könnte; es heist die freien Corsen laden uns ein mit ihnen zu handeln.”

<sup>151</sup> Ibid. German: “Corsica bringet Wein, Öl, Wachs, und andere Artikel hervor, Englands Waaren sind, Wollenwaren Fabricwaren von Metall...Porcelan, Galanterieswaren.”

<sup>152</sup> Ibid. German: “...Waar England brauchet so wäre es schon eine Summa von 4 Millionen fl. oder tt (400,000 Sterl.)”

## The Abortive Reforms of Karl Theodor, 1777-1784

A shift in Bavarian rule came in 1777, with the accession of Karl Theodor, a reform-minded, ambitious leader who wished to centralize power in his person. Karl Theodor ruled from Munich and was willing to trade various territories to foreign powers to solidify both his own rule and the territorial integrity of Bavaria from foreign invasion. Elector Maximilian III died without an heir in December 1777. Karl Theodor, the elector's successor, was born in the Palatinate and belonged to the Wittelsbach-Sulzbach line.<sup>153</sup> The new elector was responsible for the first cohesive, yet failed attempt to collect revenue from *Güter* estates by placing tight controls on the transfer of land.<sup>154</sup> Perhaps the most trenchant example of Karl Theodor's ambitions was his decision to move his court in Mannheim to Munich.<sup>155</sup> Karl Theodor felt no compunction against parting with his former home to secure power in Bavaria. The Elector also traded the familiar confines of his territory in the Austrian Netherlands to the Habsburg Empire in exchange for the Wittelsbach throne.<sup>156</sup> Karl Theodor's accession also involved a complex plan of land exchange from Bavaria's disparate estates to secure the elector's stake to power.

These moves nearly sparked the worst European war in fifteen years to Bavaria and central Europe. Prussia's enlightened despot Frederick II wished to stave off Austrian influence in Bavaria and further incursion into the German *Kleinstaaten*. Austrian troops arrived in Bavaria in mid-January 1778, angering Frederick II who demanded the territorial concession of Ansbach

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<sup>153</sup> Jorg Englebrecht, "Karl Theodor von der Pfalz. Kurfurst von der Pfalz und Bayern," Portal Rheinische Geschichte, <http://www.rheinische-geschichte.lvr.de/Persoenlichkeiten/karl-theodor-von-der-pfalz/DE-2086/lido/57c9327525e325.41903160> (Accessed April 24, 2020)

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Christopher Clark, *Iron Kingdom: The Rise and Downfall of Prussia, 1600-1947* (Harvard: Belknap Press, 2006), 216.

and Bayreuth, which Prussia had laid claim to for many years.<sup>157</sup> A larger war was averted when the Treaty of Teschen on 13 May 1779 granted Prussia its demands and solidified the Austrian presence as a close, influential ally of Bavaria. Karl Theodor staved off a larger conflict by being willing to part with Bavarian territories and a semblance of regional autonomy. His very presence on the throne was viewed by some as that of an interloper rather than a worthy successor to Maximilian III, and Karl Theodor, in many ways, struggled to win the hearts and minds of his new subjects.<sup>158</sup>

Karl Theodor's willingness to trade land, and other Bavarian assets, was part of a larger plan to operate beyond the confines of his ostensible authority to restructure the land tax and organization of estate pensions. These reforms were carried out by a reluctant state bureaucracy. The *Güter* elites protested vociferously and frequently. The *Steuerstreik* of 1778 witnessed an unprecedented rejection of the prince-elector's rule eventually leading to the suspension of land taxes.<sup>159</sup> Karl Theodor was shocked that the estates broke with imperial laws governing land taxation without the consent of Munich.<sup>160</sup> Bavarian land institutions were, at least in theory, practical, functional, and the basis for a cameral bureaucracy that collected and categorized rents and social order without interfering greatly in the everyday lives of Bavarians. Upsetting such a system would thus spark a certain degree of controversy. Karl Theodor launched an ambitious

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<sup>157</sup> Ibid., 216-217.

<sup>158</sup> Jorg Englebrecht, "Karl Theodor von der Pfalz. Kurfurst von der Pfalz und Bayern." German: "Seine bayerischen Untertanen haben das sehr wohl vermerkt und sind ihm mehrheitlich mit großer Abneigung begegnet."

<sup>159</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 359. German: "...In den Steuerstreik, setzten die Zahlung der Steuer für 1778 so lange aus, bis ihnen versichert wurde, dass Bayern ungeteilt dem Hause Wittelsbach verbleiben würde."

<sup>160</sup> Ibid. German: "Karl Theodor rächte sich, indem er nach dem Frieden von Teschen den Ständen das Steuerbewilligungsrecht entzog, ein Bruch des Reichsrechts der sich freilich nicht lange aufrechterhalten liess."



plan to trade Bavarian land, at will, for guarantees that his rule would be respected and protected from internal and external threats. The plan, however, was organically Karl Theodor's. Karl Otmar von Aretin, in his comprehensive, *Bayerns weg zum Soueveränen Staat: Landstände und konstitutionelle Monarchie 1714-1818* outlines how such an exchange of land (*die Tauschpläne*) was not a product of foreign pressure itself but an abortive ploy to solidify the power of and reputation of Karl Theodor himself.<sup>161</sup> The "exchange project" itself was the product of Karl Theodor's desire to work beyond the constraints of Bavaria's *Güter* elites and the established social order of the Electorate.

The controversial exchange plan was announced in 1782 and brought security to Bavaria's borders at the price of internal turmoil. Karl Theodor took the unprecedented step of raising the case of his own legitimacy not with the *Ritter* (knights), *Praläten* (prelates), or the general nobility of Bavaria but with the sovereigns Joseph II and the Catherine the Great.<sup>162</sup> Karl Theodor communicated his desire to acquire the Austrian Netherlands, the territory of his birth, with Graf Romanzoff, the Romanov ambassador, before consulting the emissaries of Frederick II in Berlin.<sup>163</sup> Karl Theodor expressed his willingness to part with, among other regions, including the valuable *Innviertel*, and with it, Salzach, near the profitable city of Salzburg, to Habsburg authority.<sup>164</sup> Bavarians were notably absent from these discussions. Nevertheless, the prince-electoral raised his plan to Bavarian bureaucrats and the elites of the *Stände* in the *Reforminteresse* of 1783.<sup>165</sup> Karl Theodor added the profitable agricultural lands of the Duchies of Jülich and

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<sup>161</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 64.

<sup>162</sup> *Ibid.*, 94.

<sup>163</sup> *Ibid.*

<sup>164</sup> Kann, *A History of the Habsburg Empire*, 166.

<sup>165</sup> Hermann Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 323.

Berg in his exchange plan thereafter to appease the demands of Habsburg foreign minister the Prince of Kaunitz.<sup>166</sup> In theory, this decision to cede these pieces of Bavarian territory was mutually beneficial to the *Stände* and prince-electors. Bavarian autonomy would remain intact and the support of *Güter* lords could be retained despite the expense of sacrificing fertile farmland and the valuable commodity of salt and iron ores. Karl Theodor, instead, believed that the promotion of intrastate trade would more than compensate for such losses.<sup>167</sup> The plan, in theory, clashed with Bavaria's elites who cared little for their prince-electors or such land exchanges. The *Tauschpläne* was agreed upon by Frederick II and Joseph II in 1784 despite its widespread controversy amongst the *Stände* in Bavaria.

Karl Theodor's plan to exchange land for sovereignty provoked a strong rebuke among the Bavarian elites (*Adelstände*) in electoral Bavaria and the *Kammer* who used new means of census data to evaluate the worth of land based on its prospective utility. The *Tauschpläne* was completed in December 1784, netting the Bavarian state one million florin for an enlarged Austrian Netherlands and territories in the porous border area of Alsace.<sup>168</sup> The concerns of royal families and the boundaries of ancestral lands formed the basis for treaties and compensation. The quality of this land and its financial ramifications were the basis for criticism from a rising, ambitious segment of educated and revolutionary future reformers. *Tauschpläne* land transfers were in large part the result of a clash between tradition and a small central bureaucracy concerned with economic gain.

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<sup>166</sup> Ibid., 88.

<sup>167</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 112-113.

<sup>168</sup> Ibid., 112-113.

Chief among Karl Theodor's powerful critics came from his most senior cameral official, Baron Franz Karl Joseph Anton von Hompesch and his dedicated subordinate Maximilian Joseph von Garnerin. Hompesch acted as the Electorate's treasurer since 1741, and, since 1778, the senior cameral official of Karl Theodor's court.<sup>169</sup> Baron Hompesch was responsible for, "financial, economic and the affairs of the treasury in the electoral-Bavarian, Neuburg, Sulzbach, Jülich and Bergisch lands."<sup>170</sup> Sulzbach, Jülich, and Berg were new acquisitions of the 1784 plan which Hompesch presided over at the will of the Prince Elector. Hompesch was given a manor and land in Berg am Laim in 1778 after the accession of Karl Theodor and would do much to advance the cause of an interventionist, centralized Electoral State. Hompesch was a dedicated cameralist who committed the Bavarian state to a course that emphasized exploiting internal tariffs and intrastate trade over the predominance of the land tax system.<sup>171</sup> The Bavarian Finance Ministry, a modest cameral institution, collected tolls for the use of limited canals and roads, as well as profits gained from the trade of valuable salt deposits.<sup>172</sup> The pivot of Hompesch's bureaucracy also offered welfare assistance (*Wohlfahrts*) to promote the transportation of salt and other valuable goods within Bavaria.<sup>173</sup> Hompesch served Karl Theodor loyally but mentored one of the prince-electors most vocal critics: Maximilian Joseph Garnerin. Garnerin, a junior cameralist, represented a new challenge to Karl Theodor and his

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<sup>169</sup> *Bayern entsteht. Montgelas und sein Ansbacher Mémoire von 1796*, Nr. 32 hrsg. von Michael Henker, Margot Hamm und Evamaria Brockhoff (Augsburg: Veröffentlichungen zur Bayerischen Geschichte und Kultur, 1996), 127.

<sup>170</sup> *Ibid.*

<sup>171</sup> Eckart Schremmer, *Die Wirtschaft Bayerns Vom hohen Mittelalter bis zum Beginn der Industrialisierung, Bergbau, Gewerbe, Handel* (München: C.H. Beck, 1970), 678-679.

<sup>172</sup> *Ibid.*, 673.

<sup>173</sup> *Ibid.*

exchange of land with foreign powers. The basis of Garnerin's opposition, then marginal, would have greater import in subsequent years due to a shift in cameral instruction.

### **Reforming the Cameral Sciences: The Education of Maximilian Joseph von Garnerin**

The rise of Maximilian Joseph von Garnerin, and the growing prominence of Bavarian cameralists, owed much to their own cameral education as well as the influence of the Enlightenment. These forces created an expanded, more interventionist state bureaucracy. Maximilian Joseph von Garnerin was born in Savoy to a noble family in 1759. Garnerin was heavily influenced by French culture through his early education and his French language skills likely surpassed his abilities in German.<sup>174</sup> The early education of Garnerin featured the study of existing cameral theories of state administration or *Polizeiwissenschaft*. Swirling Enlightenment ideas developed by *philosophes* on the periphery of the Savoyard Kingdom also played a formative role in Garnerin's development both as a civil servant and as a person. Garnerin's cameral education was drawn primarily from the cameral faculties taught at a series of academies within German-speaking central Europe. The main academies included Lautern, Stuttgart, Giessen, Mainz, and Ingolstadt – the last being located within the Electoral State.<sup>175</sup> The kind of education Garnerin received was rooted in the shift in cameral sciences featured in the research and instruction of Johann Stephen Pütter, and a later successor, Johann Beckmann, at the University of Göttingen.

Pütter and Beckmann broadened the economic approach of cameral education and advanced a more informed, powerful role for the cameral civil servant. Pütter broadened the

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<sup>174</sup> *Ibid.*

<sup>175</sup> David Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century*, 35.

narrow focus of the cameral faculties by combining notions of *Politik* (newly defined political science) with a general education in mathematics, history, and law among other subjects.<sup>176</sup> Pütter's work also provided a hybridized form of Roman and German laws that primarily protected the state in its limited and non-invasive capacity from the Church and estates alike.<sup>177</sup> Pütter's contemporary at Göttingen, Johann Beckmann, education was drawn from an initial focus on *Ökonomie* and mathematics followed by later studies of *Polizei* and finance. This steered his research toward the reorganization of the educational system at the academies. Beckmann's 1769 work *Principles of German Agriculture*, a philosophical rather than practical agricultural guide detailed the inclusion of *Ökonomie* in *Kammeralwissenschaften*.<sup>178</sup> This cameral science included the assessment, leasing, and sale of property. *Polizei* concerned the science of the ruler's will over estates. These scholars shaped Garnerin's views of what a cameral bureaucracy was and what its powers should be. Garnernin's formal education was completed by 1779 when he was appointed to the office of censorship by Karl Theodor himself. The position was somewhat ironic given that Garnerin was also drawn to the secretive Enlightenment society of the Illuminati in Ingolstadt and soon became a covert member.<sup>179</sup> Garnerin's membership in the Illuminati influenced his decision to pursue bolder Enlightenment theories of agricultural reform and anti-clericalism.

Ingolstadt also offered Montgelas access to a nexus of public Enlightenment inspired debate surrounding the role of cameral science and its officials. Ingolstadt was home to the prestigious Bavarian University of Ingolstadt where Franz Xaver Moshhammer, professor in the

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<sup>176</sup> *Ibid.*, 40.

<sup>177</sup> *Ibid.*, 40-41.

<sup>178</sup> Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century*, 29.

<sup>179</sup> *Ibid.*

“faculty of state administration” (*Staatswirthschaft* (sic)) taught. Moshhammer was discreet in what he chose to publish or argue in favor of in his lectures.<sup>180</sup> The Ingolstadt faculty, including Moshhammer, however, were influenced by the well-known cameral scholar Friedrich Casimir Medicus, the director of the cameral academy in Lautern, and spread his ideas freely.<sup>181</sup> Medicus’ new ideas centered around a well-informed *Polizei*, the principal agents of cameralism, using statistical data compiled from censuses to take a more active role in state centralization and the development of economic production.<sup>182</sup> Professor Medicus’ ideas, on the surface, called for a very modest proposal – the use of numerical data on population, land, and economic products to guide state decisions. The accumulation of data, however, required the expansion of the cameral institutions of Bavaria. Karl Theodor trusted Medicus as a scholar of his native Palatinate and tasked him with the reorganize the faculties of the *Kameralwissenschaften* from Ingolstadt. The new curricula of the cameralists led to a clash between cameral reformers and the more entrenched interests in Bavaria.

Ingolstadt was also the nucleus of Jesuit activity in Bavaria including schooling and moral instruction that led to friction between cameralists and the Jesuit order. Although the order had been dissolved in Bavaria in 1773, many of its former members remained a persistent influence in Electoral society.<sup>183</sup> These former Jesuits voiced their opposition to the proposed expansion of state authority. The Jesuits were formerly one of the many *Prälatenorden* – landholding clergy - in Bavaria that included, among other orders, the Norbertines and

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<sup>180</sup> Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 125.

<sup>181</sup> *Ibid.*, 126.

<sup>182</sup> *Ibid.*, 126.

<sup>183</sup> Ferdinand Kramer, “Bavaria: Reform and *Staatsintegration*.” *German History* 20 (June 2002).

Augustinians.<sup>184</sup> The Catholic Church, and the various confraternities of mendicant orders, played a critical role in ensuring social discipline and religious leadership. This fit into the harmonious relationship between cameral institutions, the Church, the Bavarian estates, and the Elector. The religious orders saw a redesigned cameral faculty, and its implications of an expanded state bureaucracy, as an existential threat that would supplant the role of the Church as a powerful social, religious, and political force.<sup>185</sup> The ex-Jesuit father Ignaz Frank protested and managed to have Medicus' Ingolstadt curriculum reduced to thought provoking, well-staffed faculties that ultimately had little bearing on reforming the cameral institutions of the state.<sup>186</sup> This caused a rupture in cameral reform and the diffusion of their faculties in Bavaria.

The main faculties were moved to Heidelberg and the Catholic Church, exerting its role in the “disordered police state” (as historian Andre Wakefield described cameralism), quelled any broad reform projects. By 1786 the would-be reformers were defeated by a more conservative approach of slow, largely ineffectual token reforms. Karl Theodor, much maligned by Bavarians (and Bavarian historians), however, simply worked within the existing framework of his Electoral state that was divided between powerful, competing institutions. Garnerin's experience in Ingolstadt, though he was a marginal figure as a cameralist, made an indelible impression. The role of the Catholic Church and Jesuit order in blocking the reform of cameral faculties in universities and training a new generation of civil servant left him with a lifelong

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<sup>184</sup> Ludwig-Maximilians Universität, “The Age of Enlightenment: Graf Montgelas.” [https://www.en.uni-muenchen.de/about\\_lmum/introducing-lmu/history/contexts/05\\_enlightenment/index.html](https://www.en.uni-muenchen.de/about_lmum/introducing-lmu/history/contexts/05_enlightenment/index.html), 15 November 2019.

<sup>185</sup> Wakefield, *The Disordered Police State: German Cameralism as Science and Practice*, 127.

<sup>186</sup> Ibid.

antipathy for the political role exercised by organized religion.<sup>187</sup> Garnerin's education and professional life were forever changed in 1786 by both personal and broader European events.

### **1786-1789: Maximilian Joseph Garnerin and His Service to Maximilian IV Joseph**

1786-1789 proved to be signal years in the career of Maximilian Joseph von Garnerin and the eventual trajectory of enlightened state reform in Bavaria. Garnerin's disappointment with the failure of cameral reforms was punctuated by his removal from the *Hofkammer* in 1786. Garnerin sent anticlerical letters to the *Zweibrückner Zeitungs* criticizing the Jesuit influence in Bavaria.<sup>188</sup> Karl Theodor, and the other contingents of Bavaria's elite estate, who reacted in horror to the French Revolution, terminated Garnerin's appointment. The swirling Enlightenment and anti-clerical sentiments of the Revolution produced animated, and disdainful, debate in European courts. Garnerin's membership in the anti-clerical Enlightenment society, the Illuminati, was suddenly called into question during his time in Sensheim. Montgelas blamed Jesuits for his removal. The Jesuits in Bavaria, however, were superseded by Karl Theodor, the Elector, and the Catholic Church in Electoral Bavaria in noble law.<sup>189</sup> Regardless of whomever was responsible for his dismissal, the incident fostered a lifelong distrust of the Jesuit order, and all Catholic clergy, in Garnerin.<sup>190</sup> Garnerin was purportedly broken by these events. His own religious views turned to a collection of views somewhere between a degree of Voltairean atheism and deism.<sup>191</sup> Garnerin's prospects in Bavaria faded and he left the Electorate. Adrift, Garnerin arrived in the Duchy of Zweibrücken and became the personal secretary to the Count,

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<sup>187</sup> Eberhard Weis, *Montgelas, 1759 – 1838, Eine Biographie*, 8.

<sup>188</sup> *Ibid.*, 8.

<sup>189</sup> William Doyle, *The Oxford History of the French Revolution* (New York: Oxford University Press Inc., 2002), 54.

<sup>190</sup> Weis, *Montgelas, 1759 – 1838, Eine Biographie*, 8.

<sup>191</sup> *Ibid.*, 115.



Max IV Joseph.<sup>192</sup> Although Garnerin's desire to reform the Bavarian cameral institutions failed he began to work for Maximilian IV Joseph, a count in Zweibrücken, thus beginning a thirty-six-year partnership of reform and state building in Bavaria.

In Zweibrücken Maximilian Garnerin became the private secretary and eventual advisor to Count Maximilian IV Joseph.<sup>193</sup> Max Joseph was born in Mannheim in 1752 and belonged to the House of Pfalz-Zweibrücken-Birkenfeld.<sup>194</sup> Following the onset of the French Revolution, Max Joseph fled to Ansbach in ducal Zweibrücken because of his previous service in the Royal Alsace Regiment of the French Army in Strassburg.<sup>195</sup> Max Joseph became a member of the branch line (*Nebenlinie*) of the Wittelsbach Dynasty, the ruling family of the Electorate of Bavaria, by becoming a *Landesherrn*, or a landed lord.<sup>196</sup> Max Joseph was not a typical estate lord. Those close to the count described him as “easy going” (*leichtliebige*) and an avid reader of Enlightenment texts including the Baron de Montesquieu and the French naturalist Georges Louis Leclerc, the Comte du Buffon.<sup>197</sup> Both Max Joseph and Garnerin watched the French Revolution unfold more with fascination than the revulsion typical of many European elites.

### **A French Connection: The French Revolution and Land Reform**

French property reforms created private property and abolished seigneurial dues owed to lords rather than the state. The National Assembly abolished tenurial holding, the privately held power of nobles for policing and land rents on 4 August 1789.<sup>198</sup> In France no outright ownership of

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<sup>192</sup> Manfred Tremel et. al. *Geschichte des modernen Bayern: Königreich und Freistaat*, 21.

<sup>193</sup> Weis, *Montgelas, 1759 – 1838, Eine Biographie*, 115.

<sup>194</sup> Tremel et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 21.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

<sup>197</sup> *Ibid.*

<sup>198</sup> Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, 5.

land existed. The Kingdom of France possessed land and held it while private property existed in the role of purchased title and authority, often referred to as “venal office.” What French revolutionaries did was separate the ability to own land as property from owning titles by resurrecting the sixteenth century concept created by the jurist Charles Loyseau called an *allod* – or “free-hold” property.<sup>199</sup> In pre-revolutionary France those who possessed land did not own it, their property of noble titles permitted them to grant rights to peasants (which they rarely did), and to continually restructure seigneurial dues, or rents on land plots.<sup>200</sup> Free hold property was rare in the Electorate of Bavaria and was known as *allodial-Gut* in the *Codex Maximilianeus Bavaricus, Civilis*.<sup>201</sup> Peasants could refuse to pay rent but were subject to arrears payments.<sup>202</sup> The creation of free hold property under the allodial system created the *Seigneurie Privée*, in essence, land as privately held equity.<sup>203</sup> Rents were paid to the revolutionary government in Paris, not to seigneurial lords. The 4 August 1789 declaration provided, as historian Rafe Blaufarb contended, a “great demarcation” between property and public power but did not lead to the rise of distinctly middle class “liberal power.”<sup>204</sup> Such a revolution in property holding organization harkened back to French legal traditions of absolutism but was also inspired by prevailing Enlightenment trends in Europe that focused on land reform and more productive use. Germans took an interest in French reforms, and military activities, as the revolution’s turbulent course spilled across the east bank of the Rhine River and beyond.

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<sup>199</sup> *Ibid.*, 18.

<sup>200</sup> D.M.G. Sutherland, *France 1789-1815, Revolution and Counterrevolution* (Oxford: Oxford University Press, 1986), 70-71.

<sup>201</sup> “*Codex Maximilianeus Bavaricus, Civilis*”

<sup>202</sup> Sutherland, *France 1789-1815, Revolution and Counterrevolution*, 71.

<sup>203</sup> Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, 25.

<sup>204</sup> *Ibid.*, 10.

The French Revolution's property reforms and alleged economic liberalization inspired many in German polities in the Rhineland. In Mainz, a rule of enlightened absolutism had been underway since the mid-1740s. Friedrich Karl, Mainz's Archbishop and Elector in 1774-1802, looked on the French Revolution with a sense of horror.<sup>205</sup> A series of revolts in border villages and towns spread throughout 1789 ranging from a near riot over forest rights in Boppard, in the Electorate of Trier to the harassment of an official who heard discussions of events in Paris.<sup>206</sup> Reports of a revolt in Aschaffenburg in 1790 proved to be false including an outlandish description of the Electoral chateau being burnt to the ground.<sup>207</sup> Lookouts were instructed to identify and stop French infiltrators and propagandists. France declared war on the German forces on 20 April 1792 and advanced towards Mainz. The French Army defeated a German force at Valmy on 20 September 1792, causing a disorganized retreat. French forces entered Mainz on 21 October 1792. The French representatives worked with Clubists, Jacobin inspired collaborators to push revolutionary reforms such as the abolition of guilds – a measure that met with a strong rebuke from the *Handelsstand*, Mainz's merchants. Mainz was divided between revolutionaries and a mainly clergy-led opposition by 1793 but by 1795 was recaptured by counterrevolutionaries who reinstated Friedrich Karl to power. The example of Mainz was violent and divisive but more instructive examples of French and Enlightenment inspired reform swept Germany.

The Margraviate of Baden provided a more stable and productive example for Bavarian reformers through its program of physiocratic land management. In 1771, the Margrave Karl Friedrich reunited the territories of Baden-Durlach and Baden-Baden. Karl Friedrich tasked his

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<sup>205</sup> Blanning, *Reform and Revolution in Mainz 1743-1803*, 267.

<sup>206</sup> *Ibid.*, 245.

<sup>207</sup> *Ibid.*, 246.

*Kammerrat* (finance councilor) Johann August Schlettwein with the experiment of physiocratic trials beginning in 1770.<sup>208</sup> Physiocracy was a diverse and complex product of the Enlightenment that advanced, broadly, that land reform could be used as an agent of social and economic improvement.<sup>209</sup> Physiocrats believed in the merits of land use through artistic, craft-based, and scientific lenses. Francois Quesnay, perhaps the leading exemplar of the physiocratic school, advocated for using agriculturally productive land as the means for transforming the wealth and character of states.<sup>210</sup> Quesnay's 1758 *Tableau Economique* (Economic Table), a pioneering survey of economic data, provided physiocrats with the solution to agricultural reform and growing state wealth through the renewable, "annual reproduction of a marketable surplus."<sup>211</sup> Baden attempted to increase crop yields in the villages of Dietlingen, Balingen, and Teningen per physiocratic principles.<sup>212</sup> The project, deemed a failure at its conclusion in 1802, did not change peasant farming techniques.<sup>213</sup> Historian Richard Bowler finds that the failure to lift excise, trade, and consumption duties thwarted any positive conclusions from the trial study.<sup>214</sup> Those who engaged in scientific experimentation in the German states remained committed to the examination of tinkering with crop yields through modifying farm management and encouraging larger surplus yields.

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<sup>208</sup> Richard Bowler, "Demonstrating the Natural Order: The Physiocratic Trials in Baden, 1770-1802." *Central European History* 52. [June 2019]: 211-232.

<sup>209</sup> Rafe Blaufarb, "The Great Demarcation – The Decree of August 4, 1789," Modern European History Colloquium Lecture at Louisiana State University, Baton Rouge, LA, April 23, 2018.

<sup>210</sup> Vardi, *The Physiocrats and the World of the Enlightenment*, 115.

<sup>211</sup> *Ibid.*, 3.

<sup>212</sup> Bowler, "Demonstrating the Natural Order: The Physiocratic Trials in Baden, 1770-1802," 212.

<sup>213</sup> *Ibid.*, 212-213.

<sup>214</sup> *Ibid.*, 230.

Finally, in Germany, including Bavaria, a fascination with agricultural science, in part inspired by the Enlightenment, and the success of the English enclosure movement, led to a rush to study and experiment with new techniques to maximize crop production. The guide for many a German cameral official was English agronomist Arthur Young through the translations of Albrecht Thär. Arthur Young's findings from farming in England and his travels and observations in France led to the publication of *The Annals of Agriculture* from 1784-1806.<sup>215</sup> This publication consisted of 46 volumes of substantial research about crop production.<sup>216</sup> Young, writing in 1771 in *The Farmer's Tour through the East of England*, concluded that "enclosures, the use of marl (a kind of soil consisting principally of clay mixed with carbonate of lime, forming a loose unconsolidated mass, valuable as fertilizer), new rotations, turnips, clover and rye grass, long leases, and 'by the county being divided chiefly into farms,'" were the keys to increased production.<sup>217</sup> Albrecht Thär, a Saxon born in Celle in 1752, translated Young's work into German and established agricultural curricula based on the Englishman's research.<sup>218</sup> Celle became a buzzing hub of activity for cameral officials seeking to learn about physiocracy and Young's research. The impact of Young's research was also felt in Bavaria. In the 1780s the Bavarian Elector Karl Theodor initiated cultivation of crops in swampland in Donaumoos between Neuberg and Ingolstadt.<sup>219</sup> Permanent cultivation proved impossible but the investment in the project with a joint stock company to seize estate land using feudal laws represented an

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<sup>215</sup> Blanning, *The Pursuit of Glory: The Five Revolutions that Made Modern Europe: 1648-1815*, 188.

<sup>216</sup> *Ibid.*

<sup>217</sup> *Ibid.*, 147.

<sup>218</sup> Von der Goltz, *Geschichte der Deutschen Landwirtschaft*, 7.

<sup>219</sup> Kramer, "Bavaria: Reform and *Staatsintegration*," 370.

attempt by the Elector Karl Theodor to augment the agricultural output of the Bavarian state.<sup>220</sup> Beyond Bavaria, Maximilian IV Joseph of Zweibrücken sent cameral officials to Celle to study Thär's translations.<sup>221</sup> This interest in developing land, however, took a secondary role to the immediate dangers of the escalating war in Europe.

### **The Path to Reform: Balancing Bavaria's Future between Larger Powers**

War placed Bavaria in a powerless, weakened role between Republican France and Habsburg Austria. Garnerin, in exile in Zweibrücken, gravitated towards the revolutionaries due to his Illuminati connections and anticlerical views. An ebullient Garnerin wrote to a friend regarding the French Revolution, "I applaud the downfall of the clergy."<sup>222</sup> In Bavaria, Karl Theodor brought the Electorate to the side of the Habsburg Empire, issuing the 11 September 1789 "Prohibition of the Sale of all Printed Works of the French unrest."<sup>223</sup> Austria wished to contain France at the expense of Bavarian territory.<sup>224</sup> By 1795 the unrest in France produced great consternation in Munich.<sup>225</sup> French forces would invariably head east through the most western lands of Electoral Bavaria's Palatinate lands, altering Garnerin's view of the conflict and the opportunities it presented.

The French advance made a lasting impression on Max Joseph and Garnerin as leaders of a small state amidst a larger European conflict. Duke Max Joseph sent emissaries to Berlin seeking an alliance with Prussia to protect his sovereignty to no avail.<sup>226</sup> On 7 September 1795,

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<sup>220</sup> Ibid.

<sup>221</sup> Von der Goltz, *Geschichte der Deutschen Landwirtschaft*, 13.

<sup>222</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 19.

<sup>223</sup> Schuler, "Wir sind auf einem Vulkan," *Napoleon und Bayern*, 17.

<sup>224</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 44.

<sup>225</sup> Ibid., 17-18.

<sup>226</sup> Weis, *Montgelas, 1759-1838, Eine Biographie*, 19.

with French influence looming, Max Joseph avoided Vienna and sought an alliance with France only to be rebuked.<sup>227</sup> Zweibrücken sided with France through the Convention of Pfaffenhofen leaving Electoral Bavaria isolated and within the orbit of Austria.<sup>228</sup> The following year, 1796, went poorly for Austria and Bavaria. The French Army of Italy, led by general Napoleon Bonaparte, humiliated the slow moving and ineffectual Habsburg Army in northern Italy, extracting an indemnity of 45 million francs and looting upwards of 12 million francs worth of valuables.<sup>229</sup> Bonaparte carved out territory to form the future Cisalpine Republic. On 10 September of 1796, Garnerin played a central role in mediating Franco-Bavarian peace talks and thus solidified his role as Max Joseph's principal advisor.<sup>230</sup> In September 1796, Garnerin used this new position from which to plot the path for future Bavarian land reforms.

### **The Ansbach Memorandum and Bavarian Land Reform and State Centralization**

On 30 September 1796 Maximilian Joseph von Garnerin, the closest advisor to Count Maximilian IV Joseph of Zweibrücken issued the Ansbach Memorandum, a sweeping proposal for the dramatic expansion of centralized state authority and the modernization of the Bavarian economy. Garnerin used the advantageous position afforded by the French victory, his own promotion to a more senior advisory position, and the waning fortunes of Bavaria and Austria, to announce an ambitious plan for state reform. Garnerin began, "One of the greatest flaws of the Bavarian administration lies in the defective organization of the central ministry. A precise division of the departments, so useful for maintaining the order without which business cannot

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<sup>227</sup> Ibid.

<sup>228</sup> Ibid.

<sup>229</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 51-52.

<sup>230</sup> Ibid.

be carried out in a regular fashion, is absolutely unknown there.”<sup>231</sup> A decentralized bureaucracy, lacking authority and sufficient personnel is outlined as the central issue, something Garnerin later recalled in his memoirs.<sup>232</sup> Garnerin continued, “This arrangement, which was fine for the Middle Ages, when the simplicity of handling things facilitated and lessened the work of government officials, is no longer suitable today, as matters have become much more complicated.”<sup>233</sup> The expanded bureaucracy, alien to the ideas outlined in earlier cameral texts and practices, required a larger staff and presumed the enhanced role of the state over other Bavarian institutions such as the Church or the elite estates.

Garnerin’s reformist ideas were sweeping in scope and would entail the reordering on the Bavarian cameral profession in the image of the scope and size of French republican bureaucracy. Garnerin outlined the creation of a Foreign Ministry as well as those ministries attending to finance and justice.<sup>234</sup> An army of bureaucrats, like those of larger states, would require new training and to be obedient to First Minister and Elector alike. In Prussia, for example, such a system was based on “personnel management on a flexible combination of calculated external pressures and inducements and internal incentives.”<sup>235</sup> Garnerin was most emphatic about reforms when he addresses the question of land. In the second of his four guiding principles for reform Garnerin advances, “The abolition of the financial prerogatives of the privileged estates in the various provinces, the creation of a carefully drawn-up land registry that

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<sup>231</sup> Graf Montgelas, Maximilian Joseph von Garnerin, “Maximilian von Montgelas, "Ansbach Memorandum." Proposal for a Program of State Reforms (September 30, 1796).”

<sup>232</sup> Weis, *Montgelas, 1759-1838, Eine Biographie*, 269, “One of the biggest shortcomings was insufficient central authority.”

<sup>233</sup> Graf Montgelas, Maximilian Joseph von Garnerin, “Maximilian von Montgelas, "Ansbach Memorandum.”

<sup>234</sup> *Ibid.*

<sup>235</sup> Hans Rosenberg, *Bureaucracy, Aristocracy, and Autocracy, The Prussian Experience, 1660-1815*, 88.



establishes a fairer proportion in direct tax levies, the abolition of several levies that impose too great a burden on subjects, and the cessation of the disastrous system of Bavarian customs duties clearly demand the attention of the legislator in the various branches of this vast administration.”<sup>236</sup> Montgelas’ key focus, however, was land.

Land formed the basis for state reform. The abolition of feudal privilege, of the *Güter* estates, and the power of the clergy were the central reform programs of Garnerin. Crucial to Garnerin’s plans featured this program of state centralization, the development of land for productive means, and the imposition of uniform tolls.<sup>237</sup> In addition, Garnerin proposed for universal state control over forests, mines, and “care for” (*Betreuung*) of commerce, industry, and manufactures.<sup>238</sup> Negotiations with seigneurial estates was also a responsibility of the Finance Ministry.<sup>239</sup> In Germany, seigneurial rents soared, peasants revolted, and in Munich, Nuremberg, and Ulm sporadic rioting shook Karl Theodor and his court.<sup>240</sup> Max Joseph, if not Garnerin’s role in Bavarian state building through land reform reached a critical phase by the end of 1796. As the Treaty of Campo-Formio finalized the cessation of hostilities in northern Italy in 1797, Max Joseph and Max Joseph von Garnerin were poised to assert their new role as intermediaries to enact state reform in Bavaria.

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<sup>236</sup> Graf Montgelas, Maximilian Joseph von Garnerin, “Maximilian von Montgelas, "Ansbach Memorandum."

<sup>237</sup> *Ibid.*

<sup>238</sup> Weis, *Montgelas, 1759-1838, Eine Biographie* 348.

<sup>239</sup> *Ibid.*

<sup>240</sup> David Blackbourn, *History of Germany, 1780-1918, The Long Nineteenth Century* (Malden: Blackwell Publishing Company, 2003), 40.

## **Conclusion: Bavarian Land in the Age of Revolution**

Both the reform and maintenance of the *Gutsherrschaft* system were contingent upon internal educational and information reform as well as foreign pressure on Bavaria's borders. The system of land management created in the wake of the Thirty Years' War, the *Gutsherrschaft*, created stability and order. It was slated for replacement with a state administered agricultural program based on surplus crop production and a uniform tax and toll regimen. Bavarian means of commercial and administrative management maintained feudal landownership and the role of the Catholic Church to preserve order and sustainable crop yields. Attempts at reform failed due to half measures, a dizzying array of legal traditions, and the intentional shortcomings of cameral institutions as the connective tissue of archaic, feudal institutions of Bavarian life. The Enlightenment, the reform of cameral institutions, and the upheaval caused by the French Revolutionary Wars placed Bavaria at the crossroads of mass state guided land reform. Though untried, Bavaria's leaders elevated the mechanisms for such massive reforms to a more powerful role.

## Chapter 2. A Struggle for Property: State-Guided Allodification (1799-1809)

Maximilian IV Joseph of Zweibrücken became Maximilian I (or Max Joseph) Elector of Bavaria in February of 1799. Max Joseph would give Maximilian Joseph von Garnerin, the later ennobled Graf Montgelas, unparalleled authority to carry out unprecedented, state-guided land reorganization and the restructuring of the civil service. These reforms centered on allodification of land by removing the privileges and titles connected to estates. In its place, the existing nuances of Bavarian land law as dictated by the *Codex Maximilianeus Bavaricus, Civilis* would be replaced by Montgelas' fiat. Montgelas envisioned the dramatic transformation of Bavarian agriculture into private hands. Land enclosure, higher crop yields, and bountiful tax and toll collection would follow. The centralized bureaucracy would guide these reforms and in turn would be strengthened by their products. Yet such a program required a climate of conflict and chance to be successful. The authority of the Bavarian state was also not as powerful as it seemed to its leaders. War and a costly alliance would be the price for the allodification process. The demands of this conflict would destroy Bavaria's agriculture, leave the state indebted, and the populace in poverty but would provide a functional basis for the rule of a centralized state.

Therefore, this chapter explores the execution and consequences of Max Joseph and Montgelas' sweeping property-based reforms from 1799-1809. Max Joseph, Elector, then King of Bavaria, sought to transform *Gutsherrschaft* estates, Church lands, and the domains of former free imperial cities into privately held, enclosed land. This process was also known as allodification and preceded Montgelas' plan to apportion land into privately owned tracts. Montgelas served as the architect and catalyst for this Bavarian property reform. Montgelas first presided over an ambitious expansion of centralized bureaucratic control over estate lords, the Catholic Church in Bavaria, and urban patricians. *Güter* land was to be transformed in

accordance with Enlightenment era theories that emphasized productive and profitable agriculture. Bavaria's reforms, however, could not be undertaken while the polity was a marginal, impoverished state. Bavaria would need powerful outside assistance to keep nobles and foreign rivals alike at bay. Montgelas and Max Joseph's mutual affinity for France, the French Revolution, and Enlightenment ideals led to Bavaria's closer relations with Paris between 1799-1805. The diminished status of the Holy Roman Empire and the Habsburg Empire allowed Bavaria to secularize Church lands in 1803, to eliminate the political role of prelates, and to claim territories overrun by French forces for its own. Max Joseph and Montgelas used the Austrian defeat at the Battle of Austerlitz, and the subsequent Treaty of Pressburg, to declare the foundation of the Kingdom of Bavaria in 1806. French influence indirectly facilitated the drafting of a republican inspired constitution in 1808. Max Joseph made Montgelas and civil bureaucrats, as well as a select group of reform minded nobles, the nucleus of Bavarian power. Estates titles were taken by the Bavarian state but the sale of land as private property was limited by insufficient state authority. The drafting of the 1808 constitution represented Montgelas' attempt to cement the primacy of Max Joseph and the state, using land reclamation as an economic and political tool for the transformation of the Kingdom of Bavaria into a sovereign polity.

### **Karl Theodor's Last Stand: The Collapse of Electoral Bavaria (1795-1797)**

Bavarian Elector Karl Theodor was forced to mobilize the Electorate's resources to prepare for war at the expense of land reform, poor relief, and the support of Bavarian notables during the War of the First Coalition (1792-1797). Electoral Bavaria was officially neutral during the War of the First Coalition, a conflict in which the royals of Europe's *ancien regime* attempted to crush the French Revolution before reinstalling the deposed Bourbon Dynasty. Karl

Theodor faced considerable pressure from both major warring factions, Austria and France.<sup>241</sup> The Elector was thus presented with the single greatest challenge to Bavarian territorial integrity since the War of Bavarian Succession nearly twenty years prior. The Austrian Army encroached upon Bavarian territory when it moved across the Inn River to counter French forces in the Rhineland.<sup>242</sup> French forces, now east of the Rhine River, created an atmosphere of anxiety in Munich. In 1795 French forces invaded Bavaria. Karl Theodor ordered Sir Benjamin Thompson, the Count Rumford, to plan and then implement a strategy to strengthen Munich's defenses.<sup>243</sup> Rumford persuaded Karl Theodor to destroy existing city walls and to build isolated strongpoints to defend certain parts of the city instead while land outside of Munich was zoned for the construction of new structures.<sup>244</sup> Such a plan provoked a strong rebuke from nobles because they believed the removal of city walls would leave the city weaker against a siege as well as the Elector claiming and using land for his own purposes. A French attack posed the risk of causing major disruptions to commercial activity within Munich and outlying areas.

Rumford's idea to destroy sections of Munich's city walls was complicated by the influx of indigent Bavarians. The limitations of the Bavarian state were soon laid bare. Plans to feed Munich's population, including the rising number of newly arrived refugees, were destroyed by French armies living off the land and seizing Bavarian food stuffs and draught animals. The hasty construction of segmented lines of defense also provoked anger from a broad cross section

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<sup>241</sup> Richard Bauer, *Geschichte Münchens* (München: Verlag C.H. Beck, 2003), 91.

<sup>242</sup> Charles J. Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 50.

<sup>243</sup> Bauer, *Geschichte Münchens*, 90.

<sup>244</sup> Ibid. German, "Als sich 1796 die durch das neutral Bayern gegen die Österreicher ziehende französische Rheinarmee München näherte und der Kurfürst das Weite suchte, übernahm Graf Rumford die Verhandlungen mit den kriegführenden Mächten." And, "Eine Entscheidung Karl Theodors vom Juni 1796, dass München fortan keine Festung mehr sein könne, hatte diesen längst überfaelligen Bruch mit der fortifikatischen Vergangenheit der Stadt möglich gemacht."

of Munich's population, specifically due to the removal of the bastion near Karlstor and the destruction of available farm land.<sup>245</sup> In sum, any transformation of Munich's existing defensive works faced the prospect of intense and spirited disagreement between Karl Theodor and Bavarian elites over how best to use land. The dispute regarding the defensive walls is also an instructive example for the examination of the barriers, physical and metaphorical, to programs of land reform in late-eighteenth century Bavaria.

Karl Theodor, acting on Rumford's instructions, sacrificed Bavarian land to an invading force that did not respect the Electoral state's neutrality, in turn eroding what remained of his reputation with the Bavarian *Adelige Stände* – the elite nobility of the *Güter* estates and Church. This continued a pattern of inaction on Karl Theodor's part that stemmed from earlier losses of territory including Mannheim which fell without resistance in 1795.<sup>246</sup> Karl Theodor was thus seen as an unreliable defender or even advocate for Munich's defense let alone the welfare of all Bavarians. The Elector had also been attacked in the past by nobles for his *Tauschpläne* of 1792-1794 that proposed exchanging the valuable land in the Innviertel near Salzburg to Austria in exchange for a title in the Austrian Netherlands.<sup>247</sup> Karl Theodor further weakened his status among Bavarian nobles by overlooking the value of land for tax and credit collection, a system widely controlled by the very nobles it taxed.<sup>248</sup> The resources of surrounding land, much like

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<sup>245</sup> Bauer, *Geschichte Münchens*, 91. German: "Es muss nicht erwähnt werden, dass alle diese Massnahmen – selbst angeordnete Begräbnisse der so kompliziert über die Festungswälle und Torbastionen geführten Zufahrten zur Stadt - nur das Murren der Bevölkerung und den Protest der Gemeindevertretung zur Folge hatten."

<sup>246</sup> Andreas Kraus, *Geschichte Bayerns Von den Anfängen bis Gegenwart*, 361.

<sup>247</sup> Karl Otmar von Aretin, *Bayerns Weg zum souveränen Staat: Landstände u. konstitutionelle Monarchie 1714-1818*, 117. German: German: "Karl Theodor wüsste von den österreichischen Tauschplänen der Jahre 1792 bis 1794, ohne dass er um eine Einwilligung angegangen worden wäre."

<sup>248</sup> *Ibid.*

those nearly surrendered to Austrian demands, were jeopardized when Rumford executed his defensive plan.

The sudden, wide-ranging designs for Munich's "defortification" and urban expansion also comprised an early assertion of broad royal authority over the social transformation of Munich, and to a greater extent, Bavaria. The land was also vital to a much larger program Rumford was designing (and published in 1796) to feed Munich's poor through the establishment of new workhouses where homeless persons would be used as a conscripted labor force.<sup>249</sup> Rumford's essays on poor relief and urban pacification, written explicitly for Karl Theodor's use, included a detailed list of instructions to police and exploit Munich's have nots.<sup>250</sup> Rumford, writing in an aloof, if not patronizing tone, informed Karl Theodor, "As nothing is so certain fatal to morals, and particularly to the morals of the lower class of mankind, as habitual idleness, every possible measure was adopted, that could be devised, to introduce a spirit of industry among the troops."<sup>251</sup> This essay, entitled *Of the Prevalence of Mendicity in Bavaria at the Time When the Measures for Putting an End to it Were Adopted*, floated the idea of paying poor Munich residents poverty wages to motivate their service as laborers.<sup>252</sup> Bavarian farmers on *Güter* estates remained committed to subsistence agriculture for over a century and a half after the Thirty Years' War, believing that the production of *any* foodstuffs would intrinsically be profitable.<sup>253</sup> Subsistence agriculture, however, was a well-established pattern of

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<sup>249</sup> Graf Benjamin Rumford, *An Account of an Establishment for the Poor at Munich*, <http://www.gutenberg.org/cache/epub/1025/pg1025-images.html>.

<sup>250</sup> Ibid.

<sup>251</sup> Graf Benjamin Rumford, *An Account of an Establishment for the Poor at Munich*.

<sup>252</sup> Ibid.

<sup>253</sup> Wilhelm Abel, *Agrarpolitik*, 22. German: "Die Bevölkerung wuchs, und mit der Vermehrung der Verbraucher stiegen die Preise der Agrarprodukte, die nach dem Dreissigjährigen Krieg sehr gefallen waren."

crop production that was propagated by peasant farmers and estate elites who knew no other form of land management.

Rumford's new land management plan met with predictable, if not sensible, objection. The plan disturbed the foundation of the *Gutsherrschaft* model and the power and privilege of the landed elites. Rumford's attempt was met with praise from Montgelas who decried the obstinacy of the landed elites. Montgelas, writing from the Duchy of Zweibrücken, seethed at what he believed was a missed opportunity to produce profitable, surplus bumper crops from arable land. The exiled Bavarian wrote, "Bavaria is the most fertile province in Germany and the one with the least spirit. It is an earthly paradise that is inhabited by fools."<sup>254</sup> The behavior of Karl Theodor did little to counter Montgelas' appraisal. Karl Theodor was detached, indifferent, and more interested in art, literature, and attempts at placating elites. The Elector was not interested in fully committing to reform. Firm leadership was also needed due to Bavaria's precarious border security. Austrian and French armies converged on the Electorate. The Electorate's land was soon both the battleground and the potential prize for invaders from both east and west.

Karl Theodor, uninterested in a defensive campaign against invaders, signed a humiliating treaty with Austria in January 1796. The treaty formally placed Bavaria under Austrian protection but revealed the extractive and predatory nature of the much larger Empire upon the Electorate's land. The elector's endorsement of a controversial plan for urban renewal during invasion was juxtaposed with this latest capitulation. Critics assailed Karl Theodor as indifferent to Austrian domination. Bavaria was forced to fight France by Austria. Now a

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<sup>254</sup> Eberhard Weis, *Montgelas, 1759-1838, Eine Biographie*, 591.



combatant power in the War of the First Coalition, Bavaria was invaded by French forces. The “positional lethargy” of Karl Theodor was made apparent as the French Army dealt a series of defeats to the Austrians and overran Bavarian farmland in the Rhineland.<sup>255</sup> French forces under general Jean-Baptiste Jourdan penetrated a defensive position on the Main River and advanced unchecked into the Upper-Palatinate.<sup>256</sup> Another French force under Jean-Victor Marie Moreau exploited these gains by crossing the Upper Rhine in southern Bavaria shortly thereafter. Karl Theodor sent emissaries to negotiate a ceasefire with both generals Jourdan and Moreau before a treaty was signed on 7 September 1796.<sup>257</sup> Bavaria’s negotiations with the French commanders were brief and one sided. Moreau’s armies circulated revolutionary pamphlets and encouraged the open activities of previously secretive Jacobin organizations.<sup>258</sup> Austria continued fighting France’s Army of Italy and left Karl Theodor to pay a 16-million-franc indemnity to Paris following a separate treaty.<sup>259</sup> The collapse of Bavaria exacerbated shortages of arable land, cereals, and draft animals by 1797. Bavaria capitulated first to Austrian demands then French. Confidence in Karl Theodor plummeted. The future of Bavaria’s integrity was in question as quality of land products was destroyed.

Bavaria’s relative isolation during the last year of the War of the First Coalition had a deleterious impact on grain markets and supply for the electorate’s population. Broadsheets from

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<sup>255</sup> Von Aretin, *Bayerns Weg zum souveränen Staat*, 117. German: “Er übersieht damit die – natürlich im Rahmen ihrer Möglichkeiten beliebenden – Aktivitäten und insbesondere die für die Kreditwürdigkeit des Landes so wichtige Steuerwaltung, die er in völliger Verkennung der wahren Verhältnisse als ‘nicht anderes als privilegierte eigenützige Steuerverwaltung bezeichnet.’”

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> Eberhard Weis, *Bayern und Frankreich in der Zeit des Konsulats und des Ersten Empire (1799-*

*1815)* (München: Stiftung historisches Kolleg, 1984), 114.

<sup>259</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 362.

1797 turned to reporting criminal activities and food prices rather than the ongoing war. The *Münchener Intelligenzblatt* from Saturday 26 August 1797 featured a lengthy criminal report on the theft of mares during the night of 13-14 August 1797, a much valued commodity.<sup>260</sup> The report is followed by tables detailing the price of corn, maize, oats, and barley commodities from both Bavarian and foreign sources.<sup>261</sup> No price information is available for neighboring Salzburg while Ulm, a Free Imperial City occupied by Bavaria to the west, had the most expensive prices at 18 florin 30 kreutzer per bushel (*Scheffel*), possibly due to the French presence in the region.<sup>262</sup> Market activity was negatively impacted by the conflict. The conclusion of hostilities brought much-needed relief to Bavarians by the fall. Austrian forces collapsed in Italy leading to the signing of the Treaty of Campo Formio on 17 October 1797. Austria received more territory in the vicinity of Bavaria near the Inn River.<sup>263</sup> The Habsburg Empire regrouped but Electoral Bavaria found its treasury and army depleted.<sup>264</sup> This campaign itself ended the following month and was followed by territorial negotiations in the Congress of Rastatt from November 1797-1799.

### **Bavaria as Spoils of War: The Congress at Rastatt (1797-1799)**

The treaty negotiations of Rastatt were of vital importance for Bavaria due to the loss of several vital Electoral territories. This complicated the position of Bavaria's Elector. The Congress of Rastatt negotiations concerned land exchanges as part of the settlement of French victory in the Rhineland and northern Italian provinces previously under Austrian control.

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<sup>260</sup> “*Münchener Intelligenzblatt* Nro. 35.”

<sup>261</sup> *Ibid.*

<sup>262</sup> *Ibid.*

<sup>263</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 50.

<sup>264</sup> Kraus, 362.

Bavaria was not mentioned directly as a major participant. Delegates from the German states and republican France met in Rastatt between November 1797 and April 1799.<sup>265</sup> The German states were dominated by Austria and Prussia who angled for territorial aggrandizement rather than demonstrating a unified front against the upstart French Republic.<sup>266</sup> Historian James Sheehan underscored how the Congress at Rastatt was a clash of cultures; decadent and indulgent Habsburg envoys such as Franz George Karl Count Metternich-Winneburg zu Beilstein, the father of Klemens Wenzel von Metternich, and a pragmatic and austere French delegation concerned with territorial expansion and the spread of revolutionary values. Europe's *ancien regime* suddenly found itself at the mercy of the revolutionaries. Bavaria, however, was treated less as a power and more of land to be divided between major states.

Austria's new ministers were forced to accept the terms of Rastatt impacting the future of the Habsburg Empire and, by extension, neighboring Bavaria. The director of the foreign affairs of Austria, Baron Thugut, the hastily appointed successor to the recently deceased Prince Kaunitz, was forced to make peace with France to end hostilities and help the Habsburg Empire save face.<sup>267</sup> Thugut found the peace terms unacceptable but, Austria, as a participant, came away from the Congress at Rastatt with added territory.<sup>268</sup> If Austria, Prussia, and France came away from Rastatt either as winners or losers, Bavaria participated as merely a spectator. Bavaria surrendered territory to the north on the periphery of the Austrian Netherlands and eastern Bavaria, including Mannheim to France, as well as ceding land near the Archbishopric of Salzburg to Austria in a separate treaty.<sup>269</sup> The Austro-French agreement concerning Bavarian

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<sup>265</sup> James J. Sheehan, *German History, 1770-1866*, 241.

<sup>266</sup> *Ibid.*, 240.

<sup>267</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 81.

<sup>268</sup> *Ibid.*, 61.

<sup>269</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 362.

territory was kept secret.<sup>270</sup> Austria agreed to respect French territorial claims to the eastern bank of the Rhine River in an effort to protect the integrity of the Holy Roman Empire without Prussian influence.<sup>271</sup> The traditions of the Holy Roman Empire, which purportedly protected Bavaria were effectively removed through the negotiations at Rastatt.

The institutions of the Holy Roman Empire were the strongest traditions that dictated economic and social behavior in Bavaria. Bavaria's relationship with Austria remained subordinate. The *Reichshofrat* (the imperial court council) in Vienna, as well as the Aulic Council, mediated disputes and acted as a central arbiter and interpreter of the combination of unique legal trends from German, Imperial, and Roman laws present in the Empire.<sup>272</sup> In theory these institutions formed a well-used, routine forum for disputes between lord and peasant. In practice, however, the courts and councils made Bavaria more beholden to Austria for the purposes of legal legitimacy and functional interstate cooperation.<sup>273</sup> Historian Karl Otmar von Aretin described these important structures of cameral bureaucracy as a "German form of revolution."<sup>274</sup> However relevant these systems of law and *Polizeiwissenschaft* were to Germans, their existence and authority were intrinsically tied to Vienna. Bavaria, and other *Reichstädte*, also paid additional taxes to maintain the court and council from 1797 onward. Prussian military and political influence were also felt in Ansbach during the 1790s. Finally, the terms of the Congress of Rastatt were dictated to the Reich by Paris. In sum, the ability for a small German state, even a larger, wealthier state like Bavaria, to act independently within the Reich system, let

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<sup>270</sup> John Gagliardo, *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806* (Bloomington: Indiana University Press, 1980), 188.

<sup>271</sup> *Ibid.*, 189.

<sup>272</sup> Lenger in Sperber, *Oxford Short History of Germany, 1800-1870*, 26.

<sup>273</sup> *Ibid.* 26.

<sup>274</sup> *Ibid.*, 27.

alone on the European stage, was an unrealistic expectation. Karl Theodor, unable to act independently within the constellation of the Bavarian estates and the Church, was certainly ill-equipped to navigate the diplomatic challenges posed by Rastatt.

Rastatt afforded Montgelas the opportunity to openly criticize Karl Theodor's policies. Montgelas, who represented the Duchy of Zweibrücken at Rastatt, laid out extensive programs for the integration of German states, as independent entities, into a larger, cooperative alliance. These plans, like Karl Theodor's, however, were equally ignored. In Bavarian terms, reform of any kind required approval from the Church and the *Güter* lords, elites fundamentally opposed to increasing the power of the elector. Karl Theodor, mocked for his ostensible inaction, was thus constrained by the intransigence of the noble *Stände* and the moribund system of decentralized Bavarian estates. This was, however, irrelevant to Bavarians of the era. Montgelas' plan and confidence demonstrated a more coherent, powerful approach to statecraft. Montgelas too would have to contend with the great challenges that obstructed Karl Theodor's attempts at reform.

The source of Karl Theodor's power, the support of the *Güter* lords, Church (the *Pralätenorden*), and the cameral officials of the Electoral court, failed to assist in Bavaria's defense. These estates also failed to muster the resources or provide consent for the completion of any program of social policing or tax reform. Funding for a competent military was thus insufficient. Nevertheless, Karl Theodor's court provided propagandized reports of contributions of materiel from the *Güter* estates for defense.<sup>275</sup> *Güter* domains provided the basis for Karl

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<sup>275</sup> "Münchener Wochen- oder Anzeigsblatt Nro. 51." Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10505705\\_01659\\_u001/1?q=M%C3%BCnchener%20Wochen%20oder%20Anzeigsblatt%2026%20December%201798](https://digipress.digitale-sammlungen.de/view/bsb10505705_01659_u001/1?q=M%C3%BCnchener%20Wochen%20oder%20Anzeigsblatt%2026%20December%201798) [accessed December 17, 2019]. German:

Theodor's revenue stream through taxes and provided the material support for the Electoral court.<sup>276</sup> This essential Bavarian land was under constant threat by foreign powers and appropriated at will via invasion and treaty negotiations. The lords of the *Domainenbesitz*, the privileged estate of Bavaria, continued to contribute resources to Munich while protecting their legal and societal standing. This concept was referred to as *Bauernschutz*.<sup>277</sup> Electoral records of *Güter* resources contributed to defense, however, highlight the diminishing assets available to their estates, the very backbone of the Bavarian treasury. Bavarian notables, as a privilege of their estate status, also enjoyed a separate tax administration.

Contributions to the Electoral treasury were contingent upon what notables agreed to pay and depended heavily on the value of their assets.<sup>278</sup> Electoral court secretary Josef Diezenberger publicized a September to December auction of a vast collection of items from the estate of countess Bechischen.<sup>279</sup> The 26 December 1798 *Münchener Wochen und Anzeigsblatt* featured an estate liquidation of the countess' assets to be auctioned off to other "subservient elites" via the court market.<sup>280</sup> Such an announcement is consistent with the operation of the Electoral

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"Endesgesetzter ist von dem Kurfuerstl. Kämmerer, dann freiresigierten Forst und Wildmeister in Greifenfeld, Titl. Grafen von Arco..."

<sup>276</sup> Abel, *Agrarpolitik*, 20.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

<sup>279</sup> "*Münchener Wochen- oder Anzeigsblatt Nro. 51.*" German: "German: da man von Seite des kurfürstlichen, Hof Rate in der Titel Grafen Bechischen Verlassenschafts Sache auf untertanigstes Eliten einiger Interresanten, und zufolge zu erst jungst 10 December erfolgten gnadigsten Revisions Resolution beschlossen hat, die zu dieser Verlassenschafts Kassa gedringen Guter, nämlich die Hofmärkte..." English: ... matter of the most subservient elites of some interested parties, and following the most gracious revision resolution, just recently passed on Dec 10, has decided, to (sell) to the highest bidder the goods belonging to the inheritance assets, namely the court markets Königsmiesen, and debts, and then the Schwaig Warmberg as well as several other subjects of the same class by public auction after the auctioning of Raas which was already held in Berlau on Sept. 14.

<sup>280</sup> Ibid.

treasury in 1798. Bavaria's *Hofmärkte* (the court treasury) practiced escheatment: the transfer of non-land property (including jurisdictional and even royal titles) to the state when there was a lack of an heir.<sup>281</sup> The legal presence of Bavarian notables was codified through the Estate Commission, which, although not having met since 1699, consisted of sixteen members, eight of whom were estate holders.<sup>282</sup> In the case of the aforementioned estate (*Verlassenschaft* – the assets) were transferred at a special court decided rate for countess Bechischen' estate.<sup>283</sup> The treasury also set the value and price by consulting key notables interested in the *Verlassenschaft*. The report emphasizes the value of the estate through the assertion that, "...the most compliant elite of some interested parties, and according to the most recent gracious revision resolution passed on December 10th, decreed that the estate, which is worthy of the treasury, namely the court markets..."<sup>284</sup> The estate in question was also evaluated based on its movable, trade goods related, assets. The first sentence of the announcement makes reference to rice tenders on the Meuse-Rhine border region as the result of a transaction concluded on 14 September 1798.<sup>285</sup> Such was another legacy of the swirling forces of Karl Theodor's reign and the destructive nature of the War of the First Coalition: bankruptcy and inflation.<sup>286</sup>

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<sup>281</sup> Whaley, *Germany and the Holy Roman Empire*, 399. This practice is also used in a non-real estate property to refer to non-real estate property.

<sup>282</sup> Ferdinand Kramer, "Bavaria: Reform and *Staatsintegration*," 50.

<sup>283</sup> *Ibid.*

<sup>284</sup> "Münchener Wochen- oder Anzeigsblatt 19 December 1798." German: "Sache auf untertanigstes Eliten einiger Interresanten, und zufolge zu erst jungst 10 December erfolgten gnadigsten Revisions Resolution beschlossen hat, die zu dieser Verlassenschafts Kassa gedrigen Guter, nämlich die Hofmärkte känigsmiesen, und solle, und dann den und die Schwaig Warnberg wie auch mehrere einschichtige Untertanen durch nochmal wiederholt öffentliche verstetgerung an den Reisbietenden nach Raas der schon untern 14 September abgehaltenen Versteigerung zu Berlau."

<sup>285</sup> *Ibid.*

<sup>286</sup> Whaley, *Germany and the Holy Roman Empire*, 453-454. Whaley emphasizes that inflation increased post-1789.

These issues were mostly a burden carried by landed elites and Bavarian peasants. Estate lords, regardless of legal, tax, and pension privileges increasingly faced crop failure, shortages of liquidity, and likely the loss of their labor force due to a 5.9% population decrease during the 1790s.<sup>287</sup> Bavaria's *Güter* lords adapted their agricultural approach by shifting their focus to the cultivation of potatoes.<sup>288</sup> The specific case of the Bechischen estate's sale to rice farming buyers in the Meuse-Rhine area appears to be a pragmatic solution to a failing agricultural estate: transferring a rice cultivation area during a large scale shift to growing potatoes. The swirling crises caused by conflict, debt, and flagging estate worth were insurmountable obstacles for even the most capable and energetic leader and his limited yet educated ministers. Karl Theodor, regardless of skill or interest in these issues was poorly equipped to protect and expand the Bavarian state at a most critical point in the dramatic transformation of central Europe.

### **Life After Death: Karl Theodor's Legacy, 1798-1799**

By 1798-1799, the Elector Karl Theodor's legacy was that of a leader who failed to preserve Bavarian territorial cohesion from invasion by foreign powers. Karl Theodor, despite the limitations imposed by the elite *Stände*, was remembered perhaps mostly for his effete and non-committal approach to reform that frustrated his cameral officials and opponents alike. Franz Karl von Humpesch, the First Minister, who, with Count Rumford, made critical state decisions, was tasked with finding new ways to secure the integrity of the Bavarian state. Territorial cohesion was of paramount importance but the *Staatsgedanke* – the idea of a unified Bavarian state remained a controversial. This idea, so crucial to any functioning model of independent sovereignty, was widely rejected by competing interests such as *Güter* lords and the

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<sup>287</sup> *Ibid.*, 454.

<sup>288</sup> *Ibid.*



Catholic Church.<sup>289</sup> The task of the Bavarian state, Hompesch, Rumford, and the small cameral staff, was preserving the very legitimacy of the Wittelsbach crown.<sup>290</sup> Karl Theodor trusted subordinates to maintain Bavaria's borders but lacked the power to support them.

Preserving Bavarian territorial integrity may have been beyond the powers of even the most talented statesmen of the era. Georg Friedrich von Zentner (1752-1835), a future minister of greater importance in the scope of Bavarian history, advised Karl Theodor on legal matters pertaining to his Electoral issue and how best to utilize diplomatic channels with larger European powers.<sup>291</sup> Zentner, like Karl Theodor, was born in the Palatinate.<sup>292</sup> Zentner possessed a talented legal mind and was educated in Ingolstadt, the heart of new approaches to state management techniques in Bavaria. In addition, Zentner was well-traveled, having spent time in Berlin and Vienna before studying recent developments in German legal theory at the Georg August University in Göttingen.<sup>293</sup> Therefore, Zentner made an ideal choice for Bavaria's diplomatic missions. Despite Zentner's apparent skill, little could be done to protect Bavaria from invasion and dissolution.

Instead, Karl Theodor died on 17 February 1799 leaving Bavaria adrift. The deceased Elector's capital, left to the ambitious, yet incompetent hands of Count Rumford. Electoral Bavaria was in crisis. Munich's population swelled to 40,000 by the end of the eighteenth century of which 2,000 were beggars.<sup>294</sup> Rumford's plan to feed and house Munich's poor with

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<sup>289</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 118.

<sup>290</sup> *Ibid.*

<sup>291</sup> Franz Dobmann, *Georg Friedrich Freiherr von Zentner als bayerischer Staatsmann in den Jahren 1799–1821* (Augsburg: Münchener historische Studien: Kallmünz, 1996), 133.

<sup>292</sup> *Ibid.*

<sup>293</sup> Dobmann, *Georg Friedrich Freiherr von Zentner*, 133.

<sup>294</sup> Schuler, "Wir sind auf einem Vulkan," *Napoleon und Bayern*, 11.

the construction of great halls and ample portions of *Rumfordsuppe*, a barley and pea soup, were well-meaning but lacked sufficient planning and resources for proper execution. Rumford's land reforms and defortification of Munich destroyed arable land and supplies of bread, barley, while other ingredients for Rumford's soup dwindled.<sup>295</sup> Rumford's impractical and detached approach to bureaucracy, urban planning, and poor relief are perhaps best encapsulated from his essays on handling Munich's homeless problem. Rumford wrote in his 1796 essay, "An account of the Taking up of Beggars in Munich," an uninspiring, and possibly contrived scenario in which he enforced Munich's new poor relief laws;

We were hardly got into the street when we were accosted by a beggar, who asked us for alms. I went up to him, and laying my hand gently upon his shoulder, told him, that from thenceforwards begging would not be permitted in Munich;—that if he really stood in need of assistance, (which would immediately be enquired into,) the necessary assistance should certainly be given him, but that begging was forbidden, and if he was detected in it again he would be severely punished.<sup>296</sup> Rumford's authority as military leader and First Minister in 1799 was stretched thin and, without an Elector present, it was certain to be relieved of his authority upon the accession of a new leader.

Rumford's limited authority still operated within a relatively unchanged nexus of political, economic, and religious powers present when Karl Theodor acceded to the throne in 1779.

The authority of the Elector was limited by the regional jurisdiction of *Güter* lords who opposed any attempts to secure the Wittelsbach role of *Fideikommiss*, an entrusted property holder (as an expression of authority rather than possession of land).<sup>297</sup> The Catholic Church formed one of the most powerful blocs of estate holders throughout Karl Theodor's rule as well.

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<sup>295</sup> Ibid. 11-12.

<sup>296</sup> Graf Rumford, Benjamin. "An account of an Establishment for the Poor at Munich." Project Gutenberg. <http://www.gutenberg.org/cache/epub/1025/pg1025-images.html>. [accessed 20 December 2019].

<sup>297</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 116. German: "Den Bemühungen Karl Theodors, einen Wittelsbachischen Fideikommiss zu errichten, setzte die Landschaft den Begriff der kurfürstlichen Nebenländer entgegen, wie die nichtbayerischen Besitzungen von ihr genannt wurden."

Church lands accounted for 56% of all landholdings by 1799.<sup>298</sup> Bavarians universally observed and heeded the spiritual commands of the Church through numerous devotions, observances, masses, pilgrimages, processions and festivals each year.<sup>299</sup> Karl Theodor, by design of the Electoral throne, was the manager of the vital institutions of the Bavarian state from the Church to the *Guter* estates. The Elector's real power resided in the expectation that he would coordinate the cooperation of each estate of the Electoral state rather than push for sweeping, unilateral reform. Karl Theodor's legacy was that of a failed leader who halfheartedly committed to reform and the pursuit of centralized authority while fully indulging in art, theater, and urban beautification at the expense of practical or popular uses of the private treasury. Karl Theodor and Graf Rumford's destruction of city walls yielded much consternation from the public as did the construction of an expensive baroque palace.

### **The Accession of Max Joseph and Montgelas (1799)**

Max Joseph, Duke of Zweibrücken succeeded Karl Theodor as Elector on 16 February 1799 beginning a path towards centralized authority in the hands of the Elector (then King) of Bavaria, a plan first outlined as early as 1796.<sup>300</sup> The count of Zweibrücken arrived in Munich amidst a great deal of tumult in Bavaria and beyond. Karl Theodor had died without an heir and Max Joseph, a member of the minor line of the Wittelsbach Dynasty (Pfalz-Birkenfeld) was selected as the heir of the electoral issue.<sup>301</sup> Max Joseph differed greatly in temperament, artistic taste, and ambition from his predecessor. The new elector was described as easygoing and

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<sup>298</sup> Schuler, "*Wir sind auf einem Vulkan,*" *Napoleon und Bayern*, 13.

<sup>299</sup> *Ibid.*

<sup>300</sup> Max Joseph was referred to as Max IV Joseph as count and Max I Joseph as king of Bavaria (1806-1825). For clarity he will be referred to as Max Joseph here.

<sup>301</sup> Manfred Treml et. al. *Geschichte des modernen Bayern: Königreich und Freistaat*, 23.

convivial in his encounters with a broad cross-section of Bavarian society.<sup>302</sup> Max Joseph navigated the social atmosphere of courtly interests with ease but his decision making process, much like that of his predecessor Karl Theodor, could be “fickle and indecisive.”<sup>303</sup> Max Joseph was aided in matters of state by his ambitious and radical advisor Maximilian von Garnerin, the future Graf Montgelas.<sup>304</sup> Montgelas and Max Joseph worked well together in the Duchy of Zweibrücken where the latter had become duke upon the death of his brother in 1795. Both Max Joseph and Montgelas read Enlightenment texts regarding ideal forms of shared powers of government, physiocratic reform of land, endorsed the instrumental role played by well-educated bureaucrats, and critical to the future course of Bavarian policies, were both Francophiles who looked to the revolutionaries in Paris for inspiration in spite of the French occupation of the new Elector’s native Mannheim.<sup>305</sup>

When Max Joseph became elector in February 1799 Europe was again in conflict, this time engaged in the War of the Second Coalition (1799-1802). Max Joseph would continually use the climate of conflict to leverage Bavarian reforms throughout his rule, enhancing and expanding his authority throughout the Electorate of Bavaria. Where previous Bavarian electors were wary of making public statements about military alliances due to the looming threat of the Electorate’s neighbors (namely Austria) Max Joseph was not subtle about where his personal sympathies would lie in the new war – on the side of France.<sup>306</sup> Max Joseph wrote the French Directory in 1799, “I ask you to inform the director that he has no loyal friend but me. The joy I

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<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> Maximilian Karl Joseph Franz de Paula Hieronymus de Garnerin de la Thuille Graf von Montgelas, Maximilian Garnerin will be referred to as Maximilian von Montgelas or Count Montgelas for the purposes of clarity.

<sup>305</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 23.

<sup>306</sup> Ibid.

felt every time I heard about the success of the Republic's weapons has shown me that I'm French."<sup>307</sup> Max Joseph, ever conscious of the exclusion of Bavaria from the Congress of Rastatt settlement, and wary of Austrian designs, however, remained in the Second Coalition against the Directory.<sup>308</sup> Max Joseph, who perhaps exercised prudent caution over indecision when, despite his sympathies for the revolutionaries, kept Bavaria closer to its powerful neighbor Austria. Such a decision was critical to the stability of Max Joseph's new rule and allowed for him to maintain at least tacit support among Bavarian notables. This was of vital importance as he pursued a greater role as a supreme authority in the Electorate over merely one instrument in a constellation of estates and interests.

Max Joseph solidified his role in the Electorate's power structure by giving his full support to the sweeping reforms proposed by his principal advisor Maximilian von Montgelas. Montgelas had advocated for the rapid expansion of Bavarian civil bureaucracy in size, quality of civil servants, and powers in his 30 September 1796 Ansbach Memorandum or "Proposal for a Program of State Reforms."<sup>309</sup> The memorandum, addressed to Max Joseph, begins with the direct and declarative statement, "One of the greatest flaws of the Bavarian administration lies in the defective organization of the central ministry. A precise division of the departments, so useful for maintaining the order without which business cannot be carried out in a regular fashion, is absolutely unknown there."<sup>310</sup> Montgelas wrote from experience as a former civil

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<sup>307</sup> Ibid. German: "Ich bitte Sie, dem Direktoren mitzuteilen, dass es keinen treuren Freund besitzt als mich. Die Freude, die ich jedesmal empfunden habe, wenn ich von Erfolgen der Waffen der Republik hörte, hat mir bewiesen, dass ich Franzose bin."

<sup>308</sup> Kraus, *Geschichte Bayerns*, 367. German: "Aus Furcht, Österreich könnte sich auf Kosten Bayerns mit Frankreich verständigen, wagte Max IV. Joseph auch dann den Austritt aus der Koalition nicht, als nach der Rueckherr Napoleons aus Ägypten auf allen Fronten wieder der französische Vormarsch einsetze."

<sup>309</sup> Ansbach Memorandum

<sup>310</sup> Ibid.

servant in the service of Karl Theodor. The Bavarian bureaucracy's inadequacies, and the limited authority of the elector, played a large role in the ineffectiveness of Karl Theodor's reforms, however non-committal they were. Any changes would require a strong executive and a dedicated team to execute his orders. Montgelas continued;

Most of the ministers sit on the council merely as a matter of form. The chancellor is, strictly speaking, the only one who works. Everything is referred to him. He alone prepares and deals with all the questions on which the Sovereign has reserved the right of decision. This arrangement, which was fine for the Middle Ages, when the simplicity of handling things facilitated and lessened the work of government officials, is no longer suitable today, as matters have become much more complicated.<sup>311</sup>

Montgelas identified the problem of limited, unskilled bureaucracy also emphasized the need for a larger, better trained bureaucracy than that which existed in Bavaria. Montgelas, however failed to mention the powerful forces beyond the crown. This was likely a deliberate choice influenced by his dismissal and the constraints imposed by prevailing German legal theories about the role of cameral officials.<sup>312</sup> Max Joseph agreed with Montgelas' ideas and made him First Minister.

When Max Joseph dismissed Count Rumford in 1799, he was also conscious, like Montgelas, that one man could neither fulfill all bureaucratic tasks nor could he persuade or manage the other personalities and leaders of institutions that dominated Bavarian society. Bavaria's nobles were a powerful influence on the Elector. The Nobles also obstructed the efforts of Karl Theodor to exchange territory or to make serious alterations to Munich's defenses. This was consistent with their defiance of Karl Theodor. The expansion of a civil

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<sup>311</sup> Ibid.

<sup>312</sup> See chapter one discussion of the evolution of cameral philosophy and its impact on Bavarian civil service.

bureaucracy, and the investment of such a body with *any* measure of authority would be controversial. Bavaria, like Austria and Prussia, had a history of cameralists being the First Ministers of Electors. Unlike these larger powers, however, Bavaria had no traditions of elite service to the crown or respect for the centralized authority of a dedicated civil service.<sup>313</sup> Bavarian cameralists, unlike their Prussian counterparts in Berlin, did not have an arrangement with their nobles for loyal military and civil service in exchange for titles bestowed by a king.<sup>314</sup> Any state reform in Bavaria would require first the expansion of cameral roles was needed

The role of cameral officials in larger states had more support than Bavaria where competing interests such as nobles and the Church blocked the expansion of centralized state power. Cameral officials were tasked with the broad, vague role of *Polizei*. As historian David Lindenfeld observed this was defined by Immanuel Kant as, “public security, comfort, and respectability...”<sup>315</sup> The authority of cameral officials was also dictated by interpretations of “different rights of sovereignty (*Hoheitsrechte*) in German state law as developed by [Johann Stephan] Pütter and others.”<sup>316</sup> Cameral officials, by 1799, still navigated broadly defined roles as agents of state administration and conflict resolution between the numerous powerful estates in Bavarian society. While historian Hans Rosenberg, wrote in his study, *Bureaucracy, Aristocracy, and Autocracy, the Prussian Experience, 1660-1815*, “Thus, the nobility of descent had lost ground, in terms of influence and numbers, in the exercise of the powers of leadership,” such could not be said of Bavaria. Neither Bavarian electors, nor cameralists, were, to paraphrase

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<sup>313</sup> Hans Rosenberg, *Bureaucracy, Aristocracy, and Autocracy, The Prussian Experience, 1660-1815* (Boston: Beacon Press, 1958), 69.

<sup>314</sup> *Ibid.*

<sup>315</sup> Lindenfeld, *The Practical Imagination: German Science of State in the 19th Century the Practical Imagination*, 58.

<sup>316</sup> *Ibid.*

the absolutist King Louis XIV, the state in and of itself. Any reform of a civil service would require the subordination of estate notables, the Catholic Church and mendicant orders, and the authority of urban patricians. Such a task could only be accomplished by the long-term project of establishing an enlightened absolutist state. Montgelas made his case for the drastic expansion of Bavarian cameral responsibilities to Max Joseph in 1799.

Montgelas' theories of an expanded civil service were given practical expression in the 1799 "Directive on Reforming the Training of State Officials." Montgelas' memorandum, issued on 25 June 1799, was a documented attempt to expand the civil bureaucracy for the purpose of asserting a more direct and powerful electoral authority from Max Joseph himself. Montgelas embarked on a long-term path to eliminate feudal privileges in 1799.<sup>317</sup> The directive marked a strong departure in the training of civil servants from previous cameral universities. Montgelas established benchmarks for a general course of study for university students who sought electoral posts. The curricula for a prospective cameral official, in Montgelas' opinion required one to; "...first strive to obtain practical experience at a rural court in the following areas: the course of judicial civil and criminal justice, the composition of legal documents and interrogations, inventories and inspections..."<sup>318</sup> Such training required a prospective civil servant to play an active role in also keeping abreast of the shifting demands of German agriculture and the legal approach to land use.

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<sup>317</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 24.

<sup>318</sup> Graf Montgelas, Maximilian Joseph von Garnerin. "Bavarian Elector Max IV Joseph, Directive on Reforming the Training of State Officials (June 25, 1799)." German History in Documents and Images. Available at - [https://ghdi.ghi-dc.org/sub\\_document.cfm?document\\_id=3525](https://ghdi.ghi-dc.org/sub_document.cfm?document_id=3525). [accessed December 16, 2019].



Montgelas anticipated the inclusive nature of civil bureaucracy despite the lack of centralized control exercised by Munich. The 1799 directive also required legal training to include, but not be limited to, “guardianship and deposit affairs, matters relating to the church and charitable foundations, the tax system, the oversight of military billeting, as well as other matters associated with the state police, national culture, and the polity.”<sup>319</sup> This directive was, however, purely theoretical. Any expansion of the civil bureaucracy into a functioning, all-encompassing, professional staff required a further revolution in the establishment of the elector as a sovereign beholden that was not beholden to any of the estates. Many elements within Bavarian society, especially the Catholic Church and mendicant orders (Jesuits and Norbertines), viewed such a French inspired, Enlightened bureaucracy as a danger to Bavaria.<sup>320</sup> Other Bavarians looked to Prussia as both an ideal model of enlightened absolutism as well as a potent ally to stave off Austrian influence.<sup>321</sup> Montgelas and Max Joseph, French educated and sympathetic to the revolutionaries, looked to Paris for inspiration instead. Montgelas and Max Joseph thus faced the crises of debt, declining agricultural production, foreign influence, and the challenge of the elites within Bavaria.

Max Joseph was energetic and eager upon assuming the throne in 1799. Yet the new Elector was immediately frustrated by the issue of tremendous state debt and the financial insolvency of Bavaria’s *Adelige Stände* – the estate nobility who were key junior partners in his rule over the Electorate.<sup>322</sup> Montgelas, paranoid and suspicious of the religious orders and estate

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<sup>319</sup> Ibid.

<sup>320</sup> Kramer, “*Bayern*,” 360.

<sup>321</sup> Ibid.

<sup>322</sup> Benno Hubensteiner, *Bayerisches Geschichte, Staat und Volk, Kunst und Kultur* (München: Süddeutscher, 1977), 343-344.

lords, was confrontational and insisted on controlling all aspects of reform.<sup>323</sup> This was also necessary due to the powerful influence of these blocs. The 1799 directive offers precisely what Montgelas' looked for in his subordinates: professionalism and loyalty. Montgelas' concluded the directive with the statement, "Although this administrative training is obligatory, partly for the sake of educating, partly for the sake of examining the aspiring counselors of justice, without regard to rank, it is not a guarantee of an actual right to employment; rather, when vacancies occur they will be filled by the trainees who prove to be the best qualified. Montgelas wished to create a professional, permanent bureaucracy to replace existing notions of *Polizei*. The training of bureaucrats echoed the revolutionary, and controversial program to expand cameral training to a specialized civil bureaucracy in the service of an unchallenged sovereign. The idea of a more powerful sovereign in the model of an enlightened absolutist, however, was something that domestic pressures and foreign influence complicated if not made nearly impossible. Renewed conflict soon brought new problems and dilemmas to the Electorate in 1799.

### **Bavaria in the War of the Second Coalition (1800)**

Max Joseph's participation in the War of the Second Coalition (1798-1802) was a hindrance to Montgelas' efforts to concentrate power in the hands of the King. Bavarian war efforts also stalled Montgelas' efforts to implement an Enlightenment-inspired state administration. Montgelas' ambitious plans were stymied in 1799 when the French Army mounted an ambitious offensive in the direction of southwest Germany, exploiting their victories won in the Rhineland and the subsequent territorial gains agreed upon by the Austrians and *Reichstädte* at the Congress of Rastatt. Bavaria was limited to the status of a present power at the

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<sup>323</sup> Ibid., 359.

negotiations but not one with much of a voice. Electoral representatives, led by Georg Friedrich von Zentner, watched as Mannheim, and much of the Rhineland Palatinate regions of Bavaria, became the spoils of war for both victors and vanquished. When war resumed, Bavaria found itself in a familiar place, sidled between the aggressive postures of Austria and Prussia.<sup>324</sup> Some of Bavaria's most fertile and valuable land was in the west where vineyards and large-scale cereal agriculture produced significant profits for *Güter* estates.<sup>325</sup> Austria moved against France to protect their northern Italian territories, bringing the war closer to the south of Bavaria. The course of the war forced Bavarians to reassess how to protect agricultural lands.

The demands of the War of the Second Coalition forced the First Minister to reprioritize the defense of the Electorate over his plans to overhaul economic, social, political, and religious aspects of everyday life.<sup>326</sup> France delivered a crushing blow to the Russian Army in Switzerland in 1799 and by 1800 was poised to strike deep into the heart of the Electorate of Bavaria. Napoleon Bonaparte, now First Consul of the Directorate, fought and won a major victory at Marengo over the Austrians, weakening the strength of the Habsburg defenses in the Rhineland. Montgelas, and Max Joseph, faced a critical and difficult quandary. Both men were students of the Enlightenment and championed the success of the French Revolution. French forces did, however, lay waste to much of Bavarian territory during the War of the First Coalition. The destructive foraging of the French Army deeply affected Bavarians. Bavaria thus contributed a token effort to the War of the Second Coalition, adding its meager forces to the Austrian

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<sup>324</sup> Ernst-Wolfgang Böckenförde. *State, Society, and Liberty: Studies in Political Theory and Constitutional Law* (New York: Berg Publishers, 1991), 13.

<sup>325</sup> Max Spindler et. Al. *Handbuch der bayerischen Geschichte IV/I: Das Neue Bayern von 1800 bis zur Gegenwart* (München: C.H. Beck, 2003), 734.

<sup>326</sup> Von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 234.

command fighting the French west of Munich. French forces, under general Moreau, defeated Austrian and Bavarian forces at the Battle of Hohenlinden on 3 December 1800. Austria, having lost the Battle of Marengo to Napoleon Bonaparte in June 1800 as well, disengaged from the conflict and thereafter, like Bavaria, sought peace terms from France.

### **Making Peace and Preserving Bavaria: Lunéville and Bavarian Economic Growth**

Max Joseph and Montgelas used the defeat at Hohenlinden to sign a peace treaty with France, giving Electoral Bavaria an advantageous position for territorial expansion at the *Reichsdeputationschluss* (RDH), the Final Recess of the Holy Roman Empire. The Austro-Bavarian defeat at Hohenlinden produced a rift between Vienna and Munich. France's victory caused the Austrian army to retreat eastward to defend Vienna from the French, abandoning Munich to general Moreau and French forces. Francis II, the Holy Roman Emperor, signed a new peace treaty with France at Lunéville in 1801 negotiating an end to hostilities while finalizing territorial agreements first advanced at Rastatt from 1797-1799.<sup>327</sup> Lunéville cemented the presence of France on the east bank of the Rhine River as well as territory claimed by Electoral Bavaria. Article six of the Lunéville Treaty made specific reference to both Habsburg and Bavarian territories in Batavia (the Austrian Netherlands and the adjacent Electoral territories) as well as land in the Helvetic Republic, northern Italy, and territory in the Inn River

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<sup>327</sup> Waterloo 1815. Coppen, Bernard. "The Treaty of Lunéville 1801." [www.waterloo1815.com](http://www.waterloo1815.com). – [http://www.1789-1815.com/tr\\_luneville\\_txt.htm](http://www.1789-1815.com/tr_luneville_txt.htm) [accessed December 21, 2019]. French: Art. 6. S. M. l'Empereur et Roi, tant en son nom qu'en celui de l'Empire germanique, consent à ce que la République française possède désormais, en toute souveraineté et propriété, les pays et domaines situés à la rive gauche du Rhin, et qui faisaient partie de l'Empire germanique ; de manière qu'en conformité de ce qui avait été expressément consenti au congrès de Rastadt par la députation de l'Empire, et approuvé par l'Empereur, le thalweg du Rhin soit désormais limite entre la République française et l'Empire germanique ; savoir : depuis l'endroit où le Rhin quitte le territoire helvétique, jusqu'à celui où il entre dans le territoire batave."

basin southeast of Munich.<sup>328</sup> Any hopes of further integrating disparate Bavarian estates in the Palatinate and northwestern Europe were dashed when the French also demanded the “Thalweg of the Rhine” – a line connecting the lowest points of the River thus being ideal for navigating the various segments of the valuable trade and communication route. Montgelas’ modernization of Bavarian agriculture also depended on securing and promoting the useful transportation of goods, a concept known as *Wohlfahrts* (welfare transportation).<sup>329</sup> Access to land was necessary for the development of Bavaria’s economy.

Max Joseph and Montgelas needed to protect Bavaria’s fertile land and river access to develop the funds necessary for state driven reforms. Bavaria, even prior to the reign of Max Joseph, possessed valuable salt reserves and held a monopoly on transportation of the commodity in southwestern Germany.<sup>330</sup> Tolls on river-based movement of salt for trade were an integral part of the growth of the Bavarian economy by the early-nineteenth century. Transportation beyond waterways was also taxed by Munich at .0075 florin per kilometer *Fuhrlohn* (cartage) but was slow and inefficient.<sup>331</sup> The frequency of conflict on Electoral land, as well as the division and exploitation of the various “spotted carpet” (*Fleckerlteppich*) estates and territories, made transportation of goods and the collection of taxable commerce difficult.<sup>332</sup> Protecting this land, however, could not be done without fending off the influence of the Habsburg Empire.

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<sup>328</sup> *Ibid.*

<sup>329</sup> Eckart Schremmer, *Die Wirtschaft Bayerns Vom hohen Mittelalter bis zum Beginn der Industrialisierung, Bergbau, Gewerbe, Handel*, 673.

<sup>330</sup> *Ibid.*

<sup>331</sup> *Ibid.*, 677.

<sup>332</sup> Treml et. al., *Geschichte des modernen Bayern: Koenigreich und Freistaat*, 33.

The Habsburg Emperor Francis II, ostensibly a protector of the smaller German states, angled to solidify his territorial claims first raised at Campo-Formio and Rastatt, further complicating Bavarian attempts to maintain its security and the profitability of economic activity. In a secret exchange of the Treaty of Lunéville, ratified on 9 February 1801, France recognized Austria's claim to Berchtesgaden and even more territory in the vicinity of the Archbishopric of Salzburg.<sup>333</sup> The Habsburg acquisition of Berchtesgaden was disconcerting for Bavarians. Berchtesgaden was a provostry, an important cloister town between the Habsburg Empire and Electoral Bavaria became part of the Archbishopric of Salzburg in 1802. The provostry also had a profitable salt mine that fed into Bavaria's vital commodity trading of the mineral and the transportation tolls Munich collected. In sum, Bavaria's territories were scattered more so than prior to the treaties at Campo-Formio and Rastatt. Bavaria faced serious losses of high yield lands, lucrative salt mines, and the trade arteries that sustained Munich's authority and the maintenance of *Güter* estates. Bavarian territory, however, was soon to expand as a result of French success in the Rhineland.

By 1802-1803, Bavaria was a much smaller polity but, led by the regime of elector Max Joseph and his First Minister Maximilian von Montgelas, began to use the expanded power of the civil service to drive structured economic growth. Britain and France made peace in the 1802 Treaty of Amiens, thus concluding the hostilities of the War of the Second Coalition. Electoral Bavaria now possessed the Duchy of Berg, Wurzburg, Bamberg, and Munich. Max Joseph possessed an outwardly optimistic view of Bavaria's status as a minor power in 1803 yet

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<sup>333</sup> Lunéville Treaty: French – “*Article séparé et secret*. Ainsi qu’il est convenu par l’article 5 du traité patent, le grand-duc de Toscane obtiendra en Allemagne une indemnité pleine, entière et équivalente de ses États d’Italie, à laquelle sont préférablement employés l’Archevêché de Salzbourg et la Prévôté de Berchtesgaden.”

reevaluated the need for profitable industries. The thoughts of Max Joseph, and his ministers, conveyed in the 1803 *Churbaierisches Intelligenzblatt*, expressed a shared desire to spur trade in cities and towns. The *Intelligenzblatt* posed the frank question, “When will a manufactory be recreated in the former fortress city of Ingolstadt?”<sup>334</sup> The report answered the question by laying out a plan to mobilize Ingolstadt’s residents for the purpose of the various benefits of economic development. Such taxable trades formed the new basis for revenue for the state coffers.<sup>335</sup> Munich’s civil servants recognized the various hardships posed by the years of war but offered a bold new direction for recovery.

Land reorganization was part of a broader plan to shift the Bavarian economy from one of subsistence to profitable, productive agriculture. One of the biggest challenges to this transformation was the attitudes of ordinary Bavarians towards land use. The 1803 *Churbaierisches Intelligenzblatt* reported; “It is difficult to lead people accustomed to a certain way of life on a different path; - misery alone ... only, the police must remove .... such that the people who wish to stand upright again don’t despair...”<sup>336</sup> Here, the Bavarian court and ministers repurpose the idea of the *Hausnotdurft* – a principle of mutually beneficial public works and a “domestic necessity” - common in *Gutsherrschaft* system to spur economic

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<sup>334</sup> “*Churbaierische Intelligenzblatt 1 Januar 1803.*” Digipress Bayerische Staatsbibliothek (BSB). <https://opacplus.bsb-muenchen.de/Vta2/bsb10710120/bsb:11595274?page=5>. [accessed December 23, 2019]. German: “Wann die ehemalige Festung Ingolstadt in eine Manufaktur-Stadt umgeschaffen werden?”

<sup>335</sup> Wilhelm Abel. *Agrarpolitik*, 20.

<sup>336</sup> “*Churbaierische Intelligenzblatt 1 Januar 1803.*” German: “Schwer ist's, a “.... eine bestimmte Lebensart... aus den Augen verlieren”? Lebensart schon gewöhnte Menschen einen andern Weg zu führen; – allein die Not ist der größte Lehrmeister; – nur muß die Polizey [sic] des Staates die größten Hindernisse aus dem Wege räumen, damit die Menschen, die sich wieder auf richten wollen, nicht versagen, und die Möglichkeit ihres besseren Fortkommens niemals ans den Augen verlieren.”

activity.<sup>337</sup> The state, acting as a more involved sponsor of *Fabriken* and *Manufaktoren* (protoindustrial craft industries), enhanced structured state guided economic growth.

Such productive industries were part of the so called “bureaucratic rationality” of the Montgelas’ state ministries. This produced the fulfillment in part of the Ansbach Memorandum and the directive on the training of new *Polizei*.<sup>338</sup> A fragment of this report that remains for public use also communicated the benefit for *Handelsmänner* (merchants) who worked with Munich. The report’s authors explain that one beverage merchant in possession of a building would see an increase in profits if the space was expanded with help from the state; “because half of the remaining homes are destroyed, they only have a net yearly yield of 600 florin.; he had not required service of the of the last troublesome buildings possessed, so there was a net influx of 1,200 florin.”<sup>339</sup> Profitability of industries and land development helped the state, landholders, and merchants. It also represented partly what economist Karl Polyani described as a “great transformation” of economies towards “possessive market society” in a broader European sense.<sup>340</sup> Bavarian territory shrank from successive wars but the state bureaucratic impulse to engage with economic assistance and profitability of land use increased in scope and intensity. The shared idea of necessity of the very spartan *Gutsherrschaft* system, the *Idee der Nahrung* (the idea of subsistence) later defined by German economist Werner Sombart, were

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<sup>337</sup> Blickle, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria," 378.

<sup>338</sup> Lenger in Sperber, *Germany, 1800-1870*, 33.

<sup>339</sup> “*Churbaierische Intelligenzblatt 1 Januar 1803.*” “...weil die Hälfte todt [sic] im Gebäude ist; die des giebt ihm also nur einen jährlichen reinen Ertrag von 600fl.; – hätte er das lästige Gebäude anzurichten nicht nothwendig gehabt, so würden ihm 1200 fl. rein einfließen.”

<sup>340</sup> Renate Blickle, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria," 384.



well on their way to obsolescence. Further expansion of Bavarian territory and authority seemed to be the last barriers to a meteoric rise in profitability and prominence for the Electorate.

### **An Independent Electoral Bavaria: The *Reichsdeputationshauptschluss* of 1803 and the Secularization of Church Land**

Max Joseph's interest in state sponsored economic growth and land development was assisted by territorial gains and a near complete legal departure from the institutions of the Holy Roman Empire in 1803. The availability of land for private sale also increased dramatically as a result of major territorial appropriation and annexation in 1803.

The *Reichsdeputationshauptschluss* (RDH), the Final Recess of the Holy Roman Empire of 1803, was the reorganization of the various duchies, free imperial cities, and archbishoprics of the Rhineland territories, all but in name shattering the final vestiges of imperial authority in the *Reichstädte*.<sup>341</sup> The RDH was the project of Napoleon Bonaparte for the purposes of compensating Habsburg Austria and the German states for the loss of the Rhineland but was carried out by the Emperor Francis II.<sup>342</sup> Francis II mediatized, or eliminated the privileges of small state elites and archbishoprics before offering unincorporated duchies, free imperial cities, and church affiliated lands to larger powers, even including Bavaria and Baden.<sup>343</sup> The Final Recess of the Holy Roman Empire was finalized on 27 April 1803. In all, the RDH transformed

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<sup>341</sup> Alexander Grab, *Napoleon and the Transformation of Europe* (New York: Palgrave MacMillan, 2003), 90.

<sup>342</sup> Michael Rapport, *Nineteenth Century Europe* (New York: Palgrave, 2005), 35.

<sup>343</sup> Günter Krings, "Das Alte Reich am Ende — Der Reichsdeputationshauptschluss 1803." *JuristenZeitung* 58, no. 4 (2003): 173-79. [www.jstor.org/stable/20826691](http://www.jstor.org/stable/20826691). [accessed May 12, 2020]. German: "Das Ziel war die endgültige Beseitigung der Österreichischen Vorherrschaft im Reich. Als dieser Plan der Reichsdeputation vorgelegt wurde und Preussen, Bayern, Württemberg und Hessen-Kassel fuer dessen sofortige und bedingungslose Annahme eintraten, erzwang erst der Widerspruch des Kaisers, dass sich die Deputation uber haupt in der Sache mit den Entschädigungsregelungen befasste."

Germany through the elimination of over 60 ecclesiastical territories.<sup>344</sup> The RDH was instrumental in helping to expand the territorial holdings of smaller German states.

In Electoral Bavaria, Max Joseph and Montgelas accomplished two major long-term objectives from the RDH: territorial expansion and independence from the legal and diplomatic institutions of the Holy Roman Empire. Bavaria gained valuable territory such as the Duchy of Berg in the Palatinate.<sup>345</sup> The Duchy's capital of Dusseldorf was situated in an ideal location on the Rhine River. Territorial expansion came at an ideal time for Bavarians. British grain prices fell during the early-nineteenth century and German cereal prices, including Bavarian crops, soared.<sup>346</sup> Land redistribution was also a product of the RDH in Bavaria. Land was sold by princes, ecclesiastical bodies, and guilds while rents were shorter and more expensive (generally in three-year terms).<sup>347</sup> The *Gutsherrschaft* system survived these land exchanges while urban speculators sold available land to peasants, driving up private debt.<sup>348</sup> Land from the RDH was valuable for agricultural productivity but also opened more markets to Bavarian merchants and bankers.

Land was frequently sold off, with other assets, in state run auctions. The lasting effects of war and the collapse of Imperial institutions produced a cash and credit crisis leading to foreclosures.<sup>349</sup> Bavaria was a minor power when compared to Austria or Prussia in Germany. The Electorate was, however, a much stronger polity than the sundry segments of land that it

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<sup>344</sup> Grab, *Napoleon and the Transformation of Europe*, 90.

<sup>345</sup> *Ibid.*, 71.

<sup>346</sup> Wilhelm Abel, *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century*, 221.

<sup>347</sup> Tim Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland 1792-1802* (Oxford: Oxford University Press, 1983), 138.

<sup>348</sup> *Ibid.*

<sup>349</sup> *Ibid.*

received in the RDH. Bavaria was one of ten Imperial *Kreise* before 1803, comprising one of the smaller economies and a patchwork of territories.<sup>350</sup> The addition of new territories in the Palatinate brought a more cohesive Bavaria to bear, including a corridor of land connecting the Duchy of Berg, *Altbayern*, and Franconia to the northwest of Munich.<sup>351</sup> Bavarian, at times peasants but mostly wealthy urban patricians, benefitted from the availability of more land to rent but at much higher prices. Not all Bavarians possessed enough liquidity to participate in such a market. Land availability, especially in valuable former ecclesiastical areas, benefitted rural buyers or urban speculators who wished to acquire and sell parcels of land. Over eighty percent of all Germans lived in rural areas at the beginning of the century.<sup>352</sup> Therefore, there were certainly enough interested parties willing and able to acquire newly available land even while the negotiations for the RDH were still being finalized.

There were also those willing to part with land, and immovable assets such as draught animals, to acquire much-needed cash by the beginning of 1803. A *Churbaierisches Intelligenzblatt* announcement for a cereal auction was posted on the authority of Karl Edler von Burger, high court representative, rural judge, and steward on 14 January 1803.<sup>353</sup> Burger's notification was for grain in the town of Mering near Augsburg.<sup>354</sup> Mering had been a town in Electoral Bavaria long before the territorial expansion of the RDH. The auction of assets from Mering residents, however, were not subject for sale by a centralized bureaucratic authority before 1803. Max Joseph, having left the Holy Roman Empire through the RDH now shed the

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<sup>350</sup> Brendan Simms, *The Struggle for Mastery in Germany, 1779-1850* (New York: St. Martin's Press, 1998), 8.

<sup>351</sup> *Ibid.*, 108-109.

<sup>352</sup> Grab, *Napoleon and the Transformation of Europe*, 90.

<sup>353</sup> "*Churbaierische Intelligenzblatt 1 Januar 1803.*"

<sup>354</sup> *Ibid.* German: "Getreid, Zehen Versteigerung. Von churfürstlichen Kastenamts wegen wird man in Verfolg höchster Entschliebung."

religious and legal traditions of the Empire on the advice of Montgelas.<sup>355</sup> Cereal prices, including barley, wheat, corn, and maize usually came at the end of each *Intelligenzblatt* due to their importance for a broad cross section of Bavarians ranging from the richest elites and merchants to poorer farmers selling their crops. Cereals for sale included 10 bushels (*Schäffel*)...1 quarter of a bushel of rye, and 31 bushels of barley.<sup>356</sup> Such wares were available for purchase by the state at a time of major social transformations in Bavaria as well. Montgelas attempted to establish a “monocratic” state where the liquidation and auction of these items would be available for sale to a rapidly expanding, wealthier landholding segment of society.<sup>357</sup> Available land, even if it made requisitioning and auctioning off such foodstuffs, was a net benefit for Montgelas’ attempt to make the state the sole power in Bavaria under the leadership of Max Joseph. If the RDH helped Montgelas add more land to Elector Bavaria then the acquisition of Church land under the policy of secularization in 1803 fulfilled a second, if not more transformative moment in shifting Bavaria towards a more productive and profitable agricultural power.

Secularization in 1803, the forced state takeover of Church lands and abolition of ecclesiastical political power and jurisdiction, formed a key objective of Montgelas’ civil service. The secularization of archbishoprics and their land was a long-term goal of Montgelas, and, in part, many of his predecessors in the eighteenth century. The process of secularization was initially led by French Revolutionaries at home and spread as Enlightenment inspired groups aligned with Jacobinism emulated France.<sup>358</sup> Montgelas’ primary interest in these institutions,

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<sup>355</sup> Whaley, *Germany in the Holy Roman Empire*, 58.

<sup>356</sup> “*Churbaierische Intelligenzblatt 1 Januar 1803.*”

<sup>357</sup> Simms, *The Struggle for Mastery in Germany, 1779-1850*, 86.

<sup>358</sup> Lenger in Sperber, *Oxford Short History of Germany, 1800-1870*. 33.

however, was the land and movable assets (i.e. trade goods and rents) they possessed. Bavarian ecclesiastical land was worth an estimated 11 million gulden.<sup>359</sup> Such land was extremely valuable because of its arable soil and valuable goods it produced ranging from abundant cereal harvests to much desired beer and wines in former archbishoprics like that of Freising, just outside of Munich. Funds for the state were also desperately needed. Bavarian state debt rose to 38 million gulden in 1803.<sup>360</sup> Montgelas, having subverted the authority of the Church, not only seized much of their assets, mostly land, but did so by breaking with broader German and Imperial legal traditions.

German legal traditions, observed in Bavaria, were the synthesis of Canonical, Roman, and German schools of thought. Montgelas, like the Prussian and Austrian legal reformers of the early-nineteenth century, advanced his own program for legal reform beginning with civil service directive of 1799 and the first attempt at a draft resolution to establish a Bavarian Landtag to make laws in 1800.<sup>361</sup> Montgelas combined the foreign and inner ministries and well as the Finance Ministry and made himself, with the assent of Max Joseph, the First Minister of all three.<sup>362</sup> Therefore, Montgelas was in a legal sanctioned position to supersede established legal conventions and the recognized traditions of estate cooperation via cameral intermediaries. Put simply, Montgelas, acting on behalf of Max Joseph, was the Bavarian state.

Montgelas' seizure of Church land and sale to private holders constituted a key moment in the transformation of Bavaria's economy as well as the pivotal role of the state, not estate

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<sup>359</sup> Dietmar Stutzer, *Geschichte des Bauernstandes in Bayern* (München: Süddeutscher Verlag, 1988), 162-163.

<sup>360</sup> *Ibid.*, 165.

<sup>361</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 23-24.

<sup>362</sup> *Ibid.*

holders and renters, in arbitrating and brokering land transfer. Having taken Church assets, Montgelas moved to implement physiocratic inspired reforms for land development emphasizing productive agriculture.<sup>363</sup> The results of this transfer were significant. Historian Tim Blanning asserted that as much as 50% of all land was acquired by urban speculators and members of Bavaria's middling order.<sup>364</sup> In addition land transfer from Churches produced much consternation among Bavaria's notables and poorest ranks alike. The sale of Church land was part and parcel of a, "huge wave of secularization [that] enabled the Bavarian state to strengthen the vital class of prosperous independent peasant proprietors [but was] less successful, however, in persuading the nobility to follow suit."<sup>365</sup> Church land was also integral to massive poor relief schemes independent of projects, like Rumford's military workhouses, to feed the poor with cheap bread, beer, and other foods.<sup>366</sup> Bavarian Burghers were less successful, if interested, in fulfilling a similar duty to the poor.<sup>367</sup> This would have dire consequences for many of Bavaria's neediest when the Napoleonic Wars began later in 1803. Specific property transactions were a daily occurrence.

Instructive examples of land transfer to ordinary Bavarian property buyers and titled nobility can be found in both regional announcements made by the state as well broadsheets. One notice published by the general commissioner regarding land jurisdiction and the availability of ecclesiastical land for sale was posted in the *Churfurstl. Oberpfälzisches Wochenblatt* on 1 April

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<sup>363</sup> Theodor Freiherr von der Goltz, *Geschichte der Deutschen Landwirtschaft*, 19.

<sup>364</sup> Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland 1792-1802*, 138.

<sup>365</sup> Simms, *The Struggle for Mastery in Germany, 1779-1850*, 88.

<sup>366</sup> Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland 1792-1802*, 213.

<sup>367</sup> *Ibid.*

1803.<sup>368</sup> The report details the removal of Church authority over land, something quite common in the wake of secularization as over 73 distinct Church territories of the *Pralätenorden* were now under Munich's control.<sup>369</sup> This specific land seizure stated, "...his prince-electoral Highness has deigned to appoint by highest decree of March 15<sup>th</sup> the unassigned parish Anzing in Bavaria to the spiritual council *kanonifuss*, Anton Buber, highly praised by the prince-electoral Office of the General Commissioner."<sup>370</sup> Buber was praise as a representative appointed by a general commissioner in Freising to assume control over Church land in Anzing, an Upper Bavarian town. The presence of a state representative in the Freising in April 1803, however, is revealing. Montgelas' regime acted quickly, bringing Freising, a valuable and historic center of Church activity in Bavaria, under Electoral control. Furthermore, state authority meant that an expensive standing army occupied new land and enforced the will of the Elector with unprecedented authority. The presence of Munich's civil servants was inconsistent, but an attempt was made to assert direct influence over people living in Freising and Anzing to the north.

The role of the Bavarian state was a necessary vehicle for social and economic transformation regardless of whether, in the context of modernization theory, it was successful in this task.<sup>371</sup> Munich's enforcement of sweeping land reform was not the passive role played by

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<sup>368</sup> "*Churfürstl. Oberpfälzisches Wochenblatt Nro. 13.*" Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10346102\\_00107\\_u001/1](https://digipress.digitale-sammlungen.de/view/bsb10346102_00107_u001/1) [accessed December 21, 2019].

<sup>369</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 29.

<sup>370</sup> "*Churfürstl. Oberpfälzisches Wochenblatt Nro. 13.*"

German: "desgleichen haben seine churfürstliche durchlaucht vermog höchster Entschliessung vom 15ten März die erledigte Pfarren zu Anzing in Baiern den vom Churfürstl Generalkommissariat zu Freising angerühmt geistlichen Rath kanonifuss, Anton Buber zu verleihen geruhet."

<sup>371</sup> "The German Family." Essays on the Social History of the Family in Nineteenth- and Twentieth-

eighteenth century cameralists. Instead, both civil servants, and a military unit, the Fugger Light Cavalry Regiment, made Bavarian control in Freising, and its former archbishopric, a visible reality.<sup>372</sup> The activities of religious life, however, were not subject to any French inspired control or domination. Upper Bavaria also remained mostly Catholic and its spiritual contributions for its parishioners remained largely unchanged.<sup>373</sup> Protestant denominations were also protected under Bavarian rule with the Tolerance Edict of 1803.<sup>374</sup> Montgelas' ministries now played an active role in transforming the physical dimensions of Bavarian ecclesiastical and former feudal land, asserting authority through direct means of policing and legal authority, and the dissemination of Enlightened ideas of religious toleration. Threats of resumed European hostilities, however, threatened to bring war again to Electoral Bavaria, jeopardizing once again, any attempt at reform.

### **Bavarian Plans for Land Amelioration and the War of the Third Coalition (1805-1806)**

Montgelas' efforts to expand integrate new Bavarian territories and seize former feudal and ecclesiastical land faced a significant test with the need to compensate landholders for lost tracts and to persuade common farmers to adopt new, experimental cultivation techniques. Bavarian ownership of Church lands and new tracts acquired during the Final Recess of the Holy Roman Empire in 1803 was central to funding Montgelas' ambitious plans. Montgelas remained committed to a project of state centralization and the promotion of domestic and foreign trade of

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Century, Germany ed. Richard Evans and W.R. Lee. (London: Routledge, 2016), 86.

<sup>372</sup> "Churfürstl. Oberpfälzisches Wochenblatt Nro. 13."

German: "Se. Kurfürstliche Durchlaucht haben dem Kommandanten des Reg. Fugger Chebaurs Leger Fugger die Stadtkommandants Freising verliehen..."

<sup>373</sup> Claus Arnold. "Internal Church Reform in Catholic Germany." In *The Churches: The Dynamics of Religious Reform in Northern Europe, 1780-1920*, edited by Van Einjatten Joris and Paula Yates, 159-84. Leuven (Belgium): Leuven University Press, 2010. (161)

<sup>374</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat*, 37.



grain, salt, wine, and other movable goods. Montgelas was impeded by the *Gemenglage* (mixture) of laws, traditions, and regional customs that made the integration and homogenization of Bavarian identity and governance difficult.<sup>375</sup> In sum, in 1803 alone, Bavaria gained 288 square miles of land, 843,000 new subjects, and the cities and towns of Würzburg, Passau, Freising, Eichstatt, and Bamberg.<sup>376</sup> Revenue generated from land in the form of rents and land sales fueled much of Montgelas' sweeping reforms. The process of transforming land after allodification was called "redemption" where land was bought and sold for cash compensation.<sup>377</sup>

Fears of governmental based oppression also abounded but the First Minister's representatives discounted concerns of potential abuses by promising some titled landholders' compensation or indemnities for the loss of land. A general report entitled, "The Indemnification of the Serene Electoral House of the Bavarian Palatinate" was an examination of the financial and political ramifications of efforts to assimilate new land, buyers, and to address compensation claims for those affected.<sup>378</sup> The indemnification report chronicled the fears of those who lost land or had it purchased at lower costs by the state.<sup>379</sup> The report, prepared for Max Joseph, features a rebuff of critics of secularization: "With the progress and the exercise of such regents [are] ordinances one must not fear from the secularization of the monasteries that an Egyptian darkness will break over the next generations."<sup>380</sup> Redemption, though a dynamic break from

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<sup>375</sup> *Ibid.*, 33.

<sup>376</sup> *Ibid.*, 30.

<sup>377</sup> Hermann Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts* (München: C.H. Beck, 1977), 50.

<sup>378</sup> "Die Indemnationsländer des Durchlauchtigsten Churhauses Pfalzbayern." Digipress Bayerische Staatsbibliothek (BSB) [accessed 22 December 2019].

<sup>379</sup> *Ibid.* This concerned mostly monasteries or cloisters.

<sup>380</sup> "Die Indemnationsländer des Durchlauchtigsten Churhauses Pfalzbayern," 167. German: "Mit der Fortschritten und der Ausübung solcher Regenten: Verordnungen darf man von der

land rights of the past, was more generously compensated in Bavaria than it was in other German states.<sup>381</sup> Rural buyers, however, did not develop land as quickly or productively as Montgelas envisioned.

Montgelas read leading agronomic theories from thinkers such Albrecht Thär and his translations of English agronomist Arthur Young. Max Joseph sent an official to Celle to speak with Thär regarding agricultural organization in enclosures to enhance production.<sup>382</sup> Max Joseph's subjects, however, were not agronomists. The Bavarian peasant farmer, like other Germans in the early-nineteenth century, was illiterate, superstitious, and stubborn.<sup>383</sup> Montgelas' parochialism and expectation that farmers would embrace the rational, advanced notions of efficient cash crop production met with the practical, if hardheaded peasant farming approach. Still, Montgelas' approach was bold and much-needed. Bavaria needed additional funds and greater crop yields to survive the climate of European wars. Peasant farmers could ill-afford the resources necessary for the proposed improvements on their land. Credit was in large part unavailable to them as well.<sup>384</sup> Larger obstacles to agrarian reform, however, loomed in 1803 as Europe was once again at war and Bavaria, as it was in conflicts past, the battleground.

The War of the Third Coalition (1803-1806) provided Max Joseph and Montgelas with the opportunity to further cement the role of the Wittelsbach Dynasty in Bavaria, the role of the centralized state bureaucracy, and protection from foreign invaders wishing to appropriate the

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Secularisation der Kloster gar nicht befürchten, dass eine egyptische Finsterniss ueber die Nächsten Generationen hereinbrechen werde.”

<sup>381</sup> Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhundert*, 50.

<sup>382</sup> Von der Goltz, *Geschichte der Deutschen Landwirtschaft*, 13.

<sup>383</sup> John G. Gagliardo, *From Pariah to Patriot: The Changing Image of the German Peasant, 1770–1840*. (Lexington: University Press of Kentucky, 1969), 3.

<sup>384</sup> *Ibid.*, 3.

Electorate's resources. France, under the leadership of first consul Napoleon Bonaparte, was frustrated by the inability to retain control of Haiti and sold the Louisiana Territories to the United States on 30 April 1803 for 68 million Francs.<sup>385</sup> Napoleon used the proceeds to prepare for an invasion of Britain at his base in Boulogne. Britain declared war on France on 18 May 1803 over lingering tensions that failed to dissipate in the aftermath of the 1802 Treaty of Amiens. The Third Coalition was formed between Austria and Russia with Britain also at war with France, largely at sea. Austrian and Russian armies mobilized and planned an advance into France, again through Bavaria. Austria, in the words of military historian Charles Esdaile, hoped to contain France at the expense of Bavarian territory.<sup>386</sup> Max Joseph sought to protect Bavaria from the fallout of a potential war fought in the Electorate. Napoleon crowned himself emperor of France on 2 December 1804, further provoking the coalition arrayed against him and increasing the chance of an armed struggle on Bavarian soil.

France, Austria, and Russia all moved towards battle in 1805 while Max Joseph sought to avoid war. Max Joseph signed the defensive Treaty of Bogenhausen with France on 2 May 1805, removing Bavaria from hostilities and refusing to ally the Electoral state with Austria.<sup>387</sup> This decision was critical to preserving Bavarian autonomy and the future expansion of the state under Max Joseph. Austria, as predicted invaded Bavaria in late 1805 as Napoleon moved his forces from Boulogne to confront the Austrian Army first at Ulm, on Bavarian soil, and then in a crushing victory, destroyed the combined Austrian and Russian forces at Austerlitz on 2 December 1805. Bavaria, as a defensive, neutral power (as well as being a buffer state between

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<sup>385</sup> George Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (Oxford University Press, 2008), 101.

<sup>386</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 92.

<sup>387</sup> Tremel, *Geschichte des modernen Bayern: Königreich und Freistaat*, 13.

Imperial France and Austria, stood to benefit from a settlement ending hostilities between France and Austria. The Treaty of Pressburg (Bratislava) in 1805 resulted in Austria's loss of territory in the Rhineland, northern Italy, and southeastern Bavaria.<sup>388</sup> Max Joseph proclaimed the Kingdom of Bavaria in December 1805 after the Treaty of Pressburg. Max Joseph and Montgelas now stood to gain from further territorial adjustments as France sought to reorder client states in the German lands.

### **An Independent Power or a Napoleonic Client State? The Kingdom of Bavaria**

Max Joseph and Montgelas used the Treaty of Pressburg and the formation of the French led Confederation of the Rhine to cement the process of mediatization. This process was eased by the French recognizing and assisting a new Kingdom of Bavaria. Montgelas used the period between the Final Recess of the Holy Roman Empire and the 1806 Treaty of Pressburg to erode legal and rental privileges of much of the elite *Stände* (estate) and to secularize Church lands.<sup>389</sup> This process had been underway in France since 1789 and was known as allodification – the separation of land from privilege and title and its definition and privately held, immovable property.<sup>390</sup> French occupation and influence east of the Rhine River lent support to the idea of estate allodification in the German states. The last vestiges of the Holy Roman Empire were also dissolved in 1806 with Napoleonic victories over Austria.

Max Joseph, having established the Kingdom of Bavaria in December 1805, formally proclaimed himself of King Maximilian I Joseph of Bavaria on 1 January 1806. Napoleon then

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<sup>388</sup> Ibid.

<sup>389</sup> Kellebenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 49-50.

<sup>390</sup> Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, 25.

asked Max Joseph to marry off his daughter Augusta Amalie to Eugene Beauharnais, the stepson of the French Emperor.<sup>391</sup> Thereafter, Napoleon recognized Bavaria as a Kingdom and also gave Max Joseph the cities of Würzburg and Salzburg in part because, “southern Germany [w]as central to the [French] Imperium.”<sup>392</sup> For its part, “interest, complicity, and intimidation, “ tied Bavaria to France.<sup>393</sup> Max Joseph and Montgelas made careful decisions in regards to Napoleonic France, hoping to leverage their favored status within the Imperium for their own ends. Bavaria ceded the Duchy of Berg, a loosely connected territory received in the 1803 RDH, to France.<sup>394</sup> Napoleon established the Confederation of the Rhine in July of 1806, six months after he was victorious in the War of the Third Coalition. The Confederation of the Rhine included sixteen German states in three classifications; model states, dependent states, and smaller independent states that joined the Confederation later in 1806. The Kingdom of Bavaria was, ostensibly, a key dependent state of the Confederation of the Rhine and was rewarded with territories. Max Joseph was also required to furnish troops (30,000), draught animals, and food for Napoleonic forces.<sup>395</sup> State debt, however, was reduced to 19 million gulden in 1806, demonstrating, that at least initially, Bavaria’s close ties to France were mutually beneficial.<sup>396</sup> Furthermore, if Austria and its allies ever challenged France again Bavaria would be again find itself at war, this time as a small combatant Kingdom and not merely a host for battles between larger powers.

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<sup>391</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 235.

<sup>392</sup> *Ibid.*, 232.

<sup>393</sup> Lenger in Sperber, *Germany, 1800-1870*, 32.

<sup>394</sup> *Ibid.*, 235.

<sup>395</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 235.

<sup>396</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 165.

Montgelas attempted to use the strength of the Napoleonic alliance to advance and accelerate the process of allodification and redemption. Bavarian agriculture, though transferred to private holders, was not used productively. Broad trends for German farming included the uneven adoption of the three-field system with a four-segment left fallow with clover and turnip cultivation.<sup>397</sup> Montgelas' Finance Ministry was responsible for brokering land sales and encouraged the transfer of land at cash prices. Such a process could only be done voluntarily, and the enclosure of land among the nobility was an uncommon occurrence.<sup>398</sup> The Bavarian ministries also could only purchase land back upon the consent of *Güter* elites.<sup>399</sup> Montgelas hoped this scheme would lead to record profits generated by Bavarian agriculture. State debt, however, was out of control, rising to 80.6 million gulden in the span of only one year.<sup>400</sup> Montgelas needed funds to pay off this tremendous debt, spur economic growth, and provide the Confederation of Rhine with Napoleon's expected levies. Montgelas' initial intent was to encourage more domestic trade by reducing internal customs duties.<sup>401</sup> Land taxes (*Grundsteuer*) were therefore increased to generate more revenue for allodified land.<sup>402</sup> Montgelas' plans were well-planned but the reservations of *Güter* lords impeded the fulfilment of any logical land-related improvements. Land taxes were swiftly overhauled in all regions of the Kingdom of Bavaria, the effects of which were most felt in newly acquired lands.

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<sup>397</sup> Gagliardo, *From Pariah to Patriot: The Changing Image of the German Peasant, 1770–1840*, 11.

<sup>398</sup> Simms, *The Struggle for Mastery in Germany, 1779-1850*, 86.

<sup>399</sup> Lenger in Sperber, *Oxford Short History of Germany, 1800-1870*, 98.

<sup>400</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 165.

<sup>401</sup> Lenger in Sperber, *Germany, 1800-1870*, 33.

<sup>402</sup> Ute Planert, "From Collaboration to Resistance: Politics, Experience, and Memory of the Revolutionary and Napoleonic Wars in Southern Germany." *Central European History* 39, no. 4 (2006): 676-705, 684.

In May of 1806 Britain blockaded European ports controlled by France prompting Napoleon Bonaparte to form the Continental System, an internal blockade designed to destroy London's economy, followed by a formal trade embargo in the Milan Decree of 1807. In Bavarians rankled at the various trade restrictions. The British trade blockade in May 1806 destroyed the value of Bavarian grain. The sum of Bavaria's 1806 crop worth was 445,203 gulden for wheat, corn, and cereal owner's profits respectively.<sup>403</sup> This was a ten percent dip in crop worth compared to the previous month.<sup>404</sup> This market was recorded by the Bavarian government (*Churfürstl. Polizei*) on 3 May 1806, just over one week before the imposition of the British naval blockade.<sup>405</sup> Munich, and regional governments like Würzburg, were ill-equipped, however, to keep the grain market stable in the event of a severely depressed economic climate. In June, grain prices dipped suddenly. The sum of crops on Würzburg's cereal market held on 30 June 1806 plummeted to 352 gulden for wheat bushels, 115 gulden for corn, and 3 gulden for grain owners.<sup>406</sup> The impositions of the campaigning season likely had an effect on depressed grain prices as Napoleon's forces practiced foraging as they passed through Bavaria (and other territories). Napoleon defeated the Prussian Army at Jena-Auerstedt on 14 October 1806 thus crushing the last German resistance to his military.

Napoleon passed through Bavaria on his way to this confrontation, requisitioning food supplies from local sources. The sum total of grain values in Würzburg on 31 October 1806, over two weeks after the battle, had still not recovered. 272 gulden worth of wheat remained as colder

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<sup>403</sup> "*Würzburger Intelligenzblatt Nro. 127.*" Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10388012\\_00185\\_u001/1](https://digipress.digitale-sammlungen.de/view/bsb10388012_00185_u001/1) [accessed December 23, 2019].

<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> "*Würzburger Intelligenzblatt Nro. 127.*"

fall temperatures set in. Montgelas was still integrating new lands into the Kingdom of Bavaria while and mediatizing *Güter* estate land and Church plots. The plummeting grain market frustrated Montgelas' plans.<sup>407</sup> On 21 November 1806 a triumphant Napoleon issued the Berlin Decree, forbidding the import of British goods. Bavarian cereal worth soared but the value of the lowest prices of grain were not available for holders, perhaps implying that all grain reserves were sold or requisitioned by 10 December 1806.<sup>408</sup> Bavarian markets, supported temporarily by Napoleonic victory, were not providing profits for most cereal wholesalers. Bavaria's elite estate, the *Adelige Stände*, was also severely in debt and in search for credit and liquid assets.<sup>409</sup> Efforts at integration produced dependency on the state and a coercive state of affairs (*Sachezwang*) governed centralization efforts, debt relief, and bankruptcy (*Bankrott*).<sup>410</sup>

In 1807, state debt worsened, and the economic demands imposed by Napoleon increased. In December of 1807, Napoleon proclaimed the Milan Decree authorizing in article 3 of the treaty the seizure of any goods from vessels flying the English flag or that stopped in English ports.<sup>411</sup> In theory, the denial of English goods from the continents represented an appropriate protectionist measure, in practice it meant market restrictions for European states and a system of extraction brought by French domination. As markets were restricted and land development lagged, Montgelas sought to reaffirm the role of the centralized Munich ministries

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<sup>407</sup> Lenger in Sperber, *Oxford Short History of Germany, 1800-1870*, 53.

<sup>408</sup> "Würzburger Intelligenzblatt Nro. 127."

<sup>409</sup> Kellebenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 52.

<sup>410</sup> Treml, *Geschichte des modernen Bayern: Koenigreich und Freistaat*, 33.

<sup>411</sup> "Rejoinder to His Britannic Majesty's order in council of the 11th November 1807." The Waterloo Association. [http://www.napoleon-series.org/research/government/france/decrees/c\\_decrees16.html](http://www.napoleon-series.org/research/government/france/decrees/c_decrees16.html). [accessed December 23, 2019].



in Bavaria. The state required legitimacy among its subjects and a fully articulated process of lawmaking and limited representation.

### **The First Bavarian Constitution and Its Impact on Property (1808-1809)**

Montgelas' land reforms were well-planned and received great assistance from Napoleon Bonaparte through the latter's military victories. The First Minister wisely allied with Napoleon but could not, like many other German statesmen, weather the storm of French embargoes and levies. Ordinary Bavarians paid the price for French trade restrictions. Montgelas proved more able than his predecessors in enacting land reform but could not overcome the power of estate notables or the destructive nature of the Napoleonic Wars. Hostilities and the extractive Napoleonic trade restrictions and military demands for campaigns further damaged the Bavarian state. Bavaria was plunged into debt including 10 million additional gulden (*Neueverschuldung*) in 1806 alone. Montgelas, who had spent the past ten years promoting the benefits of centralized bureaucracy and the eradication of elite privileges, struggled to contain the economic decline and failure to generate productive agriculture. The First Minister took advantage of the Final Recess of the Holy Roman Empire in 1803 to erode Church privileges and weakened guild power in urban centers.<sup>412</sup> Bavaria had become more monocratic under the leadership of Max Joseph and Montgelas giving the state greater controls over agricultural production and the ability to assist flagging landed estates. French policies, so crucial to winning Bavarian sovereignty, produced new problems. Grain prices plummeted in 1806-1807 and a credit crunch hampered attempts for many Bavarians to buy and develop land.<sup>413</sup> Bavarian woes were consistent with those faced by

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<sup>412</sup> Theodore S. Hamerow, *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871*, 207.

<sup>413</sup> Abel, *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century*, 223.

other states in the German confederation demonstrating that Montgelas, while not at fault for Bavaria's precipitous decline, was yet another victim of Napoleonic exploitation.

Montgelas also pursued the abolition of the *Güter* estates at what was at first an opportune moment. French dominance destroyed all rivals to the Wittelsbach Dynasty and placed Max Joseph and his family in high standing. Napoleon's endless appetite for war, however, destroyed these efforts. Max Joseph formally abolished *Güter* estates and set up a council of state with four administrative divisions in 1806.<sup>414</sup> Montgelas envisioned a swift process of divvying up estates. The property market for estate land sales was now open. Purchasing power for most Bavarians was limited and estate holders were reluctant to give up land. By comparison, in 1807, Bavaria's defanged northern rival, Prussia, implemented a new constitution that broadened property buying rights though it excluded many of the poorest of its subjects. Montgelas, thus facing internal and external pressure, persuaded king Max Joseph to support the drafting of a Bavarian constitution to codify and legitimize the primacy of the Bavarian state. The key mechanism for future agricultural development was the abolition of *Güter* estates and their connected privileges. Such a program was supported by the drafting of the first Bavarian constitution in 1808. This document gave Max Joseph the ability to transform Bavaria land for the betterment of the Kingdom, a crucial step for securing the economic vitality of his state. Napoleon's demands, however, complicated these reforms.

The product of this effort was the First Bavarian Constitution issued on 1 May 1808. The Constitution was a document that declared the legitimacy of Max Joseph's rule as an unchallenged sovereign and his absolute support for the administrative powers of Bavaria's

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<sup>414</sup> Grab, *Napoleon and the Transformation of Europe*, 91.

bureaucratic ministries under Montgelas' direction. Max Joseph's constitution asserted that, "We are governed by the conviction that as long as the State remains a mere aggregate of separate parts, it can neither achieve its full potential strength, for which it has the means, nor can the individual members aim to impart upon themselves all the advantages of civil union."<sup>415</sup>

Therefore, this *Gemeindeedikt* (the Community Edict) made challenges from other institutions in Bavaria theoretically obsolete. The document continues, "We have sought already through many ordinances to eliminate the differences in the administrative systems in our Kingdom, as far as it was possible beforehand, to establish a more uniform system for direct and indirect obligations, and to make the most important public institutions of the collective more equivalent, through establishments that at the same time ensure their distinctiveness."<sup>416</sup> A large-scale reorganization of Bavaria followed based on Montgelas' recommendations. Montgelas altered the Bavarian state by dividing it into fifteen administrative divisions (*Kreise*) in June 1808. This was done to further integrate the Kingdom's new territories.<sup>417</sup> In addition, Montgelas oversaw the creation of a uniform tax system and pension circulation scheme (section 8, article 3).<sup>418</sup> These pensions were necessary for the survival of Bavaria's mediatized nobility. Max Joseph was now the sovereign of Bavaria with unprecedented power over the governance and salaries paid out by the Bavarian state. For ordinary Bavarians from noble to common subject alike, this was scant comfort.

For Private land borders, however, land boundaries and pension payments were vague and ill-defined despite the expansion of Bavarian centralized authority. Land-related pensions, as

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<sup>415</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 05 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions>

<sup>416</sup> Ibid.

<sup>417</sup> Grab, *Napoleon and the Transformation of Europe*, 104.

<sup>418</sup> Ibid.

well as titles and privileges, were brought to the attention of the Bavarian state for years following the establishment of the First Bavarian Constitution. A report about former feudal land and ownership title was brought before the Finance Ministry in December 1808.<sup>419</sup> This specific case, brought before the administrative authority of the *Isar-Kreis* near Munich, considered an ambiguous loophole (*contra fiscum*) in the feudal title of land compared to the new government sanctioned, private enclosure title.<sup>420</sup> The Royal Finance Direction (Königliche bayerisches *Finanz Direktion*) of the Isar administrative division received the case on 30 November 1808 and a royal court resolution (*Hofgerichts Resolution*) preserved the fiefdom of Augustien Blaumüller.<sup>421</sup> The central authority of Munich was now guaranteed by a legally binding document but compromises were still possible. Munich's authority was now declared by official document, the 1808 constitution, but lingering financial and legal concerns regarding land title would persist for years to come. By 1808, however, land, the productive resource Montgelas intended to use to fund the independent status of Bavaria, was finally under state control. By 1809, war again arose, this time The War of the Fourth Coalition, and Bavaria itself as a minor power, was threatened with the destruction of its allodification scheme and the centralized state bureaucracy that created it.

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<sup>419</sup> Finance Ministry (*Stadtrentamte München im Isarkreise*) Discussion of the Feudal Allodification of the Manorial Estate of August Blaumüller, 13 December 1808, in BHStA MF 17373.

<sup>420</sup> Ibid. German: "Die Streitsache als Zug als über alle contra fiscum...feudalien."

<sup>421</sup> Finance Ministry (*Stadtrentamte München im Isarkreise*) Discussion of the Feudal Allodification of the Manorial Estate of August Blaumüller, 13 December 1808, in BHStA MF 17373.

## **Conclusion: Land and the Process of Bavarian Statehood, 1797-1809**

Allodification was a necessary paradigm shift in notions of private land ownership that laid the foundation for the modernization of an independent Bavarian state and the productive use of agriculture to spur economic growth and the power of the new Kingdom. Bavaria's path to statehood was defined by the complex domestic challenge of feudal nobility and pressure from foreign powers. The Elector could not act independently and received scant support from notables. The legacy of Bavaria's penultimate elector, Karl Theodor, was typical of the *ancien regime*. Karl Theodor's regime was also handicapped by the power of Bavarian estates such as the *Güter* lords and the Catholic Church. In the elector's defense, notions of a limited role of cameral officials and the financial capability to transform the taxation and landowning system was difficult process to execute without a major disruption to everyday Bavarian life. That task, and challenges, were undertaken by the Enlightenment-inspired leadership of Max Joseph, first as Elector then King, and his ambitious First Minister Montgelas. Montgelas and Max Joseph used the dangerous climate of European war from 1799-1809 to promote Bavarian statehood as a kingdom, independent of Austrian control. This process hinged upon the productive use of land. Land was allodified through the separation of feudal title and the possession of land. This affected landed nobility and the Church the most. The complicated, expensive process produced mixed results and was not fully understood by Bavarian subjects. The territorial expansion and spread of state authority from 1803-1809 also produced friction between subject and leadership. Bavaria's close ties with Napoleonic France, key to its recognition as a sovereign state in 1806, threatened to bankrupt and destroy the southern German kingdom by 1809 when renewed conflict threatened to destroy every reform attempted, or accomplished, by Max Joseph and Montgelas.

### **Chapter 3: Bavaria and the Congress System: Postwar Allodification Efforts (1809-1817)**

Bavarian state guided allodification (the separation of land possession from title or privilege) was severely disrupted by the costly demands of Napoleon Bonaparte during his campaigns from 1809-1815. The Kingdom of Bavaria's resources were so depleted that the wars caused famine and debt crises for years following their conclusion. Bavaria became a dependent state in the Confederation of the Rhine system (1806-1813). Montgelas capitalized on the battlefield successes of Napoleon Bonaparte to build a centralized state bureaucracy against the wishes of Bavarian notables and the defeated Habsburg Empire and Kingdom of Prussia. Napoleon also recognized Bavaria as a Kingdom and gifted the new state additional lands at the expense of its defeated neighbor, Austria. Montgelas made all Bavarian laws part of a unitary system of rule under King Max Joseph. This new centralized law was implemented through a general community edict (*Gemeindeedikt*) and was enforced by state bureaucrats. Montgelas' opportunism was well-timed and well-planned. The unification of Bavaria under a single ruler and his civil bureaucracy provided a vital foundation for the future economic health of the Bavarian state. Napoleon's seemingly unending wars and exploitation of client states, including Bavaria, however, nearly destroyed all the important land-related reforms of the era.

Chapter three is therefore concerned with the consequences that the Kingdom of Bavaria faced in large part due to the unceasing wars of Napoleon Bonaparte. Montgelas pursued a long-term goal of transforming Bavarian land into productive plots.<sup>422</sup> Land was to be "redeemed" on a voluntary basis from its elite holders. This redemption program, unfortunately, stagnated and

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<sup>422</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat*, 13.

yielded few practical, immediate benefits for the state. Landed elites were cash poor and sought greater assistance for their pensions and haggled endlessly over the price of their land.<sup>423</sup> The simultaneous decision to commit vast state resources to land redemption while feeding Napoleon's armies put too much strain on the Bavarian state. The Bavarian state was strong and well-supported so long as Napoleon's armies were victorious. Trade embargoes and the steep demands of Napoleon for men, draught animals, and food brought Montgelas' regime to a breaking point in 1813.

Montgelas' efforts did modernize the state bureaucracy and introduced a systemic, coherent, and uniform legal system to Bavaria. Critics viewed Montgelas' tenure as First Minister as "an interruption" in the stable, if perhaps unremarkable, management of Bavaria's finance and justice ministries.<sup>424</sup> In reality, it was the unstable nature of the Napoleonic Wars, and Bonaparte himself, that destroyed the first coherent expression of unitary Bavarian rule and effort to efficiently manage state finances. When Bavaria found itself on the losing side in 1813, critics blamed Montgela for the disastrous alliance. The Kingdom of Bavaria was stripped of territories in the Innviertel, Trentino, and the South Tyrol. State debt soared. Powerful restoration powers led by Prince Klemens von Metternich also viewed Max Joseph with suspicion. Bavaria was reduced in size at the Congress of Vienna in 1815. Famine and civil unrest also followed. The Crown Prince Ludwig, Marshal Karl Wrede, and the jurist Graf Georg Friedrich von Zentner removed Montgelas from power in 1817 ending Bavaria's first complicated experience with land allodification.

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<sup>423</sup> *Ibid.*, 97.

<sup>424</sup> Jörg Rode. *Der Handel im Königreich Bayern um 1810* (Stuttgart: Franz Steiner, 2001), 21.

## The 1808 Constitution: Legal Context

The reformers who drafted Bavaria's constitution in 1808 eliminated the jurisdictional privileges of the *Güter* estates and subordinated nobles to the authority of King Max Joseph. The conference to draft the constitution was a secretive affair. The Secret Council (*Geheimen Rat*) was dominated by Montgelas whose constitutional committee faced opposition from the twenty-two-year-old Crown Prince Ludwig. Ludwig, who first appeared at the conference on 11 May 1808 as his father's representative, perceived Montgelas as a threat to his father's rule.<sup>425</sup> Ludwig opposed the constitution due to its similarities to the Napoleonic model. The Crown Prince also served under Napoleon and found the French to be elitist and wasteful of Bavarian resources. Ludwig was therefore opposed to anything French-influenced, much to the chagrin of his father, Max Joseph.<sup>426</sup> Whatever problems Ludwig had with the constitution, the 1808 document, became law. Ludwig, however suspicious of Montgelas' role in the Bavarian state, would benefit from the uniquely powerful Bavarian constitution when it came time to solidify his own rule in subsequent years.

The new constitution dramatically transformed the oversight for the ministries of Bavaria through the inclusion of a framework for hierarchical allegiance to Max Joseph and his First Minister Montgelas. King Max Joseph proclaimed the first constitution on 25 May 1808 making the power of the Wittelsbach Dynasty and its civil bureaucracy the supreme authority in the Kingdom of Bavaria. The constitution was a fusion of Napoleonic legal influence and the older

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<sup>425</sup> Weis, *Montgelas 1759 - 1838. Sonderausgabe: Eine Biographie 1759 – 1838*, 380.

<sup>426</sup> Weigand, Katharina and Alois Schmid. *Die Herrscher Bayerns 25 historische Portraits von Tassilo III. bis Ludwig III* (München: C.H. Beck), 2001.



traditions of Germany's enlightened despots – the powers of the Austrian and Prussian *Machtstaaten*. The *Gemeindeedikt* (community edict) established the uniformity of the centralized rule of the Wittelsbach Dynasty as ordained by the 1808 constitution. Montgelas' state ministries, however, would have to enforce said constitution. Montgelas, Johann Wilhelm von Hompesch zu Bollheim (the son of Montgelas' mentor Franz Karl von Hompesch), and justice minister Heinrich Theodor Topor Graf von Morawitzky drafted the constitution. The Bavarian constitution's preamble established that,

By appropriate regulations and provisions, it aims at providing the just demands of the state (based on its general *raison d'état*) toward its members, as well as those of the individual members toward the state, with the guarantee of their fulfillment, the whole with firm structure and cohesion, and each part of the state authority with the efficacy commensurate with the requirements of the common good.<sup>427</sup>

Montgelas, and the constitution's other authors, established the monarch as the sole ruler of Bavaria. All subjects looked to King Max Joseph, and his representatives, as the unitary authority of the Bavarian state. The 1808 constitution was a revolutionary compact in the Kingdom of Bavaria and provided similar powers and freedoms somewhat comparable to contemporary reforms in other German states. Montgelas and Max Joseph swiftly broke the power of feudal estates and the interests of the Church. This was a special achievement for Montgelas and his fellow reformers. Many other states in German central Europe failed to accomplish in such a sweeping capacity.

A similarly ambitious, yet far less successful program was underway in the Kingdom of Prussia under the direction of Baron Karl vom und zum Stein and Karl August von Hardenberg

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<sup>427</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 05 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

by 1807-1808. Stein and Hardenberg's "Edict Concerning the Facilitated Possession and Free Use of Real Estate as well as the Personal Circumstances of the Rural Population" (*Edikt den erleichterten Besitz und den freien Gebrauch des Grund-Eigenthums, sowie die persönlichen Verhältnisse der Landbewohner betreffend*) of 1807-1808 (the October Edict) presented similar reforms. It would later be enacted for the purposes of eliminating the last vestiges of feudal servitude in Prussia. Stein and Hardenberg proposed opening feudal land buying privileges to a broader cross section of prospective buyers, and promulgating the enhanced legal notion of "Staatsbürger" – citizens of Prussia rather than subject status.<sup>428</sup> The Stein-Hardenberg Reforms would take nearly a decade to be implement (in a far more conservative form). In part, they led to the widening of land buying privileges throughout German central Europe.<sup>429</sup> In addition, they were indicative of the broad influence of state centralization efforts that swept Germany in the first decade of the nineteenth century and were most successful in Bavaria.

Bavaria was not the only state in the German Confederation to produce a new constitution but its provisions for the execution of the King's will was unique. Other regional attempts that mirrored the advent of the 1808 constitution transpired in the French occupied Kingdom of Westphalia and the Duchies of Baden and Württemberg. Karl Friedrich of the Duchy of Baden instituted a legal code with a streamlined, hierarchical delineation of rights and privileges intended to be, "both useful, and for political reasons advisable."<sup>430</sup> Hans Gager, a political theorist, also proposed a legal system based on, "the similarity of political

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<sup>428</sup> Matthew Levinger, *Enlightened Nationalism: The Transformation of Prussian Political Culture, 1806-1848* (Oxford: Oxford University Press, 2000), 55-56.

<sup>429</sup> *Ibid.*, 56-57.

<sup>430</sup> Mack Walker, *German Home Towns, Community, State, and General Estate, 1648-1817* (Ithaca: Cornell University Press, 1971), 201.

considerations.”<sup>431</sup> The main regulations of the 1808 constitution include the relationship between the document and the Napoleonic system with the introductory proclamation, “The Kingdom of Bavaria forms part of the Confederation of the Rhine.”<sup>432</sup> Max Joseph’s power came from the introduction of the *Konzessionsystem* (concession system) – a systematic approach of rule and law applied by civil servants and the imposition of uniform laws and community and state levels.<sup>433</sup> The constitution represented the *Okroi* (the implementation of law by will) of the King of Bavaria that established him as Bavaria’s sole ruler. The architects of the Bavarian system believed, however, that Bureaucratic reform, in the spirit of Enlightenment virtue, set their constitution apart from contemporary legal compacts.

Property, including land, and the authority to determine the rights of its possessors, were the sole responsibility of the state. Max Joseph and Montgelas’ reforms made Bavaria a kingdom with the most liberal land buying requirements by 1808. A full 70% of the *Bauernstände* were now afforded rights including uniform taxation.<sup>434</sup> Land reform, including the wholesale breakup of *Gutsherrschaft* estates, formed a key part of this program. Land as property was protected under the 1808 constitution but apparently not so if it was a manorial estate or a former *Güter Domainen*. Montgelas continued to promote the seeming equity of the new property system. The seventh article of the main regulations of the 1808 constitution ostensibly built on previous efforts to protect property rights. Article seven stated, “The state grants all citizens safety of

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<sup>431</sup> Ibid, 201.

<sup>432</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 05 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

<sup>433</sup> Harwell Wells, *Research Handbook on the History of Corporate and Company Law* (Cheltenham: Edward Elgar Publishing, 2018), 181. In reference to the Bavarian system: Friedrich Lütge, *Deutsche Sozial und Wirtschaftsgeschichte: ein Überblick*. Berlin: Springer Verlag, 1966), 148.

<sup>434</sup> Karl Otmar von Aretin, *Bayerns Weg zum souveränen Staat: Landstände und konstitutionelle Monarchie*, 138.

person and of property...”<sup>435</sup> Montgelas, here, remained attached to his allodified system.

Property would not be interfered with. The noble estates, however, were no longer property and were thus not respected.

### **1808: Montgelas and the Administrative Reorganization of Bavaria**

The establishment of the First Bavarian Constitution also led to the restructuring of Bavarian administrative divisions with regional capitals. In addition, the Bavarian state created new *ersatz* organizations to replace charities to aid rural and urban poor. Reorganizing the rural *Güter* estates meant that Montgelas and Max Joseph needed to create regional capitals and provide new state services. These resources would replace the charity provided by religious orders, operating under the concept of *Notbedarf* – the mutually beneficial, pre-eighteenth century “economy of need,” existed before.<sup>436</sup> Montgelas, having centralized the Ministry of the Interior, the Ministry of Justice, and the Ministry of Finance under his authority as First Minister, soon divided Bavaria into sixteen *Kreise* or administrative units (*Regierungsbezirk*). Regional control through cameral institutions preceded this redrawing of the jurisdictional map. These cameral institutions, however, were the sinews between *ancien regime* economic, religious, and social controls to provide a functional harmony of estates.

The 1808 reorganization of the Bavarian *Kreise* gave Munich a semblance of centralized control under the king and his royal ministries that replaced the power sharing arrangement of the Electoral state’s varied estates. Bureaucratic centralization also entailed the elimination of

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<sup>435</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 05 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

<sup>436</sup> Renate Blickle, "From Subsistence to Property: Traces of a Fundamental Change in Early Modern Bavaria." *Central European History* 25, no. 4 (1992): 377-85. Accessed May 19, 2020. [www.jstor.org/stable/4546292](http://www.jstor.org/stable/4546292).

estate privileges including special tax rates and personal pensions.<sup>437</sup> A general tax rate was implemented through the geographic incorporation of new territories and the gradual erosion then eradication of *Güter* estate boundaries.<sup>438</sup> The ideal tax system was uniform and systemic. Tax rates were presented in the *Intelligenzblätter* of each of the sixteen *Kreise*. Land was “redeemed” by the state in theory via the consent of estate holders.<sup>439</sup> Estate nobles possessed land but did not own it. The land was connected to their titles. Titles were removed via the process of “mediatization” and therefore estate land was simply property to be bought and sold. Many elite landholders were cash poor due to persistent conflict and lagging rent collections.<sup>440</sup> The Bavarian estate, led by Montgelas, offered to buy land from elites through a process called “redemption.” In practice, the new system of hierarchically imposed land redemption met with some resistance. Yet some of the former estate nobility were suddenly amenable to cash payment in exchange for estate land.<sup>441</sup> Montgelas exploited the climate of economic instability. As historian Manfred Treml observed, a coercive state of affairs (*Sachezwang*) governed centralization efforts, debt relief, and bankruptcy (*Bankrott*).<sup>442</sup> By 1808 land was requisitioned by the Bavarian Finance Ministry and thereafter apportioned into enclosures with increasing frequency. Montgelas’ designs went far beyond tax reform. The Bavarian civil bureaucracy

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<sup>437</sup> Wilhelm Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*. (München: C.H. Beck), 1983, 142. German: “Diese war erst möglich, als 1807/1808 die ständischen Steuerprivilegien beseitigt, die allgemein gleiche Steuerpflicht in modernen Sinn eingeführt, die Laendständischen Korporationen in Altbayern, Pfalz-Neuburg, und in den Erwerbungsgebieten aufgehoben und damit die Steuerverwaltung durch die Behördenorganisationen der Landschaft abgeschafft worden waren.”

<sup>438</sup> *Ibid.*

<sup>439</sup> Lenger, *Economy and Society*, 97.

<sup>440</sup> Hermann Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 52.

<sup>441</sup> *Ibid.*, 52.

<sup>442</sup> Manfred Treml et. al, *Geschichte des modernen Bayern: Königreich und Freistaat*, 33.

played a significant role in land redistribution as Montgelas sought to buy loyalty of common Bavarians and fracture the former *Güter* elites beyond the elimination of privilege and pension collection.

The Finance Ministry under Montgelas grew and became more complex under the foundation of the 1808 constitution and the legal supremacy of King Max Joseph. Cameral institutions in the electorate served the interests of the *Adelige Stände* – the landed, titled and untitled ranks of Bavarian society. Although the 1808 constitution was by no means republican in spirit, the document did include provisions for the elimination of elite privileges. If members of Bavarian society were “worlds apart” in social status, economic power, and political power under Electoral rule, then certainly the founding years of the Kingdom of Bavaria led to a levelling of social and economic status and a vast reduction of elite political standing.<sup>443</sup> 1808 was the year of the bureaucrat. The Organizational Edict (*Organischen Edikt*) of 8 August 1808 granted authority to regional bureaucrats in the *Generalkreiskommissariate* to enforce tax revenue collection.<sup>444</sup> The Finance Ministry exercised direct authority over the regional administrative *Kreise* and gave them legitimacy to publish the edict and have it respected at a local level.

Montgelas’ guided expansion of the Bavarian state next addressed the complex legacies of cameral institutions and privileged estates, a process which focused on stimulating rural agricultural production. Results were less than satisfactory. The early implementation of unchallenged rule met with conflict and confusion. Historian Eberhard Weis described the

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<sup>443</sup> Jerome Blum, *The End of the Old Order in Rural Europe*, 5.

<sup>444</sup> Wilhelm Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 146.

friction created by this legal shift as the “abolition of old estate constitutions in *Altbayern*, Neuburg, Tyrol and Voralberg with their dualism between prince and the countryside and their cementing of estate privilege being taken...”<sup>445</sup> State integration on a village level was slow and fraught with challenges from the traditional measure of rural autonomy enjoyed throughout all the regions of Bavaria.

Changing land policies also entailed altering the Bavarian way of life. The Electoral Bavarian programs of school reform, compulsory education, and conscription were implemented to their most forceful and direct ends by 1808.<sup>446</sup> Some things remained static. The basis of the Bavarian economy into the middle of the nineteenth century was agriculture.<sup>447</sup> Shifting Bavarian farming towards a physiocratic inspired notion of production over subsistence would require focusing on both the regional customary restrictions on crop development and overcoming ignorance of new farming techniques. Problems with increasing Bavarian crop yields were a persistent issue throughout the eighteenth and nineteenth centuries. Historian Wilhelm Abel commented that Bavarians produced less than comfortable resources both for market and personal consumption. Abel found, “Agricultural production was largely increased though physiologically it was not significantly changeable by type and the needed quantity. Food was not available to people in more than 3,000 calories a day in all types of food.”<sup>448</sup> Crop

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<sup>445</sup> Weis, *Montgelas, 1759-1838, Eine Biographie* 380.

<sup>446</sup> Lee, “The German Family,” 86-87.

<sup>447</sup> *Ibid.*, 87.

<sup>448</sup> Wilhelm Abel, *Agrarpolitik*, 42. German: “Die Landwirtschaft ist mit ihrer Erzeugung ganz überwiegend auf physiologische, nach Art und Menge nicht wesentlich veränderungsfähige Bedürfnisse angewiesen. “Es ist dem Menschen nicht bekömmlich, mehr als 3000 Kalorien alltaglich in der Nahrung zu sich zu nehmen.”

yields, in and among the most fertile regions of Bavaria, could not be transformed either easily or quickly. Market prices, for the average Bavarian, did not fluctuate greatly in 1808.

The price of food changed little during the first year of the new regime's constitution perhaps owing more to the lack of substantial rural intervention by the government of Max Joseph. Policies made beyond Bavaria's borders were the first to impact the average Bavarian. Napoleon's Continental System barred the trade of grain, among other goods, to Britain. Fifteen percent of all British grain imports were from smaller German states including Bavaria.<sup>449</sup> The price of grain throughout the German states plummeted in part due to a lack of buyers who were willing to pay what British merchants previously offered.<sup>450</sup> A short term crisis was averted through extensive moneylending by Bavarian and other German creditors.<sup>451</sup> Bavarian production of cereals thus was not dramatically affected by sudden trade restrictions. The price of bread in remained consistent throughout the year of 1808. Montgelas reacted to the demands of Napoleon on Bavaria and the intent to increase state wealth by instituting a new progressive tax on land (the 1808 *Grundsteuern*) which increased profits by 9%.<sup>452</sup> This was profitable because agriculture constituted 65% of Bavaria's economic product.<sup>453</sup> State intervention was still needed, however, to stabilize the operation and quality of farming products.

The temporary stability of grain prices in the German states brought a sense of optimism for the new regime and stability to nearby German states in the early-nineteenth century. Just

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<sup>449</sup> Wilhelm Abel, *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century* (Stuttgart: Verlag Eugen Ulmer, 1967), 226.

<sup>450</sup> Wilhelm Abel, *History of German Agricultural Economy from the Early Middle Ages to the 19<sup>th</sup> Century*, 223.

<sup>451</sup> Ibid.

<sup>452</sup> Dietmar Stutzer, *Geschichte des Bauernstandes in Bayern* (München: Süddeutscher Verlag, 1988), 164.

<sup>453</sup> Ibid.



beyond Bavaria's borders in the key trading city of Regensburg, the price of a loaf of bread (*Paar Semmel*) remained consistently six *Kreuzer Landmünze*, or .10 Gulden from January to December 1808.<sup>454</sup> Bavaria also employed other means of state intervention to keep the grain market consistent yet profitable. The Department of Spiritual Affairs (*Departements des geistlichen Angelegenheiten*) administered the former church lands and oversaw poor relief for Bavarian subjects.<sup>455</sup> Other services such as the, Organization of Medicine (*Organisations des Medizinalwesens*) tended to medical relief with regional sanitation guidelines and the promise of consistent treatment options including the provisioning of food.<sup>456</sup> The reorganization of Bavaria at a regional administrative level also brought the creation and maintenance of tax and toll collections as well as adequate leadership to oversee such an intricate operation.

### **Death and Taxes: Montgelas' Overhaul of the Civil Service, 1808**

Tax, toll, and pension collection was the basis of the twin responsibilities of law and order as well as revenue generation for the Bavarian state. These funds, and fund collection, were of paramount importance to Montgelas who increased the rate and number of taxes and tolls on a regular basis. Montgelas, who effectively ran the various ministries of the state (even beyond his own purview of the Finance Ministry), commanded an enlightened bureaucracy with the legal mandate of a sovereign, Max Joseph. The First Minister behaved as an agent of not only French inspired reform but of direct service to Paris. Montgelas' extractive policies included an increase in special taxes, the erosion of guild privileges and imposition of fees, and the dramatic reduction

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<sup>454</sup> “*Regensburger Wochenblatt Nro. 1.*” Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb11130523\\_00005\\_u001/10](https://digipress.digitale-sammlungen.de/view/bsb11130523_00005_u001/10). [accessed December 23, 2019].

<sup>455</sup> Wilhelm Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 30.

<sup>456</sup> *Ibid.*

of *Güter* pensions. All this to pay for Napoleonic backing.<sup>457</sup> In 1808, Montgelas introduced various revenue collection schemes. The *Mautordnung* of 1807-1808 established a 15-30-florin tax on the various craft industries in Bavaria as well as foreign trade.<sup>458</sup> This protectionist measure produced increased income for the Bavarian state while simultaneously alienating bordering countries.

The implementation of the new toll and tariff system was, however, not implemented in a straightforward fashion. A report featured in the 17 March 1808 issue of the *Bavarian National Newspaper* (*Baierisches National Zeitung*) demonstrates the confusion surrounding the creation and enforcement of new tariffs. The newspaper commented;

“...Since this change made the control stipulated in the new customs and toll regulations insufficient, and other measures had to be met in order to ascertain the security which the royal toll levies previously found in these cash payments of the main customs rate at the borders; however, since these measures intervene so deeply in the formal constitution of the new customs and toll regulations that, due to the clarity and certainty required by law, a complete revision of the new customs and toll regulations became necessary, so that the Royal General Customs and Toll Direction received them in their modified form in order to move them anew into print and to instruct all customs and toll agencies from April 1 on in the full and exact compliance with their contents.”<sup>459</sup>

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<sup>457</sup> Weis, *Montgelas*, 382.

<sup>458</sup> Rode, 32.

<sup>459</sup> “*Baierisches National Zeitung* Nro. 65.” Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10505540\\_00259\\_u001/3?cq=Mautordnung](https://digipress.digitale-sammlungen.de/view/bsb10505540_00259_u001/3?cq=Mautordnung) [accessed January 31, 2020].

German: “Da durch dieses abänderung die in der neuen zoll und Mautordnung festgesetzte kontrolle unzulänglich geworden, und andere Massregeln haben getroffen werden müssen, um die sicherheit zu ersetzen welche die königliche Zollgefälle in jener baaren entrichtung des Haupt Zoll dass es an den Grenzen zuvor fanden; dieses Massregeln aber so tief in die Formal-Bestandteil der neuen Zolls und Mautordnung eingreifen, dass der einem Gesetz notwendigen Deutlichkeit und Bestimmtheit wegen, eine ganzliche Umarbeitung der neuen Zoll u. Mautordnung nothig (sic) wurden, so hat die königliche General Zoll und Maut Direction solche in ihrer umgeänderten Gestalt empfangen, um sie vom neuen zum Druck beförden und die vom 1 April an zur strengen und genauen Befolgung ihres Inhalts den sammtliche Zoll und Maut postierungen anzuweisen.”

New tolls and tariffs came at a critical time for the Bavarian Kingdom. State debt surged to 86 million gulden and Montgelas increased taxes on internal and foreign trade while promising to alleviate the burden of existing taxes on the most marginalized portions of Bavarian society.<sup>460</sup> Elements of the Bavarian Finance Ministry were also committed, ostensibly, to the amelioration of the quality of life despite tax increases. The Ministry of Trade and Public Works (*Ministerium des Handels und der öffentlichen Arbeiten*) was founded in the early years of the Kingdom's existence to monitor and manage Bavaria's trade balance and the profitability of merchant activity for the state.<sup>461</sup> Bavarian bureaucratic expansion and restructuring, however, were desperately needed to support revenue collection and the imposition of local law and order. The continued activities of the Bavarian state could not be carried out by Montgelas' fiat. The 1808 constitution, however, laid the groundwork for the larger role played by Bavarian civil servants, in accordance with the wishes of Montgelas and the assent of King Max Joseph.

Montgelas' role as the First Minister allowed him to create a hierarchical structure for tax and toll collections. The state reforms of 1808 established a Central Authority (*Zentralbehörden*) to administer the new Bavarian government. The Secret State and Conference Ministry (*Geheimes Staats und Konferenzministeriums*) was chaired by Montgelas.<sup>462</sup> The subordinate foreign, finance, interior, and justice ministries were consolidated under the authority of Montgelas himself.<sup>463</sup> Individual leaders included Graf Morawitzky (from the Finance Ministry) and Graf Reigersberg (from the Justice Ministry).<sup>464</sup> The Ministry of War was

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<sup>460</sup> Jörg Rode, *Der Handel im Königreich Bayern um 1810*, 29.

<sup>461</sup> Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 49-50.

<sup>462</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat*, 35.

<sup>463</sup> Benno Hubensteiner, *Bayerische Geschichte, Staat und Volk, Kunst und Kultur*, 343-344.

<sup>464</sup> Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 172

commanded by Graf Johann Nepomuk von Triva, a logistical officer who served under Bavaria's preeminent general Karl von Wrede. Yet these individuals possessed little ability to operate independently of Montgelas. The Central Authority (*Mittelbehörden*) was under the direction of each of the four ministries (*Generalkommandos*) and included the vital departments of tax and toll inspection (*Zoll und Mautinspektion*) under the Finance Ministry's authority.<sup>465</sup> Military garrisons assisted with tax and toll collection as well as regional control.<sup>466</sup> This constituted a major shift in revenue collection for the Bavarian state. *Güter* lords collected taxes and rents from their estates and were permitted to protect the mechanism for how they were taxed – a principle known as the *Bauernschutze*.<sup>467</sup> These responsibilities were now subordinated to the *Landgerichte* – courts overseen by the *Kreise* administrative governments that answered to Munich. The very structure of Montgelas' new state ministries demonstrated the dramatic scale of government expansion and stratification that began in 1808. Extensive, highly specific taxes were also introduced. Tolls and tariffs required enforcement and collection. Bavarian civil servants, as products of transformed cameral academies, became more powerful and authoritative, as well as becoming careerist elites within the state administration.

Friction between civil servants and the former elite estate increased in the years following 1808. Seething notables became envious of Bavarian civil servants and coveted the unparalleled, privileged authority they exercised.<sup>468</sup> The transformation of the Bavarian civil service, however, constituted a new version of German bureaucratic status. Bavaria employed

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<sup>465</sup> Hubensteiner, *Bayerische Geschichte, Staat und Volk, Kunst und Kultur* 343-344.

<sup>466</sup> "The German Family." Essays on the Social History of the Family in Nineteenth- and Twentieth-Century (Germany ed. Richard Evans and W.R. Lee. London: Routledge, 2016), 87.

<sup>467</sup> Abel, *Agrarpolitik*, 20. German: "Der Adel werde ausser an der Verlust seiner finanzellen Privilegien an den Verlust seines Monopols auf alle höheren Staatsstellungen und an die Gleichheit vor dem Gesetz denken."

<sup>468</sup> Weis, *Montgelas*, 384.

cameral officials in the electoral era who were servants of the *Hofkammer* – the court chamber. The expansion of the Bavarian civil service brought talented civil servants to every corner of the Bavarian kingdom including the minutiae of rural life. The General Commissariat of the Toll and Tax Directories, for example, were instructed, “primarily to report on the local peculiarities of their districts, to forward the ministerial instructions and to monitor the implementation.”<sup>469</sup> Guild restrictions were also lifted, in much the same way that the elite estate was stripped of all privileges. Montgelas’ bureaucratic foot soldiers oversaw the gradual erosion of the higher status middling handicraft industry professionals including rule by patricians in cities like Augsburg.<sup>470</sup> Civil servants, for example, collected the rents from subjects in place of the manorial rents that existed under the *Gutsherrschaft* system.<sup>471</sup> Yet Bavaria was not alone in professionalizing the civil bureaucracy and the more involved role in the everyday lives of all subjects.

The enforcement of Bavarian law thus fell to a new generation of bureaucrat, or *Schreiber*, that found himself more the arbiter of regional law than the loyal servant of the state. Civil servants throughout the German states were not well-respected. Historian Ian McNeely’s 2003 study *The Emancipation of Writing* introduced the cameral official at the dawn of the nineteenth century as a venal, untrustworthy pariah. Elisabetha Jäger, one subject of cameral rule in southwest Germany decried the local magistrate and his subordinate officials as *Spitzbuben* (rogues).<sup>472</sup> The reputation of civil servants changed little, but their power and breadth of responsibilities increased dramatically. Interactions between subjects and civil servants increased

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<sup>469</sup> Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 37.

<sup>470</sup> Theodore S. Hamerow, *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871* (Princeton: Princeton University Press, 1958), 27.

<sup>471</sup> *Ibid.*, 47.

<sup>472</sup> Ian F. McNeely, *The Emancipation of Writing: German Civil Society in the Making, 1790s-1820s* (Berkeley: University of California Press, 2003), 101.

in frequency. The development of the *Innenressorts* (interior department) and the *Medizinalwesen* (the medical service of the doctor's department) by 1808 subjected Bavarians to state scrutiny but also permitted ordinary Bavarians to voice grievances.<sup>473</sup> Some complaints highlighted the impact of land quality and the availability of food. The establishment of, "local medical districts and the appointment of local doctors (*Gerichtsärzte*) was designed on the one hand to strengthen State control over medical practices."<sup>474</sup> Civil servants in other Napoleonic inspired German states followed suit. In the Duchy of Baden, the *Vogt* or *Oberamtmann*, an advocate on behalf of the state, visited rural farmers every three years to evaluate conditions and record any outstanding hardships.<sup>475</sup> Records became public record and highlighted the purported omnipresent nature of governments throughout the Confederation of the Rhine.

Bavarian civil servants became a ubiquitous sight in the sixteen *Kreise* of the kingdom through tax and toll collection, medical inspection, and the much-dreaded visitation for the purposes of conscription. By 1809 taxes and tariffs were imposed to protect Bavarian agriculture and handicrafts.<sup>476</sup> The common Bavarian civil servant collected proceeds for the state but also oversaw the development of profitable agriculture and trades. This was an effort from above, under the guise of guided state reform, to increase export profits. Several individuals contributed to this effort. Joseph Ritter von Hazzi was one of the leading civil servants to take part in the transformation of the Interior Ministry into a professional bureaucracy. Hazzi was born in 1768 into a family of peasant and middling origins.<sup>477</sup> Like Montgelas, Hazzi's education included the

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<sup>473</sup> Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 30.

<sup>474</sup> Lee, "The German Family," 86.

<sup>475</sup> David Warren Sabean, *Property, Production, and Family in Neckarhausen, 1700-1870*, 75.

<sup>476</sup> Rode, *Der Handel im Königreich Bayern um 1810*, 33.

<sup>477</sup> Heinz Haushofer, "Hazzi, Joseph Ritter von" in *neue Deutsche Biographie* 8 (1969), S. 158 f. [Online-Version]; URL: <https://www.deutsche-biographie.de/pnd119357798.html#ndbcontent>. [accessed 20 December 2019].

traditional notion of specialized, decentralized cameral training in Ingolstadt with key influences for land management provided by the Catholic Church.<sup>478</sup> Hazzi passed his civil service examination in 1789 and became a specialist in land development.<sup>479</sup> This specialty would make Hazzi, among other favorable candidates, useful to Max Joseph when he acceded to the throne. Hazzi left Bavaria in the 1805 for service with the French military but his experience and usefulness reveals much about the priorities of the Bavarian state. The increasing intervention in rural life destroyed local traditions in place of a homogenized view of productive and efficient use of resources for the Kingdom of Bavaria.<sup>480</sup> Officials in Munich adopted an extractive, exploitative model that was shared with its patron state, Napoleonic France. The successors of men like Hazzi were now seen as ever-present, educated agents of Munich. To others they were occupiers in much of Bavaria, searching for every product or person of economic utility.

### **The *amtliche Statistik*: Montgelas' Census and the Sale of Land**

The desire to categorize and exploit Bavarian resources led to the creation of an improved census in 1809. The legal foundation of Bavarian state centralization was coupled with the creation of a large, professional, career civil bureaucracy subordinated to a favored servant of king Max Joseph. Montgelas instructed his bureaucrats to document rural and urban life through a quantitative lens. The result of this effort was the *amtliche Statistik* (Ministerial Statistic), also known as the *Montgelas Statistik*. Montgelas employed every level of the civil service to gather information pertaining to three key data points; *Einwohner* (subjects), *Güter* (estate land), *Landesbeschreibungen* (territory). Bavaria even became the first German state to measure

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<sup>478</sup> Ibid.

<sup>479</sup> Ibid.

<sup>480</sup> Peter H Merkl, "The Small-Town or Village Community." In *Small Town and Village in Bavaria: The Passing of a Way of Life*, 50.

mortality rates. Montgelas also classified the optimum wealth generated by craft industries. The number and wealth of each *Handwerker* (craftsman), *Fabriken* (factory), *Manufakturen* (trading entrepots), *Kaufleute* (merchants) and *Kraemer* (shopkeepers). The Montgelas Statistik was important for structuring the Bavarian economy but not planning growth.

The *amtliche Statistik* did have omissions that reflected the limitations of state civil servants. Certain categories proved elusive, perhaps due to the inability to properly quantify their goods on a new market. Concern over how best to value the worth of land and mines, despite the physiocratic inspired nature of land reform, persisted.<sup>481</sup> *Getreide* (corn) and *Viehmärkt* (the market value of cattle) were considered because they were goods that could be traded.<sup>482</sup> Montgelas, having separated titled privilege from the possession of land had yet to establish the monetary worth for land. As First Minister, Montgelas, like the physiocrats of the eighteenth and nineteenth centuries, viewed the king as the co-proprietor of land as property.<sup>483</sup> The next great question would be what value land as property would hold when sold at market.

Montgelas struggled to establish the value of land as an immovable good due to disagreements concerning land valuation metrics. The conflicting notion of land worth was a combative, and confusing, multi-decade debate to shift the value of land from that based in pensions and rents collected under the *Gutsherrschaft* system to that of a cash-based market. Difficulties also arose when Montgelas attempted to reconcile the region-specific taxes and tolls of Swabia, Franconia, and Greater Bavaria with his plans for a uniform set of economic

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<sup>481</sup> Peter H Merkl, "The Small-town or Village Community." In *Small Town and Village in Bavaria: The Passing of a Way of Life*, 50-100. New York; Oxford: Berghahn Books, 2012. [accessed February 2, 2020]. [www.jstor.org/stable/j.ctt9qcsdn.7](http://www.jstor.org/stable/j.ctt9qcsdn.7).

<sup>482</sup> *Ibid.*

<sup>483</sup> Rafe Blaufarb, "The Great Demarcation – The Decree of August 4, 1789." Modern European History Colloquium Lecture at Louisiana State University, Baton Rouge, LA, April 23, 2018.



guidelines.<sup>484</sup> The sale of *Güter* estate land from each area of the Kingdom of Bavaria would have to be done with both the consent of the estate holders. As in 1808, many of the elites faced cash shortages stemming from a lack of rent collection and the loss of special privileges (including special tax rates), in 1809.<sup>485</sup> The task of redeeming land and compensating the mediatized, or nobles who now had no privileges or jurisdictional power, rested not with Montgelas himself but with the *Kreise Finanz Direktion* – the financial administration of the least seniority in the Bavarian Finance Ministry.<sup>486</sup> In practical terms the system relied on negotiation with individual complainants.

One instructive example is an internal *Finanz Direktion* discussion of credit granted to a former lord Michael Vegbauer.<sup>487</sup> The discussion pertains to the cash value granted to Vegbauer for land on and near the former Vegbauer *Güter* estate near Kelheim in the administrative division of *Regen-Kreis*, stating, “The Royal Finance direction of Regen-Kreis received files about a bundled fief loan for Michael Vegbauer to be taxed by the Margrave of Kellheim. This is for its appropriate use with the note that the *pro preceterito* has no relevant series of issues.”<sup>488</sup> Vegbauer’s case had no definite conclusion by Finance Ministry officials. The central question surrounding this case, however, revolves around the fair pension compensation for former *Güter* land. Estate lords collected pensions for their service as the jurisdictional leader under the

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<sup>484</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 173.

<sup>485</sup> Lenger in Sperber, *Germany, 1800-1870*, 97.

<sup>486</sup> Finance Ministry (*Finanzdirection des Regen-Kreis*) Compensation for Michael Vegbauer’s Fief, February 14, 1809, in BHStA MF 17290. German: German: Die K. Finanzdirections des Regen-Kreises empfängt hin mit die acten über einen beutelleheberen Ehre des Michael Vegbauer zu Steuer Margrafs Kellheim zum geeigneten gebrauch mit dem bemerkten, des *pro preceterito* kein relevien reihstand hefte.”

<sup>487</sup> Ibid.

<sup>488</sup> Ibid.

*Gutsherrschaft* system. If special privileges, like regional authority, and thus, pensions, were terminated as a part of the new constitution, then how would estate holders be compensated for their land? The answer to this question, despite the sophisticated, analytical pretense of the *Montgelas Statistik*, was more grounded in negotiation and compromise depending on region and state interest.

Cash payments for *Güter* lands were thus a common fixture for the regime that sought to transform the agricultural landscape while pacifying rural resistance to Munich. The process of land redemption by the Bavarian state was fraught with complexities. Theoretically, cash poor nobles would duly accept payments from the state for a modest reduction in status. In practice, however, this transaction revealed the limitations of Bavarian bureaucracy and the obstinacy of former *Güter* estate lords unwilling to accept the loss of privilege and legal authority. The Bavarian state mediatized the estate holders, imperial knights within the kingdom, and individuals with titles. Bavarian nobles could express themselves publicly through an airing of grievances through hardship reports, or *Beschwerde*, but were no longer represented as a *Stände* or an estate of the kingdom's social and political standing. Pensions tied to jurisdictional privileges were also threatened by state land redemption. Land sales from the titled nobility of Prussia to poorer farmers was illegal.<sup>489</sup> In Bavaria, however, the transfer of land with the state as a broker was not only legal but encouraged.<sup>490</sup> Officials from the Finance Ministry extended loans to nobles to facilitate this process.<sup>491</sup> Still, this process, as German historian Friedrich Lenger, concluded, was difficult to execute.<sup>492</sup> The Finance Ministry was nevertheless intimately

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<sup>489</sup> Gregory W. Pedlow, *The Survival of the Hessian Nobility, 1770-1870* (Princeton: Princeton University Press, 1988), 65.

<sup>490</sup> Lenger in Sperber, *Oxford Short History of Germany, 1800-1870*, 97.

<sup>491</sup> *Ibid.*

<sup>492</sup> *Ibid.*

involved in monitoring the exchange of goods such as lands or their products and the profitability of compensating landholders for them.

A 14 February 1809 extraction report from the finance direction of Vilsbiburg in the *Regen-Kreis* reveals that inheritance laws were changed, and the value of land was not consistent during this era. The initial *extratus* (extraction) report stated, “The government's financial direction of the *Regen-Kreis* also received the files on a collection of land loans for the Michael Vegbauer case. He testified to the Kelheim court [on the subject] of the appropriate use with the noted *pro-preceterito* relevance. Finance Ministry, *Su fide m extratus* (extracted in good faith and credit).”<sup>493</sup> Vegbauer’s *Güter* estate case is demonstrative of a typical complaint. Vegbauer’s “stolen” property was land extracted by the Bavarian state as private property not connected to the now mediatised fiefs. The regional Bavarian court at Kelheim heard Vegbauer’s complaint, recorded it, but did not address his predicament.<sup>494</sup> The Bavarian state, as historian Dietmar Stutzer advanced, demonstrated little flexibility in the realm of debt assistance or personal suffering.<sup>495</sup> The Catholic Church, long a bastion of welfare support in Bavaria did not have the authority or resources to assist rural poor due to the secularization of Church assets. Land plots, beginning in the eighteenth century, could not be bequeathed to specific individuals through a concept known as *erbliche Lassiten*.<sup>496</sup> The more subordinate institution of the financial direction could offer little to help Vegbauer or others in similar circumstances.

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<sup>493</sup>Finance Ministry (*Finanzdirection des Regen-Kreis*) Compensation for Michael Vegbauer’s Fief, February 14, 1809, in BHStA MF 17290.

<sup>494</sup> *Ibid.*

<sup>495</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 178.

<sup>496</sup> John G. Gagliardo, *From Pariah to Patriot: The Changing Image of the German Peasant, 1770–1840* (Lexington: University Press of Kentucky, 1969), 17.

Further reports highlight the diligence of Bavarian civil servants to process, record, and address grievances regarding property value while offering little action on relief or redemption of land. 1809 proved to be a pivotal year in Bavaria's agricultural history. Depressed markets from the imposition of the Napoleonic Continental System and large-scale state intervention in land exchanges did not lend an air of stability. Protectionary tariffs imposed by the Bavarian state were also cancelled in compliance with Napoleonic policies towards the continental trading bloc.<sup>497</sup> A new agreement imposed by Montgelas' Finance Ministry subordinate Morawitzky called the *Bestimmung* (settlement) eased taxation rates within Bavaria to spur growth.<sup>498</sup> Montgelas imposed new measures to protect Bavarian trade and remain within the guidelines imposed by Paris. A two-year halt on internal tariffs was implemented while taxes on imports increased. Bavaria, though a non-military contributor to the Spanish Peninsular War beginning in 1808, furnished essential goods such as foodstuffs and draft animals for French use. State debt surged and direct control over Munich's purse strings was desperately needed.

Mounting issues of debt and the inconsistent application restrictive land laws produced confusion in Bavaria in 1809. Land values plummeted and complaints regarding enclosed lands became more numerous while Montgelas attempted to stimulate the domestic cereal market. Mounting state debt forced Montgelas to replace Morawitzky in 1809.<sup>499</sup> Cash and interest debts, as well as land overuse, combined to produce new problems for Bavarians. A complaint lodged by Benedikt Trosst on 17 November 1809 in the town of Straubing, in the *Regen Kreise* reflects the desperation of the times.<sup>500</sup> Trosst possessed 1/16 of the jurisdictional land in Kelheim before

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<sup>497</sup> Rode, *Der Handel im Königreich Bayern um 1810*, 33.

<sup>498</sup> *Ibid.*, 33.

<sup>499</sup> Thomas Schuler, "Wir sind auf einem Vulkan," *Napoleon und Bayern*, 160.

<sup>500</sup> Finance Ministry (*Finanzdirection des Regen-Kreis*) Compensation for Michael Vegbauer's Fief, February 14, 1809, in BHStA MF 17290.

the process of allodification.<sup>501</sup> Trosst had hoped to purchase  $\frac{3}{4}$  of an old, disused area of the Weltenburg Monastery near Kelheim. The price of 150 florin was offered, rejected, and Trosst then insisted on being loaned an additional 50 florin a year to purchase and improve the connected land. The taxes and price of land Trosst asked, or was required to pay for land, was also subject to the state discretion for revenue collection. Tax authority (*Steuerverwaltung*) made any such transaction, like Trosst's, subject to the scrutiny more senior bureaucrats within the Finance Ministry.<sup>502</sup> The *Rentamt* (Department of Pensions) and *Kreiskasse* (administrative regional cash point) also investigated similar cases.<sup>503</sup> Therefore, ordinary Bavarians like Trosst were required to navigate a dense web of bureaucracy imposed by a Bavarian state that had replaced the indirect system of cameralism with the more specific, all-encompassing world of *Staatswissenschaft* (state economy).<sup>504</sup> The dense network of Bavarian bureaucracy made land a vital and valuable commodity to possess as property. New laws and tariffs, however, confused and bewildered Bavarians. Buying land, paying off loans, or negotiating the sale of part of a fief were far from concrete, institutional practices.

### **Opposition: Land and the Napoleonic Wars in Tyrol and Austria (1809)**

Bavarian state centralization brought a more systematic use of bureaucratic control to rural areas that produced friction, and at times, conflict. The centrality of Bavarian rule remained

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<sup>501</sup> Ibid.

<sup>502</sup> Wilhelm Volkert, *Handbuch der bayerischen Ämter, Gemeinden und Gerichte 1799-1980*, 177.

<sup>503</sup> Ibid.

<sup>504</sup> Hans Frambach, "The Decline of Cameralism in Germany at the Turn of the Nineteenth Century." In *Cameralism in Practice: State Administration and Economy in Early Modern Europe*, edited by Seppel Marten and Tribe Keith, 239-62. Woodbridge, Suffolk, UK; Rochester, NY, USA: Boydell and Brewer, 2017. Accessed February 4, 2020. [www.jstor.org/stable/10.7722/j.ctt1t6p64s.16](http://www.jstor.org/stable/10.7722/j.ctt1t6p64s.16), 260.

that of controlling and developing agricultural land. Bavaria acquired new land in the *Inn Kreise* in the vicinity of Salzburg and Alpine land in Tyrol as a reward for its close alliance with Napoleon. The expansion of Bavarian bureaucracy brought an extension of Bavarian authority over foreign land in the form of an occupying force. Bavarian rule met with disdain and then opposition in the Tyrol in 1809. Andreas Hofer, a Tyrolean innkeeper, organized an armed insurgency against Bavarian rule due to the, “destruction of provincial privilege and [because Bavaria was] strongly anti-clerical...”<sup>505</sup> Tyroleans were also protective of their property rights and inheritance traditions. Tyrol’s culture featured partible inheritance, where land was bequeathed to children, with usually the largest quantity going to the oldest male heir.<sup>506</sup> Tyroleans divided land between the *Muttergut* (mother’s property) and the *Vatergut* (father’s property).<sup>507</sup> The former provided sustenance for the mother in the event of the death of her husband while the latter provided the bulk cash value property for valuable division of labor, wealth generation, and inheritances after the passing of the Tyrolean *pater familias*.<sup>508</sup> This system represented a regional status quo and made the competition for dowries important a central aspect of Tyrolean family life.

Dowries and property inheritance were a central figure in social standing in Tyrolean society and made marriage, as Bavarian’s commented, full of “cash talks” rather than that of an amorous union.<sup>509</sup> Land property holdings were thus marked by massive disparities, as had the Bavarian *Hoffuss* system of private land ownership in the eighteenth century. Bavarian

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<sup>505</sup> Charles Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 391-392.

<sup>506</sup> Wolf, Eric R. "The Inheritance of Land among Bavarian and Tyrolese Peasants." *Anthropologica* 12, no. 1 (1970): 99-114. Accessed June 24, 2020. doi:10.2307/25604817, 99.

<sup>507</sup> *Ibid.*

<sup>508</sup> *Ibid.*

<sup>509</sup> *Ibid.*

allodification and enclosure of land produced a glut of small scale privately held plots. Marriage, in the eyes of many of Bavaria's poorest landholders, was not as dominated by financial ramifications as was the case with Tyrolean traditions. It stands to reason that a serious disruption in martial traditions and social status could produce resistance to the power imposing such sweeping changes to rural life.

Bavarian reforms in Tyrol brought the secularizing impulse of the Enlightenment, the domineering nature of bureaucracy, and the destruction of land inheritance rites of local culture. Bavaria occupied Tyrol with a token force of 3,000 militia.<sup>510</sup> Montgelas' legal reforms, ported to the pro-Habsburg Tyrol, rankled much of the populations. Churches were closed, land was seized and sold off, and many men were conscripted into Bavarian military service.<sup>511</sup> Tyroleans rankled at the presence of Bavarians despite the establishment of Christian religious toleration in the *Religionsedikt* of 24 March 1809.<sup>512</sup> The Religious Edict provided tax privileges and increased autonomy for priests but did not relinquish state control over Church lands.<sup>513</sup> While no sizeable armed protest broke out within Bavaria, Tyroleans responded with furor to the secularization of Church lands and village life while competing with an extractive and invasive bureaucracy of an occupying power. The nexus of Bavarian control in Tyrol was Innsbruck where regional announcements were made. Bavarian civil servants set prices for comestibles in Tyrol, announcing their authority as *Polizei Direktion*.<sup>514</sup> The *Innsbrucker Zeitung*, a publication

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<sup>510</sup> Esdaile, *Napoleon's Wars: An International History, 1803-1815*, 392.

<sup>511</sup> John A Mears, "The Thirty Years' War, the "General Crisis," and the Origins of a Standing Professional Army in the Habsburg Monarchy." *Central European History* 21, no. 2 (1988): 122-41. Accessed June 24, 2020. [www.jstor.org/stable/4546115](http://www.jstor.org/stable/4546115).

<sup>512</sup> Hans-Michael Körner, *Geschichte des Königreichs Bayern*, 44.

<sup>513</sup> *Ibid.*

<sup>514</sup> "*Innsbrucker Zeitung* Nro. 28." Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10505498\\_00017\\_u001/4?cq=Innsbrucker%20Zeitung](https://digipress.digitale-sammlungen.de/view/bsb10505498_00017_u001/4?cq=Innsbrucker%20Zeitung)

which posted the set prices of crops available on the market, produced limited information on cereal and meat costs in April 1809.<sup>515</sup> Bavarian land control and agricultural productivity, subject to the Continental System, were more restrictive than Habsburg policies. The recorded price of rye bread, per loaf, in Innsbruck, ranged from 26-30 kreutzer in April of 1809 and the price fluctuated wildly thereafter.<sup>516</sup> Set prices for food formed yet another layer of unwanted Bavarian domination of local customs including land management and market practices.

Prices are significant metrics to measure the mood of Innsbruck in the key month of April 1809. Tyrol was subjected to a common practice of cameral transformation of land when Bavarian bureaucrats “invaded” the countryside and foisted new cultivation and farm management techniques on the local populace.<sup>517</sup> The farming techniques of the small Tyrolean farm favored the development of cultivation typical of labor intensive, wage earning sharecroppers.<sup>518</sup> This transformation upset Tyrolean practices and the Tyroleans who followed them. According to historian Eric Wolf, the new cash-based, labor intensive farming of small plots was unfavorable to the land and dowry market so crucial to the Tyrolean way of life.<sup>519</sup> If land was not worth a multi-generational investment for sustenance, then it was worthless. Bavarian practices, done as haphazardly and in such an improvised way (as they were also done in Bavaria proper) did not bode well with Tyroleans. Tensions rose between Bavarians and Tyroleans during a subsequent period of depressed local economic activity and a stagnant land market.

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[accessed February 5, 2020].

<sup>515</sup> Ibid.

<sup>516</sup> Ibid.

<sup>517</sup> Walker, *German Home Towns, Community, State, and General Estate, 1648-1817*, 186.

<sup>518</sup> Ibid., 186-187.

<sup>519</sup> Wolf, "The Inheritance of Land among Bavarian and Tyrolese Peasants," 103.



In May of 1809 a significant insurrection began in Innsbruck and spread throughout Tyrol due to economic pressures and anti-clerical attitudes expressed against Bavarian occupiers. Aggrieved Tyroleans armed themselves and assembled local militias to harass and ambush Bavarian soldiers. Hofer's irregulars were also an indirect product of the expanding, data driven Bavarian bureaucracy. Economic management of *Polizei Direktion* kept Tyroleans well-informed of the actions of Bavaria's key ally France as Napoleon committed to a destructive war in Spain against Spanish regulars and a new irregular scourge, the *guerrilla*. Hofer and his associates, deeply pious and anti-French (and thus anti-Bavarian), were spurred to rebellion.

Bavarian forces struggled to contain the Tyrolean insurrection. Insurgents defeated Bavarian forces in multiple areas and seized control of Innsbruck itself. The revolt spread throughout Tyrol and emboldened Napoleon's various adversaries. Ironically, the anti-clerical, anti-nationalist Tyroleans, of whom there were French, German, and Italian speakers in their ranks, would inspire their own firmly partisan nationalist movements decades after, drawing inspiration from the 1809 revolt.<sup>520</sup> French forces were required to assist Bavarian forces in containing Hofer and his fighters. Napoleon's troops subjected Tyroleans to the same ruthless, indiscriminate violence that they had unleashed on resisting Spaniards and ultimately executed Hofer. The revolt grounded as much in the clash of anti-clericalism and forced conscription was also a struggle of two land ownership systems. The war in Tyrol, and the Bavarian failure to manage or contain the transfer of land to state control and an imposed system of land enclosure. Tyrolean resistance, and Bavarian weakness, prompted enemies of Napoleonic France to again declare war.

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<sup>520</sup> John A Mears, "The Thirty Years' War, the "General Crisis," and the Origins of a Standing Professional Army in the Habsburg Monarchy." *Central European History* 21, no. 2 (1988): 122-41. Accessed June 24, 2020. [www.jstor.org/stable/4546115](http://www.jstor.org/stable/4546115).

The Habsburg Empire declared war on Napoleonic France and the Kingdom of Bavaria in April of 1809, sparking the War of the Fifth Coalition and the reduction of Munich to one of Napoleon's vassal states. Austrian forces defeated an outmatched, smaller French contingent at the Battle of Aspern-Essling on 21-22 May 1809. Bavarian forces, commanded by Marshal Wrede, joined their French allies to repel an Austrian incursion into the newly restored *Innkreis* at the Battle of Wörgl. The battle restored Bavarian authority in Tyrol and confidence in the stability of Montgelas' various ministries slowly returned. French support for the Bavarian effort in Tyrol and the *Innkreis*, however, cemented the central role of Napoleon as not only the benefactor of the Bavarian state but its ultimate protector. Napoleon sent a 40,000-man army through Tyrol, requisitioned Bavarian resources at will through foraging, and only sent a brief letter to King Max Joseph after the campaign was underway.<sup>521</sup> Bavarian forces also shelled the rebellious Tyrolean town of Brixen as the revolt faded leading to criticism of Bavaria's First Minister, Montgelas.<sup>522</sup> Though French forces, joined by Bavarians, defeated the Austrian army at the Battle of Wagram in October of 1809, the conclusion of hostilities was destructive for all parties involved and crippled local trade, food supplies, and represented a serious crisis for Munich's leadership. Support for Montgelas within the Bavarian kingdom, even amongst members of the Wittelsbach Dynasty itself (such as crown prince Ludwig), waned and the First Minister met with the first serious challenge to his unchecked authority.

### **Serving France: Montgelas and the Disastrous Alliance with Napoleon, 1810-1813**

Montgelas' alliance with Napoleon Bonaparte became increasingly one-sided by 1810 as the Tyrolean uprising and the War of the Fifth Coalition revealed the indispensable necessity

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<sup>521</sup> Weis, *Montgelas, 1759-1838, Eine Biographie*, 438-439.

<sup>522</sup> *Ibid.*, 441.

of French backing to support Max Joseph's regime. The entire land reform effort and demands of state centralization hinged on Napoleonic support. Eventually the mutually beneficial alliance led to the Kingdom of Bavaria being used by the French Emperor as a buffer state against his enemies. The uneven alliance caused growing discontent first within the Bavarian royal family itself and thereafter spread to the professional civil service. Montgelas, who used French support to elevate the Bavarian state, found himself increasingly dependent on Napoleon for the security of Bavaria and to fulfill his bureaucratic vision of the future. Montgelas maintained Bavaria's alliance with Napoleon after the Treaty of Schonbrunn on 14 October 1809. Napoleon gave areas near Salzburg and the entirety of the Tyrol to Bavaria.<sup>523</sup> In 1810, Ludwig, the Crown Prince of Bavaria and the son of King Max Joseph, voiced his concerns about the close alliance his father and his First Minister had made with Napoleonic France.<sup>524</sup> Ludwig, though a loyal son and the heir apparent to the Bavarian throne, had served in the Bavarian Army and had seen its glaring limitations. Ludwig had commanded a division of the Bavarian Army that was subordinated to French overall command at the Battle of Abensberg in 1809. Ludwig's impression of the Napoleonic alliance was that it handicapped the autonomy of Bavaria and was a disastrous disruption to the established powers of Europe.

Ludwig was certainly justified in believing that the relationship between Napoleonic France and Bavaria was costly. The Kingdom of Bavaria contribute 60.5 million gulden fighting wars as part of the Napoleonic coalition.<sup>525</sup> Montgelas and Max Joseph remained within Napoleon's orbit if the war favored France. Graf Montgelas, ennobled in 1809 by Max Joseph, traveled to Paris in December of 1810 to negotiate for the further territorial expansion and

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<sup>523</sup> Weis, *Montgelas, 1759-1838, Eine Biographie*, 458.

<sup>524</sup> Katharina and Alois Schmid. *Die Herrscher Bayerns 25 historische Portraits von Tassilo III. bis Ludwig III*, 305.

<sup>525</sup> Weis, *Montgelas, 1759-1838, Eine Biographie*, 461.

protection of Bavaria. The visit was valuable for the objective of expanding Munich's rule into new lands. Bayreuth and the adjacent, long coveted city of Regensburg became Bavarian.<sup>526</sup> While the territorial acquisitions were profitable in theory, broader events outside of Montgelas' control threatened to sabotage the integrity of the Bavarian state, the stability of agricultural productivity, and the legitimacy of Wittelsbach rule.

The redistricting and development of Bavarian agricultural economy was complicated by Napoleonic demands for goods to fight costly wars from 1810-1813. Montgelas and his subordinate ministers had many reasons to be optimistic about the alliance with Napoleon Bonaparte by 1810-1811. Bavaria's ministers convinced king Max Joseph to reorganize the administrative units under the expanded legal oversight of regional governments. The result was the reduction of the sixteen *Kreise* to ten in 1810.<sup>527</sup> The new *Kreise* were organized around river access, aiding trade, taxation, and communication within the Kingdom of Bavaria. The respective administrative units were; *Rezatkreis*, *Mainkreis*, *Regenkreis*, *Unterdonaukreis*, *Salzachkreis*, *Isarkreis*, *Innkreis*, *Illerkreis*, *Oberdonaukreis*.<sup>528</sup> Bavarian citizens were also subject to more uniform legal practices and a court system called the *Appellationsgericht* by 1810.<sup>529</sup> The redistricting of Bavarian territories was a necessary step in collecting resources for Napoleon's wars but brought new legal challenges.

Bavarian control of resources was used to direct trade towards assisting Napoleonic campaigns. Feuerbach's *Handelsgesetzbuch auf der Grundlage des Code de Commerce (Trade Law Book for the Foundation of the Commercial Code)* was used to standardize mercantile law

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<sup>526</sup> Ibid., 458.

<sup>527</sup> Rode, *Der Handel im Königreich Bayern um 1810*, 29.

<sup>528</sup> Ibid.

<sup>529</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 417.

in Bavaria in theory but was never implemented on a consistent and permanent basis.<sup>530</sup>

Bavarians, however, likely understood that the invidious growth of Napoleonic support for Bavarian rule more than merely influenced the economic policies of the Kingdom. Tens of thousands of French soldiers were stationed in Bavaria where they were fed, quartered, and requisitioned, if not stole, resources from locals. Weather conditions in Bavaria, and throughout Germany, worsened in 1811. International volcanic activity spread dust and the dark clouds of ash restricted sunlight.<sup>531</sup> Dreams of eventual land enclosure and abundant agricultural surpluses were now in serious jeopardy. Nevertheless, Bavaria's Finance Ministry officials remained committed to the exploitation of farmland. French officials, for their own part, also had a vested interest in German agricultural land, including Bavarian farms, and backed measures supporting state centralization and the abolition of subsistence farming.

French reports on German lands reveal much about the Napoleonic regime's desire to encourage if not demand the project of mediatization and the enclosure of estate land via allodification. The French representative, Claude Ambroise Regnier, ennobled as the Duke of Massa in 1809, was a lawyer and a trusted associate of Napoleon Bonaparte.<sup>532</sup> Regnier, reported on French efforts to accelerate the abolition of feudal type agricultural systems and recorded his findings in, "Reports and Project for the Decree on the Abolition of Feudalism in the Department of the Ems-Superior, the Banks of the Weser [River] and the Banks of the Elbe."<sup>533</sup> Regnier's report also testifies to the Napoleonic French interest in developing and expropriating German

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<sup>530</sup> Ibid.

<sup>531</sup> John D. Post, *The Last Great Subsistence Crisis in the Western World* (Baltimore: John Hopkins University Press, 1977), xii.

<sup>532</sup> National Assembly of France. "Jean Jacques Reboul." [http://www.assemblee-nationale.fr/histoire/biographies/1789-1889/Tome\\_5/REBOUL\\_REILLE.pdf](http://www.assemblee-nationale.fr/histoire/biographies/1789-1889/Tome_5/REBOUL_REILLE.pdf). [accessed 20 February 2020].

<sup>533</sup> Ibid.

resources for the empire's benefit. The French report from 1810 featured the explanation that, "The Grand Duchy of Berg has ceased, for two years, being submitted to a feudal regime."<sup>534</sup> The report, a concluding commentary on a study begun two years prior, concludes that feudal privileges, rents, and pensions on each estate were also terminated.<sup>535</sup> French efforts to destroy regional authority in German states was backed in large part by Bavarian acquiescence and participation in the process.

Invasive land seizure policies, emulated in Bavaria, and reflected in the 1808 constitution, were now enforced as a concerted project by the French state. Napoleon occupied territory in northern Germany and exerted increased pressures on the Continental System, influencing the development of economic and associated legal reforms. French reforms were frequently copied throughout the German states and the presence of Napoleonic armies and many advisers and administrators contributed to the transformation of the agricultural economy and ownership deeds. French influence spurred the creation of enclosure and the implementation of a stronger bill of exchange for land.<sup>536</sup> Thus, the Duke of Massa's report concerning allodification in the merged northwestern states of Hanover and the free city of Bremen is consistent with these developments. The duke of Massa reported that urban patricians rejected the abolition of the patronizingly defined "feudal law of Lombards."<sup>537</sup> Much to the Duke of Massa's consternation, Bremen was, "just at the moment of abolishing [the feudal system] the regime had pronounced by the Westphalian law which the country submitted at the time of this

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<sup>534</sup> Chevalier Delamalle, "portions du Grand-duché de Berg," *Rapports et Projets de Décret Sur l'abolition de la Féodalité dans les Départemens de l'Ems-Superieur, des Bouches-du-Weser et des Bouches-de-l'Elbe.* Fondation Napoléon. Napoleonica.org. [accessed April 23, 2018].

<sup>535</sup> *Ibid.*

<sup>536</sup> Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18.*, 50.

<sup>537</sup> Chevalier Delamalle, "Portions du Grand-duché de Berg,"

reunion.”<sup>538</sup> The French project of allodification, the removal of the designation of power as property, was foisted upon northern German states as much as it was encouraged of client states like Bavaria. Commitment to this project for unwilling German states, or willing parties like Bavaria, however, exacerbated shortages of food and draft animals as French demands for resources increased by the end of 1811 due to events in Russia.

Tsar Nicholas I withdrew from the Continental System’s embargo of trade with Britain in 1810, in part motivating Napoleon’s desire to invade the Russia Empire, with Bavaria as a loyal ally and logistical assistant in tow, in the summer of 1812. The invasion of Russia was as much a disaster for the Kingdom of Bavaria as it was for Napoleon. Bavarian portrait artist Albrecht Adam, who was also present for the carnage of the Battle of Wagram, reflected years after that, “the campaign of 1809 was like a stroll in comparison to this [the Russian campaign].”<sup>539</sup> Napoleon’s *Grande Armée* was augmented by vast levies of German troops and supplies. Foodstuffs, horses and other draught animals, and wagons and carts of all types were requisitioned for the campaign. Bavarian debt, in large part due to the Russian campaign, ballooned to the tremendous sum of 118.1 million gulden.<sup>540</sup> State debt in Bavaria in 1810 alone was 800,000 gulden lost from restrictions imposed by Napoleon’s Continental System.<sup>541</sup> In addition, 30,000 Bavarian troops, led by marshal Wrede, would perish in Russia or during the disastrous retreat across the Berezina River that winter.<sup>542</sup> Montgelas and Max Joseph were forced to reassess the Bavarian alliance with France as the defeat turned into a rout. Conditions

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<sup>538</sup> Ibid.

<sup>539</sup> Schuler, “*Wir sind auf einem Vulkan,*” *Napoleon und Bayern*, 201.

<sup>540</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 165.

<sup>541</sup> Schuler, “*Wir sind auf einem Vulkan,*” *Napoleon und Bayern*, 202.

<sup>542</sup> Ibid., 201.

in Bavaria worsened as state debt incurred from land redemption and furnishing the *Grande Armée* soared and food shortages abounded.

### **Assessing the Damage: Famine and Debt after the Treaty of Ried (1812-1815)**

Max Joseph and Montgelas made the difficult yet necessary decision to terminate Bavaria's alliance with France in 1812 before attempting to keep the agricultural market afloat and rural farmers solvent. The project of allodification and land redemption stalled in the face of Bavaria's battlefield reverses, Napoleonic economic controls, and the prices incurred during the process of land redemption. Bavarian notables, despite their lack of cash, retained much of their original land. The process of allodification was successfully implemented to strip notables of their titles, special privileges such as variable, personalized tax rates. Montgelas, however, failed to redeem land for the transformation of land into suitable, productive farms.<sup>543</sup> Bavarians were still largely dependent on subsistence agriculture. The burden of poor relief had previously rested with the Catholic Church but with the process of secularization complete, the Bavarian state was responsible for addressing the ensuing crisis.<sup>544</sup> Something had to be done to salvage struggling farmers from notables to the much-idealized small-scale Bavarian peasant plot.

In 1812, the *Tilgung's Commission* (Redemption Commission), organized by Montgelas at the behest of Max Joseph, met to address the debt crisis. Montgelas' basis for the commission was laid out in the Ansbach Declaration of 1796.<sup>545</sup> A commission report from 11 October 1812 to Graf von Montgelas described secret meetings of the *Tilgung's* specialists with Max Joseph at

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<sup>543</sup> Hamerow, *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871*, 49.

<sup>544</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 177.

<sup>545</sup> Francois Velde, *Succession Laws of the Wittelsbach (Palatinate, Bavaria)*. <https://www.heraldica.org/topics/royalty/HGBayern.htm>. [accessed February 7, 2020].



Munich's Nymphenburg palace on 10 September. Max Joseph responded, "Our government debt repayment commission has to begin the yield of the loan and report back to us as soon as possible," signaling the beginning of debt and land relief efforts.<sup>546</sup> Montgelas' solicited as many assessments and regional reports to categorize the material worth of the Kingdom before a new project of financial recovery could begin. These communications laid the groundwork for financing what remained of Bavarian resources by 1812. So great was the depletion of Bavarian resources that hunger gripped most of the regions of the kingdom by early 1813. Drastic reevaluation of the needs and ability to assist the development of each *Landkreise* into stable, profitable, and loyal regions of the state began.

The state debt commission of October 1812 could only make broad assumptions about each region from Munich leading to a call for local reports on resources and collection of taxes. The involvement of local administration played a crucial role in reassessment and reorganization of Bavarian lands as regional authorities and interests gradually entered the circle of policy formation and reporting. Montgelas' *Redemption Commission*, required detailed reports of privation and disrepair to aid land assistance and development. Act number 100, an example of a land designation report commissioned by the Bavarian Finance Ministry, included a correspondence record from 25 November 1812 establishing that:

Which of the most humble shows his royal majesty because of the beautiful building of the royal ministry the rest of us grew to the Royal State Debt Redemption Commission - Nymphenburg the 10th l.m (last months) surrounded, excellency of the K. Secret State and Conference Ministry Mr. Graf von Montgelas and the above *vidimirten* copy to the under Secret Commission this year after the highest S. Königl. Your Majesty soon

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<sup>546</sup> Staats-Schuldungen Tilgungs Commission, 11 October 1812, in BHSTaM 372. German: "Unsere Staatsschulden Tilgungskommission hat das hervor der Leihe hinzu einzuleiten und am des darüber bald mögliche zu berichten."

possible, and first you must raise yourself up by chance and try to get someone to negotiate.<sup>547</sup>

The report is a typical entry as it records the ubiquitous practice of debt assessment and considerations for buttressing flagging agricultural efforts. Finance Ministry administrators also set out to restructure Munich's program of regulating trade networks to extract further profits to pay off debt. A report on royal financial direction from Regensburg in the Hainsbach *Sallachkreise* on 4 July 1813 demonstrates the Finance Ministry's commitment to supporting and taxing trades. Hainsbach-Sallach's millers, for example, fell under Montgelas' plan to commit resources to supervising the taxation and certification of the trade between the 21<sup>st</sup> to the 26<sup>th</sup> of the month.<sup>548</sup> The supervision and taxation of trades by the Bavarian state provided the government with a source of revenue and the ability to sponsor development of local industries. Debt reports were integral to compiling data about the conditions on the ground during the end of 1812, but little action could be taken to fully support, defend, or improve land conditions or trade networks. Defending Bavarian security also required leaving its now one-sided, deleterious alliance with France.

Max Joseph decided to end Bavaria's alliance with France and join the side of the allied coalition in the War of the Sixth Coalition (1812-1813) to save Bavarian sovereignty and chart a new course of economic renewal. Historian Thomas Schuler presented king Max Joseph's

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<sup>547</sup> Staats-Schuldungen Tilgungs Commission, 11 October 1812, in BHSTaM 372. German: "Welches allerhöchsten an zeigt seine königliche Majestät p. wegen bei schön eines eigenen Gebäudes die des königliche Ministerium uns übrigen wachsten an die K. Staats Schulden Tilgungs Commission – Nymphenburg dem 10<sup>ten</sup> l.m. (letzte monate) umgeben, belieben excellenz der K. Geheime Staats und Konferenz-Ministerium Herrn Graf von Montgelas und der hier beliegenden *vid mieten* abschrift zu die unter Geheime Kommission dieses Jahr nach der allerhöchsten S. Königl. Majestät bald möglich zu vollziehen, und erstl. dem mach sich sie heben zufälligst zu müssen und jemand zu aushandlung zu bemühen."

<sup>548</sup> Ibid.

options in 1813 in stark terms: a change of alliance to the allied side, a choice that would put Bavaria at great risk if Napoleon was victorious, remaining allied with the French, or becoming a neutral state.<sup>549</sup> The Kingdom of Bavaria expanded as a result of its close partnership with Napoleonic France and Max Joseph was not eager to terminate the alliance. Max Joseph owed his rule to Napoleon and was the father-in-law of Bonaparte's favored stepson Eugène Beauharnais. Bavarian troops had fought under French command and had won the Kingdom its territorial legitimacy as well as additional spoils of war ranging from Regensburg and Bayreuth to Tyrol and Salzburg. Max Joseph understood defection would still be viewed with some level of suspicion by the allies and, given an allied victory over Napoleon, would reduce the status, if not the territorial boundaries, of Bavaria. Bavarian field marshal Karl von Wrede and crown prince Ludwig convinced king Max Joseph to terminate the alliance with Napoleon and to join the sixth coalition against France.<sup>550</sup> The result was the 8 October 1813 Treaty of Ried between Bavaria and Austria. Bavaria found itself on the winning side when Napoleon was defeated at the costly Battle of Leipzig from 16 to 19 October 1813. The allied victory sent Napoleon into retreat and became a significant moment for German nationalist propagandists in the Kingdom of Prussia who stoked anti-French sentiment and dubbed the event "the battle of nations."<sup>551</sup> Bavaria, though wisely situated on the victorious side, did not consistently echo the anti-French rhetoric of other occupied German states such as Austria and Prussia. The Kingdom of Bavaria was subject to scrutiny, punishment, and reduction in power status after the Allied victory.

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<sup>549</sup> Schuler, "Wir sind auf einem Vulkan," *Napoleon und Bayern*, 222.

<sup>550</sup> Adam Zamoyski, *Rites of Peace: The Fall of Napoleon and the Congress of Vienna*, 107.

<sup>551</sup> Karen Hagemann, *Revisiting Prussia's Wars against Napoleon: History, Culture, and Memory* (Cambridge: Cambridge University Press, 2015), 168.

### Years of Crisis: Famine and Territorial Reduction (1814-1817)

The years of 1813-1817 brought several crises to Bavaria including debt, famine, and territorial loss. Bavarian debt from 1813-1815 stood at a vast 300 million gulden.<sup>552</sup> Montgelas' proposed partnership with France had brought great victories, territorial aggrandizement, and the defeat of Bavaria's two greatest threats, Austria and Prussia. Bavaria, having defected to the allied side in 1813 was viewed with suspicion as a collaborator puppet state of Imperial France. Bavaria was thus relegated to a lesser status among European powers by the Congress of Vienna system and forced to pay a 30 million-franc (23 million gulden) indemnity by the victorious allies.<sup>553</sup> Shortages of cereals and meats increased within each area or *Kreise* of Bavaria. A notice posted by Justice Minister Rödelmayer and his subordinate Bollmuth from 13 December 1813 highlights a shift in the management of Bavarian markets.<sup>554</sup> Rödelmayer's report came from Würzburg and was accordingly reprinted in the *Würzburger Intelligenzblatt*. The advisory stated that an auction of 478 portions of veal would be made from the stores of Melchior Schüler zu Neustadt at 10 AM on 5 January.<sup>555</sup> The auction is atypical of responsibilities that could be carried out by the regional government at the general commissariat level. Meat was generally sold at the market level and its price was regulated, at least in theory, by the responsibility of the finance direction at the *Gemeinde*, or community level.<sup>556</sup> Greater action for food auctions and management would be needed as shortages and climatic conditions worsened.

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<sup>552</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 177.

<sup>553</sup> *Ibid*, 166.

<sup>554</sup> "Würzburger Intelligenzblatt Nro. 142." Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitalesammlungen.de/view/bsb10388016\\_01121\\_u001/1?cq=Muenchen%20Intelligenzblatt](https://digipress.digitalesammlungen.de/view/bsb10388016_01121_u001/1?cq=Muenchen%20Intelligenzblatt) [accessed January 28, 2020].

<sup>555</sup> *Ibid*.

<sup>556</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat*, 35.

A series of poor harvests from depleted farmland and the surrender of territory won from Austria years prior crippled the Bavarian state. The winter of 1813-1814 was also unexpectedly harsh. Montgelas, faced with furnishing a continuing military effort against Napoleon, levied a new land tax that raised 23 million gulden from Bavaria's approximately three million subjects.<sup>557</sup> By 1814-1815, events like the auctions of meat stores and crops by local authorities increased. Famine conditions abounded as the agriculture failed. In April of 1815 ash from the eruption of Mount Tambora in the Dutch East Indies blocked between 18-20% of sunlight.<sup>558</sup> Land owned by small scale farmers was affected as were the land estates of the mediatized elites. Elites, 9-10,000 of all Bavarians (.3 percent of the population), now possessed half of the land they had prior to the dual processes of allodification and land redemption.<sup>559</sup> Even the former elites of Bavarian society were affected by the sudden destruction of food supplies. The worst conditions came in 1816. Summer temperatures were between 2.3-4.6 degrees colder than expected and a complete harvest failure ravaged southern Germany.<sup>560</sup> Even the productive enclosure-based agriculture of Great Britain, now an active trade partner with Bavaria and other German states, was affected. British wheat yields were the lowest in 1816 out of the time frame of 1815-1857.<sup>561</sup> Bavaria, struck by famine, was also deprived of vital agricultural land as a condition of the post-Napoleonic settlement. Bavaria surrendered Salzburg and land in the Palatinate to Austria in the Treaty of Munich in 1816.<sup>562</sup> Thereafter, Bavaria's

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<sup>557</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 418.

<sup>558</sup> Brian Fagan, *The Little Ice Age: How Climate Made History 1300-1850* (New York: Basic Books, 2007), 169.

<sup>559</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat*, 36.

<sup>560</sup> Fagan, *The Little Ice Age: How Climate Made History 1300-1850*, 170-171.

<sup>561</sup> *Ibid.*, 171.

<sup>562</sup> Treml et al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 13.

debt crisis worsened, food scarcity, and growing number of beggars provoked concerns that the current state was unequal to the task of government.

Bavaria's debt crisis, famine conditions, and territorial losses became so severe in 1817 that senior Bavarian officials, including the crown prince Ludwig and Field Marshal Karl von Wrede blamed Montgelas for the catastrophe and removed him from his post as First Minister. Maximilian von Garnerin, the Graf Montgelas, had possessed a nearly unchallenged dominance over Bavarian state bureaucracy from 1799-1817. Montgelas allodified Bavarian land and redeemed half of all estate territory by 1815. His program of state centralization was also highly successful and used the rising tide of Napoleonic influence to win Bavaria unquestioned sovereignty and European standing. But Bavaria's commitment to the Napoleonic alliance was costly and Montgelas' authority, however, consistently drew criticism from within the highest reaches of the Bavarian state and royalty.<sup>563</sup> However successful Montgelas' reforms had been they depended on the fortunes of the Napoleonic system. Montgelas' career thus ended with Napoleon's defeat and the collapse of the Bavarian military. Ludwig and Wrede believed the Kingdom of Bavaria needed a new civil service and political establishment to salvage what remained of Montgelas' reforms.

### **Conclusion**

The success and failure of the Montgelas era reforms in the Kingdom of Bavaria hinged upon Napoleon Bonaparte's demands, victories, and ultimately defeat. Montgelas used an uneven and exploitative alliance with Napoleonic France as the impetus to drive the allodification and redemption of land through 1817. The First Minister was also partly responsible for the drafting of a constitution in 1808 that provided unitary rule under the aegis of

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<sup>563</sup> Ibid.

King Max Joseph. Montgelas used this new legal compact to categorize and steer Bavarian commerce, implement uniform tax, tariff, and toll rates, and to spur agricultural growth through encouraging enclosure of plots. In addition, he presided over a Finance Ministry that attempted to establish new values for land independent of previous pension payouts. This was partly done to help feed the Bavarian machinery of state and to supply Napoleonic armies. Montgelas' efforts were very rational in theory. In practice, the demands of Napoleon Bonaparte, created massive state debt and aggravated rural poverty and famine conditions. The hierarchical system of regional governments Montgelas designed was efficient at extracting resources but failed to adequately support debt and famine relief. It is dubious, however, to say if any civil bureaucracy of this era could. Montgelas' policies also sparked protest in Tyrol and the *Innkreis* in the vicinity of Salzburg. The system itself left Bavarian subjects with no support network in case of debt, famine, and rising taxes. Bavaria became a vassal state of Imperial France when Montgelas' government committed to Napoleon Bonaparte's wars from 1809-1812. The result was the destruction of Bavaria's economy, the sharp rise in sovereign debt, and the exacerbation of poor farming conditions to the horrors of a vicious famine from 1814-1816. By 1817, the failure of Montgelas' system, in large part due to the alliance with France, convinced the First Minister's peers within the Bavarian state that it was Montgelas himself who was responsible for the collapse of the allodification program and not the indirect fault of the extractive Napoleonic system. Montgelas' critics, in their rush to blame him for the near collapse of the Kingdom of Bavaria, ironically blamed the First Minister for signing the same destructive alliance with France that also elevated the German state to any degree of prominence.

## Chapter 4: Land and Power: the Landtag and Land Redemption (1818-1825)

The Period 1818-1825 saw major adjustments in the Bavarian state, with added greater accountability, representation, and codified land law to the foundational basis of enlightened absolutist and cameral rule of Montgelas' *Finanzpolitik* (financial politics). At the war's end, the Bavarian state was heavily indebted, and its bureaucracy was unequal to the task of confronting the depressed markets, soaring state debt, and the spread of famine and disease. It was for these reasons that Graf Montgelas was scapegoated for the failure of his own system and removed from his position as First Minister in 1817. Yet, Montgelas was responsible for the centralization of power of the Bavarian state under the King and unitary legal code. He was also the creator of an improved organization of Bavaria's agricultural land. The agricultural economy was still crucial to the vitality of Bavarian power and the well-being of the Kingdom's subjects, and land redemption from the mediatised notables (those now subordinated to the state through the removal of titles and privileges) was still a project very much of interest to Bavarian civil servants and Max Joseph.<sup>564</sup> Not that this was uncontested: the process of land redemption itself was met with the intransigence of *Gutsherrschaft* lords who refused to accept state payment for land and a general confusion regarding land value and the development of what exactly was productive agriculture.<sup>565</sup> Max Joseph, Graf Georg Friedrich von Zentner, Marshal Karl Philipp von Wrede, and Crown Prince Ludwig all looked to notables in 1817 to salvage the very system that removed so many titles from landed estates. Saving Montgelas' system, one so heavily

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<sup>564</sup> Andreas Kraus, *Geschichte Bayerns von den Anfängen bis zur Gegenwart*, 436

<sup>565</sup> Friedrich Lenger in Jonathan Sperber, *Germany 1800-1870* (Oxford: Oxford University Press, 2004), 4.



contingent on compromise, required the great compromise of including notables in the very land negotiation process itself.

This chapter examines the complex steps taken by a new generation of Bavarian reformers to complete the Kingdom's legally supported transition from Montgelas and Max Joseph's foundational program of land allodification, a unitary legal system subordinate to King Max Joseph, and state centralization to that of a constitutional monarchy supported by a parliament (*Landtag*). In many regards these reformers, led by the legal theorist Georg Friedrich von Zentner, were successful. First, the monarch retained power and gained a more authoritative role to advance legislative ideas. Second, the Bavarian constitution was respected by more reactionary peers abroad. Third, the Bavarian state's civil bureaucracy was further professionalized and educated members of Bavarian society, including many landholders, earned entrance into the *Landtag* where they debated legislation advanced by the King. Bavaria was not a republic and was therefore far from democratic. These achievements, given the pressures of the era are noteworthy.

The foundation for a broader representation of Bavarian society in political participation was very narrow but found its first expression in 1818. Ordinary Bavarians, the landed elites and small-scale landholders alike, faced consistent issues of debt, crop failures, and land erosion. The agricultural economy was still crucial to the vitality of Bavarian power and the well-being of the Kingdom's subjects. Land redemption from the mediatized notables was still a project very much of interest to Bavarian civil servants and Max Joseph but faced the same hurdles of grievances regarding pensions from the same elites.<sup>566</sup> The process of land redemption itself, however, was

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<sup>566</sup> Andreas Kraus, *Geschichte Bayerns von den Anfängen bis zur Gegenwart* (München: C.H. Beck Verlag, 1983), 436.

met with the intransigence of *Gutsherrschaft* lords who refused to accept state payment for land and a general confusion regarding land value and the development of what exactly defined productive agriculture.<sup>567</sup> Bavaria's land management and enclosure movement would need an added level of state oversight and scrutiny from the subjects, notable and prominent middling members, to bring a rational order to this system.

*Landtag* legislators, civil servants, and the King himself produced the reforms so critical to assisting the practical, everyday elements of agricultural production through financial support and maintenance of land. This demonstrated that an expanded civil bureaucracy and more representative, transparent legislative process did much to affect the lives of common Bavarians in the promised meaningful, visible terms. The slow reforms of the Bavarian state, from the perspective of vital high politics were successful and used Montgelas' system as a vital basis for the enhancement and systemic overhaul of land-related economic projects and networks of agricultural, notable assistance.

### **Background of the Second Bavarian Constitution**

Bavaria was beset by many crises in 1818. The Napoleonic Wars left millions of dead throughout Europe. Agricultural land was also depleted from extractive Napoleonic demands and France's continual troop levies from the Confederation of the Rhine states. This meant fewer farmers to till the land. In Bavaria, arable farmland was overused, and draft animals requisitioned for French use. Bavaria's economy was, in large part, based on agriculture and agricultural products. This had significant repercussion because some 55% percent of the Bavarian was based

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<sup>567</sup> Friedrich Lenger, "Economy and Society," in Jonathan Sperber, *Oxford Short History of Germany, 1800-1870* (Oxford: Oxford University Press, 2004), 4.

on agriculture.<sup>568</sup> The implementation of the Second Bavarian Constitution in 1818 transformed the relationship between the Kingdom of Bavaria's official land policies and landholders by making the machinery of the state, and thus its impact on land sale and development, the partial responsibility of both Bavarian subjects and a dedicated, professional civil service that answered to the King and a legislative body, the *Landtag*.

After 1817, Montgelas was replaced by a secretive council placed at the highest reaches of the Kingdom's Bavaria legal and court circles.<sup>569</sup> These were chiefly civil servants who were kept on by the King and Crown Prince due to their critical role in forming and interpreting constitutional law. Foremost among these personalities was Georg Friedrich von Zentner, a legal theorist and civil servant, was the most prominent of these personalities to challenge Montgelas' nearly unobstructed personal rule. Zentner was instrumental in the creation of the modern Bavarian state and worked closely with Montgelas. Zentner's career was also an ideal expression of the nearly meritocratic ideal of Montgelas' plan for civil service training. Zentner was born in 1752 in Mannheim and was the son of an innkeeper.<sup>570</sup> Jesuit education in Heidelberg played a formative role in Zentner's training before his specialized cameral and legal education in Metz and Göttingen, respectively. Zentner's education and subsequent rejection of Jesuit political and social influence mirrored the career trajectory of Montgelas. At Göttingen, Zentner studied under the cameral theorist Johann Stephen Pütter, the same thinker who had made such a great impression on Montgelas as well. Pütter broadened the narrow focus of the cameral faculties by combining notions of *Politik* (newly defined political science) with a general education in

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<sup>568</sup> Hermann Kellenbenz. *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 67.

<sup>569</sup> Heinz Gollwitzer, *Ludwig I von Bayern. Konigtum im Vormärz. eine Politische Biographie*, 71.

<sup>570</sup> *Ibid.*, 72.

mathematics, history, and specialized law among many other subjects.<sup>571</sup> Zentner's education and political role within the Bavarian state made him an ideal candidate for reforming Montgelas' system.

Zentner delivered lectures on history of the Holy Roman Empire and German law in 1779. Zentner's educational pedigree helped secure both employment and notoriety. The future Bavarian field marshal Karl Philipp Furst von Wrede attended a lecture in 1779 as was the Duke of Württemberg, Charles II. Charles invited Zentner to advise his court in 1780 on legal matters.<sup>572</sup> Montgelas recruited Zentner in 1799 and the legal scholar thus entered the Bavarian civil service. and along with Montgelas, worked to form a universal property law beyond privilege and social status. Zentner's input was critical during the drafting of the first Bavarian constitution especially in the realm of extending Napoleonic property laws, among other legal traditions, into the Kingdom of Bavaria.<sup>573</sup> Zentner was also Bavaria's leading legal theorist who defended the Kingdom's constitution, and sovereignty in the Congress of Vienna system. Zentner's loyal service aided his advancement within Montgelas' regime into the post-Napoleonic era.

The energetic role of Crown Prince Ludwig as a state council advisor brought new urgency to efforts to restructure the Bavarian state. Ludwig served as his ailing father's (Max Joseph) representative in the Bavarian court and to government ministries. The Crown Prince, having served in the Bavarian Army during the Napoleonic Wars, was skeptical of French ideas, including the land and administrative reforms of Montgelas. The Bavarian state was foundering

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<sup>571</sup> Lindenfeld, David F, *The Practical Imagination: The German Sciences of State in the Nineteenth Century* (Chicago: University of Chicago Press. 1997), 40.

<sup>572</sup> *Ibid.*

<sup>573</sup> Andreas Kraus, *Geschichte Bayerns, Von den Anfängen bis zur Gegenwart*, 436.

in debt and the worsening of famine conditions loomed on the horizon when Montgelas was removed from power by what the First Minister almost surely believed was a camarilla of reactionary interests. Ludwig was eager to scrutinize the purported weaknesses and mistakes of Montgelas' ideas and his personal rule that was shrouded in secrecy.<sup>574</sup> The Crown Prince was interested in pragmatic solutions to Bavaria's myriad woes, not philosophical views of scientific and economic theory. Zentner, also a member of the 1817 group that ousted Montgelas, seemed an ideal choice to represent Bavarian interests abroad with a new, seemingly anti-French face, while drafting a revised constitution for the state. While Ludwig assessed the inadequacies of the Bavarian constitution, Zentner added his doubts that the existing compact could protect the now vulnerable authority of the state.<sup>575</sup> Bavaria's reduced status in the Congress System, and its alliance with Napoleonic France against Austria, made Ludwig, Zentner, and Munich's governing elite wary of threats to state sovereignty. Work within the new German Federal system was now necessary to protect the integrity of Bavaria.

The political maneuvering of Bavarian statesmen in the system of German Federalism was characterized by the protection of Wittelsbach rule, the retention of the Kingdom's borders, and a commitment to repairing and augmenting the economic value of agricultural land. Bavaria, as a power in the new German Confederation, was subject to several challenges from abroad. The German Confederation, and the Congress of Vienna System, were the key networks within which Bavarian sovereignty was threatened most. Klemens Wenzel von Metternich, the chief Austrian architect of the postwar conservative rebuke to the Napoleonic order, presided over the Congress of Vienna System following the conclusion of the Napoleonic Wars. Metternich's

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<sup>574</sup> Heinz Gollwitzer, *Ludwig I. von Bayern, Königtum im Vormärz, eine Politische Biographie* 72.

<sup>575</sup> *Ibid.*, 219.

rejection of French, republican inspired state reforms was tempered by his tolerance for constitutions drafted by German states. Article thirteen of the German Federal Act (*Bundesakte XIII*) afforded states within the German Confederation the ability to draft and implement constitutions.<sup>576</sup> Metternich, though he represented as an arch conservative of the post-Napoleonic era, ostensibly favored the protection of a *altständische Verfassung* – a constitution that preserved the privileges and landed titles of the elite estate of the German states.<sup>577</sup> The Bavaria state dispensed with titles and privileges but its enlightened absolutist monarchy was hardly radical in design.

Within Bavaria, however, key members of the Bavarian government and monarchy, Zentner and Ludwig counted among them, demonstrated a clear bias for a reformed constitution to protect the supreme authority of the Wittelsbach dynasty. Metternich's article XIII could, at least in theory, give support to the mediatized nobility in Bavaria, and in other German states. Though reduced in status by the reforms of Montgelas, these 9-10,000 individuals (some .3 percent of the Bavarian population) possessed half of the land and material holdings they had prior to the establishment of the Bavarian constitution of 1808.<sup>578</sup> The resurgence of the *Ständische Herrschaft* system, a trapping of seigneurial, Electoral Bavarian land law, stood to benefit from a favorable constitution approved by Metternich and more conservative personalities in the German Confederation.<sup>579</sup> Metternich's Article XIII articulated the conservative order's outsized influence on the development of state constitution's, eliding recognition of existing, Napoleonic era compacts.

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<sup>576</sup> James J. Sheehan, *German History 1770-1866*, 411.

<sup>577</sup> *Ibid.*, 411.

<sup>578</sup> Manfred Treml et. Al. *Geschichte des modernen Bayern: Königreich und Freistaat*, 41.

<sup>579</sup> Rafe Blaufarb, interview by author, Tallahassee, FL, February 29, 2020.

The German states that did possess constitutions and greatly restructured state bureaucracies balked equally at Metternich's declaration. Württemberg's kings, Frederick I and the subsequent William I, honored the declaration of Article XIII with a resounding celebration of the existing constitution but urgently reformed the legal code to protect against foreign meddling.<sup>580</sup> Württemberg's rulers were not alone in their scramble to secure pre-Congress constitutions and legal traditions. In the Kingdom of Prussia, the Stein-Hardenberg reforms were vigorously protected by the philosopher Georg Wilhelm Friedrich Hegel and the theologian and historian Joseph Görres.<sup>581</sup> The former Hanseatic Free City of Hamburg, now a member of the German Confederation, was keenly defended by its patrician leaders who exalted the virtues of unrestricted free trade and the demolition of city walls.<sup>582</sup> Perhaps the most provocative reactions came from the Kingdom of Prussia in 1818 where a proposed leadership of a German Federal Army (under the direction of Berlin) met with hostility throughout the German states.<sup>583</sup> The sudden absence of the strong leadership of Montgelas in Bavaria, however maligned he now was, threatened to weaken the position of the Kingdom during this period of uncertainty and deliberation.

### **The Constitutional Process and the Uncertain State of Allodification in 1818**

Montgelas' system of allodification of estates posed its own series of distinct problems for the Bavarian state as it revealed a deep dysfunction within the overstretched civil

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<sup>580</sup> Dilcher, Gerhard. "Vom Ständischen Herrschaftsvertrag zum Verfassungsgesetz," *Der Staat* 27, no. 2 (1988): 161-93. Accessed March 30, 2020. [www.jstor.org/stable/43642088](http://www.jstor.org/stable/43642088).

<sup>581</sup> Ibid.

<sup>582</sup> Katherine Aaslestad, "Liberty and its Meanings in the Hanseatic City-States, 1780-1830," Paper Presentation, 50<sup>th</sup> Annual Conference of the Consortium on the Revolutionary Era, 1750-1850, Tallahassee, FL, February 28, 2020.

<sup>583</sup> Christopher Clark, *Iron Kingdom, The Rise and Downfall of Prussia, 1600-1947*, 394.

bureaucracy. Bavaria's early attempts at redemption of land for allodification were unevenly applied by Montgelas' Finance Ministry. The process of allodification was interpreted by Finance Ministry officials on an individual, negotiated basis. Land became an immovable property. Immovable properties and real ownership of immovable goods had an assigned price at market. Land law by 1818 also included more traditional division of *Realität* (real property owned as land) through inheritance portions.<sup>584</sup> Land was divided into smaller parcels of land through enclosure. The value of land was based on the supposed value of agricultural goods it could produce.<sup>585</sup> A muddled process of privatization of land from estates caused great confusion. Movable property was bought and sold on the same markets as immovable products. Therefore, the movable and immovable goods were both traded for cash value.<sup>586</sup> Redemption claims, and state assistance for notable losses through compensation related complaints played more of a role of assigning value for all goods lost during the Napoleonic Wars and subsequent years of hardship. The movable goods like crops were weighed against the value of immovable goods like land.<sup>587</sup> Markets for goods with cash value meant the velocity of transactions increased. Compensation claims, therefore, measured the loss of productivity as a metric of disused land.

Confusion about the value of specific goods thus abounded and Bavarian Finance Ministry officials struggled to make consistent decisions. Land compensation claims in the *Untermain-Kreis*, for example, reflect this conflation of immovable and movable goods during

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<sup>584</sup> Thomas Nipperdey, *Deutsche Geschichte 1800-1866* (München: C.H. Beck, 1983), 171.

<sup>585</sup> Theodor Freiherr von der Goltz. *Geschichte der Deutschen Landwirtschaft*, 13.

<sup>586</sup> *Ibid.*, 19.

<sup>587</sup> David Warren Sabean, *Property, Production, and Family in Neckarhausen, 1700-1870*, 355. A similar system was present in Baden as early as the eighteenth century. Baden used the term *Fahrnis* to describe movable goods rather than immovables.



the state decision to establish cash values for land compensation claims. A report from 1817-1818 records compensation for Franz Nickels' crops and land as 20 florins.<sup>588</sup> Other goods commanded a 40 florin, 47 *kreutzer* price.<sup>589</sup> The goods exchanged are placed in a general category and the type or numbers of goods are not specified. Set prices for movable goods are possible to explore as a type but more classification is unfortunately missing. The incomplete picture of exchanges and pricing of goods also underscore the reality of a limited state presence in managing land development beyond its purchase for enclosure. *Untermain Kreis*' records give a notion of a market that had structure but also include statements that demonstrate negotiation was commonplace. The collection description begins with the order that labor and agricultural products, as approved (and stamped) by regional authorities, were to be awarded the suggested total of 57 *florin*, 27 *kreutzer*. Buying, selling, and compensating destroyed land, was a far more complex and improvised process than extensive Finance Ministry records suggest.

Land assessed by the Bavarian state was, however, never subject to a coherent system of assessment and compensation. Buying and selling land was presented as a straightforward transaction by Montgelas. Fair transactions at market value was another question. In theory, the assessment of the price of land was an action overseen by the expanded bureaucracy of the Bavarian Finance Ministry. The reality was far different. The ubiquity of Finance Ministry cases eventually brought before the *Landtag* attest to the lack of a systemic means of judicating land transfer or sale. One critical point to explore is who was buying land. Few Bavarians had the ability to purchase large quantities of land. The enclosure movement in Bavaria helped the state generate revenue from previous seigniorial dues first, dividing and exploiting the former lands of

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<sup>588</sup> Finance Ministry Property (*Realitäten*) in Dettelbach im Untermainkreis, October 12, 1819, in BHSStA MF 21462.

<sup>589</sup> *Ibid.*

mediatized nobility. Bavaria was mostly a land of small agricultural holdings that stayed within families through the practice of partible inheritance – a process that divided land between family members based on equal division of property. The open field system, as Theodore Hamerow described it, disappeared and was replaced, at first, by early partition and sale among small landholders.<sup>590</sup> Seigneurial dues were replaced by exchanges of cash for rental after the passage of the first Bavarian constitution (1808) and continued through the passage of the second in 1818.<sup>591</sup> The existence of this rudimentary exchange of wages and rents for land as well as cash for small plots persisted as the *modus operandi* for most Bavarians through the Napoleonic Wars and beyond. The Bavarian state was more concerned with setting the value of larger former estates and the sale of more substantial fields. Land quality and market value were chief concerns of Bavaria's reformers in 1818.

### **Drafting the Second Bavarian Constitution: Debate and Compromise**

The careers and opinions of Bavaria's most prominent civil servants were themselves reflections of the complex loyalties of a state in transition from an Enlightened absolutist model to that of a constitutional monarchy. The dismissal of Bavarian First Minister Graf Montgelas, though seen as necessary by Ludwig, Wrede, and Zentner, weakened Munich's central authority during the interim period before the drafting of the second Bavarian constitution. Max Joseph, however, acted quickly and appointed a new regime of Graf Alois von Rechberg as Foreign Minister, Graf Friedrich Karl von Thürheim as Minister of the Interior, and Freiherr Maximilian

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<sup>590</sup> Theodore S. Hamerow, *Restoration, Revolution, and Reaction, Economics and Politics in Germany, 1815-1871* (Princeton: Princeton University Press, 1958), 39.

<sup>591</sup> *Ibid.*

von Lerchenfeld (a close associate of Montgelas) as Finance Minister.<sup>592</sup> These candidates knew Montgelas' system well and were dedicated to the service of Max Joseph.

Therefore, the new regime, at least in 1818, reflected an initial desire on the part of Max Joseph for state stability rather than a dramatic overhaul of the most senior leadership positions in the Kingdom's civil service. Rechberg, Zentner, and Lerchenfeld seemed an ideal trio to govern Bavaria due to their earlier collaboration on the 1810 Bavarian Civil Code.<sup>593</sup> Graf Alois von Rechberg was a career civil servant who hailed from Max Joseph's native Zweibrücken and served as Bavaria's leading plenipotentiary to the Congress of Vienna.<sup>594</sup> Rechberg advanced a Bavarian position that emphasized a conciliatory attitude to the new German Confederation.<sup>595</sup> The new finance minister, Freiherrn Lerchenfeld, however, typified the divided loyalties still present over fifteen years since the beginning of Montgelas' efforts to redeem and transform Bavarian estate agriculture into productive, enclosed plots. Lerchenfeld's family line belonged to the rarefied elite stratum of the Bavaria *Ständeschaft*. Egglkofen, in *Landkreis* Mühldorf, Oberbayern, was an estate tied to the jurisdictional privileges of the Lerchenfeld family.<sup>596</sup> Lerchenfeld served as a loyal subordinate to Montgelas and the latter possessed a castle on the former Egglkofen manorial grounds as late as 1833.<sup>597</sup> Rechberg and Lerchenfeld, elites in their own right, were a critical connective tissue between the estate *Ständeschaft* and the statist regime

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<sup>592</sup> Benno Hubensteiner, *Bayerische Geschichte, Staat und Volk, Kunst und Kultur*, 360.

<sup>593</sup> V. Müller, Karl Alexander. "Probleme Der neuesten Bayerischen Geschichte (1799-1871)." *Historische Zeitschrift* 118, no. 2 (1917): 222-49. Accessed March 30, 2020. [www.jstor.org/stable/27603378](http://www.jstor.org/stable/27603378), 231.

<sup>594</sup> Wolfgang Burgdorf, "von Rechberg, Alois Graf " in *neue Deutsche Biographie* 21 (2003), pp. 229-230 [online version]; URL: <https://www.deutsche-biographie.de/pnd118598783.html#ndbcontent>

<sup>595</sup> *Ibid.*

<sup>596</sup> Karl Bosl, *Handbuch der historischen Stätten-Deutschlands: Bayern Bd. VII* (Stuttgart: Alfred Kroener, 1989), 158.

<sup>597</sup> *Ibid.*

of the Wittelsbach dynasty. Their bureaucratic experience, and elite ties, would prove crucial during the process of forming the second Bavarian constitution.

Zentner, Rechberg, and Lerchenfeld, central, trusted figures of the Bavarian state were thus entrusted with defending Bavarian interests against reactionary intervention from beyond Bavaria's borders. When Ludwig dismissed Montgelas in 1817 he did so at a critical point of Bavarian negotiations within the Congress of Vienna system. Two years prior, Rechberg, then serving as the Bavarian representative to the Congress of Vienna, was forced to manage Bavarian loss rather than serve as the envoy of a major power. Metternich, the dominant personality of the Congress of Vienna, presided over the Vienna Final Act following the conclusion of the Congress sessions, therefore overseeing the return of Austrian territory to the Habsburg throne. The Bavarian territories of Brixen in the Trentino and Tyrol were among the Napoleonic spoils of war returned to Austrian possession per article 93 of the Vienna Final Act.<sup>598</sup> Salzburg, a Bavarian possession, was ceded to the victorious Habsburg Empire.<sup>599</sup> The price for this territorial loss seemed fair. The resumption of open access to Rhine and Danube mercantile traffic, however, meant the end of the restrictive, protectionist Napoleonic Continental System and new opportunities for Bavarian commerce.<sup>600</sup> Montgelas' dismissal may have taken place at a critical point for Bavaria, but the Kingdom's territorial sovereignty remained intact. Serious reform of the existing system, was, however needed.

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<sup>598</sup> "Vienna Final Act." June 9, 1815. Vienna Final Act. [https://en.wikisource.org/wiki/Final\\_Act\\_of\\_the\\_Congress\\_of\\_Vienna/General\\_Treaty](https://en.wikisource.org/wiki/Final_Act_of_the_Congress_of_Vienna/General_Treaty) [accessed December 12, 2019].

<sup>599</sup> "Treaty of Munich." April 14, 1816. Treaty of Munich. <https://books.google.ca/books?id=um1eAAAACAAJ&printsec=frontcover#v=onepage&q&f=false>. [accessed December 12, 2019].

<sup>600</sup> Vienna Final Act

## **Land and Political Representation: The Second Bavarian Constitution 1818**

The writers of the 1818 constitution would have to address the failures of the 1808 constitution to protect subjects, including notables, from the unchallenged and inefficient Bavarian state as the Kingdom was reduced in size and stature in the Congress system. The enclosures of land not tied to privilege and title left many Bavarian notables cash poor. Although done on a voluntary basis, the lack of liquid assets held by Bavarian notables, incentivized their decision to relinquish land (the process of redemption) to Munich. Bavarian notables were faced with the loss of power and influence as their legal and taxation privileges were destroyed without recourse. This mediatization of Bavarian notables occurred during a climate of war and economic privation. The ultimate authority of the Bavarian state made protest a futile effort. Bavaria's 1808 constitution made the King the "sole organ of the state".<sup>601</sup> The 1818 constitution was a document written in response to the purported failure of the Montgelas era state ministries to protect and improve upon Bavarian agriculture and trade. Zenter, Lerchenfeld, and Rechberg (among other officials) needed to address perceived shortcomings of the last legal compact of the Montgelas years.

The special committee addressed the key points of taxation and land privileges by eliminating many of the tax burdens of the Montgelas era despite their success in cementing state authority. These topics produced friction between the supreme authority of the state under Montgelas and the Bavarian notables who had been stripped of privileges and special taxation and pension rights.<sup>602</sup> The elimination of special taxation rates was part of Montgelas' plan to

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<sup>601</sup> Treml, *Geschichte des modernen Bayern: Königreich und Freistaat* 41.

<sup>602</sup> Jörg Rode, *Der Handel im Königreich Bayern um 1810* (Stuttgart: Franz Steiner, 2001), 29.

create a streamlined, extractive, and uniform system of taxation.<sup>603</sup> Historian Jörg Rode observed that the long term consequences of this project were significant. Rode wrote, “In addition, the reform of the unmanageable system of direct taxes was particularly significant.”<sup>604</sup> While this tax reform was a significant step in the centralization of the Bavarian state and its accumulation of revenue, the immediate products were less promising. The new tax system created a deeply indebted state opposed by a cash poor notable population. These cash poor nobles were unable to assist, even if willing, in the transformation of *Gutsherrschaft* land into a productive and profitable agricultural enterprise. Zentner and the constitutional committee addressed the taxation and hunger crises faced by Bavarians in the preamble to the second constitution. Metternich’s influence on state constitutions is also present throughout the text of the second Bavarian constitution. Zentner wrote;

The monumental and unprecedented world events that did not leave a single German State untouched, and during which the people of Bavaria immediately demonstrated themselves to be great both while suffering under the pressure and while surviving in battle had hardly reached their goal in the Act of the Wiener Congress when We began to seek to fulfill the requirements of Our State.<sup>605</sup>

The constitutional committee was beset by the imposing interest groups of Bavarian notables, the reactionary order of a German Confederation led by Metternich, and critics of state ministries. Zentner and the constitutional committee thus sought compromise, not confrontation, with the notable interests in Bavaria implemented on 26 May 1818 by a special committee led by Ludwig I with the legal oversight of Graf Zentner.

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<sup>603</sup> “Baierisches National Zeitung Nro. 65.”

<sup>604</sup> Rode, *Der Handel im Königreich Bayern um 1810*, 29.

<sup>605</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 04 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

The constitutional committee, an informal circle including Ludwig I, Marshal Wrede, Zentner, Rechberg, and Lerchenfeld, convened in early 1818 as the *Staatsratkommission* (State Council Commission).<sup>606</sup> The implementation of the second Bavarian constitution in 1818 brought the promise of increased representation for landowners, notable and *Mittelstände* (non-noble middling Bavarians who could buy property) alike. The *Mittelstände* property buying class was small in 1818 but grew steadily during the next two decades. Merchants, lawyers and professors, and enterprising farmers rose in monetary status and desired greater access to land. In time these individuals, following a highly specific property-based pursuit of liberal politics, demanded inclusion in the *Landtag*. Zentner, more than any other Bavarian statesman, was responsible for the writing of the second constitution.<sup>607</sup> The legal theorist and general director of the Ministry of the Interior was ideally situated to gauge both the unrest in the Kingdom of Bavaria and the conflicting interests of each estate. Zentner was politically adept for someone considered to be a loyal, apolitical civil servant, and he was given free rein to draft much of the text of the constitution.<sup>608</sup> *Staatsratkommission* members took the important step of drafting a constitution amenable to notable and, to a lesser degree, wealthy *Mittelstände* interests.

The state, represented chiefly by Ludwig and Zentner, was still the supreme Bavarian authority under the King. Bavarian representation came, legally speaking, from a two-chamber parliament (*Landtag*) comprised of notables in the *Reichsräthe* (Chamber of Imperial Counsellors) and the *Kammer der Abgeordneten* (the Chamber of Deputies).<sup>609</sup> Together, the sessions of the *Landtag* contained favored nobility connected to the Bavarian state, untitled

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<sup>606</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 437-438.

<sup>607</sup> Ibid.

<sup>608</sup> Ibid.

<sup>609</sup> "Constitutional Texts: Bavaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 04 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

nobles, members of the manufactory (*Fabrikante*), a small contingent of prominent lawyers, professors, and merchants (*Kaufleute*), and those private citizens who owned sufficient quantities of land. Land qualifications for voting were common in Federal German constitutions and the traditions of Rhenish law.<sup>610</sup> Crown Prince Ludwig I lent his support to both the establishment of a two-chamber parliamentary assembly as well as the implementation of a uniform tax system.<sup>611</sup> All parties, however, were not equal. Membership in the *Landtag* emphasized social standing and gross land ownership. The bicameral *Landtag* exposed the more conservative tacking of the 1818 constitutional reforms and the fundamental differences between the Bavarian *Stände* (estates).

The two chambers of the *Landtag* contained an elite, propertied representation of Bavarian men. A small proportion of the Bavarian populace possessed the ability to vote. *Reichsräthe* members were from the most rarefied ranks of Bavarian society. Members came from the top two voting classes of the five-class system.<sup>612</sup> Classes I and II had 475 and 86 members respectively.<sup>613</sup> Of these members 440 and 79 possessed the ability to vote in the lower chamber. Class I members were noble landholders who collected rents as landlords. Such esteemed members frequently held higher offices such as being a regional judge as well as having membership and voting rights in both houses of the Bavarian *Landtag*. Sebastian Wenzel Baron von Schrenck-Notzing, the first president of the upper and lower chambers of the *Landtag* from 1819-1837, also held the office of minister of justice among other offices. Class III, with 3,416 members, was completely represented in the lower chamber as a voting bloc with 100% of

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<sup>610</sup> Jonathan Sperber, *Germany, 1800-1870* (Oxford: Oxford University Press, 2004), 39.

<sup>611</sup> Kraus, *Bayerns Geschichte*, 437

<sup>612</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 43.

<sup>613</sup> *Ibid.*



its members being represented and present as *Wahlmänner* (electors).<sup>614</sup> Classes IVa, IVb, and V especially, comprised the vast majority of Bavaria's 3 million plus subjects. Voting rights in the chambers of the *Landtag*, and participation as *Wahlmänner*, were extremely limited. Class V for example constituted 6,689 *Wahlmänner* drawn from some 673,164 families and a total of 3,030,000 Bavarians. Membership requirements constrained the political voice of Bavaria's poorer landholders and non-noble *Mittelstaende* members. The responsibilities of both chambers thus contrasted and presented potential points of friction for prospective deputies.

Members of both chambers of the *Landtag* were consumed with questions concerning land politics with a specific focus on pensions and taxation rates. One of the most important responsibilities of the *Landtag* was the control of granting and assessing landed property and their connected tax and pensions rates. Article five of part 11 of the 1818 constitution stated, "In order to compensate for great and determined services to the State, other State domains or pensions may be awarded, but only with the approval of the Estates. They shall adopt the property of being a fiefdom of the crown only inheritable in the male line."<sup>615</sup> The arbitration of property rights and pensions thus became a central responsibility of *Landtag* members. While historian Andreas Kraus observes that the membership qualifications of each chamber did not necessarily entail tensions in the *Landtag* over issues such as property rights and pensions, the interests and social standing of deputies represented opposite sides of Bavarian estates.<sup>616</sup> Notables and the more middling members of the *Landtag* thus shared certain responsibilities.

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<sup>614</sup> Ibid.

<sup>615</sup> "Constitutional Texts: avaria 1808 and 1818 Constitutions" lawin.org. 01, 2013. Accessed 05 2020. <https://lawin.org/constitutional-texts-bavaria-1808-and-1818-constitutions/>

<sup>616</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 441.

Social standing provided potential areas of disagreement for *Landtag* members. The notable, first class Schrenck dominated the *Stände Versammlung* as its president. His deputy, the second president Johann Michael von Seuffert, a lawyer by trade, belonged to Class IV of the voting bloc. Schrenck and Seuffert were both dedicated civil servants rewarded for their loyal service to King Max Joseph. No conflict between Schrenck or Seuffert can be found in archival material. Their positions in the *Landtag* and voting class membership, however, reveal a fundamental inequality of suffrage criteria between Bavarian legislators. This gulf between social rank and voting qualifications, would, in time, become a more visible point of conflict between *Landtag* members. In 1818, however, land, and the social standing, pension, salary, and participation in the *Landtag*, slowly became sources of consternation and friction among deputies.

While no organized, republican inspired liberal political movement in the *Landtag* membership existed in 1818, the very foundation of the assembly spurred lively discourse about the scope of responsibilities possessed by the various members and committees of the Chamber of Deputies and its educated, professional landholding representatives. Animated debate about the broad range of economic and legal ramifications posed by of a two chamber, comparatively representative assembly took place in 1818.<sup>617</sup> King Max Joseph, Zentner, and the State Council Commission sought to create a sense of unity through the establishment of the second constitution. This “constitutional patriotism” (*Verfassungspatriotismus*) became the basis for the citizenship of subjects and the legitimacy of the Wittelsbach Dynasty.<sup>618</sup> Constitutional patriotism and debate aside, the key focus of discussion gravitated towards land.

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<sup>617</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 175.

<sup>618</sup> Treml et. al., *Geschichte des modernen Bayern: Königreich und Freistaat*, 33.

*Gutsherrschaft* land was the foundation of the Bavarian economy and was thus a key topic of discussion for *Landtag* members. The *Güter* land of former *Gutsherrschaft* estates was central to the integration of Bavarian subjects, noble and commoner alike, and subsequent subordination to the will of the King and the decisions of the *Landtag*.<sup>619</sup> *Landtag* members deliberated over who owned *Gutsherrschaft* land and how it could best be maintained. *Landtag Actenproducte* – the main points of parliamentary procedure – often revolved around land value and pensions associated with former estates. A *Landtag* report for a typical financial report reads, “Security for the purchase of the foundation money, security for the future retention.”<sup>620</sup> Members of the Chamber of Imperial Counsellors and the Chamber of Deputies thus possessed a vested interest in the formation of property law and its impact on wealth and pension accumulation. Individuals in the *Reichsräthe* were consumed with preserving land and the fortunes and privileges they retained. *Reichsräthe* members frequently criticized the inclusion of common landowners in the *Landtag*, arguing that their presence and voting responsibilities meant that “power and courage were lost in a sea of soup.”<sup>621</sup> Members of the Chamber of Deputies, who were eligible to stand for membership via election, were thus more motivated to gain access to *Güter* land and the wealth of its potential agricultural products. The responsibilities of the Chamber of Deputies would soon include vital discussions about the property rights connected to land ownership, creating a potential conflict of interest between the former *Güter* elites and commoners wishing to buy land.

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<sup>619</sup> *Ibid.*, 1

<sup>620</sup> Extradition of Pension Salary (*Isarkreis München*), in BHSTaM RA 81046. German: “Sicherheit für die kauftige kauf bewahrung der Stiftungs gelden, Sicherheit für die kuenftige Aufbewahrung.”

<sup>621</sup> Treml et al., *Geschichte des modernen Bayern: Königreich und Freistaat* 40.

## 1819: The First Session of the *Landtag* and Land and Pension Debate

The Chamber of Imperial Counsellors, and the lower Chamber of Deputies served as a passive audience for interpreting the laws proposed by King Max Joseph during the first legislative session of the Bavarian *Landtag* beginning in February 1819. German historian Dirk Götschmann comments in *Bayerisches parlamentarismus in Vormärz, 1819-1848* that the increased representation brought the promise of state modernization with it.<sup>622</sup> Members of the Chamber of Deputies supported King Max Joseph's legitimacy as the sole ruler of Bavaria. This process, however, was defined by the contrast of the Chamber of Deputies' legislative responsibilities *in theory* and those it possessed. Deputies from both chambers played a more reactive than proactive role in the legislative process.

The King of Bavaria, per the second constitution of 1818, presented legislature to the *Landtag*. This idea was known as the monarchical principle in Bavarian *Verfassungstheorie* (constitutional theory).<sup>623</sup> This concept, familiar to the Francophile King Max Joseph, was borrowed from the French Charter of 1814 that proposed the same "so-called monarchical principle."<sup>624</sup> The constitution itself also implied that the "we" of the Bavarian state was that of the State Council Commission and Max Joseph, not the legislators of the *Landtag*. "The current file..." the preamble of the 1818 constitution begins, "is the work of our free and firm will."<sup>625</sup> King Max Joseph, by Zentner's design, was the driving force of the legislative process while the bicameral legislature served as an advisory panel. Paragraph one of the second constitutional

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<sup>622</sup> Dirk Götschmann, *Bayerischer parlamentarismus im Vormärz. Die Ständeversammlung des Königreichs Bayern 1819–1848*, 5.

<sup>623</sup> Hans-Michael Körner, *Geschichte des Königreichs Bayern*, 55.

<sup>624</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 438.

<sup>625</sup> *Ibid.*

article also established, “The King is the head of the state.” The King had to convene a legislative session every three years for the duration of no longer than two months and also had the discretion to dissolve the entire assembly at will. Both chambers could also be dissolved at the King’s discretion. Therefore, this process of supposed state modernization began with the meeting of a largely undemocratic assembly of advisors who could be dismissed at the whim of the sovereign. The putative legislators would have to find certain responsibilities from which to carve out a more active role in the legislative process.

Questions regarding law enforcement and trade were important in 1819 due to increasing hardships for ordinary Bavarians and a climate of reactionary policing and social surveillance in central Europe. Members of the two chambers of the *Landtag* deliberated over taxes, hardship reports from landowners, and various petitions brought before them. The legal initiative (*Gesetzes Initiative*) of the monarchical principle meant that King Max Joseph was responsible for presenting reforms before the *Landtag*. The two chambers of the *Landtag* approved new taxes (*Steuerbewilligung*), cooperation over legal interpretation (*Mitwirkung*), lawmaking (*Gesetzesgebung*), and petitions and hardship law (*Petitions und Beschwerderecht*).<sup>626</sup> Ongoing disorder and damage to Bavarian property were chief among the concerns of the *Landtag*. The task of the Bavarian *Landtag*, in part during 1819, was to support commercial activity in the Kingdom by authorizing the enforcement of private property law. Property related concerns filled the 1819 agenda of the *Landtag*. Many of these cases were part of a persistent decline in commerce and the need for local authorities to have the support of Munich to enforce laws. One of the first *Landtag* sessions, on 25 February 1819, considered the limits of local policing in

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<sup>626</sup> Ibid.

Straubing.<sup>627</sup> Members of Straubing's local government sought the best means to enforce laws without impeding trade. Finance ministry authorities secured foundation funds from trade and local dues before reporting on local officials confidence in civil servants. A report reads, "the foundation's let out of a feeling of responsibility among the general population someone who is responsible for grain, and to subjects among the division of landed property can be stored in the community house of in a church."<sup>628</sup> The limits of centralized authority, as this case from Straubing illustrates, had yet to be appropriately addressed by the Bavarian state. *Landtag* members were more adept, though, at extracting wealth from landholders than administering land.

The *Landtag* was tasked with ensuring agricultural commerce while securing the unabated flow of tax revenues into state coffers. A severe price shock hit Bavarian agriculture in 1819 and concomitant debt concerns spread throughout the Kingdom's land estates.<sup>629</sup> Bavaria's taxation system did not help matters. The regimen was also far from a unique problem faced by German states in the post-Napoleonic era. Bavaria, along with the Kingdom of Baden, implemented massive taxation, allodification, and compensation efforts to transform the land of elites in a continued effort to stimulate agricultural production.<sup>630</sup> The governments of Bavaria and Baden attempted to extract as much cash from landholders as well to pay off state debts.<sup>631</sup> Bavarian income from dues charged to former estate holders constituted a full 15-22% of all

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<sup>627</sup> Extradition of Pension Salary (*Isarkreis München*), in BHSTaM RA 81046.

<sup>628</sup> Ibid. German: "die Stiftungs lassen von den pflegen gefühl (from a feeling of responsibility), unter die Gemeins zugleich Getreid gern Guts Gemeinde bevollmächtigsten stehen, und nach Unterthanen untern dem bei Realteilung selbst und dann Gemeinde Hause oder in der Kirche aufbewahrt werden sollen."

<sup>629</sup> Hermann Kellenbenz. *Deutsche Wirtschaftsgeschichte Band I Von Anfaengen bis zum Ende des 18. Jahrhunderts* (Muenchen: C.H. Beck, 1977), 40.

<sup>630</sup> Lenger in Sperber, *Germany, 1800-1870*, 95.

<sup>631</sup> Ibid., 97.

state revenue.<sup>632</sup> Income from land dues was of paramount importance. Landholders were the largest group represented in the *Landtag*. One eighth of the Chamber of Deputies' members were *Landeigentümer* – those who owned land as property. The membership of the Chamber of Imperial Counsellors was drawn from the elite estate of Bavarian society (*Adeligestände*) who possessed *Güter* land as property and largely resisted the Kingdom's land redemption efforts.

Ongoing hardships for Bavarian landowners (and non-landowners as well), were brought before the first session of the *Landtag*. The *Actenproducte* of the *Landtag* included a discussion of protecting private property and commercial interests in Passau dated to 29 April 1819.<sup>633</sup> Ensuring the protection of free commerce and private property was a priority throughout 1819. The *Landtag* also paid close attention to protecting property in Straubing, Augsburg, and Nuremburg due to reports of hardship submitted by regional governments from February to April 1819.<sup>634</sup> Private property in 1819 was also under assault due to a spontaneous, violent series of riots known as the Hep-Hep Riots by August of that year. These anti-Semitic riots added to the deleterious conditions of debt and famine that challenged the King and *Landtag* to find ways to preserve private property rights and law and order in the Kingdom of Bavaria. Hardship reports pertaining to agricultural estates increased during this year of instability and the treatment of *Güter* estates as private property was again debated.

The process of Bavaria's economic modernization hinged upon the division of land as private property – a task which the *Landtag* played a crucial role. Authority in Bavaria still rested in the leadership and title of the King. Max I Joseph presided over the *Landtag* and its

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<sup>632</sup> Ibid.

<sup>633</sup> Extradition of Pension Salary (*Isarkreis München*), in BHSTaM RA 81046.

<sup>634</sup> Ibid.

overall juridical and economic committees. Hardship reports and other petitions were heard by the Chamber of Deputies, but the final negotiations were debated in the Chamber of Imperial Counsellors. Finally, such cases were brought before the King. The specific work of transforming land from estate to private property status meant establishing the land's cash value. This process was done by the "Rule of the Bicameral System" – a system of taxation, cooperation between the two chambers of the *Landtag*, and a general legal commission. Land concerns, in the form of hardships and petitions, also occupied the majority of the "animated debate" by 1819.<sup>635</sup> The allodification of estates would thus entail the assessment of land by examining the hardship reports and petitions filed by landholders. Most of the friction between the two chambers focused on the borders of the enclosures and compensation claims including the "legal initiative" of 1819. Land negotiations in the *Landtag* considered the value of estates before allodification and enclosure and how pension and taxation would progress in an era of private property plots. A reordering of land rents, pensions, and value was thus underway.

### **Deliberating Enclosures and Compensation: Drawing Boundaries for Land**

The cases of aggrieved landholders that the *Landtag* heard were usually elites looking for compensation for their disused land and much-needed pensions. Elite compensation claims were part of the allodification process. Compensation was a slow process in part due to the detached, dispassionate civil bureaucracy and the seemingly unresponsive nature of *Landtag* committees. Mediatized nobles consistently complained about the new definition of land as legally defined as private property. By 1819, many of the mediatized nobles, like those in *Oberbayern* had ruined land, lagging rent collection, and a lack of liquid assets.<sup>636</sup> Many nobles reported such hardships

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<sup>635</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 175.

<sup>636</sup> Kraus, *Bayerns Geschichte*, 439.



to the *Landtag*. Nobles expressed confusion over the boundaries produced by land enclosure while demanding pension payments that matched those tied to the former borders of their estates.<sup>637</sup> *Landtag* members responded demonstrating that new system was more responsive. The new constitutional laws, the representative power of the *Landtag*, and the monarchical principle, though impressive in theory, however, provided little immediate assistance.

The struggle of the Beer family estate, contextualized within this turbulent era, further elucidates the desperate and frustrated efforts estate holders, and common landowners alike, face when confronting the impasse of *Landtag* sessions and the disengaged nature of the monarch. Ludwig von Beer, the son of estate holder Wilhelm von Beer, inquired about his father's life annuity in correspondence to the *Landtag*.<sup>638</sup> Beer's estate in Alsatian Electoral Bavaria was subject to several enclosure attempts under first French then Bavarian states beginning in 1805.<sup>639</sup> The Beer family negotiated pension compensation plans that considered early revolutionary policies in property reform in France from 1792 before Napoleonic reassessments of property. Beer demanded a monthly pension of 323 Francs from the French state, as promised by a 1792 regulation. The turbulent nature of the French political establishment during the years of the revolution likely justified Beer's decision to bring his grievances, next to the attention of the Electoral Bavarian government. By 1805, Beer's rising personal debt spurred him to make a desperate plea to Munich for financial assistance. The absence of a functioning private property

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<sup>637</sup> Correspondence of Ludwig von Beer with the Liquidations Commission of the Bavarian Finance Ministry, Nov 17, 1819, in BHStA MF 18718.

<sup>638</sup> Ibid.

<sup>639</sup> Correspondence of Ludwig von Beer with the Liquidations Commission of the Bavarian Finance Ministry, Nov 17, 1819, in BHStA MF 18718. German: "An der Anlage uberreichen wir euer königliche Majestät des in bezeichnenden streitsucht gefällte erkenntnis prima, welches der königlichen Sichtet Definitiv von der Klage entbietet. Zugleich legen wir die säkulasiert Acten aller Unterthänigst vor."

regimen (not to mention the lack of contemporary understanding of how such a system might operate) meant that Beer could not mortgage his estate to alleviate financial burdens. The Bavarian Finance Ministry reported to Max Joseph, “In the attached documents that we are handing to your royal highness the first decision result in the aforementioned conflict which definitely frees the royal perspective from the lawsuit. We present the secularized documents very humbly.”<sup>640</sup> In addition, Beer, like other Bavarian subjects, did not expect that he could name a beneficiary for a pension or to whom his land or liquid assets could be bequeathed.<sup>641</sup> Thus, a French and German language letter sent by Beer to Elector Max Joseph in 1805 demanded scheduled payments to his life annuity that, in sum, exceeded 2,000 Francs.<sup>642</sup> Therefore, members of the *Landtag* were negotiating pensions and land value with subjects whose long pre-constitutional history with allodification complicated their understanding of land as legally private property in a confused state of inconsistent laws.

The example of the Beer money woes reflects a broader trend of restoration nobles refusing to adapt to the new parameters of Bavarian property law. A gap in archival material makes it difficult to assess what exactly became of the Beer family drama from 1805-1818. Their estate was likely subject to the ruinous demands of French occupation including the seizure of goods and the destructive nature of the Continental System’s “internal blockade” of continental Europe. One thing, however, is certain: the Beer family continued its demand for state financial assistance despite weathering the storm of successive wars, governments, and dramatic changes to both French and Bavarian legal systems. Ludwig von Beer wrote King Max Joseph on the 16

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<sup>640</sup> Gagliardo, *Enlightened Despotism*, 17.

<sup>641</sup> *Ibid.*

<sup>642</sup> Correspondence of Ludwig von Beer with the Liquidations Commission of the Bavarian Finance Ministry, Nov 17, 1819, in BHSStA MF 18718.

December 1819, beseeching him for financial assistance owed to the Beer family in “Gulden und Gnaden.”<sup>643</sup> The Beer’s fell back upon the old trappings of privilege and jurisdictional authority: the touchstones of Old Regime Bavaria and Europe. Though addressed to the appropriate Liquidations Commission of the *Landtag* (of the Petitions and Complaints Commission who heard pension related cases) the letter appeals to a more antiquated pre-revolutionary mindset. Beer’s letter recounts the shifting borders of the estate, the rise of French influence, Bavarian control, and finally addresses loyal service to Max Joseph’s royal lineage of the House of Zweibrücken.<sup>644</sup> The notion of unchallenged Wittelsbach authority and the legitimacy of the 1818 constitution had yet to be cemented in the minds of Bavarian notables.

Petitions and complaints, like those of the Beer family, were the right of all Bavarians as written into the Second Constitution yet were also subject to the scrutiny of both chambers of the *Landtag*. In addition, this new system also involved the oversight of the Interior Ministry (*Ministerium des Innern*), Justice Ministry (*Ministerium der Justiz*), and the newly reorganized regional governments of the eight *Kreise* of the Finance Ministry. The petition system was guaranteed by title VII of the 1818 constitution.<sup>645</sup> Graf Georg Friedrich von Zentner declared that petition law allowed for any of the “subject class” to bring a petition or grievance to the attention of the *Landtag*.<sup>646</sup> In theory, such a petition was heard by the joint chamber as part of the petition and hardships process (*Petitions und Beschwerde*). A petition could also be referred

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<sup>643</sup> Correspondence of Ludwig von Beer with the Liquidations Commission of the Bavarian Finance Ministry, Nov 17, 1819, in BHStA MF 18718.

<sup>644</sup> Ibid. German: “Gulden und Gnaden.”

<sup>645</sup> Dirk Götschmann, *Bayerischer parlamentarismus im Vormärz. Die Ständeversammlung des Königreichs Bayern 1819–1848*, 60.

<sup>646</sup> Ibid.

to King Max Joseph. In practice, many petitions, including hardships reports and pension cases, were reviewed by the commission, assessed by the ministries of the government, but few were resulted in sustained deliberation. Petition law was also subject to the “effective circles” (*Wirkungskreise*) of the parliament.<sup>647</sup> Certain personalities frequently dominated the proceedings of the *Landtag* and petitions commission. Count Alois von Rechberg, the more autocratic leaning foreign minister and senior member of the Chamber of Imperial Counsellors, was, in part responsible for examining such cases. Although a facet of new constitutional law, the operation of the petitions commission was inconsistent. Assessment was arbitrary and, in the case of the Beer family, compensation, was subject to the decisions of various ministries or the personal whims and biases of *Landtag* members.

The division of larger landed plots, carved from the former *Gutsherrschaft* estates, like the Beer family’s estate, occupied most of the attention of the Finance Ministry and the proceedings of the petition and hardship commissions. Legislation and pension and land compensation was often the responsibility of wealthy, career civil servants who had vested interests in the process of assessing, selling, and taxing land. Finance Ministry officials, present in the eight regional governmental subdivisions of the Bavarian kingdom (*Kreise*) also established specialized offices to assess, enforce, and arbitrate cases regarding pensions, wages, and the liquidity of the mediatized nobility’s former assets that were in large part connected to land. Such divisions were called *Rentamten* and the wide availability of sources related to their operation implies their frequent assessment of land in each *Landkreise* and their role in arbitrating local land disputes and complaints about the inadequacy of state compensation for

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<sup>647</sup> Ibid.

former noble estates. Professional civil servants presided over these cases and heard the hardship reports. The Finance Ministry grew following the dismissal of First Minister Montgelas.

Bavaria's Chamber of Finance (*Kammer der Finanzen*) was added to the already swelling number of bureaucrats assigned to overseeing the complex taxation system necessary for the growth of the Bavarian state and the enrichment of the Kingdom. Finance Ministry officials also exercised greater control over Bavarians' everyday lives. The prices of movable goods and immovable goods were now taxed and regulated by the Finance Ministry. Finance Ministry officials, in the case of land sales, issued land certificates for a price. Such certificates were a physical representation of the creation, sale, and purchase of land that the state made legal. These certificates created a sense of legitimacy for land sales overseen by the state. Price controls on land, seen frequently in town and city weekly broadsheets (*Wochenblatt*) also gave the impression of state authority and a systemic approach to market regulation. The *Intelligenzblatt für Nördlingen*, for example, recorded the gross value of land at 2,500 gulden on 1 January 1819 in a report that read, "the lovers of the cause have to appear in Kirchheim on the day noted, and with proper documentation certify that they have the necessary knowledge for running a business and that they are of immaculate reputation and can afford a security deposit of 2,500 florin in goods or twice the value for present reasons."<sup>648</sup> The survey, sale, and compensation of land

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<sup>648</sup> "*Intelligenzblatt der Königlich Baiarischen Stadt Nördlingen Nro. 1.*" Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10626654\\_00007\\_u001/1](https://digipress.digitale-sammlungen.de/view/bsb10626654_00007_u001/1) [accessed November 1, 2019]. German: "Die Sache liebhaber haben am bemerkten Tag in Kirchheim zu erscheinen, und sich durch gerichtliche Zeugnisse anzuweisen dass sie die zu Führung des Gewerbes nöthigen Kenntnisse besitzen, von untadelhaften Rufe senen, und eine Caution von 2,500 florin Waare oder den Doppeln Werth dafür anliegenden Gründen leisten können."

appeared to be a concise and ordered task of the state. State administration of land negotiations fell to career civil servants of the Finance Ministry, however, not members of the *Landtag*.

Buying and selling land meant interacting with civil servants, an entirely new experience for many Bavarians, who soon learned that the operations of the government on a local level were far from consistent or fair. Finance Ministry scribes, and other civil servants, known more colloquially as *Schreiber*, were the product of improved schooling and moral vetting. Many German states implemented new selection criteria and training programs to produce efficient, loyal, and morally upright bureaucrats.<sup>649</sup> Unlike the training of many cameral officials who were highly educated in dedicated programs and a dossier was collected on their personal background. Ian F. McNeely's book *The Emancipation of Writing* clarifies that "a typical dossier included the scribe's age, birthplace, religion, father's name and occupation, and mother's name with *her* father's occupation, children's names and occupations, university training (if any), previous employment (if any), net worth, and the names of relatives of in state service."<sup>650</sup> State ministries tried to root out nepotism and cronyism as well. Civil servants, however, commonly accepted bribes and could be convinced to look the other way while illicit activities occurred.<sup>651</sup> Land transactions, therefore, were subject to a fallible, inconsistent, and the overstated reach of the state during a period of the kingdom's centralization.

### **Compensation: Evaluating and Negotiating the Price of Estate Land**

Conflict between mediatized nobles and the Bavarian state revolved around land evaluation including pensions, land area, soil quality, and capital. These issues remained a focal

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<sup>649</sup> Ian F. McNeely, *The Emancipation of Writing: German Civil Society in the Making, 1790s-1820s*, 137.

<sup>650</sup> *Ibid.*

<sup>651</sup> *Ibid.*, 136.

point through 1825, reflecting a major trend in allodification related compensation cases. The concept of allodification remained confusing to former *Güter* lords who placed claims to larger estate boundaries irrespective of Finance Ministry maps of enclosures. Loans and pensions related to estates were frequently subject to the review of the *Kammer der Finanzen* (K.d.F.). The K.d.F was approached regarding financial assistance for struggling enclosures, to verify enclosure payments at purchase, and to assist cash poor nobles in compensating the value of their land. A consistent point of disagreement between the K.d.F and nobles were the rents collected and pensions awarded based on the borders of each former *Gutsherrschaft* estate. One report from 17 September 1820 offers a glimpse into the transactional nature of financial support for enclosure holders.<sup>652</sup> The *Rentamten München* features numerous cases regarding pensions connected to rent profits. Rents collected were part of surveys about estates from the early-nineteenth century creation of enclosures. Pensions (*Renten*) were attached to the old obligations connected to titles and service to the elector. The *Sitzung Protokolle* (laws created by the meeting of the K.d.F and the *Landtag*) governed the collection of taxes derived from revenues from land including enclosure, soil quality, and capital.<sup>653</sup> In the land assessed in case Ad. 16421, the value of land, for example, was a hefty 3,720 *gulden*. Of this, twenty *gulden* worth was enclosed in the case resolution to support the land holder based on a table of land valuation metrics gathered and analyzed by the K.d.F. The relative worth, as assessed by the various entities of the Finance Ministry, were essential to the growth of state centralization and paying off sovereign debt.

The early 1820s included a series of new crises for the Bavarian state, exposing the bureaucracy's inability to implement meaningful reforms to ameliorate conditions for struggling

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<sup>652</sup> Finance Ministry (*Rentamt Isarkreis*) Discussion of the Feudal Allodification of the Manorial Estate of Freiherr Josef von Leyden, October 20, 1813, in BHStA MF 17374.

<sup>653</sup> *Ibid.*

notables or the common weal. Europe's grain market imploded again in 1820 and 1821.<sup>654</sup> Hardships reports increased in number. Bavarian crop prices dropped significantly, as did the cash value of estate land. Most Bavarians lived modestly at best and desperately at worst. Although the Bavarian population grew, famine and adverse climate conditions made life difficult. Persistent problems included housing, nutrition, income, and infant mortality rates.<sup>655</sup> The average age of Bavarians at marriage was 25, which half of women never reached. 40-45% of Bavarian women gave birth to six or more children by the end of the famine years demonstrating that nutrition, though largely inadequate, was slowly helping to improve fertility rates at the time of marriage. Therefore, most Bavarians were concerned more with survival and finding work than buying land on the market. Most Bavarians were also cash poor, a problem that both the mediatized nobility and the agrarian peasantry faced. Despite Bavaria's inclusion in the *Bauernbefreiung* (the emancipation of peasants), ¾ of all Bavarians, like their other German-speaking counterparts, also still worked the fields for wages or rented segments of larger plots for subsistence farming. Bavarian concerns regarding land value and sale, turned to basic stability over market prices.

The metrics for land valuation were restructured in 1821 during the crop price crash and informed bureaucrats but did little to affect their practical intervention in handling loans or pension support. Munich established that the worth of one court in the former Electoral Bavaria (*Altbayern*), *Schwaben* (Swabia), or *Franken* (Franconia) valued at 3,000 *gulden* were required to give up 420 *gulden* to the state alone independent of any other tax considerations.<sup>656</sup> The

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<sup>654</sup> Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhunderts*, 70.

<sup>655</sup> *Ibid.*

<sup>656</sup> Stutzer, *Geschichte des Bauernstandes in Bayern*, 178.



K.d.F had to collect data on each estate and weigh what each former court owed. Legislators in the *Landtag* were presented with the crisis in stark economic terms. The alleviation of debt burdens for landholders was soon considered. The 30 January 1821 *Landtag* examination of estate loans, chattel, and pensions presents a more organized overlay of how such data were reevaluated. *Landtag* members deliberated over *Lehen Umhandlungen* (fief negotiations) from 30 January through 10 February 1821.<sup>657</sup> The “Directory of estate ownership” from 1821 in the *Unter-Donau Kreise* was the focus of the *Landtag*’s attention.<sup>658</sup> Reports regarding affected estate land flooded the ministry of the interior. This state organ collected and assessed the *finanzelle Gesichtspunkte* – the financial points of view - of various sources of state income via rents and loan payments.<sup>659</sup> *Landtag* members, informed by the product of state census collection and the tabulation of rents, cereal movable good products, and other data, negotiated support for ordinary Bavarians.

These detailed financial reports were the product of the work of Finance Ministry and ministry of the interior bureaucrats. *Landtag* members viewed the number of individuals who possessed portions of estate lands (*Lehen-Körper*), fiefs/estates (*Lehen*), salaries and estate worth (*Gehalt*) and those who stood to inherit land, rents, and pensions (*Erben*) from 1821 onward.<sup>660</sup> The survey also considered the *Besitzer* (owner) of land.<sup>661</sup> This metric allowed the *Landtag* to assess the impact of land values and production on a personal level as well. Market regulations

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<sup>657</sup> Petition of Ana Meierl to the General Commissariat of the *Isar Kreisamt*, August 10, 1808, in BHStA, MF 17316.

<sup>658</sup> Ibid.

<sup>659</sup> Wilhelm Volkert, *Handbuch die bayerischen Ämter, Gemeinden, und Gerichte 1800-1980*, 31.

<sup>660</sup> Petition of Ana Meierl to the General Commissariat of the *Isar Kreisamt*, August 10, 1808, in BHStA, MF 17316.

<sup>661</sup> Ibid.

increased during the early 1820s during a time when the lingering effects of the Continental System still wreaked havoc on grain prices and trade.<sup>662</sup> By 1820 cereal prices were ¼ of what they had been in 1817.<sup>663</sup> Aid was thus offered to Philipp Kitziger whose three sons stood to inherit a plot that had a crop yield of 240 *kreutzer* on 2/3 of its cereal producing plots.<sup>664</sup> Such a case was consistent with the ongoing lag in agricultural products and personal, as well as state debts, during the 1820s. The actions of members of both chambers of the *Landtag* managed to alleviate some debt concerns through 26 October 1825 when Max Joseph, King of Bavaria, and the dramatic reforms of land allodification, died.<sup>665</sup> The Crown Prince Ludwig, known for his vocal role in the constitutional process, acceded to the throne during a period of recovery and as the last of the Montgelas era reforms diminished in scope and importance.

### **Conclusion: Reform and Revision, Protecting and Stabilizing the Bavarian State**

The drafting of the second constitution of 1818 and the establishment of the bicameral legislature brought a semblance of stability and systemic legislative oversight but little practical assistance to address land quality, or landholder debt and pension concerns. Graf Zentner's constitution fundamentally altered the legal basis of Bavarian legitimacy at home and abroad. The constitution was a product as much of an unstable domestic economy as it was the tense atmosphere of civil unrest and the reactionary influence of larger powers bordering the Bavarian state. Zentner's constitution made Max Joseph, and future Bavarian Kings, legitimate rulers by restoring the *Adeligestände* (the Bavarian elites) to a measure of respectability and utility for the health of the state. Zentner formed a coalition of necessary personalities and interests in the

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<sup>662</sup> Stutzer, 170.

<sup>663</sup> *Ibid.*, 169

<sup>664</sup> Petition of Ana Meierl to the General Commissariat of the *Isar Kreisamt*, August 10, 1808, in BHStA, MF 17316. German: "2/3 Getreid und Gut – 240 kr. Gut."

<sup>665</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 448.

Bavarian state to stabilize debt, tax revenue, and agricultural vitality. The Bavarian state in the post-Montgelas era, was more expansive in its scope but more compromising. Critics of the Bavarian state, however, perceived the reforms as failures. The Bavarian state was more active in forming policy through the actions of the King and the legislative interpretations of the *Landtag* but remained just as ineffectual as its predecessor in realizing coherent, systemic improvement of Bavarian land. Zentner honed Montgelas' reforms, in theory, harnessing the powers of state authority for the shared, legally backed nature of a more transparent, republican inspired state. Support for notables and landholders, in practice, did not transpire. For landholders, the Bavarian state was still far from functional or responsive to everyday demands and hardships.

The Bavarian state and monarch themselves retained legitimacy, surviving the reactionary revulsion to allodification and other land reforms that had marked the years of revolution in the early-nineteenth century. Crown Prince Ludwig, who played a key role in the dismissal of Montgelas in 1817, setting in motion the process of the reforms of 1818, became King in 1825 at a point of stability and legislative and bureaucratic coherence. His rule, from the vantage point of 1825, appeared to offer more of what Zentner provided, stability crop yields and fair taxes. Thus, the modernization of Bavarian bureaucracy, twinned with the dual program of agricultural development exposed the practical limitations of governmental and physiocratic perceptions of modernization. The gradual evolution of the Bavarian state from 1818-1825 proved that a relatively seamless transition to legitimate professional bureaucratic service to a constitutional monarchy was possible. The gulf between functional bureaucracy, economic management, and social policing, beyond the theoretical, official capacity of the Bavarian state was never truly present in the town or village setting. The litany of hardship reports, data

collected, and minutes of *Landtag* minutes do little to prove that the Bavarian state, on a functional, everyday level, did much for ordinary Bavarians through 1825.

## **Epilogue. The Road to Liberal Land Policies (1825-1848)**

King Ludwig's efforts to stabilize productive agriculture and land value ultimately led to his decision to join the Prussian led *Zollverein* (or customs union), a disastrous arrangement that opened Bavarian landholders to new markets that in turn crushed them competitively. Ludwig's entry into the *Zollverein* constituted a new form of cooperation with the neighboring southern German states of Baden and Württemberg in a failed regional South German Customs Union. These negotiations revealed Ludwig's desire to exploit Bavarian economic recovery for a commanding role in a regional economic bloc, challenging the meteoric economic prominence of Prussia and the looming presence of restoration-era Austria. The failure of the South German Customs Union brought Bavaria into Berlin's orbit and bought Munich access to unprecedented European, and ultimately global market share. As had been the case with the Continental System, Bavaria was again at the mercy of larger, more powerful political and economic forces beyond its control. Grain prices plummeted, land quality diminished, and waning popular support led to his abdication in 1848. The entry of the Kingdom of Bavaria into the *Zollverein* again devolved control of the Bavarian economy and agricultural management to a foreign power – the second time such an event had transpired in thirty years. New economic and political theories and forces by the 1840s heralded the final demise of the Bavarian property regime that sought to transform *Güter* estates into privately held plots. This supplanted a state driven by a strong monarchy and a close circle of advisors for bold middle-class notions of power derived from the personal accumulation of property.

This epilogue traces the lingering aftermath of Bavaria's formative interdependent bureaucratic and land allodification schemes seen in their last iteration as an attempt to preserve Bavarian economic and political autonomy in the face of domination by foreign powers and the

challenges posed by domestic insecurity. Swirling economic forces beyond Bavaria's borders and new notions of property within the Bavarian state complicated attempts by King Ludwig I to increase the Kingdom's prominence in European political and trade circles. Land as privately held property became more common and the agricultural sector, in the coming years, would become more competitive. In sum, the Kingdom of Bavaria, like its predecessor the Electorate of Bavaria, proved unequal to the task of managing and controlling the agricultural economy, placating or taming landed notables, and securing the strong, independent status of the polity amidst looming regional threats.<sup>666</sup>

### **Ludwig I and The South German Customs Union: Bavaria and Broader Markets**

The longstanding, multi-decade Bavarian quest for particularism within German-speaking central Europe came to a critical juncture with Ludwig's attempt to create a southern German customs' union with Munich as its capital. Bavaria was in a precarious political position by 1825. Bavaria's ministers at the time, including foreign minister Alois von Rechberg, operated from a defensive position, advocating for the primacy of the Kingdom's interests over shared German objectives. Rechberg, pressured by Bavarian merchants, staunchly opposed joining a customs union if the tariffs and crop prices did not disproportionately favor the Kingdom's private, moneyed interests while Maximilian von Lerchenfeld, acting as finance minister, disagreed due to the potential markets Bavarians could reach.<sup>667</sup> By 1825, growing trade networks in southern Germany also meant more markets for Bavarian farmers that stood to help stabilize the agricultural market. Ludwig pursued a path of unity amongst the smaller

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<sup>666</sup> This is not to imply that Bavaria would inevitably succumb to Prussian led German unification but merely serves to illustrate how much Bavaria's rulers were incapable of subduing consistent challenges from persistent domestic and foreign challenges to state sovereignty.

<sup>667</sup> W.O. Henderson, *The Zollverein* (Cambridge: Cambridge University Press, 1939), 60.

southern German states, rather than Bavarian exceptionalism, appeared as a promising alternative. The preliminary agreements for a South German Customs' Union, the product of cooperation between Bavaria, Wurttemberg, and Baden, went into effect in 1825.<sup>668</sup> Ludwig was skeptical of the plan at first. Bavaria raised tariffs on goods, including agricultural products that same year.<sup>669</sup> Disagreements between the three independent German states ensued. Any regional customs union, however, required compromise, investment in infrastructure, and the active, consistent negotiation between each power's representatives.

Ludwig's defense of Bavarian particularism was challenged by the benefits offered from joining a customs union that would help stabilize the Kingdom's economy and assist struggling landholders. Bavaria's agricultural sector comprised 55% percent of the entire Bavarian economy in the first half of the nineteenth century.<sup>670</sup> Facilitating the trade of agricultural products and reducing tariffs on transportation and importation could, at least in theory, greatly assist in stimulating growth in the Bavarian economy. A regional customs union stood to benefit landholders as well. Lerchenfeld was wholly opposed to Bavaria's integration into a system that also benefitted agricultural producers in neighboring German states. Although Lerchenfeld's many opponents, such as Josef Ludwig Graf von Armansperg (then foreign minister), criticized this position, they agreed that Bavarian products should hold a privileged position in any hypothetical customs union.<sup>671</sup> Negotiations and parliamentary deliberations regarding the customs union ensued in Bavaria, Baden, and Württemberg from 1826-1828. Broadsheets of the German states followed the discourse closely. The 24 December 1826 issue of the Nuremberg-

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<sup>668</sup> Henderson, *The Zollverein*, 61.

<sup>669</sup> *Ibid.*, 62.

<sup>670</sup> Hermann Kellenbenz, *Deutsche Wirtschaftsgeschichte Band I Von Anfängen bis zum Ende des 18. Jahrhundert*, 52.

<sup>671</sup> Henderson, *The Zollverein*, 62.

based “Friedens und Kriegs Kurier” reported that in Stuttgart, King Wilhelm I of Württemberg had tasked the *Landtag*, “To inquire with the government to take the appropriate action to bring about a trade treaty or customs union with the Bavarian government.”<sup>672</sup> Bavaria’s King responded similarly in 1825.

Ludwig’s position on the prospect of a trade union changed in the ensuing years when he made Josef Ludwig Graf von Armansperg, a well-respected civil servant, his finance minister. Ludwig made Armansperg finance minister in 1828. Heinz Gollwitzer, Ludwig’s preeminent biographer, presents Armansperg as an uncompromising champion of Bavarian particularism and the integrity of the Kingdom of Bavaria’s core lands of *Altbayern*, *Schwaben*, and *Franken*: “Armansperg undoubtedly envisioned a supremacy in southern Germany that seemed more important to him than a solution to the Baden-Palatinate territorial question.”<sup>673</sup> Armansperg, with Ludwig’s support, however, sought cooperation with bordering states, including a trade pact with Baden and Württemberg and mutual respect for each state’s constitutions in the German federal system.<sup>674</sup> Armansperg’s efforts helped resurrect the stalled discussions about the function of the proposed South German Customs Union between Bavaria, Baden, and Württemberg. Wilhelm, raised concerns about the disadvantageous position faced by his subject

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<sup>672</sup> “*Frieden und Kriegs Kurier Nro. 31.*” Digipress Bayerische Staatsbibliothek (BSB). [https://digipress.digitale-sammlungen.de/view/bsb10502433\\_01329\\_u001/1?cq=Zollverein](https://digipress.digitale-sammlungen.de/view/bsb10502433_01329_u001/1?cq=Zollverein) [accessed April 23, 2020]. German: “Die Regierung zu ersuchen, die geeigneten Maasregeln zu ergreifen um einen Handels Vertag oder Zollverein mit der bayerischen Regierung herbeizuführen.”

<sup>673</sup> Gollwitzer, *Ludwig I. von Bayern, Königtum im Vormärz, eine Politische Biographie*, 267.

<sup>674</sup> *Ibid.*



Württembergers in the proposed system.<sup>675</sup> These concerns were addressed and adequately settled when the South German Customs Union went into effect on 18 January 1828.<sup>676</sup>

Problems in the customs union, however, abounded within the system itself and beyond. Infrastructure in Bavaria, for example, was lacking. Road traffic throughout Germany was reported as, “expensive, arduous, and slow.”<sup>677</sup> Murray’s travel guide described travel in Bavaria as “very bad” years after the initial customs union was first attempted.<sup>678</sup> Legally, uniform tariff revenues on these poorly maintained trade arteries would be shared proportionally based on each state’s population.<sup>679</sup> In practice, Bavaria collected 72% of all tariff revenues and the trade network and customs zone was rated as far inferior in bill of exchange when compared to the Prussian *Zollverein* to the north.<sup>680</sup> In short, the tariff collection were meager in comparison. Understandably, the uneven tariff revenue collection scheme provoked disagreement. Forty-four percent of the tariff revenues went towards administrative costs for the maintenance of the customs union.<sup>681</sup> The annual tariff negotiations, held in Munich, were less than productive.<sup>682</sup> Looming Prussian trade dominance in the north of Germany began to apply an irresistible amount of pressure on this ambitious scheme through Berlin’s stronger trade and diplomatic presence, leading to the weakening of the South German Customs Union and the integration of smaller German states, including Bavaria, into the Prussian-dominated system.

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<sup>675</sup> Henderson, *The Zollverein*, 62.

<sup>676</sup> Ibid.

<sup>677</sup> James Sheehan, *German History 1770-1866*, 465.

<sup>678</sup> Ibid.

<sup>679</sup> Henderson, *The Zollverein*, 63.

<sup>680</sup> Ibid. Henderson records that the bill of exchange was 9.5 silver *Groschens* compared to 24 Prussian *Talers* in 1828 placing even Bavaria, the wealthiest of the South German Customs Union powers at a severe economic disadvantage.

<sup>681</sup> Henderson, *The Zollverein*, 63.

<sup>682</sup> Ibid.

### Bavaria in the *Zollverein* System (1834-1840)

Ludwig presided over the entry of the Kingdom of Bavaria into the *Zollverein* in 1834, subordinating economic and, in time, political power to a nexus of Prussian dominance. Bavaria's entry into the *Zollverein* came at a critical moment in the Kingdom's history. Ludwig built confidence in his role by strengthening the Bavarian economy as the state weathered the hunger crisis of 1825. Bavaria's place within the German Confederation, however, had not changed. Ludwig operated within an interdependent system that offered little room to maneuver.<sup>683</sup> Prussia dominated the *Zollverein* and negotiated trade agreements unfavorable to smaller states. Protectionist duties on corn were lifted in 1835 and prices plummeted in Germany.<sup>684</sup> Prussian trade decisions no longer had merely an indirect impact on Bavaria's economic health. Instead, Bavaria was formally subordinated to a trade pact outside of the state's control. The price of corn in *Regen-Kreis*, an administrative unit of the Kingdom of Bavaria with a capital in Regensburg, sank to a measly three *kreutzer* per bushel, a drop by 2 *kreutzer*.<sup>685</sup> Berlin's control over the *Zollverein* protectionist measures were also inconsistent and subject to exploitation from competing markets. Dutch traders made routine profits, for example, by duping inattentive Prussian customs agents in various ways.<sup>686</sup> Merchants exploited a loophole in customs duties and comparative market prices by dumping partially refined sugar into the *Zollverein* trading zone at a lower price due to their claims that the good was unrefined.<sup>687</sup> Prussian dominance meant that Bavarian goods could be traded on a much wider scale but were

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<sup>683</sup> Kraus, *Bayerns Geschichte*, 461.

<sup>684</sup> Henderson, *The Zollverein*, 129.

<sup>685</sup> "Königliche Baierisches Intelligenzblatt für den Regenkreis Nro. 35." Bayerisches Staatsbibliothek available online at [https://digipress.digitale-sammlungen.de/view/bsb11166206\\_00707\\_u001/1?cq=1835](https://digipress.digitale-sammlungen.de/view/bsb11166206_00707_u001/1?cq=1835). [accessed 30 April 2020].

<sup>686</sup> Henderson, *The Zollverein*, 129

<sup>687</sup> Ibid.

also subject to increased foreign competition and greater demands on the agricultural and trade sectors to best stronger markets.

Global market competition constrained Bavarian growth to such an extent that it dwarfed that of the regional trade imbalance and the exploitative Napoleonic Continental System of years past. Sixty-seven percent of all Bavarian land in the 1830s was agricultural and nearly two-thirds of the population was involved in cultivation.<sup>688</sup> Ludwig's support for productive, if not stable agriculture, was thus tested like it had never been before. Bavaria's Finance Ministry officials, at the behest of Ludwig, raised an indirect tax of over 11 million *gulden* as well as a new tax revenue of 7 million *gulden* derived from the products of privileged estates of Bavaria's elites as part of a yearly increase in thirty-five million *gulden* for the state coffers.<sup>689</sup> Bavarian state debt in the 1830s, however, soared to an unprecedented 110 million *gulden*.<sup>690</sup> State taxation on overburdened farms came during a competitive tariff war as the *Zollverein*'s representatives confronted the powerful merchant economies of Britain, Belgium, and France.<sup>691</sup> The *Zollverein*, in theory, was unprecedented in scope and importance for the development of the economies of German-speaking central European states, save for the non-participant Habsburg Empire.<sup>692</sup> In practice, the markets available to smaller states like Bavaria, Baden, and Wurttemberg, were dominated by stronger international competitors. These smaller southern German states, now joined by concerned Silesian and Saxon merchants, as well as farmers, could not compete with

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<sup>688</sup> Kraus, *Geschichte Bayerns, von den Anfängen bis zur Gegenwart*, 463.

<sup>689</sup> *Ibid.*

<sup>690</sup> *Ibid.*

<sup>691</sup> Theodore Hamerow, *Restoration, Revolution, Reaction, Economics and Politics in Germany, 1815-1871*, 12.

<sup>692</sup> Keller, Wolfgang, and Carol H. Shiue. "Endogenous Formation of Free Trade Agreements: Evidence from the Zollverein's Impact on Market Integration." *The Journal of Economic History* 74, no. 4 (2014): 1168-204, 1168.

more powerful markets.<sup>693</sup> Ludwig, like the monarchs of Baden, Württemberg, and other smaller German states, was beset by more frequent and dire calls for assistance as the land regimen so critical to Bavarian stability buckled by the end of the 1830s.

The hierarchical Bavarian property system succumbed to the great forces of market competition, famine, and an insurgent middle-class liberal movement in the *Landtag* in the 1840s. Integration into the *Zollverein* left the Bavarian state adrift among stronger powers and at the mercy of forces beyond the control of even the most able statesmen. Armansperg, and his successor, Arnold Friedrich von Mieg, could not harness the powers of the Bavarian state to control the explosion of state debt, the degradation of land, and the severe constraints imposed by a domineering Prussian guided customs union.<sup>694</sup> Ludwig, and the rulers of other south German states, believed that the further survival of this system necessitated joining a larger trade bloc to protect the vitality, and sanctity, of what Montgelas had so many years before dubbed “the sacred right of property.”<sup>695</sup>

### Conclusion

The mass allodification of Bavarian land was a multi-decade process pursued by several statesmen for the purposes of boosting agricultural yields. This process was undertaken for the purpose of creating a robust economy. It also lent legitimacy to the rule of a sovereign by separating notions of elite privilege from its connection to land possession. Allodification was

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<sup>693</sup> Hamerow, *Restoration, Revolution, and Reaction*, 13.

<sup>694</sup> Henderson, *The Zollverein*, 42.

<sup>695</sup> Graf Montgelas, Maximilian Joseph von Garnerin, “Ansbach Memorandum.” Proposal for a Program of State Reforms (September 30, 1796),” German History in Documents and Images (GHDI), [https://ghdi.ghi-dc.org/sub\\_document.cfm?document\\_id=3524](https://ghdi.ghi-dc.org/sub_document.cfm?document_id=3524). [accessed February 1, 2020].

known as “redemption” when land itself was purchased as a property. Bavaria’s leader would provide unitary law and order above the patchwork of estates including the Catholic Church and landed notables who possessed semi-feudal land and elite privileges. New legal definitions for property were created in Bavaria’s cameral academies where the influence of physiocracy, an Enlightenment school of thought emphasizing productive land use, prompted cameral faculty to advocate for a greater role for civil servants within the Electoral state. These bureaucrats would play a critical role in enhancing economic growth and the authority of Bavaria as an enlightened absolutist state. The elevation of the status of cameral officials to civil servants of the Bavarian state was itself a controversial process that provoked the ire of traditional power blocs such as the Church and landed elites. Yet Bavaria, as a smaller German state, lacked the resources of a much larger polity like the Kingdom of Prussia, the Habsburg Empire, or Revolutionary France. Bavaria’s leaders could not employ many civil servants to carry out land reform. It is for this reason, along with the power of regional enemies and influential estates of Bavarian society, that Munich’s rulers required foreign assistance to bring this project to fruition.

Allodification, as pursued by Montgelas, though doomed to an imperfect implementation fraught with compromises with foreign powers and nobles so critical to agricultural production, was an unqualified success that survived an era of war, famine, debt, and social upheaval. Montgelas diminished the power of landed elites and the Catholic Church from Bavarian politics, funded the creation of a unified civil service for Bavaria’s Elector, and leveraged the tumultuous era of the Napoleonic Wars to grant King Max Joseph unmitigated power over a unitary state with a uniform legal compact. The system was tested by the personal failings of Napoleon Bonaparte’s wars and consistent imposition on the Bavarian state for supplies for his wars. Bavaria, perpetually trapped between the clout of much greater powers, was successfully led by

Montgelas through destructive conflicts, famine, debt, and military defeat. Montgelas' land system itself survived and "redeemed" (or claimed) much of the land. The political system, though altered by his successors, was but a modification to his monocratic rule from 1799-1817. Bavaria possessed a strong bill of exchange for land even in the wake of the Napoleonic Wars.

Montgelas' system survived the Napoleonic Wars and was in time altered to include a broader cross section of the Bavarian populace in a property buying class. In 1818, a second constitution was drafted that gave some non-noble Bavarians the opportunity to participate in the legislative proceedings of the *Landtag* parliament. By the 1840s the budding *Mittelstände*, from which manufacturers, merchants, craftsmen, professors, and lawyers came, were a powerful liberal voice in the *Landtag* and in the Bavarian push towards industrialization.

In sum the process of mass allodification in Bavaria was one more defined by compromise than consistent conflict. The power of the notables, was in time, lessened by demands for cash, pensions, and the negotiated "redemption," or sale of their land based on allodified terms. Montgelas and his successor built and retained this system through persistent challenges to its operation and in a much more generous and broad application than much larger states such as Prussia or Austria. The problems faced by such a system are more representative of the limitations of state power, the reach of institutional civil bureaucracy, and the misapplication of present-day connotations of governmental authority to the early-nineteenth century. For these reasons, Bavaria, both as a state in the "third Germany," and as a European power, was responsible for one of the most successful, rapid, and sustained consolidation of centralized power and transitions from a semi-feudal economy to one of agricultural land designated as private property.

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## **Vita**

Greg Tomlinson is a San Francisco Bay Area native who received a BA in history and an MA in modern European history from San José State University (SJSU) in San José, California in 2009 and 2012, respectively. Greg has taught courses on German history and the Second World War for Louisiana State University (LSU) and enjoys sharing his passion for German and European history. He was accepted into the LSU history program in 2012. He anticipates graduating with his Ph.D degree in August 2020. He plans to continue studying and teaching German and European history.