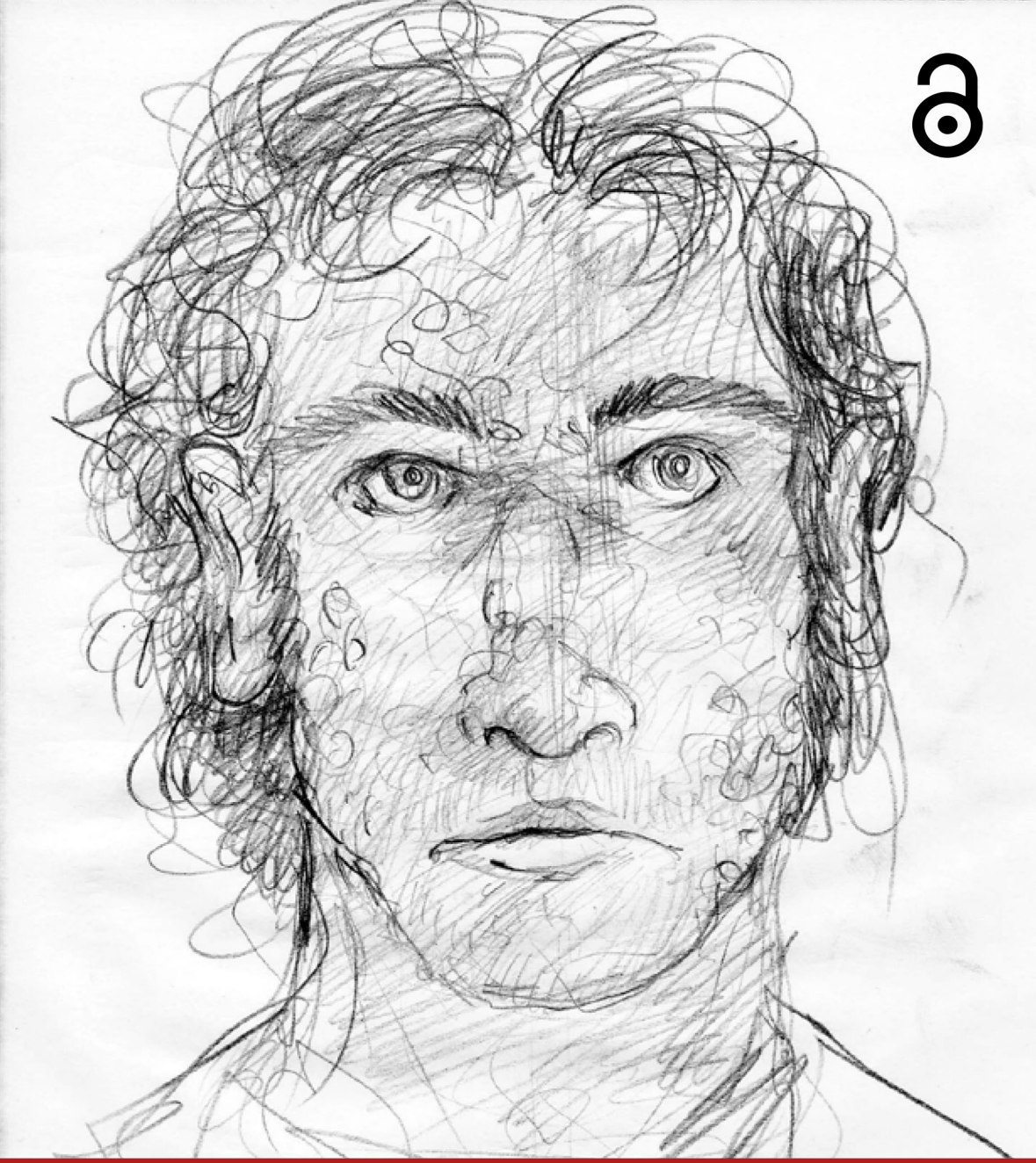

CRIME, ENLIGHTENMENT, AND PUNISHMENT

Bureaucratic and Scientific Change in Habsburg Austria, 1750s–1820s

Stephan Sander-Faes

ROUTLEDGE

CRIME, ENLIGHTENMENT, AND PUNISHMENT

This book studies the social consequences of bureaucratic and scientific change during the transition to modern states and societies in the Age of Enlightenment, as it explores how the Habsburg Empire deployed new ways and means to integrate existing structures into supra-regional systems of order.

Exemplarily focused on Lower Austria, the book ties together the bustling imperial capital of Vienna and its hinterlands, where there was little economic, political, and social change before 1850. Previously unused archival materials such as administrative paperwork and printed wanted notes, in combination with published educational and legal texts, allow for the analysis of how bureaucratic procedures, social norms, and scientific change contributed to increasing exchange between Vienna, regional hubs such as Krems and Zwettl, and individual seigneurial holdings. Conceiving of these dynamics as a patchwork-in-progress, this study investigates state-making dynamics by transposing centralising norms and practices into everyday administration. It looks carefully at the intersections of local/central authority, offering a way beyond binary centre-periphery assumptions.

This volume will be of interest to scholars of the history of state-making in and beyond Europe. Its up-to-date discussion of the pertinent historiography will also be useful for undergraduate and graduate students and teachers of comparative politics.

Stephan Sander-Faes is Associate Professor of History at the University of Bergen's Department of Archaeology, History, Cultural Studies and Religion and *Privatdozent* of the University of Zurich, Switzerland.

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To my family, my very own 'partners-in-crime'.

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ACKNOWLEDGEMENTS

This book, appearing in such close temporal proximity with my *Lordship and State Transformation* (2024), has a much longer history than might be expected. I first 'discovered' the main evidentiary base, wanted notes preserved in the vaults of Zwettl Abbey, Austria, on a rather chilly evening in January 2013. I had been looking for something very different, mainly taxation-related materials to compare the evidence from Lower Austria with sources from neighbouring southern Bohemia, and then—serendipity struck. Going over the finding aids on site, I noticed a few files labelled 'wanted notes' and asked Dr. Martin Haltrich, then the archivist of Zwettl Abbey (now chief librarian at Klosterneuburg Abbey) if I could look at them. Soon thereafter, I found myself reading—and subsequently photographing—hundreds of these *Stöckbrieffe* and *Personsbeschreibungen*. I was hooked. The descriptions were so fascinating, and I resolved to shelve my initial research aims and focus on these wanted notes and related materials. The rest, as the time-worn adage goes, is history.

While working on the above-mentioned 'other' manuscript, I kept researching these wanted individuals and their world. I wish to note a few milestones in this process to indicate the long 'ripening process' this entailed: in January 2015, I presented a few initial findings at the 'Bodies Beyond Borders' conference at the Catholic University in Louvain, Belgium; during my term as the István Deák Visiting Professor in autumn 2018, I had the opportunity to discuss my evolving research at Columbia, Vanderbilt, and New York University, followed by a few more conferences on this side of the Atlantic, most notably in Wiener Neustadt, Austria, in summer 2019, as well as with colleagues and students here in Bergen ever since. In other words, the criminals, vagrants, and other wanted individuals have been my

companions for a long time. Moreover, as my wife's family hails from that particular region of the *Waldviertel*, I had a second impetus that brought me back to Zwettl Abbey in 2019 and 2021. At every step of the way, I was welcomed warmly and helped by archivists Martin Haltrich and his successor Dr. Andreas Gamerith to whom my sincere thanks go. I furthermore wish to acknowledge the camaraderie and assistance I received from my colleagues at the Lower Austrian State Archive, namely Elisabeth Loinig, Heidemarie Bachhofer, and Tobias Hämmerle, as well as the extra-helpful staffers in the reading room.

Apart from the many comments I received over the years, I benefited tremendously from the scholarship and companionship on both sides of the Atlantic, especially from the insights offered by Peter Becker, Martin Scheutz, Thomas Winkelbauer, Gerald Kohl, and Christian Neschwara (Vienna), Ernst Langthaler and Michael Pammer (Linz), and Martin Schennach (Innsbruck) in Austria. Special thanks go to my comrades-in-arms in the proverbial trenches of research on patrimonial domination: Josef Löffler and Josef Pauser (Vienna), Elke Hammer-Luza (Graz), and Tobias Hämmerle always, and generously so, provided near-instantaneous access to literature otherwise unavailable here in Norway. I have been similarly blessed by the many opportunities to discuss my ongoing research at the above-mentioned conferences and at several other meetings and workshops, as well as with colleagues and students alike. While I wish to acknowledge a select few here, the listing is by no means exhaustive and if one of you, my dear readers, feels unfairly excluded, I offer my unreserved apologies: Robert J.W. Evans (Oxford), Larry Wolff and Daniel Jütte (NYU); Markian Dobczansky and Vladimir Hamed-Troyansky (then at Columbia, now at Harvard and UC Santa Barbara, respectively) for many chats—and shared meals—in and around West 119th Street; Joel Harrington, Celia Applegate, David Blackbourn, and Ari Joskowicz (Vanderbilt); Georg B. Michels (UC Riverside), as well as my dear friends Richard John (Columbia) and Juraj Kittler (St Lawrence College) whom I recently met again in Prato, Italy, courtesy of Bruno Crevato-Selvaggi's seemingly endless curiosity. Finally, my friend, the artist Florian Köhler, deserves special notice: around Christmas 2014, a few weeks before I presented my incipient research in Louvain, I asked him to sketch a few visualisations based on some of the wanted notes I found in Zwettl Abbey. One of the chief problems he encountered in doing so, as Florian told me later, was 'the many images and pictures I already had in my head'. One of these images adorns the cover, and I wish to duly acknowledge my friend's artwork and thank him for permitting me to make use of his art.

This book began as a side-project while I was working on my *Habilitation* project a decade ago, and many of the characters you will meet in these pages have been my companions ever since. While I was fascinated by the wanted notes from the beginning, my engagement with Habsburg Central Europe,

much like the themes explored here, continues to evolve. When I began my academic career, I had no idea that my own path, which led me to Switzerland and now Norway, interspersed by a stay in the United States, would eventually lead me back to my own *Heimat*, or ancestral land(s), Lower Austria and Vienna. I find it (still) fascinating to (re)discover many aspects of their past, and in doing so, I wish to acknowledge the lasting influence of my Ph.D. supervisor, the late Karl Kaser (Graz), whose welcoming demeanour, companionship, and ever-changing curiosity remain dear to my heart; I very much regret his untimely passing, and this book shall also serve as a lasting testament to his kindred spirit.

Like everyone else, I relied on the scholarship of others, and I sincerely hope that I have represented their contributions accurately and duly acknowledged them in the appropriate places. Should I have failed anyone in this regard, I offer my unreserved apologies. Similarly, all remaining errors in this book are mine alone. For the past ten years, the vagrants, criminals, and otherwise deviant characters that populate these pages had become my proverbial 'partners-in-crime', although in many ways their companionship differs from that of my wife and our children. I remain forever indebted to them for all their care, patience, and support over the years. Dorothea, I hope you will enjoy this book, and it is to you and our children that it is dedicated.

ABBREVIATIONS

ABGB	Allgemeines Bürgerliches Gesetzbuch, Civil Code of 1811
AVA	Allgemeines Verwaltungsarchiv, Vienna
fasc.	fascicle
fl.	florin, or gulden; 1 fl. = 60 kreuzer = 240 pfennige
fol.	folio
KG	Kreisgericht, district court
kr.	kreuzer; 1 kr. = 4 pfennige
NÖLA	Niederösterreichisches Landesarchiv, St. Pölten
ÖSTA	Österreichisches Staatsarchiv, Vienna
ÖZV	*Österreichische Zentralverwaltung*, eds. Fellner, Kretschmayr, and Walter
r.	reigned
sign.	signature, level of archival categorisation
StiAZ	Stiftsarchiv Zwettl
VLKNÖ	Verein für Landeskunde von Niederösterreich

NOTE ON TEXT, SPELLING, AND TRANSLATION

Given the linguistic characteristics of Central Europe and the geographical scope of this book in particular, the following method of naming places and individuals has been chosen: I am using the term 'Habsburg Empire' when referring to the *entirety* of the realms and territories ruled by the Austrian branch of the dynasty before 1804; after the declaration of the Austrian Empire, or Kaiserthum Österreich, in that year, I am also using that term, which conveys additional temporal qualities. I have done so despite the possible confusion with the Holy Roman, or German, Empire (which the Habsburgs also ruled during the period under consideration until 1806), as well as the equally confusing scholarly tradition to switch from the designation of the Habsburg's realms as 'monarchy' (in the early modern era) to 'empire' (from the later eighteenth century onwards). Similarly, the designation Austria-Hungary relates to the last manifestation of the Habsburg Empire, which existed from 1867 until the proverbial *Last Days of Mankind*.

As the geographical focus of the book rests on the Archduchy of Austria below the Enns, I am using that term and its short-hand Lower Austria, although doing so might invoke confusion with the post-1918 federal state (Bundesland) Niederösterreich. I wish to add, in all brevity, that there are important territorial-legal continuities as well as many differences, and I have therefore resolved to discuss their implications at some length in Chapter 1. I have furthermore tried to use then-contemporary designations of the various Austrian, Bohemian, and Hungarian lands, and none of these designations shall infer the absence of much more complicated realities that tied these territories together and to the Habsburg Empire as a whole.

For consistency, I have used the toponyms I found in the archival sources, which are mainly given in German, with their present-day equivalents given

in parentheses upon first mention (relating, however anachronistically, to present-day borders and linguistic conventions). Nothing in this usage shall infer anything but their diffusion in the records cited. Exceptions are places generally familiar, e.g., Vienna, Munich, and Prague.

The currency I refer to most consistently is called 'florins' (fl.) rather than 'gulden'; all sums appearing in this volume may be seen as multiples of kreuzer (kr.), of which there were 60 to the florin. Given the widespread use of many different units of account, specie, and, from around 1800 onwards, also banknotes and various forms of paper currency, much information thereto is tucked away in the respective endnotes throughout the book.

Like toponyms, personal names are given as they appeared in the sources, with exceptions being those 'bigger' men who are already well-known to historians. The spelling of especially the surnames follows the German or Germanised forms found in the sources.

If not noted otherwise, all translations are mine, and I have sought to retain the style, punctuation, and choice of words that reflect, to the greatest possible extent, their original version.

INTRODUCTION

This book pursues two overarching aims: firstly, by studying the ways and means of everyday administration, I am exploring *how* the interrelated forces of local/central and social/political power sought, and eventually found, a way to change governance in the Habsburg Central Europe. The period I am focusing on extends from the mid-eighteenth century through the French and Napoleonic Wars into the *Vormärz*, which is to say that this study contributes to both well-established discussions about the reigns of both Maria Theresa (r. 1740–80) and Joseph II (r. 1765/80–90), as well as their comparatively under-researched successors Leopold II (r. 1790–92) and Francis II/I (r. 1792–1835). Second, given the evidentiary foundation—ranging from administrative paperwork to personal papers, and from bureaucratic minutiae to university-level textbooks—the following pages address the inner workings of the emerging central administration; they do so, however, not from the proverbial 'perspective of the pinnacle' but from the point-of-view of those local officials, patrimonial staffers, and ordinary people who lived with the consequences of these decisions.[1] Doing so arises out of consideration of the following two key points of departure, one arising from the study of History:

> If the government's records of its deliberations, proclamations, and court records provide a moving image…administrative records furnish the soundtrack, thus bringing the scene closer to life than either set of sources would do on their own.[2]

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And the other from contemporary Legal Studies:

> Political and administrative actors at different levels of government shape the outcome of transposition…Looking only at the general characteristics of a national legislative process, therefore, is too imprecise. Scholars need to focus on the different decision-making processes affecting transposition, many of which take place within specific boundaries governed by a single ministry or agency.[3]

The main arguments and themes explored in this study are as follows: firstly, of course any enquiry into state-building relates to the activities of those bigger men and women in charge. This is typically done by resorting to the evidence produced by central government and how these were eventually applied elsewhere. While this cannot be avoided completely, my understanding departs from the assumption that the expansion of governance from the mid-eighteenth century onwards was (is) a *co*-production of state and non-state actors. This comes to the fore the moment one recognises that the former's activities were designed to be inserted into contexts where they did not exist before. Conceiving of these dynamics as a patchwork-in-progress, such an enquiry inevitably leads into the largely unmapped, *vast domain* that existed beyond the splendour of the imperial court, its many high-born attendants, and Vienna's fledgling bureaucracy.[4] Thus conceived, second, the study of the many ties that tied together the Danube metropolis and its surrounding territories, and the dynamics of these reciprocal exchanges—rather: dialogue—between state *and* non-state actors has not yet received a widely used descriptor. In the following I shall be using the terms and concepts of 'state transformation' (Charles Tilly), as well as, borrowing from Legal Studies, 'transposition'.[5] An enquiry along these lines seeks to transcend conventional disciplinary, spatial, and temporal boundaries and instead analyses local/central and social/political entanglements within the same analytical framework. These pages, therefore, offer a history of state-making 'between the archives and the field' and thus seek to account for the inter-relationship between what was determined in Vienna, how these changes arrived in, and the ways and means by which they were subsequently applied, in the Central European countryside whose 'agrarian system' remained traditional and pre-industrial until the latter half of the nineteenth century.[6]

Grounded in original research of hitherto undocumented evidence, this book offers a unique contribution to administrative, legal, and social history as well as new insights to neighbouring fields, such as (historical) sociology, communication and media studies, ethnography, and anthropology. As such, by taking this stance, my study offers an original contribution to long-standing debates about state-building and the presumed 'progression' of science and governance in the Age of Enlightenment.

Lineages of State Transformation

Most people tend to consider that state-making is the study of 'the powers-that-be'. The history of administrative, bureaucratic, constitutional, and diplomatic affairs—something I have taken to calling 'ABCD history'—however, has been one of the mainstays of scholarship since at least the days of Leopold von Ranke (1795–1886); it affected all states, big and small, and all those who wielded influence.[7] Like their neighbours and competitors, the Habsburgs were as active participants in these endeavours as everyone else. When scholars tell the history of European state-making, they often point to this event or that development, which is said to have all but determined whatever eventual outcome. Unsurprisingly, terms like 'path dependency', 'process', 'rise and fall', or similar ex-post value-judgements like 'progress' characterise the relevant literature, with their main difference being, seemingly, variation of names, places, and key dates from one country to the next. As regards the latter, scholarship rarely, if ever, attempts to move past time-honoured periodisation schemes. While it appears straightforward to integrate late mediaeval and early modern history until the mid-seventeenth century, we note that the latter boundary derives similarly, and mainly so, from tradition and ex-post rationalisations.[8] By contrast, studies that convincingly integrate the history of the late-eighteenth century, the Napoleonic upheavals, and what followed are far and few between, with the French Revolution 'in practice still act[ing] as both the endpoint of the *ancien régime*, and as springboard for modern developments'.[9] This book is an attempt to start addressing the implications of moving beyond—rather: across—these time-honoured considerations.

What, then, *is* state-building? Scholarship conventionally utilises the term 'state formation' (Tilly) to relate the gradual, if non-linear, changes in the structure and modalities of temporal power from 'patrimonial relations' or 'domain states' to 'fiscal-military states' that characterised mediaeval and early modern Europe.[10] For the better part of this history, Europe was not a peaceful place. Driven by dynastic ambition, political considerations, and religious convictions, rulers over time established increasingly intrusive fiscal-financial-military regimes, primarily to pay for conflicts. By the late eighteenth century, recurring, if not incessant, warfare had divided Europe into several distinctly circumscribed states, and in this it differed from East Asia, the Middle East, and the Americas.[11] Despite disagreements, these tendencies are interpreted increasingly uniform across the humanities and social sciences: from the mid-seventeenth century onwards, the so-called Westphalian model emphasises state sovereignty and international law, and it is the conventional analytical yardstick to assess a state's organisational development. Scholars of 'state formation' traditionally focus on geopolitical competition, which is said to drive growth of the state's coercive institutions, as well

as its administrative and infrastructural support systems.[12] Their cumulative effects over time led to elevated levels of state capacity, albeit highly attuned to the preparation for, and waging of, war, or, in Tilly's formulation, 'war made the state, and the state made war'. On this meta-interpretation, economists, historians, scholars of international relations, political science, and sociology overwhelmingly agree.[13] This position, in turn, considers peace, and whatever happened in the absence of armed conflict, essentially in line with the ancient maxim *si vis pacem, para bellum* ('if you desire peace, prepare for war'). We note that this is done despite several counterclaims, voiced across the ideological divide, that fail to explain the presumed discrepancies between the war-torn early modern era and the 'unusually peaceable [nineteenth] century'.[14]

Until very recently, Habsburg Central Europe barely registered in these debates, if only because a former, and thus *failed*, state made for an understandably bad case study. 'For a long time', assesses John Deak, 'the history of imperial Austria in the modern era has been a story of backwardness, a failure to innovate, and thus a story of decline and fall'.[15] While this negative assessment has a long history, the past half-century witnessed the emergence of 'revisionist' and increasingly positive views.[16] Ultimately, these interpretations hinge on the ultimately un-falsifiable claim that it was only the unprecedented cataclysm wrought by the Great War that ultimately destroyed the empires of the Habsburg, Hohenzollern, Ottoman, and Romanov dynasties.[17]

These views stand in quite stark contrast not only to earlier interpretations of change. As the mediaeval era receded ever further into the past, a distinctly *modern* age was proclaimed by Christoph Cellarius in his *Universal History* (1701). Over the course of the following century, Enlightenment thinkers strongly advocated for more systemic changes—improvements—to be carried out by similarly enlightened despots, such as Frederick II of Prussia (r. 1740–86), as well as his contemporaries Maria Theresa (r. 1740–80) and Joseph II (r. 1765/80–90).[18] While the success or failure of these rulers ultimately hinged on individual (mis)fortunes, Georg Wilhelm Friedrich Hegel and Karl Marx—whom Jeroen Duindam aptly, if blasphemously so, likens to '*prophets* of modernity' (for it is blasphemy to take the name of the Lord in vain and confirmation of materialism's essentially cultist nature)—created, via speculative reasoning, a synthetic narrative of evolutionary historical change.[19] For Hegel, 'the *German* world' was the pinnacle of human development ('Empire of Spirit'). By contrast, and although inhabited in part by German-speaking peoples, Austria had 'surrendered that more intimate connection with Germany' whose many peoples 'have remained unaffected by "ideas"'.[20] Variations of these (value) judgements percolated through Euro-American scholarship in subsequent decades and persist to this day.[21]

The world wars changed the underlying Hegelian framework in two major ways. Firstly, as 'Spirit' seemingly left the German for the New World,

its essentially eschatological long-term trajectories were recast in a liberal mould.[22] Aided in no small part by German/Jewish émigrés, secondly, US-based social scientists eventually broke with precedents old (Classical Sociology, Whig History) and new alike (Historical Materialism, Modernisation Theory). Taking recourse to considerations by Max Weber (1864–1920) and Otto Hintze (1861–1940), a generation of sociologists like Charles Tilly, Anthony Giddens, Theda Skocpol, and others re-emphasised the nexus of warfare and state-making. While at first confined to the Anglosphere in the 1980s, its breakthrough occurred in the wake of John Brewer's seminal *Sinews of Power*, although its core argument—bureaucratic efficiency and the resultant gains of state capacity—is essentially a re-formulation of military science and sociology originating in Wilhelmine and Weimar Germany.[23] Most scholars 'wrote in the universe that Hegel created', noted John Deak, decrying the nation-state-centric narratives of European state-making.[24] While his study appeared just a year before Pieter Judson's synthesis addressed, to a very large extent, calls to re-integrate the Habsburg Empire and other 'nonnational' experiences, his *New History* as well as Steven Beller's account reproduce both the conventional periodisation schemes and the negative value-judgements levelled at Leopold II (r. 1790–92) and especially his successors Francis II/I (r. 1792-1835) and Ferdinand I (r. 1835–48). In short: there is little that is actually 'new' or 'revisionist' in their accounts prior to the 1850s.[25]

The crux of the matter is not whether—especially Vienna-based—scholars are working hard to extend (project) this more positive ('revisionist') interpretation into the early modern era, even though they are.[26] The main problems deriving from these endeavours are, firstly, the continued and sustained adherence to time-honoured invocations of 'reform' and 'reaction' to events, individuals, and developments from 1740 through the *Vormärz*. Hence, Maria Theresa and Joseph II are reform-oriented 'modernisers' while Francis II/I is considered a 'reactionary' who receives much less attention than, say, Metternich, to say nothing about his successor Ferdinand I (r. 1835–48).[27] Secondly, there is the continued emphasis on centralising bureaucracy (Zentralverwaltung), long the mainstay of historical research that bridged the divide between before and after both the French Revolution and the First World War.[28] Highly relevant studies by Alfred von Arneth (1819–97), Otto Brunner (1892–1982), Hans Sturmberger (1914–99), and others long held that the main adversary of successful modernisation by administrative centralism were the traditional landed elites who fought every encroachment on their prerogatives. While recent years witnessed a widening of approaches, most notably by inclusion of the Vienna court and a re-appraisal of the estates and their role in governance, these tendencies have nonetheless reinforced the 'perspective from the pinnacle' (Franz Szabo).[29] While these are very much influenced by the cultural and perceptual turns, they do rather little to address

P.G.M. Dickson's critique voiced almost 40 years ago: 'A feature of the literature discussed whether on society, government, or finance, is that it is centralist and Germanist', and while the re-appraisal of the roles and functions of the court and the territorial estates is welcome, very little attention continues to paid to what went on 'in the countryside'.[30]

Referencing Tony Judt's 1995 appeal to learn the proverbial lessons of Habsburg history for the achievement of a new European Union, John Deak held that 'the real challenge is that state-building and political developments make for large, sweeping narratives, while telling the story of the Habsburg monarchy calls for qualifications, exceptions, and complexity'.[31] This comment, too, is little more than a re-formulation of a time-honoured truism. What is needed, I would argue, is not yet another round of caveats and equivocations, but the consistent application of an analytical framework across both the conventional disciplinary divide around 1800 *and* the detailed study of the different decision-making processes that affected, governed, and ultimately determined the exercise of authority in and, perhaps more importantly, outside Vienna.

Approach and Methodological Considerations

Historians are typically a quite fickle bunch: we are quick to provide anyone who asks with the benefits of hindsight, which is, of course, '20/20 vision'. In many ways, the field of Habsburg Studies is a quite wonderful, if not Kafkaesque, example of such a stance. Calling upon its proverbial lessons for the present is tantamount to pointing out failures, missed opportunities, and the like, a position that stands increasingly at-odds with the 'revisionist' accounts of more recent vintage.[32] Comparable discrepancies and, frankly, entirely inaccurate claims are even more widespread in mainstream media, if the contrasting invocations over the past 10–15 years of the proverbial lessons from Habsburg history for the European Union are any indication.[33] Such ex-post judgements often miss out on the diverse dynamics that characterised the continued and sustained transformations of state authority around 1800. In fact, these dynamics continued *throughout* the ongoing French-Revolutionary and later Napoleonic wars, they did so *despite* the momentous shift from the 'reformist' Joseph II to the 'reactionary' Francis II/I, and they extended well *beyond* the Congress of Vienna and into the *Vormärz*. To unearth these seemingly unperturbed undercurrents, I focus on the conventional fields of legal and administrative history, as well as on the transformation of governance as it occurred in the Archduchy of Austria below the Enns. Also known as Lower Austria, the territory was home to the imperial court and the bustling central bureaucracy, yet its remote areas and their inhabitants remained overwhelmingly embedded in what historians of the French *Annales* tradition call the *ancien regíme économique*

et social. As such, the Archduchy of Austria below the Enns is a prime example of the 'fragmentation, contradictions and plualit[ies]' that characterised the *waning* of the Old Regime around 1800.[34]

The study of state-making in Habsburg Austria emerged during latter half of the nineteenth century, and it came with the then-typical emphases on administrative, bureaucratic, constitutional, and diplomatic affairs. Like so many other things, their study coalesced systematically only in the later nineteenth century, was heavily influenced by neighbouring Prussian-Germany historiography, and often sought to identify the paths not taken by the Austrian and, later, Austro-Hungarian empires.[35] As such, long-held particulars, such as the struggle between centrifugal versus centripetal factors, the *persistence* of traditional patrimonial ('feudal') prerogatives, and the many continuities of the Habsburg body politic belie any quick or easy integration into narratives that hinge on (geographically) Western European experiences.[36] While the influence of Prussian-German historiography is particularly marked, the story of the Habsburg Empire's governance, officials, and bureaucrats comes with several distinctive features.[37] As literary associations abound—most notably to Franz Kafka, Robert Musil, and Hugo von Hofmannsthal—bureaucracy in general and its study under the time-honoured moniker *Verwaltungsgeschichte* (administrative history) invariably carry rather negative associations. Both *bureaucracy*, literally meaning 'rule of the desk, or office' and those carrying such work, officials or bureaucrats, are typically considered a less-than-friendly way of calling out 'red tape, bean counting', excessive regulatory burdens, and the (seemingly) 'arbitrary use of authority'.[38] In fact, and irrespective of any name-calling imaginable, administration and the rule of law are inextricably intertwined in so many ways that it is perhaps impossible to study them separately.

Hence, the study of bureaucracy, officialdom, and law are one of, if not *the*, essence of large-scale, *complex* human endeavours, past, present, and future (by 'complexity' is meant growth of the number of both files—organisation—and procedures—structures—put in place to deal with them).[39] Each of their constituent activities—gathering information, deliberation of opinions, and the production of tangible results (regulations, decrees, laws)—are of interest to scholarship, as indicated by a wealth of dedicated studies by Peter Becker, Ben Kafka, Bruno Latour, Cornelia Vismann, Megan Williams, and others.[40] Put differently, and far from widespread, if ultimately erroneous, associations with boredom, pedantry, and inside baseball, bureaucracy is both a ubiquitous and quintessential facet of everyday life. Memoranda, annotated protocols, drafts, and rewritten files can be considered the physical manifestations of authority, and their organisation, deliberation, and dissemination represent the typically obscured infrastructure—and the 'tools' involved—of the Habsburg Empire, with seigneurial and state officials fulfilling the role of planners, architects, builders, engineers, and overseers.[41]

Anyone approaching this subject is faced with several challenges. Peppered with literary-dramatic allusions from Kleist's *Broken Jug* (1808) to more recent invocations of its Kafkaesque manifestations, the history and historiography of the Habsburgs Empire's bureaucracy—like this study—begins in the mid-eighteenth century when Maria Theresa founded the *Haus-, Hof- und Staatsarchiv*. Originally conceived as a central archival institution for the inseparably intertwined (mis)fortunes of the ruling dynasty and its lands, it is one of the key archives of Central Europe. Held together by solemn bands of blood and red tape, insurmountable mountains of files, neatly organised in boxes and stored across various locations in Vienna, tell a particular story of the empire.[42] Although the many problems bedevilling the empire before the Austrian War of Succession (1740–48) were recognised, they constituted an 'opportunity missed', according to Robert Evans.[43] By contrast, scholarship is virtually in agreement that an 'overhaul of state and society' can be associated with both Maria Theresa and Joseph II whose decisions ushered in 'a form of enlightened or bureaucratic absolutism'. Whatever the merits of this argumentation, and irrespective of its added nuances proposed by Gerhard Ammerer, William Godsey, Thomas Winkelbauer, and others in recent years, it is *this* periodisation that continues to overshadow the more generic dividing line around 1800.[44]

The history of the fledgling administrative-institutional state apparatus of the Habsburg Empire has been written along two major avenues of research. Firstly, heavily influenced by the Prussian Historical School, the transition of personal-direct ('feudal') authority into abstract-impersonal power relations has been told and retold with a seemingly detached 'central administration' at its core.[45] The second main avenue of research is distinctly biographical as it focuses on the main protagonists of these changes, be they decisive rulers or circumspect councillors (both individuals and their collective manifestations, or estates).[46] All told, *die Aufklärung*—the Enlightenment—came to the Habsburg Empire with a very specific flavour, and its key features—religious toleration and rationalising utilitarianism—have become deeply engrained, if not complimentary, in the past half-century. As such, noted Robert Evans, they are, in effect, a 'somewhat teleological' (*sic*) reflection of the widely diffused, yet equally Vienna-centric, considerations of Habsburg state-building.[47]

Here we note a twofold discrepancy: firstly, speaking broadly, whereas most scholarship on the era of enlightened despotism in Central Europe emphasises the role of reified state authority 'as an undifferentiated whole' and concentrates on 'political themes', the historical master narratives of the various peoples of the Habsburg Empire 'have stressed linguistic and literary matters'.[48] The second discrepancy is a more directly related to the themes of this study—*how* did state power expand into areas where it previously did not exist—and, as it relates to 'the widespread image of Austrian bureaucracy',

it is also more complex. We need to contend with not just the differences between 'pretence (Anspruch) and reality as-is (Wirklichkeit)', as Waltraud Heindl noted; crucially, one must especially distinguish between bureaucracy in the abstract—as a Weberian 'system of order'—and the officials who, as individuals and in the aggregate as a social group, ultimately gave life to the various administrative institutions.[49]

At this juncture, the historian is confronted with two main obstacles: firstly, recent research, as acknowledged by John Breuilly, also considers the 'transformations' around 1800, yet while both the 'first' (Prussia) and 'third' Germany have become increasingly included in these debates, the Habsburg Empire—the 'second' Germany, if you will—remains, by and large, out of bounds. As insightful as the studies by Eva Glück, Manfried Welan, Raoul Kneucker, Stefan Titscher, Waltraud Heindl, Christian Neschwara, Gerald Kohl, and others are on these topics, secondly, there remains 'a deeper problem, namely the way in which state and societal modernisation are distinguished'.[50] Judging this dichotomy (dialectic) to be 'misleading', simply because it excludes 'the level at which most people engage', Breuilly notes that 'if we define the state as just that set of coercive institutions…then the state remains traditional in most aspects for most people'. Having recognised the problem concisely, he then proceeds to 'outline in abstract terms a concept of modernisation', which is where we part company.[51] For to move beyond such blanket terminology, my in-depth analysis of how putatively 'modernising' and 'rationalising' state authority expanded into the purview of patrimonial relations is different: in the Austrian and Bohemian lands, this occurred by co-opting seigneurial institutions and by having officials adopt new 'practices', by which is meant, in Sheldon Wolin's words, 'the institutionalized processes and settled procedures regularly used for handling public matters'.[52] Investigation into the actions, considerations, and consequences of these matters sheds new light on these 'known unknowns', thereby dispensing with the fog of the 'war-makes-states' hypothesis and offering an original contribution to Habsburg Studies that goes beyond the central administration, the close collaboration between crown and estates, and other high-level activities.[53]

This present study proceeds from the dual assumption that local/central and social/political power, while asymmetric in nature, closely worked together to affect change. My emphases rest on the interactions of state and non-state actors across time and space, with the aim to explore the 'fragmentation, contradictions and pluralit[ies]' that characterised pre-modern social formations, question time-honoured periodisation schemes, and juxtapose the alleged 'modernising' impetus conveyed by 'reformist' versus what was done by 'reactionary' rulers.[54] In fact, the study of how expanding centralising authority inserted itself into areas previously beyond its reach suggest this endeavour to be an enquiry into an essentially *hybrid* pre-modern/modern(ising) polity. In other words: the following exploration addresses

both 'the perspective from the pinnacle' *and* its manifestations outside the centre, including due consideration of what transpired in-between to affect change.[55] The ensuing exchange—rather: dialogue—between central and local authorities involved a variety of actors and steps, both official and informal, which lend themselves to an enquiry into the ways and means and how information flowed back and forth. The issue at-hand is not to identify when this procedure or that law changed, but *how* certain forms of centralising knowledge and local diffusion interacted. These phenomena are studied by analysing sources from the spheres of patrimonial domination, territorial, and central administrations.

Combination of relevant archival evidence from various sides, augmented by analysis of what happened 'in-between', yields a more comprehensive understanding of the transformation of the Habsburg body politic between the 1750s and the aftermath of the Congress of Vienna. This study therefore contributes to unearthing a wide range of governmental activities on all levels, including successes and failures, thereby fleshing out the ways and means of *how* state authority expanded into areas, contexts, and issues where it previously did not exist. By focusing on an important, yet understudied, great power, the book explores an avenue of socio-political development that differs markedly from that taken by its better-known peers, Britain, France, or Prussia.

Sources and Chapter Outline

Given these historiographic contours, a different approach is warranted. Yes, state bureaucrats and public officials created a literal paper trail—given the sheer number of sources tucked away in local (private) and regional archives, rather: paper *highways*—that, if placed into the same conceptual framework, invites the historian to follow these developments in almost real-time. My primary sources include administrative files, reports, letters, and judicial records of local, regional, and state provenance; most of them are preserved in the archive of the Cistercian Zwettl Abbey (Stiftsarchiv), although a sizable share of them were later transferred to the Lower Austrian State Archive (Landesarchiv), both of which I visited repeatedly over the past decade.[56] Like in the high-profile case of the notorious murdered and robber Johann Georg Grasel (1790–1818),[57] I include official government documents, newspaper excerpts, manuals, and specialist compendia, such as the multivolume compendium of laws issued by Joseph II edited by Joseph Kropatschek (*c*. 1750–1809) and other printed materials.[58] Moreover, other relevant materials, such as pamphlets, writings, diaries, most notably by the journal of Julius Hörweg (1784–1847), abbot of Zwettl Abbey from 1834, have been included as the late eighteenth century also saw the emergence of circulating printed police reports and related materials in so-called dedicated periodicals

'*Intelligenz-Blätter*' as well as in book-form (which are roughly comparable to 'classified ads').[59] Additional regional information is derived from statistical-topographical publications, such as Joseph von Steinius' two-volume topographic survey and related publications or material compiled for the first and second military surveys of the Austrian Empire.[60]

In more than just one way, the history of state transformation resembles a 'patchwork in progress' during 'an ongoing human [co]production' of state and non-state actors whose efforts became 'institutionalised to a greater or lesser extent over time'.[61] It is also, above all, a *human* history, and I am very well aware that, although the focus here often rests on individuals and their (mis)fortunes, while, at the same time, is also an account of centralising authority. And while the emphases on 'transposition' and 'implementation' as applied here is quite unique, these historical events and developments do resonate today. Then, as now, officials and advisors frequently struggle to follow orders verbatim, put into practice assignments concocted elsewhere, and try to work out solutions that fit any particular environment. How, what, and in which manner 'change' arrived in the countryside, is the story of this book. In concrete terms, this means sifting through paperwork related to the administration of justice and law enforcement: from wanted notes (Steckbriefe) with more or less detailed descriptions of fugitives to criminal proceedings in patrimonial holdings that, by the first decade of the nineteenth century, became increasingly mediated by central authorities. Put succinctly: everyday administration is a very intuitive way to study the growth of state—or external—authority, precisely if this is done in contexts where it previously did not exist. Hence, the subsequent analysis of patrimonial justice that, from the 1780s onwards, became increasingly subject to General Rules of Court (Gerichtsordnung) and the Procedural Ordinances (Jurisdiktionsnormen), both issued by the Vienna court. To these were added the Criminal Code of 1803 and the Civil Code of 1811/12, and all of them curtailed the leeway of local officials well before, and perhaps more consistently, than other centralising documents, such as Francis Joseph's Sylvester Patent of 1851 or the December Constitution of 1867.[62]

In so doing, this book picks up several threads across the humanities and social sciences. The first chapter serves a threefold purpose as it provides all relevant background information, includes an up-to-date overview of the Habsburg Empire's institutional development, and serves as a guide to the most important recent scholarly findings with respect to patrimonial domination, economic development, and social history.

The second chapter takes a fresh look at the normative and administrative sources preserved in Zwettl Abbey, specifically focusing on a previously unstudied source type: hand-written and later printed wanted notes (Steckbriefe) that related information about fugitives from justice and otherwise wanted individuals from the 1750s through the 1810s. This extensive documentation

forms the foundation for a systematic assessment of the rural poor according to personal indicators (age and sex, confession, marital status, origin, and languages spoken) and the nature of their transgressions, thereby enabling a very different account of bureaucratic change, widely understood, than the more widely diffused Vienna-centric studies. These sources also provide prima facie evidence of the ways and means, as well as the modes of transmission, of how a centralising bureaucracy became integrated in local, if not localistic, matters over time.

The third chapter then shifts to the qualitative plane and discusses bureaucratic change and the impact of education reforms during the Enlightenment as both legal and scholarly terminology about diseases or physiological markers (e.g., pockmarks, freckles) became more frequent over time; in addition, qualitative and, above all, also value-judgements about the delinquents' character (or lack thereof) become more widely diffused around the turn of the nineteenth century. This part offers a first foray into the hitherto unexamined dissemination of medical and scientific (body) knowledge among the mostly illiterate rural poor, thereby revealing the degree to which 'the Enlightenment' contributed to the emergence of anti-scientific stereotypes of what later would become known, in Francis Galton's words, 'Criminal Types'.[63]

For the most part, the wanted notes contain increasingly detailed descriptions of the delinquents' outward appearances. This aspect, in turn, permits analysis of the material culture of the rural poor that, which so far has similarly all but escaped notice. Their analysis—and much more, such as descriptions of stolen goods and livestock, as well as references to prices—are at the heart of the fourth chapter. Much of what is known about this particularly transient aspect of material culture harks back to caricatures by especially William Hogarth (1697–1774) and James Gillray (1756–1815). Put differently, this chapter offers a first-of-its-kind assessment of those parts of pre-modern everyday life of which almost no physical evidence exists: the material culture of regular people of Lower Austria.

In the final fifth chapter, I investigate how media and the means of communication changed. Around 1800, many government directives arrived no longer as *circulaires* (to be manually copied on site) but were increasingly disseminated as printed copies. This shift to linguistically uniform, centrally directed (printed), and disseminated information constitutes a major inflection point in the history of administration. Yet, this seemingly rationalising development was contradicted by the noticeable increase in irrational and moralising associations of deviant behaviour with one or the other character trait. The systematic continuation of distinctively pre-modern value-judgements of the delinquents by their outward appearance (1 Samuel, 16:7) presents evidence that challenges widely held, if simplistic, considerations of rationalisation said to follow a hypothesised 'mechanisation' of societal power relations.[64] The evidence discussed here suggests that their post-1848

realisation not only rested, but came about, via documentation and expertise honed in the *vast domain* of patrimonial domination, which calls into question straightforward notions of drastic breaks. Moreover, by reflecting on the most recent contributions to Habsburg Studies, this book also takes the purported 'revisionist' approaches to the post-1740 period to task: not only do the acclaimed accounts by Pieter Judson and Steven Beller reproduce the time-honoured periodisation schemes; there is also no new interpretation offered for the alleged stagnation of the period from 1790 through the *Vormärz*. The implications of the findings are subsequently discussed in the conclusions.

Notes

1 Szabo, 'Perspective'.
2 McKee, 'Women', 35 (my modifications).
3 Steunenberg and Rhinard, 'Transposition', 497.
4 Reference is made to Arthur Schnitzler's eponymous play, *Das weite Land* (1910/11).
5 Tilly, 'States, State Transformation, and War'; Steunenberg and Rhinard, 'Transposition'.
6 Cf. Kaser, 'Between', 74–9; see also Duindam, 'Beyond', 609. On Lower Austrian agriculture, now see Bauer, 'Die Agrarwirtschaft', although the term used above harks back to his 'Agrarsysteme'.
7 Guidance by Friedeburg, 'State Forms'.
8 Nexon, *Struggle for Power*, and Grzymala-Busse, *Sacred Foundations*, are best read in conjunction with Brady, *German Histories*. For a contrarian perspective, see Teschke, *Myth of 1648*.
9 Duindam, 'Beyond', 611 (emphasis in the original; my modification). Exemplary studies that depart from 1800, 1805, or 1806, respectively, incl. Walker, *German Home Towns*; Jones, *Liberty and Locality*; Rowe, *Reich to State*; Brophy, *Popular Culture*, Franz, *Durchstaatlichung*, and Holste, *Arena*. See also Ullmann, *Restaurationssystem*, as well as Ganzenmüller and Tönsmeyer, *Vorrücken*, although focused mainly on the (late) nineteenth century.
10 Blockmans and Genet, *Origins*, esp. the vols. by Richard Bonney, Wolfgang Reinhard, and Philippe Contamine; Bonney, *Rise*; see also Yun-Casalilla and O'Brien, *Rise*.
11 Kennedy, *Rise and Fall*, 70–139; Creveld, *Rise and Decline*, 59–188; Reinhard, *Staatsgewalt*, 125–305.
12 On infrastructure, widely understood, Guldi, *Roads to Power*; synthesis by Laak, *Alles im Fluss*. For the connection to 'state formation', see Joyce and Mukerji, 'State of Things'.
13 Tilly, 'Reflections'; for the quote, see his *Coercion, Capital, and European States*, 76. Follow the evolution of this interpretation via Giddens, *Nation-State and Violence*, 112; Hoffman and Rosenthal, 'Political Economy', 35; Bonney and Ormrod, 'Introduction', 2; Glete, *War and the State*, 216; Spruyt, 'War, Trade, and State Formation', 214–5; Besley and Persson, 'Origins of State Capacity', 1218; Voigtländer and Voth, 'Gifts of Mars', 171–6. Guidance by Kaspersen and Strandsbjerg, *Does War Make States?* Note, however, that the latter, as well as Walsh-Russo and Castañeda, 'Tilly', omit the (self)critique offered by Tilly, 'States, State Transformation, and War'.

14 This is no place to itemise; contrast Storrs, *Fiscal-Military State*, with Abbenhuis, *Age of Neutrals*; further Alexander, *Uncertain Paths*. For the quote, see Hobsbawm, *Age of Capital*, 97.
15 Deak, *Forging*, 2. Guidance by Cohen, 'Neither Absolutism not Anarchy'; Evans, 'Remembering'.
16 This is no place to itemise; conveniently, most of this historical shift is synthesised by Judson, *Habsburg Empire*; Beller, *Habsburg Monarchy*, quote at x; see also Ingrao, *Habsburg Monarchy* (3rd ed.). Examples from the social sciences incl. Mitchell, *Grand Strategy*; Deak, *Forging*.
17 On the war's origins, now see Clark, *Sleepwalkers*; Wawro, *Mad Catastrophe*; on Austria-Hungary's war, see Rauchensteiner, *First World War*; Watson, *Ring of Steel*. As to the non-falsifiability, see Popper, 'Conjectures and Refutations' (reiss. ed.), 48: 'A theory which is not refutable by any conceivable event is non-scientific. Irrefutability is not a virtue of a theory (as people often think) but a vice.'
18 Beales, *Enlightenment and Reform*.
19 For the quote, see Duindam, 'Beyond', 607 (my emphasis). As to the argument, cf. Exodus 20:7 with Antonio Gramsci's 'Audacia e fede', dated 22 June 1916, at 216 (emphasis in the original; my translation): 'Socialism is precisely the religion that must overwhelm Christianity. It is a religion in the sense that it, too, is a creed, which has its mystics and its praxis; it is a religion because it has replaced the transcendental *God* of the Catholics with faith in man and his best energies as the only spiritual reality.'
20 For the quotes, respectively, see; Hegel, *Philosophy of History*, 126–7, at 126, 473 (emphasis in the original).
21 Iggers, *German Conception*, 29–89; guidance by Breisach, *Historiography* (3rd ed.), 199–214, 217–24, 229–38, 268–302; on the Marxian re-interpretation, Wolin, *Politics and Vision*, 406–53.
22 Martin and Romano, 'Venice Reconsidered', 5–9; Muir, 'Republicanism'; for Venice as an argument in the early modern period, see also Fröhlich, *Die Markusrepublik*.
23 Brewer, *Sinews*; 'Revisiting', 28–30.
24 Deak, *Forging*, 4.
25 See esp. Judson, *Habsburg Empire*, 6, 'with only one real exception the book follows a fairly conventional periodization. What is different here is how I explain those'. See also Beller, *Habsburg Monarchy*. Their proximate ancestor is Rumpler, *Chance*.
26 Building on Rumpler, *Chance*, and driven in part by the centenary of the First World War, scholarship now emphasises the positive aspects of *Fin de siècle* Austria-Hungary, e.g., Judson, *Habsburg Empire*, 385–441; Beller, *Habsburg Monarchy*, 241–72, with historiographic embedding on 15–21 and the above quote at 17. See also Torrie et al, 'Imperial Dynamo' As to the early modern polity—polities—ruled by Vienna, the point of departure for such positive readings is Evans, *Making*, subsequently supported, among others, by Ingrao, *Habsburg Monarchy* (1st ed. 1994, 3rd ed. 2019); Beller, *Concise History*, 37–139; German-language examples incl. Vocelka, *Geschichte Österreichs* (5th ed. 2009), 95–166; and Winkelbauer, *Geschichte Österreichs* (1st ed. 2016), 159–289.
27 Note the multitude of biographies of Metternich, most recently Siemann, *Metternich*, vs. the dearth of scholarly accounts of, in Lorenz Leopold Haschka's words, 'our good emperor Francis', whose most popular version is Joseph Haydn's *Kaiserhymne*, or 'God save Francis the Emperor' (1797).
28 Fellner, Kretschmayr, and Walter, *Österreichische Zentralverwaltung*, or ÖZV, spanning approx. 400 years from 1490/93 through 1867.
29 Duindam, *Vienna and Versailles*; Klingenstein, 'Zwei Höfe'; notable studies incl. Pečar, *Ökonomie*; MacHardy, *War, Religion and Court Patronage*; Hengerer,

Kaiserhof und Adel; Keller, *Hofdamen*; Kubiska-Scharl and Pölzl, *Karrieren*; Hassler, *Cour de Vienne*. Note that their focus rests on the early modern era, with Peter Becker and Jana Osterkamp's project 'The Emperor's Desk' covered the reign of Francis Joseph (r. 1848–1916). The gap in-between the death of Joseph II in 1790 and 1848 is obvious. On the estates, start with Ammerer et al., *Bündnispartner*; protagonists of this re-appraisal are Iwasaki, *Stände*; Godsey, *Sinews*; Mata, 'Stuben und Säle'. Note, however, that only Godsey's work, although contradictory—contrast his *Sinews*, said to derive from Brewer's eponymous work, with his more recent synthesising account, 'The Rise', 269–71, in which he professes adherence to New Institutional Economics, extends across the early/modern divide. Ironically, the latter began as a conference paper discussed in 2015, i.e., three years *before* publication of the former. For the quote, see Szabo, 'Perspective'.

30 Cf. my *Lordship and State Transformation*, 17–26; for the quote, see Dickson, *Finance and Government*, vol. 1, 6–8, at 7.

31 Judt, *A Grand Illusion*, cited by Deak, *Forging*, 5.

32 Contrast, e.g., Redlich, *Staats- und Reichsproblem*; Kann, *Multinational Empire*; Rumpler, *Chance*; Reifowitz, 'Fatal Mistake'; with Judson, *Habsburg Empire*.

33 Compare, e.g., *The Economist*'s 'European Disunion Done Right' (pub. 2010), Cooper, 'The EU and the Habsburg Monarchy' (pub. 2012), or the former's 'Lessons for the EU' (pub. 2018) with *Politico*'s Karnitschnig, 'Watch out Ukraine' (pub. 2023)—the latter is entirely devoid of any connection to scholarship past or present.

34 Levi, 'On Microhistory', 107 (my modification); reference is made to Huizinga, *Waning*.

35 Kernbauer, 'Konzeptionen'; Stourzh, 'Umfang'; Evans, 'Remembering'.

36 According to Evans, *Making*, 447, the early modern monarchy was 'a complex and subtly-balanced organism, not a "state" but a mildly centripetal agglutination of bewilderingly heterogenous elements'. The current German textbook is by Winkelbauer, *Ständefreiheit und Fürstenmacht*; see also his 'Krieg und Herrschaftsverdichtung', referencing Elliott, 'Composite Monarchies'. See also Hochedlinger, 'Habsburg Monarchy', 55, who uses the term 'conglomerate state', while Strohmeyer, '1496/97', 41–8, uses the term 'dynastic agglomeration'.

37 Heiß, '"Reich der Unbegreiflichkeiten"'; Fellner, 'Reichsgeschichte und Reichsidee'; Romsics, *Memory*; Stoy, *Institut*.

38 Deak, *Forging*, 6, but *pace* his anachronistic argument linking 'democracy and bureaucracy' as 'inherent to modern democratic societies' as administration has been a hallmark of civilised societies for millennia, albeit not on the same gargantuan scale as today.

39 Definition by Tainter, *Collapse*, 22–38, at 23: 'Complexity is generally understood to refer to such things as the size of a society, the number and distinctiveness of its parts, the variety of specialized social roles that it incorporates, the number of distinct social personalities present, and the variety of mechanisms for organizing these into a coherent, functioning whole. Augmenting any of these dimensions increases the complexity of a society.'

40 Latour, *Making*; Kafka, *Demon*; Vismann, *Files*; with a particular focus on Central Europe, see Becker, *Sprachvollzug*; Becker and Clark, *Little Tools*; Becker and Krosigk, *Figures of Authority*. On archives, see Friedrich, *Geburt*; on paper specifically, see Williams, *Politics of Paper*.

41 On the at-times idiosyncratic aspects of planning in the Habsburg Empire, note its 'three buttresses' deployed during the eighteenth century, namely 'army, bureaucracy, and managed economy', notes Evans, 'Preface', viii; on their socio-economic foundations, and in the absence of more recent synthetic accounts, see Good, *Economic Rise*, 74–161; Freudenberger, *Lost Momentum*. For the quote,

see Kaser, 'Between', 74. Latour, *Making*, 71–106, provides a richly annotated account of the various features of seemingly straightforward things, such as 'files'.

42 During my Ph.D. training, I spent a month (February 2008) as an intern in the *Haus-, Hof- and Staatsarchiv* contributing to the accounting of eighteenth-century records. The most memorable recollection of the impressive cast-iron construction on Minoritenplatz 1 was—the peculiar smell of the files.

43 Evans, 'Introduction', 12.

44 Judson, *Habsburg Empire*, begins with 1740; the notion of 'reform' ending with the death of Joseph II was recently re-emphasised by Reinalter, '1790', incl. guidance. For these nuanced interpretations, see Maťa and Winkelbauer, *Die Habsburgermonarchie*; Ammerer et al., *Bündnispartner*; Iwasaki, *Stände*; Godsey, *Sinews*, with the above quote on 1.

45 Apart from the multi-vol. *ÖZV*, see Walter, *Verfassungs- und Verwaltungsgeschichte*; see also Link, 'Erblande'; the most recent addition is Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, incl. bibliography.

46 This is no place to itemise; exemplary recent biographies incl. Stollberg-Rilinger, *Maria Theresa*; Beales, *Joseph II*. We note the absence of comparable efforts dedicated to Leopold II and Francis II/I, which is particularly telling considering the many biographies on *Metternich*, most recently by Wolfram Siemann. We can observe the same tendency with respect to the councillors of Maria Theresa and Joseph II, e.g., Osterloh, *Sonnenfels*; Szabo, *Kaunitz*; Beales, 'Love and the Empire'; for a partial exception, see Dickson, 'Zinzendorf'; do not miss his *Finance and Government*.

47 Evans, 'Origins', 36–7, at 37; that essay is a revised version of his 'Über die Ursprünge' (pub. 1985).

48 Evans, 'Origins', 37. This is not to say that the study of the Enlightenment in the Habsburg Empire as a whole is not quite uneven itself, with some themes—e.g., Maria Theresa's educational reforms or Joseph II's religious reforms—receiving more attention than others. On the period 1740–90 and its implications, see Telesko, *Geschichtsraum*, 79–143.

49 Heindl, *Gehorsame Rebellen*, 16–17.

50 E.g., Welan, 'Republik'; Kneucker, 'Public Administration'; Kreisky, 'Zur Genesis'; Mantl, 'Verwaltung'; Titscher, 'Ansätze'; 'Strukturen'; Heindl, *Gehorsame Rebellen*; Neschwara, *Jurist*; *Kodifikationsgeschichte*; Kohl, 'Vermittlung'; 'Adalbert Stifter'.

51 Breuilly, 'Napoleonic Germany', 123–7, references to historiography about Austria at 123, with the above (and following) quotes on 138–9; see also note 53.

52 Wolin, *Politics and Vision*, 7–8, at 7.

53 This is no place to itemise; on the first topic, see Deak, *Forging*; Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, but note its adherence to the conventional periodisation schemes; on the second topic, see Godsey, *Sinews*; Maťa, 'Stuben und Säle'; on the final issue, we note the studies related to Peter Becker's and Jana Osterkamp's project, 'The Emperor's Desk'.

54 Levi, 'On Microhistory', 107 (my modification); 'modernisation' here is to be understood in the dual sense outlined by Breuilly, 'Napoleonic Germany', 138–9: 'Modernisation takes the form of a double transformation. The state concentrates coercive powers into its own hands but at the same time surrenders direct economic and ideological powers to other specialised institutions such as free markets, schools and an extensive press. Within such networks of specialised institutions it becomes possible for large numbers of people to engage in impersonal transactions with one another (for example, through state bureaucracies, political parties and elections, market dealings and newspaper readerships).' Note the *absence* of local—patrimonial, or seigneurial—officialdom, which makes a certain

amount of sense in the Rhineland due to ins temporary inclusion into the French Empire; on that area, see Brophy, *Popular Culture*.

55 Szabo, 'Perspective'.

56 *Stiftsarchiv Zwettl* (hence StiAZ), Gobelsburg, Politica, fasc. 3–29, which document the activities of the seigneurial chancery, 1822–49; *Stiftsarchiv Zwettl* (hence StiAZ), Gobelsburg, Politica, Judicialia, fasc. 3–7, containing judicial records, 1806–40; fasc. 15–16, individual court proceeding, 1792–1819; fasc. 17, police reports, eighteenth to nineteenth century; fasc. 18, passport and vagrancy issues, 1800–50; fasc. 19–23, wanted notes, 1756–1819; fasc. 24–5, criminal records, 1748–1830; fasc. 26–7, serious crimes and misdemeanours, 1804–46. After 1848–49, parts of the criminal records were transferred to the new state district courts, preserved in the *Niederösterreichisches Landesarchiv* (hence NÖLA), District Court Krems, no. 69, K 570–85, litigation and execution proceedings, 1820–50; K 644–5, criminal cases, 1823–50. Note that the archival materials in the NÖLA were originally kept in the various patrimonial repositories; they were transferred to the newly created, state-organised district judiciary after the abolishment of patrimonialism in 1848/49.

57 Bartsch and Altmann, *Johann Georg Grasel*; Hitz and Beneš, *Johann Georg Grasel*; Pauser, 'Robert Bartsch'; Platzgummer and Zolles, *Grasel vor Gericht*; part of Grasel's sentencing is available online via the Wien Bibliothek (19 Sept. 2024). The Czech word *grázl*, derived from his name, means 'villain' or 'racketeer'.

58 For documents from Vienna, see Fellner, Kretschmayr, and Walter, *Österreichische Zentralverwaltung*, Pt. II, vols. 1–2, 5, which deal with the period from 1780 to 1848. The printed materials I most heavily relied on are Kropatschek, *Handbuch*; and the *Justizgesetzsammlung*. Both are available via the Austrian National Library's Historische Rechts- und Gesetzestexte (19 Sept. 2024). On linguistic and office-related practices, see also Becker, *Sprachvollzug*.

59 StiAZ 3/60, Beiträge, covering the period from 1805–46. On print media, see Doering-Manteuffel, *Pressewesen*; and the online repository Presseforschung (19 Sept. 2024). Further particulars via Becker, *Verderbnis und Entartung*.

60 E.g., Steinius, *Land-Schematismus* appeared in two editions (1795–96; 1822), and there are many more comparable publications; there were two pertinent military surveys (1773–81; 1818–29), available online via https://maps.arcanum.com/en/ (19 Sept. 2024).

61 Quotes, respectively, by Brewer, 'Revisiting', 29; Berger and Luckmann, *Social Construction*, 69 (my modification); Hindle, *State and Social Change*, 19. See also Deak, *Forging*, 1–2.

62 Neither document 'created a fully "constitutional state" as the term would be understood today', agrees Beller, *Habsburg Monarchy*, 129, introducing yet another bout of presentism into his reading. Note, in passing, that Rieger, 'Grundherrschaft', 38–42, outlines these processes, but for whatever reason, these notions remain outside the scope of both Beller's and Judson's scholarship.

63 See, e.g., Forrest, *Galton*; Gillham, *A Life*. The older literature on Galton did not really consider his composite photography, on which see, inter alia, Green, 'Veins of Resemblance'; Sekula, 'The Body'; and Davie, *Visages de la criminalité*. Aspects of accuracy are treated at length by Daston and Galison, *Objectivity*, but note that notions of handwriting and objectivity do not play a role.

64 Foucault, *Discipline and Punish*, 138.

1

LOWER AUSTRIA, CENTRE *AND* PERIPHERY

Where lies a land that can with this compare?
Look round, whichever way your glances turn,
It smiles as on a bridegroom smiles the bride.
With meadows shining green and grain like gold,
Made gay with saffron's yellow, flaxen blue,
Spiced fragrantly with flowers, precious herbs,
It sweeps through ample valleys, broad and vast—
A rich bouquet, so far as eye can see,
Held in the Danube's silvery embrace![1]

Written by renowned playwright Franz Grillparzer (1791–1872), these lines, found in his historical 1825 drama *King Ottocar, His Rise and Fall*, encapsulate many, if not most, of the themes of the following pages. The play itself relates the advent of Habsburg rule over Austria in the late thirteenth century and revolves around the Battle of the Marchfeld in 1278 between Ottokar II of Bohemia and Emperor Rudolf I (r. 1273–91). In the wake of the battle, the victorious Rudolf bequeathed upon his sons the Austrian lands, thereby laying the foundation of centuries of Habsburg rule.[2] On a secondary plane, Grillparzer's drama also indirectly relates to the issues discussed here: the drama was ready to be staged in 1823, yet Metternich's censors only relented after the direct intervention of Empress Karoline. While the production eventually debuted in 1825, its staging involved quite a bit of red tape.[3] On yet another level, these lines—the original 'Hymnal to Austria' (Loblied auf Österreich) extends over 33 lines—speak to Central Europe's troubled twentieth-century history, too. After the annexation of Austria in 1938, Grillparzer's drama caused quite a stir when its staging highlighted the

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differences between 'old' and 'new' Germans (former Austrians). Upon restoration of Austrian independence in 1955, *King Ottocar* was the first production to be staged in the newly renovated Burgtheater.[4] Moreover, generations of high school students in Cold War Austria were tasked to memorise Grillparzer's 'Hymnal', which therefore also constitutes a substantial contribution to the creation of a distinct Austrian identity after the Second World War.[5]

Of all Habsburg lands, Austria below the Enns, home to the bustling metropolis of Vienna, comes closest to being the dynasty's beating heart. Extending across more than 19,000 square kilometres, the territory also speaks to the more ambiguous implications of its history: it existed well before the Habsburgs acquired it, yet the ruling dynasty eventually absorbed its name and became the House of Austria. Dynastic-bureaucratic authority, too, came to supersede, to varying degrees, the autonomy of Lower Austria and its bigger, more populous, and wealthier neighbours—the Austrian, Bohemian, and Hungarian lands—as well as that of the more remote parts of Habsburg dominion (over parts of Italy and the Southern Low Countries). Vienna was also home to both the dynastic court, its fledgling central administration, a variety of institutions of the Holy Roman Empire until 1806 and, after 1814/15, also housed the presidency of the German Confederation.[6]

The history of the territory and authority from the Middle Ages onwards has been the subject of sustained enquiry. Couched overwhelmingly in conventional terms and focused on the dichotomy (conflict) between the ruler and the ruled (estates), most studies relegate the role of cities, civic life, and socio-economic development to footnotes. Two key dates—the second Siege of Vienna in 1683 and the Revolutions of 1848/49—constitute the proverbial exceptions to that rule.[7] In more recent years, scholars loosely affiliated with the St. Pölten-based Lower Austrian Institut für Landesgeschichte (Institute for Regional, or Territorial, History; not to be confused with the independent Institute of Rural History, founded in 2002) have endeavoured to bring the history of the territory in alignment with recent historiographic developments, which resulted in a variety of surveys and dedicated volumes that focus especially on the period since 1848 and 1861, respectively.[8] Although less coordinated, a secondary impetus of renewed interest emanates from early modernists Grete Klingenstein, Jeroen Duindam, William Godsey, Shuichi Iwasaki, Petr Maťa, and others whose enquiries into the Vienna court and the territorial estates (Landstände) unearthed many new valuable insights.[9] In addition, sustained research on the Austrian Enlightenment by P.G.M. Dickson, Derek Beales, Helmut Reinalter, Barbara Stollberg-Rilinger, and others have similarly contributed to the study of monarchs, their reforms, and their executioners in the nascent central and territorial administrations.[10] If there is a characteristic that unites all these seemingly disparate studies and fields, it is the curious 'less researched' period *between* the purportedly reform-minded Joseph II (r. 1765/80–90) and the second half of the nineteenth century.[11]

These major chronological-conceptual lacunae have neither been addressed by the efforts to devise a new Verwaltungsgeschichte (administrative history) since 2010 nor by the efforts to integrate the Habsburg monarchy into the ranks of 'fiscal-military states'.[12]

The same holds true for the equally thorny issues related to periodisation, social change, and modernisation. While all three are tied to the recent tendency to 'globalise' the writing of history from the late twentieth century onwards, their consideration has two main implications: firstly, virtually everything is incorporated into the proverbial 'bigger picture' of the modern world characterised by the fundamental transformation of political, economic-technological, and social conditions.[13] Doing so accompanied the (re)writing of especially European history significantly due to the contemporaneous shifted towards the so-called Westphalian model with its twin emphases on domestic state authority and sovereignty in international relations. While this was, in many ways, an outgrowth of their (re)discovery of military science and sociology originating in Wilhelmine and Weimar Germany by sociologists Anthony Giddens, Charles Tilly, Theda Skocpol, and others, their kind of 'new' historical sociology paved the way for a fresh interpretation of the gradual, if non-linear, change from 'patrimonial relations' or 'domain states' to 'fiscal states'.[14] More recently, this tendency fuelled the shift towards human (bureaucracy, merchants, and entrepreneurs) and non-human 'infrastructure' (roads and railroads, media and communication).[15] And while this literature, emerging in tandem with the post-Cold War order, emphasises the 'exercise [of] logistical and impersonal power' via 'territorial, legal, and bureaucratic infrastructures', with few exceptions these considerations use Western European experiences—mainly Britain and France—as their analytical and interpretive yardstick while the discussion of outcomes or issues pertaining to the implementation of state authority are afforded much less attention.[16] Put succinctly, as scholarly attention focused more on supranational or imperial entities, the relations between various regions and a quite remote centre—think: Catalonia, or Lower Austria, and their position *within* the European Union—have moved to the fore, thereby all but eclipsing, and certainly superseding, considerations tied to the history of any region within its nation-state.[17]

These developments convey significant implications, secondly, for the writing of both national and especially regional history in the twenty-first century. If supranational or imperial entities are the primary framework of reference, the relationship between any one region and its (national) centre grows ever more tenuous.[18] Moreover, doing so places tremendous stress on the time-honoured 'master narrative' of 'the formation of statehood in the territories', as Christine Reinle argued.[19] In principle, such an approach appears compatible with the considerations put forth by Patrick Joyce and Chandra Mukerji, albeit only if one turns their argument upside down: 'To gain power,

state forms must go *through* elites'—and vice versa.[20] A second(ary) connection between these two approaches is their fairly conventional, if not outright teleological, conception of 'change', which comes in the guise of 'modernity' or 'modernisation'. While the most recent (current) addition of the *Regional History of Lower Austria* is quite open about this—'we have endeavoured to write a regional history of modernity'—essentially the same outlook is conveyed by Joyce and Mukerji's point of departure, that is, 'the assertion in Weber's theory that modern states are impersonal', with the implication being that whatever came before must have been the opposite.[21] Herein, both approaches take recourse to established and time-honoured schemes of periodisation and conceptions of 'modernity', and the main issue I take with these is not the question whether or not these are correct interpretations. The chief problem derives from the fact that the waning of the Old Regime occurred neither overnight nor did it affect all areas at the same time. Put succinctly, wherever one looks there existed, contemporaneously, islands of change ('modernisation') in a vast ocean of tradition that was characterised by the *persistence* of what historians of the French *Annales* tradition call the *ancien regíme économique et social* until well after 1850.[22] Lower Austria was not an outlier, and all available economic and social indicators show that the *Great Transformation* did not extend into the countryside before 1850 (although Vienna, which was also part of the territory, was different as it was one of these 'islands').[23]

What, then, are the implications for the study of the interactions between a regional centre (Vienna) and the outlying areas of any such territory (Lower Austria)? First and foremost, we note the recent increase in interest in the second half of the eighteenth century, be it by contributors to the new handbook on the Habsburg Empire's *Verwaltungsgeschichte*, the multi-volume new history of Lower Austria, and the large-scale projects by individual researchers like Josef Löffler or Thomas Stockinger.[24] Secondly, there are the studies on the late Habsburg Empire that, apart from the above-mentioned *Regional History*, emphasise, above all, the spatial characteristics of a presumed 'advancement of the state into the expanse'.[25] Among the few studies dedicated to local and regional administration, we note the efforts by Peter Becker, Jana Osterkamp, Thomas Stockinger, and others.[26]

What unites these seemingly disparate trajectories may be summed up as follows: over the past generation, early modern Habsburg Studies have broadened their purview by incorporation into their considerations of the imperial court and the territorial estates (Landstände). At the same time, its modern practitioners have offered an increasingly positive—'revisionist'—interpretation of especially post-1860s experiences.[27] Both branches of enquiry adhere to conventional, if slightly amended, periodisation and interpretation schemes. Change, it is said, began in 1740 and ended with Joseph II's death half a century later, only to pick up once again after the revolutions of

1848. These are also the periods that have attracted much, much more scholarly attention, with especially the period from 1815 through 1848 remaining, in Robin Okey's words, the 'least discussed period in Austrian history'.[28] As regards the latter aspect, we further note strong emphases on certain aspects, such as cultural life in general, as well as on one or the other ethnic, linguistic, and social group. More recently, there emerges a tendency to emphasise institutional and/or spatial considerations (abstractions), much to the detriment of the *human* element. This is particularly obvious for the period between the Joseph II's death and the revolutions of 1848, which may be explained by its key feature: *hybridity*.[29] Hence, the following pages *embrace* all the 'fragmentation, contradictions and pluralit[ies]' that characterised the decades in-between when the old ways were dying and the new was struggling to be born.[30]

Lower Austria in Habsburg/Austrian History

The relationship between the Archduchy of Austria (both the Länder above and below the Enns) and the Habsburg dynasty, as well as with the Republic of Austria, is ambivalent. There are several reasons for this, most importantly the fact that the territory that bestowed its name on the ruling house existed *before* the advent of Habsburg rule in the late thirteenth century.[31] In addition, even though the pre-/post-1918 names of the territory are usually conflated ('Lower Austria'), there occurred several important territorial changes throughout the twentieth century that call into question spatial continuities. Apart from the generally drastically reduced spatial extent of republican Austria after the First World War, we note two kinds of Lower Austrian territorial losses: in the north, areas inhabited by a sizeable share of German-speakers were lost to neighbouring Czechoslovakia pursuant to the Treaty of Saint-Germain (1919).[32] Closer to home, the City of Vienna became a federal state (Bundesland) in its own right in 1920, thereby 'depriving' the territory of its century-old capital and a much larger share of its original population. This was done for party-political reasons as the city was dominated by the Social-Democratic Workers' Party while the countryside remained controlled by the conservative Christian Social Party; with the vote being split quite evenly, they agreed to part ways so that either party would dominate one federal state, thereby creating a power-political reality that persists to this day.[33] Later changes during the period from 1938 through 1954—some of the areas lost in the north were regained temporarily, and the northern half of the Burgenland was similarly incorporated, but lost definitely in 1945 while Vienna was massively enlarged ('Groß-Wien', or 'Greater Vienna') in 1938, with its final borders drawn up in 1954—conveyed additional changes, if not more scholarly attention.[34] These alterations considerably changed the demographic, political, socio-economic, and spatial characteristics of Lower

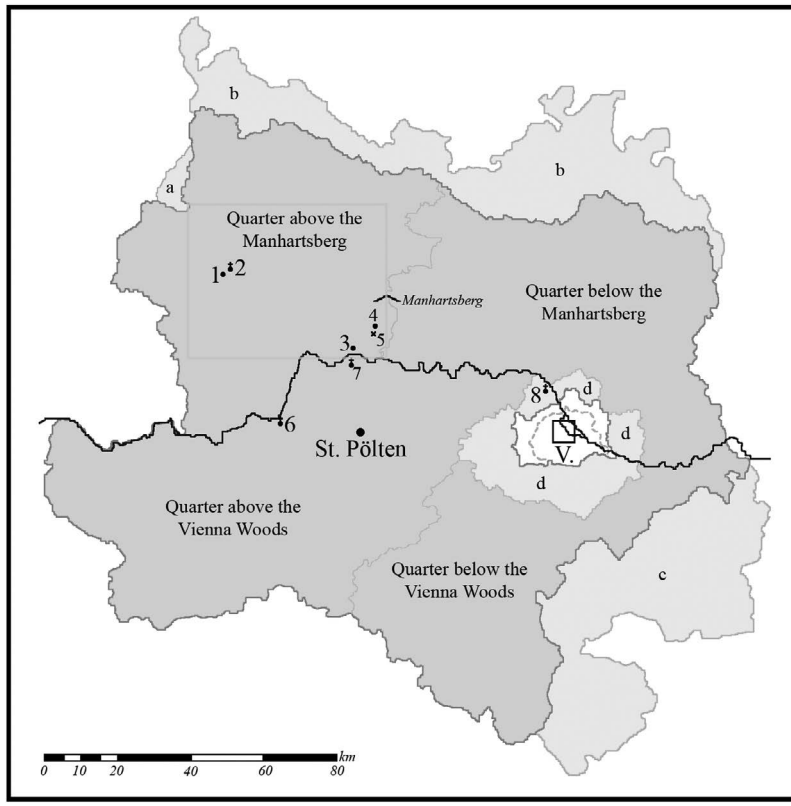

FIGURE 1.1 Lower Austria, Past and Present.

A 'diachronic' map showing the territorial changes from the Archduchy below the Enns (until 1918) to Lower Austria (1918–38), and from Niederdonau (1938–45) back to Lower Austria (1945–); the rectangle in the Quarter above the Manhartsberg indicates the extent of Figure 1.2. Design by the author.

V. indicates the city—and federal state (Land)—of Vienna, which had been Lower Austria's traditional capital for centuries; in 1920, Vienna and Lower Austria parted ways, which is indicated by the dashed, light-grey line; the territorial extent of the Land was smaller from 1920–38, and the letter (d) indicates those territories that were part of Groß-Wien (Greater Vienna) from 1938–45, and note that the borders between Vienna and Lower Austria were not finalised before 1954.

Places of interest: (1) Zwettl; (2) Zwettl Abbey; (3) Krems; (4) Langenlois; (5) the small x south of Langenlois indicates Gobelsburg; (6) Melk Abbey; (7) Göttweig Abbey.

Territorial changes: the dark-grey area indicates the present extent of Lower Austria; (a) indicates the district of Gratzen (Nové Hrady), which was part of Niederdonau from Nov. 1938 through April 1939 when the district became associated with neighbouring Oberdonau; (b) following the Munich Agreement in October 1938, parts of southern Bohemia and Moravia were re-united with Oberdonau (and reverted to Czechoslovak control in spring 1945); (c) following the creation of Groß-Wien (Greater Vienna) in May 1938, the northern part of the former federal state of Burgenland—itself part of Hungary until WW1 and created in 1921—was attached to Niederdonau (the southern half was ceded to Styria; the Burgenland was reconstituted in spring 1945); (d) indicates those areas of Niederdonau/Lower Austria that were temporarily part of Greater Vienna until 1954.

Austria all the while their influence on historiography is rather limited, if very telling.[35] There is much more attention devoted to Vienna, and the history of the historic Land and its inhabitants, as opposed to its post-1918/45 incarnation, which pales by comparison.[36] As such, the following is also an attempt to contribute to a more even-handed history of a territory and its inhabitants that no longer exists, as well as to a body of scholarship that has similarly changed drastically in recent memory.

Many of Lower Austria's neighbouring territories share several of these characteristics, which preclude any quick-and-easy integration into conventional ethnographic, historiographic, or sociological categories. Due to these particularities, many of these markers only make so much sense: the Habsburg take-over in the late thirteenth century (1282) did not alter prevailing conditions, and any later attempt to construct (make-up) ex-post narratives of the 'rise to greatness' variety reek of forgery—like the so-called *Privilegium maius* of 1358/59—or anachronistic fabrications.[37] The same holds true for later key events, such as the tumultuous third decade of the fifteenth century, which witnessed the accession of Ferdinand I in 1522, the battle of Mohács (1526), and the subsequent eventual acquisition by the House of Austria of the crowns of the Bohemian and Hungarian lands. Each of these developments had their own antecedents and consequences whose importance would become clearer with the passage of centuries. Therefore, it is important to appropriately contextualise them, especially since the Habsburgs were by far not the only dynasty who sought to expand across Central Europe, with the houses of Anjou, Luxembourg, Piast and later Jagiellon, and Hunyadi all contending for dominion. Hence, we, too, must reject simplistic reductions of the scale and scope of the region's history.[38] Instead, a critical eye shall be cast at (a)historical narratives that emphasise centralising integration over territorial diversity or prioritise a presumed centre over any one region/local affairs. This holds particularly true once analysis moves beyond the privileged orders and seeks to enquire about the ties between local/central and social/political power.[39]

This becomes even more obvious once one considers the pivotal events in Central European history according to their importance for the Archduchy of Austria below the Enns. Apart from direct involvement like the Swedish campaign in the Thirty Years' War (1618–48) or the Ottoman siege of Vienna (1683), these 'big' events hardly left a mark on the region's historiography or memory.[40] Unlike in neighbouring Bohemia, the Lower Austrian Estates' ancient prerogatives to call up the militia and levy taxation were not curtailed during the seventeenth century.[41] Similarly unlike in neighbouring Hungary, confessional diversity and close proximity to 'Christendom's hereditary enemy', the Ottomans, did not perturb social and political relations, neither on the local levels nor in the proverbial corridors of power.[42] While membership of the diet expanded during the late mediaeval period, their (formal) right

to appropriate taxes continued 'to regulate and legitimize the ruler's access to the subjects' property' after 1620.[43] Speaking of taxation, these levies, their procedures, and distinctions (ordinary vs. extraordinary impositions) were inextricably linked to the multi-faceted nature of dominion (Herrschaft) over the territory (Land) and the staggered prerogatives of 'the territorial lordship' that became more or less codified *before* the Habsburgs acquired Lower Austria.[44] As regards the prince's varied prerogatives, we note that these comprised both taxes (Steuern) and dues (Abgaben), a distinction that further evolved to include extraordinary levies over the course of the fourteenth century. It is here where Otto Brunner identified the proximate origins of 'the system of Estates and its polity (Ständestaat) centered on the diet', while noting explicitly that these levies 'look like taxes in the light of modern public finance…but stemmed from a special legal relationship' between the ruler and the ruled.[45] It is precisely the longevity of this multi-faceted relationship—until 1848/49—that renders investigation into any one of its aspects a promising avenue of research.[46]

From its late mediaeval origins to (at least) the mid-nineteenth century, the history of Lower Austria throughout the centuries of Habsburg rule exemplifies the many ambiguities that characterised pre-modern, pre-industrial Europe. Like elsewhere throughout Central Europe, the essentially diarchic essence of governance persisted until the violent advent of reforms that originated in the de facto revolutionary imperial diet (Reichstag) in 1848/49. The one lasting accomplishment—the abolition of serfdom under the leadership of Hans Kudlich (1823–1917)—fundamentally re-envisioned the relationship between the state (bureaucracy) and the Lower Austrian population.[47] In social and economic terms, the same half-millennium was characterised by the gradual, if non-linear expansion of the wealth and political power of the most important aristocratic houses of the Habsburg monarchy whose scions, over time, gained comparable positions beyond Lower Austria. With imperial service and Catholicism as the main qualifying aspects, the full-blown emergence of an 'Old-Austrian' ruling elite of German, Bohemian, and Hungarian provenance came about due to the violent integration of the Bohemian and Hungarian lands into the Habsburg 'system' in the seventeenth and eighteenth centuries.[48]

These trajectories were further cemented into place by the definitive elevation of Vienna as permanent residence by Emperor Matthias (r. 1612–19).[49] While scholarship has long been debating the 'true' origins of the Habsburg Empire, invariably pointing to the efforts of individual Emperors (Herbert Wiesflecker, Jaroslav Pánek), the battle of Mohács (Thomas Winkelbauer), or the transformational importance of the Thirty Years' War (Robert Bireley), none of these arguments are based on investigation into the proverbial nooks and crannies of the multi-dimensional relationships, fragmentations,

and contradictions of everyday administration.[50] While the Ottoman siege of Vienna in 1683 attracted considerable attention, it signifies also an outsized aspect of Lower Austria's early modern history that, however briefly it lasted, continues to overshadow even the conventional focus on one ruler or otherwise 'big men', such as Eugene of Savoy (1663–1736) or the protagonists of the *Wiener Klassik*, or First Viennese School, Joseph Haydn, Mozart, and Beethoven.[51] Following historians Volker Press and Jeroen Duindam, we note the dual importance of Vienna for both the Holy Roman *and* the Habsburg Empires whose sprawling territorial and supra-regional offices provided a variety of inputs for, as well as constraints on, institutional developments and innovation in governance of Lower Austria.[52] It is, however, important to keep in mind that all these experiences informed whatever 'change' was instituted over time across a wide variety of contexts. Rather than rely on exclusionary compartmentalisations that arbitrarily separates one set of individuals and institutions from another, we note their situational use and co-dependency. Therefore, this book does not reproduce the terms used specifically by William Godsey (who relied on 'the Estates' practice' of labelling individuals and used 'the terms "Court", "(central) government", "(central) authorities", and "dynastic state" interchangeably'). The reason is as simple as it is straightforward: as Godsey himself admits, even 'the term "state administration" (Staatsverwaltung)…becomes common in the sources only in the early nineteenth century'.[53] Doing so would be both anachronistic and a misrepresentation of more diverse realities, and doing so adds no analytical or explanatory advantages to the study of state transformation. Therefore, this study employs the terms and concepts used by contemporaries in the sources, with explanations and references to later scholarly interpretations added on a case-by-case basis.

The reason for doing so is simple: following the avenue of research proposed by Robert Evans, the following pages are all about 'interrelating the regional or peripheral perspectives and estimating their impact…upon the centre'—and vice versa. Doing so signifies dealing with 'two kinds of polity' that explores, rather than taking sides, 'this old-new Austrian state [as it] took issue with entrenched regional and local systems of jurisdiction and control'.[54] The reigns of both Maria Theresa and Joseph II, as well as those of Leopold II and Francis II/I, witnessed significant changes in many areas, and it would be equally far-fetched to consider their Lower Austrian manifestations as somehow unique. While there were territorial particularities, alterations to time-honoured ways and means of authority were introduced across what Friedrich Walter labelled a 'core-state' (*Kernstaat*) consisting of the Austrian and Bohemian lands.[55]

The end of the War of Austrian Succession (1740–48) inaugurated a series of changes geared towards the realisation of Maria Theresa's strategic ambition, the reconquest of Silesia.[56] This came about in a series of experiments,

at first limited in scale and scope and subsequently implemented in various other contexts. Her patrimony included four bigger territorial blocs whose supervision was arranged in a similar number of 'court chancelleries' (Hofkanzleien) coordinating matters in the Austrian, Bohemian, and Hungarian lands, as well as in Transylvania. The imposition of any change to existing arrangements meant nothing less than often drawn-out negotiations with the estates in the various individual territories. Due to the fact that the Habsburgs 'administered four different groups of provinces separately, negotiated with them for revenues separately, and—most importantly—depended on administrative bodies to implement its wishes', significant gaps in the literature persist to this day.[57] The situation may be summarised as follows: firstly, throughout the twentieth century, acknowledgement of the drastic changes affecting the Vienna-based institutions was maintained, with emphases on cultural, intellectual, religious, and social change clearly dominating the literature. A second plane of enquiry relates these momentous decades through biographical accounts of Maria Theresa and Joseph II of which especially the works by Barbara Stollberg-Rilinger and Derek Beales stand out.[58]

Administrative change, by contrast, is much less researched, with its key feature certainly being the fact that our knowledge deteriorates quickly the further one moves away (spatially) from Vienna and 'down' the bureaucratic hierarchy from the court and central institutions.[59] Territorial authorities, including the estates and their diets are relatively well-researched, yet 'the state of research is worst on the regional levels', as Joseph Löffler maintains, 'while their importance for the state-building process [*sic*] is regularly emphasised in the literature, there is also little in-depth research on the subject.'[60] What is meant here, though, are the district or regional offices (Kreisämter), which mediated between the territorial government and the various patrimonial holdings. These were traditionally staffed by members of the diets, became integrated into 'the state apparatus' in 1753 (following the Bohemian example), and continued their uneasy *hybrid* existence mediating between the Vienna-based institutions, including the diet, and the various seigneurial possessions until (after) 1848/49.[61]

If there is one overarching notion, and with precious few exceptions—apart from Löffler's ongoing *Habilitation* project we note Bernhard Hackl's research—the *cosmos* of eighteenth-century rural experiences and landlordship (Grundherrschaft) continues to be under-studied.[62] Given these imbalances, assumptions of state authority on the local level are most certainly overblown (although we do not really know), especially with respect to the former's actual capabilities to reach *beyond* patrimonial officialdom and all the way to village communities.[63] Comparable reservations must be made about the lopsided attention paid to the implementation of legal matters and, with few exceptions, also about military affairs.[64] Thus the importance

of Stollberg-Rilinger's new biography of Maria Theresa in which she asserts clearly that precious 'little is known about how the reforms were implemented in the provinces and the manner in which local officials dealt with them', and hence the reforms' 'salutary effects' are 'more often asserted than actually demonstrated'. Towards the end of her work, Stollberg-Rilinger is even more explicit: 'To celebrate Maria Theresa as the founder of the modern state is to confuse the reformers' rationalist fantasies with reality.'[65] This reading stands in stark contrast to virtually all available works, including Evans' highly influential view ('Modern Habsburg history begins in 1740'), but it cannot—and should not—be dismissed, if only for one reason[66]: constant tinkering with the approach to central institutions (court, administrative bodies, estates) is simply not enough, and, with Stollberg-Rilinger, if 'the reforms had to start at the local level', so should scholarly enquiry.[67]

Therefore, using Lower Austria as an example, the state of research is but a springboard for an enquiry into the *vast domain* of patrimonial-territorial-imperial entanglements. The main aim is not, however, to push one or the other side of these arguments but to study the interactions of central/local and social/political power. The results constitute a first foray into the hinterlands of Vienna that, although but a few score kilometres away from the splendour of the imperial capital, remained inextricably connected to the 'rhythm, quality and deficiency of harvests', as Fernand Braudel formulated it, which 'ordered all material life', including that of state and non-state actors to whom we now turn.[68]

Continuity and Change in the Habsburg Lower Austria, 1749–1848

As in Grillparzer's hymnal, the Danube, running roughly from west to east through Lower Austria, is the defining feature of the territory. Topographically, it divides the country into two parts whose southern banks once formed the frontier of the ancient Roman Empire. In terms of regional—and later national—identity, the Danube's role is paramount, much like the Rhine for Germany or the Vltava (Moldau) for the Czechs.[69] For centuries, water-borne transport connected Vienna with southern Germany, but it was not before the advent of modern-day flood-control regulation measures in the 1870s that the Danube became navigable throughout the entirety of Lower Austria. This division is also visible in the extent of travelogues by Grand Tourists.[70]

Administratively, the territory was subdivided into four parts, the so-called Viertel (literally 'quarters'), whose north-south boundaries complimented the division provided by the Danube.[71] North of the river, there were the Quarters above and below the Manhartsberg, a granite ridge that constitutes the eastern flank of the Bohemian massif; to the east of the Manhartsberg lies the Vienna Basin (Wiener Becken), a level area located between

the Eastern Alps, the Western Carpathians, and the Hungarian Plains. Here, too, the nomenclature has changed over time as the quarters above and below the Manhartsberg were re-denominated during the third quarter of the nineteenth century; since then, they are known, respectively, as the Waldviertel (literally Forest Quarter) and Weinviertel (Wine Quarter). South of the Danube, there were the Quarters above and below the Vienna Woods, again divided by geomorphological features: the former consists of rolling foothills of the Alps and forested highlands; the latter, with its distinct brown soils, is the extension of the Vienna Basin south of the Danube, characterised by a geological fault line and rather dry climatic conditions. As happened with the territorial subdivisions north of the Danube, both quarters were re-denominated in the late 1860s, and today they are known, respectively, as Mostviertel (referencing prevalent apple and pear cider production) and the Industrieviertel (Industry Quarter) south of Vienna.

Owing to their distinct geological and climatic conditions, settlement patterns and integration into the political-territorial system varied. In Lower Austria's north-west, the Waldviertel shares many of the patterns that characterise neighbouring southern Bohemia and Moravia, namely dense forests, limited possibilities of agricultural production (mainly staples, such as rye, barley, and, later, also potatoes) and aquaculture (especially carps raised in fishponds). Closer to the Danube, we find a few bigger and wealthier towns like Krems, Stein, and Langenlois whose inhabitants were engaged in viticulture; to this day, the area, including the Wachau valley, is one of Austria's premier wine-growing regions. Except for the Abbeys (Stifte) of Altenburg (Benedictines), Geras (Premonstratensians), and Zwettl (Cistercians), most large and wealthy monasteries are located south of the Danube, including the Benedictine Abbeys of Melk and Göttweig, the Cistercian Abbeys of Heiligenkreuz and Lilienfeld, and, perhaps most prominently for the pre-Habsburg history of the territory, the Augustinian Klosterneuburg Monastery north of Vienna. One of Lower Austria's key features to this day is the stark contrast between the relative size and importance of Vienna (exceeding 2 million inhabitants today) versus the many small towns scattered throughout the territory.

Not unlike the neighbouring areas, Lower Austria in the eighteenth and nineteenth centuries manifested many of the ambiguities of the era. Politically, the structure of the proprietors' assembly, presided over by the (arch) duke, remained virtually unchanged from the fifteenth century onwards.[72] In terms of their social and religious composition, we note the diffusion of Protestantism in the sixteenth and the forced re-Catholicisation during the seventeenth centuries. In confessional terms, Lower Austria and its inhabitants remained within the Catholic flock, both due to prohibitions on non-conformist denominations until Joseph II's toleration patents (issued between 1781–85) and the small numbers of religious minorities in the countryside

(the situation was different in Vienna).[73] Unlike neighbouring Bohemia and Moravia, Lower Austrian landed property remained comparatively small and fragmented throughout the early modern era and until the abolishment of patrimonialism as a consequence of the Revolution of 1848.[74] Many of the most powerful of the 'Old Austrian' houses—the Althans, Dietrichsteins, Liechtenstein, Harrachs, Nostitz, Schwarzenberg, Zinzendorf, and others—derived their standing and wealth from possessions in several territories. On the face of it, though, the Estates, assembled in their Landhaus in the Herrengasse in Vienna, clearly reflected especially the *distinction*s of status, wealth, and social capital identifiable in Bohemia: there were four estates (prelates, or Prälaten; lords, or Herren; knights, or Ritter; and the representatives of cities and towns), with additional qualifications deriving from distinguishing between 'old' versus 'newly' (ennobled) members, religious affiliation (Catholicism, Lutheranism), and geographical provenance (the four quarters).[75]

Before the mid-nineteenth century, landed property and its various constituent aspects constituted the foundation of what is commonly referred to as 'patrimonial domination' or Grundherrschaft. Uniting property and usufruct rights with the administration of justice and a wide, if varying, range of seigneurial prerogatives, the term Grundherrschaft (landlordship) has been in use since the late Middle Ages as a shorthand description.[76] While there is a rich and varied literature on the many moving parts of patrimonial domination since at least the late seventeenth century, one of the core features of scholarship on the subject matter is their conflation of Grund (property) and Herrschaft (domination) into the portmanteau Grundherrschaft. In line with use by leading scholars past (Helmut Feigl, David Sabean) and present (Joseph Löffler), I am using the term *Grundherrschaft* to refer to the totality of socio-territorial and politico-juridical relations that, in a de facto ecumenical way, bound property-owners and the resident population together.[77] Expressed in Weberian terms, we may speak of a 'system of order' characterised by situational ambiguity and flexibility that was nonetheless both understood by everyone and applied according to circumstance. While seemingly contradictory to the contemporary reader, our early modern ancestors were perfectly capable of acting as required because, as Weber explained, 'there is a gradual transition between the two [or more, I would add] extremes; and also it is possible…for contradictory systems of order to exist at the same time. In that case each is "valid" precisely to the extent that there is a probability that action will in fact be oriented to it'.[78]

In the context of the eighteenth-century Habsburg Empire, we are faced with two distinct systems of order: change emanating from the court and the nascent central administration (the 'perspective from the pinnacle', as Franz Szabo called it) and what went on in the various patrimonial properties.[79] It is tempting to refer to what transpired from the 1750s onwards with terms

like 'top-down reform', perhaps adding qualifications about their haphazard implementation, which made them founder on the shoals of too-entrenched interests.[80] Yet, there exists a different approach, which is best expressed by taking recourse to the marvellous simplicity of Newton's third law of motion: every *action* emanating from the court and central administrative institutions caused a *reaction* once orders or requests were received locally (and vice versa).

As the imperial government 'never étatized the local administration' surmises John Deak, whatever impetus emanated from Vienna remained 'in the hands of the *Grundherren*, the local lords'. While his rather harsh verdict about the subordinate role of the estates and their diets—'the state was dressing them in full subservience'—has been contradicted by William Godsey recently, the latter's virtual omission of local affairs is telling as it essentially affirms Deak's reading.[81] Essentially the same holds true for Peter Dickson's seminal treatment of *Finance and Government* under Maria Theresa.[82] It is therefore closer to reality to conclude, with Deak, that 'the *Grundherren* provided the first level of local administration and civil justice and a litany of other services', and, as Löffler recently pointed out, state institutions, such as the regional offices, merely served 'to extend the power potential…of the state's central institutions'.[83] While whatever authority central government possessed was both collective and context-specific, until 1848 its execution remained essentially contingent on property-owners, their seigneurial officials, and village headmen.[84] Taken together, we may therefore pin-point to both the validity of Stollberg-Rilinger's assessment and the highly problematic nature of either-or assumptions that dominate conventional scholarly considerations of enlightened reforms in the latter half of the eighteenth century: while certain advances (mainly related to cartography and fiscal capacities) were made during the reign of Maria Theresa (r. 1740–80), little was done to further integrate local administration and jurisprudence during the reign of her successor Joseph II (r. 1780–90). To the contrary, as Löffler points out, despite Lower Austrian landlords repeatedly asking the central government to assume more responsibilities, 'the latter, driven by financial considerations and motivated by political conservatism, showed no ambition to nationalise [orig.verstaatlichen] local administration and jurisprudence'.[85]

What, then, were the prerogatives and purview of these patrimonial proprietors? Careful examination of the existing literature shows three broad categories: firstly, staggered and mutually reciprocal, if asymmetric, rights and responsibilities that tied together property-owners (possessors of *dominium*) and inhabitants. These included economic affairs, the administration of justice, and the upkeep of order among the populace. Secondly, both landlord and seigneurial officialdom functioned as intermediaries and interlocutors between the demands 'from above' (mostly taxes and dues, recruits) that came in the guise of traditional rights (altes Herkommen) and was carried out

using time-honoured practices. Thirdly, with the creation in 1753 of regional offices (Kreisämter), central administrative bodies created a kind of 'third rail' conduit and began to more directly interact with individual landlords. While this move greatly expanded the range of interactions between the involved parties, it neither abolished nor discounted the role of the Estates. Therefore, this change is best thought of as a deepening and broadening of the essentially collegiate, or diarchic, rule by the prince (archduke) and the propertied classes assembled in the diet.

Dominion over property generally fell into two big categories: lands owned by members of the diet were called dominical property (Dominicale), and their transactions were officially recorded in the Land Tables (Landtafel) that provided access to the Estates. Property owned by the subject peasant population was known as rustic lands (Rustikale) and was recorded in a separate urbarium (Gültbuch). The difference between these categories as recorded in tax cadastres was not ownership but that the subjects merely held land use, or usufruct, rights.[86] While it was legally possible to freely trade, exchange, or bequeath property in general, the realities of running a farmstead required close collaboration of both spouses. As farmsteads (Bauernstelle) could only be transferred as single unit, there could only be one heir or successor; in the case of an early death of either partner, the surviving partner would therefore either enter another marriage or exchange the farmstead for financial assurances (Abfindung, Altenteil). The same process was employed upon take-over of the farm by the designated heir, typically the oldest son, who would subsequently compensate his siblings. From 1811/12 onwards, all these transactions were codified in the Civil Code.[87]

These conditions resulted in elevated levels of heterogeneity among tenants, which was mirrored, to a certain extent, in the variety of prestige, standing, and wealth of the proprietors. While the first two benches of the Estates—prelates and nobles—owned the largest share of landed wealth, proprietors came in many different shapes, dimensions, and sizes, and they included a wide variety of natural as well as legal persons[88]; the former included members of the nobility of all ranks while the latter included parishes, sinecures, foundations, civic and ecclesiastical hospitals, and schools.[89] From the last decades of the eighteenth century onwards, non-nobles began joining the ranks of property-owners.[90] Somewhere in-between these categories were properties held in *fideicommissum*, which was typical of owners of large estates.[91] When patrimonial prerogatives were abolished in 1848/49, the Archduchy of Austria below the Enns contained some 2,500 (former) proprietors, of whom about 60 per cent were natural persons and the remainder were legal persons.[92]

The primary effect of patrimonialism was that it provided a framework for mutually binding, if asymmetric, rights and duties of both parties.[93] Landlords and subjects alike co-existed in a virtual cosmos of interrelated and interdependent relationships that provided more or less freedom of action for any

individual participant. 'Subjection' (Untertänigkeit) refers to the legal status of any villager vis-à-vis the landlord, and it is a legal concept that conveys additional meanings: the lord's authority was based on landownership but it could, and in many ways it did, extend over a variety of other aspects, such as (low) jurisdiction, marriage, and inheritance of subjects, and, in certain areas, also restricted freedom of movement. The landlords' authority in Lower Austria differed from the realities in the neighbouring Bohemian lands in many of these aspects. Apart from the larger domains in the latter context, researchers have associated these differences of degree, not of kind, to the socio-economic organisation of production (demesne lordship, or Gutswirtschaft) that characterised the vast latifundia (*velkostatek*) of Bohemia and Moravia.[94] Heavily infused with Cold War ideology, the territories behind the former Iron Curtain were once said to have descended into a 'second serfdom', which emerged from the sixteenth century onwards. Although this hypothesis was dismissed by 'Eastern' scholarship, it took until a generation after the end of the Cold War before 'Western' scholars like the late Markus Cerman, Sheilagh Ogilvie, and others began to retire it.[95]

Such dense information is necessary to grasp the changes that occurred in Lower Austria in the decades around the turn of the nineteenth century. Take, for instance, the possibilities of personal freedom for subjects, as decreed by Joseph II on 1 November 1781.[96] Unlike in the neighbouring Bohemian lands with their stronger landlords—'petty tyrants', as one grand tourist called them—these were restrictions that were hardly enforced in Lower Austria.[97] While I do not share Löffler's quite teleological reading that said patent was 'rather a declaratory act [serving] to convey a signal to the peasant population that was already on its way to full civil right-bearing society', the changes at least afforded a modicum of legal certainty for ordinary people.[98] At the same time, the decree also abolished whatever restrictions existed concerning the subjects' free choice of marital partners; the right to freely choose one's profession had been promulgated over a century earlier.[99]

What Joseph II did not change related to the proverbial sinews of power. Commonly referred to as 'taxes' and typically used as a catch-all term, it is nevertheless important to differentiate between seigneurial dues (paid to the landlord) and those impositions that were rendered unto the emperor (or 'state'). The former included an annual base rent (Grundzins), a customary—and thus fixed—sum that, due to inflationary pressures during the early modern era and the early nineteenth century, was nevertheless kept on the books because it re-affirmed the landowners' suzerainty.[100] The base rent was complemented by a variety of dues payable on specific dates. Originally, these were rendered in kind, e.g., livestock on the occasion of certain feast days (hence they often bear Saintly names), although these dues, too, were gradually replaced by cash payments during the early modern era.[101] In addition, subjects also owed their landlord specific fees (Pfundgelder) upon

significant changes in tenurial relations, including inheritance (*mortuarium*), transfer during someone's lifetime, sale, donation, exchange, or acquisition of a farmstead. These fees ranged between five and ten per cent of the total sum, although consignation thereof was restricted in 1785 to cases in which wealth was to be moved abroad.[102] One of the more exploitative means of income for any property-owner were forced labour rents (*robot*, *corvée*, or Fronarbeit). These comprised a wide variety of obligatory tasks carried out for the benefit for the landowner, and the number of days of labour rents was related to either the size of the farmstead and/or the number of draught animals available to the tenant.[103] According to Löffler, these obligations differed widely from one estate to the other, and frequently also within one and the same property title. By the late eighteenth century, a fullholder (Ganzlehner) was obliged to render 104 days of labour rents per year, with peasants disposing of half or quarter of a fullhold were liable for proportionally less work. These and other particulars were laid down in the Lower Austrian Robot Patents (Robotpatent) of 1772/73, which constituted the legal basis until the Revolutions of 1848. Rendition of these dues, especially if they concerned their exchange rates into payment in cash or kind, was a 'frequent point of contention between property-owners and their subjects'.[104]

In exchange, landowners were obliged to protect their subjects and tide them over bad times, including illness and after a failed harvest, provide firewood and construction materials, if needed, as well as soften the impact of price fluctuations and billeted troops. Apart from those, seigneurial officials keeping track of everything in the lord's manor, everyday administration was carried out on site, by which is meant by village headmen or parishioners. These were responsible for first-level, so-called political administration.[105] As often happened across Lower Austria, villages contained farmsteads—and thus subjects—that belonged to more than one property title, and where this was the case, local authority was deputised and bundled in the hands of a subject of one proprietor.[106] Those in charge (headmen, judges, or parishioners) carried out a variety of partially overlapping functions that resemble, to certain extents, the complex and hybrid nature of landlordship in general and the intricacies of seigneurial administration in particular. Apart from the collection of dues and taxes, the headman's or parishioner's most important task was the dissemination of new instructions, decrees, and laws. While these documents often arrived in the form of *circulaires* via established channels between the various patrimonial institutions, doubts remain about the possibility—and necessity—to differentiate between the proximate origin of any one such instruction: 'it remains questionable to what extent the various [proclamations]', conveyed to the villagers by the same functionary, actually 'appeared to differ to the subjects', Pavel Himl surmised (although speaking, technically, about 'taxes' and not the supraordinate category of 'information').[107] Put differently: it is highly doubtful that it mattered to the

subjects, if whatever information or demand reached them, they knew—or cared enough—whether it came from the landlord, the Estates, the central administration, or the emperor.

These (presumed) ambiguities were further reinforced by the fact that the village headman, judge, or his elected lay jurors (Geschworene) represented both the landlord's authority vis-à-vis his fellow villagers as well as the latter in their dealings with the former. Put differently: when approaching the landlord, these headmen represented the village and, in the village, they represented the landlord.[108] These local overseers were furthermore responsible for the administration of communal affairs, including fiscal and monetary matters, the commons (Allmende), the upkeep of public order, and all other matters pertaining to the village community.[109]

Both taxation (as opposed to patrimonial dues) and military recruitment (conscription) increased considerably after the mid-eighteenth century. These state activities are very much at the top of the list, and these topics have—historically and more recently—garnered most attention, as evidenced by the studies by Shuichi Iwasaki and William Godsey, as well as Ilya Berkovich and Michael Wenzel, respectively.[110] Yet, while these are certainly important aspects, and as we await Joseph Löffler's study on the impact of the Maria Theresan reforms in the countryside, very few enquiries concern themselves with the more quotidian matters of everyday life and administration. For patrimonial officials—including the above-mentioned dual role of village headmen and judges—and the local population, however, other concerns often took precedence. Apart from agricultural production, the by far most important and regular activities at the village level were related to 'public order'.[111] Also known as policing, or *Polizey*, these activities included what today is carried out by first responders (policing, fire brigade, and the provision of health-related services), poor relief, and migration control, but they also comprised oversight over the sale of goods and services, as well as exerted control over artisanal production.[112]

This thick description is necessary to appreciate and understand the extent of both patrimonial domination before the Enlightenment and the characteristics that governed everyday life. The perhaps most succinct summary of these conditions comes from Ignatz Beidtel (1783–1865), one of the leading jurists of the day and president of the University of Vienna, who held that 'for the peasants around the mid-eighteenth century, the landlord [remained] more important than the territorial ruler'. It was during Joseph II's co-regency from 1765 until Maria Theresa's death in 1780 that a 'transformation [orig. Umwandlung] of patrimonial offices and servants into first-level authorities of the territorial ruler' commenced. Beidtel was furthermore perfectly clear that this was a de facto process of hybridisation, as opposed to the state taking over functions and offices. What transpired was that patrimonial offices

and servants became 'subordinate [orig. untergeordnet] to the political, judicial, fiscal, and military authority of the territorial ruler', buttressed by regional offices (Kreisämter)—whose officials were drawn from the ranks of the Estates—gaining 'unconditional rights of visitation, or supervision, with respect to official matters that occurred on any estate'.[113] It is in this context that Joseph II's attempted abolition of subjection, or serfdom, in the Bohemian and Hungarian lands 'on the Austrian model', pioneered 1781–83, contributed drastically to the strengthening of the subjects' position vis-à-vis the landlords everywhere else.[114]

Joseph II's ambitions ultimately foundered, hence landlords continued to exert virtually full control over low, or patrimonial, justice (Nieder- or Patrimonialgerichtsbarkeit) as well as, in part, over high justice (Blut- or Halsgerichtsbarkeit). Similarly, 'public order', or policing (Polizey), continued to be overseen patrimonial servants, albeit under the—at times quite theoretical—supervision of regional officials.[115] This situation has been summed up succinctly by the 'liberator of the peasantry' Hans Kudlich, whose efforts were instrumental for the abolishment of patrimonialism in 1848/49:

> The state…was just as distant and alien [orig. fern und fremd] to the peasant as the feeling of belonging to a large nation. The immediate authority [orig. Obrigkeit] completely dominated his thoughts and feelings…Only through the rendition of taxes and the military system did he have a relationship with the state.[116]

In other words: prior to the Revolutions of 1848 and the abolishment of subjection, the inhabitants of rural Lower Austria—and elsewhere east of the Rhine and west of Russia—local-seigneurial officials alike, were, in effect, *servants of two masters*, one traditional and personal, the other modernising and increasingly abstract.[117] This is no mere exaggeration, as the remarks of Ignatz Beidtel's son Carl (1817–93), who was also a professor of law at the University of Innsbruck, explained: 'the seigneurial servant decides who is to be a soldier; he determines also the time, place, and type of forced labour [orig. Fronarbeit]', as well as 'makes arbitrary demands during official business' that extend over virtually the entirety of the subjects' everyday life. Patrimonial officialdom disbursed, or withheld, orphans' and other funds, organised all that was required for the landowners to the latter's obligations to the state (mostly taxes and recruits), oversaw advance payment and billeting, granted 'trade and merchant authorisations, arrests and sets at liberty'. In addition, finally, seigneurial servants also composed certificates pertaining to a subject's 'morals and property, including real estate appraisal', and they generally supervised all other administrative and judicial proceedings.[118] In spite of these conditions, though, the number of studies on the subject of 'patrimonial domination' (Patrimonialherrschaft) that focus on the period from 1750 through 1848 hardly exceeds single digits (5), with 'landlordship' (Grundherrschaft) at least

returning 724 results. The contrast, especially to biographical approaches, could not be greater: a brief search at the Austrian National Library returned 3,279 books with the words 'Maria Theresia', 9,361 books with the words 'Joseph II', and 861 books that include the word 'Metternich'.[119]

This situation is further compounded by the co-existence of a separate set of rules (Max Weber called these 'systems of order') in those parts of the post-1814/15 Austrian Empire that, however briefly, had come under French influence or direct rule, as well as under Bavarian rule. Much like other such areas, the French *Code Civil* was introduced in 1797, 1805, and 1809, and the various legal systems continued to be based on it after the territories returned to Habsburg rule in the wake of the Congress of Vienna. Where these 'non-Austrian' considerations held sway, a collegiate judiciary (Kollegialgericht) under the auspices of the territorial ruler, the Habsburg sovereign, replaced patrimonial ways and means of administering justice after 1814/15.[120] Voices demanding the abolishment of patrimonial relations became louder from around 1830 onwards, including the Estates of the Austrian lands. During these decades, seigneurial officials, as related by Carl Beidtel, continued to administer justice in both civil and criminal cases.[121] Jurisdiction over criminal cases was transferred to state courts in 1845 while, at the same time, the competence of patrimonial officialdom over civil matters was restricted. 'Officially', Alois Brusatti explains, 'patrimonial jurisdiction was not abolished until 1848'. When Hans Kudlich and his allies were finally successful and patrimonialism was abolished, questions arose about the continued employment of these seigneurial servants. 'All remaining officials tasked with the administration of justice transferred to [state-run] civil service', Brusatti continues, and those 'primarily occupied with economic affairs entered into [exclusively] private employment with the landowner'. As regards 'all other [hitherto patrimonial] servants', they too transferred to the newly constituted state or municipal service and 'thus formed the basis of the new local administrations'—and together with their patrimonial records, they formed the basis for the state's institutional memory (Chapter 5).[122]

Since Brusatti wrote these lines in the 1950s, not a lot has happened that furthers our knowledge of these matters. To study the inner workings of precisely these patrimonial officials, then, is to shed new light on a previously overlooked aspect of state transformation, to which we now turn.

Stift Zwettl and Gobelsburg Manor, 1740–1848

The history of Zwettl Abbey began in the first half of the twelfth century when Hadmar I of Kuenring (died 1138), serving as a *ministerialis* of the ruling Babenberg dynasty in the Eastern March, laid the foundations for the settlement of Cistercians in the Waldviertel. In doing so, he followed in the footsteps of his liege lord, margrave Leopold III (r. 1095–1136), remembered as the founder of Heiligenkreuz Abbey near Vienna in 1133.[123] The

Cistercians were then at the forefront of the mediaeval reform orders, and they were well-known to foster development in otherwise remote areas. The location near the eponymous town is situated at the confluence of the Kamp and Zwettl rivers, and the Abbey, founded in 1138, was constructed at some 3.5 kilometres distance.[124] Zwettl Abbey is the third-oldest Cistercian convent in continuous operation. The oldest consecrated church dates from 1159, which was transformed into the then-prevalent, so-called Gothic style during the fourteenth century. The next 250 years were trying: wars and the changing fortunes of the Reformations were compounded by the hardships of the Little Ice Age.[125] It was not before the last quarter of the seventeenth century that new impulses reached the Waldviertel. Around the turn of the eighteenth century, the Abbey was enlarged and adapted in the then-prevailing Baroque style. Under Abbot Melchior Zaunagg (r. 1707–47), the convent underwent significant renovations: a new church spire was constructed, renowned artists Paul Troger (1698–1762) and Joseph Munggenast (1680–1744) created the frescoes in the library, and Johann Ignatius Egedacher (1675–1744) built one of the most remarkable pipe organs in Lower Austria.[126]

In many ways, Zaunagg's long regency serves as an apt introduction to this study's focus. His 40 years in office encompassed the convent's 700th anniversary of its founding in 1738 as well as the golden jubilees of his profession (1740) and ordination (1745). It was during his tenure that, among other acquisitions near Zwettl, the lordship (Herrschaft) Gobelsburg was bought for the price of 100,000 fl. In his capacity as a member of the prelates' bench, Zaunagg also served the Estates in various functions since 1709, which caused him to 'often spend most of the year in Vienna', as related in the nineteenth-century anthology entry in the *Cisterzienserbuch*. Although Zaunagg was a typical absentee landlord, 'he did so without neglecting his duties as the abbey's provost' whose legacy includes 'hundreds of letters about virtually everything, including the most minute particulars'.[127] While this reeks of what we today label micro-management, its two key lessons are the overarching importance of regular and reliable postal services between Vienna and Zwettl (as well its subordinate, outlying possessions, including Gobelsburg) and the correspondingly large amounts of paperwork that are preserved in the vaults beneath the convent's archive and library.

The territorial consolidation of the Abbey's properties continued under Zaunagg's successors Rainer I Kollmann (r. 1747–76), a widely renowned scholar and an able administrator who enjoyed the 'intimate trust of that great empress Maria Theresa who, more than once, relied on his advice'.[128] Things changed significantly during the Joseph II's personal rule, in particular deriving from his ecclesiastical policies.[129] It was towards the end of the stewardship of Rainer II Sigl (r. 1776–86) that a profound re-imagination of pastoral care and obligations occurred, mainly due to policy changes emanating from Vienna in 1785: new parishes and presbyteries, as well as new

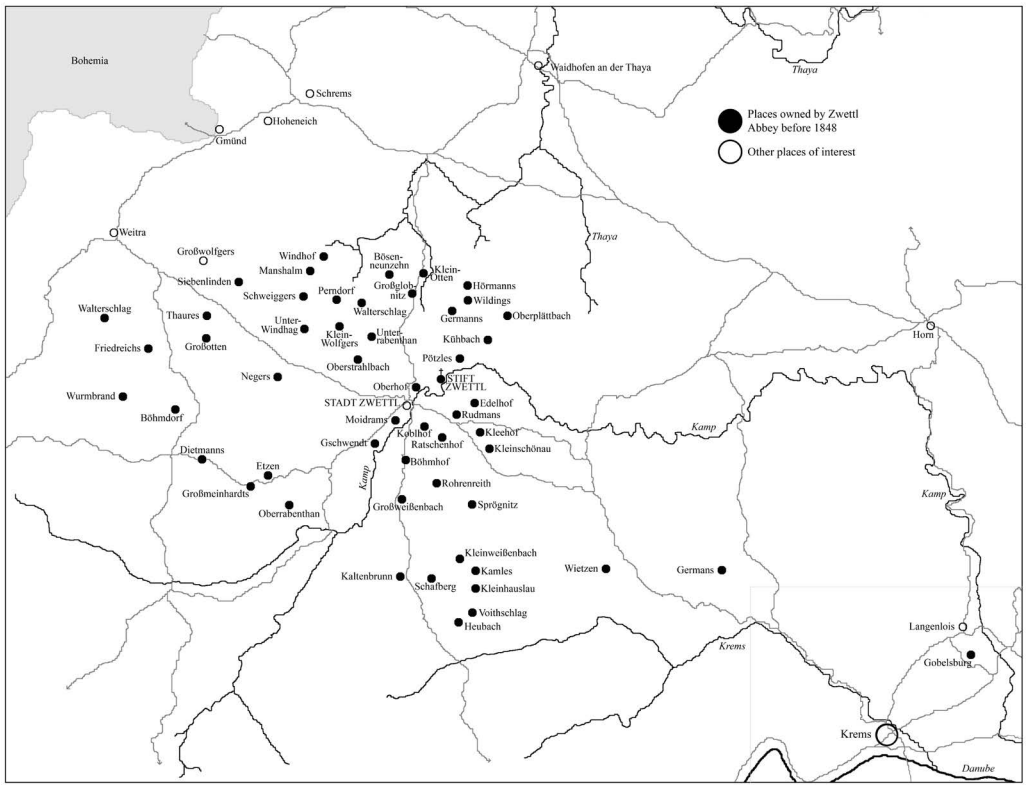

FIGURE 1.2 Possessions of Zwettl Abbey Prior to 1848. Grey lines indicate main roads; the rectangle in the bottom right corner indicates the extent of Figure 1.3. Design by the author

school buildings were erected in Groß-Inzersdorf, Stralbach, Siebenlinden, Sallingstadt, Wurmbrand, and Etzen.[130] Behind these endeavours stood, in Pieter Judson's formulation, the court's ambition to roll out compulsory primary schooling. This was done by requiring 'a school…in every parish', with teachers 'considered [*sic*] civil servants, but given the job description of local sacristan for the church'. It was through this that a mandated, essentially state-church hybrid—existing in both secular and ecclesiastical lordships—emerged that had but one overarching aim: Joseph II sought to 'force the church to pay for most of [the teachers'] salaries'.[131]

We know most about the organisation of the possessions of Zwettl Abbey as they existed on the eve of the abolishment of patrimonial relations in 1848/49. As indicated above, the main trend over the course of the early modern period was an increase of subject dwellings while the number of villages (54 in 1847) declined due to territorial adjustments.[132] As regards their intra-seigneurial organisation, there existed twelve so-called routes (Routen). These sub-units were administered by a headman (Amtmann) each who carried out official business for the Abbey. Those in charge of these 'routes' needed to know about parish, judicial (Landgericht), and seigneurial affiliation of individual dwellings, as well as any additional consideration that pertained to their area of responsibility. 'Route Three', for instance, extended over the villages of Oberhof (35 dwellings), Böhmhöf (6), Großweißenbach (46), Schafberg (19), Kaltenbrunn (20), and Heubach (8); as regards Schafberg, apart from Zwettl Abbey, Ottenstein, Niedernondorf, Rastenberg, and Spitz possessed seigneurial rights. 'Route Six' included but the two villages of Gut Moidrams (28 dwellings) and Gschwend (32) but suzerainty over the former was shared by Zwettl Abbey, the Magistrate of the City of Zwettl, and St Bernhard. Even the briefest glance at these property relations 'shows the administrative and organisational complexity of [the Abbey's] landlordship', Eva-Maria Schütz concluded.[133]

Gobelsburg Manor constituted a geographically separate possession of Zwettl Abbey. Acquired in 1740, its domains were administered together with other remote possessions, and 'Gobelsburg'—used here and in the following to refer to the area under its administration—is a wonderful example of what early modern polymath Gottfried Wilhelm Leibniz (1646–1716) called 'a monad', that is, a small-scale representation of conditions found virtually everywhere else.[134] Supervision of economic affairs comprised both territories that de jure belonged to Gobelsburg Manor and other nearby properties of Zwettl Abbey while the administration of justice was equally fragmented and shared. As with the Abbey's properties near Zwettl, 'Gobelsburg' was furthermore divided into four separate 'precincts' (Sprengel) akin to the above-discussed 'routes'. These comprised, firstly, the manor and market town of Gobelsburg as well as the villages of Zeiselberg and Haslach; secondly, the village of Engabrunn with its annually rotating authority

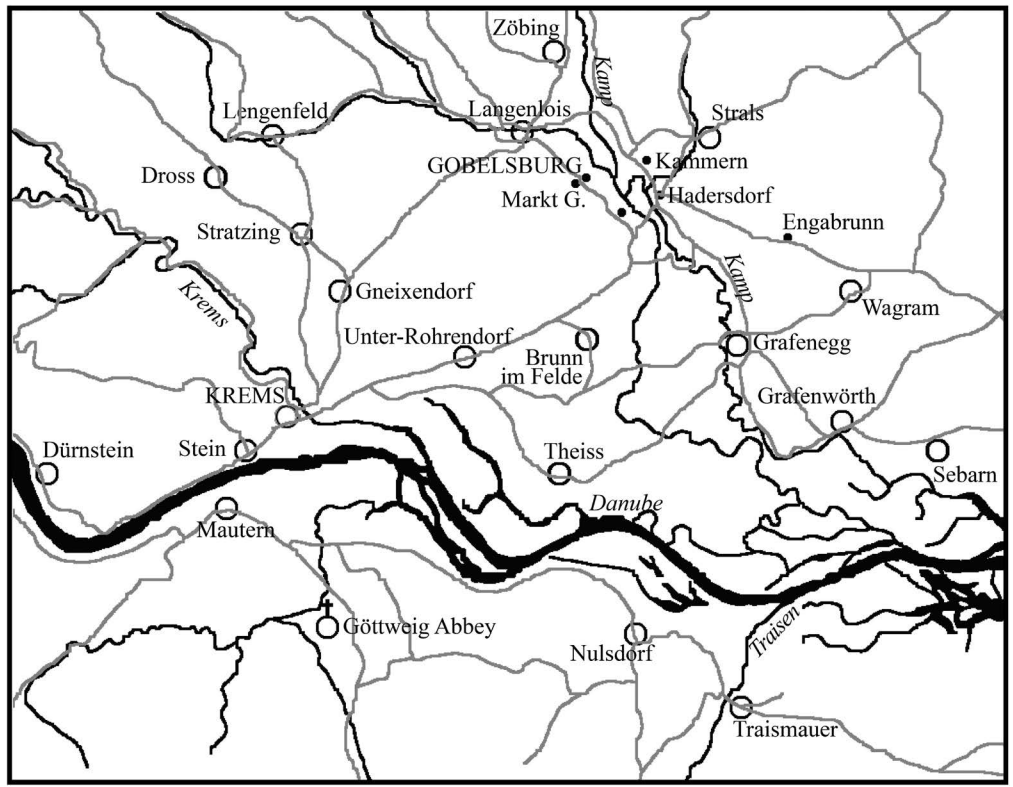

FIGURE 1.3 The Domains of Gobelsburg Manor, 1740–1848. Grey lines indicate main roads; note that not all villages and hamlets are shown. Full, small dots indicate villages subsumed under the property title of Gobelsburg Manor; 'empty' circles indicate other places of interest. Design by the author.

(Obrigkeit) shared by the lordship of Grafenegg and the Abbeys of Zwettl and Göttweig; thirdly, the lordship of Kammern; and, fourthly, the village of Neustift, which was an immediate property of Zwettl Abbey but administered from Gobelsburg Manor due to its geographical proximity to the latter.[135] Yet another different status pertained to the market town Hadersdorf. Acquired 20 years later (1760), Zwettl Abbey acquired full seigneurial rights only in 1819.[136]

In addition to these larger and more consistent seigneurial-territorial administrative units, a few smaller sub-units 'that existed in most incorporated parishes' shall be mentioned. Referred to in the sources as 'administrators', these designations relate to the parishioners' duties to oversee the productive capacities within the various parishes.[137] In all other matters, authority was exercised by the competent seigneurial officials. Taken together, these circumstances reveal high levels of structural complexity that were characterised by various forms of blended or hybrid manifestations of authority. These structures made everyday life quite complicated for everyone, especially for those subjects of Zwettl Abbey (or any other proprietor, for that matter) who lived under such conditions of multivariate authority.

None of these conditions changed during the reign of Maria Theresa, and neither did they in the decades around the turn of the nineteenth century. If anything, abbots Rainer II Sigl (r. 1776–86), Alois Prukner (r. 1804–08), and Berthold Gamerith (r. 1808–28) fought hard *against* domestic friends and foreign foes alike to safeguard the convent's continued existence. During his personal reign, Joseph II considered abolishing Zwettl Abbey altogether, which was prevented due to ministerial intervention and sheer necessity: there existed no other ecclesiastical institution in the area that could deliver both pastoral care *and* carry out the emperor's ambitious reform programmes.[138] These domestic and internal woes were compounded during the Napoleonic wars, in particular the campaigns of the Wars of the Third and Fifth Coalition in 1805–06 and 1809, respectively. Both conflicts brought troops to the Zwettl area: in 1805, French soldiers briefly occupied both city and Abbey, and while they billeted troops among the populace, no excessive exactions were demanded. During the latter war, the Austrian main army moved through the area and both Emperor Francis I and Archduke Charles briefly visited Zwettl. 'Towards the end of October…the French came and stayed until Christmas, which caused high expenditures…in particular the loss of all wine in the Abbey, Gobelsburg, and Nußdorf'. If the *Cisterzienserbuch* is to be believed, damages amounted to 'well over 200,000 fl.'.[139]

A slightly different version of these events is related by Abbot Julius Hörweg (r. 1834–47) in his very extensive diary that covers the period from his religious vows, taken in 1805, until 1846. Hörweg cites the number of 6,000 *Eimer* (literally buckets) of *Gebirgswein* from Nußdorf of approximately 56.7 litres each, adding that the wine was 'then partially transferred

by the French to the Lobau islet, in part sold by infamous commissaries on the black market'. As regards Zwettl Abbey's holdings, Hörweg noted that 'the French assumed control over our cellar and took from it what they wanted'.[140] In a separate brochure, however, then-cellarmaster Father Ferdinand provides more details before concluding his account with the statement that 'all the Frenchmen who were here were very human and in no ways oppressive, and with the exception of quarters, they did not press any other demands', which stood in stark contrast with the 80 Bavarians who had arrived before the French and had 'looted' some of the nearby villages.[141]

Subsequent events, however, had a far greater impact on the Abbey's finances. To enable the imperial government to render its indemnities to the French, liturgical objects made of precious metal were confiscated in 1810, followed a year later by the (partial) sovereign default. Both factors compounded the economic-financial worries while the currency's devaluation added to these woes. Despite Berthold Gamerith's 'wise economy', it proved impossible to reduce the Abbey's 'incredible mountain of debt' to more manageable proportions. These problems were compounded by his 'hapless comportment [unglückselige Verblendung]'—Gamerith lived the high life and did so by plundering the convent's coffers for personal gain. In 1828, Abbot Berthold was forced to relinquish his office and retired first to Lilienfeld Abbey and later to the village of Zistersdorf where he died in late August 1834. Yet, Gamerith's tenure, the *Cisterzienserbuch* concluded, was not all bad: he was a very scholarly man, contributed to the growth of the Abbey's library, and increased the quality of the education for the resident pupils. Upon his early retirement, Prior Joseph Schmid took over the former's administrative duties and guided Zwettl Abbey until the election of Julius Hörweg (r. 1834–47).[142]

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At this junction, which corresponds roughly to the end of the period under survey here, a few lines about subsequent trajectories in terms of social, economic, and political developments are in order. As the above outline of the complex territorial, proprietary, and judicial entanglements make clear, patrimonialism—or 'feudalism'—had been in serious trouble well before its eventual abolition in 1848. High levels of fragmentation, shared authority, and numerous internal boundaries converged in the century after 1750 to render this the 'social question' and one of the crucial topics of the age. In fact, the streamlining of administration, the introduction of compulsory elementary schooling, attempts to rationalise property rights, and obligations unto the state were aims pursued rather consistently by every enlightened despot of the Age of Enlightenment. Both Maria Theresa and Joseph II ultimately failed in their attempted abolition of both hereditary subjection

and changes to the prerogatives of landed wealth.[143] While these attempts ultimately foundered in the Habsburg domains for a variety of reasons—domestic opposition, especially by Hungarian magnates, and the exigencies of foreign affairs—continuation of the Old Regime created a growing list of problems over time.

This increasingly idiosyncratic situation is perhaps best summarised in the words of the historian Viktor Bibl (1870–1947) who noted that, by the mid-1830s, 'the Court Chancellery admitted that the lordships lacked sufficient ways and means to discharge their duties', before proceeding to answer why this was the case: 'consideration of the rights of the proprietors and the expected costs' deriving from any fundamental reforms.[144] Instead, piecemeal adjustments were carried out. By the early 1830s, 'the Lower Austrian Estates were ready to deliver the entire administration of justice into the hands of the state', yet it would take another decade before at least criminal justice was transferred [to the state]. At the same time, in 1845, the freedom of action enjoyed by village judges in civil justice matters was curtailed.[145] It would take another three years—and the revolutionary upheavals of 1848—before the long-overdue end of patrimonialism could be pushed through. In the Austrian Empire, this monumental achievement is inextricably tied to the physician and politician Hans Kudlich, himself a Silesian of peasant stock, who is remembered as the Bauernbefreier ('liberator of the peasantry').[146] While this was no small feat, which ushered in a new, if not yet clearly defined, relationship between the individual and the proverbial powers-that-be, it shall also be remembered that when the peasants finally gained their personal freedom, this was but the long-overdue resolution of a long-festering, much older issue that in today's main accounts has sunken all but into oblivion:

> The history of the liberation of the peasantry is the history of the social question of the eighteenth century.[147]

Thus, in what follows, we shall not consider 'the countryside' or 'rural matters', but rather the people who lived there, their juridical-legal conditions, the multi-faceted relations of the various groups and classes, and the positioning of the state in-between. And in carrying out such an enquiry, we are enquiring about the socio-political history of the rural population at the dawn of the modern era.

Notes

1 Grillparzer, *King Ottocar*, 93.
2 The standard textbook from an Austrian perspective is by Niederstätter, *Herrschaft Österreich*, 71–80; for the Czech perspective, now see Třeštník and Žemljička, 'Přemyslid Princes and Kings', 111–22, incl. bibliography.

3 Heady, *Literature and Censorship*, 118–69.
4 Langer, *Burgtheater*.
5 The classic study is Heer, *Kampf*. This is no place to itemise, but see Uhl, 'Das "erste Opfer"'; 'Opfermythos'; and Gerbel, 'Geschichtsauffassung'; context by Heiß, '"Reich der Unbegreiflichkeiten"'; Wolfram, 'Public Instrumentalization'; and Geary, 'Austria'. I have experienced the recital by the audience in Vienna's *Burgtheater* during a staging of *King Ottocar* (in the 2005 Salzburg staging), starring Tobias Moretti as Rudolf I in the mid-2000s: counting among the younger patrons, it was quite something to observe about half the audience reciting the 'Hymnal' together with Moretti/Rudolf I.
6 Fortunately, new multi-vol. textbooks are available for both the City of Vienna and Lower Austria (separate federal states since 1921), Csendes, *Wien*; Kühschelm et al., *Niederösterreichs*, with the latter's introduction being conveniently available in English via https://land-noe.at/noe/19jh-en01.03.pdf (20 Sept. 2024).
7 Gutkas, *Geschichte*, first appeared in 1950 and ran through seven editions; it is best read next to his *Landeschronik*, which provides a detailed accounting of the main events and developments. See also the Institut's *Spurensuche*.
8 Eminger and Langthaler, *Niederösterreich*; with an emphasis on cultural history, Wagner, *Niederösterreich*; Eminger, *Land im Zeitraffer*.
9 Klingenstein, 'Wiener Hof'; 'Zwei Höfe'; Duindam, *Vienna and Versailles*; '*Kaiserhof* or *Reichshof*'; Ammerer et al., *Bündnispartner*; Iwasaki, *Stände*; Godsey, *Sinews*; most recently, Maťa, *Stuben und Säle*.
10 Dickson, *Finance and Government*; Beales, *Joseph II*; Stollberg-Rilinger, *Maria Theresia*; on Helmut Reinalter's substantial contribution to the study of esp. Josephinism, see his '1790', incl. bibliography.
11 Kühschelm et al., 'Introduction', 4. As to periodisation issues, the notion that 'modern Habsburg history begins in 1740' has not been overcome, according to Evans, 'Maria Theresa', 17; to the contrary, it has been rather reinforced, most prominently, by Judson, *Habsburg Empire*; see also Ch. 5.
12 For the programmatic announcement, see Hochedlinger and Winkelbauer, *Herrschaftsverdichtung*; first results are available via Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, with two more vols. planned. On the latter aspect, now see the essays in Godsey and Maťa, *The Habsburg Monarchy*, which do not include any contribution on the 'rural periphery' (which I know for a fact as my paper at the foundational 2015 Vienna conference was excluded by the editors, on which see my *Lordship and State Transformation*, 18, n. 67).
13 E.g., Bayly, *Birth*; Osterhammel, *Transformation*; Landes, *Prometheus Unbound*; Vries, *Escaping Poverty*; Kocka, *Kapitalismus*.
14 Blockmans and Genet, *Origins*; Bonney, *Rise*; Yun-Casalilla and O'Brien, *Rise*. Note the application of the same analytical framework to the various states considered.
15 Allen, *Institutional Revolution*; Guldi, *Road to Powers*; Laak, *Alles im Fluss*.
16 Joyce and Mukerji, 'State of Things', 2; see also Kaspersen and Strandsbjerg, *Does War Make States*, esp. the editor's introduction (co-written with Benno Teschke), but note specifically the essays by Thomas Ertmann, Hendrik Spruyt, Benno Teschke, Philip Gorski, and Vivek Swaroop Sharma for their potential of moving 'beyond' these strictures.
17 Note the curious discrepancy between these notions and syntheses like Salewski, *Geschichte Europas*; Simpson and Jones, *Europe*, both of which present their content in chapters focused on individual states. The same is true of the *Oxford History of Modern Europe*, except for the four vols. tying together country-based studies and Vital, *The Jews*.

18 Apart from Osterhammel, 'Europamodelle', note the (absence) of meaningful distinctions between regional (territory), state, and empire, which is particularly prominently on display in the context of the Habsburg Empire; see, among others, Strohmeyer, 'Imperium'; Stourzh, 'Umfang'; Stauber, 'Dynasten, Länder, Völker'.
19 Reinle, '"Meistererzählungen"', 58–64.
20 Joyce and Mukerji, 'State of Things', 2 (my modification, emphasis).
21 Quotes, respectively, by Kühschelm et al., 'Introduction', 6; Joyce and Mukerji, 'State of Things', 2.
22 Bayly, *Birth*, esp. 68–120; Alexander, *Uncertain Path*; Evans, *Pursuit*, xiii–xvii and *passim*. Reference is made to Mayer, *Persistence*.
23 Bauer, 'Agrarstatistik'. Reference is made to Polanyi, *Great Transformation*.
24 Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*; now see the new anthology on Lower Austria's eighteenth century by Hämmerle et al., *Geschichte*, which is currently 'in press' and as up to date as such collective publications come and contain a wealth of essays on a wide variety of topics. Reference is made to Josef Löffler's ongoing *Habilitiation* project at the University of Vienna; while we await its publication, see his 'Grundherrschaftliche Verwaltung'; 'Grundherrschaft'.
25 Ganzenmüller and Tönsmeyer, *Vorrücken*; with a focus on Lower Austria, see Nellen and Stockinger, 'Staat, Verwaltung und Raum'.
26 E.g., Becker and Osterkamp, 'Entscheiden'; Becker, *Hofratsdämmerung*; Osterkamp, 'Imperial Diversity'; 'Imperial Loyalties'; Stockinger, 'Bezirke'; Ableidinger et al., *Im Büro*.
27 Beller, *Habsburg Monarchy*, 15–21, at 17.
28 Okey, *Enlightenment to Eclipse*, 69.
29 Grafton and Blair, *Transmission of Culture*, although they do not mention hybridity explicitly; see also Burke, *Cultural Hybridity*, 1–12 and *passim*. Cf. further Brewer, 'Revisiting', 34, who invokes the proverbial 'Cheshire cat' imagined by Lewis Carroll in his *Alice in Wonderland* (1865); I have made allusions to 'Schrödinger's Cat' in my 'Composite Domination', 189.
30 Levi, 'On Microhistory', 107 (my modification), with stylistic allusions to the Interregnum hypothesis, via Gramsci, *Prison Notebooks*, vol. 2, 32–3.
31 The standard textbooks are by Brunner, *Herzogtümer und Marken*; Dopsch, Brunner, and Weltin, *Die Länder und das Reich*; for the first century of Habsburg rule, see Niederstätter, *Herrschaft Österreich*. While we lack a decent English accounting, see the (brief) synthesis by Beller, *Concise History*, 10–35.
32 Now see Kalb et al., *Vertrag*, with ample commentary on the borders in question on 146–61; see also König, 'Festlegung'.
33 Due to the recent centenary, see Hachleitner and Mertens, *Wien*; see also the Wien Bibliothek's virtual exhibition at https://www.wienbibliothek.at/besuchen-entdecken/ausstellungen/wien-bundesland, 21 Sept. 2024.
34 Kühschelm et al., 'Introduction', 9–10.
35 Do not miss Telesko, *Kulturraum*, 185–224; Osterkamp, 'Gleicher als andere'.
36 For illustrative purposes: performed in Feb. 2024, a search of the key terms 'Geschichte' (history), 'Stadt' (city), and 'Wien' (Vienna) in the online catalogue of the Austrian National Library returned 22,425 books, 237 journals/magazines (*Zeitschrift*/*Zeitung*), and 1,898 articles; by contrast, replacing city with 'Land' (land, or territory) and Vienna with 'Niederösterreich' (Lower Austria) returned merely 2,738 books, 46 journals/magazines, and 23 articles.
37 The classic study is Lhotsky, *Privilegium maius*; now see Just et al., *Privilegium maius*. See also Brunner, *Land and Lordship*, 324–63, for a discussion of the idea of 'the Estates' as one interpreted *through* nineteenth-century scholarship.

38 This is no place to itemise; as *pars pro toto*, contrast Evans, 'Habsburg Monarchy', 76–8, with Winkelbauer, '1526', 63–6.
39 E.g., Beller, *Concise History*, 37–84; contrast Winkelbauer, *Ständefreiheit und Fürstenmacht*, vol. 2, 91–103, with only a handful of pages on the Reformations 'from below', with Vocelka, *Geschichte Österreichs*, 94–154; *Glanz und Untergang*, 281–351; Bérenger, *Empire*, vol. 1, 253–564, vol. 2, 17–108. See also Stauber, 'Dynasten, Länder, Völker', 24–7; Scheutz, 'Mikrogeschichte', 77–85.
40 See, e.g., the recent conference at the Austrian Academy of Sciences that addressed the Swedish advances on Vienna in the Thirty Years' War, via https://www.oeaw.ac.at/detail/news/als-die-schweden-vor-wien-standen/ (13 Feb. 2024). For an exemplary study about 1683, see Scheutz and Schmutzer, '"Schwirige baurn"'; embedding by Telesko, *Kulturraum*, 21–41; and Scheutz, '1683'.
41 Brunner, Land *and Lordship*, territorial overview on 165–71; on territorial authority, see 229–30, 350–1.
42 Now see Michels, *Habsburg Empire under Siege*.
43 Godsey, *Sinews*, 23–4.
44 Overview by Brunner, Land *and Lordship*, 225–9, on Lower Austrian particulars 229–33, with the following quote on 228: 'historians have still not established the legal foundation on which the impost rested, which foundation has been seen variously in high justice and military suzerainty'. Note that Godsey, *Sinews*, 24 is ambiguous on this issue. He notes, firstly, that 'their [the estates] rights to gather and vote on taxes were in essence privileges originally conceded and periodically renewed—as at the act of homage—by the archduke'; only to add, in note 72, that 'the problem of fiscal privilege remains largely unexplored in the Habsburg context'.
45 Brunner, *Land and Lordship*, 229 (emphasis in the original).
46 The most recent survey is by Urbanitsch, 'Verfassung und Verwaltung'.
47 Kudlich, *Rückblicke*, vol. 2, 91–251; Prinz, *Kudlich*; Hausmann, 'Kudlich'; see also https://www.hans-kudlich.eu/index.html (17 Oct. 2024).
48 For the early modern era, see Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, vol. 1, 117–48; for the modern era, se Stekl, *Adel und Bürgertum*. Although no systematic enquiry has been carried out, individual details are available via Wurzbach, *Biographisches Lexikon*, whose 'bio-bibliographical compilation found room for everyone from the bluest-blooded progeny of Árpád to the lowliest Magyar or Slavonic scribbler', explains Evans, 'The Revolution', 265.
49 Before the 1610s, itinerant emperors from Maximilian I (r. 1493–1519) to Rudolph II (r. 1576–1611) resided in Innsbruck, Wiener Neustadt, Linz, Prague, and Vienna. Moreover, upon the division of the dynastic patrimony by Ferdinand I (r. 1558–64), cadet branches ruled Inner Austria from Graz and Anterior, or Further, Austria from Innsbruck. Vienna became the uncontested capital only during the reign of Leopold I (r. 1658–1705). On Vienna's evolution of the imperial-royal-dynastic capital, now see Scheutz, 'Goldener Apfel', 125–30.
50 See, as listed chronologically, Wiesflecker, *Fundamente*; *Österreich*, esp. 221–74, who centres his arguments on Maximilian I (r. 1493–1519); Pánek, 'Ferdinand I', 69–71, although most of the issues discussed revolve around actions undertaken as ruler of individual territories and not during Ferdinand's imperial rule (r. 1530 crowned German king and 1558 elected emperor); see also his 'Bohemia and the Empire', 125–6; Winkelbauer, '1526'; 'Separation and Symbiosis', 168–70; and Bireley, *Ferdinand II*.
51 Notable biographies incl. Spielman, *Leopold I*; Béregner, *Leopold I^er^*; Ingrao, *Quest and Crisis*; Arneth, *Eugen*; Braubach, *Eugen*. This situation is mirrored, to a certain extent, by the existence of many biographies of Maria Theresa (most

recently by Barbara Stollberg-Rilinger) and Joseph II (by Derek Beales), which stand in rather stark contrast to the many biographies of Metternich (most recently by Wolfram Siemann) vs. the little, if any, attention paid to Emperor Leopold II (r. 1790–92, on whom see Adam Wandruszka's biography); apart from biographical entries in the *Neue Deutsche Biographie*, one must rely on Hamann, *Lexikon*, 130–4 on Francis II/I (r. 1792–1835), and 121–4 on Ferdinand I (r. 1835–48).

52 Press, 'Habsburg Court'; Duindam, '*Kaiserhof* or *Reichshof*?'. On the reign of Charles VI (r. 1711–40), now see Seitschek, Hutterer, and Theimer, *300 Jahre*, 58–79; for a comprehensive accounting of the central administration's history, now see Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, vol. 1, 149–374, incl. bibliography.

53 *Pace* Godsey, *Sinews*, 24 (emphasis in the original).

54 Evans, 'Preface', x; *pace* the conceptual outlook by Godsey, *Sinews*, 25: 'Lower Austria [was] the center of [Maria Theresa's] monarchy'.

55 Walter, *Staatsreform*, 60.

56 Anderson, *War*; Hochedlinger, *Austria's Wars*, 246–64, incl. bibliography. If not noted otherwise, information in this paragraph derives from Deak, *Forging*, 9–16; Godsey, *Sinews*, 16–29; and the pertinent parts in Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*.

57 Deak, *Forging*, 11.

58 Stollberg-Rilinger, *Maria Theresa*; Beales, *Joseph II*.

59 Note esp. Dickson, *Finance and Government*; synthesis by Judson, *Habsburg Empire*, 16–102; guidance by Hochedlinger, 'Staatsreform'.

60 Löffler, 'Erforschung', with the quote on 193.

61 On Bohemia, see Rieger, 'Kreisverfassung', 259–61; *Zřízení krajské*, vol. 2; indispensable remains Macek and Žáček, *Krajská správa*. There is no comparable body of scholarship on Lower Austria, but do see Bredow, 'Kreisämter'; 'Gestaltungspotentiale'.

62 Noted almost 40 years ago by Winkelbauer, *Robot und Steuer*, esp. 194–8, 223–8; Löffler, 'Erforschung', 194, repeats this assessment, hence, for information on his project, see 196–204. See Hackl, *Dominikal-und Rustikalfassion*; 'Steuerrektifikation'; full treatment in his *Steuerrektifikation*. On Bohemia, unsurpassed remains Pekař, *České katastry*; see also Himl, *Die 'armben Leüte'*, 89–95; my *Lordship and State Transformation*; 'Metamorphosen'; on the eighteenth and nineteenth centuries, see Lhoták, 'Berní'; 'K daňové'. On Moravia, see David, *Nechtěné budování státu*. Reference is made to Ginzburg, *Cheese and the Worms*.

63 As regards patrimonial structures in eighteenth-century Bohemia, see Wright, *Serf, Seigneur and Sovereign*, best read in conjunction with Hassenpflug-Elzholz, *Böhmen und die böhmischen Stände*; Koćí, 'Reformen'. For case studies on rural revolts, see the summary by Čechura, 'Zu spät und zu friedlich?'; *Selské rebelie roku 1680*; see also the annotated accounting by Himl, *Die 'armben Leüte'*, 17–34.

64 On crime and legal history, see Scheutz, *Alltag und Kriminalität*; guidance by Schwerhoff, *Kriminalitätsforschung*, 15–30; for the particular topic of inheritance issues, see Lanzinger et al., *Aushandeln*; Štefanová, *Erbschaftspraxis*; Zeitlhofer, *Besitzwechsel*. On military matters, see Hochedlinger, 'Rekrutierung'; guidance via his Austria's *Wars*, incl. bibliography and his contribution to Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeshichte*, vol. 1/2, 627–763; do not miss Berkovich, *Motivation*.

65 Stollberg-Rilinger, *Maria Theresa*, 251, 818.

66 Evans, 'Maria Theresa', 17.

67 Stollberg-Rilinger, *Maria Theresa*, 818.
68 Braudel, *Civilization*, vol. 1, 49–51, at 50. Note that these incl. the low speed of overland transportation and communication, as noted Braudel, *Civilization*, vol. 1, 49–51, 424–30, but also in vol. 2, 350–6; similar constraints are noted by Cipolla, *Before*, 65, 68.
69 Telesko, 'Donauraum'; Knoll, 'Hydrographie'.
70 See the qualitative survey by Paulus, '"Ein- und andere Örther"'.
71 This and the subsequent paragraph are based on Gutkas and Hofbauer, *Niederösterreich*; and the two vol. Kühschelm et al., *Niederösterreich*.
72 Unsurpassed remains Hassinger, 'Landstände'; now see Iwasaki, *Stände*; Godsey, *Sinews*; and Maťa, 'Stuben und Säle'.
73 Beales, *Joseph II*, vol. 2, 168–213; on the 'Oriental' minorities subsumed under the header 'Ottoman' subjects, now see Do Paço, *L'Orient*.
74 Some of these 'composite' domains were very large, such as the 'kingdom of Schwarzenberg' (as it was known in the local vernacular) in southern Bohemia or the domains of the Liechtenstein in Moravia. Heydendorff, *Eggenberg*, 185–8, at 187; Winkelbauer, *Fürst und Fürstendiener*, 34.
75 Godsey, *Sinews*, 41–65, noting furthermore additional 'vertical' divisions, incl. the 'three upper Estates' (excl. cities and towns), the 'two political Estates' (lords and knights), the differentiation between 'domestic' vs. 'foreign' (from, e.g., the Holy Roman Empire or Hungary) members of the Estates. See also Hengerer, *Kaiserhof und Adel*. Reference is made also to Bourdieu, *Distinction*.
76 Schreiner, 'Grundherrschaft'; Günter, Ilting, and Koselleck, 'Herrschaft'; guidance by Blickle, 'Grundherrschaft'; Rösener, 'Grundherrschaft'.
77 Feigl, *Grundherrschaft*, 2nd ed., 15–22 (but note the differences between the 1st and 2nd ed.); see also Sabean, *Power in the Blood*, 20–7, who holds (at 24) that 'Herrschaft had to define … the nature of the person' who belonged to it. Löffler, 'Grundherrschaft', 176–7.
78 Weber, *Economy and Society*, 31–3, at 32; see also my 'Composite Domination', 186–9.
79 Szabo, 'Perspective'.
80 The perhaps most telling quote to mention here is Joseph II's epitaph: 'Here lies a ruler who, despite his best intentions, was unsuccessful in all of his endeavors.' Via https://www.kapuzinergruft.com/de/kaiser-joseph-ii (23 Sept. 2024); for the translation see Davies, *Europe*, 687.
81 Cf. Deak, *Forging*, 46–9, quotes at 46 (emphasis in the original), with Godsey, *Sinews*, 1, who programmatically declares a 'mutual reliance' of crown and estates that 'was arguably never greater' than in this period.
82 Godsey, *Sinews*, 12, considers Dickson, *Finance and Government*, as a study whose 'research was largely confined to the manuscript sources of central authority'.
83 Deak, *Forging*, 47 (emphasis in the original); Löffler, 'Grundherrschaft', 201.
84 Maria Theresa's 'new system' did not change these parameters but led to drastic increases of centralisation in Vienna, as per Stollberg-Rilinger, *Maria Theresa*, 202–20.
85 Löffler, 'Grundherrschaftliche Verwaltung', 117–21; for the quote, see his 'Grundherrschaft', 202.
86 Feigl, *Grundherrschaft*, 24–6, 67–9, and *passim*; see also Hackl, 'Gülteinlagen'.
87 Feigl, *Grundherrschaft*, 37–8; *ABGB* §§ 357, 1123, 1125, 1140, 1149.
88 On the dichotomy of personhood, now see Kurki, *Legal Personhood*, 35–47, 155–74.
89 Feigl *Grundherrschaft*, 13–14; 'Adel', 194.
90 Bruckmüller, *Sozialgeschichte*, 213–4; see also Gutkas, *Niederösterreich*, 376.

91 *ABGB* § 626.
92 According to Grünberg, 'Grundentlastung', 72, there were 822 former dominions (although their true number was lower due to the same individual owning more than one estate), 439 churches, 392 parishes, 101 municipalities, 3 schools, 92 incorporated entities, and 639 individual owners. All these numbers are problematic; a simple addition of these values returns 2,488 'proprietors', widely understood; the approx. 60 per cent share of individual ownership derives from presuming the 822 plus 639 owners as 'individuals'. Note that Löffler, 'Grundherrschaft', 179, citing the same source, mentions 2,645 'entitled persons' (orig. *Berechtigte*), which suggests some uncertainty with respect to joint ownership.
93 If not noted otherwise, these passages are based on Rieger, 'Grundherrschaft'; Feigl, *Grundherrschaft*, 29–74.
94 Maur, *Gutsherrschaft*; Mikulec, 'Widerstand'; do not miss Maur, 'Staat', and his 'Der Staat', but note that his analysis does not extend beyond 1740/50.
95 Literature review by Cerman, 'Demesne Lordship'; detailed accounting via Cerman, *Villagers and Lords*, 10–29; see esp. Ogilvie, 'Communities'; 'Social Disciplining'; Klein, 'Institutions'. See also Malinowski and Sander-Faes, 'Labour and Forced Labour'.
96 Rieger, 'Untertans- und Urbarialverhältnisse', 52; context via Beales, *Joseph II*, vol. 2, 239–70.
97 Freschot, *Remarques*, vol. 1, 132–6, at 136; the subjects' poverty was also noted, as relayed by Steidlin, *Pöllnitz Brieffe*, vol. 1, 277–8, at 277; see also Himl, *Die 'armben Leüte'*.
98 *Pace* Löffler, 'Grundherrschaft', 180, citing Bruckmüller, *Sozialgeschichte*, 205; Feigl, *Grundherrschaft*, 262; and Vilfan, 'Agrarsozialpolitik', 23.
99 Rieger, 'Untertans- und Urbarialverhältnisse', 52; Löffler, 'Grundherrschaft', 180.
100 These dues also varied from estate to estate; Feigl, *Grundherrschaft*, 53–4.
101 Feigl, *Grundherrschaft*, 54–5, who notes these dues were 'mainly livestock, such as chicken, geese, ducks, lambs, cuts of pork and beef'.
102 Rieger, 'Untertans- und Urbarialverhältnisse', 55; Löffler, 'Grundherrschaft', 182.
103 Rieger, 'Untertans- und Urbarialverhältnisse', 49, 56–7; Winkelbauer, *Robot und Steuer*, 92–3.
104 Rieger, 'Untertans- und Urbarialverhältnisse', 57–8. The decree is preserved in the ÖSTA, FHKA SUS Patente 191.2, Robotpatent für Niederösterreich, 6 June 1772; see also https://www.archivinformationssystem.at/detail.aspx?ID=2752244 (17 Oct. 2024). Workdays lasted for 10 hours (incl. a 2-hour lunch break), although around 1800, the marginal utility of forced labour vs. payment in cash or kind had clearly shifted in favour of the latter; for these particulars and the above quote, see Löffler, 'Grundherrschaft', 182.
105 If not noted otherwise, these passages are based on Rieger, 'Grundherrschaft', 33–43; Feigl, *Grundherrschaft*, 89–105.
106 Feigl, *Grundherrschaft*, 90. Löffler, 'Grundherrschaft', 183, also notes rotating local executive authority, but this was quite rare.
107 Himl, *Die 'armben Leüte'*, 89, and note that, although made with reference to seigneurial dues and fiscal demands, the point stands (my modification).
108 Löffler, 'Grundherrschaft', 183; note that this dual function mirrors the relationship between the Estates and the monarch: 'The Habsburgs compromised with an aristocracy which at court represented the country and in the country represented the court', noted Evans, *Making*, 211.
109 Feigl, *Grundherrschaft*, 243–6; Winkelbauer, *Robot und Steuer*, 81–2.
110 Guidance by Hochedlinger, *Austria's Wars*; recent studies incl. Iwasaki, *Stände*; Godsey, *Sinews*; Berkovich, *Motivation*; Berkovich and Wenzel, 'Austrian

Army'. Another aspect here would be censuses, then known as 'soul conscriptions' (*Seelenkonskription*), on which see Tantner, *Seelenkronskription*; on the cadastres compiled during the period under survey, now see Scharr, 'Kataster und Grundbuch'; Török, 'Staatswissen und Staatsbildung'.

111 On agriculture and the rhythm of everyday life, see the detailed study about neighbouring Bavaria by Beck, *Unterfinning*, 96–219.

112 Engelmayr, *Unterthans-Verfassung*, vol. 2, 110–64; Hauer, *Darstellung*, vol. 3, 21–215.

113 Quotes, respectively, by Beidtel, *Staatsverwaltung*, vol. 1, 88, 161–3, with the latter referencing 'die Umwandlung der Herrschaftsvorsteher in landesherrliche Obrigkeiten erster Instanz'.

114 Quote by Beales, *Joseph II*, vol. 2, 252; cf. Judson, *Habsburg Empire*, 70–1.

115 Beidtel, *Staatsverwaltung*, vol. 2, 379.

116 Kudlich, *Rückblicke*, vol. 1, 58.

117 Reference is made to Carlo Goldoni's comedy *Servant of Two Masters* (1746).

118 Tebeldi, *Geldangelegenheiten*, 216.

119 Search conducted on 4 Mar. 2024; using Clio, the search engine of Columbia University mirrored these proportions: 1,565 books with the words 'Maria Theresa', 21,464 books with the words 'Joseph II', and 966 with the word 'Metternich'. While it cannot be ruled out that some of these titles do not relate to the Habsburg Empire, the difference to 'patrimonialism' (111 books on virtually every corner of the world) is equally striking.

120 These territories incl. the Tyrol and Vorarlberg, Salzburg and parts of Upper Austria (Inn- and Hausruckviertel), all of which were ceded to Bavaria; parts of Carinthia, Carniola, Croatia south of the Save, Dalmatia, and Istria, as well as Gorizia and Gradisca were briefly part of the French Illyrian Provinces. Veneto and Lombardy, acquired by Vienna in 1814/15, had been under French influence from 1797 onwards. Many details are discussed by Domin-Petrushevecz, *Rechtsgeschichte*, 212–321.

121 As regards the distribution of criminal vs. civil cases, some numbers are available Domin-Petrushevecz, *Rechtsgeschichte*, 322: from 1801–06, the superior territorial court (*Oberlandesgericht*) in Vienna issued 1,363 sentences, of which 497 (approx. 36 per cent) concerned criminal cases, with the remainder (866 verdicts) pertaining to civil cases.

122 Brusatti, 'Stellung', 512, 514. There is no more recent literature, but do see Stockinger, 'Bezirke', 252–3; 'Staatliche Bezirksbehörden'.

123 On the margrave, see Dienst, 'Leopold III'; full treatment by Brunner, *Leopold, der Heilige*. On Heiligenkreuz Abbey, see Gsell, 'Abteil Heiligenkreuz'; Brunner, *Cisterzienserbuch*, 52–112; Lechner, *Handbuch…Österreich*, vol. 1, 313–6; Richter, *Historia Sanctae Crucis*.

124 The name Zwettl itself gives away the topography before the Kuenring family founded both the town and the Abbey in the 1130s: in Czech, *Světlá* (noun) and *světlý* (adjective) refer to an 'opening' (Lichtung), or 'light' or 'bright' (hell, licht). If not mentioned otherwise, the above account is based on Rössler, 'Stift Zwettl'. For the eponymous town, see Lechner, *Handbuch…Österreich*, vol. 1, 638–40; Moll and Fröhlich, *Zwettler Stadtgeschichte(n)*.

125 On Zwettl's urban history, see Moll and Fröhlich, *Stadtgeschichte(n)*, esp. the raids and occupation suffered at the hands of the Hussites and during the Thirty Years' War.

126 Rössler, 'Stift Zwettl', 592; many details on the Baroquisation of Zwettl Abbey are found in Wenda, 'Abt Melchior'; for the renovations since, now see Stift and Aichinger-Rosenberger, *Zisterzienserstift*; Lechner, *Handbuch…Österreich*, vol. 1, 640–2.

127 'Abbot Melchior earned a great deal of merit due to his attempts to consolidate the Abbey's territory as much as possible through purchase and land swaps, as well as by having landmarks [Grenzsteine] set', wrote Rössler, 'Stift Zwettl', 591–2. Zaunagg is mentioned but once by Godsey, *Sinews*, 90.
128 Rössler, 'Stift Zwettl', 593. Neither 'Kollmann' nor 'Zwettl' are mentioned by Stollberg-Rilinger, *Maria Theresa*.
129 The best treatment remains Beales, *Joseph II*, vol. 2, 271–332.
130 Rössler, 'Stift Zwettl', 593–4.
131 Judson, *Habsburg Empire*, 65.
132 Rauch, *Topographia*, 2.
133 Schütz, 'Studien', 35, with a listing of these 54 villages on 36–41, and the quote on 41.
134 Peltonen, 'Clues, Margins, and Monads', 349–50, 355–6.
135 Schütz, 'Studien', 43.
136 VLKNÖ, *Topographie*, vol. 4, 20.
137 Schütz, 'Studien', 44.
138 The hiatus between 1786 and 1804 is explained by Sigl's involuntary 'retirement' and the installation of an administrator; technically, the abbot remained 'in office' until his death in 1808, and four years earlier, the convent was granted permission to hold an election. Rössler, 'Stift Zwettl', 594–5.
139 Rössler, 'Stift Zwettl', 596.
140 StiAZ 3/60, Beiträge, fol. 9–12, at 11: 'Auch im Stifte haben wir viel an Weinen verloren; die Franzosen sperrten unsern Keller allda und nahmen davon weg, was sie wollten.'
141 StiAZ 3/60, Beiträge, Beiheft, with the pagination following Hörweg's diary, fol. 14–5, at 15: 'Alle Franzosen, die hier waren, waren sehr human und keineswegs drückend und machten außer ihrem Unterhalte keine Forderungen.'
142 Rössler, 'Stift Zwettl', 596–7.
143 Stollberg-Rilinger, *Maria Theresa*, 661–727; Beales, *Joseph II*, vol. 2, 239–70.
144 Bibl, *Die niederösterreichischen Stände*, 153–4.
145 Brusatti, 'Stellung', 512–13, at 512.
146 Now see also Stockinger, '1848 im ländlichen Raum'.
147 Knapp, *Bauernbefreiung*, vol. 1, iii: 'Die Geschichte der Bauernbefreiung ist die Geschichte der sozialen Frage des 18. Jahrhunderts.' Note that, e.g., Judson, *Habsburg Empire*, references Kudlich but once (194) while Beller, *Habsburg Monarchy*, omits his name entirely although, to be fair, his chapter on the revolution (54–86) dwells extensively on the issue of 'the emancipation of the peasantry'.

2

EVERYDAY ADMINISTRATORS

> *Bureau*, by which is meant a judge's chamber, administrative or council chambers council office, or a legal venue, where judicial decisions are made and other public transactions are conducted; where justice is administered; where funds for the poor and alms, as well as charitable aid, taxes, fees, excise taxes, customs duties, and the like are to be paid; seigneurial leasehold is arranged, documents & *cetera* are certified debited, and issued.[1]

These words, found in Zedler's *Universal-Lexicon*, are as good an indicator as any of the daily activities found in early modern patrimonial holdings. Lower Austria, like its neighbouring regions in Central Europe, was not an outlier in this regard. Outside the bustling metropolis, everyday life proceeded as it had for centuries, with rulers using centralising administrative measures to further their own ambition being the main driver of change. Maria Theresa's reforms, ushered in after the War of the Austrian Succession (1740–48), continued the steady, if unevenly paced, encroachment on traditional patrimonialism begun by Leopold I (r. 1658–1705).[2] From the early 1750s, alterations to the existing conditions affected the subjects' situation in a threefold manner: on an individual level, as it was impossible to leave without permission of the landlord; economically, due to the wide variety of services, dues, and taxes; and administratively, widely understood, as 'the lordship' exercised authority and organised the judiciary on the local level. 'All three aspects are relevant for the notion of hereditary subjection [Erbunterthänigkeit]', Joseph Redlich explained, 'although the first two are more important while the third component forges the chains of dependency'. Over the course of the decades after 1750, these conditions changed significantly, as successive

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measures loosened these ties and improved the peasants' legal status, thereby also improving his property rights.[3] In 1781, personal bondage, including forced labour obligations, and the obligation to dwell at the landlord's whim were abolished; this also included the landlord's prerogative to prior consent to marital unions.[4]

What continued virtually unchanged until 1848 were the landowners' role and function in fiscal matters and the administration of justice. At their intersections stood local officials and their subordinate village headmen. For our purposes, it is especially the latter functionaries that played an elevated role as they were part of any village community *and* an integral component of the hybrid administrative patrimonial-state apparatus. It was in the offices of Zwettl Abbey, Gobelsburg, Krems, and Langenlois—as well as in the dwellings of nearby village headmen who disseminated whatever information 'from above' reached them—that the 'powers-that-be' came into routine contact with the resident population. 'The largest area of responsibility of local authorities was public order', Josef Löffler explains the situation around 1750, which is yet another one of those German terms—*Policey* or *Polizey*—that meant 'a wide range of affairs encompassing upkeep of public order, including fire protection, building inspections, poor relief, immigration services [Fremdenwesen], and healthcare'.[5]

There was but one major alteration known to the existing literature: the changes to the administration of justice introduced by Joseph II. Beginning in autumn 1783 and known as *Jurisdiktionsnorm* (Procedural Ordinances, i.e., the rules of due process), the emperor decreed a set of revised rules that, in their slightly amended version dating to 1788, remained 'essentially unchanged until 1849'.[6] These imperial decrees created new 'village courts' (Ortsgerichte). Title one established that 'jurisdiction is based on the individual characteristics of the defendant, regardless of the kind of action'—irrespective of today's clear distinction between civil vs. criminal law—'from which the dispute arose'.[7] It was followed by several titles that listed exceptions to be adjudicated according to Lower Austrian territorial law (Landrecht), including fiscal matters (§2) and political-legal troubles involving a subject (§3). Economic and mercantile (§3), as well as mining cases (§4), too, were to be adjudicated by competent courts in Vienna. Similarly, cases involving non-Lower Austrian landowners should involve competent personnel and (non-territorial) law (§§6–8). The same held true for cases involving property law (*jus reale*, §9), and in case of real estate disputes in Vienna, it was decreed that these were to be adjudicated 'by the civic magistrate' (vor dem bürgerlichen Magistrate, §10, §22), albeit under the jurisdiction of territorial law.

Titles 11–21, then, list various particulars pertaining to the administration of justice that generally follow the systemic logic of patrimonial domination: in legal matters, individuals were tied to the property title via the head of

the household (§§11–13), although their servants and maids fell under the jurisdiction of their landlord (if applicable, §14). In that latter case, 'no judge could discharge their office…if the defendant did not voluntarily accede to [the judge's] jurisdiction' (§15).[8] There followed a listing of particulars ranging from 'conspiracies' (*consortes litis*, §17) to bankruptcy proceedings (concurs, §19). Moreover, the *Jurisdiktionsnorm* established, in no uncertain terms, a clear-cut organisational hierarchy for the administration of justice: 'territorial courts' (Landgerichte) stood above 'village courts' (Ortsgerichte), which coexisted with local magistrates and 'seigneurial courts' (Grundgerichte). Exceptions pertained to economic and mercantile courts (§4), the special jurisdiction afforded to the imperial capital of Vienna, the central administration, and the military (§25), as well as fiscal affairs (§2, §26). These exceptions notwithstanding—to which the conventional distinctions of pre-industrial, pre-modern society were added—everyone (else) 'irrespective of one's secular or ecclesiastical characteristics and status is to stand trial in that village court which holds jurisdiction' (§27).[9] Titles 28 through 33, finally, formalised this administrative-judicial hierarchy and regulated appeals proceedings. In all, while no clear-cut distinction between criminal and civil law was promulgated, these clauses at least partially separated jurisdiction from the direct relationship between subjects and landlords. If anything, as contemporary legal scholar Johann von Barth-Barthenheim explained, the administration of justice thus became a 'right specifically *delegated* by the prince to certain authorities [Obrigkeiten]'.[10]

These basic principles had to be revised as early as 1788, likely because the implementation of the norms promulgated five years earlier had not gone as smoothly as intended.[11] Property-related issues were to be no longer adjudicated by a local judge but by the landlord's economy magistrate (Wirtschaftsamte) to which the defendant belonged. This applied specifically to property disputes, including inheritance quarrels, poor relief, and (late) fees. 'All other judicial matters and proceedings shall not be adjudicated by the manorial economy official', and instead the jurisdiction of the village courts was reiterated. That said, prior consent by the economic magistrate was proscribed, 'if only to at least try to move the parties to an [extrajudicial] compromise'.[12] One of the key weaknesses of these arrangements was expressed succinctly in title four: it was clearly established that whoever was in charge of the village court 'must be examined and nominated by the appellate court, however, it is not forbidden that such a man who discharges the office of village judge also discharges, either in full or partially, the duties of an economy official'.[13] This continuation of the non-separation of powers notwithstanding, title five streamlined matters of judicial competence in villages and districts with more than one landlord (such as existed in the villages of Zwettl Abbey and Gobelsburg Manor). In such cases, a legal advisor (Justiziär) from a neighbouring village court under whose jurisdiction one of the parties belonged

had to be included. Furthermore, as per title six, three new positions of revisors (Justizmänner) were to be created at the regional level (Kreise), to be paid out of taxes, court fees, and, if these funds proved insufficient, subsidised 'according to the number of dwellings but without additional levies extracted from the subjects'.[14]

Such dense, if not outright legalistic, details are necessary to understand the fragmented nature of jurisdiction and the various surviving idiosyncrasies deriving from the co-existence of centralising intentions emanating from Vienna and their implementation under the conditions of patrimonial domination. While a certain amount of change is visible, at least on the normative level, the system retained many ambiguities: there existed no statutory, let alone constitutional, grounds for the now-common distinction between civil and criminal law. The former governs relations between natural (individuals) and legal persons (e.g., corporations) while the latter relates to the adjudication of criminal activities before a state-administered court of law.[15] Hence, while the above-related steps 'separated at least partially civil proceedings from matters pertaining to subjection [Untertänigkeit]', they resulted in the situational integration of patrimonial officialdom into the para-state judiciary.[16] As such, the resultant administration of justice bore hybrid qualities that rendered these activities prima facie evidence of what the microhistorian Giovanni Levi called the 'fragmentation, contradictions and pluralit[ies]' that characterised the *waning* of the Old Regime.[17]

These aspects are clearly visible in the fine print of the two Josephine decrees about due process. Apart from matters pertaining to taxation and military matters, the sections that lay down the rules of legal proceedings offer further evidence of their essentially hybrid qualities. Scant mention of these rules is found in the scholarly literature on the interrelated subject matter of patrimonialism, state-building, and the 'reformist' impetus emanating from Vienna. Even in the recent overview by the legal scholar Andrea Wall, the General Rules of Court (Allgemeine Gerichtsordnung) are mentioned merely in passing.[18] Originally decreed by Joseph II in 1781, they established a set of common rules for due process applicable in Bohemia, Moravia, Silesia, the Austrian Archduchies above and below the Enns, Inner Austria (Styria, Carinthia, Carniola), Trieste, the Tyrol, and Anterior or Further Austria (Vorderösterreich, i.e., the Habsburg possessions scattered across the southwestern areas of the Holy Roman Empire centred around Freiburg im Breisgau).[19] These General Rules *preceded* the above-discussed *Jurisdiktionsnorm* (1783) and, not unlike today, they circumscribed legal proceedings. Yet, despite their fundamental importance for the administration of justice, they are absent from both Helmut Feigl's magisterial treatment and Josef Löffler's recent enquiries.[20] Hence, before we venture into the stacks of paperwork, another detour into the nooks and crannies of court procedure and due process is warranted.

Apart from the expectable titles, the most relevant sections are found at the very end of the General Rules, specifically in Chapter 39. Entitled 'About the Judge', it contains eight titles that should ensure that every individual presiding over court proceedings must prove their qualifications (§430); if adjudicating commercial and other market-related disputes, profound knowledge of territorial law (Landesgesetze) and the General Rules was required (§§431–2). No convicted felon was to be administering justice (§433), no extraordinary fees or gifts were permitted (§§434–5), and every judge had to deliver a report (Verzeichniß) of all proceedings at the end of each year, including particulars concerning the nature of the dispute (§436). The most important title, however, was the last one (§437) in this section, and it is very well worth citing it in full:

> The judge shall act and speak according to the true and general meaning of the words of the law, and they shall not depart from the clear provisions of these rules under any pretence of a difference between the words and the meaning of the law…only if a case were to come before him which, although not determined by these here rules, would have a perfect resemblance to another case decided in these rules, then the judge is permitted to decide the unexpressed case according to the rule laid down for the expressed case; if, however, a well-founded doubt should arise as to the meaning of the law, such a doubt shall be reported to the Court and a decision obtained from thence; but if a judge should delay the proceedings contrary to this General Rule, or otherwise prejudice the parties, he shall be liable for all damages.[21]

Only out of the combination of the General Rules of 1781 and the *Jurisdiktionsnorm* of 1783 (in their revised version of 1788) emerges a fuller understanding of the potential—and plausible—conflicts of interests of those patrimonial officials who presided over the administration of justice in the countryside. Although somewhat softened by the territorial fragmentation of seigneurial possessions and prerogatives (which made it more likely that a presiding judge would be in the service of a different landlord), there were no prohibitions of dual office-holding: a patrimonial official overseeing economic matters—and, perhaps more importantly, also allocating cash or labour fees, collecting taxes, and administering penalties—could still serve as a judge. As such, the combination of the General Rules and the *Jurisdiktionsnorm* created a 'halfway house' of central government intervening in patrimonial affairs while affording considerable leeway to those—technically—'private' employees, or non-state actors, of the property-owners. While the full-scale 'nationalisation' of local administration proved impossible—we note comparable tendencies in the field of fiscal-financial matters, by which is meant the resistance of landed wealth to be taxed—this was perhaps what could be achieved at the time.

In his extensively researched study, William Godsey meticulously documents the role and function of the territorial estates of Lower Austria and emphasises the 'mutual reliance' of crown and landed elites.[22] Like many comparable studies on the Habsburg lands, however, the focus on Vienna's nascent fiscal-financial operations suffers from the superficial treatment of administrative practices and realities, in particular below the level of the Estates and their territorial offices at the Landhaus in Vienna's Herrengasse; hence, Godsey holds that, 'as a corps, they were excluded from the administration of justice' although this was 'a major area of government' (*sic*).[23] Such a vague statement may be true (enough) for the Estates assembled in the diet—but as property-owners, individual members of the estates and their patrimonial officials were literally in the midst of it, as Rieger succinctly explained over a century ago (whose argument, tellingly, remains outside Godsey's study).[24]

Studying the history of territorial-patrimonial governance, then, 'involves investigating the interplay between two kinds of polity', as Robert Evans much more clearly explained two decades ago. In these matters, his notion of a peculiar 'old-new Austrian state [that] took issue with entrenched regional and local systems of jurisdiction and control' is much closer to the realities on the ground than the more elitist perspective espoused by Godsey and others. While there is no doubt about the upheavals at the international level, it is important 'to stress the continuities' and 'the stability of the old social order' that remained in place at least until the mid-century revolutions.[25] If anything, the introduction by Francis II (r. 1792–1835) of the Criminal Code (*Strafgesetzbuch*) of 1803 reinforced, rather than marked the advent of a break with, the essentially Josephinist qualities of the administration of justice in the countryside.[26] Titles and clauses of the Criminal Code were quickly picked up by patrimonial officialdom, which is evidenced by frequent references to the *Strafgesetzbuch* in several criminal proceedings in the Gobelsburg files whose contents range from violations of morality to assault and battery. In adjudicating these cases, local judges relied on the pertinent sections 'of the criminal code [*des Straffgesetzes*]', even though justice was served by these non-state actors who remained deeply enmeshed in the structures of the Old Regime.[27]

Throughout the mediaeval and early modern periods, high justice (hohe Gerichtsbarkeit) was the territorial prince's while low justice (niedere Gerichtsbarkeit) was dispensed by patrimonial officialdom in the service of the proprietors. From 1803 onwards, however, the ultimate foundation of criminal justice had become: a book. While it remains debatable whether this shift may be an 'abstraction' in the Weberian sense, the promulgation of the Criminal Code marks the beginning of the end of the diarchic nature of the Old Regime's administration of justice. While the seigneurial apparatuses remained in place until 1848, the application of the *Strafgesetzbuch* by

patrimonial officials reinforced the essentially hybrid nature of the Austrian polity. This setup signifies, towards the end of the period under survey in this study, another impetus for the gradual, if hap-hazard, reordering of the relationship between patrimonial prerogatives and the authority of the central government before the latter superseded the former after the mid-nineteenth century. It is equally crucial to remember that this came about after decades of seemingly mundane alterations and procedural changes that had prepared the ground for the introduction of the Civil Code, or *Allgemeines Bürgerliches Gesetzbuch*, of 1811.[28] Most scholarly attention, however, has been directed—diverted—towards the study of the Civil Code.[29] Moreover, given the fragmentation of patrimonial authority and the considerable pluralities that characterised local administration, virtually everything and anything that occurred before the administration of justice remains a virtual *terra incognita*. It is to the practices, documents, and information that circulated between Vienna, regional offices, patrimonial administrators, and village headmen, as well as among the peasant dwellings, that we now turn to.

Stacks of Paper, Inky Fingers, and Coarse Voices

Why bother with what, with explicit reference to Bruno Latour's marvellous study, seems more like an anthropology of legal culture around the turn of the nineteenth century?[30] Much like an ethnographic enquiry, the following pages provide a close look at what transpired at the very 'bottom' of the administrative-judicial hierarchy. Contrary to much that has been written in the field of Crime History, however, I am using a particular kind of source—wanted notes, or Steckbriefe, from the 1750s through the 1810s—to obtain, first and foremost, information about fugitive individuals. This is the topic of the present chapter, and given these sources' content, much can be learned about the rural under-classes and otherwise deviant persons that goes way beyond the well-known caricatures by William Hogarth (1697–1764) and especially James Gillray (1756–1815).[31]

In other words, these documents serve as a point of departure for subsequent enquiries into where specialist information contained in these wanted notes originated (Chapter 3), observations about the material culture of the rural poor (Chapter 4), and the changes to the ways and means of the dissemination of administrative-legal knowledge (Chapter 5). The evidentiary foundations for these undertakings are preserved in the vaults of Zwettl Abbey—the wanted notes—while, for reasons that are intimately connected to the creation of state administrative offices after 1848/49, some judicial records are preserved in the Lower Austrian State Archive.[32]

In principle, these primary sources are comparable to later examples, such as wanted posters from the 'Wild West' of the late nineteenth century or what today is known as 'all-points bulletins', or APBs.[33] Unlike these later

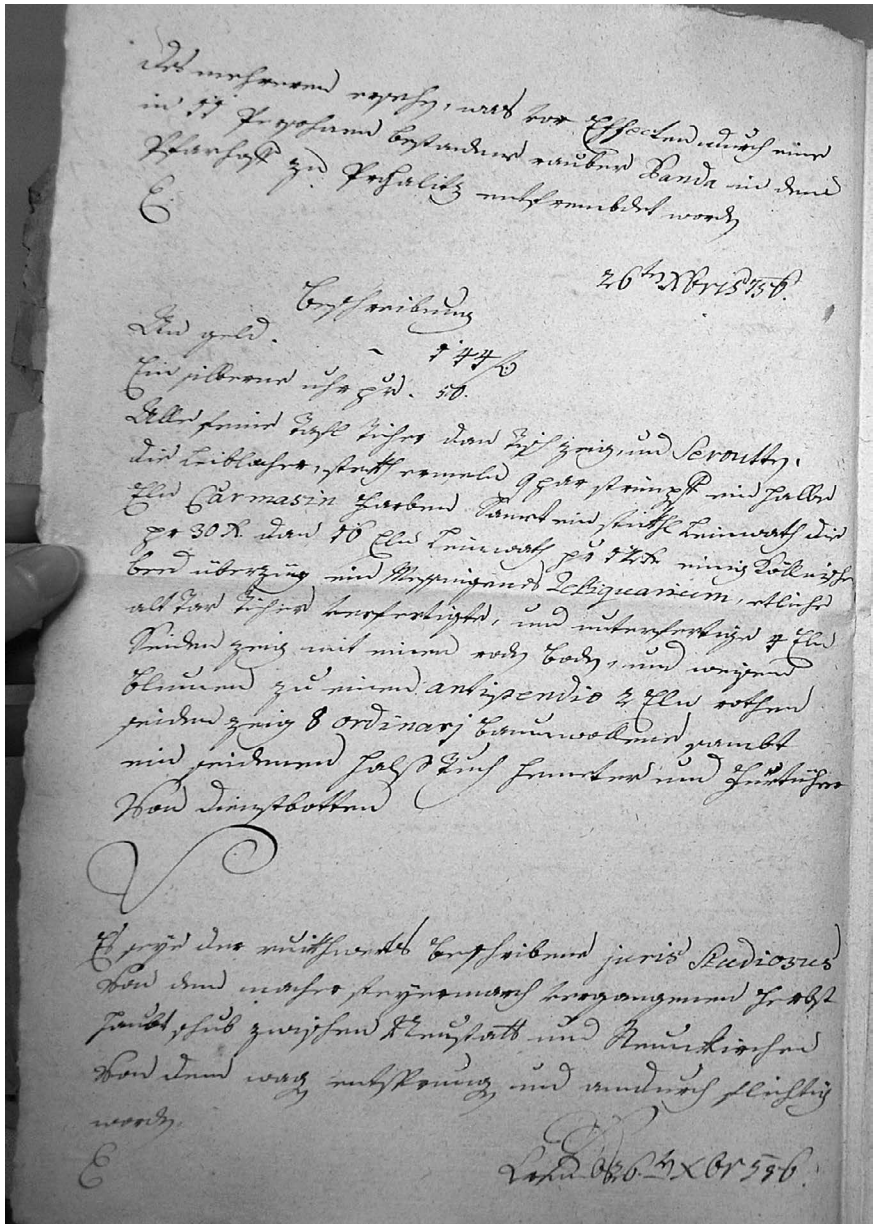


FIGURE 2.1 A Wanted Note from Gobelsburg (1756). StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 26 Dec. 1756; picture by the author.

iterations, however, eighteenth-century wanted notes not only looked very different but their information was also disseminated quite differently. While the latter aspect is discussed in more detail in the subsequent chapters, the following pages provide a durable foundation for their study.[34] That said, let us now take a detailed look at wanted notes from Lower Austria from the 1750s to the 1810s.

Handwritten wanted notes, such as the one reproduced here, were disseminated in the form of what is known as a *circulaire*, or *Rundschreiben*. In general, such texts circulate within any given hierarchy and are intended to inform those 'to whom it may concern' about important matters. In administrative matters, such *circulaires* were (and are) widely used to convey identical information to many recipients across different departments (its present-day equivalent is the newsletter).[35] Hence, the introduction and concluding lines refer to institutions higher up in the chain-of-command while the factual information is conveyed in-between in two or more paragraphs of varying length and detail. In the exemplary wanted noted shown here, related by Egon Anton Franz von Alberstorf, concerns the case of a home invasion and theft ('Crimine furtij domestici') carried out by Anna Maria Schanzlein. Composed in Krems and dated 26 December 1756, the description contains information to facilitate identification of the alleged perpetrator, such as provenance (Währing, today Vienna's 18th district), age (26), and marital status (unmarried). Every such wanted note furthermore contains certain details pertaining to the wanted person's outward appearance, including both physiognomy and clothing. Anna Maria Schanzlein ist described as follows:

> A short person, with brown eyes and black eyebrows, black hair standing a little low in the forehead and falling over the shoulders…of robust and a thickish body, with a laggard walk; she is wearing a grey dress and a likewise brown cape, but a reddish, not a brown cloak, a blue blouse underneath, a light-white striped apron, and a pair of red-shimmering shoes; a double neckerchief of red-shimmering and blue [colours], and a white bonnet.[36]

The personal description is followed by a few lines about the items stolen by Schanzlein who reportedly belongs to a criminal gang numbering eleven criminals. Stolen goods include cash worth 144 fl., 'a silver clockwork [uhr gewerk]' worth 50 fl., and various other household items. Some of these listed goods are likewise described in detail, such as 'half an ell *Carmine*-coloured linen priced at 30 kr., 16 ells linen at 12 kr. each…, 4 ells silk, two of which are light blue [wenigend blaüen], the other two [ells of silk] are red', and '8 *ordinary* cotton [baumwollenen] dresses including knitted neckerchiefs for domestic servants'.[37]

While not all surviving wanted notes are furnished with such dense information, they all follow this template. Moreover, there existed no sex difference as to how delinquent fugitives were described. Take, for instance, the case of 'Joseph', a fugitive wanted on murder charges and of whom only his first name was known. He is described as 'of [a] large, middling figure with dark brown, somewhat curly hair and equally coloured, large eyebrows, pockmarks on his cheeks, age *c.* 30, speaks German and little, if *poorly* [etwas *Corrupt*], Bohemian; he wears a red shirt with yellow buttons, black, worn undergarments, and shoes or boots'. He is furthermore described as showing 'no corporal deficiency' while additional particulars of interest are mentioned, too: his wife was said 'to reside near Peterwardein in Hungary' (today: Petrovaradin, a ward of Novi Sad, Serbia) who 'speaks German poorly, a little Hungarian, and no Bohemian' (Czech). Although the wanted note is silent as to why Joseph's wife makes an appearance, she, too, is described in quite some detail as 'of middling stature, with black hair and eyebrows, some pockmarks in the face, and with small eyes'. As to her outward appearance, the *circulaire* mentions 'a black velvet bonnet, [she] wears a collar, bodice [Mieder], wears a brown-white greying shirt with metal buttons, a flannel jacket, a blue apron without flap, black stockings, and red shoes'.[38]

Yet another example is the wanted note describing one 'Joseph Zähen, age 36, catholic, a resident of Ludwigsdorf, subject in Böheimkirchen, who is of middling figure, rather short than tall, dark brown hair, pale-faced, black beard, wearing an old green apron or flap without belt, no hat, a worn shirt with white metal buttons, and equally worn brown pants, and boots'. As regards the footwear, the attention to detail cited is stunningly high: the bootleg consisted of 'blended fur [gemischtes belzl] over which he wears a worn, brown pair of trousers'. Joseph Zähen is said to have 'escaped from this here cell on 7 November 1756 between 10 and 11 a.m. with leg irons fastened'.[39]

Finally mention shall be made of the numerous deserters from one or the other military unit who frequently appear in these wanted notes. The main difference to the examples cited above relates to relatively more standardised personal information—especially body height—and references to the military units left by the wanted individuals. A few examples of deserters from the Baron Siever's garrison battalion from autumn 1756 serve to underscore these points:

> Common soldier [Gemeiner] Ignaz Vogl, originally from Oberlitz [Ober Erlitz, today Horní Orlice, Czechia] in German Bohemia, from the domains of the lords of Althann, 43 years of age, unmarried, no profession, was conscripted by force from these domains [von der herrschafft mit gewalt genohmen worden], served with the commendable Regiment for 19 years, measures 5 feet 7 inches 6 lines.

> Common soldier Michael Lanzberg, originally from Pest in Hungary, 22 years of age, Cahtolic, unmarried, a tanner [Rothgerber], enlisted voluntarily in the commendable Regiment, served with the Regiment for 12 years and 10 months, measures 5 feet 3 inches 7 lines.
>
> With them is the French *deserter* Ignaz Aspauer, originally from Prassing in Ödenburg County [Sopron vármegye, Hungary], 31 years of age, Catholic, married, a smith [Schmied], prior service as Corporal for five years with the commendable Andrássy [regiment], and now with the felicitous Esterházy Regiment, and then 10 years with the French Prince Bevern, and now deserted again.[40]

Although not mentioned explicitly here—but in virtually every wanted note describing deserters—is that these men left their units while wearing the uniforms and or weapons. This is typically mentioned, as, for instance, happened in the case of Paul Puz of Steinkirchen in Lower Austria. Originally a volunteer in what historians later christened the Seven Years' War (1756–63), he 'volunteered on 9 March 1756, for which he received 20 fl. in advance'. Puz 'first attempted to desert on 30 March, for which he was made to run the gauntlet on 27 August', the wanted note explains. His second, 'successful attempt of desertion occurred on 2 November when, while on guard duty and thus wearing his full uniform'—and arms—he 'left the encampment around 2:30 a.m.'.[41]

Despite the above-related differences in jurisdiction—military personnel were technically exempt from patrimonial jurisdiction—no wanted note betrays any concern with these administrative-legal considerations. The main difference to wanted 'civilians' are references to military units, body height, and arms carried by the deserters; in all other respects, there is no difference in the way these *circulaires* relate their content. Another feature of these wanted notes is the way additional content is related, which typically happened in dedicated 'particulars' (Specification). Depending on the circumstances of the deed, such paragraphs varied in length and descriptive detail; some would contain merely a few words about a wanted individual or stolen item while others offer quite elaborate accounts of what had transpired.

As regards the former category, I shall delimit myself to an example from spring 1757. Related to several instances of theft in and around the Benedictine Göttweig Abbey, the *circulaire* contains no less than twelve folio pages packed with information. These pages contain a cover letter, written in the name of the Lower Austrian Governorate (Regierung) and dated Vienna, 19 November 1757, explaining the circumstances of the case.[42] At that time, with the court occupied with ambivalent news from the Saxon and Silesian theatres of the Seven Years' War—a fortnight earlier, Frederick II of Prussia had just won a stunning victory at Rossbach—the letter reveals Maria Theresa's presence in the governorate meeting.[43] Unlike the drama unfolding on

the battlefields, the item at-hand was more mundane: two delinquents, Franz Holener and Joseph Waithen—the former wanted for, in today's parlance, 'aggravated assault [*ex capite attentati Stupri violentia*]' and the latter for 'attempted suicide [*in puncto attentati propricidij*]'—were discussed in the governorate session on 29 October 1757. In the copied minutes pertaining to their whereabouts, it is furthermore noted that both fugitives may be traversing the Viertel above the Manhartsberg and it was ordered that, in case Holener and Waithen would be apprehended, to bring them to justice. These pages were accompanied by a list containing the names and descriptions, of varying length and details, of a gang of thieves (Diebs Panda) running eight and a half folio pages containing no less than 42 references to its members. While the immediate reason for this long list was a break-in in Göttweig Abbey, their bad reputation transcended the borders of Lower Austria: 'note that this gang congregated frequently at the goldsmith in Oed and at the so-called Stuhlberg near Mauthausen' in Upper Austria.[44]

Comparable listings are more often found in *circulaires* naming deserters.[45] While desertion was generally quite widespread and perhaps even intensified in wartime, naming and describing those who 'went AWOL' (away without leave) was relatively easy as muster rolls and other information were comparatively accessible to authorities. In addition, the introduction of standardised uniforms—Ilya Berkovich notes that they made 'soldiers easily distinguishable and help[ed] to hinder desertion'—also meant that deserters stood out among the rural populace no matter their provenance or unit affiliation.[46] Hence, there are numerous wanted notes listing those who 'went AWOL', and as we will discuss them in more detail further below, two brief examples highlighting differences in reporting shall suffice. If 'conscripts' (recrouten) deserted prior to formally entering military service, they are reported wearing regular (civilian) clothes and perhaps their age, confession, marital status, and profession.[47]

By contrast, enlisted soldiers who had served in the military for some time are typically described in much greater detail, such as 'Joseph Brauner of Hohenwarth in Austria, 32 years of age, who is of middling stature with light brown hair, no beard, and with a round face'. He is furthermore described as 'wearing an *invalid's uniform* [*Invaliden Monthierung*], his hat with two white tassels, a coatee [Rock] with red felt collar and coattails, polished buttons made of tin, white pantaloons and a white camisole', and who is said to 'have escaped the imperial-royal military invalid's hospital [Invalidenhaus]' in Vienna.[48]

Once received from Krems, Eggenburg, or elsewhere, these wanted notes were copied by local patrimonial officials and sent to the various outlying villages. In the case of Gobelsburg Manor—which is located approximately 10 kilometres away from Krems—this meant that these wanted notes followed a seigneurial official from Gobelsburg Manor into the four 'districts'

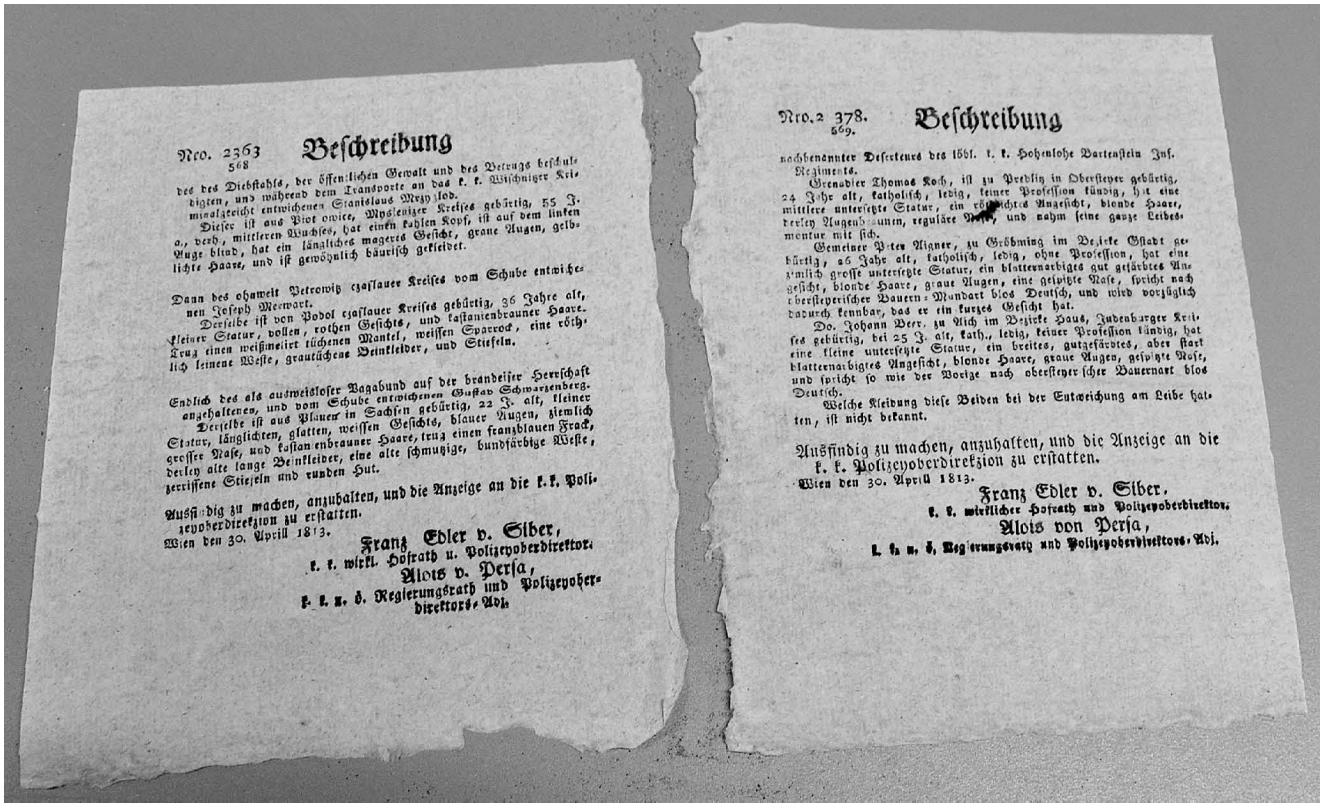
(see Figure 1.3): Gobelsburg and its eponymous market town, as well as the villages of Zeiselberg (less than one kilometre away) and Haslach; the village of Engabrunn (*c.* 5.5 kilometres away; here authority was shared between the lordships of Grafenegg and the abbeys of Göttweig and Zwettl); the lordship of Kammern (less than one kilometre away); and the village of Neustift (located some 6 kilometres away, it was incorporated into the properties of Zwettl Abbey but administered from Gobelsburg Manor due to the geographical proximity to the latter). These were comparatively short distances, and if Julius Hörweg's detailed diary is any guide, these distances could be covered in one day, including the reading out loud of these wanted notes to the assembled villagers.[49]

The characteristics of these hand-written wanted notes and the modes of their dissemination remained essentially unchanged until the advent of printed wanted notes around the turn of the nineteenth century. Not only did this technological change alter the appearance of the information, it also greatly standardised both form and content. As regards the former, each wanted note now came with a case number, and all of them were printed in Vienna. As the price per printed sheet plummeted, the number of wanted notes shot up; contrary to the relatively low number of handwritten *circulaires* per year, there were now hundreds, if not thousands, of such wanted notes circulating every year if the 436 individual descriptions from 1813 that have survived in the archives of Zwettl Abbey are any indication.[50]

As the exemplary wanted notes drawn from among them also show, the previously existing 'particulars' (Specification) were no longer part of these communications. They would still contain, on occasion, multiple descriptions of fugitives and objects, but the printed notes no longer contained that kind of additional information.

If anything, these changes point squarely towards the drastic shift from locally (re)produced and handwritten *circulaires* to centrally compiled, edited, and disseminated wanted notes. Yet, there is more than meets the eye, for their prerequisite were—corresponding *inflows* of information about wanted fugitives *from* the countryside to Vienna. In other words: before the Court Police Authority (Polizeihofstelle) could issue these standardised *communiqués*, these data had to be acquired from individuals and institutions based outside Vienna. Figure 2.3 shows one of these precursors, an 'individual's description' (Persons-Beschreibung) from 1823, which highlights yet another hybrid aspect—the combination of a pre-printed form with passages and other information filled in by hand.

At this junction, we note a second crucial aspect that begs consideration here. Not only did the amount of paperwork grow rapidly but the switch to printed wanted notes with their small font also indicated that the amount of information conveyed grew by leaps and bounds. In addition to the name(s), age, marital status, and profession, by the turn of the nineteenth century,



Nro. 2363 / 568 **Beschreibung**

des des Diebstahls, der öffentlichen Gewalt und des Betrugs beschuldigten, und während dem Transporte an das k. k. Wischnigrer Kriminalzeicht entwichenen Stanislaus Mezylod.

Dieser ist aus Piot owice, Myslenitzer Kreises gebürtig, 55 J. a., verh., mittleren Wuchses, hat einen kahlen Kopf, ist auf dem linken Auge blind, hat ein längliches mageres Gesicht, graue Augen, gelblichte Haare, und ist gewöhnlich bäurisch gekleidet.

Dann des ohnweit Petrowitz czaslauer Kreises vom Schube entwichenen Joseph Meewart.

Derselbe ist von Podol czaslauer Kreises gebürtig, 36 Jahre alt, kleiner Statur, vollen, rothen Gesichts, und kastanienbrauner Haare. Trug einen weißmeister tüchenen Mantel, weissen Sparrock, eine röthlich leinene Weste, grautüchene Beinkleider, und Stiefeln.

Endlich des als ausweisloser Vagabund auf der brandeiser Herrschaft angehaltenen, und vom Schube entwichenen Gustav Schwarzenberg.

Derselbe ist aus Planer in Sachsen gebürtig, 22 J. alt, kleiner Statur, länglichten, glatten, weissen Gesichts, blauer Augen, ziemlich grosser Nase, und kastanienbrauner Haare, trug einen franzblauen Frack, derley alte lange Beinkleider, eine alte schmuzige, hundfärbige Weste, zerrissene Stiefeln und runden Hut.

Ausfindig zu machen, anzuhalten, und die Anzeige an die k.k. Polizeyoberdirekzion zu erstatten.

Wien den 30. Aprill 1813.

Franz Edler v. Silber,
k. k. wirkl. Hofrath u. Polizeyoberdirektor.
Alois v. Persa,
k. k. n. ö. Regierungsrath und Polizeyoberdirektors-Adj.

Nro. 2 378. / 569. **Beschreibung**

nachbenannter Deserteurs des löbl. k. k. Hohenlohe Bartenstein Inf. Regiments.

Grenadier Thomas Koch, ist zu Predlitz in Obersteyer gebürtig, 24 Jahr alt, katholisch, ledig, keiner Profession kündig, hat eine mittlere untersetzte Statur, ein rothlichtes Angesicht, blonde Haare, dergley Augenbraunen, reguläre Nase, und nahm seine ganze Leibesmontur mit sich.

Gemeiner Peter Aigner, zu Gröbming im Bezirke Gstadt gebürtig, 26 Jahr alt, katholisch, ledig, ohne Profession, hat eine ziemlich grosse untersetzte Statur, ein blatternarbigtes gut gefärbtes Angesicht, blonde Haare, graue Augen, eine gespitzte Nase, spricht nach oberösterreicher Bauern-Mundart blos Deutsch, und wird vorzüglich dadurch kenntbar, das er ein kurzes Gesicht hat.

Do. Johann Berr. zu Aich im Bezirke Haus, Judenburger Kreises gebürtig, bei 25 J. alt, kath., ledig, keiner Profession kündig, hat eine kleine untersetzte Statur, ein breites, gutgefärbtes, aber stark blatternarbigtes Angesicht, blonde Haare, graue Augen, gespitzte Nase, und spricht so wie der Vorige nach oberösteyer-scher Bauernart blos Deutsch.

Welche Kleidung diese Beiden bei der Entweichung am Leibe hatten, ist nicht bekannt.

Ausfindig zu machen, anzuhalten, und die Anzeige an die k. k. Polizeyoberdirekzion zu erstatten.

Wien den 30. April 1813.

Franz Edler v. Silber,
k. k. wirklicher Hofrath und Polizeyoberdirektor.
Alois von Persa,
k. k. n. ö. Regierungsrath und Polizeyoberdirektors-Adj.

FIGURE 2.2 Wanted Notes from Gobelsburg (1813). StiAZ, Gobelsburg, Judicialia 20, circulaires, Vienna 30 April 1813; picture by the author.

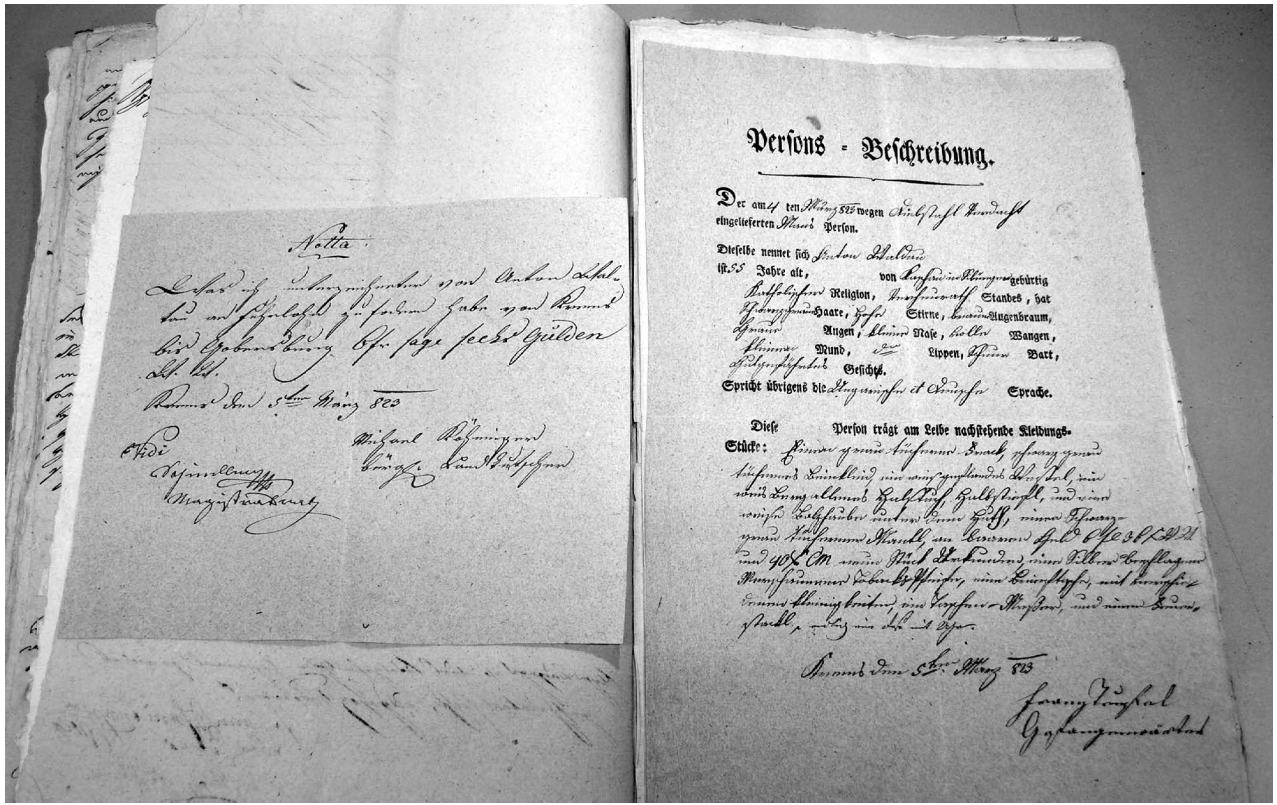


FIGURE 2.3 A Personal Description (1823). StiAZ, Gobelsburg, Judicialia 26, Persons-Beschreibung, Krems, 5 March 1823; picture by the author.

these documents as a matter of course contained a wealth of additional information about the fugitives, ranging from ever more details about clothes to spoken dialects, and from the delinquents' physiognomy to bodily and moral 'defects' to which we now turn.

Wanted Notes: A Quantitative and Qualitative Survey

I happened to come across these wanted notes looking for something else in the archive of Zwettl Abbey back in 2013. I recall my excitement quite clearly on that cold January afternoon, and after going through hundreds of these descriptions, there are two main features of these documents that we shall discuss here: on the one hand, these sources shed light on the names, origins, and deeds of criminals that so far mostly eluded crime historians. Given their above-related qualities and contents, their analysis allows the historian to gain new insights into the material culture and possessions of the lower rungs of the social hierarchy in the countryside. They therefore offer a meaningful contribution to the study of especially clothing and other personal items, such as headgear and footwear that typically remain beyond the purview of most dedicated museum collections, on the other hand.[51]

As fascinating as these sources are, they do not survive in a continuous series. I have therefore decided to create three sample blocs—1756–57, 1776–77, and 1813, respectively—to provide a solid quantitative foundation for their systematic study across time and space. The first bloc consists of 393 folio pages and the second bloc of 186 folio pages; for 1813, 426 printed notes have been preserved. Irrespective of their qualities—handwritten folio pages or printed notes—each individual page contains references to between one or two and up to ten or more wanted individuals.

Despite their differences, these three sample sets are both comparable (due to their provenance and contents) as well as sufficiently different in terms of their qualitative and quantitative characteristics. As the above-discussed examples show, style, content, and the shared discursive framework of reference were closely interrelated. Moreover, irrespective of their appearance, composition, and dissemination, their diachronic analysis reveals a few telling characteristics. Chief among them, and despite the jurisdictional separation between military and civilian fugitives, no such distinction is found in these wanted notes. The most likely explanation appears to be that, in purely practical terms, this distinction ultimately mattered that much neither to the patrimonial officials who were copying these *circulaires* nor to the addressees who might apprehend the fugitives. Moreover, given the fact that it can be reasonably assumed that these local officials and judges, due to their legal training requirements, simply knew that, should they apprehend a deserter, he was to be delivered to the nearest military unit for further processing and the disbursement of deserter bounties.

One of the consistencies visible across all three samples is the civilian-military divide in terms of the information provided in these wanted notes. It is certainly not surprising that deserters are described with additional—and increasingly standardised—information, such as unit affiliation, body height, language competence, and the like. In addition, it is typically mentioned that they left the troops wearing their military uniform and, if relevant, their weapons. While the former rendered it (presumably) easier to spot scattered soldiers roaming the countryside alone or in small groups, the latter aspect relates to the possibility of random acts of violence or resistance against civilians who tried to apprehend armed deserters. Put differently: an armed deserter was also a security risk for the rural peasantry in terms of pillage, rape, and plunder.

Yet, as Ilya Berkovich magisterially recounts, there is another aspect to consider: new army regulations, issued in 1769, which included provisions that entitled civilians 'to a cash bounty of twenty-four *florins*' upon return of a deserter to the troops; soldiers who returned comrades-in-arms to the military were entitled to eight florins. As detailed in his re-evaluation of desertion before and after these new regulations went into effect in the 1760s, military records began to distinguish between bounties offered to civilians versus payments rendered to fellow soldiers who returned deserters to their units. While the staggered introduction of these policies throughout the Austrian army commenced before their eventual adoption as a standard operating procedure, Berkovich's study reveals its consequences in clear terms: while desertion rates declined markedly upon the conclusion of the Seven Years' War, the introduction of deserter bounties 'essentially *privatised* the pursuit of deserters'. In other words, although the military was technically exempt from patrimonial jurisdiction, the Austrian army 'outsourced' its policing efforts to civilians. As the comparison with France and Prussia shows, this monetary incentive offered to civilians in the Habsburg lands was quite effective to combat desertion.[52] Moreover, despite the technical jurisdictional exemption of the military from patrimonial jurisdiction, these army regulations formalised a two-tiered, essentially hybrid apparatus of military justice.

Given these qualities, the absence of any mention whatsoever of these deserter bounties in the wanted notes from the 1770s and 1810s appears to fall into the same category of common knowledge. Since it was unnecessary to mention it, these notions could be omitted from these documents. Once one considers the additional facts highlighted by Berkovich, however, two additional aspects about the wanted notes emerge, one pertaining specifically to deserters and the other more generally: first, convicts apart, 'soldiers were the only other members of society whose descriptions and whereabouts were kept centrally', yet 'a substantial number of soldiers deserted successfully'.[53] Given high levels of voluntary return to one's unit, it therefore appears fortuitous

to presume, the time lag between desertion and the eventual distribution of a wanted note notwithstanding, that the deserters in these sources discussed here constituted not only a fraction of those who actually left military service on their own terms—but they may have also been those who, after a certain 'grace period', had still not returned to their units.

Second, given punishment meted out varied widely between of those who committed crimes versus those who were punished harshly. If we take Berkovich's consideration of desertion rates as a plausible point of departure—'the execution of a few unfortunates carried little weight as long as most deserters escaped with impunity'—and transpose its essence to the justice system as a whole, his conclusion deserves notice: 'What did provide deterrence was not the severity of the potential punishment', which, until the promulgation of the Criminal and Civil Codes in 1803 and 1811, respectively, was quite arbitrary in nature, 'but a greater possibility of arrest'. If we imagine these notions to hold true for the administration of justice in the countryside as a whole, arguments proposing, in E.P. Thompson's terms, the existence of a 'moral economy' and the persistence of a shared system of honour and shame governing social relations as another layer of common knowledge is inescapable.[54] This hypothesis is, in fact, supported by the hybrid qualities of both military and civilian law enforcement whose administration was overseen by the same patrimonial officials. Until and unless the state managed to make inroads into these local, if not localistic, affairs, these qualities, as Arno Mayer eloquently argued, *persisted* well after the formal abolishment of patrimonial domination in the wake of the Revolutions of 1848.[55]

So much for the similarities and continuities of the samples that form the basis of this enquiry, and what about the differences across time? The first and most obvious change is the shift from manuscript reproduction to centrally printed and disseminated wanted notes. Speaking broadly to their material and practical qualities, this development accompanied a more general transition from manuscript to print in central administration, including the use of pre-printed—albeit also hybrid—forms, which allowed for both more effective dissemination as well as increasing linguistic and stylistic uniformity. At the same time, these shifts in administrative practices also reduced the leeway of clerks, bureaucrats, and administrators in choosing their (*sic*) words when filling out these forms.[56] With respect to the qualities of the printed wanted notes, we note, first their relative length compared to the hand-written documents. More words equal greater information density, which finds its expression not only in a comparatively larger number of adjectives; there is also a tendency on the part of the authorities to include more physiognomic and behavioural details about each individual fugitive.

This is immediately apparent once one places the manuscript and printed wanted notes next to each other. In general, even the shorter descriptions found in these printed documents contain much more direct personal

information than their hand-written equivalents. Thus reads, for example, a wanted note from 1776 describing

> The common soldier [gemainen Mann] of the laudable Infantry Regiment from Langenlois, named Sebastian Glückh of Aigen, a subject of the domains of the Schotten [stift; today part of Gaunersdorf near Mistelbach] in the Quarter below the Manhartsberg in Lower Austria, 26 years of age, Catholic, unmarried, no profession, about 5 feet 4 inches tall, of middling stature and black-brown face [angesichts], black-brown eyebrows, no beard, deserted wearing his full uniform including bayonet [nebst Saiten gewehr].[57]

By contrast, a comparable wanted note from 1813 reads as follows:

> Description of deserters of the laudable imperial-royal Hohenlohe Bartenstein Infantry Regiment…Common soldier [Gemeiner] Johann Beer, of Aich in the district Haus in the Judenburg region, about 25 years of age, Catholic, unmarried, no profession, is of a small, stocky stature, has a broad, good-looking [gutgefärbtes] face with many pockmarks [stark blatternarbiges Angesicht], blonde hair, grey eyes, a pointy nose, and, like the afore-mentioned, speaks but the Upper Styrian-German dialect. It is unknown which clothes these two wore when they deserted.[58]

Leaving aside mere quantitative measurements (number of words used, especially adjectives), two other aspects are worth discussing: first, manuscript and—versus—printed wanted notes differed primarily in the way they originated. The former arrived by way of couriers, were copied locally, and conveyed to the resident population by local patrimonial officials. Given the intricacies of the 'chancellery style' (Kanzleisprache), these local copies varied in terms of style, spelling, and abbreviations. As Klaus Margreiter pointed out, this '*stylus curiae*' was 'stable' (enough) to withstand the twin demands of administrative practice and '*withstand procedure* [verfahrensfest]', by which is meant that such documents 'must be formulated in such a way that they are legally watertight'.[59] Responsibility to achieve these levels of consistency and quality rested squarely on the shoulders of patrimonial officials. By contrast, this crucial procedural-legal obligation was removed from local administrators once printed wanted notes—as well as a myriad of other similarly printed *communiqués*—were introduced. It reduced patrimonial officialdom to the role of conveyors of someone else's information.

In the present circumstances, we note that the hand-written *circulaires* from the 1750s and 1770s were all reproduced locally, be it in Krems, Eggenburg, or Gobelsburg. This topographical information was copied by patrimonial officials, and, at least in the latter sample, sometimes the date of receipt was noted, too, which indicates a frequency of two mail deliveries

per month (with respect to wanted notes).[60] This practice was not carried over into the age of printed wanted notes. Without exception, however, these printed sources in the present sample all bear two names: 'Franz Edler von Siber, imperial-royal true court councillor [wirklicher Hofrath] and Director of the Court Police Authority' and 'Alois von Persa, Lower Austrian Government Councillor [Regierungsrath] and Aide-de-camp of the Court Police Director [Polizei-Oberdirektors-Adjunkt]'. Siber (1751–1836), elevated to Freiherr (baron) in 1816, served in this capacity from 1810 to 1824, and counted among the most powerful civil servants in Vienna during his tenure.[61] He was succeeded by Persa (1770–1829) who served in this capacity for a mere handful of years before, upon falling out of emperor Francis I's favour, committing suicide in 1829.[62]

The shift to printed wanted notes also implies (signifies) the advent of more standardised spelling and grammar, as well as a greater diffusion of the above-related qualitative markers. These included references to a wanted person's linguistic capabilities and skill levels, outstanding physiognomic features, and, perhaps most importantly, the introduction of moralising stereotypes that are conspicuously lacking from the hand-written wanted notes. Take, for instance, a wanted note from spring 1813 that related information about a band of eight robbers led by 'Joseph Langer, known amongst them as Jup or Capuchin, a miller by profession, allegedly from Langendorf in Prussia [today Wielowieś, Poland]…age 35 or 36'. In the commensurately long wanted note, the population was informed in much detail about Langer, whose 'appearance displayed fierceness [Wildheit] and audaciousness [Verwegenheit]' who had 'a longish face with pockmarks, black eyes, black short hair and beard and side whiskers'. He is described as 'claiming to have lost his customers, works giving different names in different mills, thereby acquiring knowledge about different names'. He also 'carefully changes his clothes to become unrecognisable, sometimes wearing a regular miller's clothes, mostly however he is clothed quite nicely like a city-dweller [nett städtisch gekleidet]', followed by a description of the clothes he was last seen in and a reference to his dialect, which is given as 'German with a Prussian-Silesian accent'.[63]

Then, there is a note referring to a wanted fugitive by the name of 'Alexander Bellan, who stands accused of repeated fraudulent dealings, of Szeged, Hungary…[who] speaks and writes Hungarian, Latin, and German [and] according to an earlier complaint, articulates himself in a fast, stuttering way'.[64] It would be very much wrong, however, to consider such references as something that pertained exclusively to male fugitives, as the example of 'Anna Kummwaldin', a female suspected of theft near Kleegraben near Ilz in the Hartberg-Fürstenfeld area of Styria, shows. After the expectable descriptions of her age, appearance, and clothes, the wanted note holds that she 'has, by the way, a notoriously foul tongue [hat übrigens eine geläufige verwegene Zunge]'.[65]

Second, it would be as superficial as it would be thoroughly misleading to read into this partial shift from manuscript to print more than meets the eye: given the reams of archival evidence that continued to be hand-written throughout the nineteenth century, it would be wrong to infer otherwise. Prior to the diffusion of telegraphy (and later telephones), as well as electricity generation and distribution, this was not the case. In combination with the widespread adoption of the typewriter, it was not before the turn of the twentieth century that near-simultaneous communication and distribution became a technologically possible reality.[66] That said, and *pace* Michel Foucault's invocation of the proverbial 'mechanics of power' that are said to have brought about a fundamental re-ordering of the production and dissemination of knowledge by state bureaucrats, acknowledgement thereof raises several serious questions.[67] These include, first and foremost, the issue of *authorship*. As shown in Figure 2.3, the use of pre-printed forms as an intermediary step between entirely manuscript and printed wanted notes existed. Given the absence of print shops in rural areas at the time, their mere existence presupposes 'information' to flow back and forth between 'the centre' and 'the periphery' several times. Here, we note two crucial aspects: first, the form is printed in Vienna and sent out to at least the administrative level in the regions (Kreise), if not to individual patrimonial holdings—which seems also plausible, although I remain wary of either/or presumptions—before it is returned to the capital.[68] There, the composite manuscript information is type-set and printed before it is sent out again. There is also a second possibility, namely the transmission of hand-written letters to regional officials and/or to Vienna where information about fugitives is received, type-set, printed, and returned to the countryside in the form of a printed wanted note.

Both notions presuppose the existence of reliable postal services. Yet, these, too, were neither fully nationalised nor uniformly administered during the period under consideration. Before the mid-eighteenth century, territorial oversight remained with the Lower Austrian Estates and the royal-imperial Office of Roads and Bridges in Vienna (Weg- und Brückenamt) about which 'almost nothing' is known. It was not before All Soul's Day 1774 that, at least in terms of its head offices in Vienna, all postal services were centrally administered. During Joseph II's personal reign, however, the Court Postal Commission was dissolved in 1783 and its activities were delegated, once again, to the territorial subdivisions; unlike before, these territorial postal administrations (Oberpostverwaltungen) were to be re-distributing their funds back to the regions (Kreise), thereby reducing the flow of funds to the centre before they would be distributed again.[69]

Given Lower Austria's central position within the Habsburg Empire, postal services and network density increased markedly from the second half of the eighteenth century. Postal offices and personnel increased especially along the trunk roads, although the main impetus to 'finalise the nationalisation' of

postal services occurred between 1793 and 1813. It was not before the Office of the Supreme Court and Postmaster-General of the Hereditary Lands (Obersthof- und Generalerblandpostmeister) became vacant in 1792 that change was possible. At first, Emperor Francis elected not to fill the position, and on 1 January 1813, all postal affairs reverted to territorial authorities.[70] A secondary branch of enquiry revolves around the interconnected issues of censorship and control of information (which is to say, it is focused on qualitative details of postal and other printed communication). Due to these contours, a study of the connections between Vienna, the nascent central institutions, territorial administration, and the vast domain of patrimonial affairs continues to be a desideratum of scholarship. 'Handwritten newspapers escaped censorship, which extended only to printed matter, and then only imperfectly', Barbara Stollberg-Rilinger sums up these matters.[71] While considerable attention has been devoted to especially literary matters and censorship, which technically also covered *select* manuscripts, as Norbert Bachleitner recently showed; most manuscript sources, especially administrative paperwork, escaped the watchful, if censorious, eyes.[72] In other words, neither the current state of research on postal services nor on specific associated categories, such as infrastructure or censorship, has focused on these seemingly mundane, if highly relevant, matters.

To be able to arrive at a reasonable (guess)estimate about the flows of information, we turn, once again, to the diary of Julius Hörweg. In his extensive journal—running well over 150,000 words and covering the period from 1805 to 1846—there are at least a few indications. In September 1805, for instance, he noted that 'we took the postal [coach]' to travel from Gföhl to Zwettl Abbey.[73] Further references to postal services are found in 1834, 1838, 1839, and 1842, to cite but a few, if later, mentions.[74] Scattered throughout the journal are a few more hints about the apparently widespread practice of carrying, or delivering, letters—and, by extension, proclamations, decrees, official announcements, etc.—for others. Moreover, there are numerous references to 'letters', be it that they were written, received, or sent. Yet, none of these entries concerns themselves with the modalities of their delivery, which suggests that more or less reliable postal services were, and could be, taken for granted.[75] At this point, however, we shall address another two-sided aspect that has, so far, escaped scholarly attention: what about the implications of the shift from manuscript to print?

Change around 1800, or: 'Old Wine in New Wineskins'[76]

Given the documented hybrid nature of everyday administration around the turn of the nineteenth century, it would be misleading to simply integrate these admittedly 'minute' changes into established interpretations. Here, we must talk about three key arguments that hold considerable sway over

these discussions, which are epitomised by, first, Michel Foucault's *Discipline and Punish* on the emergence of a 'political anatomy';[77] second, the Habermasian proposition of a 'structural transformation of the public sphere', in particular because of its 'somewhat delayed reception' among Anglophone scholars;[78] and, finally, consideration of movable type printing as a 'revolution' (Elizabeth Eisenstein) that, in Marshal McLuhan's memorable formulation, gave rise to *The Gutenberg Galaxy*.[79] This rank-ordering, while not exactly chronological with respect to the publication dates of these—and many associated or derivative—works, was done to underscore several contrarian arguments that arise from the systematic study of *manuscript* primary sources of everyday administration.

The main problem with the Foucauldian approach is twofold: on the one hand, he applies his 'genealogical' method to study the emergence of distinctively modern ways and means of population control. The merits of the section on 'Docile Bodies' notwithstanding, the evidence discussed above—everyday administration—stands in quite stark contrast to Foucault's propositions that were developed focussing on what can arguably be labelled 'fringe' acts of deviance. While Foucault, correctly, points to the fact that 'the "invention" of this new political anatomy' was not 'a sudden discovery' but 'rather a multiplicity of often [*sic*] minor processes', emphasis is placed on higher education, the 'insidious militarization of the large workshop', and what he called 'the utilitarian rationalization of detail'. Although Foucault did not use today's managerial parlance, we might call this micromanagement.[80] Epitomised by the Benthamite 'Panopticon', his enquiry into the modern penal institution, however, rests on quite shaky foundations, as neither judicial process nor the rules governing such proceedings are discussed in much, if any, detail. In fact, Foucault's hypothesised 'art of distributions' remain delimited to factories, schools, and prisons while, using lofty, if not always comprehensible, language in subsequent sections—this is particularly visible in the discussion of 'the control of activity'—focus on pre- and proscriptions for later disciplinary actions.[81] In other words: the analysis remains on the normative—actually: normativising—plane, an approach crime historians have long considered inadequate because 'such regulations hardly provide a comprehensive picture of their effect and implementation'.[82]

At the same time, the evidence discussed here, in particular the systematic collation, distribution, and circulation of wanted notes relates to Foucault's casual reference to 'practices', by which is meant, in Sheldon Wolin's definition, 'the institutionalized processes and settled procedures regularly used for handling public matters'.[83] To be fair, this problem was recognised by Foucault at the time, although, perhaps because he relied overwhelmingly on printed materials, the discrepancy between his assessment in the main text—'broadsheets…*sometimes* provided a description of [criminals] persons and

dress'—and what he relaters in the associated endnote referring to printed newspapers in the mid-1830s, is telling enough: 'The "Gazette des tribunaux" *regularly* published these lists and these "criminal notices"'.[84] At no point, however, does Foucault concern himself discussing the pre-existing, distributed, and overwhelmingly *manuscript* ways and means of everyday administration. In other words: omission of the overwhelming majority of archival evidence renders *Discipline and Punish* a decidedly (post)modernistic essay that is, in effect, little more than a description of various select epiphenomena that are virtually impossible to generalise.

The main epistemological-interpretive problem that results from the over-emphasis on printed materials, second, has significant implications for the notion of a 'structural transformation' of what social theorist and philosopher Jürgen Habermas called 'the public sphere' over 60 years ago. Here, too, we may observe a virtually identical issue in what, for lack of a better term, shall be labelled 'high culture'. The multi-decade delay between the initial publication of his treatise (1962) and its reception by Anglophone research (from the late 1980s onwards) might explain, at least partially, why his seemingly clear-cut characterisation between 'the public' and 'the private' spheres holds sway today.[85] 'The modern state', Habermas wrote, 'was basically a state based on taxation' that derived from 'the *separation*…between the prince's personal holdings and what belonged to the state', which 'was paradigmatic of the objectification of personal relations of domination'.[86] As documented above exemplified with sources from Lower Austria, such differentiation was neither absolute nor clear-cut. Moreover, expansion of the authority of the central governments 'went hand in hand with the elimination of the estate-based authorities', which 'created room for…the public sphere', said to 'assume objective existence in a *permanent* administration and a *standing* army'. Yet, both institutions arguably existed before the advent of such a 'public sphere'—by which, in a narrow sense, Habermas means 'state-related'—while 'the manorial lord's feudal authority was transformed into the authority to "police"', with 'the private [*sic*] people…form[ing] the public'.[87] These considerations, even if taken as ideotypical presumptions in a Weberian sense, do not reflect accurately the situation found in the countryside.[88] This is borne out by another reference a few pages below, in which Habermas ties the 'public sphere' to the contemporaneous emergence of capitalism and state sovereignty after 1648 (the so-called Westphalian system), positing that 'the recipients of private correspondence had no interest in their contents becoming public' while 'certain categories of traditional "news" items…were also perpetuated—the miracle cures and thunderstorms, the murders, pestilences, and burnings'. Habermas'—and those who follow(ed) his lead since—over-emphasis on 'the use of the press for the purposes of the state [administration)' therefore elect to omit from their narratives the role of hand-written materials, in particular those pertaining to administration.[89]

As shown above, there is ample archival evidence testifying to the co-existence of a Habermasian 'bourgeois [*sic*] public sphere' with what scholars of the French *Annales* tradition consider the *ancien régime économique et social*. We note that especially the former category is quite problematic in Central Europe due to the persistence of the Old Regime until at least 1848 (and arguably beyond). As regards the latter, moreover, it is imperative to note that the *ancien régime* consisted of a wide variety of 'practices' as defined by Sheldon Wolin, which vastly exceeded the former in terms of size, scope, and reach, as well as in relevance for the daily lives of most people at that time.[90] Apart from the temporal discrepancy, Habermas notes that, in Germany (*sic*), roughly comparable notions 'emerged only in the train of the July Revolution' (1830)—which reinforces the argument advanced here: at best, whatever change was achieved prior to the 1830s, it exhibited distinctively *hybrid* qualities.[91]

There is yet a third crucial aspect to consider: the primacy of manuscript sources over printed materials. Wanted notes during the latter half of the eighteenth century were locally reproduced and disseminated by patrimonial officialdom, which is to say that they were, to certain degrees, *interpreted* when read out aloud to the resident peasants. With reference to the early modernist Benjamin Schmidt, the wanted notes discussed here are prime examples of what he calls 'transmediations', that is 'the transfer and translation of [written words] across media, and the way shifts in media…affect form and meaning'.[92] In the case of the exemplary samples from the 1750s through the 1810s—that is, including handwritten and printed notes—these involved the rendition of written words into spoken words. The transition from manuscript to print merely changed one aspect of this transmediation and did not affect the interpretive aspect. Once one considers the proximate origins of the printed wanted notes—pre-printed forms filled with additional hand-written information (Figure 2.3), the 'innovative' potential of print recedes further. These notions hold considerable implications, especially since it can be safely presumed that the hand-written information that was compiled, type-set, and printed at the request of the Court Police Authority *did not originate* in Vienna. This consideration is further supported by—the very same printed wanted notes, as some of them include explicit references thereto:

> Johann, bearing his family's name Morzelln, among the robbers also known as Fat Man [der Dike], Johann Fritz Schweizer, or Schweinitzer Hannis…who, in autumn of last year, broke out of the Brünn penitentiary [Zuchthaus], and thus known to the authorities pursuant wanted note no. 5,768, dated 13 October [1812]…[93]

Support for this supposition, to cite but one other example here, is the case of one 'Jossel Gerber, commonly known as Jossel Dabrower', who, accused

of theft, 'escaped from his arrest cell in the village of Zurawno [Zhuravne, Ukraine]'. In the same wanted note, mention is made of one 'common soldier Laurenz Seebacher who, although on leave from the imperial-royal Prince Hohenlohe Barteinstein Line Infantry Regiment', did not return to his unit.[94] Information about both wanted men had reached Vienna from Eastern Galicia and Upper Styria, respectively, and it is inconceivable that it did so in printed fashion; at best, it is reasonable to presume, that the personal information was conveyed on a pre-printed form (Figure 2.3); more likely, though, is that it was relayed orally to a unit scribe who drafted a handwritten letter. Still, all of this goes a long way towards suggesting the existence of a remarkably large blind spot in the existing literature on crime, otherwise deviant behaviour, and the role of manuscript versus print in the authorities' attempts to deal with law enforcement.

As even the briefest glance at the relevant literature revolving around crime and punishment in Central Europe indicates, the procedural aspects discussed in these pages have, so far, remained virtually unexplored. While certain, albeit very short, allusions to the application of law and the administration of justice are sometimes found. Passports, wanted notes, and their roles in mediaeval and early modern European society are surveyed by Valentin Groebner and especially Andreas Blauert and Eva Wiebel's contributions. Most scholarly efforts with respect to police searches, however, have gone into developments from the (later) nineteenth century onwards.[95] As regards the normative and institutional planes, the works spearheaded by Karl Härter and Michael Stolleis are of particularly high relevance, even though comparable reservations must be made. Very often, critical editions of police regulations (Policeyordnungen) remain virtually spellbound to the normative plane, flanked by enquiries into the—presumed or real—effects these norms had on the social disciplining of the local population.[96] Since the turn of the millennium, a sizable share of attention has been devoted to especially court proceedings and some of the more 'delicate' investigations into sexual deviance.[97] What has emerged from these considerations, however, are significant doubts about the efficacy of top-down coercive measures, as the detailed studies by Jürgen Schlumbohm, Martin Scheutz, and Pavel Himl indicate.[98] More recently, however, these strongly empirical studies have given way to more cultural history-oriented—and thus more theoretical—discussions about the presumed dichotomy of 'enforcement' (Durchsetzung) versus 'implementation' (Einsetzung) of norms.[99] Needless to say, virtually all of these studies adhere to the time-honoured, if not unproblematic, periodisation that separates a perceived early modern from its succeeding modern eras with the years 'around 1800' working (still) as the familiar, if increasingly problematic, threshold.[100]

Comparable reservations must be made with respect to recent scholarship on the seemingly loftier heights of institutional change. This is perhaps best

illustrated by quoting from the late Michael Stolleis' introductory remarks that emphasise the nascent turn to constitutional government while, for instance, issues of due process, rules of court procedure, or the dual roles of patrimonial officials who also administered justice remain out of bounds. Writing about the early nineteenth century, Stolleis refers to a seemingly distinct 'stage [*sic*] of constitutional development' characterised by a 'compromise between the monarchy and the judiciary' that he deems 'a reasonable one'. As 'justice remained in the hands of the sovereign', it 'was bound to [*sic*] the law', which gave it 'practical and factual independence'.[101] Neither there nor in his *History of Social Law in Germany*, nor in his guide to constitutional and administrative law, does Stolleis move beyond these seemingly reified views of 'the state' and 'the law' in the 'transition to the nineteenth century', to say nothing about what an interpretive understanding of the tensions between the two contradictory positions espoused might look like.[102]

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There appears, in short, as little space for ambiguity and hybridity as there is a dearth of studies that look beyond the normative planes and into the nooks and crannies of the administration of justice under comparatively rapidly changing circumstances. Contrary to widely held, and equally often reproduced, assumptions about fundamental shifts across the conventional disciplinary boundary 'around 1800', these decades were characterised by experimentation, continuities, and ruptures. So far, we considered printed and especially manuscript evidence that emphasises the benefits of approaching the subject matter 'from below' and 'beyond the centre'. From the importance of the military regulations of 1763 that 'outsourced' enforcement of military discipline to the General Rules of 1781 and the *Jurisdiktionsnorm* of 1783/88, there occurred tremendous changes well 'beneath' the seemingly lofty heights of territorial or imperial rule.

In addition, as the qualitative survey of the wanted notes from rural Lower Austria suggests, societal mores and the terms in which fugitives were described changed, too. As appearance, composition, and dissemination patterns of wanted notes shape-shifted around the turn of the nineteenth century, their in-depth, quantitative and linguistic diachronic comparison points squarely to the middle-class officials overseeing their distribution as the proximate origins of many of these changing qualities. In other words, even though our enquiry began in the countryside, we must now turn to the social milieus of the government bureaucrats in Vienna as the nearly omnipresent hybridity of the administration of justice in the Lower Austrian hinterlands suggests that the next steps of this journey lead (back) to the territorial—and imperial—centre.

Notes

1 Zedler, *Universal-Lexicon*, supplement vol. 4, 520, col. 1030.
2 On the conflict, see the official account by the Kriegsarchiv, *Erbfolgekrieg*; and the synthetic accounts by Browning, *War*; and Anderson, *War*.
3 Redlich, 'Leibeigenschaft', 261–2, 266.
4 Vilfan, 'Agrarsozialpolitik'; Feigl, *Grundherrschaft*, 262; Bruckmüller, *Sozialgeschichte*, 205.
5 In addition, local officials oversaw trade regulations and market days; Löffler, 'Grundherrschaft', 183–4.
6 For the original decree, dated 27 Sept. 1783, cf. *Justizgesetzsammlung 1780–1784*, 266–71; for the amendments, dated 21 Aug. 1788, cf. *Justizgesetzsammlung 1787–1788*, 174–6. Guidance by Feigl, *Recht und Gerichtsbarkeit*, 53–6; for the above quote, see Löffler, 'Grundherrschaft', 184.
7 *Justizgesetzsammlung 1780–1784*, 266.
8 *Justizgesetzsammlung 1780–1784*, 268.
9 *Justizgesetzsammlung 1780–1784*, 270.
10 Barth-Barthenheim, *Verhältniß*, vol. 1/2, 147 (my emphasis).
11 Guidance via Blanning, *Joseph II*, 81–4; long-form treatment by Beales, *Joseph II*, vol. 2, 526–54.
12 *Justizgesetzsammlung 1787–1788*, 175.
13 *Justizgesetzsammlung 1787–1788*, 175.
14 *Justizgesetzsammlung 1787–1788*, 176.
15 See the Austrian Federal Ministry of Justice on 'Civil Law, also known as Private Law', via https://www.oesterreich.gv.at/themen/gesetze_und_recht/gerichtsorganisation_der_justiz/zivilrecht/1/Seite.1010110.html (25 Sept. 2024), and note that today's web presence points to—the Civil Code of 1811.
16 Löffler, 'Grundherrschaft', 184.
17 Levi, 'On Microhistory', 107 (my modification); reference is made to Huizinga, *Waning*.
18 Wall, 'Austria & Germany', 146.
19 *Allgemeine Gerichtsordnung*, also available online via http://data.onb.ac.at/rep/104C0541 (25 Sept 2024).
20 Feigl, *Grundherrschaft*, 80, 144, 156, 218, 223, 232, 236, 261 refer specifically to such matters but the *Gerichtsordnung* is not mentioned; similarly, Löffler, 'Grundherrschaft', 184–8, omits the *Gerichtsordnung* but, at 184, at least mentions the *Jurisdiktionsnorm*.
21 *Allgemeine Gerichtsordnung*, 180–4, with the long quote at 184–5: 'Die Richter sollen verfahren, und sprechen nach dem wahren, und allgemeinen Verstande der Worte dieses Gesetzes, und unter keinem erdenklichen Vorwande eines Unterschiedes zwischen den Worten, und dem Sinne des Gesetzes, einer von der Schärfe der Rechte unterschiedenen Billigkeit, oder eines widrigen Gebrauchs u. d. g. von der klaren Vorschrift dieser Gerichtsordnung abweichen; nur dann, wenn ein Fall ihm vorkäme, der zwar in dieser Gerichtsordnung nicht entschieden wäre, aber mit einem andern in selber entschiedenen Falle eine vollkommene Ähnlichkeit hätte, ist dem Richter gestattet, den nicht ausgedrükten Fall nach jener Vorschrift zu entscheiden, die für den ausgedrükten Fall bestimmet ist; sollte aber über den Verstand des Gesetzes ein gegründeter Zweifel vorfallen, so wird solcher nach Hof anzuzeigen, und die Entschliessung darüber einzuholen seyn; würde aber ein Richter die Streitsachen wider diese Ordnung verzögern, oder die Partheyen sonst beschweren, so hätte er für allen Schaden zu haften'.
22 Godsey, *Sinews*, 1.
23 The topic of 'administration' as understood here appears on a mere 17 pages (other than in publication titles) in Godsey, *Sinews*, 25, 79, 134, 214–5, 217,

224–5, 249, 280, 285, 296–301, with the above quote at 395. References to 'administration' in other contexts incl. 118 ('the British context'), 157, 174 (military), 272 ('administration of collateral bequests'), 356 (central administration), 362–6 (fiscal matters) 376 ('direct Napoleonic administration').

24 Godsey, *Sinews*, 222, note 44, at least cites another article by Rieger ('Kreisverfassung in Böhmen') that appeared in the same *Österreichisches Staatswörterbuch* while omitting Rieger, 'Grundherrschaft', 38–42.

25 Evans, 'Preface', viii–ix.

26 The Criminal Code of 1803 is also part of the *Justizgesetzsammlung 1798–1803*, 313–494.

27 E.g., NÖLA, KG Krems 069/K 644, Strafsachen G I, no. 1, whose verdict concerning a violation of morality is based on '§ 269 des II Theils des Straffgesetzes', 29 Jan. 1823; and no. 11, whose verdict on a brawl is similarly based on '163. § des II Theils des Straffgesetzes"' 27 Jun. 1825. For the relevant titles, see Blumentritt, *Strafgesetz*, 234 (§163), 335 (§269).

28 For the 1811 version, see http://www.literature.at/alo?objid=11585; for the current version, see https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622 (25 Sept. 2024).

29 On the history of the Civil Code, see Brauneder, 'ABGB'. Due to the bicentenary, there are several collected volumes about the code, incl. Fischer-Czermak, *Festschrift*; Dölemeyer and Mohnhaupt, *200 Jahre*; Geistlinger, *200 Jahre*; Fenyves, Kerschner, and Vonkilch, *200 Jahre*.

30 Cf. Latour, *Making*, vi–xii, at viii.

31 This is no place to itemise; on the former, see Roman, *Hogarth's Legacy*; on the latter, now see Clayton, *James Gillray*; for exemplary cartoons, see https://www.james-gillray.org/people.html (25 Sept 2024).

32 StiAZ, Gobelsburg, Judicialia 19–23, wanted notes, 1756–1819; 24–5, criminal records, 1748–1830; 26–7, serious crimes and misdemeanours, 1804–46. NÖLA, District Court Krems, no. 69, K 570–85, litigation and execution proceedings, 1820–50; K 644–5, criminal cases, 1823–50.

33 On the former, see the 'Wanted Posters Collection' at the University of Yale Archives, via https://archives.yale.edu/repositories/11/resources/11464 (25 Sept. 2024). As regards the history of passports, while related but not the same as these wanted notes, see the magisterial account by Groebner, *Who am I?*.

34 We note, in passing, that Wikipedia's German-language entry 'Steckbrief', does not contain manuscript illustrations; by contrast, its English version, entitled 'Wanted poster', depicts an 1824 hand-written poster issued by Spanish authorities seeking to apprehend the notorious pirate Roberto Cofresí (1791–1825).

35 Cf. the entry 'Umlauff', in Zedler, *Universal-Lexicon*, vol. 49, 507, col. 983.

36 StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 26 Dec. 1756.

37 StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 26 Dec. 1756 (emphases in the original). 1 Viennese ell, or *Wiener Elle*, was a unit of measurement in use until the switch to the decimal system in 1876; 1 meter = 1 $^{9}/_{32}$ ells, according to the *Historisch-Statistischer Umriß*, 151; according to §4 of the law passed by the Austrian Imperial Diet on 23 Jul. 1871, 1 meter = 1.286077 ells, via *Reichsgesetzblatt*, VI. Stück, dated 2 Mar. 1872, 29–34, at 30, via https://alex.onb.ac.at/cgi-content/alex?aid=rgb&datum=1872&page=63&size=45 (22 Oct. 2024).

38 StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 22 Nov. 1756.

39 StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 17 Nov. 1756.

40 StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 11 Nov. 1756.

41 StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 11 Nov. 1756.

42 If not noted otherwise, information in this paragraph derives from StiAZ Gobelsburg, Judicialia 19, circulaire, Vienna, 19 Nov. 1757.

43 For these ostensibly 'bigger' events, see Stollberg-Rilinger, *Maria Theresa*, 421–3.
44 StiAZ Gobelsburg, Judicialia 19, circulaire, Vienna, 19 Nov. 1757.
45 For a re-appraisal, see Berkovich, *Motivation*, 55–94.
46 Berkovich, *Motivation*, 166; for a few thoughts about 'soldiers among civilians', see Showalter, 'Matrices', 71–80.
47 E.g., StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 13 Apr. 1757, which lists nine 'recruits' who 'deserted from the high-princely Carl Lothringian Regiment stationed near Klosterneuburg, although without *uniforms* [ohne *Montur*]' (emphasis in the original). Named individuals incl., e.g., 'Joseph Adler of Hohen Waltersdorf [there are two villages with that name in Lower Austria: one near Staatz and the other on the river March] in Lower Austria, 26 years of age, unmarried, no profession', and 'Anton Zwaithen who belongs to the lordship of Mautern [acquired by Friedrich Karl von Schönborn-Buchheim in 1734], 21 years of age, Catholic, unmarried, no profession'.
48 StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 16 May 1756. There are two other soldiers named in the same letter, one Carl Schierling of the Daun Regiment who similarly 'deserted with his uniform' and Joseph Paltzer of Mitterbach who deserted Archduke Leopold's Regiment also sporting his full uniform (emphases in the original).
49 Estimates are based on Hörweg repeatedly mentioning that it took one day to cover the approximately 45 kilometres from Zwettl Abbey to Gobelsburg or vice versa. StiAZ 3/60, Beiträge, fol. 380, 382, 410, 432, 463.
50 StiAZ Gobelsburg, Judicialia 20.
51 As an example, see esp. the Lower Austrian State Museum's collection of approx. 4,000 items relating to 'clothing' or the Swiss National Museum's permanent exhibition of 'clothing', both of which focus overwhelmingly on the upper rungs of the social hierarchy. See https://landessammlungen-noe.at/de/online.html and https://sammlung.nationalmuseum.ch/de/list?sID=66 (25 Sept. 2024).
52 Berkovich, *Motivation*, 55–94, at 81 (emphasis in the original) and 82 (my emphasis).
53 Berkovich, *Motivation*, 93.
54 Thompson, 'Moral Economy'; see also Bowman, *Honor*.
55 Mayer, *Persistence*, but note that despite the frequent invocation of 'feudality', these aspects remain, by and large, beyond the argument. See also Evans, *Pursuit*, xiii–xvii.
56 Margreiter, 'Die gute Schreibart', 140–60; see also his 'Verwaltungssprache' and the references provided by Becker, 'Sprachvollzug', 3–10.
57 StiAZ Gobelsburg, Judicialia 20, circulaire, Krems, 3 Jun. 1776.
58 StiAZ Gobelsburg, Judicialia 20, note no. 2,378/569, Vienna, 30 Apr. 1813. Reference to 'the afore-mentioned' deserter is made because of the preceding paragraph, which lists one 'common soldier Peter Aigner, of Gröbming, 26 years of age, Catholic, unmarried, no profession, is of a rather tall, if stocky, stature, a good-looking face with pockmarks, blonde hair, grey eyes, a pointe nose, speaks in the peasants' German dialect of Upper Styria, and is easily recognisable [wird vorzuglich dadurch kennbar] due to his short face'. This description is followed by the one quote in the text above.
59 Margreiter, 'Die gute Schreibart', 137–8 (emphases in the original); on this period of German linguistic evolution, see Polenz, *Sprachgeschichte*, vol. 2, 171–7.
60 Sadly, this was neither done consistently nor are such forwarding dates found on all copies. See, e.g., StiAZ Gobelsburg, Judicialia 19, circulaire, Krems, 29 May 1776, forwarded 21 Jun. 1776; or circulaire, Krems, 29 Sept. 1776, forwarded on 17 Oct. 1776.

61 Martischnig and Schreiber, 'Siber'; for his ennoblement, see OeStA, AVA, Adel, HAA, AR 905.17, fol. 4, 6 Aug. 1816; see also https://www.archivinformationssystem.at/detail.aspx?ID=4334986 (25 Sept. 2024).
62 Prior to this appointment as Siber's deputy in 1810, Persa served in Lemberg (today: L'viv, Ukraine); from 1820 to 1822, Persa was appointed governor (*Stadthauptmann*) of Prague before returning to Vienna where he eventually succeeded Siber in 1824. Marx, 'Persa'.
63 StiAZ Gobelsburg, Judicialia 20, no. 2356/561, Vienna, 29 Apr. 1813: 'He was last seen wearing a green woollen hat with grey lamb inserts and a golden sea two fingers broad, or a round hat, a neckerchief of black silk, a yellow woollen vest with red dots, a brown linen vest, a brown linen coat [Uiberrock] or a black pure wool tailcoat [Frack], likewise trousers, or a dark green pair of trousers, boots made of calf leather with tassels, a black linen cape with a big collar and likewise buttons. He speaks German with a Prussian-Silesian accent.'
64 StiAZ Gobelsburg, Judicialia 20, no. 3548/781, Vienna, 19 Jun. 1813.
65 StiAZ Gobelsburg, Judicialia 20, no. 6807/1,511, Vienna, 27 Dec. 1813 (full description in Ch. 4).
66 Marks, *Information Nexus*, 125–75, esp. 156–61
67 Foucault, *Discipline and Punish*, 138; on the speed differential, albeit between handwriting and typewriting, see also Borscheid, *Tempo-Virus*, 176, 281.
68 Sadly, what information about these intermediate offices is available—esp. Bredow, 'Kreisämter'—assesses 'simple' and 'complex communication' while recurring, or established, forms are omitted. The main issue is that studies on their political, military, and fiscal functions conventionally exclude the seemingly more mundane matters of everyday administration (of justice). Guidance by Löffler, 'Grundherrschaftliche Verwaltung', 118–9; examples of the former incl. Rauscher, 'Kreisamt'; Stundner, 'Kreisämter'; and, most recently, Bredow, 'Gestaltungspotentiale'. As regards fiscal-financial affairs, see Godsey, *Sinews*, 222–6, 254–6, 282.
69 Winkelbauer, 'Das Postwesen', quote at 1018; guidance on the central institutions by Bauer, *Repertorium*, vol. 2, 377–424.
70 On these infrastructures, now see Knittler, *Verkehrswesen*; and esp. Helmedach, *Verkehrssytem*, 67–165; on early modern postal routes Krenn, *Verkehrsgeschichte*; more generally, see also Behringer, *Zeichen des Merkur*; and his 'Visualisierung'. Note that although he gives notes and bibliographic guidance to the postal services, Winkelbauer, 'Das Postwesen', 1022–4, with the above quote at 1021. No study that is even comparable to Guldi, *Road to Powers*, exists for Lower Austria, let alone for the Habsburg Empire as a whole, but do see Komlosy, 'Innere Peripherien', albeit focused virtually exclusively on post-1848 developments; for the half-century after 1780, see also Freudenberger, *Lost Momentum*.
71 See Winkelbauer, 'Überwachung', 1026; partial guidance via Stollberg-Rilinger, *Maria Theresa*, 440–51, with the above quote at 443.
72 Now see Bachleitner, *Literarische Zensur*, 15–40, who further noted manuscript lists of prohibited printed material (116), extended 'only' over certain kinds of scholarship, such as theological and philosophical tracts (196–7), and included the option of printing manuscripts before applying for confirmation from the censorship offices, pursuant to a decree dated 20/28/30 Jan. and 3 Feb. 1790, respectively, which are reprinted on 431–8.
73 StiAZ 3/60, Beiträge, fol. 2.
74 E.g., StiAZ 3/60, Beiträge, fols. 326–7, 548, 580, 867, 911, 924.
75 E.g., StiAZ 3/60, Beiträge, fols. 22, 121, 211, 580, 633, 640, 668, 823 ('today, I mostly wrote letters'), 865 ('wrote letters'), 1014: 'The Land Marshal

von Fürstenberg related that last Friday the postal [coachman] carrying letters was stabbed between Zwettl and Gföhl and his goods—7 fl. 30 kr. and his watch—were robbed. The letters [Briefschaften] remained unopened [blieben unverletzt].'

76 Luke 5:36–9 (my modification).
77 Foucault, *Discipline and Punish*, 135–69.
78 Habermas, *Structural Transformation*; for the quote, see Cohen, 'Reception', 268.
79 Eisenstein, *Printing Revolution*; McLuhan, *Gutenberg Galaxy*.
80 Foucault, *Discipline and Punish*, 138–9, 141.
81 Foucault, *Discipline and Punish*, 141–9, 149–56
82 Pánek, 'Polizey und Sozialdisziplinierung', 325–9, at 329; see also Weber, 'System der Polizeiordnungen', 427–30, esp. 429 and, on the subjects' agency, 4363–8.
83 Wolin, *Politics and Vision*, 7.
84 Cf., Foucault, *Discipline and Punish*, 259 with the endnote on 320 (emphases mine).
85 See the insightful discussion by Chittolini, '"Private", "Public", "State"'.
86 Habermas, *Structural Transformation*, 17 (my emphasis); on his belated reception, see Calhoun, *Habermas*.
87 Habermas, *Structural Transformation*, 18 (emphases in the original).
88 We note that even such an '*ideal-type*' is an 'figment of imagination not empirically found anywhere in reality'. It is, in fact, 'a *utopia* [orig. es ist eine *Utopie*], and for historical scholarship the task arises of determining in each individual case how close or how far reality is from that ideal image'. Weber, 'Objektivität', 191 (emphases in the original). This is my translation, which differs slightly from the one by Hans Henrik Bruun in Weber, 'Objectivity', 127 (emphases in the original): 'The ideal type is a mental image that *is* not historical reality, and certainly not "true" reality; still less is it meant to serve as a schema into which it would be possible to fit reality as a *specimen*.' See also Mommsen, 'Ideal Type and Pure Type', esp. 130–2.
89 Habermas, *Structural Transformation*, 20–1.
90 Wolin, *Politics and Vision*, 7–8.
91 Habermas, *Structural Transformation*, 67–73, at 71.
92 Schmidt, *Inventing Exoticism*, 294–323, with the above quote at 295 (my modifications).
93 StiAZ Gobelsburg, Judicialia 20, no. 2356/561, Vienna, 29 Apr. 1813: '…is originally from Grottkau [today Grodków, Poland] in Prussian Silesia, a miller by profession, of middling but rather tall stature, has a longish, clean-shaven, and pleasing [gutgebildetes] face, red side whiskers; his appearance bespeaks nimbleness and extraordinary boldness [im Aeüssern viel Gewandheit und ausserordentliche Kühnheit]', followed by descriptions of the clothes worn at his last appearance near St. Pölten, Lower Austria. Their band furthermore consisted of six other individuals whose descriptions, however, are far less detailed.
94 StiAZ Gobelsburg, Judicialia 20, no. 2362/567, Vienna, 30 Apr. 1813.
95 Groebner, *Who Are You?*; Blauert and Wiebel, *Gauner- und Diebslisten*. In his concise guide, Schwerhoff, *Kriminalitätsforschung*, at least mentions these sources on 46, with the second aspect mentioned on 191.
96 See the Härter and Stolleis, *Policeyordnungen*. On the quest to uncover the intent behind these normative regulations, see Härter, 'Soziale Disziplinierung'.
97 For examples from the territory of present-day Austria, see, e.g., Ellrichshausen, *Uneheliche Mutterschaft*; Klammer, *Unzucht*; and the many publications by Martin Scheutz, such as his *Alltag und Kriminalität*, and Josef Pauser, such as the latter's 'Gravamina und Policey'; 'Landesfürstliche Gesetzgebung'.

98 E.g., Schlumbohm, 'Gesetze'; Scheutz, 'Zwischen Mahnung und Normdurchsetzung'; Himl, *Die 'armben Leüte'*, 172–82.
99 Landwehr, 'Normen'; '"Normdurchsetzung"'.
100 Duindam, 'Beyond', 611.
101 Stolleis, 'Judicial Interpretation', 10–13, with the above quotes on 11.
102 Stolleis, *History of Social Law*, 17–24; see also his *Geschichte des öffentlichen Rechts*, whose two vols., divided by the year 1800, also reproduce this periodisation scheme. Stolleis, *Verfassungs- und Verwaltungsgeschichte*, does not discuss these topics as, e.g., the absence of the terms 'search' (Fahndung) or 'wanted note' (Steckbrief) indicates.

3

THE *VAST DOMAIN* OF BUREAUCRACY

> At half past eight, an army of ca. four and a half thousand men marching: it is the army of the bureaucrats. The battalions of these are the battalion of secretaries, registrars, adjuncts, constables, recording clerks, wholesaler, chancellery scribes, candidates. These are followed by three hundred carriages loaded with chancellors, vice-chancellors, presidents, vice-presidents, advisers, archivists, councillors, registrars, etc. All of them headed for the State Chancellery, the Imperial Chancellery, War Chancellery, Austro-Bohemian Chancellery, Hungarian-Transylvanian Chancellery, Dutch Chancellery, through City Hall, to the Supreme Judicial Office, the Mint, the Supreme Chamber of Accounts, the Religious Commissions, the Study Commission, to the Government etc.[1]

These lines were written by Johann Pezzl (1756–1823) whose life extended, almost perfectly, over the period under consideration here. He was a learned man of his times, an author, and a librarian, and the above quote is found in his multi-volume, literary *Skizze von Wien* (Sketches of Vienna), which appeared in various editions between 1787 and 1805. Born in Lower Bavaria, he studied law at the University of Salzburg before, via a few years in Switzerland, moving to Vienna where he entered the service of state chancellor Wenzel Anton von Kaunitz in the mid-1780s. It was here where Pezzl wrote these lines while working as a librarian and, later, as a public official in the State Chancellery (Hof- und Staatskanzlei). As such, he knew exactly what he wrote about.[2]

The above description by Pezzl indicates both the working hours in the Habsburg Empire's fledgling central administration from around 9 a.m. until noon and from 3 p.m. until 6 p.m. Moreover, his account also reveals

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the class-and-status-based pecking order among bureaucrats.[3] As far as we know, courtesy of Waltraud Heindl's detailed, recently updated account of the Empire's officialdom from 1750 onwards—whom she christens, quite aptly, 'Josephin Mandarins' (*Josephinische Mandarine*)—these working hours 'appear to have been kept according to rank', by which is meant the social standing of those concerned.[4] Citing various manuscript sources, Heindl relates working hours ranging between 27 and 34 hours per week, as well as that law graduate, state official-turned-playwright, and author Eduard von Bauernfeld (1802–90) 'complained bitterly that, upon assignment to the Court Chamber (Hofkammer), was required to actually show up at his workplace in the afternoon'. Like his colleagues, Bauernfeld 'wrote from the morrow till 11:30 a.m. or [did some] serious reading. Then to the office, the Court Chamber, the library, a brief walk [Promenade]. Lunch. From 4:30 p.m. till 8 p.m. at home, working. Later…Piquet or Dominos', as he recounted his daily routines in 1830.[5]

The examples cited so far relate to routines within central administrative institutions. Yet Heindl also relates a few examples of other, territorial (landständisch) officials whose workday was quite comparable. In most cited instances, we know much more about what went on in Vienna, and the experiences of state bureaucrats before the mid-nineteenth may be summed up in one sentence: officials worked in the mornings while, 'in the afternoons', as Heindl relates it, most time was 'spent on walks [mit Spaziergängen] or in cafés'. It was not until after the mid-century revolutions that this 'lax consideration' of working hours began to change, although it is important to note that, if deemed necessary, these flexible schedules might also be extended. In her substantial contribution, Heindl further ties the emergence of both punctuality and the keeping of regular office hours to the 'emergence of specifically bourgeois virtues', which she dates to the era from 1780 through 1848.[6]

Encapsulated in this publication—which stands in as a *pars pro toto*—we may observe three main issues. First, much like other potentially relevant research, such as the studies by William Godsey, Anton Tantner, and Michael Hochedlinger, the overwhelming emphasis on the court, the central administration, and the upper social milieux is noticeable.[7] Second, the chronological framework utilised by Heindl is typically adhered to, which results in most studies on 'change', widely understood, similarly focusing on the period from 1780 onwards. The recent, anniversary-related attention to Maria Theresa merely adds a few more decades and otherwise continues the conventional periodisation of Habsburg Studies.[8] Finally, in terms of space, with few exceptions—among them, the enquiries into territorial administration (Landesverwaltung) by Gerhard Putschögl, Gernot Obersteiner, and Corinna von Bredow are to name, as is Joseph Löffler's current research—virtually everything 'below' the central administration and related

to everyday administration of patrimonial holdings continues its existence as the proverbial poor relation.[9] This assessment is further buttressed by the few studies on the subject matter carried out by legal scholars: conventional periodisation schemes (1780–90; 1848) abound and emphasis typically rests on developments in the second half of the nineteenth century. Few, if any, scholars focus on 'other' topics, with the Civil Code of 1811 (Allgemeines Bürgerliches Gesetzbuch) being the one major exception.[10] Studies that go beyond these issues are far and few between, with research carried out by Christian Neschwara, Gerald Kohl, and Alfred Waldstätten—himself a retired judge—at least provide a little bit of guidance.[11]

Given this quite uneven historiographic landscape, this chapter focuses on the interplay of elite knowledge—widely understood and including both new scholarly insights and their application in everyday administration—and its diffusion. This is done in a tripartite manner, with sub-chapters that address, first, the diffusion of enlightened reforms radiating out of Vienna. This is followed by two case studies, on the one hand, an enquiry into one specific aspect of the wanted notes, namely body knowledge. To further explore another avenue of dissemination of rules, knowledge, and practices, the other case study assesses the impact of the Criminal Code of 1803 on the administration of justice in rural Lower Austria. While the former sub-chapter utilises the wanted notes kept in Zwettl Abbey, the latter is based on previously unused court records from Gobelsburg preserved in the Lower Austrian State Archive in St. Pölten. In all these endeavours, I am guided by considerations deriving from Legal Studies (as well as the rich corpus of historical crime research), in particular the notion of 'transposition'. Put succinctly, this chapter is premised on the argument that 'political and administrative actors at different levels…shape the outcome' of government-induced changes, such as the General Rules and the *Jurisdiktionsnorm* of the 1780s, as well as the Criminal Code of 1803. Akin to the issues outlined by Bernard Steunenberg and Mark Rhinard, previous studies emphasised an imperial perspective or, in Waltraud Heindl's case, the point of view of the central administration. The approach pursued here considers 'general characteristics' as 'too imprecise' and instead focuses 'on the different decision-making processes affecting' everyday administration and jurisprudence.[12]

Enlightened Reforms and Consequence

One of the defining qualities of the available historical literature is the recapitulation of these contents and periodisation schemes. This is particularly true for its presumed—and oft-repeated—point of departure, Joseph II's so-called pastoral letter (Hirtenbrief) of 1783. In it, the monarch sought to foster a shared patriotic culture based on service to the fatherland. Grounded in 'identification with the imperial center in Vienna and specifically with

an *Austrian* state', these notions sought to cement into place earlier considerations of Joseph von Sonnenfels' (1732/33–1817) tract 'Love for the Fatherland' (Ueber die Liebe des Vaterlands), originally published in 1771.[13] Micro-managing the nascent state bureaucracy consumed a large part of Joseph II's personal reign, and it is perhaps best summed up in his pastoral letter issued in 1783:

> Whoever agrees with me, and who, forsaking all other concerns, will devote himself to being a true *servant to the state*, he will understand the preceding sentences [the rules governing a bureaucrat's life]…administration demands a burning enthusiasm for *the good of the state* and *a complete renunciation of himself* and of every comfort.[14]

In these endeavours, Joseph II was heavily influenced by the writings and advice of leading German-speaking intellectuals, such as Sonnenfels and Karl Anton von Martini (1726–1800). While questions remain about the depth of the monarch's knowledge of the proverbial nooks and crannies of eighteenth-century philosophy, as posited by Martini in 1791, there is no doubt about certain utilitarian qualities of 'the Enlightenment' in the Habsburg Empire.[15] With selfless service to the state as prime motivation, questions certainly arise about the presumed 'linear development from princely servant to state official [vom Fürstendiener zum Staatsdiener]', as Heindl would have it, which resulted, over time, in the elevation of legitimacy of state authority as codified by law and regulations over the divinely ordained supremacy of the prince.[16] The most telling example of these regulations for the central administration were the so-called personnel lists (Konduitelisten) that—much like the wanted notes we encountered earlier—contained personal data like language skills, notes on the officials' character (emotional state, or Gemütsverfassung, talents, and deficits, such as alcohol consumption or gambling), and the like. Interestingly, they were what is today considered 'self-reported' questionnaires that were, for the most part, regrettably destroyed.[17]

The main qualitative change during the personal reign of Joseph II, however, came about via an entirely different measure—a dedicated pension scheme for state officials. Introduced in 1771 and amended in 1781 as the so-called Pensionsnormale, or 'pension acts', established what today is called 'labour law' and 'retirement provisions' for state officials. In combination with the 'pastoral letter', these provisions 'guaranteed lifelong security' to bureaucrats and their wives, thereby laying 'the foundation of the professional civil service'.[18] The growing reach and breadth of state authority went hand-in-glove with an increase of officials everywhere. During Joseph II's personal reign—the approximate mid-point of our investigation—the number of bureaucrats rose significantly, and it grew on virtually all institutional

levels in Vienna and in the various territorial offices. 'The state thus ruled through an army of trained servants', Peter Dickson summarised this development succinctly, and while the micro-managing emperor is described as 'obsess[ed] with accurate entry, registration, manipulation, and storage of documents', his most enduring achievement may be his conviction that 'accurate files, like accurate statistics, were a precondition of effective government'.[19] These conditions remained virtually unchanged until 1848, and it is this system that gave rise to the 'Josephin Mandarins' that bestowed the title to Heindl's study.[20]

One of the key components of these arrangements were formal university training requirements, 'which afforded ample career opportunities to non-aristocratic officials'. Thus, commenced the gradual, if non-linear, takeover of public administration by the nascent middle class. Over the course of subsequent decades, it was this development that paved the way for 'the transformation of the bourgeoisie into state officials [die Verbeamtung des Bürgertums]…that characterised the cultural life' of the late Habsburg Empire.[21] In other words, the powerful 'continuity of Joseph II's bureaucracy until 1918' provided the real-world background for the literary masterpieces by Franz Kafka, Joseph Roth, and, although written much later, Heimito von Doderer's *Strudlhofstiege*.[22]

What united these bureaucrats working in the nascent state administration are their shared class-and-status background, educational attainment, and moral outlook. From the days of Maria Theresa and Frederick II of Prussia (r. 1740–86) onwards, demands for qualifications and the ambition to regiment the populace via compulsory (primary) education went hand in hand.[23] In the Habsburg Empire, this policy decision led leading thinkers, such as Joseph von Sonnenfels, to argue for quality over quantity in his 1771 treatise 'On the Disadvantages of More Universities' (Ueber den Nachtheil der vermehrten Universitäten). Explicitly referring to excess graduates who would, naturally, gravitate towards state employment, Sonnenfels' words were prescient back then (and they ring eerily relevant in the early twenty-first century):

> Instead of the schools providing the offices with the required number of useful candidates, new magistrates [Ämter] were created to absorb the sheer masses of students and provide them with something… Offices were multiplied to get rid of the impetus of the fathers and their families who treat their official title as necessary *accoutrement* [Verzierung] without which one may not appear in public. One must be something, sayeth those who, irrespective of their official title, will never be someone.[24]

In calling out the dreadful social (and fiscal) consequences, Sonnenfels reproduced widely held sentiments among the ruling elites. If anything, public

service should be the enlightened burgher's prime duty, which was reserved for a small number of true patriots, notes Waltraud Heindl, adding that 'it thus follows that the training of those administering the modern state became paramount, logically entailing the regimentation of educational institutions'. Like elsewhere in Europe at that time, the growth of the state apparatus and the regulation of universities went hand-in-glove. As a result, (higher) education in Austria 'was determined by these factors'.[25]

In her magisterial study, Waltraud Heindl offers a veritable *tour de force* across the main institutions (universities), their curricula, and bureaucracy.[26] Joseph II and his councillors needed to take especially university training out of the hands of the Catholic Church to produce the desired outcomes along the above-cited lines.[27] Consequently the number of universities was reduced to six (Vienna, Prague, Leuven, Freiburg im Breisgau, Pest, and Lemberg), and the institutions in Brünn, Graz, and Innsbruck had to rescind their right to offer legal training at the doctoral level. While admission was made competitive at the former—with the stated aim of preparation for state service—the latter's graduates were expected to serve in lesser roles in accordance with their training.[28] At the same time, the value and relevance of studies abroad were reduced, mainly to avoid the employment of graduates with 'foreign'—or, worse, 'wrong'—ideas, concludes Heindl.[29]

Like elsewhere across German-speaking Central Europe, state offices were dominated by graduates of Legal Studies awarded by these six universities.[30] Given the confessional realities in the eighteenth-century Habsburg Empire, these offices were reserved virtually exclusively for Catholics. If no, or not enough qualified, domestic subjects were at hand, foreigners who fit these confessional and educational requirements were also deemed fit. Often, both foreign-born and domestic officials in the service of the state eventually received patents of nobility and, a distinction notably different from comparable status elevations in the late nineteenth century, also landed property.[31] Needless to say, this tendency affected both status and habitus of these state officials and their positions, which did not escape Ignatz Beidtel's attention: 'As a rule, it could be assumed that the highest offices fell to the high nobility, the middle [offices] to the middle nobility and the lower [offices] to the other estates. If it happened differently, it was only an exception to the rule.'[32] These written and unwritten rules came with a set of consequences. Writing about the final decade of Maria Theresa's reign, Gernot Stimmer observed that 'the higher and middling offices were usually reserved for wealthy or rich men', in part because the empress 'expected of her reputable high officials male and female servants, including equipage, and she once reproached a court councillor [Hofrat] who did not dispose of a carriage'.[33]

It is hardly surprising that, from around the mid-eighteenth century onwards, attitudes and habits across the various status groups converged

as their education became more focused on legal training. For state officials, especially those manning the desks in the imperial capital, a directive issued on 5 July 1766 inaugurated drastic change. Among other things, it defined as 'foundational' training and knowledge of 'natural, international, and domestic law, upon which policing, administrative and cameral science, as well as cameral and mercantile administration' rested.[34] A degree in law—a candidate would be required to study for five years to obtain it—became 'mandatory for higher judges' in 1774, a development that foreshadowed, so to speak, the introduction of the General Rules of Court (*Allgemeine Gerichtsordnung*) in 1781.[35] Moreover, certain professional positions, such as a lawyer, territorial judge-administrator (Landgerichtsverwalter), court judges (Hofrichter), military judges (Feldauditor), or university professorships also required such full degrees.[36] Shorter university training was deemed acceptable for lesser positions, such as civil law notary, solicitor (legal guardian), or scribes in various contexts (cadastre, market, or town offices). For these purposes, the former universities in Brünn, Graz, and Innsbruck offered three-year programmes.[37] This 'multi-tier system existed until the reform of 1810', adding yet another set of ambiguities and hybridity that persisted across the conventional disciplinary divide.[38]

Careful consideration of the available evidence published over the past decades suggests two blind spots. First, even though Waltraud Heindl's foundational study of state officialdom was re-issued a decade ago, her focus rests squarely on the Vienna-based institutions and officials; consequently, certain reservations must be made with respect to the themes explored here. Citing the bourgeois official Johann Jacob Moser (1701–85), serious questions about the competence of government ministers, high state officials, and their subordinates are raised. Furthermore, additional questions about the quality of education are asked in no uncertain terms: 'The professors who trained them were themselves insufficiently educated', Heindl writes, citing Moser as follows:

> Once the young gentlemen [state official] conducted a few travels, he is purportedly attending a Bohemian or Austrian college for two years; thence, he is made an imperial court councillor [Reichshofrat]; after having held this position for a few years and having become more or less well-versed in this kind of idleness [Schlendrian], he then is appointed a diplomat or an imperial Privy Councillor.[39]

An even more problematic second implication (reservation) of Heindl's work arises from precisely this focus on the high circles in the imperial capital. If one wished to enter state service, a succession of imperial decrees—issued by Joseph II (in 1787), his successor Leopold II (r. 1790–92), and,

finally, by Francis II/I (r. 1792–1835) in 1800—established legal and cameral training requirements over time.[40] From around that time onwards, 'we find almost no higher [state] officials without university credentials, which holds true also for aristocrats'. By 1812, additional restrictions were issued to restrict part-time students from entering state service.[41] Thus are revealed 'the connections between the university, modernisation of the state, and the processes of bureaucratisation', Heindl writes, which 'concluded the transformation of the university into a vocational school for officialdom [Berufsschule für Beamte]'.[42]

Second, it is equally, if not more, important to remember that most of these provisions—that changed significantly during the half-century after the 1770s—did not apply to patrimonial officialdom. Those who attended the universities in Vienna or Prague, or the educational institutions in Brünn, Graz, and Innsbruck, enjoyed realistic opportunities of entering the fledgling state and territorial administrations described by Johann Pezzl. It thus follows that those who did not obtain such credentials, or dropped out, kept the administration going at the regional and especially the local levels. Given that the numbers of state officials, strictly speaking, were relatively small—Dickson provides numbers ranging from 1,105 (1781) to 1,388 (1796)—and concentrated especially in the fiscal-financial-military offices, there is so much more that we do not know much about. Distilled from various contemporary printed materials, these documents become rapidly 'less informative' once one ventures outside the city walls of Vienna, with Dickson adding that 'the figures for the Austrian-Bohemian lands and Galicia *exclude the important circle* [regional, or Kreis] *level of government, and all domain, postal and revenue officials*'. The same holds true for Hungary and Transylvania.[43]

His essay, written almost 30 years ago, squarely points to the conceptual flaws, and associated methodological problems, of investigating 'the centre' and projecting whatever one finds onto 'the periphery' without these reservations. Hence, the following lines provide a dual outline of what is known about university curricula during the period under consideration and what level of training and sophistication characterised patrimonial officialdom. Given the largely deficient state of research in these two fields, the following paragraphs cannot be but a first foray.

The half-century from around 1770 was characterised by widespread experimentation and much change. Successive rulers sought to establish legal training requirements for state officials, which begs the question: what contents were students learning? Among the Viennese reformers, Joseph von Sonnenfels is perhaps the most important protagonist. Writing over 50 years ago, the historian Grete Klingenstein emphasised the (para)ideological-utilitarian convictions of these Enlightened reformers, which is clearly visible in the curricular items favoured by the Vienna court.[44] Hence, Sonnenfels strongly favoured natural law as it forms an understandable outline of civic

duties, which come to the fore forcefully in combination with the law. State officials should further dispose of knowledge of the law of nations (Völkerrecht) and international relations (Staatskunde), as well as be well-versed in its German-language applications. Domestic affairs were considered resting on the twin pillars of 'administration of justice' (Rechtspflege) and 'political affairs'. Of course, Sonnenfels' strengths in 'political sciences' (politische Wissenschaften) and mercantile endeavours were also included in his proposed curriculum for the university's law school proposed in 1786.[45] These main subjects were complemented by lectures in the Holy Roman Imperial jurisprudence, German private law, and Austrian legal history, for which mainly German-language textbooks were used and instruction was also in German.[46] In addition, extraordinary subjects, or electives, typically covered 'Bohemian' (Czech) and other Slavic languages, including Cyrillic and Old Church Slavonic, and accounting.[47]

These curricular contents, advanced by Gerard van Swieten (1700–72), were designed to convey political education couched in legal training, as Ernst Wangermann in his seminal study held.[48] If anything, the decades 'around 1800' were characterised by a quick succession of *several* curricular changes from 1790/91 under Leopold II (although begun under his predecessor) to 1810 under Francis I. All told, there were five revisions to the contents of Legal Studies in less than a quarter-century, and their results endured virtually unchanged until after the mid-century revolutions.[49] All this occurred in parallel to long-standing codification projects pertaining to the criminal and civil codes, as well as with the aim to reform ecclesiastical law.[50] Yet, to create a distinct class of government bureaucrats, additional efforts were undertaken to introduce a common set of practices or 'chancellery style' (Geschäftsstyl), which occurred in the early 1780s. In Sonnenfels' textbook, first published in 1784, 'aspiring jurists learned… primitive grammatical rules', Heindl commented, including 'proper ways of addressing correspondents and, as a matter of course, instructions how to draft official [amtliche] documents'.[51] As far as the content of these files was concerned, Sonnenfels also authored a textbook on policing, commerce, and public finances, which added strong elements of economics to legal training.[52]

These alterations did not come about in a straightforward or unopposed fashion. Joseph Kropatschek (c. 1750–1809), editor of the multi-volume compendium of laws, strongly favoured obligatory lectures in what he called 'political jurisprudence'—administrative law, or Verwaltungsrecht, in today's parlance—an argument that was initially also supported by Joseph II. This dismayed Sonnenfels, and after the emperor's death, the reforms of 1790/91 elevated the 'chancellery style' to a dedicated (sub)discipline.[53] Two years earlier, the history of the Austrian monarchy had already become a mandatory course (1788/89) to foster a kind of 'civic patriotism'—Heindl calls

it 'state patriotism' (Staatspatriotismus)—to coexist with the imperial army and the ruler's benevolent, if despotic, paternalism.[54] Austrian history as a dedicated course was a short-lived feature of the curriculum, which was likewise abolished again in 1790/91 because, in Karl Anton von Martini's words, 'sufficient knowledge of the fatherland's history is imparted already at lower levels'.[55]

These trends continued after the turn of the nineteenth century. Enlightenment utilitarianism was gradually replaced by a positivistic stance (by which is meant, in its so-called *monistic* version, that laws 'impos[e] obligations on their subjects, though not on the sovereign itself').[56] In terms of legal training, this meant a further reduction of (legal) history. This was done on purpose, according to Heinrich Graf von Rottenhan, chairman of the Aulic Curricular Revision Commission (Studienrevisionshofkommission), 'so that limits are set to the scepticism and the political and philosophical freethinking, which at present have so separated the spirit of scholarship from plain common sense'.[57] This development was buttressed by the elimination from Austrian legal curricula in 1808 of German imperial history as well as private and public law effectuated in the wake of the demise of the Holy Roman Empire two years earlier.[58] By 1810, historical contents in legal training had all been eliminated, and the curriculum put in place in that year by Franz von Zeiller (1751–1828), the lead editor of both the Criminal and Civil Codes of 1803 and 1811, respectively, and was focused virtually exclusively on practical and utilitarian considerations. Until the next wave of drastic reforms of the 1850s, legal training included the above-related practical subjects (policing, economics, and the 'chancellery style'), Roman Civil Law, ecclesiastical and feudal law, and the statistical textbooks authored by Ignaz de Luca (1746–99).[59] What was missing from around 1810 onwards were courses or reading materials related to 'civic patriotism' or 'love of the fatherland', which were considered 'highly suspect', as Heindl summarises these changes: 'for the princely servant had become the stylised ideal of whom, as a matter of course, no patriotism was required'.[60]

Such, in all brevity, run the main findings of scholarship on the subject matters of the background, education, and (mostly legal) training of state officials. These bureaucrats, however, were found virtually exclusively within the nascent *state* institutions, i.e., among the bustling departments of government in Vienna and, to much lesser degrees, among the territorial administrations in the various Landhäuser in, for instance, Vienna's Herrengasse (Lower Austria), in Linz (Upper Austria), Graz (Styria), or Innsbruck (Tyrol).[61] In this regard, and very much in line with Dickson's critique voiced almost 40 years ago—'a feature of the literature discussed…is that it is centralist and Germanist' whose 'the figures…*exclude the important circle* [regional] *level of government, and all domain, postal and revenue officials*'—much remains unknown about the composition, personnel, and practices outside and

beyond Vienna.[62] This situation is arguably worse with respect to regional offices (Kreisämter) and worst concerning patrimonial officialdom. Apart from the literature by Corinna von Bredow, Josef Löffler, and Martin Scheutz discussed above, Austrian history and historiography therefore come with significant limitations, as does the history of institution-building. In this regard, the most cutting-edge research is coming from legal historians, in particular, Christian Neschwara and Gerald Kohl to whose work we now turn.

The *Vast Domain* of Bureaucratic Experiences[63]

Education and training of non-state actors, patrimonial officials, and local staffers remain one of, if not the, biggest lacunae in these regards. As the growing imperial and state administration absorbed a sizeable share of university graduates, and the highest echelons of the privileged estates offering employment to the remainder, smaller and less auspicious property-owners would have to make do with whoever else was willing and able to work for them. Traditionally, this meant something like an 'apprenticeship' for young men that underwrote a kind of informal *cursus honorum*.[64]

As the state began to increasingly bring more and more areas under its control—in the Habsburg Empire, the creation of regional offices (Kreisämter) as state institutions in 1751 is often cited—demand for experienced and (or) trained bureaucrats took off soon thereafter. This development writ large is what underwrote the successive growth of higher education before Joseph II, Leopold II, and Francis II/I engaged in successive efforts to integrate, control, and curb access to university training discussed above. At the same time, the introduction of ever more rules, regulations, and laws-by-decree eventually required more and more—especially legal—training and understanding on the part of state and non-state officials alike. As the best and the brightest bureaucrats gravitated towards the highest and most prestigious offices in the imperial capital, administration, widely understood, in the countryside and on the many smaller estates had to make do with less qualified, less, if at all, trained personnel, and taking recourse to at-times creative ways and means to keep going.[65]

This state of affairs entailed the conduct of administrative and official business by competent, if not university-trained, individuals, and this is exactly what transpired in the domains of Zwettl Abbey. Writing on All Souls Day 1819, Julius Hörweg noted in his journal that 'because of the dearth of clerics, Father Benedict Prior must continue in the Accounts Office [orig. beim Kastenamt] while Father Ambros, librarian and master of novices, is now in charge of ecclesiastical and school catechesis because, this year, he has no novices'. This situation did not leave Hörweg unaffected, too, adding that 'in addition to substituting in the Forest Office [Waldamtsaushülfsgeschäfte] and holding early mass, I am furthermore required to cover all German subjects

in first and second grade'.[66] Although the available literature on these matters is not very large, it can be assumed that comparable situations existed across rural Central Europe. Support for this consideration derives, first and foremost, from the existence of a burgeoning number of what the legal historian Gerald Kohl refers to as 'popular legal literature', a source that 'has been widely disregarded…until the present day'. In the following, it is important to keep in mind that these manuals addressed a wide range of topics (that today would be considered public or administrative law) and, from the third quarter of the eighteenth century onwards, 'addressed "the non-university trained reader" who does not "need to become a professor"', as Kohl summarises these developments.[67]

Compendia and textbooks were thus very much the go-to choice for those seigneurial officials who found themselves in need of explanations for their everyday tasks. Hence, their categorisation along religious lines as a catechism 'through which the foundations of faith are entering into the brain of a thick-skulled [orig. dickgescheidelt] peasants' lad', as Johann Wilhelm Franz von Krohne (1738–87), author of numerous such manuals, formulated it in the subscription notice for his *Legal Catechism*, or *Rechts-Catechismus*, published in 1786.[68] The most pressing issue around the turn of the nineteenth century was the discrepancy between university-trained jurists and the common people in the countryside, explains Kohl, citing several such publications addressed to 'the citizen and countryman' and 'non-jurists', by which is meant those who 'did not study law'.[69] The most prolific diffusion of such popular legal compendia occurred during the second half of the nineteenth century, and the core feature of everyday administration carried out by non-jurists or university drop-outs remained a constant during the period under survey. Given the sorry state of research on popular legal literature—and the persistent calls to increase legal education for pupils, which was never realised—we must conclude, for the time being, that these fields remain a *vast domain* of considerable scholarly potential. After all, the state official and writer Adalbert Stifter (1805–68), known for his vivid and evocative descriptions of the countryside, was, after all—a university drop-out who also used his legal training, such as it was, to author popular legal compendia to make a living.[70] Stifter was by no means the odd one out, as Kohl notes: as regards those works that were printed by that reputable Vienna-based legal publisher Manz, the genre was 'dominated by jurists, but there also adventurers such as Krohne, diplomats, journalists, or priests'.[71] One particular profession—that of seigneurial officials who would 'represent themselves' (Selbstadvokat)—however, was most notably absent.[72]

Yet those who were primarily confronted with an increasing amount of ever-changing laws, rules, and regulations during the period discussed here were—patrimonial officials. Thanks to Gerald Kohl's pioneering work on university drop-out, government bureaucrat, and novelist Adalbert Stifter,

we are able to discern, as discussed above, both the main subjects taught at universities and the major blind spots in this field of research, which are characterised by chronological and content-related lacunae. As regards the former, we note that there exist few studies focusing on the period before the curricular reform of 1810 and the introduction, in 1811/12, of the Civil Code, or *Allgemeines Bürgerliches Gesetzbuch*.[73] What is typically mentioned, albeit in passing, if at all, is the 1803 Criminal Code, or *Strafgesetzbuch*. Harking back to a partial compilation published under Joseph II in 1786, it contained both criminal law and general rules for its administration, and it was to be applied across the German-speaking hereditary lands. It remained in force until 1803 when it was replaced with the newly adapted Criminal Code to be applied throughout the Austrian and Bohemian lands, as well as in Galicia. Like its better-known sibling, the *Strafgesetzbuch* was the outgrowth of over a decade of compilation, adaptation, and revisitation, and as such, the Criminal Code was close, if not inextricably, connected to developments beyond the boundaries of any one territory. After Emperor Francis gave his consent in March 1803, the Council of State weighed in, and suggested a few adaptations (so-called Erinnerungen) but 'no significant changes', as Christian Neschwara explains. Therefore, the Criminal Code was subsequently published and distributed from mid-November1803 onwards and applied from 1 January 1804.[74]

The following pages discuss the application of state-mandated norms (the Criminal Corde of 1803) in seigneurial jurisprudence. Exemplifying the hybrid qualities of administration and bureaucracy in the pre-1848 era, the case files analysed here are found not among those available in the vaults of Gobelsburg's owner in Zwettl Abbey—but in the Lower Austrian State Archive in St. Pölten. There, they are found among the documents of the post-1848 district judiciary (Kreisgericht) Krems because, after the abolishment of patrimonialism, the then-current criminal files were transferred to the new state-run court system.[75] This development has two major implications: on the one hand, it signifies another powerful, if under-explored, *continuity* across the conventional divide ascribed to the mid-century revolutions. In many ways, the new regional judiciary was merely taking over those ongoing court cases that were still pending—yet, on the other hand, the systematic processing of these cases and their later preservation among the state judiciary is also indicative of the distinctively *patrimonial*—and hence pre-1848—origins of what today is called 'institutional memory' (which is discussed further in Chapter 5).[76]

Among the Gobelsburg-related stacks of the Lower Austrian State Archives, there exists plenty of source material from the early nineteenth century that reveals insights into the rapid implementation of the state-mandated Criminal Code. Predating its more renowned sibling by almost a decade, the new *Strafgesetzbuch* re-imagined the distinctions between high and low

justice (hohe and niedrige Gerichtsbarkeit) harking back to mediaeval times, which retained most of their form throughout the early modern period. While high justice was traditionally the territorial prince's or monarch's, low justice was conventionally devolved onto the lower rungs of the traditional feudal order and could be meted out by, and in the name of, both natural (lords, knights, barons, etc.) and legal persons (towns, abbeys, corporations, etc.). While the dispensation of criminal justice by landowning elites was occasionally practised, this was mostly underwritten by princely privileges for individual property-owners.[77] From the 1810s onwards, the records from Gobelsburg Manor indicate an increasingly frequent, if not regular, application of individual titles of the Criminal Code when administering justice.

There is a world of difference between files and sentences before and after the application of relevant sections of the *Strafgesetzbuch* in regular court proceedings in Gobelsburg (and elsewhere). Leaving aside the above-discussed General Rules (Chapter 2), when the administration of justice was conducted within the framework of patrimonialism, increasingly comprehensive files became the norm. Take, for instance, the 'investigation file' (Untersuchungsackt) of one Anna Maria Traütinger from 1806, who stood accused of theft. The file consists of a comprehensive 'consideration protocol' (Berathschlagungsprotokoll) that provides basic information about the incident. Committed on 7 February 1806 around 5 p.m. but 'for no reason [ohne Grund]' in Stratzdorf near Krems, the stolen items remain unmentioned. Traütinger was apprehended on the following day and interrogated for four days beginning on 14 February. The 'inquisition' into her crime, conducted over the course of almost two months, carefully weighed all the evidence and witness statements. In addition to the facts, the court, consisting of a local official and two assessors (Beisitzer), considered Traütinger's claims that she had been subjected to physical violence 'during the investigation' while, over the course of these six weeks, her '70-year-old mother' would have been 'left home alone'.[78] In the verdict, the 27-year-old Traütinger was ordered to return all stolen goods and disburse 20 fl. in fees to assessors Johann Schauberg and Andreas Wührer. Pursuant to Title 62 of the General Rules, Traütinger was furthermore informed to lodge her appeal 'within two hours', and if she accepted the verdict, to render payment 'within three days'.[79]

Anna Maria Traütinger had two accomplices, her husband Franz and her sister-in-law Barbara. Their deeds—they stood similarly accused of theft and complicity—reveal further insights into the essentially *hybrid* nature of the administration of criminal justice. As their respective, very detailed interrogation and 'consideration protocols' and sentences reveal, both stood before the same patrimonial panel as Anna Maria Traütinger on 26 March 1806.[80] An interrogation of Franz Traütinger took place in the market town of Langenlois on 27 March, which provides further information about both the deed and how officials dealt with these matters. As to the stolen goods, these

amounted to a total of 37 pounds of iron goods; as regards the transcribed interrogation of the 42-year-old, Catholic Franz Traütinger's protocol concludes with the following note: 'Upon a reading of his statements, Franz confirmed the veracity of what is written here with his own signature.'[81]

On the next day, both Barbara Traütinger and her husband Franz were transferred to the Territorial Court (Landgericht) in nearby Grafenegg where 'further investigations' were conducted.[82] This was done pursuant to Part II, Title 339 of the Criminal Code of 1803, which, in an explanatory comment, held:

> Frequently the law is broken in instances where it is doubtful if the perpetrator [orig. Schuldige, as opposed to suspect] to would be tried in a *political* or *criminal* proceeding.
>
> In these instances, the political magistrate keeps the perpetrator in custody while obtaining further information from the competent criminal court to determine whether the offence may be adjudicated criminally or not [and thus politically].[83]

In Grafenegg, Traütinger's file was assessed by Ignatz Schmiederer who 'determined, in but a short and superficial manner', that the delinquent was 'eligible [orig. geaignet]…to be investigated criminally'. While Schmiederer informed the patrimonial authorities about this decision pertaining to one of their subjects in a short letter, it also marks the conclusion of this interrogation file kept among the Gobelsburg records.[84]

There exist plenty of other, comparable case files from the 1810s and 1820s that are indicative of the increasingly routine application of various titles of the Criminal Code in patrimonial jurisprudence. Among the preserved records, for instance, are case files from 1814, 1818, and 1819, and they exhibit the same kind of hybridity: patrimonial officials administering justice in cases—that involved offences with damages ranging between 400 and 950 fl.—with no indication that the Criminal Code was involved. A total of four surviving case files indicate that they were adjudicated by a patrimonial official aided by two assessors each.[85] Moreover, a letter from the Territorial Court, dating from 1819, also discusses yet another case but contains no reference to the Criminal Code or other involvement of supra-patrimonial institutions.[86]

As the 1810s gave way to the 1820s, however, a clearer shift in the administration of justice became visible. Preserved among the patrimonial records in the Lower Austrian State Archive in St. Pölten, there are hundreds of case files from Gobelsburg that show the inroads made by centrally issued standards, in particular the Criminal Code of 1803. Contained in the fascicle 'Criminal Cases G I' (Strafsachen G I), these files—of patrimonial provenance—were transferred to the newly created, state-run district court (Kreisgerichte) in Krems after 1848.[87] In these series, commencing in early

1823, all case files—that were all adjudicated at the level of 'the lordship', i.e., within the confines of patrimonial justice—relate to various sections of the Criminal Code. Ranging from violations to morality to assault and battery to theft, their overarching, uniting quality is the application of 'the pertinent sections of the criminal code [des Straffgesetzes]' by *patrimonial* judges and assessors.[88]

Examples include Franz Dienstmüller of Seiersdorf who, in early January 1823, stood accused of 'public indecency' and was investigated by Johann Kriebaumer of Gobelsburg Manor. While his three-page file provides some insights into multiple interrogations and considerations—a total of four dates is provided (11, 13, 18, and 24 January)—the exact nature of Dienstmüller's transgression is never spelled out in unambiguous terms. What the file contains, however, are references to the nature of the proceedings: at least one of the witnesses, one Joseph Wiegalt originated from beyond the jurisdiction of Gobelsburg, and he provided evidence pursuant to Titles 367, 369, and 370 of the second part of the Criminal Code.[89] These titles refer to 'credible witness statements' (§367) and the transfer of said witness to the competent authority (§369) with which the defendant is subsequently confronted with (§370).[90] Thus, Dienstmüller's sentencing hearing took place on 29 January 1823, and he was duly convicted pursuant to Title 269 of the Criminal Code. He was sentenced to 21 days of incarceration and was obliged to pay the expenses of the patrimonial judge and both assessors.[91] It shall be noted that while investigators made repeated reference to the Criminal Code in an investigation that transpired at the patrimonial level, it would be problematic to infer this to be a clear-cut case of state or institution-building. Reliance on the pertinent sections of the Criminal Code and, more implicitly, the General Rules (*Allgemeine Gerichtsordnung*), may have circumscribed the range of options available to patrimonial officials; yet, as Title 269 also explicitly hold, in principle, 'even severe infractions of public indecencies shall…be dealt with within the family unit [in dem Innern der Familie]…unless and until they are brought to the attention of the authority [Obrigkeit]'. In that case, the powers-that-be are 'obliged to intervene and, upon careful deliberation, order that punishment, which, given the specific circumstances, suggests effective and appropriate success'.[92] These less-than-certain terms do not support a clear-cut dividing line between state and non-state actors or functions in the administration of justice; as such, they are indicative of the coexistence of two systems of order.

Essentially the same considerations (reservations) appear in comparable cases, including the libel case pitting the offender Franz Stingl of Hadersdorf against Michael Reimaßl.[93] The latter was found guilty pursuant to Title 235 of the Criminal Code, which dealt 'with made-up, potential allegations [mit erdichteten wahrscheinlichen Umständen]' and carried a penalty of 'between three days and a month in jail, provided the victim had no disadvantages'. If the latter applied, prison sentences ranged from one to three months.[94]

What, then, may we deduce from this evidence? The first and most obvious observation is that, within a few years after the publication of the Criminal Code in 1803, patrimonial officials used it on a day-to-day basis to adjudicate matters before them. The relevant files, preserved in the Lower Austrian State Archive due to the reorganisation of the judiciary after the abolishment of patrimonialism in 1848–49, provide crucial evidence how state authority became integrated in circumstances where it did not previously exist. As Christian Neschwara has shown recently, the origins of the Criminal Code were an outgrowth of the industrious reign of Joseph II.[95] Scholarly examination of the code's implementation, however, has lain virtually dormant for half a century since Friedrich Hartl published his magisterial study about the administration of justice from the Enlightenment to the Revolution of 1848. For all the latter's merits, however, we note that the emphasis in Hartl's volume rests on the Vienna-based Criminal Court (Kriminalgericht).[96] It is only in recent years, mostly due to Martin Schennach's ongoing efforts, that the history of criminal law in the nineteenth century has attracted more attention; as we await publication of Schennach's results, the available evidence so far has not yet exceeded case studies, albeit very detailed ones, by Franziska Niedrist and Josef Pauser.[97]

On an analytical plane, though, the evidence from Gobelsburg suggests the quite widespread diffusion of the application of the Criminal Code by patrimonial officials. Yet, this was no either-or situation as state and non-state actors worked closely together, including specifically cases involving domestic violence or libel allegations when the Criminal Code explicitly deferred to the (presumably better) judgement of local patrimonial officials. Put differently, in force from 1 January 1804, the Criminal Code quickly became the ultimate foundation of criminal law both in the abstract and, within a few decades, also in a very concrete sense. At this point in time, it must remain open whether these developments—which transcend the time-honoured differentiation between high and low justice—constitute an abstraction in the Weberian sense.[98] The introduction and application of the code's provisions did not bring about the end of the dual nature of the pre/modern justice system: the patrimonial apparatuses remained in place and active, even though their functions also began to change during the *Vormärz*. While this transformation was apparent to contemporaries, first and foremost Ignaz Beidtel (1783–1865) whose *Geschichte der österreichischen Staatsverfassung* (History of the Austrian State-Constitution) remains essential, it is still awaiting a re-appraisal. Despite repeated calls for further study by Otto Brunner in the 1960s and Waltraud Heindl around the turn of the millennium, no systematic enquiry into these matters exists to this day.[99]

In any event, analytically and methodologically, even strong evidence from one source category is but one data point, especially if the sources cited here are qualitative. Therefore, we (re)turn to the wanted notes once more

because not only do they—and associated sources, such as discharge papers for veterans, correspondence, and administrative protocols—corroborate the aforementioned dual nature of pre/modern bureaucracy. In other words, they also furnish quantitative, and quantifiable, evidence that allows for the modification of a crucial insight by Peter Berger Thomas Luckmann, namely that '*society is a human* co-*production*'.[100]

How to Catch a Criminal: APBs and Law Enforcement

Most Austrian state officials working—in the above-related manner—more or less hard each day were trained jurists. Their education and careers mirrored the gradual, if non-linear, transition from enlightened-utilitarian 'critique' in the mould of Joseph II's reforms to the more 'positivistic' culture of the *Vormärz*.[101] At the level of the imperial centre, this shift found its best expression in the (alleged) truism ascribed to Emperor Francis I (as Austrian ruler, r. 1804–35) who, in 1821 in front of an audience of learned men in Laibach (Ljubljana), allegedly said: 'By all means, you must remain true to the Old, because it is good…There are new ideas on the rise, which I cannot, and will never, approve of. Refrain from these [new ideas] and abide by the Positive, for I do not need learned men, but good and righteous citizens.'[102]

While the (alleged) quotation is suggestive of Francis' conservative, if not reactionary, stance, the same cannot be said about everyday administration. Yet an even-handed, scholarly assessment of his reign and governing style has not been reached; apart from Hugo Hantsch's sketch, there is but Heinrich Drimmel's biography published more than 40 years ago, which contrasts badly with the considerably larger efforts that went into 'his' state chancellor Metternich (1773–1859).[103] We already saw that education policies, the legal system, and the state bureaucracy changed considerably around the turn of the nineteenth century, and while there are both recent syntheses and specialist treatments that touch on the central administration, the application of changes and implementation of new ordinances—the metaphorical frontlines of 'the state' in its quest to extend its reach into the *vast domains* of patrimonial domination—continue to be perhaps the biggest lacunae.[104]

One of the premier places where the above changes in education policies and bureaucratic practices converged can be observed are—the wanted notes preserved in the vaults of Zwettl Abbey. Until around 1800, the judicial records remained entirely hand-written and contained no references whatsoever to extra-patrimonial influences other than in the occasional letter. Virtually all cases were therefore adjudicated 'in the name of the seigneurie [Obrigkeit]', as the afore-discussed examples show.[105] The wanted notes were similarly copied by hand and disseminated along traditional lines, a practice that continued until around 1810 when centrally printed, uniform, and more detailed *Steckbriefe* were sent from Vienna on a regular basis (Chapter 2).

As regards appearances and due process, files grew in both quantity and quality as ever more further particulars were included. From the 1810s onwards, these records often comprised documents invariably labelled as 'criminal complaints' (Anzeige), 'witness statements' (Zeugenverhör), 'findings' (Erkennthnis), and 'personal description' (Persons-Beschreibung).[106] The latter is particularly interesting as it reveals *how* the above-mentioned printed wanted notes, although issued by the Vienna-based Court Police Authority (Polizeihofstelle), were *co*-produced. While, as shown above (Figure 2.3), certain personal information had become standardised—names, age, residence, confession, language(s), and what today is called biometric (facial) data—the lower half of the pre-printed forms contain several lines to be filled out manually indicated 'the clothes worn by the [wanted] person'.[107] While speculative to a certain degree, it seems likely that the hundreds of printed wanted notes preserved among the Gobelsburg records came together in a similar way: information originating in the countryside was collated by the Court Police Authority, printed under its auspices, and subsequently disseminated across Lower Austria and its neighbouring territories. Put succinctly, information flowed to Vienna from spatially and/or administratively removed institutions where it was aggregated and sent out again; this is schematically illustrated in the below figure:

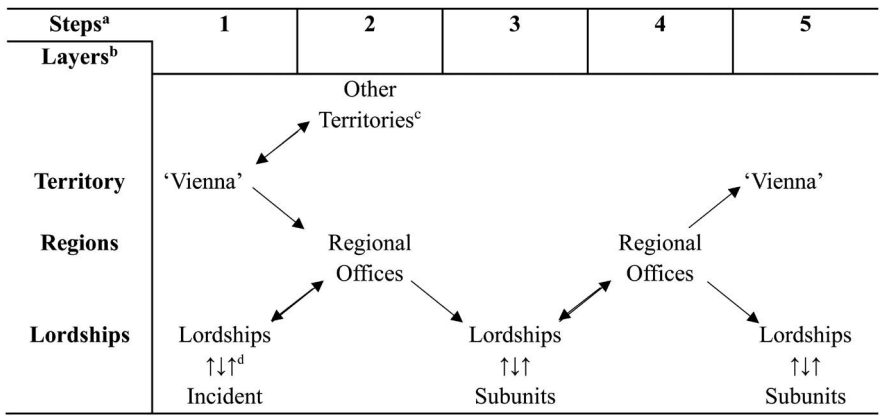

FIGURE 3.1 The 'See-Saw' of Information Flows. A schematic overview of the steps involved in the exchange of information

(a) running from left to right, the vertical axis indicates the number of steps involved in the transmission of information across various jurisdictions; (b) indicates the various involved 'layers' or jurisdictional levels from 'top' (territory) via the intermediary regional offices (Kreisämter) to the 'bottom' (lordships); (c) indicates cross-territorial information sharing between, e.g., the Military Frontier, Hungary, Bohemia, and other territories (and their sub-units) within the Habsburg Empire; note, however, that these 'other' contexts may also include foreign countries, such as Bavaria or Saxony; (d) indicates that information flows back and forth within the various individual property titles, too, e.g., peasants reporting deserters to the patrimonial officials who in turn notify the higher-ups.

This pattern can be observed, first and foremost, in the case of wanted deserters for whom basic personal information (age, confession, personal descriptors, unit affiliation, etc.) was available to military administrators. As Ilya Berkovich has documented, muster rolls and *fouriers* (unit secretaries) had all the personal information at their disposal, and, together with the remuneration offered to civilians for the return of deserters from 1763 onwards, these provide prima facie evidence of the inner workings of law enforcement around the turn of the nineteenth century.[108]

Yet what *do* we know about wayward non-military groups or individuals? In this context, the wanted notes preserved in Zwettl Abbey offer a wealth of clues that support the above interpretation of information flowing back and forth ('see-saw'). In the most general sense, all incidents that occurred outside Vienna were, and in fact had to be, reported to the Court Police Authority from elsewhere; this pertains to reports from *within* Lower Austria as well as *from beyond* its territorial boundaries, including information that originated from beyond the 'core state' (Kernstaat) that consisted of the Austrian and Bohemian lands.[109] An example of the former is a robbery that occurred 'in the night of 24 to 25 [April 1813] in the house numbered 121 in Pfaffstätten', a village located approximately 25 kilometres south of Vienna. In the wanted note, several ells of cloth, numerous items of clothing, accessories, and even 'an iron [Biegeleisen]' with a combined value of around 130 fl. were stolen. This incident was brought to the attention of the Court Police Authority immediately, which issued a corresponding wanted note within three days.[110] There are literally hundreds of comparable incidences among the wanted notes whose contents—ranging from fugitive individuals who broke out of a territorial prison in the Salzkammergut (back then, a separate jurisdiction under direct princely rule; today it is part of Upper Austria and Styria)[111] to stolen livestock, such as a 'chestnut stallion' of '16 fists height and 8 tongue teeth'[112]—are indicative of the rapid, constant, and regular back-and-forth nature of communication between the imperial capital and the more remote areas.

Evidence of the ongoing exchange between the patrimonial officials notifying neighbouring and supraordinate institutions and/or the central administration is found in virtually every single printed wanted note: by their very nature, hand-written *circulaires* consisting of several such descriptions, originated outside any individual jurisdiction (although they may be copied and stored on site). This is even more pronounced with respect to the printed wanted notes issued by the Court Police Authority. Irrespective of the civilian or military provenance of the underlying information, with few exceptions of intramural delinquencies, all content originated outside Vienna, be it with regional offices, district courts, patrimonial staffers, or military units. There are also a handful of explicit references to this, such as the listing of numbered prior wanted notes, which happened in the case of Johann Morzelln.

Wanted as a member of a gang of highwaymen, 'he is known among the robbers as Fat Man [der Dike], also Johann Fritz Schweizer or Schweinitzer Hannis…he escaped prison in Brünn, which was reported on 13 October [1812] under document no. [Zahl] 5,768'.[113] The overwhelming majority of wanted notes, by contrast, mentions these exchanges more implicitly: in the case of deserters, it was obviously the military unit in question that notified the Court Police Authority.[114] In the case of civilian offenders, such as one Joseph Holl who 'escaped from the civilian carcer [Civilarreste] of the imperial-royal patrimonial domain of Weinzierl in Lower Austria', it is also clear that an institution other than the Vienna-based Court Police Authority had—and shared—said prior information on a regular, if not institutionalised, basis.[115]

Yet another variation concerns those wanted notes that describe foreigners wanted by foreign authorities. This is exemplified by a list of seven fugitives, all of whom 'sentenced to conduct fortification constructions [zum Festungsbau verurtheilt]'—and had 'escaped the carcer in Dresden' in neighbouring Saxony on the night of 3/4 May 1813. In this document, we can observe the range of information shared by authorities. One fugitive is said to be 'Karl Gottlieb Kliemand of Kunnewalda' (Cunewalde) near Bautzen. Apart from his personal data—age 35, of 'evangelical' (i.e., Lutheran) confession, and profession ('linenweaver', or Leinenweber)—and a short description of his physiognomy, the wanted note contains the following particulars: Kliemand 'had carried out a robbery and was sentenced to lifelong fortification construction labour 1st class on 16 November 1809'. Including Kliemand, Saxon authorities shared a total of seven descriptions of varying lengths that contain similar snippets of information. Michael Relack of Roderitz in Upper Lusatia, for instance, was similarly 'sentenced to forced labour after an act of theft' two years earlier on 3 September 1811. The same punishment was meted out against Johann Georg Schubert, said to have 'a malicious appearance [tückisches Antlitz]', on 29 February 1812 'because of theft and robbery' while Johann Gottfried Jacob of Fischbach near Stolpen (today a part of Arnsdorf, Saxony) was similarly sentenced 'due to mail robbery [Postberaubung]'.[116]

In all these instances, the Court Police Authority's offices relayed and disseminated information originally compiled elsewhere. Reorganised by Count Johann Anton von Pergen (1725–1814) whose primary activities were related to state security and surveillance, police worked hand-in-glove with the postal services.[117] Law enforcement and the keeping of public order in Vienna were carried out by the Police Main Directorate (Polizeioberdirektion) whose officials worked closely with the Supreme Justice Authority (Oberste Justizstelle). In both instances, however, the deficient state of research, summarised recently by Christian Neschwara and Michael Hochedlinger, does not permit further consideration of these matters, in particular how policing and the central administration of justice worked on a day-to-day basis.[118] Although security and surveillance included the tracking of foreigners (Fremdenpolizei), the

above examples are indicative of the existence of well-established, regular, and institutionalised cooperation and information-sharing across domestic (from one crownland to another) and international borders. While research into security studies, widely understood, is on the rise in recent years, these aspects, so closely related to everyday administration, have so far eluded scholarly attention. In other words, while Christos Aliprantis' efforts shed new light on the middle third of the century, these pages here constitute a first foray into the antecedents of his enquiries.[119] We note, in passing, that these efforts, while organised and centralised in a more systematic way from around 1800, had existed as early as the 1750s, as comparable wanted notes—for example, describing stolen items and escaped fugitives in Friedberg in Styria—from Gobelsburg show.[120] The main difference is that Vienna played no obvious role in these matters in the 1750s whereas the role of the court and the nascent central administration had grown drastically by the early nineteenth century.

We already noted that the wanted notes grew considerably in length and became increasingly standardised around the turn of the nineteenth century (Chapter 2). These qualities pertain to both the selection by officials in the Court Police Authority of those fugitives who were wanted and the linguistic style the latter were described in. While the present state of research does not permit consideration about the first part (it is unclear if there was, in fact, any selection), the available documentation about certain—mostly 'medical'—key terms used in the wanted notes allows for a tentative assessment of the diffusion of new scientific knowledge among the lower rungs of Austrian society.[121] In the subsequent pages, a first attempt of such an analysis is undertaken that rests on the premise that whatever new condition or symptom was discussed by doctors and professors, the information had to be conveyed in a manner that was intelligible to patrimonial officials and especially their audience of (mostly) illiterate peasants.[122] Contrary to Michel Foucault's vague allusions—invocations—of terms, such as 'mechanism of the law' or 'the problem of penal practice', there were few, if any, economic considerations at play in these transmissions or the administration of justice.[123]

The evolution of medical-scientific knowledge—in their disseminated form—can be tracked by a close reading of wanted notes from each of the three sample periods. While these were relatively short in the 1750s, beyond the above-discussed general information (height, age, confession, etc.), they contain references to qualities, such as language skills, and medical conditions like 'obesity [corpolenter statur]'.[124] The description of 'Joseph', a fugitive wanted on murder charges and of whom only the first name was known, serves as a second example. He was described as 'of a large, middling figure with dark brown, somewhat curly hair and equally coloured, large eyebrows, some pockmarks on his cheeks [etwas blatternarbiges antlitz], age *c.* 30, speaking not too elaborate German…and Bohemian…wearing a red

shirt with yellow buttons, black, worn undergarments, and shoes or boots.'[125] Smallpox, the proximate cause the latter's 'pockmarks', had been one of humankind's worst adversaries from time immemorial.[126] The second half of the eighteenth century witnessed drastic changes in the fight against the disease due to the introduction of inoculations.[127] While it is impossible to know what kind of pathogen Joseph had suffered from—but he survived and, like the majority of survivors, he bore deep pitted scars, or pockmarks, on his face. Given the widespread diffusion of the disease, Joseph was certainly not the only individual in rural Lower Austria who bore these scars, and despite medical doctors certainly using specialist terminology, no additional explanation was required for the local population to understand.[128]

Wanted notes from Gobelsburg written in the 1770s contain essentially the same information (although the incidence of pockmarks was seemingly higher relative to two decades earlier): soldiers continued to be described quite superficially but with clear references to their prior occupation, e.g., 'Sebastian Glück of Stein…age 26, Catholic, unwedded, without profession, measuring 5 feet 4 inches, of middling figure, dark brown face, black hair and eyebrows but without a beard; deserted wearing his full uniform, including the bayonet'.[129] What changed, ever so slightly, is that the wanted notes also included additional, previously unmentioned information as happened in the case of 'Matthias Haberla of Mathhausen near Dillingen' in Bavaria illustrates. Apart from the usual references to his age (23), confession (Catholic), and height (5 feet 7 inches), he is described as having a 'long face with freckles [Sonnenflecken], blonde hair and eyebrows'.[130] The third and final example from 1776 revolves around the theft of goods worth 12 fl. from among the subjects of Heiligenkreuz Abbey, carried out by three yet unknown perpetrators—and it too offers such new information. The first of them is described as wearing a 'grey waist slip with white buttons, a red shirt, has a broken or chipped tooth and some pockmarks, pale-faced, and of middling figure, age *c.* 24'; the other is described as 'tall, wearing a brown peasants' waist slip with tassels, is dark-faced, has big eyes and a crooked nose, age 30' while the third is referred to as 'small and fat, dark brown-faced' and also wearing peasants' attire.[131]

The situation changed around 1800. Irrespective of *how* the printed wanted notes came into being, their main effect in this regard is the inclusion of character traits and other judgemental verbiage; in addition, we note the diffusion of uniform style, spelling, and key terms. Take, for instance, wanted note no. 2362/567 that describes two individuals: first a fugitive Jew from Zhuravno (present-day Zhuravne, Ukraine), 'Jossel Gerber…age 24, tall but thickset, with a round, reddish face, grey eyes, blond and curly hair, a small beard, and a big lump on his neck underneath his right ear; he is wearing a black, Jewish fur hat, an old Jewish coat [kaftan], a tallit, and is prone to stuttering'. The second wanted individual was a deserter, 'Laurenz Seebacher

of Gatschen [near Judenburg, Styria], age 32, of middling figure with a pale and haggard face, brown hair and grey eyes, knows only the Upper Styrian dialect of German, and speaks slowly'. Despite having escaped from the Hohenlohe Bartenstein infantry regiment, the note additionally states that police have no indication about the clothes Seebacher wore at the time.[132] Comparable adjectives and descriptors are found in several other instances, such as the 'audacious' Silesian highwayman Joseph Langer or Anna Kummwaldin and her 'notoriously foul tongue' (Chapter 2).[133] To round of these considerations, mention shall be made of one 'hammer mill worker [Stahlschmidtknecht] Andre Kopf' of Kleinreifling, part of the municipality of Weyer near Steyr in Upper Austria. Kopf, aged 22, is described as having a 'light brown tender face, a broad mouth with beautiful white teeth…a meandering, swivelling walk, and a slow accent as is common among hammer mill workers. He conducted himself in the manner of hammer mill workers, albeit clean [jedoch reinlich], with a black hat with a golden tassel and hat-band.'[134]

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Both specialist terminology and medical-sociological jargon about physiognomy and behaviour became more frequent over time. As the eighteenth century gave to the nineteenth, wanted notes switched from locally reproduced manuscripts to centrally distributed prints. While the latter contained information at least partially originating outside the purview of the Court Police Authority—and thus their mere existence raises significant questions about simplistic invocations of 'centralisation'—this shift signifies two major aspects: on the one hand, doing so offered local patrimonial and Vienna-based state officials the opportunity to insert their mores into official *communiqués*. By adding adjectives and other colourful language to the descriptions of wanted individuals unknown to them, value-judgements common to these social status groups acquired de facto government approval. It is hard, if not outright impossible, to dismiss this class-and-status group demeanour when talking about policing, domestic policies, and social relations. At the same time, on the other hand, the frequent references to prior communications, cross-jurisdictional information flows, and the blending of both civil-military and state/non-state distinctions in law enforcement is indicative of what, with Peter Berger Thomas Luckmann, may be considered '*a human* co-*production*'.[135] This is also what Giovanni Levi meant when he spoke of the 'fragmentation, contradictions and pluralit[ies]' that characterised premodern and pre-industrial contexts.[136]

Irrespective of how hard or easy it may be to locate and apprehend these fugitives—and there is (scant) evidence in the Gobelsburg files, such as the 'revocation [Widerrufung]' of no less than ten wanted notes[137]—there is yet another important aspect to consider: the creeping implementation of

centralising decision-making and procedures, said to have stopped in 1790, was intimately connected to the promulgation of the Criminal Code of 1803, the introduction of the uniform General Rules and Procedural Ordinances (including its amendments) in the early 1780s. Moreover, the sweeping changes to university training and curricula that occurred in the 1790s and 1800s shall be considered, too. Once this is done, notions of 'reform' ending with the death of Joseph II in 1790 or widespread descriptions of 'petrification' during the reign of Francis II/I become essentially repetitions of time-honoured, if increasingly hollow, terms. There were significant continuities that extended across the conventional disciplinary divide 'around 1800', and the findings discussed here call into question the similarly traditional consideration of 'reform' followed by 'stagnation' and 'restoration'. If anything, the administration of justice, university training, bureaucratic practices, and the continuation of patrimonialism—albeit increasingly circumscribed by centralising impulses—conveyed distinctly *hybrid* qualities to the Austrian state and society until (at least) the mid-century revolutions.

As widespread and important as they were, these considerations are under-discussed by scholarship, most likely due to the significance afforded to both the death of Joseph II (1790) and the Civil Code of 1811. At the same time, it is important to stress that these pages are not to be misconstrued as a manifesto to increase the importance of the Criminal Code over the Civil Code. These two major accomplishments worked hand-in-glove, and their implementation rested on the General Rules of Court (1781/88) and the *Jurisdiktionsnorm* (1783). Everyday administration at both state/central and non-state/patrimonial levels was highly correlated across time, space, and contexts. If these pages provided further evidence of the essentially *hybrid* nature of the affairs of state and seigneurie around 1800, they also point at two other fields that have so far mostly escaped scholarly attention: the material culture of the rural population and the consequences of the creeping coalescence of mores and practices in the Age of Enlightenment. They are discussed in the next two chapters.

Notes

1 Pezzl, *Skizze*, vol. 1, 135–6; there is a partial translation in Judson, *Habsburg Empire*, 60.
2 On Kaunitz, see, among others, Aretin, 'Kaunitz'; Klingenstein and Szabo, *Staatskanzler*. About Pezzl, much less is known, but start with his entry in Wurzbach, *Lexikon*, vol. 22, 160–2; Schlossar, 'Pezzl'; Siegrist, 'Pezzl'; and the two articles by Höschel, 'Johann Pezzl'; 'Pezzl'.
3 'Commoners' are said to lunch at noon, 'middle-rank officials, who must be back at their desks by 3 p.m., at 1 p.m.', with aristocrats' lunch time given as 2 p.m. and 'a few of the highest standing' as 'even later'. Pezzl, *Skizze*, vol. 1, 137.
4 Heindl, *Gehorsame Rebellen*, vol. 1, 248.

5 Heindl, *Gehorsame Rebellen*, vol. 1, 248–9; the first quote is from the diary of Erasmus Kessler, said to be 'young official', the latter from Bauernfeld who quit his government position after the Revolutions of 1848.
6 Heindl, *Gehorsame Rebellen*, vol. 1, 250–1.
7 To say nothing about the *Österreichische Zentralverwaltung*; Godsey, *Sinews*; Tantner, *Ordnung*; Hochedlinger and Tantner, *Berichte*; Hochedlinger, *Austria's Wars*. On the court, see also Seitschek, Hutterer, and Theimer, *300 Jahre*; and the multi-vol. Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*.
8 This is no place to itemise; do see Deak, *Forging*; Judson, *Habsburg Empire*; Stollberg-Rilinger, *Maria Theresa*. For a restatement of the periodisation, see Evans, 'Maria Theresa', 17: 'Modern Habsburg history begins in 1740…'
9 Cf. Putschögl, *Landständische Behördenorganisation*; Obersteiner, *Theresianische Verwaltungsreformen*; his 'Kreisamt und Kreishauptmann'; Bredow, 'Kreisämter'. Löffler, 'Grundherrschaftliche Verwaltung'. See also, albeit focused on towns, Scheutz, 'Österreichische Stadtrichter'; and Winkelbauer, 'Behandlung von Streitigkeiten', albeit focused on the sixteenth and seventeenth centuries.
10 Brauneder, 'ABGB'; Fischer-Czermak, *Festschrift*; Dölemeyer and Mohnhaupt, *200 Jahre*; Geistlinger, *200 Jahre*; Fenyves, Kerschner, and Vonkilch, *200 Jahre*.
11 Both Christian Neschwara and Gerald Kohl are incredibly prolific, hence I shall delimit myself to noting their most recent relevant publication, Neschwara, 'Jeder kennt ihn?'; Kohl, 'Juristische Katechismen'; and direct the reader to their websites https://rechtsgeschichte.univie.ac.at/team/christian-neschwara/juengste-publikationen-fruehere-veroeffentlichungen/fruehere-veroeffentlichungen/ and https://homepage.univie.ac.at/gerald.kohl/?page_id=34 (27 Sept. 2024); Waldstätten, *Staatliche Gerichte*; 'Wiener Handelsgerichtsbarkeit'.
12 Steunenberg and Rhinard, 'Transposition', 497. Heindl treats a seemingly reified 'bureaucracy' in her *Gehorsame Rebellen*, vol. 1, 25–99.
13 Sonnenfels, *Ueber die Liebe des Vaterlandes*; on his life and impact, see Reinalter, *Sonnenfels*; and Karstens, *Sonnenfels*. For the above quote, see Judson, *Habsburg Empire*, 62.
14 Orig.: 'Wer nun mit mir so denkt und sich als einen wahren Diener des Staates, solange er selber dient, ganz mit Hintansetzung aller anderen Rücksichten widmen will, für diesen werden vorstehende meine Sätze begreiflich sein und ihm deren Ausübung ebensowenig als mir beschwerlich fallen…dessen Verwaltung eine warme Seele für des Staats Bestes und eine vollkommene Entsagung seiner selbst und aller Gemächlichkeiten fordert.' Quoted in Heindl, *Gehorsame Rebellen*, vol. 1, 26; the entirety of the 'pastoral letter', entitled 'Erinnerung an seine Staatsbeamten', is printed in Kropatschek, *Handbuch*, vol. 5, 181–201. The above translation is found in Judson, *Habsburg Empire*, 61 (emphases mine).
15 Martini, *Erklärungen*, 293, §256.
16 Heindl, *Gehorsame Rebellen*, vol. 1, 29.
17 Introduced in 1781, these personnel lists were discontinued upon Joseph II's death in 1790; Francis II re-instituted them briefly (1799–1803). Brief overview by Heindl, *Gehorsame Rebellen*, vol. 1, 31–3; for more details, see Mikoletzky, 'Personal und Besoldung'; some of these questionnaires from Hungary survived, on which see Hajdu, 'Qualifikationssystem'.
18 Background via Wunder, 'Entstehung'; for the quote, see Jesner, 'World of Work', 58. Interestingly, these also included provisions that envisioned pension payments for the officials' wives and children in the case of disability or death. These decrees are printed in Schwabe, *Civil- Pensions- und Provisions-System*, vii–xiii, xvii–xxii; extensive guidance on this so-called 'alimentation principle' by Thiemer, *Das Alimentationsprinzip*.

19 Dickson, 'Monarchy and Bureaucracy', 334–8, with the above quotes on 343 and 343, respectively.
20 Heindl, *Gehorsame Rebellen*, vol. 2.
21 Heindl, 'Bürokratie', 42.
22 For the quote, see Klueting, *Josephinismus*, 584; on literary aspects, see Magris, *Il mito*; new ed. *Der habsburgische Mythos*.
23 Mueller, *Bureaucracy, Education and Monopoly*, 87; on Prussia-Germany, see Hattenhauer, *Beamtentum*, 175–222; on Habsburg-Austrian experiences, now see Heindl, *Gehorsame Rebellen*, vol. 1, 101–242.
24 Orig. 'Statt, daß die Schulen den Aemtern die nothwendige Anzahl brauchbarer Leute geben sollten, wurden Aemter erschaffen, um der ungeheuren Menge der Studierenden Unterkommen und Anwendung zu geben…Die Aemter werden vermehret, um sich der Ungestüme der Väter, der Familien zu entledigen, die den Titel eines Amts wie eine nothwendige Verzierung ansehen, ohne den man nicht mit Anstand erscheinen kann. Man muß etwas seyn—sagen Leute, die, mit welchem Amtstitel sie auch bekleidet seyn mögen, dennoch die etwas seyn werden.' Sonnenfels, *Gesammelte Schriften*, vol. 8, 245–72, at 263–4 (my translation); on the excess number of graduates, see also Klingenstein, 'Akademikerüberschuß'.
25 Heindl, *Gehorsame Rebellen*, vol. 1, 103–4.
26 If not mentioned specifically, this account follows Heindl, *Gehorsame Rebellen*, vol. 1, 105–11.
27 On this point, see esp. Klingenstein, 'Despotismus und Wissenschaft'.
28 Thienen-Anderflycht, 'Wandlungen', 35.
29 Heindl, *Gehorsame Rebellen*, vol. 1, 106–7.
30 Hintze, 'Der Beamtenstand', 103.
31 On the early modern era, see Schwarz, *Imperial Privy Council*; Hengerer, *Kaiserhof und Adel*. For the late(r) Habsburg Empire, now see Dotter, 'Nobilitierungsgesuche'; 'Nobility'.
32 Beidtel, *Staatsverwaltung*, vol. 1, 21.
33 Stimmer, 'Zur Herkunft', 308.
34 As per the imperial decree dated 5 July 1766, which I found in Kink, *Universität Wien*, vol. 1, 468. The listed subjects in the German original are 'Natur-, Völker- und allgemeinen Staatsrechte als dem Grunde der gesamten Polizei, in den Polizei- und Kameralwissenschaften, dann in dem Kameral- und Merkantilrechnungswesen…'
35 *Allgemeine Gerichtsordnung*; see also Chapter 2.
36 Other professional positions listed incl. imperial councillor (kaiserlicher Rat), secretary-at-law (Sekretär im Justizfach), all via Heindl, 'Universitätsreform—Gesellschaftsreform', 136.
37 Lentze, *Universitätsreform*, 55–6.
38 Heindl, *Gehorsame Rebellen*, vol. 1, 109.
39 Moser, *Lebensgeschichte*, cited in Hattenhauer, *Beamtentum*, 109; for the prior quote, see Heindl, *Gehorsame Rebellen*, vol. 1, 110.
40 Beidtel, *Staatsverwaltung*, vol. 1, 456; for these decrees, see Kropatschek, *Handbuch*, vol. 13, 531; Kropatschek, *Handbuch*, vol. 14, 1027–8; *Sammlung der Gesetze*, vol. 3, 73–7, 134; *Gesetze*, vol. 15, 55–6.
41 Follow the evolution of the Court Studies Commission's decrees (Studienhofkommissionsdekret) from 20 Mar. 1812, see Kropatschek, *Gesetze*, vol. 38, 165; for the decree dated 8 Jan. 1813, vol. 40, 5; for the decree dated 16 July 1825, vol. 53, 142–3; for the decree dated 13 Jan. 1827, vol. 55, 7.
42 Heindl, *Gehorsame Rebellen*, vol. 1, 111–2.
43 Dickson, 'Monarchy and Bureaucracy', 334–40, with Tab. 2 on 336 and the above quotes on 339–40 (emphasis mine).

44 Cf. Klingenstein, 'Akademikerüberschuß', 191–2, 196–9, 201–2.
45 For Sonnenfels' considerations about university training, see his submission to the Haus-, Hof- und Staatskanzlei dated 7 Feb. 1786, via Wolf, *Unterrichtswesen*, 35–64, with the above-related particulars on legal studies and training for officials on 57–62. Sonnenfels is considered a 'cameralist' (by which is meant a German participant in economic discourse) and as such his political philosophy falls largely into what scholarship calls 'mercantilism,' on which see, Schabas, 'Economics'; on the subject-matter, see the classic by Magnusson, *Mercantilism*; updated two decades later by Isenmann, *Merkantilismus*.
46 As per an imperial, or court, decree (Hofdekret) dated 2 June 1783, via Beidtel, *Staatsverwaltung*, vol. 1, 279.
47 Although no other European languages were taught, such as French, Latin, or Spanish, as these chairs were abolished in 1781, noted Wolf, *Unterrichtswesen*, 44; Wangermann, *Aufklärung*, 23. Given the social background of law students, it is plausible that linguistic competence in (some of) these languages was assumed.
48 Wangermann, *Aufklärung*, 75–82.
49 Adler, *Unterrichtsverfassung Kaiser Leopold II.*, 36–8; Wandruszka, *Leopold II.*, vol. 2, 322; see also Wangermann, *Aufklärung*, 97–101; and the commentary by Heindl, *Gehorsame Rebellen*, vol. 1, 114–5, incl. a comparative overview of these curricular changes on 139–41.
50 Lentze, *Universitätsreform*, 51.
51 Sonnenfels, *Über den Geschäftsstyl*; for the quote, see Heindl, *Gehorsame Rebellen*, vol. 1, 116.
52 Sonnenfels, *Grundsätze*; according to Lentze, *Universitätsreform*, 54, this set legal training in the Habsburg Empire quite apart from curricula elsewhere in German-speaking Central Europe.
53 Heindl, *Gehorsame Rebellen*, vol. 1, 118.
54 Wangermann, 'Sonnenfels und die Vaterlandsliebe', 160; Hanák, 'Österreichischer Staatspatriotismus', 15. The idea for this subject harks back to both Sonnenfels and van Swieten, argues Heindl, *Gehorsame Rebellen*, vol. 1, 119–21, with the above quote at 120.
55 As cited by Wangermann, *Aufklärung*, 100.
56 This also means, in effect, that this development occurred literally at the same time as in, e.g., the United Kingdom, if the conventional periodisation is accurate, as per Green and Adams, 'Legal Positivism' (emphasis in the original).
57 I found this particular quote in Sauer, 'Von der "Kritik zur Positivität"', 33, whose author cites Eggers, *Gutachten*, with the above quote on 68 (not on 137 as noted by Heindl, *Gehorsame Rebellen*, vol. 1, 121–2). On Rottenhan's education policies and visions, see also Thienen-Adlerflycht, 'Wandlungen', 38–46.
58 Beidtel, *Staatsverwaltung*, vol. 1, 119. See also Heindl, 'Die österreichische Bürokratie', 81–2.
59 These textbooks were the *Spezialstatistik*; the three-vol. *Staatenkunde*; and the *Practische Staatskunde*.
60 For the quote, Heindl, *Gehorsame Rebellen*, vol. 1, 125; cf. further Heindl, 'Die österreichische Bürokratie', 81; see also the anonymous tract *Beamtenthum in Österreich*, published in 1861; embedding of the—mostly literary allusions—via Kuzmics and Axtmann, *Autorität, Staat und Nationalcharakter*, 281–336. The current go-to research on that issue, albeit focused on post-1918 developments, is carried out by Therese Garstenauer, on which see https://homepage.univie.ac.at/therese.garstenauer/ (30 Sept. 2024).
61 Guidance via Hochedlinger, Maťa, and Winkelbauer, *Verwaltungsgeschichte*, vol. 1/1, 388–420, and note that few studies about the personnel in the territorial administration exist, as visible in the annotated bibliography on 419–20.

62 Quotes respectively by Dickson, *Finance and Government*, vol. 1, 7; 'Monarchy and Bureaucracy', 339–40 (emphasis mine).
63 Reference is made to Arthur Schnitzler's eponymous play, *Das weite Land* (1910/11).
64 I have treated this at length in my *Lordship and State Transformation*, 145–99.
65 Stollberg-Rilinger, *Maria Theresa*, 664–78, best read in conjunction with Beales, *Joseph II*, vol. 2, 239–70.
66 StiAZ 3/60, Beiträge, fol. 136–7.
67 Kohl, 'English Constitutional Law', 167, guidance on 168–72; on legal compendia, see also his 'Juristische Katechismen', with updated guidance on 62–72, with the concluding quote on 69; for an exemplary foray into such popular literature on marriage legislation, see his 'Das Eherecht'.
68 Krohne, 'Der teutsche Merkur vom Jahre 1786', 76–8.
69 Cf. Kohl, 'Juristische Katechismen', 70, with references to Scheler, *Katechismus*; target audiences are listed in Holzschuher, *Katechismus*; and Renauld-Kellenbach, *Volks-Katechismus*, iii-iv; for the concluding quote, see *Katechismus für den baierischen Bürger und Landmann* of 1822, dedicated, as the subtitle explains, 'to all those who did not study law [Allen gewidmet, welche die Rechte nicht studirt haben]'.
70 Kohl, 'Stifter', 25 and *passim*, but note that Kohl's chronology commences with the Civil Code of 1811; see also his 'Schopf' for another, less prominent example.
71 Kohl, 'Juristische Katechismen', 72, incl. guidance.
72 Kohl, 'Das Eherecht', 164.
73 Apart from the guidance in endnote 10, see Olechowski, 'Zweihundert Jahre'.
74 On the former, see *Justizgesetzsammlung 1786–87*, 7–60. While scholarship typically focuses on other periods, for background and perspectives, now see Schennach, *Strafrechtsgechichte*, esp. the comprehensive essay by Neschwara, 'Zur Genese', esp. 47–59, with the above quote on 58. The Criminal Code was re-published in 1852 and 1945; subsequently, there were one small (1971) and two major reforms (1974–75 and 2015–16); see https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10002296 (30 Sept. 2024).
75 The files from, or pertaining to, Gobelsburg are found in NÖLA, KG Krems, no. 69, K 570–85, litigation and execution proceedings, 1820–50; K 644–5, criminal cases, 1823–50.
76 Related material is among the records District Court Krems, preserved in the Lower Austrian Regional Archive, whose records comprise 15 boxes with litigation and execution proceedings with a total of 3,818 individual documents, often organised in so-called 'court journals', or Gerichts-Journal. These note all actions and correspondence related to any individual court case; the latter are preserved in the NÖLA, KG Krems, no. 69, K 648, containing indices and annotated overviews of all transferred seigneurial records
77 Guidance by Schwerhoff, *Kriminalitätsgeschichte*, 74–80, with the reference to landlords administering 'criminal justice'—as opposed to *high* justice—on 80.
78 StiAZ, Gobelsburg, Judicialia 26, Berathschlagungsprotokoll A. Traütinger, Gobelsburg, 26 Mar. 1806.
79 StiAZ, Gobelsburg, Judicialia 26, Urtheil A. Traütinger, Gobelsburg, 26 Mar. 1806. For §62, see the *Allgemeine Gerichtsordnung*, 27.
80 StiAZ, Gobelsburg, Judicialia 26, Berathschlagungs- und Verhörprotokoll F. Traütinger, Gobelsburg, 26 Mar. 1806; Berathschlagungs- und Verhörprotokoll B. Traütinger, Gobelsburg, 26 Mar. 1806.
81 StiAZ, Gobelsburg, Judicialia 26, Verhörprotokoll F. Traütinger, Langenlois, 27 Mar. 1806.

82 StiAZ, Gobelsburg, Judicialia 26, Letter by I. Schmiederer, Grafenegg, 29 Mar. 1806.
83 Cited after Blumentritt, *Strafgesetz*, Pt. 2, 113–4, here 113.
84 StiAZ, Gobelsburg, Judicialia 26, Letter by I. Schmiederer, Grafenegg, 29 Mar. 1806.
85 StiAZ, Gobelsburg, Judicialia 26, Vernehmungsprothokoll, Gobelsburg, 5 Mar. 1814; Vernehmungsprothokoll, Gobelsburg, 11 July 1814; Vernehmungsprothokoll, Gobelsburg, 17 Apr. 1818; Vernehmungsprothokoll, Gobelsburg, 30 Jan. 1819.
86 StiAZ, Gobelsburg, Judicialia 26, Letter from the Regional Court, 28 Jan. 1819.
87 NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, all of which are labelled 'Herrschaft', or 'Domain', Gobelsburg, leaving no doubt as to their origins.
88 As quoted in NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, Verdict vs. F. Dienstmüller, Gobelsburg, 29 Jan. 1823.
89 NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, Case File F. Dienstmüller, Gobelsburg, 28 Jan. 1823.
90 Blumentritt, *Strafgesetz*, Pt. 2, 123–4.
91 NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, Verdict vs. F. Dienstmüller, Gobelsburg, 29 Jan. 1823.
92 Blumentritt, *Strafgesetz*, Pt. 1, 328: 'Obwohl insgemein auch größere Unsittlichkeiten…lediglich der häuslichen Zucht überlassen sein müssen, so werden diese…Uebertretungen gegen die öffentliche Sittlichkeit, sobald…die Hülfe der Obrigkeit an[ge]rufen [wird]. Diese ist daher in solchen Fällen verpflichtet, zur Abwendung der Unordnung…nach gehöriger Untersuchung diejenige Bestrafung zu verhängen, die sie nach en Umständen zu einem wirksamen Erfolge am zweckmäßigsten erachten wird.'
93 NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, Case File M. Reimaßl, Gobelsburg, 26 Mar. 1823; Verdict vs. M. Reimaßl, Gobelsburg, 26 Mar. 1823.
94 Blumentritt, *Strafgesetz*, Pt. 1, 302, and consider the detailed commentary on libel allegations on 300–3. See also NÖLA, KG Krems, no. 69, K 644, Strafsachen G I, Case File F. Lindenberger, Gobelsburg, 31 Mar. 1823; Verdict vs. F. Lindenberger, Gobelsburg, 31 Mar. 1823, who stood similarly accused, and was subsequently sentenced pursuant to title 241 of the Criminal Code—on which see Blumentritt, *Strafgesetz*, Pt. 1, 304—which dealt with public insults (öffentliche Beschimpfung).
95 Neschwara, 'Zur Genese', 38–47.
96 Hartl, *Das Wiener Kriminalgericht*.
97 Schennach, *Strafrechtsgeschichte*, esp. the contributions by Niedrist and Pauser.
98 We note, in passing, that Weber did not use ill-defined terms, nor that he was not crystal-clear about his views: 'If I have now become a sociologist (according to my letter of appointment), it is essentially to put an end to the notion that is haunting a profession that works with collective concepts. In other words: sociology, too, can only be practised by beginning from the actions of one or a few or many individuals—i.e., strictly "individualistic" in method.' Weber, Letter to R. Liefmann, 9 Mar. 1920, published in the *Gesamtausgabe, Abt. II*, vol. 10, 946. On Weber, now see the revisionist, if not iconoclastic, treatise by Marty, *Denker der Freiheit*.
99 Beidtel, *Staatsverwaltung*; on his life, see Puchner, 'Beidtel'. For these calls, see Brunner, 'Staat und Gesellschaft'; Heindl, 'Bürokratie'.
100 Berger and Luckmann, *Social Construction*, 79 (emphasis in the original; my modification).
101 Cf. the convincing study of the Austrian humanities by Sauer, 'Von der "Kritik zur Positivität"'; see also Heindl, *Gehorsame Rebellen*, vol. 1, 126–38

102 As quoted by Sauer, 'Von der "Kritik zur Positivität"', 36; and Rumpler, *Chance*, 212–3. Note the absence of this quip, or Sauer's study, for that matter, in Judson, *Habsburg Empire*, 105–12; it is also missing from Beller, *Habsburg Monarchy*, 33–9.

103 Cf. Hantsch, 'Franz II/I'; Drimmel, *Kaiser Franz*; see also https://www.habsburger.net/de/personen/habsburger-herrscher/franz-iii (30 Sept. 2024). By contrast, Metternich's life and esp. foreign policies are extensively investigated; for a summary, see Siemann, *Metternich*, but do not miss the critique by Evans, 'Remembering', 280–5, who notes, at 285, that Siemann 'addresses issues of *Innenpolitik* [on 792–829] seriously only from 1835; but then there is still nothing at all on Hungary, Croatia, or the Czechs'.

104 Syntheses incl. Deak, *Forging*, 19–64; Judson, *Habsburg Empire*, 51–154; specialist studies incl., on fiscal-financial dealings, Godsey, *Sinews*, but note that the patrimonial plane is hardly ever mentioned; Pieper, 'Financing an Empire'; foreign policy is discussed by Mitchell, *Grand Strategy*, 225–54. 'New' military history has recently seen considerably more attention, mostly due to Ilya Berkovich's efforts, such as his *Motivation in War*; for an up-to-date overview, see Berkovich and Wenzel, 'Austrian Army'.

105 StiAZ, Gobelsburg, Judicialia 26, Urtheil A. Traütinger, Gobelsburg, 26 Mar. 1806.

106 StiAZ, Gobelsburg, Judicialia 26, Anzeige, 3 Nov. 1826; Zeugenverhör, 14 Apr. 1824; Erkennthnis, 8 Aug. 1823.

107 StiAZ, Gobelsburg, Judicialia 26, Persons-Beschreibung, 4 Mar. 1823.

108 Berkovich, *Motivation*, 55–94.

109 Walter, *Staatsreform*, 60.

110 StiAZ Gobelsburg, Judicialia 20, note no. 2,339/887, Vienna, 28 Apr. 1813. Stolen goods incl. '1 piece of cloth [Leinwand] of *c*. 25 ells, white, bleached; 2 fine pieces of linen with white laces; 2 coarse pieces of linen without lace; 4 men's shirts and 3 women's shirts; 3 pair of white women's stockings; 2 pair of white men's stockings; 4 white cotton handkerchiefs [Sacktüchel]; 1 brown woman's skirt with seam; another woman's skirt; 2 white skirts with lamb wool; 1 woollen skirt of white and red wool each, with printed motives; 2 lamb woollen aprons [Vortücher]; 2 blue linen aprons; 1 women's fur coat [Weiberpelz] with lamb woollen padding; 1 lamb woollen skirt; 1 straw hat; 1 iron [Biegeleisen].'

111 E.g., StiAZ Gobelsburg, Judicialia 20, note no. 2,553/603, Vienna, 7 May 1813, which describes 'two fugitive suspects under investigation [Kriminalinquisiten] who broke out of the territorial court prison [Landesgerichtsarreste] Wildenstein in the Salinenkammergut [Salzkammergut] on 20 Feb.' On the Salzkammergut, now see Scheutz, 'Salz(ober)amt'.

112 E.g., StiAZ Gobelsburg, Judicialia 20, note no. 2,357/562, Vienna, 29 Apr. 1813, which tells of one 'Johann Schmidl, a subject of the Stift Herzogenburg who resides [behaust] in Grossenhain [Großhain]' whose 'chestnut stallion [Kohlfuchshengst] was stolen by unknown thieves on the night of 21 [April]'. The animal is said to be '16 fists high, has 8 tongue teeth, and no further characteristics', although the wanted note mentions that 'because the horse broke free from his chains, the hind leg is lightly injured and slightly swollen' and, 'because he has strangles, he also coughs often'. Whoever stole the horse took with them his harness, 'which has three white-metal rings'. A *Faust* was an old Austrian unit of measurement and, when used to measure horses, 1 *Faust* = 4 *Zoll*, or inches (of 4 *Strich*, or lines, each) = 10.537 centimetres; the horse's shoulder height stood at approx. 1.6 metres, via Rumler, *Uebersicht*, 13.

113 StiAZ Gobelsburg, Judicialia 20, note 2,356/561, Vienna, 29 Apr. 1813.

114 E.g., StiAZ Gobelsburg, Judicialia 20, note 3,587/792, Vienna, 22 June 1813, which lists 'twelve deserters from the Prince Hohenlohe Barteinstein Line-Infantry Regiment'.
115 Holl's 'real name, as his cellmate alleges, is Johann Schulmeister, he is around 30 years old, unmarried, and originally from Marbach near Zwettl', followed by additional personal information. StiAZ Gobelsburg, Judicialia 20, note 3,627/796, Vienna, 22 June 1813.
116 StiAZ Gobelsburg, Judicialia 20, note 3,160/719, Vienna, 1 Jan. 1813.
117 Bernard, *Enlightenment to the Police State*, best read in conjunction with Godsey, 'Der Aufstieg'; guidance by Hochedlinger, 'Die Polizeihofstelle', esp. 591–4, incl. bibliography; on postal services, now see Winkelbauer, 'Das Postwesen', but note that, due to its very sad state of research, this is but the shortest of overviews.
118 Apart from the indications in the preceding note 117, see Neschwara, 'Oberste Justizstelle', incl. bibliography. Due to fire damages to the Palace of Justice in summer 1927 (Justizpalastbrand), many records were lost, hence the enduring legacy of Maasburg, *Geschichte der obersten Justizstelle*.
119 The most recent addition to the literature is by Aliprantis, 'Transnational Policing', which he is currently revising for publication; see his already-published 'Political Police Abroad' and note that his temporal scope covers the little-researched *Vormärz* from 1815 through 1867. While we await publication of his Ph.D. dissertation. I am grateful to my friend Christos Aliprantis for sharing parts of his unpublished research with me. For references to the early modern era, see (still) Axtmann '"Police"'; some more recent notions can be found in Iseli, *Gute Policey*; for a conceptual update, see Härter, '"Security" and "Gute Policey"', but note that the former does not cross the conventional periodisation 'around 1800' and that the latter does not offer examples from the Habsburg lands.
120 StiAZ Gobelsburg, Judicialia 19, wanted note, Gobelsburg, 9 July 1756.
121 As noted by Hochedlinger, 'Die Polizeihofstelle', 594, many documents of the Court Police Authority were burned in July 1927. The surviving documentation is scattered across the Allgemeines Verwaltungsarchiv in Vienna, and the Lower and Upper Austrian State Archives in St. Pölten and Linz, respectively. Organisational details via Walter, 'Die Organisierung'; Bibl, *Wiener Polizei*. On the 19th century, see Schwendenwein, 'Die Hofräte'; Chvojka, *Josef Graf Sedlnitzky*; and the indications in note 119.
122 For an overview, see Cohen, *Education*, 11–23, but note that the sub-section on 1790–1848 is entitled 'Stagnation and Crisis'; see also Coen, *Vienna*, 33–8; as regards literacy rates, data are available for the second half of the nineteenth century, which shows that nine out of ten Lower Austrians could read and write by 1880, according to Umlauft, *Geographisch-statistisches Handbuch*, 780–1. These rates were much lower in the period under consideration here, which are summarised by Rumpler, *Chance*, 111–6.
123 Foucault's consideration of '*homo penalis*' being 'strictly speaking a *homo œconomicus*' is both very vague and, essentially, devoid of meaning; there is no evidence cited, and in the subsequent paragraph, more of the same (assertions without evidence, imprecise language, etc.) is offered: 'During the nineteenth century it was discovered that this economy in fact led to a paradoxical effect. What is the source, the reason for this paradoxical effect? It is an ambiguity due to the fact that the law as law, as general form of the penal economy, was obviously indexed to the acts which breach the law.' Foucault, *Birth of Biopolitics*, 249 (emphases in the original). These aspects run counter to the evidence discussed here.

124 StiAZ Gobelsburg, Judicialia 19, wanted note, Krems, 22 Aug. 1756.
125 StiAZ Gobelsburg, Judicialia 19, wanted note, Eggenburg, 22 Nov. 1756.
126 Cf. Kotar and Gessler, *Smallpox*, 3–10.
127 On these practices, Kotar and Gessler, *Smallpox*, 11–23, but note the strong emphasis on Western European and esp. Anglophone developments; for a perspective from Germany around 1800, see Vasold, 'Pockenepidemie'. Swiss-born physician Jean de Carro (1770–1857), while working at the University of Vienna, was instrumental in the diffusion of Edward Jenner's inoculation techniques against smallpox in Central Europe, according to Wurzbach, 'Carro'.
128 On the disease, see Tshisuaka, 'Pocken (Variola, Blattern)'.
129 StiAZ Gobelsburg, Judicialia 19, wanted note, Krems, 29 May 1776.
130 StiAZ Gobelsburg, Judicialia 19, wanted note, Krems, 9 June 1776.
131 StiAZ Gobelsburg, Judicialia 19, wanted note, Krems, 6 July 1776.
132 StiAZ Gobelsburg, Judicialia 20, wanted note no. 2,362/567, Vienna, 30 Apr. 1813.
133 StiAZ Gobelsburg, Judicialia 20, no. 2,356/561, Vienna, 29 Apr. 1813; no. 6,807/1,511, Vienna, 18 Dec. 1813.
134 StiAZ Gobelsburg, Judicialia 20, wanted note no. 6,266/1,375, Vienna, 20 Nov. 1813: 'Description of hammer mill worker Andre Kopf who left the foundry of Reichraming without permission. He is originally from Kleinreifling, parish of Weyer belonging to the lordship [Gruntherrschaft] Steyer…the son of a carpenter, 23 years old, unmarried, Catholic, served for 13 years [in said hammer mill], has light-brown, curly hair and eye brows, black-brown eyes that frequently cause paid, he has a light brown tender face, a broad mouth with beautiful white teeth [mit schönen weissen Zähnen], a somewhat thick neck, a stocky, approx. 5 feet 2 inches tall figure, a meandering, swivelling walk, and a slow accent as is common among hammer mill workers. He conducted himself in the manner of hammer mill workers, albeit clean [jedoch reinlich] with a black hat with a golden tassel and hat-band, 1 black silken neckerchief with red stripes, or entirely black, with a white shirt underneath that could, on occasion, be seen, 1 steel green *Schamperl* [a kind of over-coat] a yellow-ish [gelbmelirtes] jacket, both with light-yellow buttons, broad green suspenders, 1 black leather leg-clothes [Beinkleid], white cotton stockings connected to his boots with a garter, as well as a pocket-watch with a silver chain and, occasionally, a white linen scarf.'
135 Berger and Luckmann, *Social Construction*, 79 (emphasis in the original; my modification).
136 Levi, 'On Microhistory', 107 (my modification).
137 StiAZ Gobelsburg, Judicialia 20, wanted note no. 6,367/1,402, Vienna, 27 Nov. 1813, revoking wanted notes nos. 3,843 (4 July), 4,762 (24 Aug.), 5,572 (13 Oct.), 5,729 (21 Oct.), 5,950 and 5,966 (both 3 Nov.), 6,089 (10 Nov.), 6,157 (16 Nov.), and 6,264 and 6,267 (both 20 Nov.), all of which were printed in 1813.

4

THE MATERIAL CULTURE OF THE RURAL POOR

> Judge not, that ye be not judged.
>
> For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.
>
> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?[1]

Unlike the present, Lower Austria outside Vienna once was a predominantly rural, pre-industrial society. Around the mid-eighteenth century, the bustling imperial metropolis was home to approximately 176,000 inhabitants, with 18 rural towns serving as home of a combined population of around 40,000 people. The territory's urban—mostly Vienna-based—population continued to grow over the next century, reaching 231,000 and 426,000 inhabitants around 1800 and 1850, respectively.[2] For the better part of the period under consideration, the rhythms of everyday life in rural Lower Austria continued as they had for centuries prior; the great consequences wrought by industrialisation and urbanisation were—still—in the area's future.[3] In this sense, Henry Kamen's verdict that 'the great developments of early modern society occurred…away in oft-forgotten corners of the European countryside' is doubly important.[4] For a variety of reasons, including availability of written sources and material artefacts, since the mid-twentieth century scholarship *is* biased towards urban experiences, while, at the same time, evidence from rural communities is frequently relegated to the status of one, or yet another, 'case study'.[5]

From time immemorial, the clothes worn by men and women have been essential for how our ancestors looked at, and judged, each other.

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'Embod[ying] outer appearance or clothing as well as manners and moral qualities', Erin Griffey wrote about the early modern era and pointed at Ulinka Rublack's consideration that 'clothing was not "something external to the body…rather, it was seen to mould a person and materialize identity"'.[6] While the study of clothes and fashion has witnessed a considerable increase as of late (much of it is summarised in the volume edited by Griffey), this body of literature, too, displays a considerable bias towards the upper echelons of the social order.[7] While this is certainly intelligible in terms of a higher incidence of surviving artefacts, written sources, and imagery, much less information—beyond stylised references (cultural markers), such as Jan Steen's painting of *Peasants in Front of an Inn* (1655)—is available the closer one gets to the lower rungs of the social hierarchy. In fact, the emergence of the transdisciplinary 'material turn' in the last quarter-century across the social sciences and humanities has reinforced these particular *Distinction* (in a Bourdieuian sense): widespread cross-referencing of elite patterns of consumption, habits, and lifestyles, often analysed via 'object biographies' (*sic*), reinforces—and reproduces—the antiquarian and self-delimiting qualities of the proverbial gentleman-scholar, albeit often this happens from a materialistic point of view.[8] Yet another angle of these notions is offered by the research spearheaded by Anne Gerritsen, Giorgio Riello, and others. Their enquiries into the entanglements of European and Indo-Asian experiences, focused on high-priced items, offer in-depth contributions into 'the global lives [*sic*] of things'.[9] In more recent years, the role of the luxury items for the emergence of Western capitalism has become ever more prominent, exemplified by the works of Maxine Berg, Riello, and Peter McNeil, as well as by publication of the two-volume *Global History of Western Fashion*.[10] With their emphases on luxury items, elite patterns of consumption, and a strong leaning on Western European experiences, however, many parts of Central and especially Eastern Europe are virtually absent from these publications.[11]

One of the defining characteristics of the wanted notes is the incredible attention paid to even the minutest details of the described individuals' outward appearance. Whether in manuscript or print, and irrespective of all the changes across the period under investigation here, these documents are a veritable treasure trove with respect to the material culture of non-elites during the waning of the early modern period. As the (re)production and dissemination of these wanted notes changed significantly from the mid-eighteenth to the early nineteenth century, the shift from manuscript to print brought with it two essential changes that inform the following pages: as the notes grew longer and became more uniform in style, many more details about the appearance of regular people were included. Especially the printed sources contain references to socio-cultural markers of taste, spelling, and morals that shed new light on the (self)identification of the Vienna-based bureaucracy and realities on the ground in Lower Austria.

The wanted notes from Gobelsburg Manor contain both detailed descriptions of the delinquents' outward appearances—in particular pertaining to a wide variety of clothes and material items—and, from around 1800 onwards, also references to behavioural traits. Moreover, there are several documents that list, in similarly great detail, stolen items and their monetary values, which offers a secondary contribution to the study of material culture and the economic standing of Austria's rural population. So far, much of what is known about this particularly transient aspect of material culture harks back to caricatures by especially William Hogarth (1697–1774) and James Gillray (1756–1815). In other words, the following pages offer a first-of-its kind consideration of those aspects of pre-modern material culture of '*ordinary* people' in Central Europe of which almost no physical evidence exists and that scholarship, including in its most recent manifestations, continues to gloss over.[12]

Clothes Maketh the Man and the Woman

Next to the opulence of the imperial court in Vienna, and notwithstanding the utilitarian reductions in splendour undertaken by Joseph II (r. 1765/80–90), the first aspect to note is obvious: the dwellings and material possessions of commoners were far less magnificent.[13] While the role of craftsmen at court is typically acknowledged, their protagonists were catering to a very small segment of aristocratic-monarchical customers. These artisans had, in fact, little to do with their fellow countrymen who lived outside the bustling metropolis.[14] Snobbery and pride among the high-born and mighty, as well as among the educated elites, certainly played a role, yet the labouring masses, too, were keenly aware of their 'honour' and 'reputation'—as well as of the importance of one's appearances.[15] I am using the plural here to indicate that historians are often constrained in their approaches by the availability of primary sources: most often, these are administrative and court records, petitions and supplications, as well as the occasional so-called ego-document.[16] While the latter include last wills and testaments (which were widely used throughout Mediterranean societies), diaries, journals, and personal correspondence shall also be mentioned here, although the latter are far less representative and less numerous than the former; moreover, they also include far less information about material culture.[17]

All these primary sources come with their limitations, as well as with benefits and disadvantages. Take, for instance, the fact that administrative and court records were typically written by a 'third' person, be it the seigneurial official, a judge's scribe, or any other literate individual at-hand; comparable reservations also apply to last wills.[18] Moreover, testaments, codicils, and inventories come with yet another reservation as they conventionally (*sic*) list specifically only a selection of artefacts and goods destined for one or the other heir or heiress, with the lion's share of the inheritance going to a

'universal' or 'residual heir'. Given these circumstances, comparatively less frequently surviving inventories are often much better indicators of the material possessions of any one testator or testatrix.[19]

It is in these contexts, then, that the wanted notes from Gobelsburg Manor provide invaluable insights into the material culture of rural commoners. As indicated in the preceding chapters, the descriptions of the fugitives contain an increasing number of character traits and especially items of clothing, all of which were similarly compiled by that 'third' (or fourth, fifth…) person, most likely by a village headman or seigneurial official who wrote down the description of the wanted individual before passing on the information. In this regard, there is no fundamental difference between hand-written and printed notes, although the latter are longer and hence much more detailed, and given their type-set qualities, they are also more uniform in terms of style and spelling.

The first and most obvious differentiation to make is between military personnel away without leave and wanted civilians, which reveal differential trajectories across time: while individuals in both categories are described in a few lines in the mid-eighteenth century, the descriptions of civilians grew substantially in length and detail. In a related manner, although on a much smaller scale, more personal—in today's parlance, biometric—identifiers are available for deserters, mainly due to muster rolls and standardised registration procedures in the military. In addition, deserters were typically identified by rank and unit affiliation, as well as any relevant further particulars, such as place of origin, language skills, or, if applicable, special functions. By contrast, the number of words and information density about wanted civilians grew by leaps and bounds, rising from a few lines per individual in the 1750s to as much as half a page by the 1810s. Needless to say, the level of detail rose significantly, and most of this growth accrued in the section describing the clothes of the wanted fugitives, to which we now turn.

Our journey across the preserved wanted notes begins in spring 1756 with a prison break. Imprisoned for theft on 31 March, one 'Magdalena Pidter' had 'escaped custody at the laudable Lower Austrian territorial court [Landgericht] in Vienna after breaking the leg irons', as the hand-copied *circulaire* dated 11 April 1756 holds. She is described as follows:

> [She] is around 24 years old, unmarried, from Zarthen in Anterior Austria [today: Kirchzarten east of Freiburg im Breisgau, Germany], a tall and very earnest person, her face bears a few pockmarks, with black hair, brown eyes, with a small wart under her right eye, wearing a dress with but an old-brown *Cottan* [likely an apron made of calico] with blue ribbon-seam, a shirt with a white *Cottan* neck collar with black velvet and a reddish, half-woollen petticoat with two red-linen stripes, a lilac-coloured camisole with a white seam, two white laced garlands, a China blue [alt blaü] camisole with white stripes and a black belt with yellow tassels…[20]

The most striking quality of these—and many other, comparable—wanted notes is the extensive, if not 'thick' (Clifford Geertz), description worthy of any cultural anthropologist or ethnographer.[21] From seemingly innocuous, general personal appearances (pockmarks, a small wart) to astute observations concerning a wide variety of clothes and accessories, as well as the materials they are made of and their condition, these sources are a veritable treasure trove of information for archaeologists, (art) historians, and anthropologists interested in the material culture of the rural poor in the eighteenth and early nineteenth centuries.[22] This is not to say that these descriptions are not without their own problems, especially with respect to how they originated: in Magdalena's case, the *circulaire* clearly explains that she escaped imprisonment; hence, it was relatively easier for the powers that be to actually know about her appearance, special characteristics, and the clothes she wore.

In the case of deserted soldiers or members of other military outfits, much less information was needed; hence, across the entire period under survey here, wanted notes that describe them are much shorter. Take, for instance, the cases of the three soldiers who, in autumn 1756, deserted from 'their' unit, the—typically named—'Baden-Baden Infantry Regiment':

> Common grenadier Joseph Pilgruber wears a white coatee with blue lining, and a blue collar, and a blue camisole, he measures 5 feet 4 inches 2 *Strich* [strokes[23]], is heavily built [von schrotiger Natur], has grey eyes, thin hair and also on his right side, sports a red beard, and has some pockmarks in his face; a smith by training and a native of Salzburg, he *deserted* from his *barracks* on 2 November 1756
>
> Anton Soleninger of Kirchdorf in Styria, age 33, Catholic, unwedded, a barber surgeon with eight years of service, measuring 5 feet 3 inches with brown hair, short face, big eyes and a large nose, wears a blue Camihsol [likely a uniform jacket, or coatee], white trousers, *deserted* from his Viennese *barracks* on 4 November 1756 but, as some say, without his bayonet.[24]

And then there is the description of a deserter from the Walddorf Regiment:

> Paul Puz of Steinkirchen, Lower Austria, age 28, catholic, unwedded, a miller by trade, who volunteered on 9 March 1756 and received 20 fl. in advance; first attempted desertion on 30 March, for which he ran the gauntlet on 27 August; he measures 5 feet 5 inches; the second, successful attempt of desertion occurred on 2 November when, while on his watch and thus wearing his full uniform [Montur], including bayonet and bullets, he left the camp around 2:30 a.m.[25]

Then as now, it seems, individual soldiers, or even small groups of them, easily stick out of the regular crowd, especially as they would be appearing in

(parts) of their uniform. In combination with the typically brightly coloured uniform jackets, it would be rather easy for the resident peasant population to identify wayward soldiers.[26] Often, these also spoke a different dialect or even language, which rendered identification of 'strangers' even easier. As regards listing the deserters' unit affiliation, this information was added to facilitate the return of any apprehended soldier; when, from 1763 onwards, the military started to pay bounties worth 24 fl. per returned deserter, this information was also relevant for the local population as it told them from which regiment they might receive payment.[27]

As regards male civilian fugitives, essentially the same considerations apply, as the final example from the 1750s illustrates. Copied in late November 1756 in the small town of Eggenburg, then in the possession of the Benedictines of Altenburg Abbey, it tells the story of a wanted man called 'Joseph, whose second name was impossible to learn from this witness', and who is

> of tall middling stature, has black-brown and somewhat curly hair, and similar, very wide eyebrows, a brown face with some pockmarks, is about 30 years old & speaks German, and somewhat corrupt Bohemian [Czech], wears a grey Ratholon [a kind of overcoat], and under it a grey petticoat, a red shirt with yellow brass buttons, and black linen undergarments, occasionally carries pistols that are sometimes loaded, is said to be a native of Fraijenthale [likely Frauenthal, today Frantoly, Czechia], and his mother is said to live there in a cottage; has no visible corporal deficiency; his wife is supposed to live 2 miles outside Peterwardain [today Petrovaradin in Serbia] in Hungary, [she] speaks German well, some Hungarian, and no Bohemian, is of a middling stature, with black hair and eyebrows, some pockmarks on her face, small eyes; she wears a black velvet coat, a cathonic [neck] collar, a bodice, a brown flannel petticoat flecked with grey and white-metal metal buttons, a flannel skirt, a partially blue apron without an apron, black stockings, and red shoes.[28]

While equally rich in details about the clothes Joseph and his similarly unnamed wife are said to have been wearing, there are a few other interesting aspects that beg consideration. Firstly, the wanted note was copied in Eggenburg, Lower Austria, and it contains details about a couple of people from two other territories (Bohemia, Hungary), with the reference to Peterwardein carrying three additional, if specific, implications: the historical region of the Banat of Temes (or Temeswar) had been acquired by the Habsburg monarchy in 1718 and it existed only until 1778 when it was (re)incorporated into the Kingdom of Hungary.[29] Secondly, upon its acquisition by Vienna, Peterwardein grew quickly thanks to the big star fortress overlooking the Danube, construction of which had commenced merely a few years earlier (in 1753). Thirdly, the Banat was also part of the Habsburg *Militärgrenze*, or 'military

frontier', a dedicated buffer zone along the Ottoman border created to prevent incursions as well as the spread of contagious diseases.[30]

Apart from these specifics, second, a few words about the general characteristics of the wanted notes from the 1750s are in order. Given the highly standardised nature of the sources, it is fair to consider these well-established aspects of what I call 'everyday administration', by this I mean the 'institutionalized processes and settled procedures regularly used for handling public matters'.[31] The most pertinent implication is that *both* conveyors (patrimonial officials) and their audience (subject population) could easily understand these descriptive notes.[32] Moreover, their widespread and regular diffusion, via seigneurial officialdom, constitutes further evidence of the continued *co-existence*, much like Siamese twins, of the supposedly distinct questions 'what have you done?' and 'who are you?'. Michel Foucault, in his highly influential lectures on the emergence of what he calls 'biopolitics', considers the replacement of the former question with the latter as prima facie evidence 'of the penal system being transformed, or doubled, or possibly undermined, by the question of veridiction'.[33] None of these qualities are apparent in the wanted notes, neither are they discernible in the interrogation protocols nor in the underlying rules and regulations governing due process (Chapter 3).

The main implication here is that, as the wanted notes from the 1770s and 1810s also show, there existed no such distinction in (Lower) Austrian law enforcement, and their implications are discussed in detail in the following chapter. Returning to the sources once more, we also note their doubly collaborative nature: on the one hand, as the example of 'Joseph' clearly shows, exchange, widely understood, across territorial-jurisdictional (Bohemia, Lower Austria, Hungary, military frontier) and linguistic (Bohemian, or Czech, German, Hungarian) boundaries was well-established. These findings are indicative of the spatial, cross-jurisdictional, and multi-dimensional *co*-production behind these wanted notes: patrimonial ('private') and government ('state') actors worked hand-in-glove, facilitated by regular postal services well *below* court and imperial matters. From Thomas Winkelbauer's recent survey, we learn that 'road construction more and more became an activity of the state' during the eighteenth century, although 'advanced Chaussee-building techniques were introduced in the Bohemian and Austrian lands only in the 1760s', followed by their expansion into Galicia and Hungary 'from the 1780s onwards'. Yet not all road-building led to power or increased state capacity, especially as the development of postal services during the same period remained, at best, ambivalent: the number of main postal offices (Hauptpostämter) in the Austrian-Bohemian lands increased from 9 in 1751 to 15 in 1783, and, across the entire Habsburg monarchy, from 318 (1728) to 857 in 1804. Between 1793 and 1813, the central government 'nationalised [Verstaatlichung] the postal services'.[34] Taken together, the wanted notes discussed here frequently, if not overwhelmingly, flowed

through state and non-state channels of communications *before* their content was disseminated by patrimonial officials to the local population. Herein, too, we can observe once more the essentially *hybrid* nature of governance, widely understood, in the latter half of the eighteenth century.

Identical considerations apply to the hand-copied wanted notes from subsequent decades as well as to the printed government *communiqués* of the early 1800s. While there were always longer and shorter wanted notes, especially the former reveal many new insights into the material culture of the rural population. Take, for instance, the following exemplary description of a thief written—copied—in late 1769 shows.

> Description of one Jacob Hitener *vulgo* Hitener Schind John, still at large and wanted for *fraud and theft*, who hails from Ried [near Mering] in Bavaria, some 25 to 26 years old, a knacker's lad [Schind knecht], who is said to have introduced himself as an accessory salesman [Galanterij handler] from Regensburg using the name Carl Fellner, is of tall, slim, and rough *stature*, a brown and gross face with some pockmarks, a long, crooked nose, and missing a tooth in his upper jaw, has black hair and a small beard as well as eyebrows of the same colour. He is wearing a brown coat adorned with several seam clips and blue lining, which he took from Mathias Weipaur with whom he was *apprehended*, a red shirt embroidered with golden flowers and yellow brass buttons, black, worn leather trousers, black, Hamburg-style stockings, black poulaines, a black woollen peasants' neck collar, and a stilted hat.

Jacob, or John, is furthermore described as a wanted fugitive across several jurisdictions, including Vienna and Linz, as well as 'in Hungary…, Regensburg, Augsburg, Munich, as well as in Maria Zell, Maria Taferl, Sonntagberg, and St Florian [near Linz]'. He is alleged to have 'carried out over 200 instances of theft' and was, apparently, well-known to authorities near and far.[35]

Virtually the same characteristics—detailed descriptions of the outward appearance and especially the clothes worn—come to the fore in the wanted note of one 'Robatsch', a 20-year-old 'originally from Klausenburg [today: Cluj-Napoca, Romania] in Siebenbürgen'. Description of Robatsch's outward appearance is similarly crucial and, much like in the other hand-written wanted notes, makes up most of the space in the *circulaire*:

> He wears a brown woven Polish cap with red-brown peak, equestrian equipment with several buttons, a red woven shirt with corded bands and likewise buttons, as well as a white and red striped with several buttons, blue woven Hungarian trousers, a black German leather fringe, a pair of German shoes with metal buckles, and a German hat, speaks Hungarian and Latin.[36]

The continued importance of clothing over character traits is telling enough, with added emphasis resting on the mentioning of very specific items: Robatsch's 'Polish cap' most likely refers to a form of *czapka*, or regular cap (also known as *konfederatka* or, in the present, *rogatywka*), which formed part of the traditional headgear. In the same vein, the 'Hungarian trousers' are of interest here, specifically as they were traditionally made of linen, hence the reference to 'woven' (tüchern) pants. Much like in the afore-cited example of the knacker's lad Jacob Hitener, Robatsch's appearance was defined by a kind of mixed choice of nation(al) attire, including the 'Hamburg-style stockings' in the case of the former and equally nation(al) garments and 'German shoes with metal buckles' in the case of the latter.

As in the earlier cited examples from the 1750s, the attribution of certain pieces of clothes and accessories to one or the other 'nation'—in the historical sense of a language and religion-based community with shared traditions and a common material culture—made it relatively easy to identify (wanted) individuals by their outward appearance. In this aspect, more than any other, we can observe the doubly localistic qualities of these hand-copied *circulaires*: information that was virtually entirely local, if not outright localistic, about an individual was received and disseminated under equally delimited circumstances. In both instances, information was—and, crucially, *remained*—closely related to local mediation, be they peasants orally describing suspected individuals or seigneurial officials elsewhere copying and later reading out these notes. While we note and acknowledge what the historian Benjamin Schmidt called 'transmediations' in these transfers from one medium (spoken word) to another (manuscript) and back again (*circulaires* read out loud), the one kind of non-local, or outside, interference was the transmission of the letters by mail.[37] Put differently, the contents remained the same although its form changed from oral to written and back again.

Herein, we may, once more, identify the one key change in law enforcement and the administration in these practices wrought about by the switch to printed materials: unlike the General Rules of Court (1781), the *Jurisdiktionsnorm* of 1788, or the Criminal Code of 1803 that conferred—re-affirmed the—considerable leeway exercised by seigneurial officials. Change, however understood, did not arrive due to the switch from manuscript to print; what this shift entailed were increasingly uniform chancellery style and spelling, as well as the diffusion of Vienna-mediated sentiments. Put differently, the shift from manuscript to print was much more than a change of the medium (message). Contrary to the descriptive contents discussed so far, the printed wanted notes also included very specific character traits, prejudices, and stereotypes about 'the delinquent poor' that are most notably absent from such sources before the turn of the nineteenth century.[38] This comes to the fore virtually immediately once one compares exemplary

manuscript wanted notes from the mid-1770s—or the earlier examples cited above—with printed specimen from the early 1810s.

In a hand-copied *circulaire* from early summer 1776, three people arrested for theft, escaped from the prison in Stein an der Donau (today a part of Krems) 'by forcibly removing the prison's iron grates and breaking off their leg irons'. Among those, 'Johann Panstler' is described as 'of tall, lean stature, a pale face, round black hair and eyebrows, 32 years old, catholic religion, a native of Pruck an der Muhr [Bruck an der Mur, Styria]'. His companions in crime and mischief were one 'Joseph Hailing, 23 years of age, large longish eyes, a pale face, with red short half-trimmed hair, and wears a black tricorne', and 'Theresia N. von Jungnickl, born in Tyroll [the Tyrol], a 22-year-old tailor's daughter of corpulent stature, with a black-pale, hollow face, black eyes and eyebrows, and curly braided hair'. No further details were provided.[39] There are a few more particulars provided in a wanted note informing the local peasant population about deserters, such as the 'common soldier of the …Langenlois Inf. Regt. Sebastian Glück, a native of Aigen'. At 26 years of age, an unmarried Catholic without profession, he 'measures 5 feet 4 inches, is of middling stature with a black and brownish face, black hair and eyebrows, no beard, left shamelessly without leave while wearing his full soldier's uniform [Laibs Montour], including the bayonet'.[40]

The shift from manuscript *circulaires* to printed notes around the turn of the nineteenth century witnessed two changes. Firstly, the centralised collection, compilation, and dissemination of these wanted notes brought with it expectable greater linguistic (spelling) and stylistic uniformity (composition). Their combined effects resulted in a greater diffusion of one way of spelling and writing, especially among literate officials, 'public' (state) and 'private' (patrimonial) alike, that mirror the consequences of the introduction of moveable type printing in general, compulsory schooling in particular, and the diffusion of printed newspapers a century later: 'school reform', introduced in the Austrian lands by Maria Theresa from 1774 onwards, 'was a powerful tool for political centralization and cultural homogenization', surmises Barbara Stollberg-Rilinger, and their core aspects also pertain to the changes brought about in the fields of law enforcement and the administration of justice.[41] Given the class-and-status group conceit of state bureaucrats in Vienna, second, these circumstances facilitated the inclusion, into official documents, of their own biases and prejudices into *official* documentation: there is, I would argue, enough circumstantial evidence to infer this because, from around 1800 onwards, the wanted notes contain numerous references to behaviour traits and stereotypes about entire groups, as well as a range of deficiencies and habits of wanted individuals, (im)moral and otherwise. While it is impossible to know whether these were generally true, or even correct in each or even a few cases, these are most notably absent from the *handwritten* notes. Be it for reasons of space, cost, or their factual irrelevance for

the apprehension of fugitives, the insertion of often judgemental adjectives into the printed wanted notes is the key metatextual change. Alternatively, these sentiments may have been included in the initial reporting done by increasingly state-trained patrimonial officials.

Take, for instance, printed wanted note no. 2362/567 that contains two such descriptions, and I have highlighted the corresponding passages. The first person named is a Jew by the name of 'Jossel Gerber', said to be '24 years old, and from the market town of Zurawno [Zhuravno, or Zhirovne, in present-day Ukraine]'. He stood accused of theft and became a fugitive, described as 'of a tall, stocky build, with a round, full, reddish face, grey eyes, curly blond hair, a small beard, a large bump on the right side of his neck under his ear'. The note further describes Jossel as 'wearing a black Jewish fur cap [likely a kind of *shtreimel*, which was widely diffused among Galician Jews], an old Jewish coat and skirt with an old shirtwaist [orig. Leibbinde, most likely a kind of *gartel*, or prayer belt], and is *said to stammer a little when talking*'. The same wanted note furthermore contains a second description of one 'Laurenz Seebacher', a common soldier of the Prince Hohenlohe-Bartenstein Line Infantry Regiment. A native of the village of Gatschen in Upper Styria, he is described as '32 years of age, of a middling stature, with a pale, sunken face, brown hair, grey eyes, who speaks only German in the Upper Syrian dialect, and *speaks slowly*'. Although Seebacher had deserted while serving in the military, 'the clothes he was wearing when he escaped are unknown', it is noted.[42] It is quite unlikely that these bits of information did not originate with those who first compiled the wanted note in Galicia and Upper Styria, instead of with the typesetters working for the Court Police Authority; what the latter did, then, is best described as relaying already existing information, albeit in rather standardised spelling.

Virtually the same characteristics are found in the other wanted notes from the 1810s I have surveyed for this study, and I shall quote two more of these at-length to illustrate the incredible attention paid to both the minutest details and judgemental descriptions. Firstly, one 'Alexander Bellan', who stood 'accused of several instances of fraud'. He was 'from Hungary, some 22 years old, of Greek [Orthodox] religion, unmarried, and is of particularly tall and slender, proportionate stature'.

> He has black short hair and thick eyebrows, a broad mouth, head and nose, a brown face with a black lens [likely a reference to either a cataract or a black melanoma], and usually wears round earrings. He speaks and writes Hungarian, Latin, and German, and, according to an earlier report, also French and Italian, has a *rapid stammering manner of speaking*, is a qualified lawyer, and usually carries the relevant examination diploma with him, he studied law in Preßburg [today Bratislava, Slovakia], and is also said to have been a lawyer and notary for some time, is a heavy

> tobacco smoker and gambler, and furthermore *has a very flattering demeanour and a proud pace*. He has taken the following articles of clothing with him, namely, a black Hungarian coat, a golden belt, half-boots with silver spurs, a bayonet [Seitengewehr] in a silver scabbard, a three-pointed hat, a blue jacket made of fine cloth with sleeves and a large collar, but he also wears a tailcoat or frock coat, long trousers of black, blue, or yellowish colour, and shined boots *of the latest fashion*. He has also taken with him a yellow carriage decorated with silver fittings in the new style.[43]

As before, I have added Italics to the more judgemental parts of the wanted note. While Bellan's alleged—described—manners appear in line with the occupational swagger characteristic of contemporary legal fiction, two things stand out: firstly, the printed wanted note closes with the call to 'find [the above-named], stop, and file a complaint with the k.k. [imperial-royal] Court Police Directorate', although the whereabouts of the wanted individual are nowhere noted. Secondly, all these printed wanted notes were produced in the names of 'Franz Edler von Siber, imperial-royal true court councillor [wirklicher Hofrath] and Director of the Court Police Authority' and 'Alois von Persa, Lower Austrian Government Councillor [Regierungsrath] and Aide-de-camp of the Court Police Director [Polizei-Oberdirektors-Adjunkt]'. We have already encountered both Siber and Persa earlier (Chapter 2), yet their listing on every single wanted note at least begs the question: given the sheer number of such printed wanted notes that survived in the vaults of Zwettl Abbey, it is doubtful that either Siber, Persa, or their immediate subordinates had much, if anything, to do with these *communiqués* issued in their names. It appears much more likely that the Vienna-based Court Police Authority collated such information, had it type-set and mass-produced, and disseminated it irrespective of the actual odds of successfully apprehending anyone in, say, Lower Austria who may have been last seen elsewhere. At that time, the focus of the Court Police Authority lay elsewhere, namely in 'the surveillance and influencing of popular [*sic*] opinion, the policing of foreign diplomatic personnel, as well as of domestic officialdom and clergy, the suppression of secret societies, and the identification of "treasonous criminals" [orig. Staatsverbrecher]', as Michael Hochedlinger succinctly summarised it.[44]

It remains highly doubtful that the individuals appearing in these wanted notes were of great, if any, concern to the Court Police Authority; given the state of research on its reach into the countryside, it remains equally questionable whether the Vienna-based law enforcement community actually could do anything but sending out letters.[45] While the implications of the state of research are discussed at length in the following chapter, it appears more plausible that the printed wanted notes reflect the Vienna-based authority's desire to be perceived as 'doing something'. Hence, a related consideration

shall be noted: it is possible that inclusion of these more descriptive—judgemental—passages reflects the class-and-status conceit (*Standesdünkel*) of patrimonial staffers and state officials in the Court Police Authority rather than much, if anything, that might help anyone to apprehend the wanted individuals. This comes to the fore not only in the above-cited description of Alexander Bellan that suggest allusions to widely diffused prejudices about travelling vagabonds, or gypsies, and their deplorable behaviour are certainly possible. Given the class-and-status group background of state and non-state officials, especially their educational attainment, the relevant pages in, for instance, Zedler's *Universal-Lexicon* come to mind.[46]

This consideration is borne out by the many comparable, if not identical, remarks that are found in many other printed wanted notes. Take, for instance, the description of a gang of robbers, which first came to the attention of the authorities under investigation by the Moravia-based Troppau (Opava, Czechia) criminal court who were looking for, among others, the following two men:

> Joseph Langer, among the gang also known as Jup of Capuchin, a miller by profession, said to a native of Langendorf in Prussia [today Wielowieś, Poland]. Under the pretence that he had lost his customers, he used to work in mills for a fortnight under various names, and in this manner, he obtained several customers under different names. He is 35 to 36 years of age, *his appearance displays fierceness and audaciousness*, he has an elongated, pale face, black eyes, black cropped hair, beard, and whiskers. He changes his clothes to make himself unrecognisable and is soon dresses as a miller in the usual miller's clothes, but mostly he uses very nice urban clothes. Most recently he wore a green cloth cap lined with grey lamb and trimmed with a two-finger wide gold fringe, or a round hat, a black silk scarf, a yellow woollen waistcoat with red polka dots, also a brown cloth waistcoat, a brown cloth overcoat or a heavy cloth tailcoat, similar legwear, but also dark green cloth legwear, calfskin boots with tassels, a black-grey cloth coat with a large collar and matching [i.e., large] buttons. He speaks German with a Prussian-Silesian accent.[47]

Langer was accompanied, among others, by a chap described as follows in the same note:

> Johann according to his true family name Morzelln, among the robbers known as The Fat One [der Dike], also known as Johann Fritz Schweitzer or Schweinitzer Hannis, who escaped from the Brünn [Brno, Czechia] prison in autumn (last year) under the name Johann, also Johann Heinrich, or Hohendorfer Hannis, also described herein [in another wanted note] dated 13 October, no. 5,768. He was born in Grotkau [today Grodków,

> Poland] in Prussian Silesia, is a miller by profession, of medium, rather tall stature, has an elongated, smooth, *well-formed* [gut gebildetes] face, a reddish moustache, and *his appearance* [im Aeüssern] *displays great fierceness* [viel Gewandtheit] and *extraordinary audaciousness* [ausserordentliche Kühnheit]. In the middle of January this year he travelled with his brother to St. Pölten, where he worked for 4 weeks in a mill and then left again with a new customer. On this journey, he wore a brown shirt with sleeves with cuffs, furthermore a coloured calico jacket [kattunenes bundes Jäckchen], over it a blue cloth smock [Kortle], long blue cloth legwear, cut-out boots with tassels, a blue cap with white edging and a braid, and a blue cloth coat; he speaks only German in a Prussian Silesian accent.[48]

In these two examples, these primary identifiers after the name are references to the *behaviour* of these wanted men. While it is impossible to know if, in the case of the latter, they were simply copied from the earlier wanted note, it is obvious that the Court Police Authority officials had at best second or third-hand accounts at their disposal when they prepared the wanted note bearing the number 2,356/561. Wherever these sentiments originated, given the class-and-status group provenance of state and patrimonial officials discussed in the preceding pages (Chapter 3), they are hardly surprising, and neither are the stereotypical allusions made to Alexander Bellan, for that matter.

Still, it is important to stress that there is no consistency in the way these notes were composed, and there are hundreds of other examples that read like virtual carbon copies of the matter-of-fact descriptions from the 1750s, 1760s, and 1770s discussed above. Take, for instance, the description of one Johann Glössel, a 'common soldier of the k.k. [imperial-royal] Military Police who left the barracks on the Landstrasse'—then a suburb of Vienna, today its 3rd district—on 28 May 1813. Originally from St. Anton in Lower Austria, he is described as a

> 24 years old, Catholic, unmarried, a smith by trade, of middling, short stature, has a round and slightly red-coloured face, bright red hair and eyebrows, no beard, speaks but German with an Austrian dialect. When deserting, he wore a pike-grey [hechtgrau, i.e., a uniform] coat with green lapels, a likewise shirt, and cloth trousers, as well as boots and a round hat.[49]

As a final example, I wish to cite at length from wanted note no. 6,807/1511 that exhibits virtually all the above-related characteristics. Dated 27 December 1813, it tells the story of 'two female persons suspected of conducting a robbery in the municipality of Kleegraben' some 45 kilometres east of Graz, Styria. They were en route to the territorial court (Landgericht) in Feldbach in Styria when they 'were set free by two unknown fellows [Kerln], weapons

in hand, in the so-called St. Kinderhardwald', likely in the vicinity of St. Kind, which is a small village located in-between Kleegraben and Feldbach. The wanted note therefore contains the descriptions of four individuals, two women and two men.

> Anna Kummwaldin, 18 years of age, unmarried, Catholic, is of middling, stocky stature, has black-brown hair, brown eyes, a round, full, and pale face, a rather thick nose and an evenly shaped, small mouth; the little finger of the left hand is a little crooked.
>
> She is wearing a blue jacket with a seam of velvet, a black neckerchief with flowery motives, a blue apron, a blue-striped skirt, white stockings, and peasants' boots [Bundschuhe], as well as a white, dirty kerchief. Has, by the way, a notoriously foul-mouthed tongue.
>
> Anna Inthallerin, also known as Holzernantl, has a thin, pale-yellow face, black eyes, black hair, a pointy nose, and a proportionate mouth.
>
> She wears a white, dirty kerchief, a red neckerchief with flowery motives, a black cotton [kottones] Röckel, a blue apron, a blueprinted coat, blue stockings, and peasants' shoes.[50]

Here, too, the incredible attention paid to the minutest details is striking. Apart from understandable identifiers, such as Anna Kummwaldin's 'crooked pinkie' or her rather 'foul-mouthed tongue', local or regional specifics are given. Using indigo as a colourant, which results in a bright, dark blue, the area especially due east of where the two women lived is renowned for *Blaudruck*, or blue-dyeing. It is therefore not at all surprising to find references to blue pieces of clothing simply because they were part of the traditional dress of the area; it does beg the question, however, if officials in Vienna knew all that much, or cared enough, about these distinctly local aspects.[51] Speaking of clothing, much like in wanted notes discussed earlier, the material aspects of clothing were very important, hence the frequent reference to items made of cloth or linen (Tuch, tüchern), calico (kottan), cotton (kotton), and wool (wollen). In addition, fashion details, such as motives (flowers), stripes, lapels, buttons, and the like, are also listed in virtually all these wanted notes, as are headgear, boots, etc. If these items—or spoken languages—are clearly identifiable by territory or region, this is also noted. These qualities all come to the fore in the descriptions of Kummwaldin and Inthallerin's 'liberators' who are described as follows:

> Of their liberators, one seems to be around 28 years old, is of middling strong stature, has a broad pale face, black-brown long hair, and a pointed nose. He wears an old, semi-spherical hat, a brown overcoat, a waistcoat with big white buttons, short leather legwear, and boots, as well as a white butcher's apron.

> The other [liberator] was of tall, slim stature, some 22 years of, has a round, red, rounded face, light brown hair trimmed to military style. He was wearing a velvet cap, a brown coat that was buttoned up. According to further information, this second fellow's name is Schinderlipp, a knacker's son from Pinggau near Friedberg. Occasionally, he disguises himself by dressing up like a woman.
>
> The first was armed with 2 Stutzen [a hunting rifle widely used in the Alps], the latter was armed with 3 pistols.[52]

Here, too, we can clearly observe the importance of physical descriptors, outward appearance, and whatever additional personal information was available. Moreover, the wanted notes from the 1810s contain yet more, if slightly different, information—about stolen items and their monetary values, to which we now turn.

Stolen Goods, Objects, and Animals

Every now and then, the printed wanted notes contain information about material goods and stolen items. Sticking for a moment with the two men who helped Kummwaldin and Inthallerin to escape, we already learned that they were armed with a total of five guns, two rifles (Stutzen) and three pistols. Yet that was not all the description spoke of, because there are two more paragraphs relating the underlying offence that had brought the two women to the attention of the authorities in the first place—they had stolen the following goods:

> 1 dark-blue overcoat with bright buttons, 1 likewise jacket, 1 light-blue dress coat, 2 dark blue leg clothes, 2 hats, 3 silken shirts, 1 woman's fur coat with black lining, 1 blue cloth skirt with velvet edge binding, 6 blue linen aprons, 1 red-striped skirt, 1 blueprint skirt, 1 neckerchief of black silk with flowery motives and a green seam, 3 white headscarves, 1 black velvet bonnet, 1 bonnet with golden flowers, 5 fl. in silver currency in pieces worth 20 and 30 kr., 7 fl. in copper currency, 5 ells of linen, 1 red taffeta shawl.[53]

Compared to the clothes worn by the wanted individuals cited throughout this study, Kummwaldin and Inthallerin had stolen from quite well-to-do people. While the amount of goods is impressive, there are many comparable notes that reveal, among other things, similar insights into the material culture of the early nineteenth century. Take, for instance, wanted note no. 6,310/1,391, which relates a mail coach robbery that occurred on 21 November 1813 in an otherwise unidentifiable location by the name of Reßmühl. The following items were stolen:

> A woman's overcoat made of grey Gros de Naples decorated with a triple set of atlas [satin] rolls and lined with white taffeta. A plaid of mirth-green

> Spagnolette, lined with green silk and velvet. An overdress of brown percale, padded and likewise decorated, lined with atlas ribbons. A black padded coat of French atlas with sleeves and two collars adorned with atlas ribbons. 2 *naulinette* [?] woman's boot, 2 big leather [woman's boots].[54]

All these notes contain references to the outward appearance of the wanted individuals, with their clothes and accessories taking up varying, if very large, amounts of space. While this is in line with both form and function of these *communiqués*, it is important to note that 'other' kinds of stolen goods and objects are also described to the extent that this is feasible. In the examples cited above, we have already seen the wide variety of clothes and how these are typically referred to. In the following, we shall briefly go over a few select examples of other goods and merchandise, ranging from watches to coins, from draught animals to journeyman's certificates, including, even, marriage certificates. In other words, if the occasion arose, wanted individuals took with them literally everything *and* the proverbial kitchen sink.

In another such 'thick description', we learn about part of the inventory of the innkeeper Joseph Treuschock of Oberliesing. Today in a part of Vienna, the inn was robbed 'between 1 and 3 a.m. by way of breaking a window'. While the note is too long to reproduce here in full, a synthesising listing of the stolen items suggests that they belong to the following categories: tableware, tablecloth, and other related items, such as '2 large tablecloths without insignia, 12 napkins, 6 middle-sized [napkins] with recently added insignia K.G., another such 24 napkins [with insignia], 12 new towels made of damask with lace'. Then there is the category of hospitality utensils, such as '4 neckerchiefs made of fine cloth, 6 handkerchiefs of the same material, 6 red-striped handkerchiefs, 6 percale handkerchiefs. 1 white, topstitched night cap…16 bedclothes of fine linen', as well as a total of 19 sheets, some with insignia (B.T., K.G.). Then there is listed a very wide variety of stolen clothes, ranging from '8 pair cotton woman's stockings entirely unused [ganz neu]…1 cape or plaid of muslin with printed small flowers [Blümchen] and white internal side', as well as a total of nine more such items. Furthermore, '1 children's coat [Kindermantel]' of green cloth, a 'woman's hat of black velvet…1 pair of yellow leather trousers, 3 trousers of blue, cornflower [i.e., cyan], and French blue [franzblau] cloth' are listed. And then there is the category of 'everything else', which includes prayer books ('of which one [was] brand-new'), a 'gilded powder-horn', and 'bundle of keys of different size, held together by a red ribbon'.[55]

Earlier in the same year, another wanted note speaks of the following items, all of which 'were stolen from the cottager [Kleinhäusler] Johann Attengruber by unknown perpetrators in an act of a violent burglary'. Here, too, the listing is so comprehensive that only a few select items are recounted, including '4 pieces of Netherlandish half-crowns, of coins with a nominal worth of 20 [kr.] a total of about 13 fl., coins with a nominal worth of ten about 7 fl., 8 pieces of E. Sch. [Einlösungsscheine] à 1 fl., 5 fl. worth of copper coins

in pieces of 3 and 6 kr., and several old *Kreuzer* coins worth 1 fl. 15 kr.'.[56] In the category of clothing, the note lists the following items:

> 12 silver buttons for a woman's jacket, a pair of black leather trousers, 6 man's shirts of average fine manner, 9 woman's shirts of similar cloth…1 so-called butcher's shawl [Fleischhauertüchel] of red silk, 1 red-white striped cotton [kottones] kerchief, 5 silken woman's neckerchiefs of black base colour with a red border and red-and-yellow squared stripes [Quadrat-Streifen].

As the description notes, too, these items were stolen 'between 6 and 9 o'clock in the morning while the residents were at church'.[57] The same note contains yet another detailed account of several items that were 'stolen by a band of gypsies encamped near Lichtenwörth in der Au', a small village five kilometres due east of Wiener Neustadt. Technically, this second part of the note lists 'those items…left behind after a raid was conducted [Streifung]' against their camp. The items were 'impounded by the imperial-royal statelordship [Staatsherrschaft] Wiener Neustadt' and comprised the following:

> 1 Styrian one-horse hay cart [Einspänner] with a green-painted cover; 8 ells of coarse cloth, 8 new pieces of new coarse cloth, some of which were not yet finished and still had their nooses for bleaching, 10 $^{1}/_{2}$ ells fine white linen cloth [Leinwand], 3 packing bags made of new linen, 2 pair big, worn boots, 1 Federtuchet[58], 2 old trousers, 3 old sheets, 2 old shirts, and 1 equally old jacket, 1 bag with various herbs and roots, 1 gimlet [Bohrer], a chisel, a carving knife [Schnüzmesser], a horse's bit [Pferdbiß], 2 old horseshoes.
>
> The horse with which the gypsies fled across the Hungarian border was a dun horse [Falbe], about 16 fists [Faust] tall, with a white mane and a white tail.[59]

Mention shall be made that the above-cited wanted note about the band of gypsies was, by far, not the only such *communiqué* that referred to stolen or missing animals. As a matter of course, people were very concerned with draught animals (horses, donkeys) or livestock (cattle). Take, for instance, this description of a couple of horses 'stolen from Andreas Altenburger from Aspersdorf', Lower Austria, which occurred 'during the night from 11 and 12 August 1813', as the wanted note explains:

> A Schwarzfuchs [Black Forest Horse, a draft horse], a cleanskin stallion [Halbhengst], about 10 years old and between 13 and 14 fists tall, with a slightly wrong positioning of his hindlegs [an beyden hintern Füssen etwas überführt], in good condition, noticeable, specifically, for a lipping [Beinwuchs] the size of a small apple found inside his mouth on his upper gum, and he is said to lack testicles.

At the same above-mentioned time, Georg Zehlbruckner of Aspersdorf had a horse stolen from him. This is a black-brown stallion, cleanskin, between 13 and 14 years old, around 16 fists tall, starts getting grey around the eyebrows, a wind-broke horse [hat den Dampf, a chronic airway obstruction], and caught a bullet on his left front foot above the hoof, where he has no hair.

Furthermore, Andreas Altenburger had 2 old harnesses [Kumeter, or Kumt] with harness-saddle [Rückengurt] and side loops [Seitenblättern] stolen, of which one is tall and heavy adorned with 4 big 6 small brass rings [messingenen Scheibenringen], which was always used to drive a carriage; the other one is a lesser, well-worn harness, which was only used for tilling [Ackern].[60]

While the theft or death of livestock had been problematic, if not life-threatening, for farmers since time immemorial, the attention paid to detail is, roughly speaking, comparable to that afforded to items of clothing. It also applied to descriptions of carriages, as the following example of a disappeared hay wagon, two horses, and the carter illustrates. A wanted note from late October 1813 relates the incident of 'a carriage loaded up with lumber dispatched from Ottakring to Hütteldorf around 6:30 this morning' but neither the carter's man [Knecht] nor the carriage 'had returned to-date'. Back then, both locations—Ottakring and Hütteldorf—were suburbs of Vienna (today they are the city's 16th and part of its 14th districts), and they are but 5 or 6 kilometres apart, albeit separated by the Baumgartner Höhe, an elevation some 50–60 metres higher than either place:

The [carter's] name is Christian R., he is originally from Saxony, around 40 years of age, of a small, thickset stature, has a full, broad, brown-red face, black, very curly hair cut quite trendily [ziemlich nach der Mode geschnittene Haare], black, strong eyebrows and a similar beard, black, fiery eyes, an average nose, and big, thick lips. He was wearing a grey linen work coat [Kittel], a French-blue [franzblau], completely new jacket [Gilet] made of linen with a red seam and a row of white metal buttons, dark grey, long legwear with twin seam [mit doppelten Nähten], and a round, very worn, and common carter's hat [Fuhrmannshut].

The horses, which he had been entrusted with, are chestnuts [Füchse] of Bohemian provenance, of which one stands 15 and the other 15 $^{1}/_{2}$ fists tall. The former sports a small, rather negligible [ziemlich unbedeutendend] star on his forehead, a long tail, and a strong, albeit sparse, mane. The latter, slightly taller saddle horse, is rather stretched [sehr gestreckt] and thin, as opposed to the former, which is shortish and stout. They are nine and ten years old, and they carry very light harnesses that are scarcely adorned with brass.

> The carriage is of middle size, weighs about eight hundredweights [Zentner], and sports a half-canopy made of wickerwork [mit einer halben Flechte versehen].[61]

Apart from such descriptions of livestock and draught animals, there are furthermore notes that relate to stolen luxury goods, such as watches, silverware, jewellery, and the like. For illustrative purposes, I shall reproduce a partial listing of those 'several golden and silver goods, as well as silver currency', that was 'stolen at the Gasthofe zum Rößel [the Horse's Inn]', which included the following items:

> A golden French collier (necklace), of blue colour [blau geschmolzen] with slim plates wide as a finger, another [necklace] in the Prague style [Prager Arbeit], of 6 pieces, each of which with a carnelian [Karniol] in the form and size of a bean, made in a way that one can render them into two wristbands. Different golden rings (more than 100 pieces), among which are several snake rings [Schlangenringe], one with a rhomb [Raute], over a dozen golden rings with crystals, 2 golden signet rings [Petschierringe], one of which sports a big crystal with two figures and the motto 'we love each other' [wir lieben einander] cut into it, the other with a yellowish topaz with snakes engraved on either side…

The listing goes on, mentioning earrings with diamonds, golden drops, and pearls, several chains for watches, neckpieces, more signet rings, 'three old golden watches, one of which is big with the date and ornaments engraved, the second is small and without engravings but a silver eagle on the bracket [Kloben], and the third of medium size and similarly without adornments and a dent on the reverse'. Listed are furthermore several brooches, two silver watches, three 'cheap watches [Dutzenduhren]', and 18 silver buttons. In addition, '3 kronen, 3 old Austrian thaler', 1 Saxon gulden, 1 Hungarian gulden, 1 Lüneburger gulden, 'some 7 pieces à 20 kr., and various Prussian and French silver currency' was reportedly stolen, too.[62]

To round off this section, mention shall be made of the age-old adage that opportunity makes a thief, if the account relayed by another wanted note from early July 1813 is any indication. It recounts the story of three fugitives—a woman and two men—who escaped from prison and 'stole from a locked cupboard [Kasten] whose key lay on a nearby table'. The incident occurred in Vienna's suburb Wieden (today its 4th district) and, if the stolen goods and documents are any indication, the aggrieved party was one Jacob Witschko whose (former) possessions are listed as follows:

> 800 fl. in unrealised paper certificates [Einlösungsscheine] worth 20, 10, 5, 2, and 1 fl.;[63] 50 fl. in Convention currency [Konventionsgeld] as follows: 3 imperial ducats, and the remainder in thaler and pieces of twenty

> [Zwanziger].[64] 3 dozen silver buttons, of which two dozen are the size of a copper penny [Kupfergroschen], 1 dozen of smaller buttons with inwrought stones, 6 to 8 man's shirts of fine linen, with blue markings J.W., 12 to 15 percale kerchiefs with the same marking. A golden pocket watch [Sackuhr], modern and of medium size, with a so-called Bandlgehäus [a lid, or cover, attached with a metal band], with golden hands and the master watchmaker's initials J.F. and Vienna engraved on the interior; moreover, a silver watch in this fashion, with steel hands and a white clock-face with the name of the master watchmaker Joseph Katzenberg, on which hung, attached with a red-silken ribbon, an oval, four-sided key and a silver signet ring [Pettschaft] with the letters J.W. There was also a marriage certificate dated 25 March 1813 that bore the name Jakob Witschko.[65]

As has been shown briefly in the exemplarily notes, these sources offer an incredible, if not unsurpassed, richness of information about the outward appearance and material possessions of the rural population around 1800. While these descriptions are, of course, very peculiar with respect to their authorship and their style, they nonetheless provide prima facie evidence of the material culture of regular people in Lower Austria. In combination with their matter-of-fact language, form, and content—which renders them eminently suited for quantitative analyses as well—there is yet one more aspect that begs consideration: while virtually all wanted notes relate, in incredible detail, what people wore or stole, there are also a few such sources that also contain monetary values added to one or the other good.

Commodity Prices in Lower Austria 'around 1800'

In this regard, too, the wanted notes—at least those from the 1810s—offer certain insights into prices for various items. In the following, I am providing a selection of prices for a variety of goods I found scattered throughout the notes from the 1810s. A long-form, all-inclusive listing would transform these pages into a seemingly positivistic statement of facts; therefore, I shall provide but a selective overview.

Before continuing, two words of warning: firstly, this is hardly the only such listing available, with Alfred Francis Pribram's *Materialien*, an annotated compilation of prices and wages in Austria, published in 1938 under the auspices of the International Scientific Committee on Price History, being the premier point of reference.[66] While the materials compiled by Pribram and his fellow researchers—most notably by John Moritz Elsas' multi-volume *Umriß* (Sketch) of prices and wages in Germany—were used time and again to illustrate one or another aspect of economic or social history, two key issues are hardly mentioned when doing so: like their better-known (and more frequently studied) peer, tax cadastres, most information in these volumes is akin to a snapshot in time.[67] While this particular quality also holds true for

the information gleaned from the wanted notes, the second major epistemological aspect pertains to the necessary relationship between taxes, wages, and prices.[68] Given the realities of pre-industrial production—which implies maximum fiscal demands of about a third of anyone's annual income—the absence of one or two of these categories from the study of the third is particularly problematic, to say the least.[69] These methodological considerations are furthermore amplified by the relative dearth of recent, substantive enquiry into the social and especially economic history of (Lower) Austria for which the works by David Good, John Komlos, and Helmut Freudenberger continue to be highly relevant.[70]

What follows, then, is not merely the listing of select prices for individual goods I found scattered across the wanted notes preserved in Zwettl Abbey. Taking recourse to the existing literature old and new, specifically by Adolph Beer on Austrian state finances, William Godsey's financial history of the Lower Austrian estates, and Thomas Winkelbauer's synthetic account of the empire's fiscal-financial foundations, these provide the foundation for the final chapter, in particular the first segment based on Julius Hörweg's diary.[71] The following pages, therefore, contain exemplary references of the worth of the clothes and other everyday items I found in these wanted notes, which permits educated (guess)estimates of the prices of select items of clothing.

The first piece of evidence derives from wanted note no. 6,083/1,331, which lists the 'items stolen from the cattle trader Joseph Fasser of Kirchwegg' as follows (note that I have placed the items and prices into a table).

TABLE 4.1 Prices for Select Clothes, Everyday Goods (1813)

Description of the stolen items	*Values given*
2 pair of blue woollen stockings, still new	4 fl. each
1 black-coloured pair of shorts made of sheepskin	10 fl.
1 brustfleck [plastron] made of Manchester [cloth] with brown and yellow dots and buttons of white metal and red cords	8 fl.
1 pair of green silken braces [Hosentrager] in peasants' fashion	9 fl.
1 coat of green cloth with red lining and white metal buttons	20 fl.
1 jacket [Jankerl]	10 fl.
1 steel-green fur coat [Pelzel] with black lamb wool lining and buttons of white metal	5 fl.
1 green velvet Bramkappe [cap]	2 fl.
1 shaving razor	1 fl. 30 kr.
1 small, wooden tobacco pipe with a copper chain	3 fl.
1 golden hat cord [Hutschnur]	3 fl.
1 blue cloth pocket square [Vortuch]	2 fl.
1 piece of cloth made of white linen	4 fl.
2 scarfs of brown silk	3 fl. each
1 red-striped handkerchief [Schnupftuch]	1 fl. 30 kr.
1 pair of new man's shoes [Mannschuhe]	4 fl.

Source: StiAZ Gobelsburg, Judicialia 20, no. 6,083/1,331, Vienna, 9 Nov. 1813.

While the above table provides a fair impression of a wide range of everyday goods, it is by far not the only wanted note that includes this kind of information. From another such communication dating to early November 1813, we learn about prices for cloth, as well as for a few other items of clothing: 30 ells of cloth (Leinwand) were valued at 45 kr. each, while the price for '80 ells of coarse cloth [rupferene Leinwand]' was valued at '30 kr. per ell', '6 ells of black calico [Kattun were] worth 30 kr.', and '1 ell of dark Atlas ribbon worth 7 fl.'. Moreover, several items of clothing were similarly listed, including the following items:

> 2 new green loden peasant's cloaks worth 15 fl. each, 8 man's and woman's shirts made of coarse cloth worth 2 fl. each, 8 man's shirts at 1 fl. 30 kr. each, two new such [shirts] worth 3 fl. each, 3 pair new such sheets worth 10 fl. each, 1 new red-and-white striped carpet worth 10 fl., 1 new green jacket [Kotzen] worth 15 fl., 1 new black-brown peasant's jacket [Bauernjanker] worth 5 fl., 1 new camisole [Mieder] made of damask, adorned in green and red, worth 4 fl., 1 pair new green woollen stockings worth 30 kr.[72]

We note, in passing, that the theft of wholesale goods, or larger quantities, was not something that occurred infrequently, as several wanted notes indicate. It happened, for instance, on the night of 26 and 27 October 1813, 'between 3 and 4 o'clock in the morning', when several bales of yarn were stolen from the textile mill in Schönau in the Mühlviertel, one of the traditional regions of the Archduchy of Austria above the Enns. Stolen goods included a total of seven crates of which one contained '31 pieces of West Indian yarn [westindische Gespunst] at 4 pound 2 Loth', six crates contained a total of 168 pieces of 'Macedonian *Mule Twist* at 4 pound 2 Loth each'.[73] As regards product specifics, the wanted note expressly states that all crates contain a product label (e.g., 'West Indian *Mule Twist*') and 'the manufacturer's stamp' (Fabricksstempel).[74] These items were not, however, the most exotic goods to appear in these notes, as the case of the waggoner-turned-thief 'Caspar Jecht' indicates: he was supposed to deliver '13 crates of Indigo and 2 crates containing balm of Peru' but 'drove off with them'.[75]

As we spoke about horses and carriages before, mention shall be made of some wanted notes that reference prices for both. Prices for horses, draught or otherwise, ranged between 100 fl. for 'a limping mare of unknown age' to 'a black-brown gelding of about 9 years…whose hind legs betray a limp' worth 200 fl. For young and healthy horses, prices were naturally much higher, as the example of 'a black mare…8 years of age and 16 fists tall'—whose price was noted as high as 600 fl.—shows. The price of a simple carriage (Leiterwagen) is given as 40 fl.[76]

If, for the sake of asking about the price for a set of clothing worn by regular people, I shall, in the final section here, correlate the information found

above with the exemplary description of a wanted fugitive, these are the results: anyone wearing, as for example 'the groom [Pferdeknecht] Sebastian Bernischn' who wore the following items:

> A French-blue linen jacket [10 fl.] with white, large buttons, a red-printed shirt [rothzeugenes Leibel, 2 fl.] with similar buttons, a pair of old black leather shorts [8 fl.], half-leather boots [4 fl.], a red-striped, silken neckerchief [3 fl.], and a round hat with a broad brim [3 fl.]. It shall be noted, though, that he also carries a bag with other clothes, which cannot be described, and that it is therefore possible that he appears in clothes differing from those listed above. He speaks the Bohemian language as his mother tone and but a little German.[77]

I have inserted monetary values based on the above-discussed sources, which puts a total price tag on the clothes worn at some 30 fl. As the note also holds, though, the wanted person also 'carried a bag with other clothes'. Even allowing for a bit of leeway in terms of the monetary equivalents of the clothes worn by Bernischn, we note the absence of any correlational assessment in the recent book-length study by Godsey. While his *Sinews* contains a few pages entitled 'The Costs of War and Peace', there is but the briefest of reference to the pertinent question 'who would foot the terrible bill'?[78] The answer—an exchange rate of one unit of the new so-called *Wiener Währung* (Vienna currency) for every five units of the then-circulating paper bills—was formulated that, in Godsey's account, worked as follows: originally, 'a comparatively heavy burden' was to fall 'on the Bohemian-Austrian landed establishment', but in a last-minute effort, Count Joseph Wallis proposed a different avenue. His 'financial plans redistributed the load toward the currency holders'—that is, devolved the costs of war and peace onto the common people who did not, as a rule, own landed property—'as well as the Hungarian lands'. Wallis further cancelled the envisioned property tax (which, too, would have fallen on the members of the Landtag), with Godsey concluding that 'the bankruptcy [of 1811] did not affect the capital value of the interest-bearing public debt'. In the end,

> the decisive political dividing line lay not between [the Estates] and the government, but between the holders of the devalued currency and the owners of real property. Both groups were represented in the Estates. Not least *thanks to their financial potency as creditors of the state, the landed proprietors*, including potent interests at the Landhaus, *had the better lobby in the halls of power*.[79]

To Godsey's credit, in a footnote, he relates the most accurate interpretation of these events by Lothar Höbelt who, in his essay entitled 'Der Bankrott

is eine Steuer wie jede andere' ('Bankruptcy is a form of taxation like any other [tax]'), 'points to currency reform as tending to favor the interests of the landed classes'.[80] While I have dealt with the notion of 'the fiscal-military state' as a class-based ruling organisation elsewhere—a point that is notably absent from Godsey's treatment[81]—I shall delimit myself to noting that those who advanced this kind of policy 'shifted the costs of reform away from landowners'.[82] Failing to answer his own question ('who would foot the terrible bill?'), we shall turn, once more, to the Cistercian monk Julius Hörweg who, writing on 15 March 1811, relayed, in plain language, the answer:

> Today is this memorable day on which all people in the entire Austrian Monarchy lost 4 parts of their wealth due to the devaluation of the *Bancozettel*, which are now worth but a fifth of their original value.[83]

***

In the preceding pages, we have traced the transition from manuscript *circulaires* to printed wanted notes from the 1750s to the 1810s in Lower Austria with an eye on aspects of the rural poor's material culture. Setting aside their obvious qualities—form and function remained—we can identify two significant changes of both medium *and* message: on a primary plane, the reproduction of content changed from the composition of local copies (an active deed by patrimonial officialdom) to the dissemination of information that originated elsewhere and which was relayed via the Court Police Authority (a passive deed). Upon closer inspection, though, this shift signified that a numerically much smaller and socially more cohesive group based in Vienna—whose members had their own class-and-status group conceits (Standesdünkel)—came to both unify spelling and convey meaning in a particular manner.

This comes most revealingly to the fore in the direct comparison of locally hand-copied *circulaires* with centrally type-set and printed wanted notes: the former sample surveyed here contains no references to any individuals' behaviour; the latter, by contrast, contain numerous explicit descriptions (both adjectives and substantives) and references to the ways one or another crime was committed. References thereto are widely diffused in the examples cited throughout this chapter, and they come to the fore perhaps most poignantly in the following wanted note that relates an instance of 'grand theft that occurred during the night from 26 to 27 [October] in Rappoltenkirchen Castle' near Sieghartskirchen in Lower Austria. There were but a few goods stolen, namely '1 tablecloth, 1 big set of blue-and-white striped sheers, 1 set of matching cushion covers, 1 serviette, 1 towel, 3 woman's shirts, 1 duck [Ente]'. While 'the perpetrators cannot be described, it may be said that this was not their only such deed' and 'while this theft is not very important in

terms of stolen items, it was the *audacity* and *brutality* with which it was carried out that renders it noteworthy'.[84]

Secondly, one of the enduring characteristics of both manuscript and print sources is that their content *flowed back and forth* several times before patrimonial officials read it out to the resident peasant population. And in this regard, formal borders between, say, Lower Austria and the lands of the Bohemian or Hungarian crowns did not matter much, as information went from the military frontier in Hungary to Vienna and from thence to Eggenburg before arriving in Gobelsburg; or, as happened in the case of deserters, from army units to the military administration, from regional to seigneurial officials, and, ultimately, from the latter to the local residents. These notions hold true irrespective of the institution where the information originated (e.g., the army, a landlord in Moravia, the military frontier, or elsewhere), where it was compiled and relayed (locally before the introduction of printed wanted notes *and* via Vienna-based Court Police Authority), or where it eventually ended up.

How do we make sense of this? Wherever we lack solid evidence, historians are permitted to offer their hypotheses to further our interpretive understanding of one or the other event and the developments associated with them. Their consideration lends credence to the three main implications: firstly, on the level of central administration, it is (highly) doubtful that any police commissioner or high-level administrator had much, if anything, to do with the composition of the printed wanted notes. Whatever prejudices and biases are found in these files are likely due to socio-economic background of those working in law enforcement, local state and non-state administration, and the judiciary *outside* Vienna. This pertains, specifically, to the increasingly formalised educational requirements, which reinforced, rather than decreased, pre-existing class biases and prejudices about 'the peasants' in general and deviant criminals in particular.

Secondly, the way in which wanted fugitives are described constitutes prima facie evidence of continuity (of the question 'who are you?') *and* change (as regards the question 'what did you do?'). Their primary characteristics—certain standardised identifiers (age, height, hair and eye colour, bodily defects, and, in the case of soldiers, unit affiliation)—remained virtually identical across the period studied here. As the wanted notes grew longer over time, however, they tended to include both more extensive descriptions of the fugitives' outward appearance and a rising incidence of commentary as regards their behaviour and character. Given these factors, any focus on but one or the other of these questions must remain deficient; hence, the importance of combining the records of patrimonial origin, the regional judiciary, and the centralising edicts about court rules, due process, and the uniform criminal and civil codes. The way forward beyond the narrow, if not localistic, confines of the Viennese bureaucracy—and of scholarly narratives—is to

literally wade into the reams of documentation preserved in state, regional, and local archives.

While the evidence before us does not permit determination of the approximate time *when* this system of order coalesced into being, historians often make conjectures from what is known. Therefore, third, emphasis must be placed on the continued *co*-existence of a variety of personal, direct factors and centrally proscribed, indirect conditions, such as patrimonial officials or regional secretaries who determined under which *political* circumstances the Criminal Code of 1803 was to be applied (as opposed to continued deference to the (presumed 'better') judgement of patrimonial officials administering justice in the time-honoured ways and means). Much like early modern England, the Austrian state around the turn of the nineteenth century can hardly 'be viewed exclusively as a set of institutions; rather, it is a network of power relations which become institutionalised to a greater or lesser extent over time'.[85] While this particular inference might seem odd at first, to this day the United Kingdom continues to be an 'anomalous early modern hodgepodge', as a recent article on Britain's exit—rather, exodus—from the EU holds.[86] In so doing, Colin Kidd and Malcolm Petrie merely restate what has long been known to scholars of early modern England, if essentially similar considerations by Gerald Aylmer and John Brewer are any indication.[87] None of these nuances have yet been identified in the majority of Habsburg Studies, with the recent interpretations of Barbara Stollberg-Rilinger—which appeared in her biography of Maria Theresa first published in German in 2017—and Helmut Freudenberger's synthesis of an even more under-researched theme, economic history, serving as telling, if rather lonely, examples to the contrary.[88]

Put succinctly, the wanted notes discussed here are not so much indicators of 'reforms' (or their derivative ex-post value-judgements of 'success' or 'failure'), growing state capacity, or even the profusion of changing bureaucratic practices and medical-scientific knowledge. Above all, they are a manifestation, or reflection, of the increasing coalescence of state and non-state actors and their increasingly shared perceptions, shaped by especially university education—rather, training—that became ever more determined by the court and the state administration. Both factors were reinforced by existing class-and-status group conceits (Standesdünkel) at all levels of 'administration', public (state) and private (lordship). In its most literal sense, 'bureaucracy' means 'rule of the office (desk)', but since the public-private distinction is important, we shall turn to its implications next.

Notes

1 Matthew 7:1–3 (KJV).
2 Guidance by Scheutz, 'Goldener Apfel', 114–25; see also the three-vol. *Österreichisches Städtebuch*.

3 The two most essential surveys are by Bauer, 'Agrarsysteme'; 'Agrarstatistik'; now synthesised in his 'Die Agrarwirtschaft'.
4 Kamen, *Early Modern European Society*, 15.
5 Using the terms 'urban history' and 'rural history', Google's nGram Viewer permits us to track *this* trend: https://books.google.com/ngrams/graph?content=urban+history%2Crural+history&year_start=1800&year_end=2019&corpus=en-2019&smoothing=3 (2 Oct. 2024). As to the reference in quotes, as pars pro toto, cf. McIntosh's review of Blicke, *Kommunalismus* in the *American Historical Review*, 268 (emphases mine): 'In a series of essays and monographs published over the last thirty years, Peter Blickle has developed a *seminal and broadly influential* analysis…pivot[ing] around the commune…Blickle's two volumes can present only *a selective outline* of communalism's historical significance.'
6 Quotes, respectively, by Griffey, 'Introduction', 15 (my modification); Rublack, *Dressing Up*, 138.
7 Guidance via Griffey, *Sartorial Politics*, but note the strong sex-specific focus on women; guidance is provided by her in the volume's 'Introduction'.
8 Guidance on the 'material turn', a concept introduced to German-language academia by Andreas Reckwitz in 2013, via Samida, Eggert and Hahn, *Handbuch*; on 'object biographies' see the overview by Ann-Sophie Lehmann in Nov. 2021, via https://www.bgc.bard.edu/research-forum/articles/627/object-biography-the-life-of (2 Oct. 2024).
9 This is no place to itemise; start with Gerritsen and Riello, *Writing Material Culture History*; Biedermann, Gerritsen, and Riello, *Global Gifts*; for the quote, see Gerritsen and Riello, *Global Lives*.
10 For an early example, see Berg, *Luxury and Pleasure*; more recent works incl. De Munck and Lyna, *Concepts of Value*; McNeil and Riello, *Luxury* (but note the perfunctory one-time mention of Werner Sombart's 1905 book *Luxus und Kapitalismus*); Burghartz et al., *Materialized Identities*; and Breward, Lemire, and Riello, *Global History of Fashion*.
11 To mention but two examples in some detail, Riello, *Cotton*, contains but one reference each for 'trade to eastern Europe' (72), Berlin (172), and Russia (244); by contrast, there are four mentions of Karl Marx (195, 229, 273, 283) and none for Austria, and although the term 'Habsburg' appears three times (71, 173, 235), it does not appear in the index. Comparable reservations apply to the other above-mentioned titles, most prominently to the first vol. of Breward, Lemire, and Riello, *Global History of Fashion*, which mentions the 'Habsburgs, Habsburg Empire' merely in passing (177, 198, 200, 204, 608); similarly, while equally little attention is devoted to the 'Balkans' (576, 579, 587, 590–1) or 'Russia' (216, 321, 587), Eastern Europe is virtually absent from the compendium.
12 For the quote, the reader is referred to Lewis, *Weight of Glory*, 46, who held that 'there are no *ordinary* people' (emphasis in the original). Do not miss the Lower Austrian State Museum's ethnographic collection (*Volkskunde* in German), which can be accessed via http://www.online.landessammlungen-noe.at/groups/volkskunde/results (16 Jul. 2024).
13 In general, Duindam, *Vienna and Versailles*, 161–80; for the early eighteenth-century Habsburg court, see Pečar, *Ökonomie*; for the period under consideration here, cf. Stollberg-Rilinger, *The Emperor's Old Clothes*, 203–69; guidance via Hochedlinger, Mata, and Winkelbauer, *Verwaltungsgeschichte*, vol. 1/1, 149–264, incl. bibliography.
14 For a sketch on these court artisans, or Hofhandwerker, see Haupt, 'Das Handwerk', 227–8.
15 Cf. The insightful synthesis by Kamen, *Early Modern Society*, 163–8, and while his consideration focuses on the early modern era, much of it holds true for the first decades of the nineteenth century in Lower Austria, too.

16 Guidance by Schulze, *Ego-Dokumente*; Guzzetti, 'Testamentsforschung'; Fulbrook and Rublack, 'In Relation'; Von Greyerz, 'Ego Documents'.
17 Peters, 'Zur Auskunfsfähigkeit'.
18 Cf. Himl, *Die 'armben Leüte'*, 122–8; Sander-Faes, *Lordship and State Transformation*, 235–54.
19 The classic study is by Cohn, *Death and Property*; see also Kittel, 'Testaments'. I have dealt with these issues in my *Urban Elites of Zadar*, 178–82, but see also Keil, *Besitz, Geschäft und Frauenrechte*.
20 Orig. ‚Beschreibung: Ist beij 24 Jahr alt, ledigen Standes zu Zarthen in V.O. [Vorderösterreich] gebürtig, groß und ernste Persohn, weis von gesicht etwas weniges Plattern, hat schwarzes haar, braüne aügen, unter dem Rechten aüg eine klaine Warzen, Ein klhaidl, samben mit ein alt braün Cottan mit blaüen bändl aingefasst, ain leibl mit weiß Cottanen halßgragen, mit schwarzen Samth, und ain Rotlicht halb wollenen alten Unter Rockh mit zweij mit Rother Lainwandt aingefaßter streiffen, aine weislich abgerundt, fliederfarben miether, zweij mit Cranzischen Spizhen, ain alt blaües [here follows one unintelligible word] blaühalbes Camisol mit weissen Zaillen und schwarzem Gurt mit gelben Guasteln, vagirt sait ainigen halben Jahre [mit] Carl Johann Baierl im Landt herum…' StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 11 April 1756.
21 Cf. Geertz, 'Thick Description', esp. 5–10. On his influence, see Jeffrey, 'Clifford Geertz and the Strong Program', 78–80; and Lichterman, 'Pragmatic Reading', 108–12.
22 Alas, so far, the study of the material culture has all but neglected these aspects and focuses mainly on high-class or, at best, *bourgeois*, experiences. Scheutz, 'Mikrogeschichte', 84, notes the 'extraordinarily fruitful field of microhistory' which is the Vienna Court (which stands in stark contrast to the more 'plebeian' origins of this approach pioneered by Carlo Ginzburg, Giovanni Levi, Natalie Zemon Davis, and others).
23 A *Strich*, or stroke, is an ancient Austrian unit of measurement, of which 1 unit converts into $^{1}/_{10}$ inch, according to Krüger, *Vollständiges Handbuch*, 331; according to Rumler, *Übersicht*, 13, a '*Strich* as a unit of measuring recruits = $^{1}/_{4}$ Zoll', or inch, that is, 6.586 mm (emphasis in the original).
24 StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 11 Nov. 1756.
25 StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 11 Nov. 1756.
26 Unlike camouflage uniforms used today, eighteenth-century soldiers wore brightly coloured uniform jackets to render easier identification on the battlefield, which was often obscured by fumes and smoke. Moreover, if long lines or large columns of soldiers all wore identical blue, red, or green uniforms, it made identification of any individual soldier more difficult for the enemy.
27 Berkovich, *Motivation*, 81–2, who also points to the fact that from 1769 onwards muster rolls kept track of deserters returned by civilians vs. soldiers.
28 Orig. 'Dieser sich namendt Joseph wessen zunahmend nicht von diesem zaügen zu *Eruiren* gewesen, ist grosser mittlmässiger *Statur*, hat schwarz braüne, etwas gekraüstes haar und solche braite aügenbraüend, ain braünes etwas blaternarbiges angesicht, ist gegen 30 Jahr alt & Redet deütsch, und etwas *Corrupt* und böhmisch, hat ainen graüen Ratholon, und unter demsalben ainen graüen rokh, und roth Laibl mit gelb messingen Knöpfen, dann schwarz lainen ünterklaijd an, Traget zuwaills Pistoln zu wails auch scharf, Solle von Fraijenthale gebürtig sain, auch ehda aina Mütter in ainem bauhaüßl haben, hat kainen Sichtbahren Laibs Mangl, dessen vorgebrachtes Ehewaib solle 2 Maile beij Peterwardain in hungarn züe haüs saind, redet güt Teütsch, etwas hungarisch und nichts böhmisch, mittlmässiger *Statur*, hat schwartz aüfgelassene haar und deto aügenbraüen, etwas blatternnarbiges angesicht, klaine augend, Traget ain schwarz Samtene haüben, ainen Cathonischen halß kragen, Traiget ain Mieder, hat ain braün

graulich *melirthes* Laibl mit weiß *Metallenen* knöpfen, aine flanellenen Rockh, ain tails blaüe schürtzen ohne Läzl und Traget schwarze strümpff und und [*sic*] rothe Schuhe.' StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 22 Nov. 1756 (emphases in the original).

29 The classic study remains Kaser, *Freier Bauer und Soldat*; general guidance via Schmitt, *Handbuch*, 730; the most relevant current research is done by Sabine Jesner, e.g., 'Amtskommunikation', incl. guidance.

30 Sanitary aspects are considered by Jesner, 'World of Work'.

31 For this definition, see Wolin, *Politics and Vision*, 7–8, quote at 7.

32 *Pace* Foucault, *Discipline and Punish*, who, on 174, notes that 'the [*sic*] disciplinary gaze did, in fact, need relays' before noting, a few pages later in his section on 'normalizing bodies' (177–84, at 184), that 'the power of normalization imposes homogeneity'. This may—or may not—have been the case in France while, as the cases from Lower Austria discussed here show, evidence for such sweeping generalisations are lacking: patrimonial officials and regional offices retained the authority to distinguish between *political* and 'other' offences, thereby subverting any attempts of 'normalisation' in the Foucauldian mould (that is, if *this* was the intent behind Joseph II's and Francis II/I's reforms). See also Gutting and Oksala, 'Foucault', esp. section 3.4 on the 'History of the Prison'; for Foucault's terminological understanding, see Protevi, 'The Body', but note that little, if any, of these Foucauldian notions apply here.

33 *Pace* Foucault, *Birth of Biopolitics*, 34–5.

34 Winkelbauer, 'Das Postwesen', 1018, 1020–1. Note that, in a realistic reflection of the deficient state of research about the Austrian postal services, Winkelbauer treats 'private', or non-state, actors only in passing.

35 Orig. 'Beschreibung diesen in *puncto bursocopia et furti* flüchtig gewordenen Jacob Hitener *vulgo* Hitener Schind John, ist zue Ried in Baijern gebürtig beij 5 bis 26 Jahr alt, ain Schind knecht; habe sich aber von ainen *Galanterij* handler von Regensburg auß unter dem Nahmen Carl Fellner, ist grosser magerer und sehr Roher *Statur*, braünendes etwas blaternarbiges und faisten angesichtes, lang, buglichen Nasen, geht dem selben auch an dem oberen [Ge]Biß ain vorderer Zahn ab, hat Schwarze haar, deto wenig barths, und derglaichen Aügenbraüen, tragt ainen braunen Rockh mit etlichen Saum Glammern versehen, und blauem unter fütter, welchen er dem mit ihm *arrestirten* Mathias Weipaur mit genohmen, ain Roth zaigenes Leibl, worauf goldene blümln gewesen und gelb Messingen Knöpf, aine schwaz abgetragenen Lederene hosen, schwarz Hamburger Strümpf, und Schnabelschuh, um den halß ainen schwarz baüermuflon, und ainan richtig aufgestolzten huth, dieser ist sowohl beij dem k.k. Stadt gericht züe Wienn, alß auch in Urfar züe Linz dem Werg- und Landtgerich Riedberg wegen diebstahl und Landtstreicherij halben unter dem fasthen Nahmen Carl Fellner ingelagen, und Landt ambts strafhandlung hindurch haltet wann bald züe Linz, in Urfar, oder in Caputiner steht, bald züe Wienn, Prag, Wienner Neüstadt, in Hungarn, züe Preßburg, Pest ünd Ofen, Regensburg, Augsburg, München, auf den Kursfahrten, alß zue Maria Zell, Maria Taferl, Sontagberg, St Florian, Öttingen, ist ain sehr künstlicher Saatgereister, welcher selbst über 200 beträchtliche diebstähle aingestanden, hat auch etlich und 60 baüersachen, welche sehr *gravierend* angezaiget.' StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 12 Dec. 1769 (emphases in the original).

36 Orig. 'Dieser genannte Robatsch is 20 Jahr alt, züe Klaüsenbürg in Sibenbüergen gebürtig, Catholisch, ein Gewaster bedienter, ist Mittler *Statur*, blaternarbig lange gesichts, hat leicht braüne haar deto aügenbraüe, und barth, tragt ain schwarz Pollnische Mütz, mit rot braünen Tüchern, dazüe Raithersachen, mit glaichen knöpffen, ain Roth Tücherns Laibl mit Greban schnürln, und deto knöpfen,

dan aüch ain wais und Roth gestraifft Graü fargens mit gleichen knöpffen, blaü Tüchnen hüngarische hosen, dato aine taütsche schwarz lederne, ain paar teütsche schüh mit greban schnallen, ainen taütschen hüth, Redet üngarisch, und Latinisch.' StiAZ, Gobelsburg, Judicialia 19, circulaire, Krems, 21 Dec. 1769 (emphasis in the original).]

37 Schmidt, *Inventing Exoticism*, 294–5, at 295.

38 Thus, *pace* McLuhan, *Understanding Media*, 7–21, although the notion of 'detribalization by literacy and its traumatic effects on tribal man', mentioned by McLuhan (on 7), is very well taken, on which see Carothers, 'Culture, Psychiatry, and the Written Word', which led McLuhan—and this author—to ponder the seemingly age-old question 'whether literacy itself in a society, or the lack of it, may have played no inconsiderable part in shaping the minds of men' (at 309).

39 Orig. 'Vermög den von ainer hochlöbl. P.P.N.Ö. Regierung anhero erlassenen Intimirung ist bei den freijen Landtgericht Neudorf in *puncto furti Comp*. ingelegenen Johann Panstler mittels gewaltsaaren heraushebung des Eijsernen fanstern gätterns, und abbrechung der fuß Eijsen aus dero *arrest* entwichen; beschraibung; Ist von großer magerer Statur, blaichen Angesichts, schwarzen runden haaren, und augenbrauen, 32 J. alt, kath. relig. verhairathet, von Pruck an der Muhr gebürtig; beschraibung; dann ist Joseph Hailing 23 Jahr alt, großßen langlicht augen, bleichen angesichts, roth kurz halbicht gestutzten haaren tragt ainen schwarz dreijekigen huth, aus dem zuchthaus in Stainn flüchtig geworden; beschraibung; Inglaichen ist die Theresia N. von Jungnickl aus Tijroll gebürtig, 22 Jahr alt, ain Schnaiders Tochter, Mitler korpulenter Statur, schwarz blaich hollen gesichts, schwarzen augen deto augenbrauen, deto krause haar ain Zopf, in Stain flüchtig geworden.' StiAZ, Gobelsburg, Judicialia 20, circulaire no. 2, Krems, 29 May 1776 (emphases in the original).

40 Orig. '[B]eschraibung / Endlichen ist den gemainen Mann des Löbl. P.P. Langloischen Inf. Regt. Namens Sebastian Glücks gebürtig von Aigen den Schotten ünterthännig…26 Jahr alt, cath. leedig, ohne Profession, masset 5 Schuh 4 zoll, ist von mitler Statür, und schwartz braünen angesichts, schwarzen haaren, Aügebraünen ohne barth, ist mit gesamter Laibs Montour nebst den Saiten gewehr unwürijdig entlaufen.' StiAZ Gobelsburg, Judicialia 20, circulaire no. 3, Krems, 3 June 1776.

41 Stollberg-Rilinger, *Maria Theresa*, 688.

42 Orig. 'Nro. 2362/567 / Beschreibung / des aus dem Arreste in dem Marktflecken Zurawno flüchtig gewordenen, des Diebstahls beinzichtigten Juden Jossel Gerber, insgemein Jossel Dabrower genannt. / Derselbe ist bey 24 J. alt, hoher untersetzter Statur, runden vollen röthlichen Gesichts, grauer Augen, blonder gekrauster Haare, kleinen Barts, hat an der rechten Halsseite unter dem Ohr eine grosse Beule, trug eine schwarze jüdische Pelzmütze, einen alten jüdischen Mantel und Rock mit einer alten Leibbinde, und soll im Reden etwas stottern. / Dann eines aus dem obersteyermärkischen Bezirke Wolkenstein Judenburger Kreises entwichenen beurlaubten Gemeinen des k.k. Fürst Hohenlohe Bartenstein Linien Inf. Reg. Er heißt Laurenz Seebacher, ist im Dorfe Gatschen des obgedachten Bezirkes gebürtig, 32 J. alt, hat eine mittlere Statur, ein blasses eingefallenes Gesicht, braune Haare, graue Augen, spricht nach obersteyrischer Mundart blos Deutsch, und redet langsam. Uibrigens ist seine bei der Entweichung am Leib gehabte Kleidung unbekannt.' StiAZ Gobelsburg, Judicialia 20, no. 2,362/567, Vienna, 30 April 1813 (emphases mine).

43 Orig. 'Nro. 3548/781 / Beschreibung / des Alexander Bellan welcher mehrerer verübten Betrügereyen beschuldiget wird. / Selber ist von Szegedin in Ungarn gebürtig, gegen 22 J. alt, griechischer Religion, ledig, und von besonders grosser schlanker proportionirter Statur, er hat schwarze abgeschnittene Haare und derley

dichte dichte Augenbrauen, einen breiten Mund, Kopf und Nase, ein braunes Gesicht, an welchem eine schwarze Linse ersichtlich ist, pflegt gewöhnlich runde Ohrringe zu tragen. Er spricht und schreibt hungarisch, lateinischen und deutsch, nach einer früheren Anzeige auch französisch und italienisch, hat eine geschwinde stotternde Aussprache, ist ein geprüfter Advokat, und pflegt das dießfällige Prüfungsdiplom gewöhnlich bey sich zu tragen, studierte die Rechtswissenschaft in Preßburg, und soll auch einige Zeit Juratus und Notar gewesen seyn, ist ein starker Tobackraucher und Spieler, hat übrigens ein sehr schmeichelndes Betragen, und einen stolzen Gang. / Er hat nachstehende Kleidungstücke mit sich genommen, nähmlich 1 schwarzes ungarisches Kleid, goldenen Gürtel, halbstiefeln mit silbernen Spornen, ein Seitengewehr an einer silbernen Scheide, 3eckigen Hut, einen blauen Mantel von feinem Tuche mit Aermeln und einen grossen Kragen, pflegt jedoch auch einen Frack oder Kaput, lange Hosen von schwarzer, blauer oder gelblicher Farbe, gewichste Stiefel nach der neuesten Mode zu tragen. Er hat auch einen nach neuer Art gestalteten gelben mit silbernen Beschlägen verzierten Wagen mit sich genommen.' StiAZ Gobelsburg, Judicialia 20, no. 3,548/781, Vienna, 19 June 1813 (emphases mine).

44 Hochedlinger, 'Die Polizeihofstelle', 593.

45 The available literature reflects this emphasis on *political* policing: from an emphasis on anti-revolutionary activities by Wangermann, *Joseph II to the Jacobin Trials*, to biographic approaches to the main organiser Johann Anton von Pergen (on whom see Bernard's biography and Godsey's 'Der Aufstieg'), and from the institutional sketch offered by Hochedlinger (see endnote 44) to issues of censorship in the *Vormärz*, historians have long looked elsewhere—rather, everything but—than everyday policing; see, e.g., the classic study by Marx, *Österreichische Zensur*, and the much expanded and updated new account by Bachleitner, *Literarische Zensur*. As regards the organisation of the Josephin police, see Benna, 'Organisierung' and, most recently, albeit focused on policing abroad, Aliprantis, 'Policing Subversion'.

46 Zedler, *Universal-Lexicon*, vol. 62, cols. 520–44, are full of references to their behaviour, incl. deceit, comportment, and their repeat consideration as 'Gesindel', which roughly translates into riff-raff, mob, or, perhaps most tellingly, vermin.

47 Orig. 'Joseph Langer, unter der Rotte Jup auch Kapuziner genannt, seiner Profession ein Müller, angeblich von Langendorf in Preussischen gebürtig. Er pflegt unter dem Vorwande, daß er seine Kundschaft verloren habe, unter verschiedenen Nahmen zu vierzehn Tage in Mühlen zu arbeiten, und sich auf diese Art mehrere Kundschaften auf verschiedene Nahmen zu erwirken. Er ist 35 bis 36 Jahre alt, sein Aeüsseres zeigt Wildheit und Vergenheit, er hat ein längliches blatternarbiges Gesicht, schwarze Augen, schwarze kurzabgeschnittene Haare und dergleichen Bart und Backenbart. Er wechselt mit der Bekleidung, um sich unkennbar zu machen und ist bald als Müller in der gewöhnlichen Müllerkleidung, meistens aber sehr nett städtisch gekleidet. Zuletzt trug er eine grüntüchene Müze mit grauem Lamm ausgeschlagen, und mit einer zweij finger breiten Goldborde besezt, oder einen runden Hut, ein schwarzseidenes Halstuch, eine gelbwollene Weste mit rothen Tupfen, auch eine braune tüchene Weste, einen brauntüchenen Uiberrock oder einen schwer tüchenen Frack, dergleichen Beinkleid, auch dunkelgrün tüchenes Beinkleid, kalblederne Stiefel mit Quasten, einen schwarzgrau tüchenen Mantel mit einem grossen Krage, und gleichen Knöpfen. Er sprich deutsch in preusischschlesichem Accent.' StiAZ Gobelsburg, Judicialia 20, no. 2,356/561, Vienna, 30 April 1813 (emphases mine).

48 Orig. 'Johann nach seinen wahren Geschlechtsnahmen Morzelln, unter den Räubern der Dike auch Johann Fritz Schweitzer oder Schweinitzer Hannis genannt, welcher unter den Nahmen Welcher Johann, auch Johann Heinrich

oder Hohendorfer Hannis, im Herbste [verflossenen Jahres] aus dem brünner= Zuchthause entwichen ist, auch deswegen hierorts am 13. Oktober Zahl 5,768 beschrieben wurde ist aus Grotkau in preusisch Schlesien gebürtig, seiner Profession ein Müller, mittlerer, mehr grosser statur, hat ein längliches glattes gutgebildetes Gesicht, röthlichen Backenbart, verräht im Aeussern viel Gewandtheit und ausserordentliche Kühnheit. Er ist Mitte Jänner dieses Jahr mit seinem Bruder nach St. Pölten gereist, woselbst er bei 4 Wochen auf einer Mühle arbeitete und sich dann mit einer neuen Kundschaft versehen, wieder von dort entfernte. Auf dieser Reise trug er ein manschesternes Leibl von brauer Farbe, ferner ein kattunenes buntes Jäckchen, darüber eine blautüchene Kortle, lange blautüchene Beinkleider, ausgeschnittene Stiefel mit Quasten, eine blaue Mütze mit weisser Einfassung und einer Borde, dann einen blautüchenen Mantel; spricht blos deutsch in preusisch schlesischen Accent.' StiAZ Gobelsburg, Judicialia 20, no. 2,356/561, Vienna, 30 April 1813 (emphases mine).

49 Orig. 'Derselbe heißet Johann Glössel, von St. Anton aus N.Ö. gebürtig, 24 Jahre alt, katholisch, ledich, ein Schmid seiner Profession, er ist mittlerer untersezter Statur, hat ein volles etwas rothgefärbtes Gesicht, lichtröthliche Haare und Augenbrauen ohne Backenbart, spricht bloß deutsch nach österreichischer Mundart. Bey seiner Entweichung trug er am Leibe ein hechtgraues Röckel mit grünen Aufschlägen, ein derley Leibel und Tuchhosen, dann Stiefel und einen runden Hut.' StiAZ Gobelsburg, Judicialia 20, no. 3,148/718, Vienna, 1 June 1813.

50 Orig. 'Anna Kummwaldin, 18 Jahre alt, ledig, katholisch, ist von mittlerer untersezter Statur, hat schwarzbraune Haare, braune Augen, ein rundes volles blasses Angesicht, eine mehr dicke Nase, und einen regelmässigen kleinen Mund; an der linken Hand ist der kleine Finger krumm. / Am Leibe trägt sie ein blautüchenes Röckel mit Sammetband eingefaßt, ein geblumtes schwarzes Halstuch, ein blaues Vortuch, einen blaugestreiften Rock, weisse Strümpfe, und Bundschuhe, dann ein weisses schmuziges Kopftuch. Hat übrigens eine geläufige verwegene Zunge. / Anna Inthallerin, gemeinhin Holzernantl, hat ein schmales blaßgelbes Angesicht, schwarze Augen, schware Hoare, eine spizige Nase, und einen regelmässigen Mund. / Am Leibe trägt sie ein weisses schmuziges Kopftuch, ein rothgeblümtes Halstuch, ein schwarz kottones Röckel, ein blaues Vortuch, einen blau gedruckten Rock, blaue Strümpfe und Bundschuhe.' StiAZ Gobelsburg, Judicialia 20, no. 6,807/1511, Vienna, 27 Dec. 1813.

51 On the technique, see Schrader, *Handbuch*, 15–18. *Blaudruck*, or blue-dyeing, has been inscribed on the 'Representative List of the Intangible Cultural Heritage of Humanity' by UNESCO in 2018, on which see https://ich.unesco.org/en/RL/blaudruck-modrotisk-kekfestes-modrotlac-resist-block-printing-and-indigo-dyeing-in-europe-01365; for an exemplary piece of media reporting, see Yulia Denisyuk's piece, entitled 'Europe's secret dyeing formula', via https://www.bbc.com/travel/article/20230420-blaudruck-europes-secret-dyeing-formula (3 Oct. 2024).

52 Orig. 'Von ihren Befreyern dürfte einer bei 28 Jahre alt seyn, ist mittlerer starker Statur, hat ein breites blasses Angesicht, schwarz-braunes langes Haar, und eine spizige Nase. Trägt am Leibe einen alten hochgegupften Hut, einen braunen Mantel, eine Weste mit grossen weissen Knöpfen, kurze lederne Beinkleider, und Stiefel, dann eine weiße Schürze nach Fleischerart. / Der Zweyte war von grosser schlanker Statur, beyläufig 22 Jahre alt, hat ein rundes, rothes, volles Angesicht, eine dicke Nase, lichtbraune nach Militärart geschnittene Haare. Am Leibe trug er ein sammtenes Kappel, einen braunen Mantel, welcher vorne zusammengeknöpft war. Dieser letztere soll weitern Nachrichten zufolge, gemeinhin Schinderlipp heißen, und ein Abdeckersohn von der Pinggau bey Friedberg seyn. Auch pflegt er sich öfters als Weibsperson zu verkleiden. / Ersterer war mit 2 Stutzen, letzterer mit

3 Pistolen bewaffnet.' StiAZ Gobelsburg, Judicialia 20, no. 6807/1511, Vienna, 27 Dec. 1813.

53 Orig. '1 dunkelblauer Kaput mit lichten Knöpfen 1 deto Weste, 1 lichtblauber Frack, 2 dunkelblaue Beinkleider, 2 Hüte, 3 reistene Hemden, 1 Weiberpelz mit schwarzem Ausschlag, 1 blautüchenes Röckel mit Sammetbandeln eingefaßt, 6 blau leinwandene Vortücher, 1 rothgestreifter Rock, 1 gedruckter blauer Rock, 1 schwarzseidenes Halstuch mit Blumen und einem grünen Streif, 3 weisse Kopftüchel, 1 schwarzsammetene Haube, 1 goldgelümte Haube, an Silbergeld in 20 und 30 kr. Stücken 5 fl., an Kupfergeld 7 fl., 5 Ellen Leinwand, 1 roth grosdetournes Tüchel.' 1813.

54 StiAZ Gobelsburg, Judicialia 20, no. 6310/1391, Vienna, 25 Dec. 1813.

55 StiAZ Gobelsburg, Judicialia 20, no. 6265/1374, Vienna, 20 Nov. 1813.

56 Here, two distinct categories of early nineteenth-century currency are noted: *Einlösungsscheine* refer to a kind of government-issued bonds, which were authorised on 20 Feb. 1811 to paper over (pun intended) the troubles resulting from the state bankruptcy in the wake of military defeats. They replaced the so-called *Bancozettel* from 1 Feb. 1812 onwards and were subsequently declared to be the equivalent of the so-called Wiener Währung, or Vienna currency. See both Rumler, *Uebersicht*, 24, and Chapter 5 for further deliberation. The 'old *Kreuzer* coins' refer to copper coins minted before 1800, pursuant to two imperial decrees (21 Dec. 1799, 1 Aug. 1800). These edicts recalled the old kreuzer and announced their replacement by so-called doppelte Groschen (which translates into denarius), a silver coin, as explained in great detail Uebersicht, 34.

57 StiAZ Gobelsburg, Judicialia 20, no. 3,857/838, Vienna, 5 Jul. 1813.

58 Most likely a triangular plaid, or blanket, worn around the shoulders.

59 StiAZ Gobelsburg, Judicialia 20, no. 3857/838, Vienna, 5 Jul. 1813. As per Rumler, *Uebersicht*, 13, 1 *Faust* = 4 *Zoll*, or inches (of 4 *Strich*, or lines, each) = 10.537 centimetres. That dun horse's shoulder height stood at approx. 1.6 metres.

60 StiAZ Gobelsburg, Judicialia 20, no. 4851/1044, Vienna, 30 Aug. 1813.

61 It is further noted that the carter 'also carried a sealed envelope with 30 fl., destined for the silver smith Huber in Hütteldorf', which adds to the carter's motives of theft and larceny. StiAZ Gobelsburg, Judicialia 20, no. 5813/1263, Vienna, 26 Oct. 1813. An Austrian *Zentner*, translated as hundredweight, was an old unit of weight; 1 *Zentner* = 100 Austrian *Pfund*, or pounds (one English pound would have to be multiplied by the factor 1.0226 to arrive at the accurate conversion) = 56.001199 kilogrammes, according to Rumler, *Uebersicht*, 15 (pound), 22 (Zentner).

62 StiAZ Gobelsburg, Judicialia 20, no. 5074/1100, Vienna, 14 Aug. 1813 (my emphases).

63 On the Einlösungsscheine, see endnote 44.

64 *Konventionsgeld* refers to specie in circulation from 1750 onwards through 1857 and refers to several different gold coins of different weights. According to the convention (hence their name) with Bavaria from 21 Sept. 1753, 1 ducat equalled 60 grams of gold, 1 thaler equalled 10 Viennese marks of silver or 2 fl.; a piece of 20, or Zwanziger, equalled 42 Viennese marks of silver, with 1 such Viennese mark of silver equalling 280.668 grams. Rumler, *Uebersicht*, 25–6, 32–3.

65 Cont.: 'Moreover the female thief [Weibsperson] also took the following items with her, specifically 5 bands with small, good pearls, 6 to 8 dresses made of linen and silk, a dozen shirts, a dozen stockings, $^{1}/_{2}$ dozen kerchiefs, 4 pairs of shoes, and other small items [Kleinigkeiten].' StiAZ Gobelsburg, Judicialia 20, no. 3831/831, Vienna, 3 Jul. 1813.

66 Pribram, *Materialien*; for an accounting of the institutional background, see Cole and Crandall, 'Committee on Price History'.

67 Sander-Faes, *Lordship and State Transformation*, 27.
68 Cole and Crandall, 'Committee on Price History', 383, mention the 'profusion of materials available…the almost complete neglect of research relative to changing wage rates' and the lack of funding.
69 Sander-Faes, *Lordship and State Transformation*, 63–4, with ample documentation of the problematic implications for the study of eighteenth-century taxation on 19–21, note 78.
70 Good, *Economic Rise*; Komlos, *Habsburg Monarchy*; Freudenberger, *Lost Momentum*.
71 Beer, *Finanzen Oesterreichs*; Godsey, *Sinews*; Winkelbauer, 'Das landesfürstliche Finanzwesen'.
72 These items were reportedly stolen during the night of 3–4 Sep. from Thomas Luster, 'commonly known as Königbauer, of the village of Aspach' in the Innviertel, then part of Austria above the Enns. The wanted note holds that these items were 'stolen from the locked travel chest [Feldkasten] that was outside the house, but without damage to the two locks, therefore it was most likely opened using lock picks'. StiAZ Gobelsburg, Judicialia 20, no. 3947/1292, Vienna, 2 Nov. 1813.
73 Used as a unit of measuring yarn, or 'Garnmasse', which related to the differences between Austrian and (vs.) English yarn, with the difference being that 'one has to multiply the Austrian number given by the factor of 1.0226'. In the Austrian lands, 32 Loth were equal to 3.049 ells of yarn (in Bohemia, it was 4 ells), according to Rumler, *Uebersicht*, 25–6. What is meant in the quote above are two different kinds of yarn: the West Indian yarn derives from cotton, whereas the Macedonian derives from wool.
74 StiAZ Gobelsburg, Judicialia 20, no. 5948/1293, Vienna, 2 Nov. 1813 (emphases in the original).
75 The 13 crates of indigo 'bore the insignia K.G., and the 2 crates with balm of Peru the insignia B.P.' StiAZ Gobelsburg, Judicialia 20, no. 5426/1177, Vienna, 5 Oct. 1813.
76 For the first price of first of these three horses and the carriage, see StiAZ Gobelsburg, Judicialia 20, no. 5,465/1,188, Vienna, 6 Oct. 1813; for the prices of the latter two horses, see StiAZ Gobelsburg, Judicialia 20, no. 6,540/1,456, Vienna, 9 Dec. 1813.
77 The rest of the description reads as follows: 'Bernischn is guilty of public violence as he stole horses serving at Alberndorf on the lordship of Althof. / He is between 26 and 27 years old, originally from Iglau [Jihlava, Czechia], of a tall, stocky stature, has short, black hair, black eyes, an average [mittelmässige] nose, and a long face with some pockmarks.' StiAZ Gobelsburg, Judicialia 20, no. 5232/1257, Vienna, 12 Sep. 1812. Most likely, Bernischn stole these horses from the Herrschaft Retz Althof in northern Lower Austria, with Alberndorf im Pulkautal being the likely crime scene.
78 Godsey, *Sinews*, 386–92, at 386.
79 Godsey, *Sinews*, 388–9 (emphasis mine).
80 Godsey, *Sinews*, 388–9, footnote 133. Höbelt, 'Der Bankrott'; see also Stiassny, *Staatsbankrott*, 72.
81 Cf. Sander-Faes, *Lordship and State Transformation*, 9-11. The term 'class' appears but twice in Godsey, *Sinews*: once on 24 with reference to intra-elite competition ('we should not suppose…a relationship of simple collaboration based on class, religion, or other factors'), and another time on 52, holding that 'the Estates were not a class in the Marxist sense', without any further nuances.
82 Godsey, *Sinews*, 389. See my 'Review of Godsey, *Sinews*', for a more sustained, and comprehensive, critique of his elitist focus; note, further, that Godsey also

invoked Brewer's 'fiscal-military state' hypothesis in this study, although his subsequent essay, 'The Rise', 269–71, which draws heavily on New Institutional Economics, betrays more ambivalent sentiments as the latter, although published in 2022, was originally conceived as a conference paper in 2015. By contrast, Brewer, 'Revisiting', 28–9, reiterated that his original inspiration was Weberian. Note, finally, that this conceptual confusion was also criticised by Christopher Storrs who, in his review (at 365), held that most essays in Maťa and Godsey, *The Habsburg Monarchy*, suffer from 'engag[ing] very critically with Brewer's vision of the fiscal-military state'.

83 StiAZ 3/60, Beiträge, fols. 31.

84 Orig. 'Beschreibung der in der Nacht vom 26. auf den 27. v.M. in dem Schlosse Rappoltenkirchen mittelst gewaltsamen Einbruchs entfremdeten Sachen. / 1 Tischtuch, 1 grosse kannafassene weiß und blau gestreifte Bettzüge, 1 gleiche Polsterzüge, 1 Serviet, 1 Handruch, 3 Frauenhemden, 1 Ente. / Die Thäter können zwar nicht beschrieben werden, doch läßt sich aus den Einbrüchen schließen, daß deren merhrere gewesen seyn müssen, und aus dem an der Wand zurück gebliebenen schmutzigen Streife ist zu vermuthen, daß sich unter ihnen eine kleine Persohn befunden haben müsse. / Dieser Diebstahl ist zwar in Hinsicht der entwendeten Sachen eben nicht sehr bedeutend, wird es jedoch durch die Kühnheit und gewaltthätigkeit mit der er verübet wurde, indem die Thäter 4 Thüren gewaltthätig eröffnet, und von einem Ofen die mit Draht verbunden gewesene Kachel ausgehoben haben, um in die Zimmer zu kommen.' StiAZ Gobelsburg, Judicialia 20, no. 6,040/1,319, Vienna, 8 Nov. 1813 (my emphases).

85 Hindle, *State and Social Change*, 19.

86 Kidd and Petrie, 'Our National Hodgepodge', 36.

87 Aylmer, 'Office-Holding to Civil Service', 106, on whom Brewer, *Sinews*, 70–1, also relied.

88 Stollberg-Rilinger, *Maria Theresia*, whose English translation appeared in 2022. Freudenberger, *Lost Momentum*.

5

THE IDES OF *VORMÄRZ*

> Justice is the foundation of rule.[1]

These words, an English rendition of Emperor Francis I's motto—*Iustitia regnorum fundamentum*—are found on Vienna's imposing Heldentor. Erected between 1821 and 1824 to commemorate the victory over Napoleon, it was ceremoniously inaugurated on the anniversary of the Battle of Leipzig on 16 October 1824.[2] Envisioned to paper over the empire's repeated humiliations suffered during the Revolutionary and Napoleonic wars, the Heldentor is a quite strange monument: although it appears as if it was part of the city's walls (which were demolished by the French in 1809), it is, rather, an enduring monument to continuity *and* change around the turn of the nineteenth century. Carved out of so-called *Kaiserstein*, a particularly strong kind of limestone quarried in the so-called Kaisersteinbruch (the emperor's quarry) some 40 kilometres southeast of Vienna, the monument speaks to the shifting tides of history. From 1797 through 1806, Francis of Habsburg oversaw the dismantling of the Holy Roman Empire while, in 1804, he assumed the hereditary title of an Austrian Emperor. Put succinctly, while the former was one of Europe's oldest polities that doubled as earthly manifestation of universal Christendom, Francis' new style and title came about by virtue of a man-made declaration steeped in bureaucratic-legalistic shenanigans.[3] In this sense, the Heldentor's function (*sic*) and Francis' motto speak volumes: the former mimics a defensive structure, while the latter begs the question: 'whose justice?'

Neither the available evidence nor later scholarship, however, provide straightforward or unambiguous answers, and there exists perhaps no better

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FIGURE 5.1 The Heldentor in Vienna. Vienna, Heroes Memorial and Museum of Natural History (in the background), a postcard by P. Ledermann, Fleischmarkt 20, Vienna.

Picture Credit: Erich Sonntag Postcard Collection, Stephan Sander-Faes.

example of these ambiguities than the Heldentor. The site eventually became one of republican Austria's most important *lieu de mémoire*, yet its subsequent history is very much illustrative of what Giovanni Levi called 'the fragmentation, contradictions, and plurality of viewpoints' that characterise the history of Central Europe over the past two centuries[4]: a memorial to the soldiers of the Great War was constructed in 1915–16; in 1934, the fascist Austrian government added a Tomb of the Unknown Soldier (to which the artist Rudolf Wondracek added pro-Hitler pamphlets discovered in 2012); after the *Anschluss*, Adolf Hitler and Hermann Göring, both veterans of the Great War, paid their respects to the fallen and a memorial dedicated to the SA was added (which was removed in 1945). In the mid-1960s, the Austrian government added yet another memorial dedicated to 'those who gave their lives for Austria's freedom'; later additions to the site include a steel cross under which John Paul II celebrated a mass on the occasion of the 300-year anniversary of the Battle of Vienna (12 September 1683), to say nothing about Thomas Bernhard's drama *Heldenplatz*, first staged to great controversy in 1988.[5] In 2002, a cenotaph in memory of police officers killed in the line of duty was added.[6]

These events mirror the—meandering—course of historiography: in the absence of glorious military successes, nineteenth-century historians selectively

interpreted the victories against the Ottomans (1683–99, 1716–18) and against French-led coalitions (1679–88, 1701–14) as Austria's 'Age of Heroes' (Heldenzeitalter).[7] Exultantly glorified in the purpose-built Army Museum's 'Hall of Glory' (Ruhmeshalle, erected 1850–56), it serves as perhaps the most telling manifestation of the Habsburgs' rise to great-power status that, at the same time, also reflected late nineteenth-century aspirations of resurgence.[8] After the dissolution of Austria-Hungary in the tumultuous autumn days of 1918, this rosy reading of history had become obsolete and was replaced by rather negative, if similarly teleological, interpretation: the dual monarchy, due to its alleged failure to modernise, had become a 'living anachronism' almost (pre)destined to join the other 'sick men of Europe' before too long.[9] These verdicts were arrived at, of course, with little more than the proverbial benefit of hindsight, and the large number of studies, syntheses, and, from today's vantage point, interpretations of Habsburg Central Europe in the modern era may be categorised as follows: for well over half a century after its demise—exemplified by the writings of Oszkár Jászi (1875–1975) and Henry Wickham Steed (1871–1956)—through at least the early 1980s, the history of the Austrian Empire and Austria-Hungary was discussed in these overwhelmingly negative terms.[10] It was not before the end of the Cold War that the legacy of the Habsburgs became interpreted in a much more positive light. Pioneered by scholars François Fetjö (1909–2008), István Déak (1926–2023), Helmut Rumpler (1935–2018), and Pieter Judson, the past 40 years have witnessed, in Steven Beller's words, 'a major revision of interpretation of the Monarchy's last century'.[11]

Despite these meta changes, there exist two remarkable consistencies across these writings that budge these trends: firstly, the conventional periodisation was maintained, which holds that 'modern Habsburg history begins in 1740', which culminated in the decade of Joseph II's personal rule (1780–90) and was followed by a return to more conservative, if not outright reactionary, stance under Francis II/I (r. 1792/1804–35) and Ferdinand I. (r. 1835–48).[12] With equally remarkable consistency, as well as few exceptions, what transpired during these decades is typically investigated from the 'perspective of the pinnacle' and designated with blanket terminology, such as 'reaction', 'restauration', or 'missed opportunities'.[13] What is typically overlooked in these accounts is that many of the problems that bedevilled late eighteenth-century Europe persisted and were not overcome, if at-all, before the turn of the twentieth century. Despite the efforts of scholars like Waltraud Heindl (who presented considerable evidence of continuities in the Josephinist *esprit*) and much more refined arguments about Metternich's impact and legacy by Alan Sked and Robin Okey, it remains 'important to stress continuities in Central Europe across this traditional historiographic divide'.[14]

In line with these latter arguments, the preceding chapters pointed to significant changes below and outside the Vienna Court and central administration

from the mid-eighteenth century through the Napoleonic era; the following pages provide a comparable foray into the *Vormärz*. Taking Barbara Stollberg-Rilinger's consideration of the questionable impact of the many reform projects more often begun than completed during the reigns of Maria Theresa and Joseph II as a point of departure, I shall extend this basic premise to the period from 1790 to 1848.[15] Echoing, to a certain extent, consideration of Britain's experiences by John Brewer and Steven Hindle, the following pages argue that the *Vormärz* in particular was neither dominated by restored Old Regime-style politicking nor the victory of the totalising, abstract 'institutional state' in the Weberian mould.[16] In fact, most European states remained flexible, hybrid formations that exhibited shifting, and not altogether easily intelligible, changes in the relative distribution of local/central and social/political power carried out by an ever-changing number and variety of state *and* non-state actors.[17] Although their positions within this old-new system of order were asymmetric, an inquest into the resultant '"patchwork" of practices and institutions' as they became 'institutionalised to a greater or lesser extent over time' reveals yet more hybridity and ex-post rationalisations.[18]

Although firmly grounded in evidence preserved in the vaults of Zwettl Abbey and source material that was transferred to the Lower Austrian State Archive in St. Pölten in the wake of the Revolutions of 1848, I seek to relate their analysis to ongoing discussions about state and institution-building. The sources I am using to that effect include narrative accounts, such as Julius Hörweg's diary, as well as records of a variety of local, regional, and central administrative bodies to explore the changes and continuities in both 'centre' and 'periphery'. Augmented by analysis of what transpired 'in-between' this presumed dichotomy, a more comprehensive reconstruction of everyday administration than a focus on either perspective would do on its own begins to emerge out of this 'least discussed period in Austrian history' that so far remains virtually unaffected by the—mostly self-proclaimed—'revisionist' turn of the past generation.[19]

Julius Hörweg OCist, Chronicler of the *Vormärz*

One of the chief reasons *why* this is the case is the above-sketched changes in the way especially late Habsburg history is interpreted. Here, the essentially double-headed nature of the empire's political system as it emerged after the Thirty Years' War (1618–48) is crucial: the continued (co)existence of the various territorial estates, or Landstände, and the despotic centralism favoured by Maria Theresia, Joseph II are lock and key. It was commonplace among both nineteenth-century contemporaries and scholars throughout most of the twentieth century to argue that the estates' continued existence was an indicator of 'weak' state power and comparatively low state capacity. In fact, given the sustained negative interpretations of the trajectory of the post-1790

Habsburg polity, these views required little, if any, adaptation after 1918. By contrast, the 'revisionist' views that prevail today purports that essentially these same factors—namely close collaboration between crown, church, and estates—*reinforced* state power, which is said to have been a key component of success. This argument has been most forcefully espoused by Renate Pieper, Thomas Winkelbauer, William Godsey, Shuichi Iwasaki, Petr Maťa, and others whose work is, essentially, an extension—and, crucially, a partially incongruous adaptation—of Anglo-British experiences.[20] What unites these approaches with the recent explorations of Habsburg state-building efforts by John Deak and the detailed account of the personnel staffing the central administration by Waltraud Heindl is that they rarely, if ever, discuss what goes on in the rural hinterlands, 'even' in the monarchy's core territory, the Archduchy of Austria below the Enns.[21]

It was Max Weber who famously noted that 'the exercise of authority consists precisely in administration', and the continued co-production of both authority and administration can be observed throughout the *Vormärz* (and, arguably, beyond).[22] Scholarly efforts since the advent of modern historiography, too, rely largely, if to varying degrees, on published materials printed around the turn of the twentieth century and later. If there is one aspect these efforts have in common, it is their strong emphasis on the Austrian, and later Austro-Hungarian, empires' central administration, even though the latter's concerns revolved mainly around 'issues of compatibility between "the particular"…territorial laws' and local conditions'.[23] Apart from the systematising compilation of cadastral information, the most frequent interactions during the *Vormärz* between a local population and a state actor were related to the military, ranging from the billeting and movement of troops to prospectors carrying out a land survey. In the context of Vienna and Lower Austria, work on the so-called Franciscan Cadastre (Franziszeischer Kataster) took place from 1817 to 1824 and was undertaken primarily for military purposes.[24] The resulting intersections of urban-rural aspects, socio-economic and fiscal matters, and governmentality—which Michel Foucault quite aptly called the 'urbanization of the territory'—remain largely unexplored to this day.[25]

We have already discussed the wanted notes as a telling example of the intersection of local/central and social/political power, especially given the military's use of both state and patrimonial officials to apprehend deserters and uphold military discipline (Chapter 2).[26] In his diary, Julius Hörweg relates several examples of the resulting trials and tribulations, mainly from Austria's wars against Napoleon. His related journal entries commence in the aftermath of Napoleon's victory near Ulm (16–19 October 1805). 'Soon thereafter the victorious French armies flooded our beloved Austria', Hörweg noted in November of that year, adding that 'we thus found ourselves in the sad necessity to witness a French *Streifcorps* [light infantry] enter the City of

Zwettl on 10 November'. The next day, on St Martin's, Hörweg recorded their arrival 'in our hallowed walls' of Zwettl Abbey 'where they immediately commandeered our roasted goose because several of these blue-clad gentlemen had arrived just in time for lunch'.[27]

With first contact thus established, relations, although fairly cordial given the circumstances, quickly revealed the realities of military occupation. French General Klein, from his field headquarter in the City of Zwettl, soon required fodder (oat, hay) for his horses and '450 rations of black and 150 rations of white bread' from the abbey. Among the several staff officers visiting Zwettl Abbey was one 'General Betrand, who was later hailed for his extraordinary and gracious comportment', as Hörweg put it. This is the same man, Henri-Gatien Bertrand (1773–1844), who later accompanied Napoleon into exile on Elba and, ultimately, St Helena.[28] This first encounter with the enemy was quite ambivalent:

> In general, all French who came to us during the enemy invasion were very humane and gentle. Nor did we suffer much from the enemy this time, apart from a small camp, which we had to supply during the truce. Out of fear of the enemy's arrival, we had hidden the [abbey's] more precious treasures, and we also hid the better horses in the cellar under the novitiate building.[29]

Hörweg himself noted that he 'cannot, sadly, relate all that has happened in these turbulent times, because we novices had to remain very removed and hidden'. He nonetheless relates a few anecdotes, including the famous General (later Field Marshal) Nicolas Oudinot (1767–1847) who 'requested two of our big English mastiffs because he liked them so much that he took them with him to Paris'. Hörweg further noted that Abbot Aloys Pruckner (r. 1804–08) 'had received from a French officer a golden coin, a real Roman [coin] showing the Emperor Justinian'. All these quotes relate Hörweg's experiences in 1805, and in the next couple of years, he was hardly ever in Zwettl because, 'from November 1806…through autumn 1809, I was in Heiligenkreuz [Abbey] to study theology'.[30] His account, therefore, begins in earnest in 1809, and it is to Hörweg's account of the War of the Fifth Coalition (1809) that we now turn.

Together with two other novices, Julius Hörweg returned to Zwettl in late March, and the three were ordained on Easter Monday 1809 (4 April). Well before the fighting returned to Austrian soil, though, 'there occurred a certain inconvenience here in Zwettl Abbey', Hörweg noted. On the orders of one General Ulrich, a Landwehr unit was mustered, and 'because they were told on the spot that they were to ship out right away, the convened men refused and went home again'. Belying the later narrative of the 'patriotic' soldier gladly fighting for Emperor and Fatherland, here is a first-hand account of

the experiences of 'ordinary people' drafted, once more, to fight someone else's war. Thus Hörweg:

> It was also hard to lead these simple, timid people away immediately, as most of them were standing there in their worst clothes, often without shoes, without a penny of money, and without having taken leave from their families.[31]

The contrast to the later myth of 'the departure of the Landwehr man'—epitomised by Johann Peter Krafft's eponymous painting 'Der Abschied des Landwehrmannes' (1813)—could not be greater. We note, in passing, that while Krafft painted the scene out of his own desire, he was an artist and not a soldier. Favouring such war-themed paintings, after the Congress of Vienna (1814/15), the powers-that-be used these and others' paintings to 'bind the citizen [*sic*] to the fatherland in a sentimental and moralising fashion', as Werner Telesko explains.[32] In other words, the ruling elites who had ordered the common men into battle in the first place later celebrated their eventual victory by selectively pushing one narrative while, at the same time, omitting crucial context. Pieter Judson's acclaimed, so-called 'revisionist' account does that, too: in the corresponding section on the war of 1809, he notes that 'it was often regional conditions that shaped [the militiaman's] reasons for fighting'. Reference is made to the Tyrolean uprising in 1809, which occurred because 'Tyroleans…suffered under Bavarian rule'. While Judson acknowledges that Tyroleans 'clearly regarded Austria as their state or fatherland', no further nuance is provided.[33]

Moreover, the contemporary uprising in Vorarlberg (then technically a part of the Tyrol and since 1918/45 a federal state in its own right) is similarly omitted from this account—although its history provides quite a few insights into these matters. One of the key reasons for the insurrection in both territories was the Bavarian reforms that did away with time-honoured traditions (altes Herkommen) and rules, increased taxes, and introduced conscription.[34] Even though a wealth of information about the ambivalent nature of the 1809 uprisings against the Bavarians and French is available that flatly support, once more, the considerable ambiguities and the ultimately hybrid nature of the uprisings in the Tyrol and Vorarlberg—ranging from newspapers to de facto official diaries and journals[35]—there is but one master-narrative provided by Judson: 'despite Sonnenfels's emphasis on a patriotism determined by loyalty to law [*sic*], in fact the dynasty continued to occupy a central place in the mythologies of the common empire'.[36] The contrast to the assessment by Vorarlberg state archivist Alois Niederstätter could hardly be greater. Upon retaking control, 'Austria retained almost all changes introduced by the Bavarians between 1806 and 1814, which ensured that the westernmost parts of the [Austrian Empire, orig. Donaumonarchie] were the by far most modern areas for the next half-century'.[37]

In much the same way, Hörweg's account—and later commentary—about the war of 1809 against France reveals a much more variegated reconstruction of events, which, likely, had to do with very important people passing through Zwettl once more. Upon the lost battle outside Regensburg (23 April 1809), 'the French tide washed once again over the whole of Austria' he noted. Archduke Karl and his army failed to prevent Napoleon from advancing towards the capital, and 'Napoleon reached Vienna as early as 9 May while…our army was still bivouacking at Zwettl, with the headquarter here in our Abbey, which hosted His Majesty the Emperor' and other members of his retinue. 'The army bivouacked on our fields, and glorious was the sight, wide and far, of the many thousands of campfires at night' (9–10 May 1809). At the emperor's request, 'we transferred 300 buckets [Eimer] of wine to the army, which he promised to repay—which did not happen until today in 1831, and it will never happen', Hörweg continued his account.[38] He then relates the fighting near Vienna: 'On 22 June, Archduke Karl completely defeated [vollkommen geschlagen] the French near Ebersdorf, Albern, Aspern, and Eßling', followed 'five or six weeks later by the battle of Wagram, which, unfortunately for the Austrians, was lost, and the French then occupied the entire Viertel unter dem Manhartsberg'.[39]

In greater detail, Hörweg then relates the impact of war on Zwettl Abbey, which 'mainly came about in the guise of the loss of the wine cellars in Nußdorf that had contained over 6,000 Eimer of the finest Gebirgsweine'.[40] These were 'then partially transferred by the French to the Lobau islet, in part sold by infamous commissaries on the black market [unter der Hand verkauft]'. It is said, Hörweg relates, 'that the French executed a few of these double-dealers', adding his sigh, 'alas, what good could that do us?'[41]

While the French tide came and went, it was by far not the main issue that interested Julius Hörweg.[42] His extensive journal is very concerned with day-to-day matters related to Zwettl Abbey, ranging from oppressive 'taxation' to descriptions of the devastating consequences of inflation to his frequent recording of temperatures. In fact, even though Hörweg was elected abbot of Zwettl in 1834—which meant he then sat on the Prelates' Bench in the Lower Austrian territorial diet—matters related to high politics appear only to a very small extent in his later diary, which remained firmly focussed on local matters from beginning to end.[43] In 1810, for instance, 'all our church and other silverware, including everything with precious stones, had to be handed over to the *Aerarium*', by which is meant the property of the Habsburg dynasty. The subsequent lines, though, contain yet more evidence of the ambiguous character of the political system:

> The state [*sic*] promised to reimburse us for the intrinsic value of these metals with obligations at 4 per cent interest, yet our losses are nonetheless very great, and it is very much a pity because of the many wonderful pieces

of art and other silverware, because all was broken down and melted. Our silver was then transferred to Horn where our Father Ferdinand, cellarmaster, handed it over to the commissars.[44]

As regards the devastating impact of the notoriously cash-strapped Vienna government monkeying with the money supply, there are several hints in the wanted notes: 'on the night of 3–4 November 1813, a postal coach travelling on the road to Brünn [Brno, Czechia] was robbed by 5 males between Schrick and Hobersdorf'. Relieving a travelling merchant of several of his worldly possessions, the highwaymen also took '1 parcel with 318 fl. in bills, 2 letters containing 150 fl. each, 1 letter with 1,100 fl. therein, 1 parcel with 70 fl. (torn packaging), 5 imperial ducats, 3 Napoleon d'or, $^1/_2$ Souverain d'or, and 30 fl. in silver currency'.[45] In his diary, Hörweg provides running, if rather scathing, commentary about 'prices' (whose German equivalents, spelled 'Preise' or 'Preiße', appear on more than 60 occasions throughout his journal). Repeatedly, mention is made of the so-called Einlösungsscheine, a kind of paper money introduced to alleviate the fallout of the default of the Austrian Empire in the wake of the lost war of 1809. Introduced by imperial decree (fiat) on 15 March 1811, it replaced the Wiener Bancozettel (debt obligations issued by the de facto central bank) at 20 per cent of the

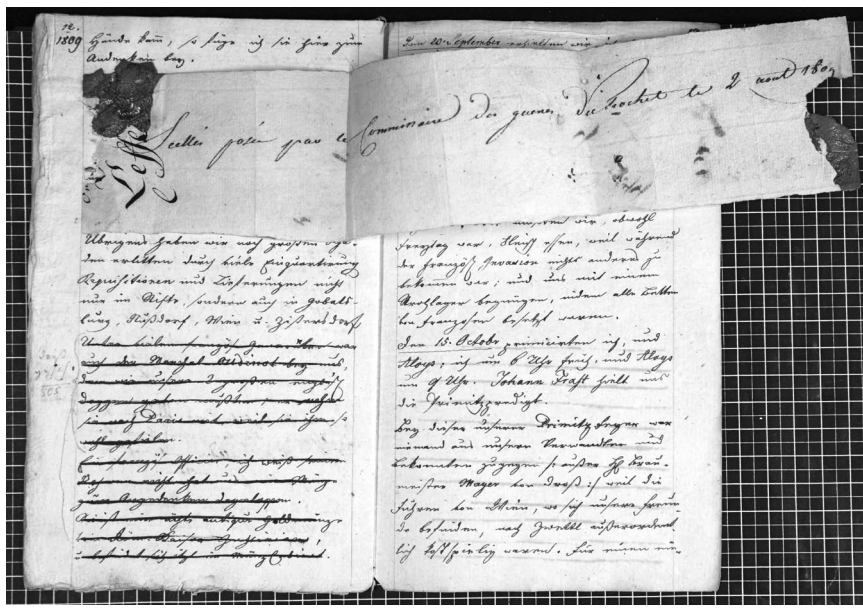

FIGURE 5.2 The French Connection in Hörweg's Diary (1809). Julius Hörweg's 'French Connection'—the order to close the wine cellar; picture by Dr. Andreas Gamerith, Zisterzienserstift Zwettl, Stiftsarchiv.

latter's nominal value as of 1 February 1812. Then there were the so-called Anticipations-Scheine in denominations of 2, 5, 10, and 20 fl., which were issued, again by imperial decree, on 16 April 1813. These were secured by 'anticipating [hence their name] part of the state income of 1814', specifically by earmarking 8.33 per cent of projected property taxes (Grundsteuer); these state bonds were to be repaid over a period of 12 years.[46] 'Both forms of Austrian paper money', noted Karl Rumler in 1849, 'together with the copper *Scheidemünze* [i.e., a coin with a nominal value in excess of its intrinsic value], constitute the so-called Vienna currency [Wiener Währung] whose value in relation to the *Conventions-Münze* was subject to certain fluctuations until 7 May 1824'.[47] The latter was the standardised silver currency in use across Central Europe since the mid-eighteenth century, and its main feature was the direct convertibility into fine ounces of silver.[48] There were, furthermore, so-called Austrian Banknote (Österreichische Banknote), which were issued from 1 July 1816 onwards by the '*privileged Austrian National Bank*' with nominal values of 1, 2, 5, 10, 100, 500, and 1,000 fl., which were 'redeemable in specie'.[49]

Given the multitude of fluctuating paper moneys, and the vagaries of war and peace, it is hardly surprising that references thereto appear throughout both the wanted notes of the 1810s and in Hörweg's diary. Hence the importance of the term 'this year's' (heurig) in his account of these years, and Hörweg mentions it frequently in relation to the listing of prices for staple goods, such as cereals, raw wool, foodstuffs, and beverages. Hörweg meticulously noted several currencies and their relative values, with most of the units of measurement for the sold goods expressed in both Conventions-Münzen (given as 'CMz') and the above-listed other monetary units of account (in fl. and kr.).[50]

Julius Hörweg was a learned man of his time, and in his diary, there are also hundreds, if not thousands, of temperature measurements and other references to memorable weather events. Take, for instance, this recapitulation of his 'general remarks' about the year 1814:

> Another bad year; both cereals and grains, as well as wine, turned out quite bad. According to the Vienna astronomical observations, it snowed 28 times, rained 98 times, and then there were 16 thunderstorms, 78 occurrences of fog, 1 storm, 1 hail-storm. Temperatures: greatest cold on 22 February = [-]13 degrees, greatest warmth on 11 July = 24 $^{3}/_{4}$ degrees.[51]

Hörweg, of course, undertook his own measurements mainly in Zwettl but also in Vienna where he frequently travelled to upon his election as abbot. Every now and then, he also wrote down what he gathered from newspapers from what transpired abroad.[52] The most telling such reference perhaps being his comment on *the year without summer*.[53] On Christmas Eve, Hörweg

wrote that 'the year 1816 is one of the worst and least fruitful years. It rained more or less uninterruptedly this summer, and it was also cold.' Corn and grain, he continued, 'began to sprout in autumn, albeit rather thinly and especially in wet and shaded places'. Soon, 'mildew [roter Mehltau] and blast [Brand]…compounded the dearth, as did heavy showers'. In all, Hörweg noted a reduction of agricultural production of about 50 per cent, which resulted in the abbey 'extending a lot of money and grain to the impacted subjects'.[54]

To reconnect with the main themes explored in this study, there are long and frequent commentaries on Hörweg's acquaintances, fellow Cistercians, and anybody else he encountered. Very much like the wanted notes, these passages exhibit the conflation of behavioural aspects and outward appearance, of which I shall cite one particularly telling example from late 1810:

> 15 years ago, our peasants here wore jackets and legwear made of so-called *Mischling*—fabrics made of linen and wool in equal parts—with Haftl and Schließen [i.e., without buttons], shoes tied with Riemen [strap shoes]; now all clothes are made of cloth with silver buttons and buckles, boots à la mode, and everyone has a pocket watch where before there was none in the entire village.
>
> Women wore clothes of the coarsest wool and dark-printed linen; now [they wear] Kammertuch [Dutch linen], muslin, and silk. In the olden days, women wore round, flat, and black bonnets with a white kerchief; now bonnets made of velvet and silk, or embroidered with golden lace, etc. It is particularly the young womenfolk who comport themselves luxuriously. This afore-described want I remember very well, especially since I am barely 26 years old.[55]

These few examples from Hörweg's diary are telling enough about the multi-dimensional distances between the realities of patrimonial domination and 'the state'. The exigencies and vagaries of war constituted an outsized influence on local matters, exemplified most prominently by the passing and bivouacking troops, friend and foe alike, and the extraordinary impositions that cost Zwettl Abbey most of its treasures and a sizeable amount of its wine. For the most part, courier connections, postal services, and the flow of information transpired on at least two levels (to/from outside the patrimonial property and within it) and in multiple directions at the same time. Every such messenger brought with him plenty of information, including rumours and newspapers (as Hörweg's diary shows consistently, if the frequent mentioning of occurrences in distant places is any indication).[56] Taxation and the compilation of cadastral information aside, however, the most routine interactions of local/central and social/political powers occurred *within* both the widely dispersed and fragmented property titles as well as with respect

to the exchanges between these property titles, regional, or territorial offices (Chapters 2 and 3).

If the central government made itself manifest, it typically occurred 'out of a blue sky [beym heitersten Himmel]', as Hörweg noted on 15 March 1811, which he characterised as follows:

> It is this memorable day on which all people in the entire Austrian Monarchy lost 4 parts of their wealth due to the devaluation of the *Bancozettel*, which are now worth but a fifth of their original value. Therefore, now the gulden is worth 12 kreuzer, and 100 fl. but 20 fl. Now a pound of salt costs 30 instead of 6 kr., 1 *Loth* [approx. 17.5 grams] tobacco instead of 3 kr. = 15 kr. This most important decree was publicised at 5 a.m. this morning in the presence of patrimonial authorities, parishioners, and village judges, it came out of the blue sky, and it signifies the most dreadful financial prospect. At that time, my own funds consisted of barely 98 fl. 48 kr., and now I own little more than 19 fl. 45 $^{3}/_{4}$ kr. in new currency.[57]

This brief quote sums up the ways and means, as well as the impact, of these sudden and unexpected announcements that reached the countryside from Vienna on these Ides of March 1811. They—and the evidence discussed in the following—are also illustrative of the growing reach and range of central government over local affairs, most of which occurred within the collaborative and hybrid framework underlying this study. Hence the importance of having parishioners and village judges present, because it was them who subsequently disseminated the news among the local populace. It is to their more 'official' manifestations and consequences we now turn to.

Statecrafting between Discourse and Implementation

It is not far-fetched to imagine the ultimate point of contact between 'the state' and 'the people' as a rural church, a peasant's house, or an inn in a small village somewhere off the beaten track. Locals and the occasional passersby would congregate to hear a visiting patrimonial official, the ambulant parishioner, or the local village headman reading out, and perhaps subsequently explaining orally, the latest decree, *circulaire* about at-large persons of interest, or other comparable information deemed important for the rural population.

Much like Hörweg's comment about the changing times and mores, the wanted notes preserved in Zwettl relate details of the fugitives' outward appearances. From around 1800 onwards, they also contain references to individual character traits, which was facilitated by the transition from locally copied manuscript to *communiqués* printed in Vienna, with the latter allowing for more linguistic and stylistic uniformity.[58] At the same time, this

transition facilitated the increase of (informal) power of those—increasingly trained jurists—who staffed the various offices in the fledgling state bureaucracy; this is most obviously apparent in the 'frequent cross-referencing to already existing published knowledge, such as ordinances, guidelines, laws, decrees, etc.', including the rules governing due process and the Criminal Code.[59] As discussed at length earlier, the shift towards printed material corresponds to the tendency on part of the Vienna-based authorities to include more physiognomic and behavioural details, frequently interspersed with class-and-status group conceit, or Standesdünkel. Given that most state officials as well as many patrimonial administrators had received essentially the same university-level legal training, the resultant convergence of attitudes and mores, as well as of convictions and sentiments, is hardly surprising (Chapter 4).

These shared horizons, as well as the shared educational-intellectual underpinnings of state and non-state officials, allow the historian to trace the changes from the mid-eighteenth to the turn of the nineteenth century. Seen in this light, the sources analysed here serve as a useful proxy for the changing attitudes in Habsburg Central Europe; however, if one widens the chronological frame to include the *Vormärz*, three overarching aspects may be discerned. Firstly, even though the 'transmediation' (Benjamin Schmidt) from manuscript to print is an obvious change, printed information derived, and in many ways had to do so, from manuscript sources outside Vienna; hence the Court Police Authority functioned more like a transmission box than a steering wheel.[60] Secondly, as time progressed, the amount of information criss-crossing any given territory, as well as its speed and frequency, is suggestive of matching capabilities in the material production and the logistical capacities of the underlying infrastructure and services, such as roads, public safety outside cities, print shops, postal stations, and the like. Inquests into this *information nexus* in its national, regional, and ultimately local manifestations reveals that there is much more to investigate, both spatially and thematically, between 'early modern Europe's expanding field of vision' and 'the age of electricity and engines'.[61]

Because of both aspects, we may, third, observe that close examination of the microhistorical interventions discussed here reveals the shallowness of what, in at-best superficial terms, is conventionally labelled a new 'mechanics of power'. Even though military regulations, the General Rules of Court and the Procedural Norm, wanted notes, as well as criminal and civil codes, were increasingly standardised linguistically and applied across several jurisdictions, neither Foucauldian notions of the emergence, almost like a deus ex machina, of 'an "integrated" system…organized as a multiple, automatic and anonymous power', nor equally superficial observations of the speed differentials between the old *world made by hands* and a *brave new world* of machines quite cut it.[62] What we have seen in the preceding chapters are

scores of humans at every single step of the way, and it was especially state bureaucrats who utilised the coercive powers of 'the state' to rewrite and re-define *how* the addressees—readers and listeners alike—should perceive these wanted individuals and their behaviour. Seen in this light, emphasis on the 'mechanisation' and automatisation of power relations is little more than (mis)taking reified effects for their causative agents. Or, to paraphrase Stollberg-Rilinger, it is akin 'to confuse the scholars' rationalist fantasies with reality'.[63]

What can be—and has been—observed is the creeping coalescence of the Austrian state and central administrators, as well as the non-state actors staffing territorial, regional, and patrimonial offices, public stances, and private opinions around 1800. In socio-economic and intellectual terms, this means that the initially utilitarian reform projects of the latter half of the eighteenth century eventually resulted in the creation of a subaltern class of officials—public and private—who dominated state and patrimonial administration: the 'Josephin Mandarins', as Waltraud Heindl called them (quite appropriately so).[64] This de facto monopolisation resulted from the requirement of having studied law, administrative science (Polizeywissenschaft), and national, or political, economy. These prerequisites extended over both the aristocracy and the emerging, mainly urban (petty) *bourgeoisie* whose prejudices, ignorance about life in outlying, rural districts, and pejorative stereotypes concerning the lower orders and classes of society left traces in these records of everyday administration (Chapter 4). Put differently, the despotic centralism instituted by especially Joseph II and his two successors Leopold II (r. 1790–92) and Francis II/I (r. 1792–1835) amplified, and cemented into place, the diffusion of stereotypes by way of the creation of this *noblesse d'administration* with shared class and educational backgrounds.[65]

A particularly telling feature of the existing literature about the changes around 1800 is that it is both comparatively open about these qualities and quite selective about its origins and legacies. As regards the first half of this consideration, confirmation arrives via Pieter Judson's characterisation of the outcome of the 30–40 years of Habsburg governance after the death of Maria Theresa in 1780. Her successors 'had designed the expanded bureaucracy to serve precisely as a powerful engine to create change against the entrenched powers of the regional nobilities. They had encouraged their bureaucrats to initiate new social and economic practices at every level of society.'[66] While admittedly vague enough to be accurate, the arguments in support of such blanket considerations are far from complete: 'Austria was a full-fledged *Rechtsstaat*', Judson argues, citing 'the regime's adherence both to the centralism and the legalism [*sic*] of the Josephenist legacy'. Citing David Laven, Judson insists that 'Austria fostered…"a legal system that was scrupulous in the extreme"', and if the government or central administration had to engage in 'secret monitoring procedures', including censorship, or

'prosecute individuals for political [*sic*] crimes', they 'had to so legally [*sic*] and according to recognized procedure'. This claim is further buttressed by his insistence that, 'in the Austrian, Bohemian, and Galician crownlands, the government also had to adhere to the provisions of the ABGB' (the Civil Code of 1811/12), which he uses to make the following point:

> In the first half of the nineteenth century Austrians were as much citizens [*sic*] of the empire as they were the emperor's subjects when it came to legal process. [endnote 5] Vienna promoted respect for legal process precisely because of the state's ambition to achieve a more centralized, rationalized relationship to the territories over which it ruled.[67]

This line of reasoning is both contradictory (the existence of due process does not render subjects into sovereign citizens, especially if the emperor claims divine providence as the foundation of his rule) as it is incomplete. Tucked away in endnote 5, the following 'disclaimer' is found in which Judson relativises the interpretation advanced in the main text:

> Many observers criticized the fact that the planned independence of the judiciary was never carried out, especially at the local level in regions where patrimonial courts run by local nobles dominated society.[68]

In light of these contradictory assessments, the absence of any reference to the Criminal Code of 1803, the General Rules of Court first instituted in 1781 (and subsequently amended), or the *Jurisdiktionsnorm* of 1783 is particularly telling. As discussed in the preceding pages of this study (Chapter 3), the combination of the procedural changes, imposed by Joseph II and kept on the books throughout the *Vormärz*, circumscribed the range of actions of the judiciary. While it is true that 'patrimonial courts' continued to exist until the liberation of the peasantry in 1848/49, and while it is also correct to note that these were technically 'run by nobles'—rather, their seigneurial staffers—the General Rules set crystal clear boundaries: the judge 'shall act and speak according to the true and general meaning of the words of the law', with very little leeway in those cases for which no precedent existed. Moreover, 'if a well-founded doubt should arise as to the meaning of the law', judges were obliged to 'report to the Court and a decision obtained from thence'.[69] While the administration of justice was overwhelmingly carried out by patrimonial officials, the decision of whom to prosecute—and under what title—was decided by 'the *political* magistrate' that, upon receipt of further information, determined 'whether or not the offence may be adjudicated criminally or not [i.e., politically]'.[70] The Austrian Empire was a great many things, but it was also a polity where, in the words of the pertinent acts, 'the *political* magistrate' reserved judgement about any infraction that was brought to the

attention of the patrimonial or territorial authorities. Put differently, political considerations preceded 'the law' (although it shall be mentioned that this essentially *hybrid* system of order was in many ways an improvement over the earlier, virtually entirely arbitrary administration of justice). We note, finally, that the General Rules and the *Jurisdiktionsnorm* remained in force until after the Revolutions of 1848: the latter were amended in 1852 until, 40 years later, they were merged with an updated version of the General Rules to form the Civil Procedure Code or Zivilprozeßordnung, which entered into force in summer 1895.[71]

None of this is mentioned by Judson. Therefore, the question is whether an Austrian *Rechtsstaat* as defined by him would—or could—exist under these conditions. This author considers this a highly questionable assertion. The opening paragraphs of the chapter dealing with the *Vormärz* are, indeed, promising and pointing in the right direction, yet its implications are seemingly lost: 'With the publication of the civil law code (*Allgemeines Bürgerliches Gesetzbuch* or ABGB) in 1811', it is argued, 'Francis I of Austria completed a process that began under Joseph II, translating the varied legal statuses… into a form of legal citizenship'.[72] This is partially correct, as Article 16 of the Civil Code establishes that 'every human being has innate rights that are already evident by reason, and [he or she] is therefore to be regarded as a person', while specifically declaring conditions of 'slavery or serfdom, and the exercise of any power relating thereto' as 'not permissible'.[73] If these words would have been applied 'according to the true and general meaning of the words of the law', as the pre-existing General Rules of Court envisioned, no *patrimonial* justice (*sic*) could be lawful or legal, and the same holds true for the divine right to rule.[74] It would be both anachronistic and unfair to judge Joseph II, Leopold II, and Francis II/I by their refusal to abdicate their divine right to rule (Gottesgnadentum) based on present-day standards. The historian may, however, observe that these circumstances substantially circumscribed the partial—yet not impartial—qualities of the alleged, or presumed, Austrian *Rechtsstaat*. To resolve these admittedly incongruous facts, Judson resorts to an argumentative sleight of hand, arguing that a few more years later and the monumental struggle against Napoleon led 'the Habsburg regime [*sic*]' to abandon 'the socially transformative agenda of the eighteenth-century reform monarchs'.[75]

Comparable equivocations are also found in the second major English-language 'revisionist' synthesis by Steven Beller. Apart from its conventional invocation of the Rankean 'primacy of foreign policy', the few pages dedicated to 'Metternich's system—at home' focus heavily on history's bigger men. Acknowledging to a degree Waltraud Heindl's work, Austria is said to have 'relied on Joseph II's bureaucracy to run the government', Beller writes, 'but instead of being a force for expanding the progressive [*sic*] state, it became an instrument to maintain the status quo'.[76] While his account is more

circumspect than Judson's, value-judgements of a rather generic nature characterise the assessment, too: the importance of 'arbitrary mitigations of legal decisions' are downplayed while Beller considers Austria 'a police state' but 'a relatively mild and inefficient one'.[77] Drawing heavily on the current standard German-language textbook account by Helmut Rumpler, the reign of Francis II/I is considered 'one of the great missed opportunities of Habsburg history'.[78]

Instead of an evidence-based deliberation of the final years of the Holy Roman Empire (which ended between 1803 and 1806) and the Austrian Empire (1804–67), both accounts remain focused on the flow of events and history's protagonists. While this is, to a certain extent, understandable for works of synthesis, that which is omitted is telling enough: both accounts strongly emphasise political, cultural, and social aspects while economic development, social change, and everyday administration are treated very superficially, if at-all. Harsh as it may sound, this critique is warranted as neither Judson nor Beller, while recounting the time-worn judgements—Franz' was 'this fearfully conservative regime' in the former's account while the terms 'reaction' and 'reactionary' appear twelve times in the latter's pages devoted to the period 1815–35[79]—no references to the scholarship of Helmut Freudenberger or Felix Butschek are found in either book. Arrived at over a period of several decades, the former's findings are synthesised in his *Lost Momentum*, and the question he raises is pertinent: it would be 'oddly enough for a "reactionary" state', Freudenberger surmises, that 'many barriers to economic growth had been eliminated…by 1830', thus providing 'the institutional foundations… for the potential industrialization of the country'.[80]

Leaving aside questions pertaining to Freudenberger's conceptual approach (New Institutional Economics) and the strong focus on human (entrepreneurial) agency, as well as the emphases by Judson and Beller on political affairs and cultural matters, the main implication here is this: the challenge, to paraphrase John Brewer, is not to favour one over the other views of 'the state' and 'Habsburg society [*sic*]'—be it local/central, social/political, or economic/cultural—but 'to investigate their interactions'.[81] In the context of Central Europe, the decades around the turn of the nineteenth century are very much inviting the study of such interactions due to the multidimensional, inter-locking challenges. We have already explored the routine application by patrimonial ('private') officials of the imperially mandated ('state') Criminal Code from the 1800s onwards whose actions had been circumscribed by both the General Rules and the *Jurisdiktionsnorm* since the 1780s. Once the army is taken into consideration, too, yet another connection—civil/military—is added to the above-mentioned ties.

Yet, instead of an open-ended, inquisitive exploration—such as the one, for instance, undertaken by Robert Evans on the occasion of the centenary of Austria-Hungary's demise—most available syntheses, including, curiously

enough, the most recent ones, *reproduce*, instead of offering a discussion of, accounts of the period from the end of Josephinism (1790/92) or the Congress of Vienna (1814–15) in terms reminiscent of Oszkár Jászi, C.A. Macartney, and others.[82] Upon closer inspection, the increasingly positive ('revisionist') interpretation of the late Habsburg Empire, which has taken hold over the past generation, is fairly conventional in its sustained views of the *Vormärz*: Judson's account, perhaps the most acclaimed of these syntheses, speaks of 'political stagnation' during a period of 'contradictions' (1815–48) before, at the end of this chapter, pointing, once again, to 'the visions of what the Habsburg state might be', an explicit reference to the equally time-worn celebratory interpretation of the achievements of both Maria Theresa and Joseph II.[83] Beller, too, recounts these considerations, albeit with a twist: for him, it is the young Francis Joseph (r. 1848–1916) whom he christens 'the ultimate Habsburg' who oversaw a, if not the, most stunning 'transformation' from around 1852 through 1867.[84] Both volumes appeared in close temporal proximity to Stollberg-Rilinger's biography of Maria Theresa whose interpretation, however, calls into question the see-saw of reform (1740–90/92), restoration and stagnation (1792–1848), and the transformative changes after the mid-century revolutions.[85] If scholarly perceptions of this ruler or that period have changed over the past century, the key dates, or *Schlüsseljahre*, and the overall periodisation schemes that hinge on them have, by and large, remained unaltered.[86]

Consequently, recent scholarship about—rather, that impinges on—the *Vormärz* resembles a curious admixture of adherence to time-worn key events and the continuation of rather strong opinions about the era. This is most pronounced in recent so-called 'revisionist' syntheses, whose verdicts range from the 'failures of the state: fiscal, education, and infrastructure policies' (Rumpler, 1997) to 'the regime's petrification' (Judson, 2016) to the many 'missed opportunities' (Beller, 2018).[87] These sentiments are echoed, albeit with an argumentative sleight of hand, in specialist studies of governance: 'the reform period of the mid eighteenth century', as it were, 'established the fiscal regime that survived [*sic*] until 1848', although as the 1830s turned to the 1840s, 'the regime's [*sic*] brittleness grew', as Renate Pieper and William Godsey summarise what transpired in the *Vormärz*.[88]

Such interpretations—really, sentiments—are a far cry from Peter Dickson's critique of the studies on Habsburg governance ('a feature of the literature… on society, government, or finance, is that it is centralist and Germanist') and the ambivalent characteristics of 'culture and authority' related by Robert Evans.[89] Realities on the ground were more ambiguous. This is particularly true once one ventures beyond the confines of the Vienna court, the Lower Austrian Estates, the fledgling central administration, and the bustling metropolis. There is much more truth to Evans' proposition that 'the rule of the Habsburgs was destroyed by its chief beneficiaries' than first meets the eye.[90]

In this, there is a certain interpretive convergence to fellow early modernist Charles Ingrao whose final assessment, too, suggests a tad more ambivalence: while he contends that it was 'no coincidence that the last two decades of Francis I's reign bore a certain resemblance to those of Charles VI' and holds that the former discontinued the state-building processes undertaken by Maria Theresa, Joseph II, and Leopold II, Ingrao concludes with the following notion: 'the intimate world of aristocratic patronage now *coexisted* with…a growing economy and middle class. There was, in fact, much more substance to Franciscan Austria'.[91] None of these views, as welcome and supportive of the arguments advanced in these pages they may be, are new. In fact, both Alois Brusatti and Alphons von Domin-Petrushevecz, writing in the mid-nineteenth and twentieth centuries, have similarly pointed to the hybrid qualities of *Vormärz* rule, although 'officially, patrimonial jurisdiction was not abolished until 1848'.[92] This, in due course, begs the question: what did these changes entail and what would the patrimonial officials do thereafter?

The Patrimonial Origins of Institutional Memory

'It's a poor sort of memory that only works backwards', the White Queen told Alice in Lewis Carroll's *Through the Looking-Glass*, holding that it is a 'great advantage…that one's memory works both ways'.[93] In the final pages of this study, I wish to suggest that changes achieved around the turn of the nineteenth century did not merely inform bureaucratic practices during the *Vormärz*; that much we know from the sustained enquiry into the persistence of the Josephin ethos by Waltraud Heindl.[94] In fact, there exists an equally almost overlooked facet that transcends the conventional importance ascribed to both '1848' and the subsequent era of 'Neoabsolutism' (1852–59). While the former specifically relates to the finally achieved abolishment of 'patrimonialism' due to the unceasing efforts of Hans Kudlich, the latter relates to the alleged 'transformational' qualities of the post-revolutionary epoch.[95] Both aspects may be summed up in the seemingly simple question: if patrimonialism was abolished in 1848/49, what would this mean for its practitioners?

At first sight, 'the peasantry' was finally 'liberated' from the yoke of subjection, or Untertänigkeit, which refers to the legal status of a person residing on seigneurial property. The term itself serves as a catch-all for tenurial relations between a landlord and his (or her) tenants; both natural and legal persons—such as Zwettl Abbey or incorporated towns—could hold property. This landlord-tenant relationship was typically based on landownership, yet subjection could, at times, also extend over a variety of other administrative-legal areas, including the lord's consent for marriage, choice of abode, restrictions on freedom of movement, and the like.[96] At its very root and irrespective of its location-specific manifestations, subjection had two core components: landholding and usufruct rights. The former constituted a personal bond

between a residing person and the landowner, which was based on the principle of reciprocity notwithstanding asymmetries in power, wealth, and status. The latter was a form of use rights that permitted intergenerational transfers, sales, exchanges, and the pawning of land held by tenants. In exchange for protection in war and peace, as well as the upkeep of public order, landlords organised the administration of justice based on their rights of ownership vis-à-vis the territorial ruler (Landesherrr), the Christian tradition, and their own sense of morality. From the sixteenth century onwards, scholars have identified an increasing tendency of the territorial rulers to insert themselves into the landlord-subject relationship by way of decrees, ordinances, and the creation of an administrative-institutional apparatus that enabled the gradual, if haphazard, transformation of patrimonial officialdom into servants of the territorial ruler (which is *not* the same as 'the state'). Major catalysts for these changes in Habsburg Central Europe were the Thirty Years' War (1618–48) and the reigns of Leopold I (r. 1658–1705), Maria Theresa (r. 1740–80), and Joseph II (r. 1765/80–90). It was especially the latter period during which patrimonial officialdom was reduced to (mere) 'executive bodies for territorial-princely orders', as Helmut Feigl memorably put, adding that this change of function did not lead to the formal abolishment of patrimonialism as 'the underlying, and widely accepted, societal foundation'.[97] Feigl, in his seminal treatment of Lower Austrian patrimonialism, offers the following periodisation of its eventual abolishment:

> The end…came about in three stages. The first refers to the period from 1740/50 through 1790 and is characterised by the Maria Theresan-Josephin reforms. It was followed by a conservative intermission, which lasted from 1790 through 1848. The third stage commenced with the Revolution of 1848, and it was not before 1853/55 until the comprehensive reform agenda was carried out.[98]

While an up-to-date assessment of the first stage is currently in the works, we shall await Josef Löffler's ongoing research into the implications of the changes brought about by Maria Theresa and Joseph II.[99] The main impetus of these reforms, it shall be added, remained 'the increase of the state's income', which was achieved by increasingly close collaboration between the territorial diets and the Vienna court, with the latter benefiting increasingly from access to debt-based financing by taking recourse to the estates' better (corporate) interest rates.[100] At the same time, the fortunes of the peasant population went into reverse: instead of the abolishment of patrimonial relations—which Feigl, correctly, considers the eighteenth century's big social issue—the decades after 1790 witnessed the emergence of a 'conservative-reactionary' era that lasted until 1848. While he treats these changes in the same manner as, say, Helmut Rumpler, Pieter Judson, and Steven Beller,

Feigl's admittedly short treatment (of less than two pages) at least contains references to the socio-economic reasons as to *why* this did not happen earlier: Austria's multi-decadal confrontation with revolutionary and Napoleonic France brought with it both massive bouts of inflation, and the resulting 'instability of the purchasing power kept the landlords' from offering the peasants the option to buy themselves out of subjection. As a secondary reason, the economic—really, agricultural—depression after the Congress of Vienna (1814–15) decreased the peasants' incomes to such a degree that they also increasingly lacked the means to eventually buy their freedom.[101]

Feigl is nonetheless crystal clear that the 'conservative-reactionary period' was characterised by 'the state's ambition to bureaucratise patrimonial domination' that occurred 'via the increasingly general use of printed forms, which patrimonial officials had to fill out'. Over time, and without providing further details, Feigl reveals the key to the understanding of continuity *and* change from 1790 through 1848: 'In many ways, landlords became executive bodies for the state administration', a tendency that 'paved the way for the eventual take-over of both the administration of justice and the *political* agenda'. When the Revolution broke out in 1848, he added, the landowners were quite ready to consign to the state their obligations, but they nonetheless demanded compensation—not from the state, though, but from their (former) subjects. His account mentions 'policing'—that is, the upkeep of public order—as one of the core competencies that was transferred from landlords to state institutions, albeit in passing, and the main contribution of these pages is the in-depth discussion of what this entailed in practice.[102]

We have already discussed the profusion of printed materials, exemplified by the transition from locally copied to centrally printed wanted notes (Chapter 2). In addition, we note, *pace* Feigl, that the transformation of patrimonial offices into de facto executive agencies of the central government commenced under Joseph II and, courtesy of the changes in (higher) education and the administration of justice under Francis II/I, was *continued* after 1790 (Chapter 3). In fact, these changes virtually seamlessly tie together the 'reform era' of the second half of the eighteenth century with the alleged 'reactionary' *Vormärz*, which is one of the main features that the so-called revisionist scholarship fails to account for.

Examination of the patrimonial records from Gobelsburg during the *Vormärz* not merely corroborates this assessment; these sources also furnish copious amounts of evidence for Feigl's brief characterisation that belie the simple, if not outright simplistic, tropes found in the pertinent literature. Most, if not all, Austrian state officials were jurists whose training and later professional careers mirror the transition from the utilitarian spirit of especially Joseph II's undertakings to the more 'positivistic' ethos of the *Vormärz*.[103] This means that there is some truth to the (alleged) statement made by Francis I, said to have been made before an audience of professors

in Laibach (Ljubljana in present-day Slovenia) in 1821: 'By all means, you must remain true to the Old, because it is good…There are new ideas on the rise, which I cannot, and will never, approve of…for I do not need learned men, but good and righteous citizens.'[104] While the quote is indicative of the conservative, if not reactionary, stance of the emperor, there are many more continuities with the preceding Josephin era that can be found in the patrimonial records that belie a simple categorisation.

A survey of the judicial and policing records from Gobelsburg Manor indicates that the transition from patrimonial justice to state-mediated law enforcement occurred in the early years of the nineteenth century. Prior to around 1800, the available records remained overwhelmingly hand-written and contained no references to extra-patrimonial judicial competences other than that found in correspondence. Consequently, virtually all criminal cases that required adjudication were settled 'in the name of the seigneurie [Obrigkeit]', as an example from as late as 1806 shows.[105] Over the next few years, these aspects of everyday administration underwent several profound changes of style and procedure as extra- or supra-jurisdictional references become more regularly applied. While the handwriting also became more uniform over time, the content-related changes were nothing but a series of drastic changes.

As regards the most obvious of these alterations, files began to grow both in quantitative terms and in quality as additional documentation and further particulars became increasingly comprehensive. Hence, we find specific documents on a virtual case-by-case basis from the 1810s onwards, including 'criminal complaints' (Anzeige), 'witness statements' (Zeugenverhör), 'findings' (Erkennthnis), and 'personal descriptions' (Persons-Beschreibung), thereby mirroring the paperwork typically found today (see the exemplary illustrations below).[106] The latter are of particular interest as they clearly show the increasingly regularised use of pre-printed forms: while the upper half with its dotted spaces to be filled out strongly resembles contemporary personnel questionnaires, the lower half makes available a few lines for patrimonial officials to add information about 'the clothes worn by this person'.[107] Together with other pre-printed forms available to patrimonial officialdom, there exists plenty of evidence for the strides made in organisation and scale (type-setting, printing, use).[108] These files are furthermore indicative of both the state's sustained commitment—and abilities—to introduce and standardise these procedures (distribution and dissemination, collection and storage). In this regard, it may be plausible to infer an increasing (re)militarisation of civil administration as such pre-printed forms had come into use by the army during the last quarter of the eighteenth century; this finding places at least a big question mark to assertions made by none other than Charles Tilly who, posthumously, held that 'ironically, the sheer growth of Western military establishments *civilianized* governments'.[109] Thus, during the *Vormärz*, we

FIGURE 5.3 Discharge Certificate of Pvt. Jakob Fleischhackel (1824). See note 109; picture by the author.

find a large, growing, and increasingly differentiated number of spreadsheets, forms, and tables, all of which were filled out by patrimonial officials, ranging from 'discharge certificates' to 'offender registries' (Auskunfts-Tabelle), and from 'deportation passports' (Schubpaß) to 'transport documentation' (Marsch-Route).[110]

While these procedural changes provide further hitherto unknown evidence of the many continuities that tie the Maria Theresan-Josephin 'reforms' to the allegedly 'conservative-reactionary' *Vormärz*, a final issue that begs consideration is the legacy of both the Criminal and Civil Codes of 1803 and 1811/12, respectively. Throughout the mediaeval and early modern periods, the administration of (criminal) justice fell into the categories of high justice that was the territorial prince's and low justice, which was overseen by the various landlords; dispensation was direct and personal in both instances. From 1803 onwards, by virtue of an imperial decree, the ultimate foundation of criminal justice became a book. It remains, of course, debatable whether this shift constitutes an abstraction in a Weberian sense, yet its introduction signified the primacy of *extra*-patrimonial values and considerations in the everyday administration of justice. Moreover, it cemented into place the essentially hybrid structures that existed until the implementation of the abolishment of patrimonialism in the mid-1850s paved the way for

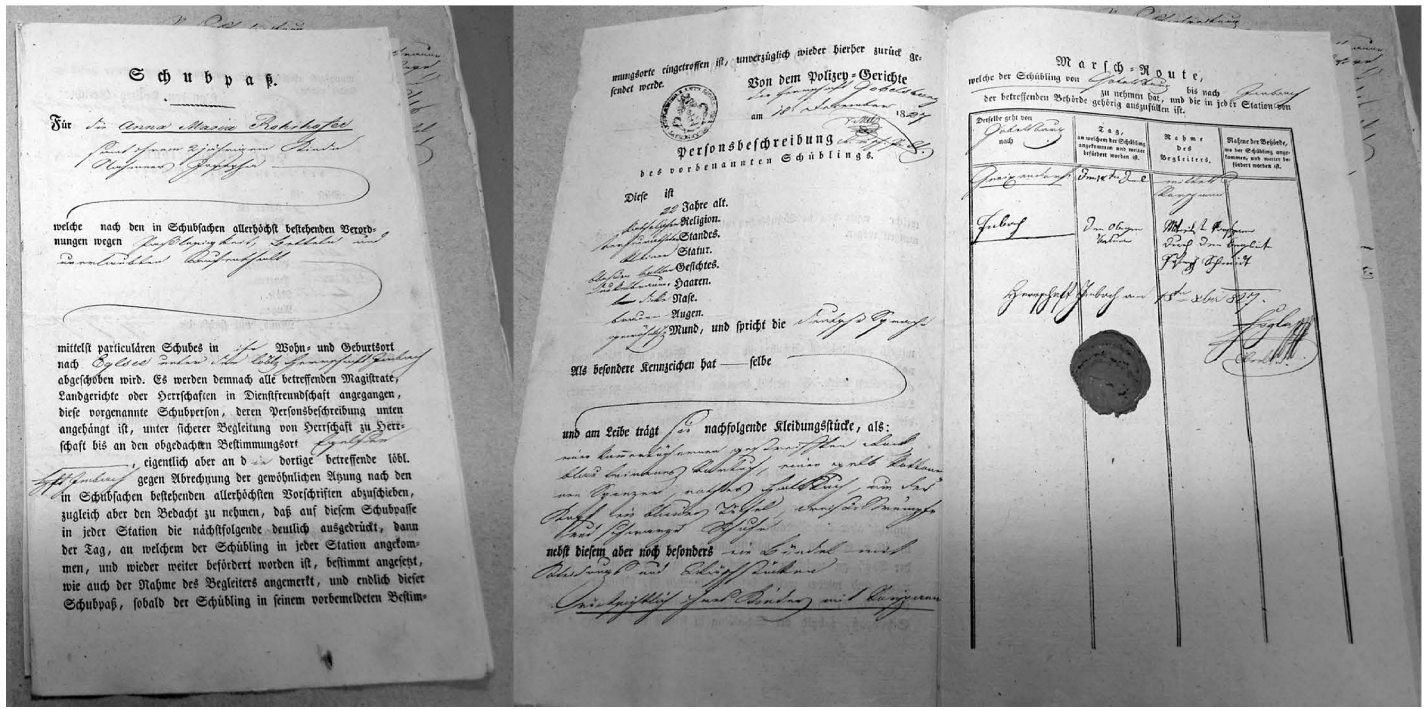

FIGURE 5.4 Deportation File of Anna Maria Rohrhofer (1827). See note 109; pictures by the author.

other arrangements; put differently, the seigneurial apparatuses remained in place across the conventional periodisation (1789/1815), but their functions changed significantly.

From the mid-1800s onwards, there are increasingly frequent references to the *Strafgesetz* of 1803 in the patrimonial records. In Gobelsburg, the earliest reference to the various titles 'of the criminal code [des Straffgesetzes]' was made in the case of Anna Maria Traütinger in 1806 (Chapter 3).[111] By the 1820s, these practices had become normalised to such a degree that virtually all infractions, ranging from assault and battery to violations of sexual norms, were adjudicated by patrimonial officials in this manner.[112] This is important as it signifies the re-ordering of the relationship between patrimonial authority and state power; as these were achieved without a proverbial big bang, they have so far all but escaped notice. Considerations of stagnation and ossification notwithstanding, the Josephin reforms continued to be implemented, virtually across the board and specifically in areas and contexts that had hitherto remained beyond the authority of the central government. Pre-printed forms, which went to the countryside, were filled out, and returned to Vienna for further dissemination, had become widespread. Their use contributed to the diffusion of one particular 'official style', or Beamtensprache, across the *vast domain* of patrimonial domination; these centralising impulses, moreover, served to spread the biases, value-judgements, and stereotypes of Vienna's civil servants whose sentiments, deriving from class-and-status group conceit and reinforced by their legal training, became increasingly engrained in everyday administration elsewhere.

Finally, mention shall be made of the enduring legacy of these changes. Although adapted to the changing circumstances of the post-1789 environment, Joseph II's ambitions to centralise and unify the Habsburg Empire continued 'beneath the surface', so to speak: a uniform Criminal Code was introduced in 1803 and was applied by patrimonial officials very soon thereafter (the earliest reference I found in the Gobelsburg records is from 1806). In this, the application of the *Strafgesetz* of 1803 preceded the introduction of the Civil Code (1811/12) by several years. Yet the procedural norms for both criminal and civil justice are even older: created a generation earlier, both the General Rules of Court (1781) and the *Jurisdiktionsnorm* (1783/88) were crucial, if overlooked, elements for the sustained expansion of central(ising) authority into areas where Vienna's influence was hitherto lacking.[113]

As to the *interplay* of these factors and forcings, the current state of research permits but a few tentative, almost essayistic, lines. Much in line with Lewis Carroll's fictional White Queen ('It's a poor sort of memory that only works backwards'), mention shall be made, however briefly, of the fate of both patrimonial officialdom and their *Vormärz* products after 1848.[114] The main question here is—what happened to seigneurial officials after the abolishment of patrimonialism? Written over 40 years ago, Alois Brusatti provides

at least a tentative answer: 'All those officials tasked with the administration of justice now [i.e., after 1848/49] became state employees', while 'all other [patrimonial] officials…were employed at the state or municipal level [Staats- oder Gemeindedienst]'. Put succinctly, patrimonial officialdom continued to work, virtually like they had before, and 'served as the foundation for the new [*sic*] municipal administration'.[115] That much was known over 40 years ago, and there is, with perhaps the exception of Gerald Kohl's enquiry, no more recent long-form enquiry available that investigates how these former patrimonial officials built the (in)famous *kakanische* institutional state.[116]

As regards their products, I have previously mentioned that their voluminous judicial records are today found in the vaults of the Lower Austrian State Archive, as opposed to where one may rather suspect their final resting place: scattered throughout the various former property titles, slowly fading into oblivion. Yet their fate was to be different: these records *accompanied* the patrimonial-turned-state officials to their new roles. This happened in part because the shift from patrimonial (private) to state (public) administration and jurisprudence necessitated the continuation and adjudication of then-ongoing proceedings. If the substantial records kept by the St. Pölten-based archivists are any guide, the entire documentation 'pending adjudication' was brought along by the patrimonial-turned-state officials.[117] While this was done for practical reasons, it bestows yet another hitherto overlooked, if not overwhelmingly ignored, clue that transcends the mid-century break: these formerly patrimonial officials and their records constitute both bedrock *and* the foundation of institutional culture and memory, pointing squarely, once more, to the essentially *hybrid* qualities of post-1848 change and, ultimately, *Fin de siècle* Modernity.[118]

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In the final chapter of this study, previously unpublished materials from the vaults of Zwettl Abbey and the Lower Austrian State Archive are mustered to spur discussion of both how contemporaries experienced the *Vormärz* and how later scholarship discussed this period. Since its inception in the heady days of so-called Neoabsolutism in the 1850s, the history of Habsburg state-crafting has been told, amended, and retold from the point of view of its Vienna-based bureaucratic and academic protagonists. By contrast, Austrian foreign politicking continues to be overshadowed by accounts focusing on Metternich whose towering stature clearly overshadows emperors Francis I and Ferdinand I, as well as virtually everything else.[119]

Resultant idiosyncrasies include the reproduction of style and content, if adherence to time-honoured sentiments and periodisation schemes is any guide. In this sense, missed opportunities abound regarding the sustained failure to move beyond traditional parameters—and equally well-worn

value-judgements—expressed after the Revolution of 1848. It shall be noted that the pejorative sentiments about the post-Josephin era and the *Vormärz*, expressed for 175 years, have not changed substantially even (*sic*) in their more recent, rather positive ('revisionist') interpretations of our current moment. Whatever the merits of either view, careful investigation of especially the most recent scholarship shows that these views are arrived at more by emphasising the achievements of the second halves of the eighteenth and nineteenth centuries rather than open-minded enquiry into the decades from Joseph II's death in 1790 through the *Vormärz*. Curiously enough, this is done despite this period remaining 'the least discussed in modern Austrian history' and in dire need of a more even-handed evaluation: 'The period has rarely been treated or understood on its own terms', William Godsey wrote 15 years ago, 'rather it has been seen as a reaction to eighteenth-century rationalizing change or as a run-up to later political, national, and social developments'.[120] Put differently, if there is a 'living anachronism', it is *this* stance rather than an open-minded enquiry into the essentially hybrid qualities of the period from 1790 through 1848.[121]

The themes and evidence mustered here lend themselves to the view that sustained enquiry into the continuities *and* changes, and into the at times very close cooperation of, and interactions between, state *and* non-state actors allows for a more comprehensive assessment, as well as, it is hoped, more open-minded interpretations. The argument put forth in these pages is, simply put, that a focus on the institutions and protagonists of central government alone is insufficient to further our understanding of the emergence of ostensibly modern state power. The latter's records of internal deliberations and outgoing communications provide a vivid, almost moving, image while documents originating in the lifeworld(s) of patrimonialism furnish the soundtrack of this dance, or dialogue, of two world systems; it is only through their combination that the historian can bring the scene closer to life than either set of sources would do on their own.[122]

Evidence preserved in both state and seigneurial archives, furthermore, suggests more attention should be paid to the 'subcutaneous' continuities and their scholarly interpretations. This is particularly relevant with respect to what today is referred to as 'institutional memory', which, at its core, is about learning from past mistakes to avoid their future repetition.[123] In this regard, while I note the presentist emphasis of administrative science research in this regard, the history of the era studied here holds quite a few 'clues'.[124] This is perhaps best exemplified by the fact that, to *Fin de siècle* scholars, the liberation of the peasantry, which finally arrived in 1848/49, was little more than the resolution of 'the social question of the eighteenth century'. Herein, as well as in what Georg Friedrich Knapp referred to as 'the social question of the nineteenth century', which related to 'the rural constitution, the social relations of the various classes, and the positioning of the state in-between',

the idiosyncratic nature of the time-honoured periodisation schemes still in use is similarly observed.[125]

I conclude by mustering, once more, another towering figure: 'there is much that feels compatible, even complementary', Robert Evans wrote a few years ago, 'between the earlier and the newer approaches to the Habsburg Question'. Indeed, there is much that does not merely 'feels' so, but careful consideration of the arguments and periodisation schemes that still characterise even ostensibly 'revisionist' narratives rings increasingly hollow.[126] This study, and especially its concluding chapter, provides both a clear-eyed assessment of the status quo and serves as an outline to 'overstep and re-examine these divides rather than reverently respect them'.[127]

Notes

1 Orig. *iustitia regnorum fundamentum*, the motto of Emperor Francis I of Austria (r. 1792–1835).
2 On the Burgtor, now see the summary by Kaufmann, 'Das Burgtor'; see also https://www.denkmalwien.at/rundgaenge/rundgang-wir-sind-heldinnen/aeusseres-burgtor-und-krypta (6 Oct. 2024).
3 On the origins of the Austrian Empire, see Wilson, 'Bolstering the Prestige', 723–6; for the demise of the Holy Roman Empire, now see Wilson, *Heart of Europe*, 647–54; and, more generally, Mazohl-Wallnig, *Zeitenwende*.
4 On the concept of such 'sites of remembrance', see Nora, *Realms of Memory*, with the following quote in vol. 1, xvii: 'A *lieu de mémoire* is any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community' (emphasis in the original). The Heldentor fulfils these criteria. As regards the concept in German-language scholarship, see also Kończal, 'Noras folgenreiches Konzept'. For the quote, see Levi, 'On Microhistory', 107.
5 Bernhard, *Heldenplatz*; accounting by Daviau, 'Heldenplatz'; Pfabigan, 'Heldenplatz'.
6 Up-to-date guidance on the Heldentor via Binder, Hufschmied, and Uhl, *Gedächtnisort der Republik*.
7 The standard account remains Redlich, *Weltmacht*; *Werden einer Großmacht*; new outlines by Wilson, *German Armies*, 68–129; Hochedlinger, *Austria's Wars*, 151–202, incl. bibliography; Winkelbauer, 'Krieg und Herrschaftsverdichtung'.
8 Guidance by Telesko, *Geschichtsraum*, 383–416; take a 'virtual tour' at the Museum of Military History's website at https://www.hgm.at/museum/entdecken/virtuelle-360deg-tour (30 Aug. 2024).
9 Via Höbelt and Otte, *A Living Anachronism?*.
10 Contrast Wickham Steed, *The Habsburg Monarchy*, published in 1914, with his 1937 publication *Doom of the Habsburgs*; foundational for the setting of the tone was Jászi, *The Dissolution*, first published in 1929.
11 For example, Fetjö, *Requiem*; Deák, *Lawful Revolution*; Rumpler, *Chance*. The most recent additions to this line of argumentation are by Judson, *Habsburg Empire*; and Beller, *Habsburg Monarchy*, quote at 287. See also Torrie et al., 'Imperial Dynamo'.
12 For the quote, see Evans, 'Maria Theresa', 17; for the periodisation, see the essays by Helmut Reinalter, Reinhard Stauber, and Hanns-Peter Hye in Scheutz and Strohmeyer, *Schlüsseljahre*, all incl. bibliographies.

13 This stance is particularly pronounced in German-language scholarship, e.g., Fahrmeier, *Restauration, Reform und Reaktion*; Hippel, *Reform und Reaktion*. See also Schlitter, *Versäumte Gelegenheiten*, as well as the succinct commentary by Evans, 'Remembering', 287–8. For the quote, see Szabo, 'Perspective'.
14 Heindl, *Gehorsame Rebellen*; Sked, *Metternich and Austria*; Okey, *Enlightenment to Eclipse*, esp. 68–98. For the quote, see Evans, 'Preface', ix; do not miss his essays on 'Absolutist Enlightenment' and 'Culture and Authority' in the same vol. On these continuities in general, see also Mayer, *Persistence*.
15 Stollberg-Rilinger, *Maria Theresa*, 818: 'To celebrate Maria Theresa as the founder of the modern state is to confuse the reformers' rationalist fantasies with reality.'
16 'German jurists', Wolfgang Reinhard notes in his magisterial *Staatsgewalt*, 16, 'have perfected the study of government, declared the state a legal person in 1837, and defined its key characteristics thereafter.' We note that this elevation of 'the state' to legal personhood occurred—unsurprisingly—in the mid-1830s. The two most widely used definitions of the modern statehood were drafted much later, respectively, by Jellinek, *Allgemeine Staatslehre*, 393–434; Weber, *Politik als Beruf*, 3–4; guidance by Philpott, 'Sovereignty'.
17 The aspect of an 'ongoing human [co-]production' was noted already by Berger and Luckmann, *Social Construction*, 69 (my modification); it was echoed more recently by Deak, *Forging*, 1–2.
18 Quotes respectively by Brewer, 'Revisiting', 29; Hindle, *State and Social Change*, 19.
19 Okey, *Enlightenment to Eclipse*, 69.
20 See esp. Mat'a and Winkelbauer, 'Das Absolutismuskonzept'; Pieper, 'Financing' (*sic*); Iwasaki, *Stände und Staatsbildung*. There is no need to itemise further due to Godsey, *Sinews*, but note that the Brewer-esque approach here is contradicted fundamentally by his espousal of New Institutional Economics in his seemingly more recent essay, 'The Rise', 269–71. This is very strange as the latter is the printed version of a paper Godsey delivered at a conference in Vienna in 2015, i.e., *before* his monograph appeared in print: https://www.oeaw.ac.at/fileadmin/Institute/INZ/Fiscal_Military_Programm.pdf (31 Aug. 2024). The latest addition is Mat'a, 'Stuben und Säle'.
21 Cf. Beller, *Habsburg Monarchy*, 25–86; Deak, *Forging*, 19–63; Heindl, *Gehorsame Rebellen*, vol. 1. See also Judson, *Habsburg Empire*, 51–154.
22 Weber, *Economy and Society*, 220.
23 Fellner, Kretschmayr, and Walter, *ÖZV*, esp. vols. 1–2, 5; synthesis by Walter, *Verfassungs- und Verwaltungsgeschichte*, 89–139; Heindl, 'Bürokratie'; for up-to-date guidance, see Neschwara, 'Oberste Justizstelle'; for the quote, see Neschwara, 'Karl Anton Martini', 221.
24 The standard—and official—account is by Hofstätter, *Beiträge*; its related materials pertaining to Lower Austria are found in the NÖLA, Landesfürstliche und Staatliche Verwaltung bis 1945, Landesfürstliche u. staatliche Verwaltung 1782–1935/40, Staatliche Steuerverwaltung, FK Franziszeischer Kataster, on which see also https://www.noela.findbuch.net/php/main.php#464b204d617070656e (2 Sep. 2024).
25 Foucault, *Security, Territory, Population*, 438. One of the—telling—exceptions is the strong focus on house numbering, as opposed to the 'rest' of a territory, on which see Tantner, 'Addressing the Houses'; the special issue of *Urban History* on 'Governmentality, House Numbering and the Spatial History of the Modern City' (but note its strong emphasis on cities); and the large-scale case study by Tantner, *Ordnung der Häuser*.
26 Cf. Berkovich, *Motivation*, 55–94.

27 Orig. '…wir waren in die traurige Notwendigkeit versetzt…, diese ungeladenen Gästen [*sic*] den 11. November in unseren heiligen Mauern zu sehen, wo sie uns auch sogleich, weil mehrere solche blaumontierte Herren gerade mittags ankammen, unseren Gänsebraten wegschnappten.' StiAZ 3/60, Beiträge, fol. 3. In Austria, the traditional meal on St Martin's is roasted goose.
28 Although Berthelot's biography of Bertrand has a chapter on the 1805 and 1809 campaigns, there is no mention of Zwettl or Zwettl Abbey.
29 StiAZ 3/60, Beiträge, fol. 4.
30 StiAZ 3/60, Beiträge, fol. 5–6.
31 StiAZ 3/60, Beiträge, fol. 8.
32 The best account of this ex-post narrative is by Telesko, *Kulturraum*, 43–64, with numerous illustrations and ample references, but note that these materials were ordered, by the same powers-that-be, upon the allies' eventual defeat of Napoleon.
33 Judson, *Habsburg Empire*, 93–7, at 95–6.
34 On the Bavarian reforms, see Weis, *Montgelas*; on their impact on Vorarlberg, see the essays in Hoffman, *Integration*; Liener, Rudigier, and Thöny, *Zeit des Umbruchs*; as well as in Nachbaur and Niederstätter, *200 Jahre Gemeindeorganisation*. This is not to say that Joseph II's—quite comparable—reforms had been welcomed by the resident population, as documented by Scheffknecht, 'Beharrung und Reform'. Still, as Poßelt, *Grande Armée*, 177, holds, 'conscriptions and the manner in which they were carried out, were one of the chief reasons for rising discontent followed by riots and uprisings'.
35 See, e.g., the diary of Christoph Anton Kayser in Albrich, *Vorarlberg 1809*, 75–223; Tiefenthaler, 'Vorarlberger Publizistik'; 'Tagespolitische Publizistik'.
36 Judson, *Habsburg Empire*, 97.
37 Niederstätter, 'Bayernzeit', 364.
38 According to Rumer, *Übersicht*, 20, an *Eimer* equals '1.792 cubic feet = 56.605293 litres'; 300 *Eimer* correspond to around 170 hectolitres.
39 StiAZ 3/60, Beiträge, fol. 10–11.
40 *Gebirgswein* is the kind of slow-ripening wine produced until around 1800 mainly in the Wachau region; it took some three to four years in a cellar for the wine to be ready for consumption, and the labour- and cost-intensive way of cultivating the vineyards on the steep, narrow slopes of the Wachau eventually lost out against wine-cultivation in the open fields around Krems, today (still) one of Lower Austria's premier wine-producing regions.
41 StiAZ 3/60, Beiträge, fol. 11.
42 There is also, inserted between fols. 14–15, a small booklet (*Beiheft*) that recounts, in some detail, 'some of the occurrences related to our experiences during the French invasion of 1809', compiled by Father Ferdinand, then-cellarmaster of Zwettl Abbey. He, too, noted that 'all the French who passed through the area were very humane and in no way oppressive [keineswegs drückend], and with the exception of quarters, they did not press any other demands'.
43 Running well over 160,000 words from 1805–1846, his diary relates the term 'Landhaus' (the seat of the Lower Austrian diet in Vienna's Herrengasse) a mere 126 times; there are but three mentions of the term 'Stände' (estates), all of which occurred in 1835 upon the swearing of fealty to Ferdinand I (r. 1835–48) upon his accession to throne following Francis I' death (StiAZ 3/60, Beiträge, fol. 368). By contrast, terms such as 'Kornschnitt' (cereal harvest) appear 36 times, 'Schafschur' (sheepshearing) nine 9 times, and references to 'Fieber' (fever) are noted 17 times.
44 Hörweg then lists the following items that were consigned to the dynasty (Aerar) or state: 'One very big monstrance, a very nice, heavy lamp, 6 altar candelabra,

about 40 chalices, several [mehrere] communion bowls, washbasins, pitchers, crosiers, and many other things. As regards silverware, we handed over several cups, 40 silver tankards, coffee pots, 12 candelabra [Tafelleuchter], sugar bowls, 150 sets of cutleries, big soup ladles, etc., except small spoons. Haec omnia mobilia—requiescant in pace!' StiAZ 3/60, Beiträge, fols. 15–16.

45 StiAZ Gobelsburg, Judicialia 20, note 6,122/1,343, Vienna, 12 Nov. 1813.

46 Fiscal aspects connected to these currencies in circulation are curiously, and inexplicably so, missing from Godsey, *Sinews*, which mere notes three instances of 'anticipation' on 144 (n. 177), 233 (n. 105), 381. The 'costs of war and peace' are discussed on 386–92, with the Einlösungsscheine (387) and Bancozettel (386–7) appearing on a mere two pages.

47 Technically, all fiat money in circulation today is a form of *Scheidemünzen*; this is also expressed in law on both the national (Austrian) level and the level of the European Union. The revised Art. 8 of the Austrian Scheidemünzengesetz of 1988, in its revised form current as of 16 Feb. 2005, holds that 'Scheidemünzen within the meaning of this Federal Act are (1) Euro and cent coins which are issued in accordance with the provisions of Article 106 (2) of the EC Treaty and Article 11 of Regulation (EC) No. 974/98 on the introduction of the euro, [A.Bl.] No. L139 of 11 May 1998.' Bundesgesetzblatt I Nr. 10/2005, https://www.ris.bka.gv.at/eli/bgbl/1988/597/P8/NOR40062809 (3 Sep. 2024).

48 *Konventionsgeld* refers to specie in circulation from 1750 onwards through 1857 and refers to several different gold coins of different weights. According to the convention (hence their name) with Bavaria from 21 Sept. 1753. Since these were gold or silver coins, what fluctuated was not their intrinsic worth, but the amount of paper money required to acquire these gold or silver coins. Rumler, *Uebersicht*, 25–6, 32–3.

49 If not noted differently, the quotes in this paragraph are by Rumler, *Übersicht*, 24–5 (emphases in the original).

50 There are several such passages; hence, I restrict myself to citing but two of them: at the end of 1810, Hörweg noted, 'prices of several goods in this current year: a *Metzen* [1 Metzen = 1.9471 Austrian cubits or .61 hectolitres] wheat 10–24 fl., corn 7–10 fl., oat 6–7 fl.; last year before the enemy invasion, oat sold for 15 fl. 1 *Maß* [1.41 litres] Heuriger wine 1 fl. 12–30 [kr.], old Nusberger wine 5 fl. 15 years ago, prices stood at 27 kr.'. By comparison, 'a day-labourer receives 2 fl. in daily wages, incl. food. 1 ducat [specie] is worth 23 fl. in *Bacozettel*, 1 *Silberzwanziger* [a silver coin with the nominal value of 20 kr.] is worth 2 fl.'. In 1839, Hörweg noted, 'the price for new wine is now 12–12 fl. 30 [kr.] Wiener Währung…this year's cereals are selling for between 4–5 fl. Wiener Währung'. StiAZ 3/60, Beiträge, fols. 29–30, 659; units of account via Rumler, *Übersicht*, 19–21.

51 StiAZ 3/60, Beiträge, fol. 67.

52 For example, 'Nov. [1814]: the newspapers are filled with stories about terrible inundations abroad, which were caused by heavy rains. Our Danube, too, burst its banks on many an occasion.' StiAZ 3/60, Beiträge, fol. 229.

53 There is no need to itemise due to Behringer, *Tambora*. See also note 55.

54 StiAZ 3/60, Beiträge, fols. 99–100.

55 StiAZ 3/60, Beiträge, fol. 30 (emphases mine).

56 For example, Hörweg noted exchange rates in late 1810 'as given in today's papers' on fol. 28; a bit further into his account, he wrote down the following about 1811: 'The heat was so great in some countries this year that, according to newspaper reports, sealing wax in rooms in Berlin melted, for example; and according to these same reports, in one place in the outside world—I can't remember the name—corn and grapes were cut on 2 June.' StiAZ 3/60, Beiträge, fol. 43. Finally,

in July 1816, Hörweg wrote, 'According to an Italian mad astronomer who was imprisoned in Papal territory for this very reason, the world was supposed to come to an end on 18 July. This nonsensical prophecy spread fear and terror among the gullible, precisely because it was published in the newspapers.' StiAZ 3/60, Beiträge, 93.

57 StiAZ 3/60, Beiträge, fols. 31–2. For the conversion of loth into grams, see Rumler, *Übersicht*, 22.
58 On this issue, see also the contributions in Becker, *Sprachvollzug*.
59 Rehbein, 'Verwendung von Institutionensprache', 666; see also Becker, 'Das größte Problem', 222.
60 Schmidt, *Inventing Exoticism*, 294–5.
61 Marks, *Information Nexus*, 75–175.
62 Foucault, *Discipline and Punish*, 137–8, 176; on speed differentials, see Borscheid, *Tempo-Virus*, 176, 281, but note that these make only sense if one compares the process of handwriting with the printing of a comparable number of words only (i.e., by excluding the time-consuming—and costly—processes of typesetting, inking, printing, etc.). Reference is made to both Huxley, *Brave New World*, and Kunstler, *World Made by Hand*.
63 Cf. Stollberg-Rilinger, *Maria Theresa*, 818 (my modification).
64 Heindl, *Gehorsame Rebellen*, vol. 2.
65 Heindl, *Gehorsame Rebellen*, vol. 1, 101–242.
66 Judson, *Habsburg Empire*, 106 (emphasis in the original).
67 Judson, *Habsburg Empire*, 107; for the quotes in the quotation, see Laven, 'Law and Order', 396, 403.
68 Judson, *Habsburg Empire*, 473.
69 *Allgemeine Gerichtsordnung*, 184–5.
70 Cited after Blumentritt, *Strafgesetz*, Pt. 2, 113–4, at 113 (emphasis mine).
71 For the 1852 version of the *Jurisdiktionsnorm*, see https://ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001696; the changed Civil Procedure Code, or *Zivilprozeßordnung*, entered into force on 1 Aug. 1895 on which see https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001699 (8 Oct. 2024).
72 Judson, *Habsburg Empire*, 103.
73 Orig. 'Jeder Mensch hat angeborne, schon durch die Vernunft einleuchtende Rechte, und ist daher als eine Person zu betrachten. Sclaverey oder Leibeigenschaft, und die Ausübung einer darauf sich beziehenden Macht, wird in diesen Ländern nicht gestattet.' Via https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622 (8 Oct. 2024). See also the celebratory pamphlet *Unsere Rechte*, published by the Austrian Parlamentsdirektion in 2023, esp. the reference to Art. 16 of the Civil Code on 18.
74 *Allgemeine Gerichtsordnung*, 184–5.
75 Judson, *Habsburg Empire*, 103.
76 Beller, *Habsburg Monarchy*, 33–8, at 34.
77 Beller, *Habsburg Monarchy*, 35.
78 Beller, *Habsburg Monarchy*, 36, with implicit—and, on 288, explicit—reference ('magisterial and indispensable') to Rumpler, *Chance*; note that Beller's conclusion (273–86) is entitled 'the paths not taken'.
79 The former quote is by Judson, *Habsburg Empire*, 104; these twelve terms are in Beller, *Habsburg Monarchy*, 27, 28 (two instances), 29 (four instances), 30, 32, 52.
80 Freudenberger, *Lost Momentum*, 20.
81 Brewer, 'Revisiting', 34 (my modification).
82 Cf. Evans, 'Remembering', esp. 279–82.

83 Judson, *Habsburg Empire*, 105–54, at 109–10, 154; for the 'accidental empire', as he calls it, of the period from 1740 to 1790, see 16–104.
84 Beller, *Habsburg Monarchy*, 87–127, at 88–91.
85 Stollberg-Rilinger, *Maria Theresa*, 250–2.
86 Scheutz and Strohmeuer, *Schlüsseljahre*.
87 Judson, *Habsburg Empire*, 107; Beller, *Habsburg Monarchy*, 36; Rumpler, *Chance*, 248.
88 Quotes, respectively, by Pieper, 'Financing', 168; Godsey, *Sinews*, 197.
89 Dickson, *Finance and Government*, vol. 1, 7; Evans, 'Culture and Authority', 67–71.
90 Evans, 'Remembering', 271.
91 Ingrao, *Habsburg Monarchy*, 242–3 (my emphasis).
92 Domin-Petrushevecz, *Rechtsgeschichte*, 212–361; for the quote, see Brusatti, 'Stellung', 512.
93 Carroll, *Alice's Adventures*, 175.
94 Heindl, *Gehorsame Rebellen*.
95 Up-to-date accounting by Brandt, *Der österreichische Neoabsolutismus* (2014); see also his long-form discussion by the same name, published in 1978. For the quote, cf. Beller, *Habsburg Monarchy*, 87–127.
96 Schreiner, 'Grundherrschaft', esp. 72–4.
97 Feigl, *Grundherrschaft*, 15–22, at 21.
98 Feigl, *Grundherrschaft*, 255–76, at 255.
99 Guidance via Löffler, 'Grundherrschaft'.
100 Guidance via Ammerer et al., *Bündnispartner*; see also the essays in Rauscher, *Kriegsführung und Staatsfinanzen*; Rauscher, Serles, and Winkelbauer, *'Blut des Staatskörpers'*. On Lower Austria specifically, see the cited works by Iwasaki Shuichi, William Godsey, and Petr Maťa. For the quote, Feigl, *Grundherrschaft*, 261.
101 Feigl, *Grundherrschaft*, 263–4, with the quote on 263.
102 Feigl, *Grundherrschaft*, 264 (emphasis in the original), 266; on the abolishment of patrimonialism in Austria, see Feigl, *Grundherrschaft*, 264–76. Hence the continued importance of Grünberg, *Bauernbefreiung*; and with a focus on Prussian experiences, Knapp, *Bauernbefreiung*.
103 Sauer, 'Von der "Kritik zur Positivität"'; on curricular adaptations, see Heindl, *Gehorsame Rebellen*, vol. 1, 126–38.
104 Quoted in Sauer, 'Von der "Kritik zur Positivität"', 36; the quote also appears in Rumpler, *Chance*, 212–3, although neither in Judson, *Habsburg Empire*, 105–12 nor Beller, *Habsburg Monarchy*, 33–9.
105 StiAZ, Gobelsburg, Judicialia 26, Urtheil A. Traütinger, Gobelsburg, 26 March 1806.
106 NÖLA, KG Krems 069/K 0570, Streit- und Exekutionsakten C I, 1–150, which contain all the above-mentioned document types as well as several others, such as 'Beweggründe', or reasons given, dated 16 Jul. 1819, or a file entitled 'Gerichtliches', technically an affidavit, dated 11 Aug. 1819. Further, equally copious, evidence can be found in NÖLA, KG Krems 069/K 644, Strafsachen G I and Strafsachen G II, which contain hundreds of case files.
107 StiAZ, Gobelsburg, Judicialia 26, Persons-Beschreibung, 5 Mar. 1823.
108 For example, NÖLA, KG Krems 069/K 644, Strafsachen G I, Auskunfts-Tabelle, 16 Jul. 1843.
109 Tilly, 'States, State Transformation, and War', 190 (my emphasis). To be fair, his account stops around 1500, and I have discussed the implications for the study of the early modern era in my 'Composite City', 207–10.
110 StiAZ, Gobelsburg, Judicialia 26, Vorzeiger dieses Abschieds, 29 Feb. 1824; Auskunfts-Tabelle, Vienna, 19 Oct. 1826; Deportation File of Anna Maria Rohrhofer,

dated 18 Dec. 1827, which incl. deportation papers (Schubpaß), a personal description (Personsbeschreibung), and transfer arrangements (Marsch-Route).

111 StiAZ, Gobelsburg, Judicialia 26, Urtheil A. Traütinger, Gobelsburg, 26 Mar. 1806.

112 For example, NÖLA, KG Krems 069/K 644, Strafsachen G I, File 1, 29 Jan. 1823, whose verdict concerning a violation of morality is based on '§ 269 des II Theils des Straffgesetzes'; see also File 11, 27 June 1825, whose verdict on a brawl is similarly based on '163. § des II Theils des Straffgesetzes'. For the relevant titles, see Blumentritt, *Strafgesetz*, 234, 335.

113 This is no surprise given that the foundational work by Domin-Petrushevecz, *Rechtsgeschichte*, 212–361, esp. the section on 'the last 13 years of patrimonial justice under emperor Ferdinand I' (335–61, the following quote is on 335) is illustrative: 'None of the earlier periods, not even the short reign of emperor Leopold II, is as poor in terms of reforms in these matters as this one.'

114 They are (in)famously absent from both Judson, *Habsburg Empire*, 221–49; and Beller, *Habsburg Monarchy*, 91–100. Rumpler, Chance, at least cites Brusatti, *Geschichte der Sozialpolitik*.

115 Brusatti, 'Stellung', 514.

116 Kohl, *Anfänge*, remains singularly important; do see, however, Stockinger, 'Neue Räume'; and his 'Staatliche Bezirksbehörden'. See also Buchner, 'Die Gemeinden'. Reference is made both to Robert Musil's *The Man Without Qualities* (1930–43), and the long-running project 'Kakanien Revisited', accessible via https://www.kakanien-revisited.at/ (8 Oct. 2024).

117 These files from Gobelsburg Manor extend all the way to 1800, and I would never have found them if it had not been for the volunteering of the so-called Repertorium—an alphabetical compilation, or index, of those patrimonial files that were transferred to the Krems-based district court after 1848/49—by the helpful reading room staff at the St. Pölten-based Lower Austrian State Archive. See NÖLA, KG Krems 069/K 648, Repertorium; the sheer amount of evidence—in the district court files of Gobelsburg provenance alone there are 132 (!) volumes (*Bücher*), with uncounted archival meters of evidence still awaiting future researchers; see https://www.noela.findbuch.net/php/main.php#4b47204b72656d7320303639 (8 Oct. 2024).

118 Cf. Mayer, *Persistence*, esp. 129–87, although I neither share his dedication to Herbert Marcuse nor his faithful appreciation of the Frankfurt School. I do, however, without qualms or hesitation, accede to his (third, as listed) premise found in the introduction (4–5) that 'Europe's old order' was not 'thoroughly preindustrial and prebourgeois', and I can commend his stance that 'there has been'—and still is, I would add—'a marked tendency to neglect or underplay, and to disvalue, the endurance of old forces and ideas', which certainly resulted, and continues to result in, 'a partial and distorted view of the nineteenth and early twentieth centuries'.

119 I concur with Evans, 'Remembering', 280, who holds that 'attempts at rehabilitation, from Srbik to Siemann, ring hollow to me', adding, on 285, that 'Metternich clearly failed within Austria. That's mitigated for his apologists by their claim that he always lacked sufficient influence over domestic policy (thus Siemann, who therefore neglects the latter almost entirely).'

120 Quotes by Okey, *Enlightenment to Eclipse*, 68; Godsey, 'Review of Sked, *Metternich and Austria*', 996.

121 Höbelt and Otte, *A Living Anachronism?*.

122 On the notion of lifeworld and life conditions, see Kraus, 'The Life We Live', 3–5. For the allegory, cf. McKee, 'Women', 35 (my modification).

123 This is no place to itemise either; start with Corbett et al., 'Toward a Dynamic Approach'; for a definition, see their 'Introduction', 2–3.
124 In the sense alluded to by Ginzburg, 'Clues', esp. 107–8, with the following quote—taken as *pars pro toto*—at 107 'The radical conception of considering only the portions of a text which could be reproduced (first manually and later, after Gutenberg, mechanically) meant that, even while dealing with individual cases, one avoided the principal pitfall of the humane sciences: quality.'
125 'The history of the liberation of the peasantry is the history of the social question of the 18th century. The social question of the 19th century is less related to the peasants than to the workers, in particular with rural workers…thus, we are not considering agriculture but rather the people working in this industry, the rural constitution, the social relations of the various classes, and the positioning of the state in-between. In researching the liberation of the peasantry and the origins of the rural workers, we are investigating the socio-political history of the rural population.' Knapp, *Bauernbefreiung*, iii–iv.
126 Evans, 'Remembering', 290.
127 Duindam, 'Beyond', 611.

CONCLUSION

When the guns of the War of the Austrian Succession (1740–48) fell silent, Maria Theresa embarked on one of the most ambitious reform projects Europe had ever seen. Geared towards a war of revenge against her Prussian nemesis Frederick II, the main impetus of change, widely understood, was neither characterised by a sincere wish to improve the lot of her subjects nor devoid of all too human desires. When her efforts to regain Silesia foundered (1756–63), a second phase of top-down change was initiated. These included military reforms and the introduction of compulsory primary schooling for boys and girls, accompanied by activism in many other fields, ranging from taxation to territorial administration. These impulses reached their apogee under the personal rule of her son and successor Joseph II (r. 1765/80–90) whose activities touched upon an even greater number of issues. In the final analysis, though, while significant strides were accomplished, the Habsburg Empire's rise to greatness was cut short by the confluence of domestic and foreign matters: the death of Joseph II on 20 February 1790 and the generational struggle against Revolutionary-Napoleonic France signified the high-water mark of 'reform', which was followed by 'reactionary' retrenchment. When peace was finally restored in 1815, a period of stagnation followed.

Such, in all brevity, run the main lines of scholarly enquiry into the late Habsburg Empire; nowhere in the considerable body of literature since the mid-nineteenth century do the main arguments or interpretations of these events and developments change in a significant manner. Moreover, key dates and the associated (derivative) periodisation remain essentially constant across the past 150 years: 'reform' was induced by an intrepid young empress, and its most drastic manifestation was reached under her impetuous son and successor. Even the most recent additions to the reams of studies on the late

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Habsburg Empire do not transcend the verdict arrived at by C.A. Macartney over half a century ago: 'it is not even over-straining the historian's license to name a day as that on which the tide turned in Central Europe: 28 January 1790'.[1] Joseph II's death was followed by decades of struggle and stagnation, with the main addition of the current so-called revisionist school of thought being little more than the recognition that Austria-Hungary—along with the empires of the Hohenzollern, Ottomans, and Romanovs—was ultimately destroyed in what Georg Kennan labelled '*the* seminal catastrophe of the twentieth century'.[2] Irrespective of its qualities, recent scholarship has, by and large, failed to provide any other new insights into the ultimate causes of the end of Austria-Hungary (although the many new particulars into its mainly post-1867 existence are very well taken).[3]

The further 'back' in time one ventures, however, these works become even less 'news-worthy' as they, with very few exceptions—Alan Sked's (re)evaluation of Metternich and Austria and Barbara Stollberg-Rilinger's biography of Maria Theresa come to mind—reproduce virtually all the arguments about the period under consideration here that appeared in the pertinent literature since the mid-nineteenth century.[4] In the background, moreover, lurks the spectre of periodisation, with Joseph II's death, the creation of an Austrian Empire, and the dissolution of the Holy Roman Empire being shoehorned to relate Central Europe to the conventional Western turning point 'around 1800'.[5] It is hardly surprising that these days the most innovative research into the period considered here occurs at the margins of History, with legal scholars Gerald Kohl, Christian Neschwara, Martin Schennach, and others offering distinct approaches and new source materials. It will remain to be seen where Josef Löffler's enquiry into the manifestations of the Maria Theresa reforms in the countryside will fall. In other words, few have heeded John Brewer's cautionary dictum:

> Though there can be little doubt that war was *responsible* for the expansion of the state, it does not follow that war therefore *caused* the expansion of the state apparatus.[6]

The present study contributes to current debates about state and institution-building in the Habsburg Empire from the mid-eighteenth century to the *Vormärz*. Based on previously unpublished patrimonial records preserved in Zwettl and St. Pölten, I examine the interplay between despotic centralism favoured by the Vienna court and administration and its manifestations in the countryside, thereby shedding new light on the interactions of villagers and their headmen, seigneurial officials, and territorial-imperial institutions. Analysis of the available evidence reveals two closely interrelated aspects: first, local/central and social/political power were flip sides of the same system of order whose protagonists worked together hand-in-glove; recognition

thereof calls into question the prevailing either-or, before/after Joseph II models. Second, ever closer coalescence of public (state) and private (patrimonial) mores and careers emerged over time, which was partially fuelled by educational requirements and in part accomplished by the increasing regulation of everyday life required by the Vienna institutions; recognition thereof suggests enquiring about how and by what ways and means the nascent state inserted itself into contexts and processes where it previously did not exist as a fruitful avenue. These are the two central tenets of this book.

The transformational qualities of the nascent old-new Habsburg *régime* are examined by taking a small patrimonial property title as the point of departure. I first place Gobelsburg Manor and its owner, the Cistercian Abbey of Zwettl, at the core of the analysis. This study reconstructs the directions and flows of information by using hundreds of hand-written and printed wanted notes to enquire about nodes of communication, distribution, and the variety of media involved. Second, I document the growing reach of Vienna's despotic centralism by looking closely at several court proceedings that show how, from the 1800s onwards, the imperially mandated Criminal Code of 1803 was applied by patrimonial officials. Existing scholarship is overwhelmingly interested in the Civil Code of 1811, and my books show that when the latter went into effect in 1812, local officials already had ample experience from applying the former.

Whereas most available studies focus on the urban centres and the high-born protagonists, I also investigate the interactions of state and non-state actors and how their close collaboration was essential to the continuation of the changing—'modernising', if you will—impetus emanating from Vienna after the death of Joseph II. Building on the continuities in the Austrian central administration explored by Waltraud Heindl, the second core finding of this study is that, above all, *hybridity* characterised the old-new Habsburg *régime* across the conventional periodisation markers of 1790, 1815, and 1848. These notions are neither new nor a great revelation; in fact, they are the inescapable consequence of pre-modern, pre-industrial existence: 'It was in the rural communities that the social life and solidarities of Europeans were concentrated', Henry Kamen succinctly summarised these parameters, adding that '"state" and "nation" were abstracts with which they seldom came into contact'.[7] Given the wealth of details in the wanted notes, my study also speaks to the material culture of the common people who dwelled in these rural communities.

This book furthers our understanding of the interrelated nexus of the state's growing reach, the ways (despotic centralism) and means (bureaucratic procedures) with which the Habsburg Empire inserted itself into contexts where it previously did not exist. Taking wanted notes preserved in a patrimonial archive in rural Lower Austria as a point of departure, and enquiring about the proverbial nooks (court rules, stipulations about judges)

and crannies (the *political* nature of the judiciary) of everyday administration outside Vienna, this book reveals two key insights: first, leaving the imperial (court, central administration) and territorial (Estates) institutions behind, the documentation originating in the vast domain of patrimonial domination contains a wealth of under-appreciated, and correspondingly under-researched, information across the conventional disciplinary divide 'around 1800'. The information expressed across the records of everyday administration is as coherent as it is consistent: *circulaires* and government *communiqués*, as well as rules and regulations, arriving in the countryside, were mediated by patrimonial officials (non-state actors) who worked in increasingly close cooperation with state actors. In many ways, this study shows powerful continuities and transformational changes that permit 'integrat[ion of] key questions before and after the great divide 1789–1815'.[8] In doing so, this book consciously offers an argument that goes against the grain of both the conventional disciplinary periodisation and the equally time-honoured, if increasingly anachronistic, see-saw of 'reform' (1749–90)—'stagnation' (1790–1848)—'transformation' (1848–) so prevalent in Habsburg Studies.

As regards the history of the Habsburg Empire from the accession of Maria Theresa until its demise in 1918, second, my findings underscore the need to overcome the equally entrenched views about institution-building and governance. Across both early modern *and* modern Central Europe, change typically came about by central government(s) whose activities, albeit in a haphazard and often unplanned way, increasingly encroached on the prerogatives of traditional patrimonial domination; the way this came about, however, was by monarchical fiat (*iure regio*). This applies to both quite positively connotated, seemingly 'benign' rulers like Maria Theresa (r. 1740–80) and Francis Joseph (r. 1848–1916) as well as to those castigated as 'reactionaries' like Francis II/I (r. 1792/1804–35) or 'morons' like Ferdinand I (r. 1835–48).[9] Yet these considerations are hardly found in the pertinent literature on state-building *à l'autrichienne*, in particular once one considers that meta changes emanating from Vienna—proposed by a narrow coterie of imperial councillors—would be implemented in comparably parochial settings by patrimonial officials.[10] I maintain that there is much to be learned from studying the interplay of social/political and local/central authority, and, to paraphrase John Brewer, scholarship should do so comparatively.[11] He was, of course, referring to synchronous analysis while I am proposing to add a strong *diachronic* component, which leads to the inescapable proposition that changes prior to the promulgation of constitutional frameworks in both Austria and Hungary (1867, although the latter harks back to the so-called April Constitution of 1848) came about in the very same way as they always had: by an imperial *diktat*. If the controversies that continue to haunt scholarly writing about the origins of the First World War are any guide, the decision over war and peace in July 1914 came about

in the same mould.[12] Moreover, if the implications of this momentous event are considered, too—which Christopher Clark does in no uncertain terms—the demise of the Habsburg Empire continues to cast a very long shadow onto the present and, arguably, beyond:

> It would certainly be misleading to think of the Austrian note [the ultimatum to Serbia delivered on 28 July 1914] as an anomalous regression into a barbaric and bygone era before the rise of sovereign states. The Austrian note was a great deal milder, for example, than the ultimatum presented by NATO to Serbia-Yugoslavia in the form of the Rambouillet Agreement drawn up in February and March 1999 to force the Serbs into complying with NATO policy in Kosovo…Henry Kissinger was doubtless right when he described Rambouillet as 'a provocation, an excuse to start bombing', whose terms were unacceptable even to the most moderate Serbian. The demands of the Austrian note pale by comparison.[13]

While enquiries about 'the character, development, and enduring legacies of empire'—whose?, the reader is tempted to ask—are certainly legitimate, they are no substitute for studying 'the imperial essence of Habsburg rule'.[14] No amount of 'revisionism' can gloss over the fact that while the Vienna court ruled supreme, implementation of its will remained contingent on a wide variety of state and non-state actors, as well as on multitudes of '*ordinary* people', echoed, perhaps a tad less prosaically, by Robert Evans who also called to 'look beyond elites'.[15]

This book seeks to heed these latter calls and to further our understanding of the transition across the conventional disciplinary divide around 1800. As regards the Habsburg Empire, these pages add several new themes to the study of a field that has remained seemingly frozen in time for a good 150 years, if not longer. Therefore, this study doubles as a standing invitation to re-assess, with an open mind and comparatively across time and space, the transformative qualities and characteristics of a long-bygone era by enquiring about the interactions of political/social and local/central authority. There is a continued need to 'unravel the complex relationship between local administrative bodies, both institutional and informal, and the workings' of the estates and their offices, the central administration, and the Vienna court'. Doing so involves both state and non-state 'actors and mechanisms that had their own character'.[16] Scholarship of state transformation and governance would be well advised to draw on the vast domain of earlier instances of change, widely understood, and—much like EU-led 'institution-building missions'[17]—draw on all interested and competent parties, be they patrimonial and territorial officialdom, landowners, regional governors, state officials, and imperial councillors, as well as the local population (and, perhaps, also transient elements, such as vagrants and wanted criminals). It is their

inclusion that will allow historians and social scientists to leave worn-out interpretive paths behind and, given the Habsburg Empire's oft-cited role as a 'laboratory for modernity', doing so might also hold one or the other lesson for policy-makers and institution-builders in the twenty-first century.[18]

Notes

1 Macartney, *Habsburg Empire*, 1.
2 Kennan, *Decline*, 3 (emphasis in the original).
3 See the heavily annotated synthesis by Judson, *Habsburg Empire*; see also Torrie et al., 'Imperial Dynamo'.
4 Sked, *Metternich and Austria*; Stollberg-Rilinger, *Maria Theresa*.
5 As pars pro toto, see Mazohl-Wallnig, *Zeitenwende*.
6 Brewer, *Sinews*, 138 (emphases in the original); repr. in his 'Paradoxes', 332.
7 Kamen, *Early Modern European Society*, 15.
8 Duindam, 'Beyond', 611 (my modification).
9 On the legacy of Maria Theresa, see Telesko, *Maria Theresia*; as regards the cognitive shortcomings of Ferdinand I, see Francis Joseph's comment who held that 'my uncle was a half-moron [mein Onkel war doch ein halber Trottel]', as related by Friedjung, *Aufzeichnungen*, vol. 2, 447; see also Evans, 'Remembering', 281. I have dealt with the main syntheses by Helmut Rumpler, Pieter Judson, and Steven Beller in Chapter 5.
10 Cf. Brewer, *Sinews*, xvi, who explains that his 'perspective is neither global nor from the periphery, but from Whitehall and Westminster, very much at the centre of the core'.
11 Cf. Brewer, *Sinews*, xviii.
12 Both recent scholarly biographies highlight Francis Joseph's seminal role: Christoph Schmetterer notes the emperor's overarching power over war and peace (53, 94–5), while Michaela and Karl Vocelka, following Ernst Hanisch's considerations, stress that the old emperor had 'merely confirmed' the warmongering sentiments of his councillors 'without being very active himself' (351–5, at 354).
13 Clark, *Sleepwalkers*, 456–7.
14 Quotes respectively, albeit *pace* Judson, *Habsburg Empire*, 12; Evans, 'Remembering', 291. See also Moos, *Habsburg Post Mortem*, who offers a well-written, if fairly conventional, survey; for the many continuities, now see Miller and Morelon, *Embers of Empire*.
15 Lewis, *Weight of Glory*, 46 (emphasis in the original); Evans, 'Remembering, 290
16 Brewer, 'Revisiting', 27–8.
17 'Military missions are just one element in the EU's toolbox of instruments to tackle today's complex security challenges in a comprehensive way. There are also eleven civilian missions deployed in partner countries whose assistance plays a crucial role in border management, conflict prevention, combatting organised crime and smuggling, reforming national security sectors or in monitoring the judicial system and the rule of law. The Civilian Planning and Conduct Capability (CPCC) serves as the common operational headquarters for the EU's civilian CSDP missions.' Here, too, we observe the blending of civil and military roles, the mission-specific incorporation of non-governmental expertise, and the reliance on non-state actors, via https://www.eeas.europa.eu/eeas/missions-and-operations_en#9620 (11 Oct. 2024).
18 While *Fin-de-siècle* Vienna as a *locus* of modernity played an outsized role for Jacques Le Rider (e.g., *Modernité viennoise*) and Steven Beller (esp. his *Vienna and the Jews*; see also *Rethinking Vienna 1900*); beyond specialist studies, both

term and concept are more widely diffused. If Google's Ngram Viewer is any guide, the term 'laboratory of modernity' is chronologically associated with New Cultural History since around 1990—as is the breakthrough of the 'revisionist' turn in Habsburg Studies. As this book goes to print, the geographical focus of its application has shifted to Ukraine, if Serhiy Bilenky's eponymous volume (and several other titles pointing to other continents) is any indication.

APPENDIX

TABLE A.1 Zwettl Abbey and Its Possessions: 'Routes'

1st Route[a]	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Zwettl Abbey	15	Zwettl Abbey	Zwettl Abbey	Zwettl Abbey
Rudmanns	71	Zwettl Abbey	Magistrate Zw.[f]	Zwettl Abbey
Klein Schönau	17	Zwettl Abbey	Zwettl Abbey	Zwettl Abbey
Spregnitz	25	Groß Göttfritz	City of Zwettl	Zwettl Abbey
Wiezen	13	Niedergrünbach	Gföhl	Zwettl Abbey
2nd Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Pötzles	16	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Germanns	20	Groß Globnitz	Kühbach	Zwettl Abbey
Wildnig	14	Groß Globnitz	Kühbach	Zwettl Abbey
Heermanns	15	Oberndorf	Allensteig	Zwettl Abbey
Klein Zwettl	32	Gastern	Waidhofen/Th.	Zwettl Abbey
3rd Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Oberhof	35	City of Zwettl	Magistrate Zw.	Zwettl Abbey
Böhmhof	6	City of Zwettl	Zwettl Abbey	Zwettl Abbey
Groß weißenbach	46	Groß Götfritz	Magistrate Zw.	Zwettl Abbey
Schafberg	19	Grafenschlag	Magistrate Zw.	Zwettl Abbey
Kaltenbrunn	20	Gragenschlag	Ottenschlag	Zwettl Abbey
Heubach	8	Salingberg	Gföhl	Zwettl Abbey

Dominion (Herrschaft) over Schafberg was shared by Zwettl Abbey, Ottenstein (Lamberg), Niedernondorf (Geras Abbey), Rastenberg (Bartenstein), and Spitz.

(*Continued*)

TABLE A.1 (*Continued*)

4th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Kühbach	48	Oberdorf	Kühbach	Zwettl Abbey
Nieder Plättbach	29	Töllersheim	Zwettl Abbey	Zwettl Abbey

Dominion over Kühbach was shared by Zwettl Abbey, Ottenstein (Lamberg), Unter Dür(re)nbach (Lilienfeld Abbey OCist), and the Premonstratensians of Geras Abbey; dominion over Nieder Plättbach was similarly shared by Zwettl Abbey, Ottenstein, Rastenberg (Bartenstein), Wetzles, Idolsberg (Wacken), Allentsteig (Falkenhayn, from 1822 Pereira-Arnstein), and Großpoppen (k.k. Stiftungsfonds).

5th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Rohrenreit	24	Schrems	Magistrate Zw.	Zwettl Abbey
Reichers	10	Groß Göttfritz	Magistrate Zw.	Zwettl Abbey
Klein Weißenbach	24	Groß Göttfritz and Sallingberg	Magistrate Zw. and Sallenberg	Zwettl Abbey
Kamles	9	Sallingberg	Gföhl	Zwettl Abbey
Klein Haslau	15	Sallingberg	Gföhl	Zwettl Abbey
Voitschlag	16	Sallingberg	Gföhl	Zwettl Abbey

Dominion over Klein Weißenbach was shared by Zwettl Abbey and Rastenberg (Bartenstein); dominion over Kamles was similarly shared by Zwettl Abbey, Rapottenstein (Abensberg-Traun), and Dürnstein Abbey (secularised in 1788 upon which it was transferred from the Starhemberg to the Augustinians of Herzogenburg Abbey).

6th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Gut[g] Moidrams	28	City of Zwettl	Magistrate Zw.	Zwettl Abbey
Gschwend	32	City of Zwettl	Magistrate Zw.	Zwettl Abbey

Dominion over Moidrams was shared by Zwettl Abbey, the Magistrate of Zwettl, and St. Bernhard (Ehrenfels von Brunn am Walde).

7th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Etzen	21	Etzen	Rosenau	Zwettl Abbey
Groß Meinhards	31	Etzen	Rosenau	Zwettl Abbey

Dominion over Groß Meinhards was shared by Zwettl Abbey, the Propstei Zwettl (a former collegiate abbey secularised by Maria Theresa in 1751 and transferred to the Military Academy of Wiener Neustadt), Arbesbach (Dietrichstein von Spitz), and Weitra (Fürstenberg in der Baar).

(*Continued*)

TABLE A.1 (*Continued*)

8th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Gradnitz	26	City of Zwettl	Magistrate Zw.	Zwettl Abbey
Oberstrahlbach	66	Oberstrahlbach	Magistrate Zw.	Zwettl Abbey
Negers	16	Jahrings-Riegers	Rosenau	Zwettl Abbey
Taures	18	Groß Schönau	Weitra	Zwettl Abbey
Groß Otten	22	Groß Schönau	Weitra	Zwettl Abbey
Wurmbrand	31	Wurmbrand	Weitra	Zwettl Abbey
Böhmsdorf	24	City of Zwettl	Zwettl Abbey	Zwettl Abbey
Friedreichs	20	Groß Schönau	Weitra	Zwettl Abbey

Dominion over Wurmbrand was shared by Zwettl Abbey, Kirchberg am Walde (Blacas d'Aulps), Rosenau (Stifft), Engelstein (Geusau), and Weitra (Fürstenberg in der Baar).

9th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Rabenthan	14	Kirchbach	Rosenau	Zwettl Abbey
Walterschlag	17	Sallingstadt	Magistrate Zw. and Weitra	Zwettl Abbey
Bärndorf	21	Schweiggers	Weitra	Zwettl Abbey
Wolfgers (Klein)	16	Schweiggers	Weitra	Zwettl Abbey
(Groß-)	41	Schweiggers	Magistrate Zw.	Zwettl Abbey
Unter Windhaag	20	Riegers	Weitra	Zwettl Abbey
Markt Schweiggers[h]	80	Schweiggers	Weitra	Zwettl Abbey
Siebenlinden	37	Siebenlinden	Weitra	Zwettl Abbey
Mannshalm	27	Schweiggers	Weitra	Zwettl Abbey

Dominion over Schweiggers and Siebenlinden was shared by Zwettl Abbey and Weitra (Fürstenberg in der Baar), with the Herren of Imbach (Sima zu Hodos und Kiztia) and Kirchberg am Walde (Blacas d'Aulps) similarly holdings rights over Schweiggers, Siebenlinden, and Mannshalm as well as Mannhalms, respectively.

10th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Windhag	17	Sallingstadt	Weitra	Zwettl Abbey

11th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Gerotten	29	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Groß Haslau	36	Citz of Zwettl	Magistrate Zw.	Zwettl Abbey
Bösenneunzehn	12	Groß Globnitz	Kühbach	Zwettl Abbey
Groß Globnitz	39	Groß Globnitz	Kühbach	Zwettl Abbey
Klein Otten	30	Groß Globnitz	Kühbach	Zwettl Abbey

(*Continued*)

TABLE A.1 (*Continued*)

11th Route	*Houses*[b]	*Parish*[c]	*Territorial Jurisdiction*[d]	*Village Authority*[e]
Edelhof	8	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Kleehof	4	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Kobelhof	8	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Ratschenhof	11	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Ritzmannshof	5	Zwettl Abbey	Magistrate Zw.	Zwettl Abbey
Windhof	13	St. Wolfgang	Weitra	Zwettl Abbey

(a) If not indicated otherwise in this column, all places refer to villages, or Dörfer; (b) lists the no. of houses in any given location; (c) indicates the inhabitants' parish affiliation; (d) names the Landgericht, or territorial court district; (e) denotes the Herrschaft (lordship) exercising authority and overseeing public order; if not mentioned otherwise, all named places are villages (Dorf), except for (f) the civic authority, or magistrate (Magistrat), of the City of Zwettl (which must not be confused with City of Zwettl as parish); (g) manor (Gut) Moidrams; (h) Schweiggers—together with Hadersdorf (see the subsequent table)—were the only two villages holding market rights (Marktrecht) within the domains owned by Zwettl Abbey.

Literature: Gochnat, *Dominien-Schematismus*; Schweickhard, *Darstellung*, vol. 2; Schütz, 'Studien', 36–41.

TABLE A.2 Gobelsburg Manor and Its 'Precints' (Sprengel)

	Locations[a]	*Commentary*
1st Precinct	Gobelsburg Manor Markt Gobelsburg Zeiselberg Haslach	
2nd Precinct	Engabrunn	Village authority or Obrigkeit was shared by Zwettl Abbey, the Herrschaft Grafenegg (Breunner von Asparn an der Zaya), and the Benedictines of Göttweig Abbey
3rd Precinct	Herrschaft Kammern	
4th Precinct	Neustift	An immediate property title of Zwettl Abbey, it was administered from Gobelsburg due to its geographical proximity to the latter
	Markt Hadersdorf	Zwettl Abbey disposed of patrimonial rights from 1740, full authority was acquired in 1819; it was not administered in any of the four precincts

Caption: if not indicated otherwise in this column, all places refer to villages, or Dörfer; (a) lists the locations subsumed under the title Gut (Manor) Gobelsburg.

Literature: Rauch, *Topographia*, 2; Gochnat, *Dominien-Schematismus*; Schweickhard, *Darstellung*, vol. 2; Schütz, 'Studien', 43–4.

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INDEX

This is a conceptual index, incorporating key concepts, major themes, and important terminology to illustrate, to a limited extent, the main arguments discussed in this study. Proper names and toponyms appear as they do in the book, except for those generally familiar. With respect to places in bearing different names today, I have added their modern-day equivalents in parentheses. Note that the index 'only' covers the main text, thus excluding the captions of tables and figures and the notes. The reader is cordially invited to sift through the notes for (much) more in terms of anecdotes, more names, dates, and places, extended and original quotations, commentary on the literature, and supporting evidence for the claims advanced throughout the book.

To facilitate orientation, I have grouped some of the entries in the below index into supra-ordinate categories, such as 'patrimonial and regional officials' or 'battles'; the same applies to groups of people, such as the monks of Zwettl Abbey, 'wanted individuals', or 'Austrian central instituions'. Some idiosyncrasies could not be avoided, however, such as my qualitative, case-by-case judgment of the various groupings, most prominently the separation of civilians ('wanted individuals') from 'deserters'. Moreover, I have refrained from listing all instances of any one term or idea, instead providing references to specific institutions, names, or places in their relevant context.