

Why does Corruption Matter? Reforms and Reform Movements in Britain and Germany in the Second Half of the Eighteenth Century*

ECKHART HELLMUTH.

I SHALL START BY MAKING A STATEMENT that could not be more banal: the second half of the eighteenth century, in Britain and Germany alike, was a time when things began to be in flux. Reform, improvement, transformation — these are the terms in which historians frequently try to capture the spirit of the times. Of course, there is also another school of historiography, the one which subsumes conditions of the later eighteenth century under the category *ancien régime*. Since Jonathan Clark, this heuristic concept has even been applied to conditions in Britain.¹ None the less, the fact remains that the majority of historians see the period after the Seven Years War in particular as a period of change. Yet when they describe this change in Germany and Britain, they concentrate on very different things. Those who deal with Germany look at, for example, Frederick the Great, Joseph II, and the problem of enlightened absolutism. Those who deal with England write, among other things, about John Wilkes, Major John Cartwright, Tom Paine, and the movement for political and economical reform. We are obviously, therefore, dealing with two quite different historical landscapes which, moreover, do not lend themselves easily to comparative examination. Yet it is not only the different realities of life that make a comparison difficult.

* In revising this paper for publication, I have preserved its original character as a lecture. As a result, references have been kept to the necessary minimum. In the process of revision, I have taken into account at least some of the contributions that were made in the discussion at the conference. I was particularly grateful for the comments made by Joanna Innes, Professor Derek Beales, and Professor Peter Dickson. The paper was translated by Dr Angela Davies, whom I should like to thank here. Thanks are also due to Christoph Schroer for his help in procuring literature, and for his critical reading of the present essay.

¹ J. C. D. Clark, *English society 1699–1832: ideology, social structure and political practice during the ancien régime* (Cambridge, 1985).

Added to this is the fact that historians dealing with German and British conditions in the eighteenth century often operate within quite different heuristic horizons.²

Another problem also deserves mention. In order to understand the will for change in the late eighteenth century, and its objects and objectives, it would really be necessary to examine the discourse of this age with the greatest care. This would also mean looking at how language changed, and reconstructing the contemporary vocabulary of reform and its semantic content. At present, it is only possible to say that, at least in Germany, the concept of 'reform' entered the language of politics as a contrast to that of 'revolution'. *Begriffsgeschichte* (the history of concepts) as pioneered by Reinhard Koselleck teaches us that 'reform' signifies

change in the framework of the existing system, improvement by the abolition of obsolete forms and ones that have been overtaken by contemporary conditions, adaptation to new conditions, constitutionality, lack of violence, necessary interventions undertaken carefully and with caution, implementation over a long period of time, initiatives by the legal constitutional organs, the need for the concept of reform to concur with the general conviction.³

While such attempted definitions are useful, they cannot disguise the fact that we know comparatively little about the vocabulary that the advocates (and opponents) of change in Germany and Britain used in their language games. Yet it was these language games that, at the end of the eighteenth century, often opened up or blocked possibilities for reform.⁴

Thus the difficulties confronting any comparison are enormous. I shall, nevertheless, attempt such a comparison, not least because historical sociologists have always regarded England and Germany as the two main alternatives on the path to modernity.⁵ Before I embark on my analysis, however, I must make a few general provisos. First, I shall develop my argument in a schematic way, deliberately dispensing with nuances. Second, I shall have to refer to some things which are well known. Third, my remarks encompass actual reforms, failed reforms, and attempted reforms. Fourth, I understand

² Some comments on this can be found in E. Hellmuth, 'Towards a comparative study of political culture: the cases of late eighteenth-century England and Germany', in idem, ed., *The transformation of political culture: England and Germany in the late eighteenth century* (Oxford, 1990), pp. 1–36, esp. 10ff.

³ Eike Wolgast, 'Reform, Reformation', in O. Brunner, W. Conze and R. Koselleck, eds, *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland* (8 vols, Stuttgart, 1972–97), v, pp. 313–60, esp. 344.

⁴ Some fundamental considerations on this can be found in W. Steinmetz, *Das Sagbare und das Machbare. Zum Wandel politischer Handlungsspielräume England 1780–1867* (Stuttgart, 1993).

⁵ On this see T. Ertman, 'Explaining variation in early modern state structure: the cases of England and the German territorial states', in J. Brewer and E. Hellmuth, eds, *Rethinking Leviathan: the eighteenth-century state in Britain and Germany* (Oxford, forthcoming 1999), pp. 23–52, with references to further literature.

'reform' to mean what historical research has defined as reform, although I am aware that phenomena which historians analyse as 'reforms' would not necessarily have been subsumed under this category by eighteenth-century contemporaries.

In order to make clear what I am talking about in this paper, I should like to refer briefly to a present-day episode. If we look at the political debate that has been conducted in the media of the Federal Republic of Germany over recent years, we keep coming back to one catchphrase: 'Reformstau'. Those who use this word deplore the indeed hopeless situation of almost total paralysis in many areas of reform. Above all, people are chafing at the fact that it is at present impossible to bring down tax rates in the Federal Republic, to cut back bureaucratic regulations, and to put limits on the state in its role as the shaper of social and economic life. 'Reformstau' has become the battle cry of those who want to combat Leviathan. And many observers in the Federal Republic who are seeking alternatives look with envy at a Britain which was subjected to a radical cure by Margaret Thatcher. This is not without irony. At that time, the interventionist state in the Federal Republican mould was held up by many Britons as a model for orientation. I am referring to this episode not only to make clear that what has just been praised as a model of reform can quickly end up in the dustbin of history. Something else is more important. To think about reform is to think about the state. This is as true of the present day as of historical contemplation of the eighteenth century. It is tempting to bring the state into our consideration of reform not least because our image of Leviathan in the eighteenth century has changed considerably over the last decade. I shall therefore start by making a few brief remarks about recent research on the state in the eighteenth century (I). Thereafter I shall deal with reforms in eighteenth-century Germany (II), before turning to conditions in Britain (III). And I hope that in this last section the reason for calling this paper 'Why does corruption matter?' becomes clear.

I

Over recent years an astonishing phenomenon has been observable. Historians and historical sociologists have rediscovered the early modern state as an object of investigation.⁶ Moreover, they are in the process of departing

⁶ Among recently published works the following deserve special mention: T. Ertman, *Birth of the Leviathan: building states and regimes in medieval and early modern Europe* (Cambridge, Mass., 1997); M. Greengrass, ed., *Conquest and coalescence: the shaping of the state in early modern Europe* (London, 1991); B. Downing, 'Constitutionalism, warfare and political change in early modern Europe', *Theory and Society*, 17 (1988), pp. 7–56; idem, *The military revolution and political change: origins of democracy and autocracy in early modern Europe* (Princeton, 1992); Richard Bonney, ed., *Economic systems and state finance* (Oxford, 1995); W. Reinhard, ed., *Power elites and state building* (Oxford, 1996).

from the well-worn paths of analysis in two respects. First, they are attempting to free themselves from the interpretative patterns that are more or less associated with the name of Max Weber.⁷ And secondly, they are generating empirical findings that are forcing us to dispense with familiar assumptions. This applies to British and German conditions.⁸ Thus the assumption that in the eighteenth century the state apparatus was especially 'strong' in the German territories and Prussia while it was 'weak' in Britain has increasingly come under fire. We have been taking leave of these entrenched clichés for some time. John Brewer's book *The sinews of power*,⁹ published almost ten years ago now, provided an important boost to this new way of thinking. Building on the earlier work of Daniel Baugh,¹⁰ Gerald Aylmer,¹¹ and Patrick O'Brien,¹² Brewer presents the eighteenth-century English state as a powerful and efficient machine. By comparison with its contemporary European counterparts, argues Brewer, the English state was an extremely modern institution. The starting point for Brewer's ideas is the explanatory model which postulates a connection between war, finances, and bureaucracy. From Otto Hintze to Charles Tilly, this model was generally applied to continental states. One of Brewer's points is that the English state of the eighteenth century was able to siphon off large amounts of tax revenue which it needed to finance numerous wars and to maintain its formidable military apparatus. An efficient and highly professional fiscal system was required to collect these large amounts of tax. Thus we are confronted with the paradox that the presumably weak English state had at its disposal a fiscal administration unmatched anywhere in Europe.

This new view of the English state corresponds to an increasingly critical assessment of the German state of the eighteenth century. Scholars are distancing themselves from the image of a highly efficient absolutist state

⁷ For this see, among others, J. Brewer and E. Hellmuth, 'Rethinking Leviathan' in Brewer and Hellmuth, eds, *Rethinking Leviathan*, pp. 1–21. On Weber's understanding of the state see Roland Axtmann, 'The formation of the modern state: a reconstruction of Max Weber's arguments', *History of Political Thought*, 11 (1990), pp. 295–311.

⁸ For this see E. Hellmuth, 'Der Staat des 18. Jahrhunderts. England und Preußen im Vergleich', in Günter Birtsch, ed., *Reformabsolutismus im Vergleich = Aufklärung*, 9/1 (1996), pp. 5–24.

⁹ J. Brewer, *The sinews of power* (London, 1989). Some of the implications of Brewer's book are discussed in L. Stone, ed., *An imperial state at war: Britain, 1689–1815* (London, 1994).

¹⁰ D. Baugh, *British naval administration in the age of Walpole* (Princeton, 1965).

¹¹ G. Aylmer, *The king's servants: the civil service of Charles I, 1625–1642* (London, 1974); idem, *The state's servants: the civil service of the English republic, 1649–1660* (London, 1973); idem, 'From office-holding to civil service: the genesis of modern bureaucracy', *Transactions of the Royal Historical Society*, 5th ser., 30 (1980), pp. 91–108.

¹² P. O'Brien, 'The political economy of British taxation, 1660–1815', *Economic History Review*, 41 (1988), pp. 1–32. See also idem, P. Mathias, 'Taxation in England and France, 1715–1810: a comparison of the social and economic incidence of taxes collected for the central governments', *Journal of European Economic History*, 5 (1976), pp. 601–50.

pervading all areas of life, such as was found in the works of Gustav Schmoller, Otto Hintze, and Fritz Hartung. The insight that in the eighteenth century 'broad areas of social life were beyond the direct reach of the territorial ruler'¹³ is at present accepted as a commonplace of history. The organs of the estates continued to have a large part in the administration of the territories. Thus almost thirty years ago Rudolf Vierhaus wrote: 'Nowhere was public life completely permeated by the political will of the ruler as, according to the theory of absolutism, it should have been. Nowhere were the old corporatist institutions completely abolished and replaced by territorial ones. Their co-existence was still . . . part of social reality.'¹⁴

But it was not only the continued existence of intermediary powers that contradicts the ideal-typical image of the absolutist state to be found in eighteenth-century Germany. The at least partial morbidity and inefficiency of the state apparatus of enlightened absolutism points in the same direction. Christof Dipper has recently drawn some highly sobering conclusions. 'By the eighteenth century', he argues,

society had reached a degree of complexity which was beyond the capacity of autocratic rulers to deal with. Many, especially in larger territories, remained dilettantes, and their interventions often did more harm than good. Thus despite the numerous decrees which it produced, the eighteenth-century state apparatus was concerned mainly with itself, in both theoretical and practical terms . . . Thus it is hardly surprising that attempts at intervention had such meagre results. Only too often, multiple administrative restructuring ended up in total confusion . . . In practice, this meant that no distinction was drawn between important and unimportant matters. Anyone today leafing through the decrees issued by German territories is surprised by the huge range of subjects to which the administration addressed itself . . . From the sublime to the ridiculous, from university reform to dog-catching was only a small step.¹⁵

It is obvious that historians are increasingly coming to doubt the efficiency of the eighteenth-century German territorial state. This applies in particular to the states organized in a bureaucratic-absolutist way. It is generally assumed that their internal constitutions, 'rationalized' throughout, along with the taxation systems associated with this form of organization, placed them in a position to maintain a formidable military apparatus

¹³ R. Vierhaus, 'Ständewesen und Staatsverwaltung in Deutschland im späteren 18. Jahrhundert' (1966), in idem, *Deutschland im 18. Jahrhundert. Politische Verfassung, soziales Gefüge, geistige Bewegungen. Ausgewählte Aufsätze* (Göttingen, 1987), pp. 33–49, esp. p. 40. W. Neugebauer, *Politischer Wandel im Osten. Ost- und Westpreußen von den alten Ständen zum Konstitutionalismus* (Stuttgart, 1992), pp. 1–27 provides an excellent overview of the present state of research on the estates.

¹⁴ *Ibid.*, p. 35.

¹⁵ C. Dipper, 'Government and administration—everyday politics in the Holy Roman Empire', in Brewer and Hellmuth, eds., *Rethinking Leviathan*, pp. 204–23, esp. 207, 221, 215.

which, in turn, raised their status within the circle of European powers. Yet was this particular variant of the eighteenth-century German territorial state really suited to increasing political and military power? The answer most recently provided by Thomas Ertman is deeply sceptical.¹⁶ Using the example of Prussia, Ertman demonstrates that specific structural deficits meant that the states that were organized on a bureaucratic-absolutist basis were capable of asserting themselves within the concert of the European powers only within limits. The basic problem, he argues, was the inability of the Prussian state to establish a stable taxation and credit system which would have allowed it to survive longer-term conflicts. The reason Ertman gives is as follows:

None of the Prussian monarchs were [sic] willing to tolerate representative assemblies, even if only to provide independent loan guarantees to potential lenders, yet without such guarantees the creation of a public credit market, a *sine qua non* of military effectiveness over the long term, was beyond reach. The belief that this contradiction — which lay at the heart of all fully absolutist regimes — could be overcome by building up cash hoards or invading neighbouring territories proved to be an illusion.¹⁷

The difficulties which resulted from this structural deficit of the Prussian state were enhanced by the fact that the antiquated economic system, which was in thrall to a society of orders and the manorial system, lacked any of the dynamism that a military great power needed. Thus the reason for the collapse of the most powerful eighteenth-century German territorial state in 1806, a collapse that had already been prefigured in its conflict with the French revolutionary troops a good decade earlier, was to be found, among other things, in its bureaucratic-absolutist state structure. This collapse can be regarded as symptomatic of the weakness of the German territorial state of the eighteenth century.

II

The eighteenth-century German states, whose internal condition, it seems, was rather different from what earlier scholars had assumed, made serious efforts at reform during the second half of the eighteenth century.¹⁸ This applied to the large powers Austria and Prussia, as well as to the smaller

¹⁶ On this see Ertman, *Birth of the Leviathan*, pp. 224ff.

¹⁷ *Ibid.*, p. 262. Ertman expresses this insight against the background of his analysis of the British state (*ibid.*, pp. 156ff.).

¹⁸ As my concern here is with the reforms undertaken within the context of the German territorial state in the eighteenth century, I do not take into account the efforts directed at a reform of the empire. On this see, most recently, W. Burgdorf, *Reichskonstitution und Nation. Verfassungsreformkonzeptionen für das Heilige Römische Reich Deutscher Nation im politischen Schrifttum von 1648 bis 1806* (Mainz, 1998), esp. pp. 131ff.

German territories generally known as the 'third Germany'. The reform programmes of territorial rulers and their enlightened bureaucracies were inspired by extremely diverse intellectual traditions, including cameralism, natural law, physiocracy, pietism, enlightened Catholicism, and Christian patrimonialism. The spurt in reforming activity which many German states experienced during the second half of the eighteenth century was not least the result of rivalry between states.¹⁹ Thus the reforming efforts of the Habsburg monarchy were essentially inspired by the fact that it had been beaten in the Silesian wars by Prussia, the parvenu among the European powers. And the course of the Seven Years War made it abundantly clear to Maria Theresa and her advisers that the Austrian state machine required a thorough overhaul. War, or the effort of dealing with its consequences, was undoubtedly one of the forces driving on the reform process in many German territories. The larger and middle-sized states within the Holy Roman Empire tried to prepare themselves for possible encounters with other states.²⁰ This meant, above all, raising the finance that was necessary for them to stay in the power game of the eighteenth-century states. Rivalry between states included the ability to learn from competitors. The classic example of this is the Habsburg monarchy's partial adoption of the Prussian military system.

The most ambitious reform programme was undoubtedly set in motion in the Habsburg monarchy.²¹ I shall give a brief outline of this activity here in order to demonstrate the areas in which reforming absolutism was active.²² The following comments are intended not as a subtle analysis of Habsburg reforming absolutism,²³ but as a reminder of the scope and character of the

¹⁹ On the connection between domestic politics and power politics and foreign policy, see B. Simms's comments in *The impact of Napoleon: Prussian high politics, foreign policy, and the crisis of the executive, 1797–1806* (Cambridge, 1997), pp. 2ff. (with references to further literature).

²⁰ On the contemporary scenario for conflict, see, most recently, P. W. Schröder, *The transformation of European politics, 1763–1848* (Oxford, 1994), pp. 24ff.

²¹ I refer to the model of reform in the Habsburg monarchy because reform was pursued there with particular dynamism and consistency, and because it was especially broadly based. I am aware, however, that the ethnic plurality of the Habsburg monarchy means this reform model can only to a limited extent be described as 'German'.

²² The following, among others, provide good overviews of this reforming activity: H. M. Scott, ed., 'Reform in the Habsburg monarchy, 1740–90', in idem, ed., *Enlightened absolutism: reform and reformers in later eighteenth-century Europe* (London, 1990), pp. 145–87; W. Demel, *Vom aufgeklärten Reformstaat zum bürokratischen Staatsabsolutismus* (Munich, 1993), pp. 83ff., and C. Ingrao, *The Habsburg monarchy, 1618–1815* (Cambridge, 1994), pp. 150ff.

²³ On the issues that are being discussed in the research see e.g. Christine L. Mueller, 'Enlightened absolutism', *Austrian History Yearbook*, 25 (1994), pp. 159–83; D. Beales, 'Was Joseph II an enlightened despot?', in R. Robertson and E. Timms, eds, *The Austrian Enlightenment and its aftermath*, Austrian Studies 2 (Edinburgh, 1991), pp. 1–21; L. Bodie, 'The Austrian Enlightenment: an essay on publications, 1775–1990', *ibid.*, pp. 171–87; G. Birtsch, 'Der Idealtyp des aufgeklärten Herrschers. Friedrich der Große, Karl Friedrich von Baden und Joseph II. im Vergleich', in G. Birtsch, ed., *Der Idealtyp des aufgeklärten Herrschers = Aufklärung*, 2/1 (1987), pp. 9–45.

reforming efforts that were usual on the continent. It is therefore not necessary to distinguish between the regime of Maria Theresa, who from 1766 shared responsibility for government with her successor, and the sole rule of Joseph II between 1780 and 1790.²⁴ Rather, we should assume that there was a continuum of reform stretching from Maria Theresa to Joseph II. The reform projects which Joseph II pushed forward with characteristic determination and dynamism during his period of sole rule were frequently prefigured in policy before 1780.

The main objective of all reform attempts was to confer a greater degree of coherence on the Habsburg monarchy which, as a result of the way in which it had grown, contained a large number of territories with diverse constitutions. This meant, among other things, placing limits on the power of the estates and the church, strengthening the role of central government, and imposing greater uniformity in administrative, military, legal, and financial matters.

Consequently, one of the main fields of activity was administrative reform. After the Silesian wars had clearly exposed the shortcomings of the political-administrative system which had been cultivated within the Habsburg monarchy, the first large administrative reforms were undertaken. In 1749 the *Directorium in Publicis et Cameralibus* was established, and at the same time, subordinate officials were reorganized into *Representationen* and *Cammern*. This new administrative structure, however, proved to be relatively short-lived. In response to the lessons of the Seven Years War, it was dismantled after a few years. The *Staatsrat* (council of state), which had been set up in 1761, now became the centre of political-administrative power. In 1763, finally, a new intermediate tier of officials was created in the form of *Gubernien*. Until the end of the Josephinian regime, these were to play a key role in the implementation of social, economic, educational, and agrarian reforms.

These administrative reforms were accompanied by legal reforms. From the late 1740s, there was an increasing awareness that the existing legal chaos needed to be unified; this applied to civil and criminal law alike. The *Codex Theresianus* of 1766 was the first attempt to create a modern system of civil law for the Habsburg monarchy. In 1769 a criminal code followed, known as the *Nemesis Theresiana*, which was criticized by contemporaries for its draconian punishments. Thus it was not surprising that Joseph II introduced a new penal code as early as 1787. The *Allgemeines Gesetzbuch* was much more humane than its predecessor. Among other things, it did away with archaic offences such as sorcery and witchcraft. Joseph II had abolished the

²⁴ The differences in the attitudes and policies of Maria Theresa and Joseph II are perceptively analysed by D. Beales in *Joseph II*, vol. I: *In the Shadow of Maria Theresa, 1741–1780* (Cambridge, 1987), pp. 439ff.

death sentence with the exception of martial law as early as 1781, and torture had already been abolished under Maria Theresa in 1776.

The reform of the church, starting from the premise of the supremacy of the state over the church, was a further focal point of Theresian-Josephinian reform policy. This policy comprised a wide spectrum of measures, from the dissolution of numerous monasteries to the struggle against traditional forms of piety and the establishment of a priesthood whose life centred on community and pastoral work. Closely associated with the reform of the church was educational reform, in two respects in particular. First, the reduction in the influence of the Jesuits made possible a reorientation of higher education, especially the universities and *Gymnasien* (grammar schools). Secondly, the money released by the abolition of monasteries allowed a network of primary schools to be established, and attending them was made compulsory.

In addition to administration, the law, the church, and education, a number of other areas were included in the Habsburg monarchy's reform programme. Joseph II's policy of toleration in particular should be mentioned here. It largely ended discrimination against Protestants and Greek Orthodox. The sensational patent of toleration of October 1781 not only permitted Lutherans, Calvinists, and followers of Greek Orthodoxy to practise their own forms of worship, but it also granted them civil freedoms which had previously been denied to them. These included *Bürgerrecht*, the right to become a master craftsman, the right to take academic degrees, and to become a civil servant. And against the sometimes determined opposition of the people, the first steps towards the emancipation of the Jews were taken from 1782/3. The worst forms of discrimination were abolished, and measures designed to promote the civil equality of the Jews were implemented.

Probably the most radical part of this ambitious reform programme was intervention in the traditional agrarian system. In the 1770s and 1780s Maria Theresa and Joseph II made serious attempts to reform this sector. Initially their efforts were directed at curbing the worst excesses of serfdom; later they worked towards its abolition in certain parts of the monarchy. Finally, brief reference should be made to five further fields in which the Habsburg monarchy initiated reforms.

(i) From 1748 a number of military reforms clearly inspired by the Prussian example were put in motion. These included setting up a recruiting system in the hereditary lands in the early 1770s, which in many respects resembled the Prussian system of cantons.

(ii) From 1781 censorship was clearly relaxed, if only temporarily.

(iii) In parts of the country the Customs system was simplified in order to stimulate the economy.

(iv) The infrastructure was developed.

(v) And welfare reforms were made, such as the establishment of hospitals and asylums.

What this outline is intended to show is the simple fact that the Habsburg monarchy undertook a broad spectrum of reform measures. If these failed at the first attempt, it tried again. This situation can be regarded as typical because other German territories — not only Prussia, but also many of the smaller and middling territories — acted in a similar way during the second half of the eighteenth century. Thus there can be no doubt that the German territories undertook serious reform attempts during the second half of the eighteenth century. The question is, how successful were they? In looking for an answer, we are confronted with two different narratives. The first is a story of success; the other is a story of failure, chaos, and disaster. Although there is a degree of overlap in historiographical practice, I shall present them separately here for the sake of clarity.

To start with the success story: those historians who see the history of these reforms as a success point above all to the example of the smaller German territories. They start from the position that the structural conditions in the 'third Germany' were particularly suitable for the implementation of reforms. Several arguments are generally put forward to substantiate this thesis. The smaller territories, it is said, were able to concentrate on domestic policy because they were not involved in the great conflicts of the time; their state budgets were not strained by a bloated military apparatus; the small size of the bureaucracies simplified decision-making procedures; and finally, the smaller territories did not have the regional and thus constitutional diversity which complicated the policy of reform in larger territories such as Prussia and Austria. Charles Ingrao, for example, has drawn up a scenario of reforming success along these lines. 'In purely economic terms', he points out,

they [the reforms] generally helped increase agricultural output, improve the availability and distribution of food, and laid a firmer basis for subsequent industrialisation. More rational and responsible fiscal policies enabled a great many states to restore their finances, thereby enabling them to fund more and better domestic services. By providing greater public assistance, better justice, religious toleration, and limited protection from manorial exploitation, these domestic reforms also alleviated much of the suffering of the common people. Moreover, by making education more widely available they provided the key to even more rapid progress in the following century.²⁵

²⁵ C. Ingrao, 'The smaller German states', in Scott, *Enlightened absolutism*, pp. 221–43, esp. 242.

Incidentally, these are more or less the arguments that are also used by historians who assess reforms in the large territories positively.²⁶

Next to such a positive view, it is easy to place an interpretation of reform policy in the German territories which emphasizes its limitations and the partially chaotic character of the reforms.²⁷ This is the other story which will be told here. Scholars have regularly pointed to the miserable failure of Joseph II's policy of radical reform. It is becoming increasingly clear that it was not only the opposition of the traditional powers and the complexity of the Josephinian reform programme that led to disaster, but that the excessive demands placed on the state apparatus also contributed crucially to the failure.²⁸ In any case, recent research has shown that the agencies working at local level, which were regularly inundated by streams of edicts, were only to a limited extent able to put the ruler's will into practice. It cannot be said that Josephinian reform policy was implemented in a directed and controlled fashion. This was not least related to the fact that the state apparatus was not properly balanced. Too many civil servants were occupied with the paper rituals of the Leviathan: too few worked on pushing ahead practical reform policy.²⁹ It is also interesting to note that Peter Dickson, in his masterly work, *Finance and government under Maria Theresia*, adopts a rather sceptical tone when it comes to weighing up success and failure. He writes, among other things:

Again, while the power of the state undoubtedly increased during the period, there is much evidence that government showed a progressive tendency after 1763 to become bogged down in detail, to lose the power of decision, and to substitute argument for action. It also has to be recognized that the reforms of central authority 1747–9 and 1761–3, while impressive in scope, were to a large extent less the deliberate and far-sighted assertion of fundamental principles of government than desperate expedients provoked by the justified fear of total political collapse.³⁰

²⁶ A nuanced balance, positive in this sense, is drawn by H. Möller, *Fürstentum oder Bürgernation. Deutschland, 1763–1815* (Berlin, 1989), esp. chs. 3 and 5. A positive assessment of Prussian conditions can be found in C. B. A. Behrens, *Society, government and the Enlightenment: the experiences of eighteenth-century France and Prussia* (London, 1985), and T. C. W. Blanning, 'Frederick the Great and enlightened absolutism', in Scott, *Enlightened absolutism*, pp. 265–88.

²⁷ J. J. Sheehan, *German history, 1770–1866* (Oxford, 1991), pp. 11–71, for example, tends towards this view.

²⁸ On this see R. Stauber, *Auf der Grenzscheide des Südens und des Nordens. Administrative Integration, Herrschaftswandel und kulturelle Grenzen im Südalpenraum 1750–1820*, Habilitationsschrift der Philosophischen Fakultät für Geschichts- und Kunstwissenschaften der Universität München, 1997, pp. 235ff.

²⁹ On this see P. G. M. Dickson, 'Monarchy and bureaucracy in late eighteenth-century Austria', *English Historical Review*, 110 (1995), pp. 322–67, where he makes some fundamental observations.

³⁰ P. G. M. Dickson, *Finance and government under Maria Theresia, 1740–1780*, vol. 1: *Society and government* (Oxford, 1987), p. 14.

Even the myth of Frederick the Great and his reforms is beginning to fade. Yet as long as twenty years ago Hubert C. Johnson pointed out that the constant reorganization of the Prussian bureaucracy during the eighteenth century can hardly be seen as an expression of planned reforms. Rather, he suggested, it revealed a certain lack of direction in Prussia's internal administration.³¹ A number of projects which the monarch set in motion with the assistance of his administration were obviously non-starters.³² The state seems to have achieved only limited control over fundamental problems such as taxes and duties. And it is becoming increasingly clear that sections of the urban and rural population were able to avoid intervention by the authorities. There was obviously a large gap between the claims of absolutist regimes and the situation on the ground in certain parts of society. Recently, historians have described this discrepancy even in policy for schools, an area which has generally been regarded as the classic example of the Prussian state's success in implementing a policy of modernization.³³

In the smaller German territories, too, which so fascinated Charles Ingrao and others, reform attempts during the eighteenth century do not seem to have made as much progress as is occasionally assumed. Here, too, the reforming-regimenting will of the authorities frequently failed in the face of traditional ways of life.³⁴ This also applied to attempts to eliminate particular forms of popular piety.³⁵ Wherever the process of reform is examined more closely, shortcomings and frictions appear. This becomes clear, for example, in Mary Lindemann's fascinating work, published in 1997, *Health and healing in eighteenth-century Germany*,³⁶ which looks at health reforms in the duchy of Brunswick-Wolfenbüttel, among other things. The scenario that Lindemann draws up shows a ducal administration which was prevented by a lack of resources and inadequate information, among other things, from reforming medical practice. Moreover, the will of the authorities to implement change was often frustrated by local conventions. Under these circumstances, there could be no question of a consistently

³¹ H. C. Johnson, *Frederick the Great and his officials* (New Haven, 1975).

³² On the following, see Hellmuth, 'Der Staat des 18. Jahrhunderts', pp. 14ff., with references to further literature.

³³ On this see the seminal study by W. Neugebauer, *Absolutistischer Staat und Schulwirklichkeit in Brandenburg-Preussen* (Berlin, 1985); cf. also J. Van Horn Melton, *Absolutism and the eighteenth-century origins of compulsory schooling in Prussia and Austria* (Cambridge, 1988).

³⁴ For this see e.g. C. Zimmermann, 'Grenzen des Veränderbaren im Absolutismus. Staat und Dorfgemeinde in der Markgrafschaft Baden', in Birtsch, *Reformabsolutismus im Vergleich*, pp. 25–45, in which he makes a number of excellent general observations on the reforming practice of enlightened absolutism, taking the relevant literature into account.

³⁵ For this see C. Dipper, 'Volksreligiosität und Obrigkeit im 18. Jahrhundert', in W. Schieder, ed., *Volksreligiosität in der modernen Sozialgeschichte*, Geschichte und Gesellschaft, Sonderheft 11 (Göttingen, 1986), pp. 73–96.

³⁶ M. Lindemann, *Health and healing in eighteenth-century Germany* (Baltimore, 1997).

implemented, coherent policy of reform. What Lindemann shows goes beyond the bounds of her case study. Obviously, historians should not take the laws and ordinances which eighteenth-century authorities produced in such large numbers at face value. At most, they signalled what the state intended to do; they did not show what was actually achieved. Behind the numerous laws and ordinances lay concealed a reality which posed a real challenge to reform-orientated authorities.

Naturally, the question now is: which of the two readings of reform policy in the German territories which I have introduced here is the correct one? I do not wish to conceal that I am inclined to take a sceptical view of things. The assumption that the German rulers and their administrations were only to a limited extent capable of conceptualizing and implementing reforms would, to a certain degree, correspond to the idea of the weak German state which I have already referred to above. Ultimately, however, in my opinion this question is irrelevant. Something else is much more important. In the German territories, almost all reform projects — the successful and the less successful alike — were initiated by the state.³⁷ If projects failed, or did not have the intended effect, the ruler and his administration frequently started again. Myriads of officials or would-be officials thought and argued about what the world should be like. The simple fact that within the borders of the Holy Roman Empire hundreds of state apparatuses, some of them only partially developed, existed side by side, meant that German territory in the eighteenth century provided a unique experimental area for policies of state intervention.

This policy of reform was accompanied by an intense debate conducted by journalists about individual reforming measures. Anyone who leafs through the journal articles, the works produced by the academies, the tracts and treatises of the late eighteenth century, comes across a remarkable catalogue of proposals for improvements and concepts for reform.³⁸ Sensible proposals were often mixed up with the bizarre. The spectrum of subjects ranged from instructions for public entertainments to proposals for the laying-out of public parks and the topics which, in our eyes, are typical of the age: plans to reform the education system, proposals to make the criminal

³⁷ Naturally there were exceptions within the German context. For example, conditions in Hamburg were different. See F. Kopitzsch, *Grundzüge einer Sozialgeschichte der Aufklärung in Hamburg und Altona* (Hamburg, 1982).

³⁸ On the public debate in Germany during the second half of the eighteenth century, see e.g. H. E. Bödeker, 'Journals and public opinion: the politicization of the German Enlightenment in the second half of the eighteenth century', in Hellmuth, ed., *The transformation of political culture*, pp. 423–45 (with references to further literature), and E. Hellmuth and U. Herrmann, eds., *Aufklärung als Politisierung — Politisierung der Aufklärung* (Hamburg, 1987).

justice system more humane, suggestions for the improvement of industry and agriculture, public health measures and so on. In many cases, these proposals built upon ideas which had been developed during the first half of the century in the handbooks of *Polizeiwissenschaft* and *Kameralwissenschaft*, of politics and natural law.³⁹ Thus there was a continuous stream of literature in which the state was reminded of its reforming task, in which reform was thinkable only as state reform. This literature was often still under the influence of a practical philosophy of Wolffian provenance, which regarded the perfecting of people, society, and the economy as the responsibility of the state and the authorities.⁴⁰

We can now, of course, ask why the theory and practice of reform in Germany during the second half of the eighteenth century were so much under the sway of the state. The simple answer that there was no alternative is correct, but in my opinion this is a bit too simple and does not go quite far enough. There was something more. In the German territories of the late eighteenth century, the anti-governmental public which plays such an important part in Habermas's concept of the 'structural transformation of the public sphere' was not a very strong force. In other words, the members of the reading societies, the patriotic and enlightened associations which, in Jürgen Habermas's concept,⁴¹ represented a critical social catalyst which was not bound into the state, were exactly the same people who sat in the government offices of late eighteenth-century Germany. We are thus dealing with a closed circuit within which there was practically no space to look for non-state alternatives to reform. And under these conditions, the principle of a state policy of reform was accepted as a cultural commonplace and produced the ideologization of the idea of reform from above.⁴²

³⁹ There is a voluminous literature on this topic. I shall mention just the following: H. Maier, *Die ältere deutsche Staats- und Verwaltungslehre* (Munich, 1980); J. Brückner, *Staatswissenschaften, Kameralismus und Naturrecht. Ein Beitrag zur Geschichte der politischen Wissenschaften im Deutschland des späten 17. und frühen 18. Jahrhunderts* (Munich, 1977); B. Stolberg-Rillinger, *Der Staat als Maschine. Zur politischen Metaphorik des absoluten Fürstenstaates* (Berlin, 1986); and D. Klippel, 'Reasonable aims of civil society: the state and the individual in eighteenth-century German political theory', in Brewer and Hellmuth, eds, *Rethinking Leviathan*.

⁴⁰ On this see E. Hellmuth, *Naturrechtsphilosophie und bürokratischer Werthorizont. Studien zur preußischen Geistes- und Sozialgeschichte des 18. Jahrhunderts* (Göttingen, 1985).

⁴¹ J. Habermas, *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Öffentlichkeit* (Neuwied/Berlin, 1962), pp. 87ff. On the debate about Habermas, and criticism of him, see, among others, Craig Calhoun, ed., *Habermas and the public sphere* (Cambridge, Mass., 1994) and Andreas Gestrinch, *Absolutismus und Öffentlichkeit, Politische Kommunikation in Deutschland zu Beginn des 18. Jahrhunderts* (Göttingen, 1994).

⁴² On this see, among others, R. Vierhaus, 'The revolutionizing of consciousness: a German utopia?', in Hellmuth, ed., *The transformation of political culture*, pp. 561–77.

III

I shall now turn to conditions in England. While England had no programme of reform as comprehensive as that pursued by the larger German states during the second half of the eighteenth century, it did experience individual reform measures, attempted reforms, and above all, calls for reform. The reform laws passed by Parliament included the Penitentiary Act of 1779, which provided the impetus for a modernization of the prison system, the Catholic Relief Acts of 1778 and 1791, the Friendly Societies Act of 1793, and the Dissenters Relief Act of 1779. In addition, there was a series of reform projects which were not passed by Parliament, for example, the repeal of the Test and Corporation Acts and parliamentary reform in the 1780s. Moreover, a number of extra-parliamentary organizations were set up with the aim of achieving specific changes in politics, society, and the law. Compared with the continent, British society had a remarkable capacity for self-organization,⁴³ and this allowed large numbers of such movements to emerge. We could name the Reform of Manners Movement, the Sunday School Movements, the campaign for the repeal of the Test and Corporation Acts, and the Society for Charitable Purposes. As a result, reform projects which were regarded as a state responsibility on the continent were undertaken by private initiatives in Britain. One example is voluntary hospitals.⁴⁴ In general, there seems to have been a greater number of reform initiatives at local level in Britain than in Germany.⁴⁵ Joanna Innes provides this telling description of the situation on the spot:

Justices of the Peace tightened licensing laws, inaugurated anti-vagrancy campaigns, and commissioned the building of new prisons. Gentlemen, farmers, tradesmen, and industrial employers reorganized parish poor-relief administration, established new workhouses, served in volunteer forces to facilitate the policing of towns, set up societies for the prosecution of felons, and promoted the establishment of Sunday schools.⁴⁶

Browsing through the eighteenth-century literature on reform, one gains the impression that, at least at national level, the most significant topic in the reform debate was political or parliamentary reform. Greater autonomy for

⁴³ On this see, most recently, P. Langford, *Public life and the propertied Englishman, 1689–1798* (Oxford, 1991), esp. ch. 8.

⁴⁴ On this see K. Wilson, 'Urban culture and political activism in Hanoverian England: the example of voluntary hospitals', in Hellmuth, ed., *Transformation of political culture*, pp. 165–84.

⁴⁵ This was, it seems, connected with the fact that, during the eighteenth century, new forms of central–local interaction developed, which gave local authorities a greater degree of autonomy than in most continental states. See the detailed and nuanced article by J. Innes, 'The domestic face of the military-fiscal state: government and society in eighteenth-century Britain', in L. Stone, ed., *An imperial state at war: Britain from 1689 to 1815* (London, 1994), pp. 96–127.

⁴⁶ J. Innes, 'Politics and morals: the Reformation of Manners movement in later eighteenth-century England', in Hellmuth, ed., *Transformation of political culture*, pp. 57–118, esp. 65.

Parliament, a redistribution of electoral boundaries, and an expansion of the suffrage were, indeed, called for by almost all reforming and radical movements in the second half of the eighteenth century.⁴⁷ As a result of different constitutional conditions, there was, of course, no equivalent to this debate on political reform in Germany at this time. None the less, this debate is important for the comparison we are attempting to draw here because one of its integral constituents was the demand for economical reform, that is, the abolition of what William Cobbett called 'Old Corruption'. In my opinion this phenomenon allows us to draw a comparison, even if it is indirect.

Old Corruption was the archaic side of the English state; the other side of this Janus-faced figure was the administrative, fiscal, and military apparatus of great power and sophistication that John Brewer has shown us. Old Corruption involved practices which, at least in the larger German territories, had largely been eliminated by this time. They would have made any upright Prussian Kriegs- und Domänenrat (War and Domain Councillor) shudder if he had become aware of them.⁴⁸ Government offices degenerated into sinecures in various different forms. There were well-paid offices which were not associated with any duties; in other cases, office-holders drew emoluments from an office, but the actual work was done by others who were fobbed off with a fraction of the income from the office. Reversions (the right of succession to an office or place of emolument after the death or retirement of a holder) allowed high government officials to provide their kinsmen with office. Whether they were qualified for the job counted for little. There were other practices which contemporary critics condemned: pensions, government contracts, and church preferment were showered on those who proved themselves to be loyal supporters of the government of the day. Places and rotten boroughs allowed ministers and proprietors to pack the House of Commons with MPs who were willing tools of those who had brought them into Parliament.

Such 'corrupt' practices made critical contemporaries see the British state as a degenerate and parasitic monster which consumed vast sums of tax revenues and had become a vehicle of personal enrichment. Criticisms of this sort had already been voiced during the first half of the eighteenth century, in the context of the country opposition of the 1730s, for example.⁴⁹ But the

⁴⁷ For the most recent overview see Frank O'Gorman, *The long eighteenth century: British political and social history, 1688–1832* (London, 1997), pp. 221ff., and H. T. Dickinson, *The politics of the people in eighteenth-century Britain* (London, 1994), pp. 221ff.

⁴⁸ The following account of practices stigmatized as 'corrupt' by contemporary critics is indebted to P. Harling, *The waning of 'Old Corruption': the politics of economical reform in Britain, 1779–1846* (Oxford, 1996), p. 3.

⁴⁹ On this see H. T. Dickinson, *Liberty and property: political ideology in eighteenth-century Britain* (London, 1977), pp. 169ff., and J. G. A. Pocock, *The Machiavellian Moment: Florentine political thought and the Atlantic republican tradition* (Princeton, 1975), pp. 462ff.

extra-parliamentary reform movement of the 1760s and 1770s gave this criticism a new quality. Thanks to Wilkes and the Associaters, the idea that the British state was parasitical, wasted taxes, and shamelessly enriched a small elite, entered the British collective consciousness in an unprecedented way.⁵⁰ And the disastrous outcome of the American Revolutionary War for the motherland only strengthened this tendency. Military failures, a growing state debt, and the resulting rise in taxes revived 'country' criticism of the corrupt British state. In the early 1780s the Association movement and metropolitan radicals demanded the end of practices which in their eyes were corrupt.⁵¹ The call for parliamentary reform was not least the result of a desire to put an end to ministerial greed and, in contemporary jargon, 'extravagance'.

Criticism voiced inside and outside Parliament in the early 1780s was not without effect.⁵² It led to a number of reform measures and steps. From 1780, for example, the Rockingham whigs made serious attempts to make the machinery of state more efficient, and at the same time to reduce the cost of running it. The Establishment Act of 1782 abolished 130 'inefficient offices', and for a number of offices casual emoluments were replaced by regular salaries. Moreover, on North's initiative, the Commission for Examining the Public Accounts was established in 1780. Convinced that government should be as cheap as possible, and disturbed at the dramatically rising costs generated by the central bureaucracy during the American Revolutionary War, the commissioners made a number of radical and comprehensive reform proposals. If they had been realized, they would have wiped out the system of 'Old Corruption'. But this did not happen. Pitt, who had come to power in 1784, accepted only a limited number of the commissioners' suggestions. No more than three of their numerous proposals were put into practice, and one of these was the proposal to appoint another commission to look into fee-taking in all the public departments. But this commission suffered a similar fate to that of the Commission for Examining the Public Accounts. It stopped work in 1789, after examining only ten of the twenty-four offices originally identified for inspection. The practical effect of its work was minimal. 'Clearly', writes John Breihan, 'Pitt's treatment of the commission and its reports represented a lost opportunity for significant

⁵⁰ On this see J. Brewer, *Party, ideology and popular politics at the accession of George III* (Cambridge, 1976), pp. 249ff.

⁵¹ The fact that propaganda sometimes deliberately exaggerated matters is made clear by I. Christie in 'Economical reform and the "Influence of the Crown"', in idem, *Myth and reality in late-eighteenth-century British politics and other papers* (London, 1970), pp. 296–310.

⁵² On the following see esp. Harling, *The waning of 'Old Corruption'*, pp. 31ff. See also H. Roseveare, *The Treasury, 1660–1870: the foundations of control* (London, 1973), pp. 61ff; and J. Cannon, *Parliamentary reform, 1640–1832* (Cambridge, 1980), pp. 72ff.

administrative reform.⁵³ This lack of commitment to reforming the administrative sector is all the more surprising because Pitt, by contrast, pursued the restructuring of the national budget with great vigour.

We can only speculate, as John Ehrmann, John Breihan, John Torrance, and W. D. Rubinstein,⁵⁴ among others, have done, as to why Pitt did not drive on the process of administrative reform and act against the system of Old Corruption with greater energy, or why this system proved to be so durable. But this is not interesting in our context. More important is the fact that all the economical reforms of the 1780s and 1790s were piecemeal. In other words: all attempts to restrain the Leviathan failed. On the contrary, the war effort during the revolutionary wars allowed the system of Old Corruption to blossom anew. It has been noted that

the shortcomings had become glaringly obvious in the late 1790s, when ministry's failure to make systematic administrative improvements conveyed the impression that the wartime state was multiplying the opportunities for government insiders to feed off of the public revenue. . . It was in large part neglect of thorough administrative reform that led to the wartime growth of the Old Corruption critique.⁵⁵

Why is the failure of administrative reforms important in our context? The reason is simple. Because of these administrative deficits, Leviathan remained an important object of reform attempts and actual reforms. Or to be more precise, the experiences of the eighteenth century meant that the aim of reform was a minimal state. And indeed, during the first half of the nineteenth century Britain embarked on the path to the minimalist mid-Victorian state, leaving the fiscal-military state of the eighteenth century behind. The end of the Napoleonic wars marked the beginning of the dismantling or modernization of the British state apparatus, which up to that time had concentrated on one main task: maintaining its formidable war machine. Philip Harling and Peter Mandler have recently retraced this path.⁵⁶ They demonstrate that economical reform did not arise simply out of the logic of intra-bureaucratic rationality, but that this process was also set in motion by political pressure from outside. Harling and Mandler write, among other things, that 'the primary motor . . . was the widespread

⁵³ J. R. Breihan, 'William Pitt and the Commission on Fees, 1785–1801', *Historical Journal*, 27 (1984), pp. 59–91, esp. 74–5.

⁵⁴ John Ehrmann, *The younger Pitt*, vol. I: *The years of acclaim* (London, 1969), pp. 239ff.; Breihan, 'William Pitt and the Commission on Fees, 1785–1801'; John Torrance, 'Social class and bureaucratic innovation: the Commissioners for Examining the Public Accounts, 1780–1787', *Past and Present*, 78 (1978), pp. 56–81; W. D. Rubinstein, 'The end of "Old Corruption" in Britain, 1780–1860', *Past and Present*, 101 (1983), pp. 55–86.

⁵⁵ Harling, *Waning of 'Old Corruption'*, p. 58.

⁵⁶ P. Harling and P. Mandler, 'From "fiscal-military" state to laissez-faire state, 1760–1850', *Journal of British Studies*, 32 (1993), pp. 44–70.

conviction that the British war machine was unacceptably expensive and wasteful and that it acted as a broker for parasitical interests — contractors, sinecurists, speculative investors, and the like — who robbed the “productive” classes of their hard-earned money.⁵⁷ To formulate the minimal state as the aim of reform was all the easier, as during the eighteenth century the British state had taken on a much narrower range of tasks than its German counterparts. The characteristic features of this minimalist state, as they were developed in the first half of the nineteenth century, included ‘cheap government, or low expenditures compared to other European states’, ‘good government, or the general acceptance and adaptation of rational standards of administrative efficiency’, and ‘*laissez-faire*, or a reluctance . . . to interfere with property rights and market relations’.⁵⁸

What can we conclude from all this? In my view, the following conclusions can be drawn. In response to the different experiences of Britain and the German territories during the eighteenth century, different reform profiles emerged. In the case of Britain, because of the experience of Old Corruption, reform to some extent meant minimizing the state. In the German case, reform was often synonymous with state intervention. Reform was frequently thought of only as reform from above. The Prussian reforms and those undertaken by the Confederation of the Rhine changed nothing in this respect.⁵⁹ The question now remains as to which of these two reform models was the more successful in the long term. If we look at this problem from a present-day perspective, at a time which has declared war on Leviathan, the answer seems clear. But if we look at it from the perspective of the nineteenth century with the challenges it faced in the fields of educational and social policy, then I am no longer so sure.

⁵⁷ *Ibid.*, p. 66.

⁵⁸ Harling, *Waning of 'Old Corruption'*, p. 9.

⁵⁹ It may be that this trend was muted in the period that followed. On this see D. Langewiesche, “‘Reform’ und ‘Restauration’”. Versuch einer Bilanz — Offene Fragen’, in H.-P. Ullmann and C. Zimmermann, eds, *Restaurationssystem und Reformpolitik. Süddeutschland und Preußen im Vergleich* (Munich, 1996), pp. 269–72.