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voisins sans être rivaux; je dis, Mgr, la prétendue liberté, car, à bien des égards, elle n'est pas comparable à celle des habitans de Paris.. (Arch. Aff. étr. Corr. Polit. Mayence t. 48).

Cependant, un peu plus tard, de Marbois, en voyage »privé« en Allemagne, visite les cours de Weimar (*ce jeune Prince âgé de 16 ans, dont l'éducation est très soignée, pourra devenir un jour un être intéressant dans les révolutions dont l'Allemagne est menacée*), Saxe-Gotha (*ses finances ont toujours été beaucoup mieux administrées que celles de Weimar..*), la principauté de Fulde (*ce prince n'a de troupes que ce qu'il lui faut pour faire la police de ses Etats..*), le comté de Hanau, le landgraviat de Darmstadt qui nous vaut une description piquante des *trois princesses, filles du Landgrave, parmi lesquelles le grand duc de Russie doit choisir une épouse..*, toutes notations qui complètent le récit de l'auteur, admirablement illustré et commenté, sans alacrité excessive. Dans ce champ de bataille, de confrontations mais aussi de rencontres et de dialogues qu'a été alors le Saint Empire, vit un large morceau de l'histoire de la communauté européenne.

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Werner TROSSBACH, Soziale Bewegung und politische Erfahrung. Bäuerlicher Protest in hessischen Territorien 1648–1806, Weingarten (Drumlin Verlag) 1987, 335 p. (Sozialgeschichtliche Bibliothek im Drumlin Verlag).

This book constitutes the »systematic« half of a massive study of lawsuits which ten peasant communities brought against their lords during the last two centuries of the Holy Roman Empire. The »landesgeschichtliche« half, narrating each lawsuit in fascinating detail, is a separate volume: *Bauernbewegungen im Wetterau-Vogelsberg-Gebiet, 1648–1806, Fallstudien zum bäuerlichen Widerstand im Alten Reich* (Darmstadt and Marburg, 1985).

Contra Günther Franz, Trossbach finds that peasant protest was motivated by economic difficulties, not by an injured »Rechtsempfinden.« However, notions of *Altes Recht* often appeared after litigation had begun and then took on a life of their own. Such notions were almost always legally false and indeed on some occasions virtually manufactured by the peasants, who easily convinced themselves that what they thought was fair and good must be *Altes Recht* going back even beyond demonstrable custom. When carried to such an extreme, *Altes Recht* bordered on natural law. But the peasants never put forth systematic natural-law ideas, though they manifested at times a strong anti-feudal consciousness and a wish to be free of all burdens except those owed the Emperor.

The core of Trossbach's book is his discussion of organization and forms of conflict, a very subtle and penetrating examination of how the peasants themselves imagined their acts of resistance. In these German resistance movements, unlike the early modern French peasant revolts, practical, instrumental considerations outweighed expressive or symbolic gestures, though almost every act of resistance had its expressive aspect. The German movements were essentially »political,« weighing alternative strategies, planning, and repressing emotions in a disciplined way in order to attain long-term goals. Even violence, when it occurred, was calculated in advance. These movements thus involved a »Lernprozeß« (278) and have more affinity with protest movements of the 19th and 20th centuries than with the chaotic, short-term, and very emotive French *fureurs paysannes* and the English crowds and riots of the 16th–18th centuries.

The small territories in which these movements occurred suffered from a »defizitäre Staatlichkeit« (165) for which imperial jurisdiction partly made up by providing otherwise-unavailable mechanisms for redress of complaints. The commissions installed by the Imperial courts to investigate peasant suits functioned as surrogate Estates (*Landschaften*), and the inordinate length of the lawsuits may have been a means for »präventive Pazifikation der Untertanen« (168). There was indeed, as Winfried Schulze maintained, a »Verrechtlichung

sozialer Konflikte,« but with effects opposite to those assumed by Niklas Luhmann's sociological theory of »Legitimation durch Verfahren.« Far from integrating the peasants into the existing political and seigneurial system, litigation only encouraged them to ignore old obligations and raise new claims. They reasoned away unfavorable verdicts and in almost every case had finally to be subdued by force. In other words, the peasants used litigation to legitimize their own resistance, rather than accepting as final the rules of the legal game.

Such movements, often carried on for decades, achieved a high degree of internal organization and discipline. The deputies whom peasants chose to work with lawyers and court officials became in effect a new village »office,« whose position created a »Basis-Führungs-Problem« (228ff.) similar to that of modern democratic movements. The worst aspect of this problem, however, was not modern: the peasants had a very medieval sense of »Recht« as having to be »sought«; unfavorable judgments were therefore often blamed not on the bias or corruption of the courts, but on the deputies' presumed lack of will or inner conviction.

Trossbach's work is a very important contribution to the history of European popular protest, the history of peasant societies, and the political and social history of the old German Empire. His massive new empirical evidence, his international comparisons, his balanced use of social-science approaches, and above all his insightful interpretation of evidence from the peasants' point of view, make this the most important study so far of German peasant resistance during the Old Regime.

However, Trossbach exaggerates the modernity of his peasant movements. He indeed shows that peasants were capable of effective long-term, organized resistance which was essentially political in nature despite its juridical form. But he does not link this resistance with later developments except to suggest that some of the frustrations of these long, unsuccessful lawsuits were discharged in 1830 and 1848. The deeper question is whether the rationality and discipline of the earlier movements permanently shaped the later politics of the region. If the movements were modern in some ways, they were quite archaic in their anchorage in the village community and their conception of law. If they had any permanent effect, it was probably to reinforce the conservative, »altständisch« strain in 19th-century German constitutionalism, as Volker Press showed for Hohenzollern-Hechingen, rather than to pave the way for modern democratic movements.

Nor does Trossbach really show that German peasant litigation was unique. French peasants not only staged violent revolts – they also went to court against seigneurs and the fisc (cf. Jean Jacquart, in *Histoire de la France rurale*, 2:333–34, 338). So, no doubt, did peasants elsewhere, and a comparative study of such litigation is clearly a major desideratum for the history of popular protest.

Trossbach's book is a model of scholarly internationalism. He puts to good use the work of Winfried Schulze (his mentor), Peter Blickle, Volker Press, Charles Tilly, E. P. Thompson, George Rudé, and Yves-Marie Bercé, along with East German studies of »lower forms of the class struggle,« anthropological theories of »peasant society,« and the German tradition of folklore and legal history. Still, it is unfortunate that Trossbach neglects David Sabean's *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge 1984), which shares his Bourdieuan desire to understand *Herrschaft* in the »practice« of everyday life. Both Trossbach and Sabean emphasize how peasants gave their own meaning to actions, rituals, and procedures which the authorities intended to buttress domination. It would be very interesting to know what Trossbach thinks of Sabean's central thesis: that early modern peasants lacked »modern« bounded, integrated individual personalities, since to have them would have meant separating subjective from objective experience in ways which could only have served to rationalize, internalize, and justify *Herrschaft*.

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