

CHAPTER IV

The Absolutist System of Rule

IN THE LAST CHAPTER, I suggested that the rise of towns in the medieval West sharply differentiated the social, economic, and cultural context of the emerging Ständestaat from that of the preceding feudal system of rule. No equally dramatic contextual change suggests itself as having been significantly associated with the transition to the absolutist system of rule between the seventeenth and eighteenth centuries in such countries as France, Spain, Prussia, and Austria. Instead, I think that this "type switch" is best related to a new set of specifically *political* demands and opportunities confronting the existing systems of rule. From this perspective, the dynamic causing the shift operated not so much within each state considered in isolation as within the *system* of states. The strengthening of territorial rule and the absorption of smaller and weaker territories into larger and stronger ones—processes that had gone on throughout the historical career of the Ständestaat—led to the formation of a relatively small number of mutually independent states, each defining itself as sovereign and engaged with the others in an inherently open-ended, competitive, and risk-laden power struggle.

This largely novel pattern of relationships among larger political entities (to be discussed further in the next chapter) placed a considerable premium on a state's ability to tighten its internal political ordering, to structure rule so as to make it more unitary,

continuous, calculable, and effective. If a given state were to hold or improve its position vis-à-vis others, one center within it would increasingly have to monopolize rule over its territory, exercising that rule with the least possible mediation and intervention of other centers outside its own control. Each state would also have to perfect tools of government to transmit promptly, uniformly, and reliably the center's will throughout the territory, and to mobilize as required the relevant resources of the society. Thus the new tensions, threats, and challenges that each sovereign state generated and confronted externally heightened and favored the territorial ruler's drive to gather unto himself all powers of rule—a drive already visible and significant within the Ständestaat—until a qualitatively different system of rule came into being internally.¹ On the other hand, though still emphasizing the *political* determinants of this phenomenon, we may order the relations between its internal and external aspects the other way around: we may treat as the *primum mobile* the ruler's drive for more effective and exclusive rule, and see the mutually defiant, self-centered posture of all states toward one another as the result rather than the cause of that drive.²

However we choose between these two constructions, we should also note that the development of absolutist rule was favored, and perhaps made inevitable, by other internal political phenomena—one example being the necessity of curbing the warlike confrontations that occurred between religious-political factions within a single territory in the aftermath of the Reformation. In fact, an Italian scholar has placed the end of the French Ständestaat around 1614–15 and has traced its cause to the shock engendered by the assassination of Henri IV by a religious fanatic in 1610.³ Finally, the accelerating commercialization of the economy, the result both of the inner dynamic of the city-based productive system (now irresistibly moving toward the establishment of the capitalist mode of production) and of the bullion flowing into Europe from overseas, also played a significant role in the transition to absolutism. However, my main concern in this chapter is not to

go into complex questions of causes but simply to describe the demise of the Ständestaat and to characterize the new, absolutist system of rule, which is widely considered the first mature embodiment of the modern state.

The Towns and the Decline of the Ständestaat

In 1629, Cardinal Richelieu wrote in a summary of the main directives of royal policy he was addressing to his master, Louis XIII: "Reduce and restrict those bodies which, because of pretensions to sovereignty, always oppose the good of the realm. Ensure that your majesty is absolutely obeyed by great and small."⁴ The target envisaged here was primarily the higher nobility, and its resistance required several decades of purposeful and relentless policy to overcome. But the ruthlessly dynamic character of that policy is indicated by the fact that among its later targets were bodies—such as the Paris Parlement, largely composed of ennobled bourgeois elements—that previously had strongly supported royal power against the feudal nobility. It was not only the nobility whose faculties of rule were progressively confiscated by the advance of absolutism.

But the open clash between the monarch and the Estates is only the most visible and dramatic part of the story. I want to argue that the Estates' resistance was also, and largely, weakened from within, that social and economic developments deprived them of the will and the ability to play an independent political role either as the opponents of royal power or as its partners. For reasons largely internal to their constituencies, the upper, public, properly political layers of the Estates' jurisdictional prerogatives had effectively ceased to operate before they were taken away. Let us see how this happened, beginning with the urban element.

As I suggested previously, the interests that had led urban groups to seek political autonomy and to participate in the ständisch constituted bodies had been not specifically political ones, expressing an inherent vocation to rule, but rather commercial and productive ones, seeking a political guarantee. The predominant intent

of the towns' original political efforts had been twofold: on the one hand, to obtain formal recognition of their internal articulation into privileged, corporate groupings; and on the other hand, to construct *with* the ruler and the feudal element, through the Estates, wider frameworks for law enforcement and order-keeping conducive to the security and progress of their business pursuits.

Both objectives had been achieved. But the territorial ruler had played an increasingly preponderant part in securing the second through his use of a fiscal, military, and administrative apparatus dependent on him alone (though often manned by personnel of bourgeois extraction). Nonetheless, the dominant urban groups felt satisfied with this fact. Indeed, they thought it best to rely on further extensions and elaborations of the ruler's faculties of rule as a response to the remaining perturbations of "law and order," which now, since the feudal element had been denied the right to engage in feuds and private wars, originated from other challenges to the ruler's sovereignty in the form of religious dissension and interstate conflict. So far as such groups were concerned, the ruler could ensure the construction and upkeep of increasingly large, uniform, and territory-wide frameworks for the regulation and support of urban economic activities in a way that no other body—not even the ständisch bodies, with their prevalently regional bases—could do. From the standpoint of the emergent system of international law, too, the ruler was in a unique position to protect and further the wealthier town groups' growing interest in the expansion of foreign markets, the exploitation of overseas resources, or the prevention of foreign competition.⁵

Thus, rather than exercise their political (and military) muscle, the towns were willing to renounce most of the powers of the regional or territory-wide constituted bodies.^{6*} For that matter, some increasingly significant urban groups were no longer particularly interested in maintaining even the towns' internal autonomy. After all, the corporative regulation of craft production and trade had not kept up with changes in the material and social technology of production and stood in the way of those urban

elements eager to use their wealth as capital, to make it yield profits by using it to buy labor power as a commodity. Opportunities of this kind distracted some townsmen from political concerns—obscuring their interests as townsmen or members of specific corporations while heightening their awareness of their purely individual interests as capital owners. For such people, both the town's internal politics and its active participation in the wider system of rule were increasingly becoming a nuisance—again, at least as long as law and order were otherwise maintained.

And the territorial ruler did stand ready to maintain them, and to regulate and sustain old and new productive and commercial pursuits. In its internal aspect, *mercantilism*, the distinctive economic policy of the absolutist regimes, was largely a matter of diminishing the autonomy of locally based organs of economic regulation either by suppressing them or, more often, by integrating them into a uniform, statewide system that was more technically sophisticated, less tradition-bound, and more effectively policed than such local organs had been.⁷ For instance, though most guild and craft groupings remained in operation, they did so as police organs working under elaborate rules now issued by the sovereign. In France, edicts of François II and Charles IX, dating from 1560 and 1563, respectively, suppressed the independent merchants' courts and turned their jurisdiction over to the state judicial system; but former members of the suppressed courts were co-opted as assessors into the state ones. Ordinances promulgated by the French kings to regulate business relations often derived much of their content from statutes and customs that merchants and tradesmen had previously elaborated for their own use and had autonomously enforced.⁸

The vitality and autonomy (and the credibility, as we might say today) of the urban political institutions were further diminished by bitter internal rivalries that had developed over particular jurisdictional rights and privileges. It had become possible for an individual or a family to obtain from the ruler an exclusive, hereditary entitlement to this or that fragment of the town's corporate pre-

rogatives, to this or that fiscal exemption or honorific privilege; this meant, as I suggested in the last chapter, that distinctive urban rights were losing their corporate nature and becoming absorbed within the patrimonies of individual "patrician" lineages. But this perverted their nature; prevented their exercise as part of an autonomous, open-ended political process; and above all caused dissensions that paralyzed the town's body politic, and sometimes even the translocal constituted bodies in which the towns were represented.

Visible expressions of the loss of political purpose and potency on the part of the urban element were the competition for ennoblement within the bourgeoisie (in France this led to the establishment of a *noblesse de robe*, which invidiously distanced itself from the commoner urban element without ever being accepted by the feudal *noblesse d'épée* as its peer); the aping of feudal manners by the wealthier bourgeois; and the tracing of more and more conspicuous (and again invidious) lines of status demarcation between adjacent groups within the town's population. Increasingly, economic *class* contrasts played a significant part—if perhaps a less apparent one—in the same process.⁹

The Feudal Element and the Decline of the Ständestaat

As far as the feudal element is concerned, its economic position largely deteriorated over the period we are considering owing to the increasing commercialization of the economy. For instance, the influx of bullion devalued money and thereby decreased in real terms the money revenues of landed groups, which were often fixed. And the honor code of the nobility (sometimes backed by the formal sanction of the loss of noble status) often prevented it from taking full advantage of the opportunities for gain opened up by commercialization.¹⁰ This weakened the feudal element vis-à-vis both the monarch and the bourgeoisie. The richer bourgeois, particularly in France, took advantage of the royal practice of selling certain offices and outbid the nobles for them, thus preempting for themselves the generally lucrative advantages of those offices.

In the face of conspicuous expenditure on the part of wealthier bourgeois, the nobility found it increasingly difficult to maintain their distinctively affluent, leisurely, and honorable style of life. Naturally, this did not make for political understanding and co-operation between the older and the newer privileged groups. Life at the monarch's court came to be seen as a way for the feudal nobility to emphasize its distinctiveness, and moreover could sometimes lead to economic gain. But for the most part it was ruinously costly, and it placed the nobility in a position of dependence on the monarch, as we shall see; it also led to the growth of rivalries among the courtiers themselves.

A further problem was that the feudal element had largely lost its military significance, and thus one of its original political tasks. Of course, the military effectiveness of the feudal host proper—a small elite of mounted, heavily armored warriors—had long since been at an end. But for a few centuries afterward the nobility had preserved military functions of other sorts. As part of his general upbringing, the typical nobleman was trained to lead into battle, on behalf of the ruler, small troops of his own dependents. These normally were hastily recruited for relatively short expeditions, and fought an unsophisticated, rough-and-ready kind of warfare, with elementary weapons of their own or supplied to them by their noble leader.

In the new context of interstate politics, however, momentous developments in the material and social technology of warfare had made it imperative that states intending to survive and prosper maintain a standing army, and in relevant cases, a war fleet, both financed, equipped, and officered at the initiative of the ruler.¹¹ There were several important implications of this new fact of political life: one was that aristocratic ancestry and upbringing no longer in themselves qualified an individual for competent and reliable military leadership; a second was that warfare in its new form was no longer easily compatible with the maintenance of a noble style of life; a third was that it ceased to be within the means of the average nobleman to equip personally a military unit of the

kind now required; and a fourth, following from the third, was that the noble wanting to go on performing military tasks had to do it on new terms—the ruler's.¹²

If we further consider that the ruler's expanded and professionalized system of courts had been making the judicial powers of the feudal element less significant even at the local level, it becomes clear that the nobility simply could not have maintained its previous political leverage, whether through *ständisch* bodies or through seigneurial powers. Even locally, the traditional rights of rule of the feudatories progressively lost all but their economic and status significance. By avariciously enforcing what rights they still enjoyed, the landed groups went on fighting their rearguard action against the encroaching power of mobile, commercial, moneyed interests, went on seeking to maintain their distinctive, leisurely mode of existence and their social prerogative.

There was an additional way for the feudal element to associate itself with the ruler's political undertakings: individual nobles could attach themselves to the ruler's court and seek to enter his closer councils. But they had to do so on his terrain and again on his terms, not on the former terms of exercising traditional corporate rights and duties of aid and counsel. Any renewed attempt by the feudal element to play a serious political role through the old *ständisch* bodies was bound to be considered a challenge to the royal power and dealt with accordingly.¹³

The Ruler and His Court: France

I have suggested some powerful long-term trends that undermined the Estates' powers both of effective resistance to the growing hegemony of the ruler and of positive intervention in the business of rule; moreover, I have noted that most of these trends were already at work during the heyday of the *Ständestaat*. If to these trends not directly of the monarch's making we add his own policies specifically intended to achieve the same end—in France, for instance, the deliberate exclusion of princes of the blood from holding military governorships—we can see how together they

eliminated the Ständestaat's characteristic dualism (in Gierke's sense). In the absolutist state the political process is no longer structured primarily by the continuous, legitimate tension and collaboration between two independent centers of rule, the ruler and the Stände; it develops around and from the former only.

In most cases the ständisch constituted bodies were not formally done away with: the French Estates General, for example, were simply not summoned between 1614 and 1789. Many bodies kept "representing" the differentiated packages of rights and immunities of their constituent groups long after they had ceased to play an effective political role.¹⁴ But, I repeat, those rights and immunities they claimed involved *public* powers of rule less and less—except petty ones (fiscal exemptions in particular) that benefited the individuals enjoying them exclusively as components of patrimonies, as counters in the games of mutual disparagement and envy they played with one another. But *rule*—the ability to initiate collective action, to participate in the determination of public policy and supervise its execution, to attend to the needs of the larger society and shape its future—this power the Stände had lost.

Rule now rested solely with the monarch, who had gathered all effective (as against formal) public prerogatives unto himself. To exercise it, he first had to increase his own prominence, had to magnify and project the majesty of his powers by greatly enlarging his court and intensifying its glamour. The absolute ruler's court was no longer the upper section of his household, a circle of relatives, close associates, and favored dependents. It was an extensive, artificially constructed and regulated, highly distinctive world that appeared to outsiders (and to foreigners) to be a lofty plateau, an exalted stage at the center of which the ruler stood in a position of unchallengeable superiority. The ruler's person, to begin with, was continuously displayed in the glare of the condensed and heightened "public" world embodied in the court. Let us consider this phenomenon in the seventeenth-century French court, which best exemplified it. The king of France was thoroughly, without residue, a "public" personage. His mother gave

birth to him in public, and from that moment his existence, down to its most trivial moments, was acted out before the eyes of attendants who were holders of dignified offices. He ate in public, went to bed in public, woke up and was clothed and groomed in public, urinated and defecated in public. He did not much bathe in public; but then neither did he do so in private. I know of no evidence that he copulated in public; but he came near enough, considering the circumstances under which he was expected to deflower his august bride. When he died (in public), his body was promptly and messily chopped up in public, and its severed parts ceremoniously handed out to the more exalted among the personages who had been attending him throughout his mortal existence.^{15*}

The court around him was so constituted as to magnify and display that existence. It was a visible world of privilege. Its physical settings; the manner and dress of the courtiers; its highly symbolic, ritualized, and wasteful routine—all conveyed an image of splendor, grace, luxury, and leisure. The "lofty plateau," as I have called it, was carefully terraced, building up to the figure of the ruler through multiple, visible gradations—gradations in the courtiers' titles, in their proximity to the ruler, in the frequency and ease of their access to him, in their ceremonial precedences, and in the markings of status encoded in their dress and posture.¹⁶

Note that this artificial context, with so many characteristics heightening the courtiers' sense of status, perforce made them mutually envious, mistrustful, and hostile. It facilitated the emergence of cabals, intrigues, and furtive and shifting alignments of mutually suspicious associates; it thrived on gossip and spying. Thus the concerns of the courtiers (who often had no choice but to attend court) became focused on issues whose outcomes might be consequential at best for the standing of this or that individual but could not change their shared condition of gilded isolation, dependence, and impotence.¹⁷

By building and maintaining such a court, the absolute ruler insured himself against serious attempts by the feudal element to regain its corporate rights of rule.¹⁸ At the same time he compen-

sated it somewhat for the loss by exalting it over the outlying society and holding out to individual courtiers the chance of preferment or the hope of securing a pension or a sinecure. Also, by surrounding himself with the nobility at court, the ruler reasserted the fact that he still shared, as their *primus inter pares*, their distinctive cultural, status, and economic position—though not, of course, their political one.

The ruler, then, ruled *from* his court rather than *through* it. The court made up the expressive aspect of his rule, as it were, but this had to be complemented by an instrumental aspect. Hence intersecting with the court (rather than entirely nested within it) there was another setting, which was placed in a more direct and material relation to the business of rule and which operated as the medium of the ruler's personal power (at least in the case of Louis XIV). This setting involved a few councils of government, each having a small number of members, but each connected with a large number of agents and executors through links all ultimately instituted and activated by the ruler's personal command. As Louis XIV used them, the councils assisted the ruler in the formation of *his* decisions and were responsible to him for carrying them out. Members were personally appointed by the sovereign and operated as his servants, though often they were of noble origin. Those discretionary powers the ruler's servants necessarily had to exercise in order to keep the business of administration going and relieve the ruler of day-to-day decisions were at this stage assigned to them at the ruler's own command, not determined and disciplined by law.¹⁹

This system of overlapping councils culminated in a small number of ministers bearing various titles—not in *one* minister who by "representing" the system to the ruler might mediate the ruler's control over it. At its base, the system ramified out to include a multitude of lowlier agents—from the officers of the standing army and navy, to those arranging and supervising public works, to the intendants assigned to oversee all governmental and administrative business in a given locality. The roles of all these agents, however

different their titles and competences, were patterned after that of the *commissarius*. This was an office of military origin, whose characteristics Hintze defines as follows in order to stress its difference from *ständisch*, patrimonial offices: "Without a vested right in his post; without ties to the local forces of resistance; untrammelled by superannuated conceptions of right and of time-hallowed official conduct; just an instrument of the higher will, of the new idea of state; unreservedly committed to the prince, empowered by him and dependent on him; no longer an *officier* but a *fonctionnaire*—the Commissarius represents a new type of servant of the state, in accord with the spirit of the absolutist reason of state."²⁰ Most of the people manning these lower posts were of bourgeois or petty-noble origins, and many were university-trained lawyers. They were committed to performing their function in such a way as to "compensate" for a lowly birth and/or to increase an inadequate family patrimony. Normally, this activated them to great zeal, and often to intense animosity toward those who held traditional, *ständisch*, or feudal jurisdictional prerogatives whether because they were members of estate bodies or because they or their ascendants had bought offices from the crown.

New Aspects of Rule

Both components of the transition to absolutism considered so far—the *Stände's* declining capacity for initiative and resistance, and the ruler's offensive—must be related to needs and opportunities for political action arising from the changing societal environment and respectively weakening the *Stände's* and increasing the ruler's leverage. I have in mind, first, the necessity for new forms of political action whose very novelty "cut off" the Estates. For instance, the new military requirements of European power politics (increasingly focused on the conquest and exploitation of overseas lands), besides decreasing the significance of the traditional leadership skills of the feudal element, made it necessary to gain access to new sources of wealth that traditional levies and tributes could not adequately tap. And we have already seen how

by introducing the urban excises the Prussian ruler established a new tax base for his military and administrative apparatus and excluded it from the Estates' control. I also have in mind the demand for uniform, territory-wide regulation of various matters. For instance, between 1665 and 1690 Louis XIV promulgated ordinances and codes that uniformly regulated over all of France such diverse matters as civil and criminal court procedure, the management of forests and rivers, shipping and sailing, and the trade in black slaves. Also in Prussia an enormous body of territory-wide legal rules was produced in the ruler's name, in the guise of police bylaws. It would have been impossible, in both cases, to perform such enterprises through "dualistically" negotiated, ständisch rule-making.

But note that the ruler's enactment of such legislation affected not just the specific interests and activities concerned but the very meaning of law. In the Ständestaat, "the law" was essentially the distinctive packages of rights and privileges traditionally claimed by the estates and their component bodies as well as by the ruler; it existed in the form of differentiated legal entitlements, generally of ancient origin, and it was in principle within the corporate powers of the beneficiaries of those entitlements to uphold them—forcibly, if necessary. Such law could be modified by the Stände when entering into or renewing compacts with the ruler, or by shared deliberations and mutual adjustments between Stände and ruler or between individual Stände. But in principle it could not be modified at the will of any one party, since it was not seen as the product of unilateral will in the first place. As we have noted, the rights and obligations of this or that individual or body were the typical issue of the Ständestaat's political process. But that process as a whole treated the law as a framework, as a set of givens, however contested in its precise significance. The law's validity was seen as resting ultimately on the superhuman agency of the Deity, operating through the slow sedimentation of custom and the negotiated understandings of the legitimate holders of faculties of rule.²¹

Against this background, the idea that the ruler could, by an act

of his sovereign will, produce new law and have it enforced by his own increasingly pervasive and effective system of courts was wholly revolutionary. It transformed law from a *framework* of into an *instrument for* rule. Furthermore, since such law was designed to apply uniformly over the territory, the provincial and regional Stände lost the ability to adapt it to local conditions. Through such new law, the ruler addressed himself ever more clearly and compellingly to the whole population of the territory. He disciplined relations in increasingly general and abstract terms, applicable "wherever and whenever." In expressing as law his sovereign will, the ruler contemplated the Estates as (at best) a privileged audience whose individual components might be graciously exempted from the unpleasant effects (especially fiscal ones) of the new rules. But the Stände were no longer capable of seriously modifying or mediating his will, of screening the larger society from it.

This new approach to law and its relations to rule appears even more significant in the light of two facts. First, paralleling the growth of legislation enacted by the ruler and enforced by his courts was the vast phenomenon of the "reception of Roman law," whereby the legal principles and rules of Justinian's *Corpus juris civilis* acquired validity over several territories.²² Though not entirely coincident with the rise of absolutism either geographically or chronologically, this development was very much in the spirit of the absolutist system of rule²³ (and was consonant with the advance of commercialization and individualism in the socioeconomic and cultural spheres). With the "reception," an enormous range of diverse social relations came to be legally regulated in ways that often differed widely from those of the "good old law," often of Germanic-feudal origin, that had sometimes been elaborated and modified by urban corporations.²⁴ Second, though the rulers increasingly posited themselves as the founts of law, whether directly or indirectly by reference to Roman law, they did not consider themselves bound by it. It is one of the original meanings of

the very notion of "absolutism" that the ruler himself is *legibus solutus*: the law, being a product of his sovereign power, cannot bind him or set boundaries to that power.

The ruler now possesses in the law a flexible, indefinitely extensible and modifiable instrument for articulating and sanctioning his will. As a result, his power ceases to be conceived as a collection of discrete rights and prerogatives, as it had been under the *Ständestaat*, and becomes instead more unitary and abstract, more *potential*, as it were. As such, it begins to detach itself conceptually from the physical person of the ruler; we might put it another way and say that it subsumes the ruler within itself, radiating *its own* energy through him. This is part of the significance of Louis XIV's court, where though the figure of the king was exalted to superhuman proportions, diffusing a light of unearthly intensity ("le Roi soleil"), it stood for a project, an entity, a power much greater than the king himself.

The Ruler and His Bureaucracy: Prussia

In the eighteenth-century phase of the absolutist system of rule, best represented by Prussia under Frederick William I (1713-40) and Frederick the Great (1740-86), the court lost much of the political significance it possessed in the France of Louis XIV. In Prussia the function of projecting the superiority of the state's power over the "physical king" himself shifted to the military and administrative apparatus. Louis XIV had ruled, as I said, *from* a lofty, resplendent court of which he was the pinnacle, with the assistance of a few small councils of personal advisers and ministers. Frederick William I and his successor ruled through, at the center of, a much larger, more elaborately constructed and regulated body of public organs engaged in administrative activities that were more continuous, systematic, pervasive, visible, and effective than anything Louis XIV had ever contemplated.

An essential component of this development was a new body of law—"public law"—specifically concerned with the construction and operation of the administrative system.²⁵ The system's mem-

bers operated not immediately on a commission from the ruler, nor as the direct executors of his personal commands, but rather under the guidance and control of a body of enacted norms that articulated the state's power (unitarily conceived) into a number of functions each of which was entrusted to an organ, i.e., a set of coordinated offices empowered to form and enforce authoritative decisions. Each organ possessed precisely delimited competences, standards by which to evaluate their exercise, and formal and material faculties for operation.

The individuals manning such organs were functionaries (*Beamte*) duly appointed to the component offices of each organ and supposedly trained and tested in the business of those offices. They possessed no proprietary rights in their posts and could make no claim to any revenues that might accrue from their work, being remunerated instead according to a fixed scale from central funds. The law regulated the higher powers of command, supervision, and discipline to which the functionaries were subject. Except at the highest level, where peculiarly "political" decisions were taken on matters concerning the internal and external security of the state or the broader directions of its policy, all individual decisions were to be reached through juristic reasoning—applying general legal provisions to carefully ascertained and documented circumstances. Moreover, all such business was transacted in writing and recorded in files.

Thus the state was intended to operate as the instrument of its own enacted laws, thereby making its activities systematized, coordinated, predictable, machinelike, and impersonal. The principle that the law is not binding on the sovereign power that produces it, however, was preserved. "Public law," then, was a set of arrangements internal to the system, and as such regulated the operation of lower offices vis-à-vis higher ones; but it vested no actionable claims in individual subjects in their private capacities. A semijudicial system for monitoring the impact of the administration's activities on rightful private interests might be maintained, but again it would be largely an internal arrangement that would

not empower private individuals as outsiders to block or frustrate administrative decisions.

In essence, then, in the "Prussian model" the state was made transcendent over the physical person of its head through the depersonalization and objectification of its power. Public law shaped the state as an artificial, organizational entity operating through individuals who in principle were interchangeable and who in their official activities were expected to employ their certified abilities in stewardlike loyalty to the state and commitment to its interests.

Schiera summarizes the administration-building process culminating under Frederick the Great as follows:

The prince managed to replace the ständisch administrative system with one of his own, based on functionaries who depended directly on him, were faithful to him, and occupied offices of commissarial origin. Although bound to the prince personally, at the same time the functionaries made up a unified entity, endowed with a dynamic internal to it, that did not rest entirely upon the prince's own person. It was always the prince who coordinated the activities of the various branches of the administration; but the latter operated under its own steam, thanks to its own organizational structure. There was a bond between the administration and the prince, and a tight bond indeed; but its effects were filtered, as it were, through the now central concept of "salus publica," or the common good. Formally the relationship to the prince was still a personal one, but the person itself of the prince had begun to matter largely to the extent that he himself was considered as the first servant of the state.²⁶

Whereas Louis XIV had ruled surrounded by court nobles engaged in status display (and in displaying their status they exalted his), Frederick the Great ruled as the first among a vast number of officials. Many of these were nobles, but once again they only maintained their privileged position by accepting new terms—the ruler's. In both France and Prussia the resistance of the Stände was so thoroughly diminished under absolutism that the political process could no longer be said to revolve around the allocation of faculties of rule within the state. All significant faculties were gathered into the hands of the ruler, and the prime political issues

became how to increase (in absolute rather than in relative terms) the ruler's power and how to use that increased power internally and externally.

Between the end of the eighteenth and the beginning of the nineteenth century, both issues found significantly new resolution in a novel type of rule system that on the one hand continued the main trends in the state's constitution and organization already evident under absolutism (though in a modified and selective manner), but on the other hand changed (much more considerably) the relations between the state and the larger society. The tendencies and contrasts inherent in those relations under absolutism must now be briefly pointed out.

The Emergence of the Civil Society

As we have seen, the absolutist ruler had gathered unto himself those faculties of rule that under the Ständestaat were dispersed among several privileged individuals and bodies. He had concentrated those faculties, together with those of ancient, regalian origins, into a unitary apparatus for the formation and execution of statewide policies, organized as an increasingly effective machine for exercising alone all aspects of rule, and operating in the name and in the interests of sovereignty.

We have also seen that, as a consequence, the privileged individuals and bodies had become, more and more exclusively, the holders of legally favored private capacities, the privileged pursuers of private interests. But in the past, the Stände's political prerogatives had been the glue that held together their components—Stand with Stand, household with household within each Stand. Thus, as those political prerogatives were effectively confiscated by the ruler, the Stände began to "come unstuck."²⁷

On the other hand, the state's institutions (first particularly the court, later the ministerial and administrative system) had become increasingly *public*: that is, official, highly distinctive, relatively visible. The state's codes and statutes, of course, had to be officially promulgated and published, printed in the vulgar tongue, widely

diffused. In various countries the adoption of uniforms for both military and civilian functionaries of the state placed the same emphasis on the distinctiveness and unity of the state apparatus.

Thus the state had moved, as it were, up and away from the larger society to a level of its own, where specifically political personnel and functions were concentrated. At the same time, the state was empowered to affect with its action the whole society. That society, from the height of the state's level, appeared to be peopled exclusively by a multitude of *particuliers*, of private (though sometimes privileged) individuals. The state addressed them in their capacity as subjects, taxpayers, potential military draftees, etc.; but it considered them unqualified to take an active part in its own business. It contemplated the civil society exclusively as a suitable object of rule.

And indeed, a prime concern of absolutist rule was exactly the authoritative regulation and promotion of the private preoccupations of individuals—primarily the economic ones. In the seventeenth century, as we have seen, this concern led the state to endorse, make uniform, and modify as needed the rules that over the previous few centuries guilds and other urban corporate bodies had autonomously and locally imposed upon commercial and productive pursuits: rules setting prices and standards for merchandise, specifying productive processes, regulating the training of apprentices, controlling competition and innovation. Other aspects of mercantilism—and particularly the concern with the positive balance of trade and the building up of a country's bullion reserves—suggest that perhaps it should not be seen as exclusively or even primarily concerned with promoting the country's (or the bourgeoisie's) economic well-being. Rather, economic activity was promoted (1) to keep the population busy, peaceful, and unconcerned with political business, and (2) to generate the taxable wealth needed to underwrite both the wasteful aspects of the system of rule (foremost, its often disastrously expensive court) and its increasingly costly international ventures.

In the eighteenth century, this latter objective of absolutist poli-

cy was even more persistently and commandingly in view than in the seventeenth. By this time, however, mercantilist policies proper had been largely abandoned in favor of those that made up the economic policy of so-called "enlightened despotism."²⁸ These latter policies, however, revealed and often unwittingly fostered the start of a remarkable change in the internal configuration and political significance of civil society. In the long run, such change would transform the system of rule by realizing the civil society's demand for an active, decisive role in the political process. Let us turn now to the matter of identifying the social groups whose distinctive "ideal and material interests" led them to articulate that demand.

The Civil Society's Political Challenge

During the historical career of absolutism, an increasingly significant section of the European bourgeoisie—the capitalist entrepreneurs—had been redefining their social identity as that of a *class*, no longer as that of an *estate*. This phenomenon, an intrinsic aspect of the advance of the capitalist mode of production, had been occasionally favored and accelerated by public policies. Since it was to have decisive political consequences, let us briefly characterize it here.

A class is a collective unit more abstract, more impersonal, more distinctively translocal than an estate. Its visible boundaries are set not by a style of life or a specific mode of activity, but by the possession of or exclusion from market resources that give their possessors a claim to the appropriation of a disproportionate share of the social product, and that as a consequence can be accumulated and continuously redeployed on the market. In the case of the groups we are considering, the resource in question is capital, privately owned.

The unity of a class, unlike that of an estate, is not maintained by internal organs of authority that guard the traditional rights, particular and common, of the collectivity and enforce discipline on its individual components. A class presupposes and admits com-

petition for advantage among its components, who are all private, self-interested individuals. However, such competition is supposed to be self-equilibrating; it thus limits and legitimizes a given component's advantage over others. Moreover, competition within a class is limited by the recognition of certain shared interests among all components in the face of antagonist classes on the market.

Thus the political needs of a class possessing critical market resources are different from those of an estate. Such a class does not require that it be directly vested with powers of rule, since the exercise of rule from within the class would arbitrarily (and thus illegitimately) advantage some competitors against others and would interfere both with the market's supposed capacity for self-equilibration and with the process of accumulation. On the other hand, such a class cannot dispense with rule altogether: it needs some agency to exercise rule both to safeguard the autonomous workings of the market and to guarantee the class's collective appropriation of its distinctive resources (and their apportionment to individuals' private control) against any attack on the part of an antagonist class; it also needs that agency to exercise rule from a unitary center structurally apart from and above all classes in a distinctive, "public," sovereign sphere of its own.

Now the absolutist system constituted exactly such a distinctive, "public," sovereign concentration of faculties of rule, and hence it constituted a fitting political environment for the transformation into a class of a part of the bourgeoisie. However, the absolutist emphases on purposeful intervention in business matters, on monopolies, on restraints on competition, and on direction of trade interfered with the autonomy and the fluidity of the market—and the market is where a class both moderates its internal contrasts through competition and maintains its collective advantage by accumulating and utilizing the resources it has appropriated.^{29*}

It is commonly argued that the interest of the bourgeoisie-as-class in the autonomy of the market led it to pose a radical political challenge to absolutism. Yet such a notion is surely too simplistic. One might argue that whatever the negative effects of absolutist

"interference with the market" on the interests of the class in question, they were probably amply compensated by internal and external policies favoring accumulation and preserving private control over most of a nation's capital. Besides, the bourgeois political demands vulgarly summarized as "*laissez-faire, laissez-passer*" were in fact raised not so much *against* as *toward* the absolutist system, which in its later phase did its best to accommodate them. Such demands could be amply met while keeping the whole civil society, including its economically ascendant class, as a "suitable object of rule" (as we phrased it above). As late as the close of the nineteenth century, the case of Germany shows that a bourgeoisie could draw most of the benefits of capitalist industrialization without aggressively claiming its own political birthright.

We need to assess additional factors to explain why most national bourgeoisies did pose a thoroughgoing challenge to the respective *anciens régimes*. In my view, such bourgeoisies were politically radicalized and "energized" by components of them distinct from the entrepreneurial groups we have considered so far (though sometimes overlapping with them). These components were involved particularly in intellectual, literary, and artistic pursuits, and had been developing a distinct social identity—that of a *public*, or rather, at first, of a variety of "publics."³⁰ They had been increasingly carrying out their pursuits in distinctive settings and media (from scientific societies, literary salons, Masonic lodges,³¹ and coffeehouses to publishing houses and the daily and periodical press) that were public in being accessible to all interested comers, or at least to all those possessing appropriate, objectively ascertainable qualifications, such as learning, technical competence, relevant information, persuasive eloquence, creative imagination, and capacity for critical judgment. Furthermore, all participants were allowed to contribute to the open-ended, relatively unconstrained process of argument intended to produce a widely held, critically established "public opinion" about any given theme.³²

At an early stage in the development of such publics their

themes had been mainly scientific, literary, and philosophical; their arguments had been mainly confined to such areas as the development of taste, the attainment and dissemination of knowledge about natural phenomena, and the refinements of moral sensibility both in the immediate participants and, through them, in a wider, literate public. When not hindered by censorship and repression, however, topics had progressively shifted toward distinctively political matters: the characteristic civic virtues and vices of "the nation"; the ways and means to the promotion of its welfare; the improvement of legislation; the relations between church and state; the conduct of foreign affairs.

In this way, certain social groups—predominantly bourgeois, though sometimes mixed with elements from the nobility and the lower clergy—progressively put themselves forward as an audience qualified to criticize the state's own operation. They were seeking, as it were, to complement the "public sphere" constructed from above with a "public realm" formed by individual members of the civil society transcending their private concerns, elaborating a "public opinion" on matters of state and bringing it to bear on the activities of state organs.

Now any attempt to institutionalize criticism and controversy, and to assign to both a role in steering the actions of the state, posed to the absolutist system a challenge more direct than the "class" demand that it should respect the market's capacity for self-regulation. A "reasoning public" might lead the civil society to break through the passive, subject position in which the official power sought to confine it. The reasoning public not only dared to open debate on matters that those powers had ever treated as *arcana imperii*, but threatened to extend that debate to wider and wider social circles in order to increase its support.

More threatening than these largely potential challenges, though, was the bourgeois attack on the notion of privilege, of ascribed, particular rights attached to certain ranks. This struck directly at the absolutist policy of compensating the traditional estates for their political losses by maintaining their status advantages and

shoring up their economic position. The commitment of large sectors of bourgeois opinion to secular enlightenment—with its aggressive rationalism, its antitraditionalism, and its emphasis on emancipation—threatened that "alliance of the throne and the altar" typical of many absolutist states. Opinion-makers who suggested that *national* interests^{33*} and the public welfare should guide foreign and internal policies were an embarrassment to monarchs vestigially attached to dynastic interests and still surrounded by the absurdly wasteful pomp of their courts.

On the other hand, some aspects of the development of "public opinion on public affairs" were compatible with absolutist policies and constituted ideological endorsements of them. The very existence of a public realm was largely the consequence of the absolutist state's policy of bypassing the *Stände* and addressing directly the generality of its subjects through its laws, its taxation, its uniform and pervasive administration, its increasing appeal to patriotism. Nor did the bourgeois public claim for itself independent, self-standing, self-enforcing powers of rule, as the *Stände* had done. It recognized the ruler's claims of sovereignty and the distinctiveness of the enterprise of rule. It was quick to endorse his declared commitment to national greatness, to the promotion of the people's welfare. It considered problems high on the ruler's agenda—from legislative reform to the promotion of industry—and brought to bear on them resources of sense, competence, and concern as well as a capacity for informed and critical judgment that it was in the ruler's own interest to mobilize and tap. There was, furthermore, between members of the bourgeois public and the personnel of the ruler's own apparatus an increasing similarity in social background, in moral and intellectual concerns, in learning, and in academic qualifications.

Such convergences of interests and aspirations between the bourgeoisie-as-public and the absolutist state suggest that the former did not necessarily pose an outright challenge to the latter. Neither, I argued above, did the bourgeoisie-as-class. However, the latter was bound to find attractive the prospect of a newly designed

system of rule that would institutionalize and place at the very center of the system a new notion of "the public" as a realm open to individual members of the civil society, responsive to their views and interests, and operating through the open-ended confrontation of opinions.

In this new design, the public realm would not just critically monitor the operations of the state but initiate, direct, and control them. Its legitimation to do so would come from its *representation* of opinions prevalent in the civil society, which by the same token would become the *constituency* of the system of rule rather than simply its object. The public realm—once constituted as an elected assembly placed at the very center of the state—would serve that constituency and activate the state on its behalf by framing as general and abstract laws the prevalent orientations of opinion on given issues as reflected in the formation of majorities and minorities among the elected representatives.

Since the bourgeois class was the dominant force within the civil society, representation would reflect that dominance by being weighted in favor of "enlightened" and "responsible" opinions. This would be done through the objective workings of the mechanism of representation, and in particular through the qualifications impartially required of electors and representatives—not through the attaching of political prerogatives to individual members of any class, which would deprive them of their essential quality as private individuals.

Because general and abstract, the laws enacted by the assembly would respect and safeguard the market's autonomy and capacity for self-regulation, and at the same time would uphold the market advantages of the capital-owning class—but again without singling them out as politically privileged. Other laws would empower the state organs (again abstractly and generally) to carry out individual acts of rule.

This vision of a new constitutional design of the state, largely projecting the distinctive claims and aspirations of the bourgeoisie-as-public, was what in my view "energized" politically the bour-

geoisie-as-class and generated the increasing tension between both sectors of the bourgeoisie and the late-absolutist *ancien régime*. The historical developments through which this tension was resolved—mainly through the realization of the above design—are too varied and complex to be reviewed here. Nonetheless, two dimensions of those developments deserve mention: first, the importance of ideas of nationality and national sovereignty; and second, the extent to which the emerging proletariat, despite its inherent antagonism to the bourgeois class, found itself fighting on behalf of the bourgeois political design.

In many Western countries the progress of the new system of rule was marked by political revolutions; but this should not lead us to overestimate the "break" between the absolutist system and the one that followed it (the subject of the next chapter). As Tocqueville established in his study of the greatest of those revolutions, there were numerous and significant elements of continuity between pre- and postrevolutionary political systems.

There were two principal reasons for such continuity, one external and the other internal. On the one hand, the significance of power relations between states not only persisted but was enhanced by ideas of nationality and by the European "scramble" for the markets and resources of other parts of the world. On the other, there was the growing complexity of the civil society itself, and the increasing intensity of its class conflicts. On both counts, it was in the interest of the bourgeois class to maintain and even to strengthen the state's potential for societal guidance, for the defense of national boundaries, and for the moderation or repression of conflict—aspects of rule that over the centuries had become built into the state apparatus. That apparatus had to be made amenable to control by the institutionalized public realm, not dismantled, weakened, or seriously damaged in its ability to exercise rule over society. For the same reasons, the bourgeoisie, in putting forward and realizing its political program, had to guard against the potential democratic-populist implications of such ideas as popular sovereignty or equality of citizenship.