

Voices From Among the “Silent Masses”: Humble Petitions and Social Conflicts in Early Modern Central Europe*

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Social historians have quite frequently referred to the “silent masses” in history.¹ They have thereby hinted at the problem that most preserved documents derive from a tiny elite. The great majority of the people, being illiterate, only very rarely left private letters, diaries, autobiographies and testaments, or official acts, charters, statistics, and reports.² Besides the source problem, this view reflected concerns of structuralism and Marxism, both very fashionable among social historians up to the 1970s, who related the masses’ interests to socioeconomic conditions. Ordinary people thus appeared rather as objects of economic structures than as subjects of historical processes.³ Though some German-speaking social historians integrated the anthropological category of “experience”⁴ into their studies in the 1980s, they assumed that ordinary people had interests in, and experiences of, but still no influence on historical processes. Merely local and reactive early modern social protest thus remained historically unimportant – in sharp contrast to the nineteenth-century working class movement.⁵ During the 1990s, studies of social conflict focused on the

*Abbreviations: StABE = Staatsarchiv Bern; StAF = Stadtarchiv Frankfurt (RS = Ratssupplikationen, BMB = Bürgermeisterbücher); StAM = Hessisches Staatsarchiv Marburg; StAZH = Staatsarchiv Zurich. Many thanks to my colleague, Beat Kümin, for linguistic support.

1. Hans-Ulrich Wehler, *Deutsche Gesellschaftsgeschichte*, vol. 1 (Munich, 1987), p. 194; Wolfgang von Hippel, *Armut, Unterschichten, Randgruppen in der Frühen Neuzeit* (Munich, 1995), p. 57.

2. Natalie Zemon Davis, *Der Kopf in der Schlinge. Gnadengesuche und ihre Erzähler* (Frankfurt, 1991), pp. 19–20.

3. Fernand Braudel, *Die Dynamik des Kapitalismus* (Stuttgart, 1986), pp. 15, 16. But there are some exceptions, e.g. George Rudé, *The Crowd in the French Revolution* (London, 1959); E.P. Thompson, “The Moral Economy and the English Crowd in the Eighteenth Century”, *Past & Present*, 50 (1971), pp. 76–136; Peter Blickle, *Die Revolution von 1525* (Munich, 1975), [cited hereafter the 2nd edn, 1983].

4. Jürgen Kocka, *Sozialgeschichte*, 2nd edn (Göttingen, 1987), pp. 162–174; Jürgen Schlumbohm, “Mikrogeschichte – Makrogeschichte: Zur Eröffnung einer Debatte”, in *idem* (ed.), *Mikrogeschichte – Makrogeschichte* (Göttingen, 1998), pp. 7–32, 20, 24–28.

5. Jürgen Kocka, *Weder Stand noch Klasse. Unterschichten um 1800* (Bonn, 1990), p. 32; Arno Herzig, *Unterschichtenprotest in Deutschland 1790–1870* (Göttingen, 1988), pp. 21, 114.

concept of agency and discussed the influence historical actors had on processes such as modernization.⁶

In order to study ordinary people as historical actors, petitions provide considerable qualitative and quantitative advantages. *Petitions, grievances, and supplications, Gravamina, Suppliken, and Beschwerden, doléances, requêtes, and représentations, gravami, petizioni, and querele, clamores, reuges and griefs* – or whatever they have been called in changing times and regions⁷ – were produced by individuals or groups, regardless of their age, status, class, ethnicity, religion, or sex. As they were composed in the most varied situations of life, they document needs and interests, hopes and experiences, attitudes and activities. Although these sources were written by ordinary people (mostly with a little help from a professional writer for a modest fee), state, church, or other institutions dealt with them carefully – and preserved them in their archives.

Up to now, several historical disciplines, from ecclesiastical and legal to cultural and gender history, have occasionally used these petitions.⁸ The new history of crime, with its focus on law suits, discovered multiple extrajudicial proceedings (*l'infrajudiciaire*) by analysing petitions and supplications;⁹ studies in administration, law, and government labelled “*Gute Policy*” try to measure state efficiency by means of supplications and petitions;¹⁰ the

6. Andreas Würgler, “Das Modernisierungspotential von Unruhen im 18. Jahrhundert”, *Geschichte und Gesellschaft*, 21 (1995), pp. 191–213; Andreas Suter, *Der schweizerische Bauernkrieg von 1653* (Tübingen, 1997); Wayne te Brake, *Shaping History: Ordinary People in European Politics, 1500–1700* (Berkeley, CA [etc.], 1998).

7. Cf. Antonio Marongiu, *Il parlamento in Italia nel medio evo e nell'età moderna* (Milan, 1962), Index s.v. “Gravami”; Andreas Würgler, “Beschwerden”, in *Historisches Lexikon der Schweiz*, www.dhs.ch.

8. More details in Andreas Würgler, “Suppliche e gravamina nella prima età moderna: la storiografia di lingua tedesca”, *Annali dell'Istituto storico Italo-germanico in Trento*, 25/1999 (2000), pp. 515–546, 521–527.

9. Gerd Schwerhoff, *Aktenkundig und gerichtsnotorisch. Einführung in die Historische Kriminalitätsforschung* (Tübingen, 1999), pp. 85–91; Andreas Würgler, “Diffamierung und Kriminalisierung von ‘Devianz’ in frühneuzeitlichen Konflikten. Für einen Dialog zwischen Protestforschung und Kriminalitätsgeschichte”, in Mark Häberlein (ed.), *Devianz, Widerstand und Herrschaftspraxis in der Vormoderne* (Konstanz, 1999), pp. 317–347, 346; Karl Härter, “Strafverfahren im frühneuzeitlichen Territorialstaat: Inquisition, Entscheidungsfindung, Supplikation”, in Andreas Blauert and Gerd Schwerhoff (eds), *Kriminalitätsgeschichte* (Konstanz, 2000), pp. 459–480; Carl A. Hoffmann, “Außergerichtliche Einigungen bei Straftaten als vertikale und horizontale soziale Kontrolle im 16. Jahrhundert”, in *ibid.*, pp. 563–579; Benoît Garnot, “Justice, injustice, parajustice et extrajustice dans la France d’Ancien Régime”, *Crime, History & Societies*, 4 (2000), pp. 103–120.

10. Cf. the contributions in Peter Blickle (ed.), *Gemeinde und Staat im Alten Europa* (Munich, 1997); André Holenstein, “Die Umstände der Normen – die Normen der Umstände. Policyordnungen im kommunikativen Handeln von Verwaltung und lokaler Gesellschaft im Ancien Régime”, in Karl Härter (ed.), *Policy und frühneuzeitliche Gesellschaft* (Frankfurt, 2000), pp. 1–46; Achim Landwehr, *Policy im Alltag* (Frankfurt, 2000), pp. 281, 311–312.

history of early parliaments and studies of social protest and revolt have the longest tradition of analysing petitions.

After introducing the key concepts of “social conflicts” and “petitions, *gravamina* and supplications” – very often triggered by conflicts – the main part of this essay will discuss the potential contribution of collective and individual petitions and supplications for research on social conflicts.¹¹ Examples will be taken from the German-speaking central European area which was – in contrast to the big western European kingdoms of France, England and Spain – divided into many small- and medium-sized territories, only weakly tied together by the Holy Roman Empire or the Swiss Confederation. Social conflicts usually occurred at this territorial level and did not question the existence of the Empire or the Confederacy as such, even if they were somehow involved. If, and to what extent, petitions and supplications record, so to speak, the voices of the masses or single voices from among the masses will be discussed in the conclusion.

SOCIAL CONFLICTS

The term “social conflict” has become crucial for modern sociology.¹² Yet sociologists cannot agree upon a common theory of conflict in general but have produced endless definitions of particular types and forms of conflict. This essay refers to the widely-known and integrative definition by Lewis A. Coser:

Social Conflict may be defined as a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure, or eliminate their rivals. Such conflicts may take place between individuals, between collectivities, or between individuals and collectivities. Intergroup as well as intragroup conflicts are perennial features of social life.¹³

Early modern individual, family, and group disputes cover the whole range of social conflicts, and provide most heterogeneous contexts for supplications and petitions: from rival applications for scarce jobs to revolutionary situations, from spontaneous rows to ritualized proceedings, from short disputes between spouses to long-lasting law-suits between lords and communities, from symbolic actions to military interventions.

Social conflicts are historically relevant not just because they happened,

11. For other means of conflict see Andreas Würzler, *Unruhen und Öffentlichkeit. Städtische und ländliche Protestbewegungen im 18. Jahrhundert* (Tübingen, 1995), pp. 169–184.

12. Peter Imbusch, “Konflikt”, in *idem et al.* (eds), *Friedens- und Konfliktforschung* (Opladen, 1996), pp. 63–74, and *idem*, “Konflikttheorien”, in *ibid.*, pp. 116–148.

13. Lewis A. Coser, “Conflict: Social Aspects”, in *International Encyclopedia of the Social Sciences*, 3 (1968), pp. 232–233.

but on the one hand because of the great force of mobilization (events like revolts and civil wars), and on the other because of their high frequency and relative similarity (repeated everyday quarrels with structural character). In the tradition of early modern governments, the older historiography used to interpret social conflicts as disturbance of good order. Recent sociology, anthropology, and history, however, also emphasize positive social effects.

PETITIONS, *GRAVAMINA*, SUPPLICATIONS

The various meanings of the Latin verb *petere* resp. *petitum/petita*, *petitio* – go to, demand, desire, claim – hint already at the great variety of ways to articulate interests. The word “petition” obtained different meanings in European languages. While in English, petition became the dominant umbrella term for requests, supplications, demands etc. of all kinds very early, the German, *Petition* became dominant not before 1800, although it may be found occasionally since the fourteenth century. At the turn of the nineteenth century, the term petition was strongly connected with constitutionalism and therefore focused on the political level, whereas the older terms used in German-speaking areas, *gravamina* and supplication, referred to administration and jurisdiction as well as politics.¹⁴

The Latin word *gravamen*, mostly in the plural form *gravamina*, literally means “load, burden”. In the context of early parliamentarism, *gravamina* was the technical term for the written collective grievances the estates submitted to the lord on the occasion of institutionalized representative assemblies. The practice of representation and participation by *gravamina* was spread over the whole of Europe in the late Middle Ages and early modern times. Both contemporary language and modern historiography also used the term in general for any collective voicing of grievances by subjects, whether connected to legal proceedings or revolts. In some ways, therefore, revolts replaced representative assemblies as occasions to voice grievances.

Supplications are far more heterogeneous in terms of their production, content, authors and addressees,¹⁵ which is reflected by the great variety of

14. J.H. Kumpf, “Petition”, in *Handwörterbuch zur deutschen Rechtsgeschichte*, 5 vols (Berlin, 1971–1998), vol. 3, pp. 1639–1646 [hereafter, *HRG*]; Renate Blickle, “Supplikationen und Demonstrationen”, in Werner Rösener (ed.), *Formen der Kommunikation in der ländlichen Gesellschaft* (Göttingen, 2000), pp. 263–317.

15. See Beat Kümin and Andreas Würgler, “Petitions, *Gravamina* and the Early Modern State: Local Influence on Central Legislation in England and Germany (Hesse)”, *Parliaments, Estates and Representation*, 17 (1997), pp. 39–60, 43–44.

vernacular terms.¹⁶ The ancient Roman law term *supplicatio* was adopted by the Pope's chancellery and thus arrived at the emerging territorial states in central Europe during the fifteenth century. The latter used *supplicatio* for various traditional forms of requests, demands, and complaints.¹⁷

Several attempts have been made to classify the various kinds of supplications. The historical auxiliary sciences defined supplications as private writings to the government, and distinguish between mere requests (for material help), formal demands (applications, requests for licences, permits, dispensations etc.) and complaints against the government or law courts.¹⁸ Legal historians distinguished between supplications for favours and supplications for justice, but these terms neither correspond to source terms nor have they been fully adopted by modern researchers. Supplications for favours are said to be requests to higher persons – commonly the prince – for an act of mercy or aid, whereas supplications for justice focus on judicial or administrative matters and are usually directed against an opponent or linked to an extrajudicial procedure or a formalized legal remedy in an ordinary court process. The second case comes close to legal means of redress as the right of appeal or revision.¹⁹

The congeniality of petitioning and praying – in German, *Bitten und Beten* – points to the religious dimension of petitions calling for mercy. While *gravamina* tried to legitimize themselves with arguments of equity and justice, supplications hoped for acts of grace by the addressees.²⁰ The rulers' power of grace and mercy echoed God's mercy towards repentant sinners and conferred metaphysical legitimation.²¹ As the catholic subjects of the Prince Abbot of Kempten wrote in their supplication: "Your princely grace are somehow our God on earth and know [...] that you get closest to God by your clemency and mercy".²² The analogy to religious

16. German: *Bitte, Bittschrift, Bittzettel, Klagzettel, Memorial, Gesuch, Ansuchen, Anbringen, Vorstellung, Ansprache* etc; English: besides petition, supplication, request, demand, complaint, appeal, remonstrance, etc; French: *supplication, supplique, requête, remonstrances, représentation*, etc.

17. Rosi Fuhrmann, Beat Kümin and Andreas Würigler, "Supplizierende Gemeinden. Aspekte einer vergleichenden Quellenbetrachtung", in Blickle, *Gemeinde und Staat*, pp. 267–323, 287–288, 320–321; Blickle, "Supplikationen", p. 275. The vast number of meanings of *Bitte* are listed in *Deutsches Rechtswörterbuch*, vol. 2 (Weimar, 1932–1935), pp. 351–353.

18. Heinrich Otto Meisner, *Archivalienkunde vom 16. Jahrhundert bis 1918* (Göttingen, 1969), p. 181.

19. See Jürgen Weitzel, "Rechtsmittel", in *HRG*, vol. 4, pp. 315–322; G. Buchda, "Appellation", in *ibid.*, vol. 1, pp., 196–200. The distinction between supplications for grace and justice has already been made by Heinrich Zedler, *Universal-Lexicon*, vol. 31 (Halle [etc.], 1744), pp. 364–365.

20. Cf. the distinction of Johann Jacob Moser, *Von den Teutschen Reichs-Stände Landen [...]* (Frankfurt, 1769, repr. Osnabrück 1967/1968), pp. 1189–1190.

21. H. Krause, "Gnade", in *HRG*, vol. 1, pp. 1714–1719.

22. *Recueil oder Zusammentragung einiger Piecen so die Gravamina der Stift-Kemptischen Landschaften betreffen* (n.p., 1721), no. 7, pp. 11–14, 12.

practices is underlined by the genuflection with which supplicants stressed both the urgency of the request and their low status vis-à-vis the addressee when handing in their supplications. In order to influence a ruler's clemency, petitioners tended to promise either to pray to God for the ruler's good health and happy government – as mostly during the late Middle Ages and in catholic areas,²³ or to be obedient and improve the observance of orders – as mostly in protestant areas and during the seventeenth and eighteenth centuries.²⁴

Petitioning was a general practice. The saying “nobody is forbidden to hand in supplications and appeals”²⁵ is reflected by the large quantity of supplications from almost anybody to all sorts of recipients surviving in the archives. The mechanism of supplication was independent of social position. Supplications could be addressed to persons who held power-positions themselves or who were, by informal or institutional means, close to power-positions and thus able to do a favour. This ability of course increased in line with the height of the position in the hierarchy. Therefore, most of the supplications were addressed from the bottom to the top, frequently to state or church authorities. But supplicating was possible among equals, as in bureaucratic communication between authorities, or in diplomatic communication between states.²⁶ Many occasions to supplicate arose even between business partners, members of families, or client networks. The famous composer, Johann Sebastian Bach, for example, supplicated his mentor, Georg Erdmann, to recommend himself for a better job.²⁷ Even the most formally powerful man could be found writing a supplication. Emperor Rudolf II petitioned the Frankfurt city council to provide skilled gunsmiths for the campaign against the Ottoman Empire. The city council entered this imperial letter in the 1601 volume of the *Ratssupplikationen* (supplications to the council) along with a supplication from a journeyman carpenter, in jail because of bodily injury, pleading for mercy, and the supplication of the bookbinder,

23. Arlette Farge and Michel Foucault, *Familiäre Konflikte. Die “lettres de cachet”* (Frankfurt, 1989), p. 58 (French original: Paris, 1982); Renate Blickle, “Intercessione: Suppliche in favore di altri in terra ed in cielo”, in Cecilia Nubola and Andreas Würgler (eds), *Suppliche e gravamina. Politica, amministrazione, giustizia negli Stati Italiani e nel Sacro Romano Impero (secc. 14–18)* (Bologna, 2001) (forthcoming).

24. StAM 5 no. 15580, fos 4r–5v (the reformed city of Kassel, 1722); StAF RS 1601 1, fo. 7, (to the Lutheran city council of Frankfurt). In England however the phrase “your petitioners shall (ever) pray etc.” has been in use since the early seventeenth century; David Nicholls, “Addressing God as a Ruler: Prayer and Petition”, in *British Journal of Sociology*, 44 (1993), pp. 125–141, 128.

25. Helmut Neuhaus, “Supplikationen als landesgeschichtliche Quellen. Das Beispiel der Landgrafschaft Hessen im 16. Jahrhundert [Teile 1 und 2]”, *Hessisches Jahrbuch für Landesgeschichte*, 28/29 (1978/1979), pp. 110–190, and 63–97, 1, 137.

26. H. Zedler, *Universal-Lexicon*, vol. 3 (Leipzig [etc.], 1733), p. 1994.

27. Letter dating from 28 October 1730, in Walther Killy (ed.), *18. Jahrhundert. Texte und Zeugnisse*, vol. 1 (Munich, 1983), pp. 158–159.

Nikolaus Weitz, asking for readmission to the guild, after having been banned because his wife had given birth to their child “too early”.²⁸ In social terms, supplications needed not always be directed from bottom to top. The direction depended on particular power relations in given situations.²⁹

According to the decentralized political structure of central Europe, petitions, *gravamina* and supplications can be found in many archives and various contexts. *Gravamina* are usually stored in files regarding specific representative assemblies or revolts. They may contain originals or copies (in full text) of the *gravamina* or just briefly summarized notes. Additionally, the *gravamina*'s contents can be recovered from official registers (protocols) and answers (resolutions), administrative reports, and expert opinions.³⁰

As distinguished from *gravamina*, which commonly contain whole lists of articles, supplications often just dealt with one specific matter.³¹ Depending on their content, supplications may be found in any file or department. Thus any complete and systematic treatment of supplications must remain illusory. Permanent or selective protocols or registers of supplications do not contain full-text versions, but aggregate great amounts of information about the petitioner, the supplications' contents and sometimes their treatment by the authorities.³² These protocols could originate from diverse departments of state administration. In the protestant landgraviate of Hesse-Kassel, for example, most supplications were addressed to the central authority which redistributed them to the departments concerned, whereas in the city republic of Bern the petitioners sent their supplications directly to the department concerned.³³

Some original supplications were stored in separate files in the early

28. StAF RS 1601 2, fos 268r–272v (25 and 30 June).

29. Eberhard Isenmann, “Gravamen”, in Gert Ueding (ed.), *Historisches Wörterbuch der Rhetorik*, vol. 3 (Darmstadt, 1996), pp. 1183–1188. For the thesis that supplications were always directed bottom-up see Blickle, “Supplikationen”, p. 279.

30. Andreas Schmauder, *Württemberg im Aufstand. Der Arme Konrad 1514* (Leinfelden-Echterdingen, 1998), pp. 83, 147–154.

31. As a rule in Schleswig-Holstein since 1719; Otto Ulbricht, “Supplikationen als Ego-Dokumente. Bittschriften von Leibeigenen aus der ersten Hälfte des 17. Jahrhunderts als Beispiel”, in Winfried Schulze (ed.), *Ego-Dokumente: Annäherung an den Menschen in der Geschichte?* (Berlin, 1996), pp. 149–174, 155.

32. For a description of this source see Neuhaus, “Supplikationen”, 1, pp. 116–121, 141–145. Cf. Würigler, “Supplische”, pp. 517–521; Württemberg protocols (Sekretärsprotokolle des Oberrats, 34 meters) registered every arriving supplication 1579–1777; Landwehr, *Policy*, p. 282. Many archives lack special files or protocols, e.g. for Bavaria; Renate Blickle, “Die Supplikantin und der Landesherr (1629)”, in Eva Labouvie (ed.), *Ungleiche Paare* (Munich, 1997), pp. 81–99 and 212–216, 93–97, 214, n. 25.

33. StAM Protokolle 2, Kassel Cc 6, Bd. 2a (1786) und Cc 7, Bd. 2a (1787); Erika Flückiger, “Zwischen Wohlfahrt und Staatsökonomie. Armenfürsorge auf der bernischen Landschaft im 18. Jahrhundert” (Ph.D., University of Bern, 2000), pp. 20–21.

modern period,³⁴ but often without elaborating on the principles of selection;³⁵ other such files seem to have been created by nineteenth-century archivists.³⁶ Many supplications, however, have been destroyed by contemporaries,³⁷ or in the nineteenth century because they were considered to be worthless.³⁸

Protocols and registers with more or less serial data have enjoyed special interest so far.³⁹ But they probably only document the tip of the iceberg, because local authorities had been advised since the fifteenth century to deal with all supplications at the lowest possible level.⁴⁰ And, of course, there were many oral requests which have never been registered at all,⁴¹ and many written supplications have simply disappeared. Nevertheless, the archives of Frankfurt, for example, a city with 20,000 to 30,000 inhabitants during the early modern period, contain about 130,000 supplications to the council from 1600–1810.⁴²

Supplications and *gravamina* occasionally got printed by their authors. The revolutionary Twelve Articles of the German peasants in 1525 reached twenty-eight imprints. During the seventeenth and eighteenth centuries most protest movements printed their *gravamina* and supplications with a

34. In Frankfurt around 1600.

35. E.g. at Zurich only the supplications for improved salary, privileges for inventions or printing books and for pardon; according to information from Dr Otto Sigg, StAZH, 4 February 1997.

36. Gerd Schwerhoff, "Das Kölner Supplikenwesen in der Frühen Neuzeit", in Georg Mölich and Gerd Schwerhoff (eds), *Köln als Kommunikationszentrum* (Köln, 2000), pp. 473–496, 474–475.

37. In Bavaria since 1566; Renate Blickle, "Laufen gen Hof. Die Beschwerden der Untertanen und die Entstehung des Hofrats in Bayern", in Blickle, *Gemeinde und Staat*, pp. 241–266, 244. At Bern the supplications for alms at least in the eighteenth century; Flückiger, "Armenfürsorge", p. 63.

38. StAM: protocols before 1786; StAF: supplications before 1600.

39. Ludwig Schmugette et al., *Die Supplikenregister der päpstlichen Pönitentiarie aus der Zeit Pius' I (1458–1464)* (Tübingen, 1996); *idem*, *Kirche, Kinder, Karrieren. Päpstliche Dispense von der unehelichen Geburt im Spätmittelalter* (Zurich, 1995); Filippo Tamburini, *Santi e peccatori. Confessioni e suppliche dai Registri della Penitenzieria dell'Archivio Segreto Vaticano (1451–1586)* (Milan, 1995). Cf. Neuhaus, "Supplikationen"; André Holenstein, "Bittgesuche, Gesetze und Verwaltung: Zur Praxis 'guter Policy' in Gemeinde und Staat des Ancien Régime am Beispiel der Markgrafschaft Baden(-Durlach)", in Blickle, *Gemeinde und Staat*, pp. 325–357.

40. Blickle, "Laufen gen Hof", pp. 263–264 (Bavaria, fifteenth century); Fuhrmann, Kümin and Würgler, "Supplizierende Gemeinden", p. 307 (Hesse, sixteenth century); Landwehr, *Policy*, p. 279 (Württemberg, seventeenth century).

41. Fuhrmann, Kümin and Würgler, "Supplizierende Gemeinden", pp. 306–313; Niklaus Landolt, *Untertanenrevolten und Widerstand auf der Basler Landschaft im 16. und 17. Jahrhundert* (Liestal, 1996), p. 139.

42. Kind information from M. Lauterwald, StAF, 16 April 1996. The number 130,000 is my extrapolation according to StAF, RS 1601, 1 and 2, as well as "Repertorium 559, Rats- und Präfektursupplikationen, Verpackungsprotokoll".

view to governments, (imperial) law-courts and the public sphere.⁴³ Periodical journals and newspapers might reprint *gravamina* as well as governments' ordinances concerning supplications and other matters.⁴⁴

COLLECTIVE PETITIONS AND CONFLICTS

Collective petitions may be classified according to the social background of their authors, respectively the specific contexts of their production, into: *gravamina* by representative bodies at institutionalized assemblies, rebels' *gravamina* by protest movements, and heterogeneous collective supplications by various corporations and institutions, families and neighbourhoods, or ad-hoc groups.

Gravamina and representative assemblies

In early modern Europe the typical form of institutionalized participation by relevant social groups consisted in representative assemblies. Here the monarch or prince negotiated with the estates – nobles, clergymen, towns, and peasants – about taxes, *gravamina* and other important matters.⁴⁵ In central Europe these assemblies or diets mostly worked on a territorial level. The estates' participatory power varied according to the territory and century, from the mere right of being heard to the decisive right of consent. The estates reached the peak of their power in the fifteenth and sixteenth centuries and were then weakened by the emerging absolutist states in the Empire and the expanding city republics within the Swiss Confederation.⁴⁶

Gravamina have been a central source for researchers on representative institutions. By the nineteenth century, historians tried to link liberal political demands, such as the right to assemble and to petition for legislation, with the old custom of collective drafting and signing of

43. Blickle, *Revolution von 1525*, pp. 23–24; Würgler, *Unruhen und Öffentlichkeit*, pp. 133–157, 339–345; cf. David Zaret, *Origins of Democratic Culture: Printing, Petitions and the Public Sphere in Early Modern England* (Princeton, NJ, 2000), pp. 81–99, 217–265.

44. Würgler, *Unruhen und Öffentlichkeit*, pp. 202–226; e.g. *Casselische Zeitung/ von Policey, Commerzien, und andern dem Publico dienlichen Sachen*, no. LI, 20 December 1734 (ordinance about supplications for oak wood).

45. Peter Blickle, "Conclusions", in *idem* (ed.) *Resistance, Representation, and Community* (Oxford, 1997), pp. 325–338, 333–334; *idem*, *Kommunalismus*, 2 vols (Munich, 2000), vol. 2, pp. 263–285.

46. *Idem*, "Mit den Gemeinden Staat machen", in *idem*, *Gemeinde und Staat*, pp. 1–20, 12–16; Wim Blockmans, "Representation (since the thirteenth century)", in Christopher Allmand (ed.), *The New Cambridge Medieval History*, vol. 7 (Cambridge [etc.], 1998), pp. 29–64; for Switzerland see André Holenstein, "Ständeversammlungen", in *Historisches Lexikon der Schweiz*, www.dhs.ch.

gravamina in assemblies.⁴⁷ More recent research underlined this thesis by showing how the *gravamina* of peasants and burghers, for example of the Tyrol in 1525, became the *Landesordnung* (law code) in use until the eighteenth century.⁴⁸

But even during the so-called era of absolutism, the impact of *gravamina* on legislation in a medium-sized German territory was much greater than assumed by older legal and regional histories. In Hesse-Kassel the echo of the estates' – nobles and towns – demands can even be heard in the police ordinances which used to be considered as pure expressions of the princely will. The range of problems raised by *gravamina* covered taxes, disputes about the competence of princely and urban law courts, the concurrence of town guilds and rural crafts, the quartering of soldiers, damage done by game, legislation on luxury, Jews and their economic activities etc. Sometimes the estates urged to improve the schools, to publish the law code, to construct new factories, to take care of wood and forest and so on.⁴⁹

Gravamina allow the study of social, economical, juridical and political conflicts between estates or greater social groups and the state, and the comparison of *gravamina* with state legislation may show the estates' influence on state building.

Gravamina and revolts

Whereas estates had the right to write and hand in *gravamina* at representative assemblies, the protest movements, after the traumatic failure of the Peasants' Revolt in 1525,⁵⁰ were increasingly criminalized for drafting demands at communal assemblies. Rebels' *gravamina* have been the main source for research on revolts.⁵¹

Investigations of the *contents* of rebels' *gravamina* have allowed the answering of crucial questions from the viewpoint of the actors. Thus, older judgements, created by contemporary governments and more or less

47. E.g. Burckhard Wilhelm Pfeiffer, *Geschichte der landständischen Verfassung in Kurbessen* (Kassel, 1834).

48. Peter Blickle, *Landschaften im Alten Reich. Die staatliche Funktion des gemeinen Mannes* (Munich, 1973), pp. 200–218.

49. Andreas Würgler, "Desideria und Landesordnungen. Kommunal- und landständischer Einfluß auf die fürstliche Gesetzgebung in Hessen-Kassel 1650–1800", in Blickle, *Gemeinde und Staat*, pp. 149–207, 168–191.

50. Winfried Schulze, *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart-Bad Cannstadt, 1980), pp. 73–74; Peter Blickle, "The Criminalization of Peasant Resistance in the Holy Roman Empire", *The Journal of Modern History*, 58 (1986), Supplement, pp. S88–S97.

51. See Schulze, *Bäuerlicher Widerstand* (1980); Peter Blickle (ed.), *Aufbruch und Empörung?* (Munich, 1980); *idem*, *Unruhen in der ständischen Gesellschaft 1300–1800* (Munich, 1988).

repeated by historians, who just blamed “the peoples traditional inclination to rebel”, were quickly revised.⁵² The *causes* of protest might be summarized by the phrase “novelties create unrest”. Such novelties could concern new taxes, labour services, feudal rents, but also religion, state intrusion into communal autonomy, and so on.⁵³ The study of rebels’ *gravamina* thus offers refined statements about the relative importance of the various causes.

The same holds true for the rebels’ *goals*. One might distinguish reforming from revolutionary demands. The latter are to be found in the context of peasants’ wars (Germany 1525, Upper Austria 1594 and 1626, Switzerland 1653). But usually *gravamina* just aimed to reform the abuses mentioned as causes of revolts; progressive requests were secondary or hidden behind traditional arguments of *legitimation* (the “good old law”), yet they existed: dissolving feudalism, the utopia of the free village, political participation through representative assemblies, a republican government or just “turning Swiss”.⁵⁴

The authorities’ reaction to *gravamina* was a crucial moment in the *course* of revolts. The government of the city republic of Zurich in 1653, for example, allowed its subjects to voice grievances and handled them with clemency, thus avoiding the military escalation which haunted neighbouring territories.⁵⁵ In contrast, the dilatory treatment of the citizens’ supplication, with only four articles from 17 June 1612 by the Frankfurt city council, aggravated conflict: by mid-September the citizens and guilds had handed in more than 200 *gravamina*.⁵⁶ Comparable processes evolved in territorial states such as the duchy of Württemberg, where local resistance against a new tax grew to a territorial revolt with about 400 regional and local *gravamina*.⁵⁷ The authorities’ refusal to communicate expanded and radicalized the protest, but split it up too. Some protest movements, however, succeeded in eliminating *gravamina* that were too particular, and handed in only commonly consented lists of general grievances, such as the 115 articles in Zurich in 1713. If the authorities reacted with repression, the protest movements took their

52. Quoted in Würgler, *Unruhen und Öffentlichkeit*, p. 65.

53. Blickle, *Unruhen*, pp. 80–82. For Switzerland see Andreas Würgler, “Soziale Konflikte (Mittelalter und Frühe Neuzeit)”, in *Historisches Lexikon der Schweiz*, www.dhs.ch.

54. Thomas A. Brady, Jr, *Turning Swiss: Cities and Empire, 1450–1550* (Cambridge [etc.], 1985), pp. 34–42; Blickle, *Unruhen*, pp. 84–86.

55. *Geschichte des Kantons Zürich*, vol. 2 (Zurich, 1996), p. 316.

56. Partially reprinted in Friedrich Bothe, *Frankfurts wirtschaftlich-soziale Entwicklung vor dem Dreißigjährigen Kriege und der Fettmilchtaufstand (1612–1616)* (Frankfurt, 1920). For the revolt in general see Matthias Meyn, *Die Reichsstadt Frankfurt vor dem Bürgeraufstand von 1612 bis 1614* (Frankfurt, 1980).

57. Schmauder, *Württemberg im Aufstand*, pp. 153–154, 287.

gravamina to external powers and/or the imperial law-courts – or turned to conspiracy and went underground, as in Bern in 1749.⁵⁸

The results of comparing *gravamina* from diverse revolts and regions can be classified according to main causes – e.g. tax, food and religious revolts – or according to main targets – antifeudal, antistate, anti-Jewish rebellions. The comparison of the *gravamina*'s aims with the conflict's outcome allow us to judge the success of revolts. Whether the outcome had modernizing effects or not is a matter for discussion. At any rate, the definition of human rights has been linked to the tradition of revolts (especially if treated by law courts)⁵⁹ as well as the consolidation of notions like property, liberty, and participation.⁶⁰ Finally, the thesis was advanced that urban and rural protest movements, with their printed petitions, contributed to the making and politicizing of the public sphere.⁶¹ In general, research on revolts has turned humble subjects into historical actors and changed the topos of the “obedient German”. Revolts are now considered to be a structural element of early modern political culture not only in Switzerland, as they have been since the nineteenth century, but also in the Holy Roman Empire.⁶²

Supplications and conflicting groups

Notwithstanding their high frequency, revolts have remained extraordinary events. The greater part of daily social conflicts has involved less spectacular, but very complex, clashes between rival groups, corporations, communities, and institutions, between themselves or with the state. The confrontation between communities and states has more often taken the form of verbal supplication than of armed violence. Communities, for example, regularly petitioned for confirmation of their privileges against the expanding central bureaucracy. They handed in countless requests for deferment, reduction, and abolition of taxes, fees and services, for alms and

58. Andreas Würgler, “Conspiracy and Denunciation: A Local Affair and its European Publics (Bern, 1749)”, in James Melton (ed.), *Constructing Publics: Cultures of Communication in the Early Modern German Lands* (Aldershot, 2001) (forthcoming).

59. Winfried Schulze, “Der bäuerliche Widerstand und die Rechte der Menschheit”, in Günter Birtsch (ed.), *Grund- und Freiheitsrechte von der ständischen zur spätbürgerlichen Gesellschaft* (Göttingen, 1987), pp. 42–64.

60. Blickle, *Unruhen*, p. 109, referring to Renate Blickle.

61. Würgler, *Unruhen und Öffentlichkeit*.

62. Peter Blickle, *Deutsche Untertanen. Ein Widerspruch* (Munich, 1981); *idem*, *Unruhen*, pp. 2, 4–5, 97. Most recently te Brake, *Shaping History*, pp. 5–8, 183–188; for Switzerland see Rudolf Braun, *Das ausgehende Anien Régime in der Schweiz* (Göttingen, 1984), pp. 256–313; Andreas Würgler, “Revolution aus Tradition”, in Andreas Ernst et al. (eds), *Revolution und Innovation* (Zurich, 1998), pp. 79–90.

contributions, and made many complaints against abuses in jurisdiction and administration.⁶³

Disputes between (neighbouring) communes about boundaries, the use of pastures, water and forests, the partition of feudal services and state taxes, but also about the village's honour or the marriage market, were abundant. If they could not be settled by ritual forms, or by negotiating with petitions and counterpetitions, they ended up in the law courts. Historical research into conflict has hardly touched upon this sort of quarrel so far.

Group petitions offer insights into the various possible conflict lines within a single community. Frequently, the burghers or citizens attacked their elected organs (burgomaster, councils, juries etc.) for misrule and corruption, and demanded more information about finances and more participation in communal politics.⁶⁴ Communities frequently split into two (rarely more) factions.⁶⁵ Thereafter, the factions argued about "false supplications",⁶⁶ specifically about which of them was empowered to speak in the community's name. On the other hand, communities sometimes banded together against single individuals, as, for example, against the election of a particular individual as burgomaster, or against the confirmation of a residence permit for a Jew; or petitioned for an act of mercy towards a fellow citizen banned from a protestant territory for having married a catholic.⁶⁷ But supplications and denunciations of villagers triggered witch-hunting and the expulsion of gypsies and beggars as well.⁶⁸ Within the villages, smallholders and freeholders squabbled about access to communal lands or the distribution of tax and service obligations.⁶⁹

Social conflicts generated many ad-hoc groups. These were not linked by institutionalized structures but driven to joint action by a specific constellation of problems and interests, as the examples from Hesse-Kassel show. In 1679, the freshly married husbands of the town of Eschwege petitioned for tax relief in the first year after a wedding; in 1717, the cow farmers of Breitnau petitioned for a licence to keep goats.⁷⁰ In 1786, eight

63. Fuhrmann, Kümin and Würgler, "Supplizierende Gemeinden", pp. 314–319.

64. Würgler, "Desideria", pp. 165–168; Fuhrmann, Kümin and Würgler, "Supplizierende Gemeinden", pp. 270–272; beyond Hesse, see Würgler, *Unruben und Öffentlichkeit*, pp. 12–14, 46–52, 61–70, 78–85, 99–115.

65. David Martin Luebke, *His Majesty's Rebels: Communities, Factions, and Rural Revolt in the Black Forest, 1725–1745* (Ithaca, NY [etc.], 1997).

66. StAM 5 no. 14941, fo. 127v (Spangenberg c. 1706).

67. StAM 17e Immenhausen no. 104 (1687); 17e Frankenberg no. 143 (late seventeenth century); 17e Grebendorf no. 5 (1629).

68. Würgler, "Supplische", p. 538.

69. Friedrich Küch, "Eine Visitation der Obergrafschaft Katzenelnbogen im Jahre 1514", in *Archiv für Hessische Geschichte und Altertumskunde*, N.F. 9 (1914), pp. 145–254, 228–229; Braun, *Das ausgehende Ancien Régime*, pp. 94–100, 148–161; Albert Schnyder-Burghartz, *Alltag und Lebensformen auf der Basler Landschaft um 1700* (Liestal, 1992), pp. 231–254, 387–388.

70. StAM 17e Eschwege no. 81 (1679); StAM 17e, Breitnau no. 2 (1717).

soldiers' widows of Rinteln, fifteen poor of Hersfeld, and in 1575, some fire victims at Felsberg joined forces in drafting supplications for tax reductions.⁷¹ Such groups could gather for spontaneous actions even on a wider regional level as, for example, all the innkeepers of the district of Rodenburg or all the butchers of the districts of Broda and Steinbach in 1786.⁷²

Guilds or corporations were engaged in conflicts in many ways. Given their main function to secure an honourable income for their members, they petitioned quite successfully against any plans to install new trades or factories, the formation of other guilds, country journeymen, and confessional refugees.⁷³ Guilds were not only the authors but also the recipients of supplications about applications for membership, or the waiving of fines or duties.⁷⁴ Within a single guild, very often the journeymen sided against the masters. These quarrels were shaped more by rituals than by petitioning, but, nevertheless, journeymen could petition the council as well as their masters.⁷⁵

Family disputes are sometimes documented in supplications. Besides the well-known quarrels about heritage and marriage, they dealt with problems of family relations and education. In early seventeenth-century Frankfurt, the widow Clara Timpel complained about her delinquent son Henry, and supplicated the council to exile him, or send him to jail for at least three years at her cost. The council fulfilled the request. Henry immediately petitioned to be sent on the military campaign against the Ottoman Empire, and promised not to disturb his mother or the city of Frankfurt for three years. The council agreed again.⁷⁶ Obviously, the Timpel family made use of state institutions to solve their educational problem. Families petitioned nearly as often to imprison as to release family members.⁷⁷ When Arlette Farge and Michel Foucault investigated

71. StAM Protokolle 2, Kassel Cc 6, Bd. 2a, Rinteln, 14 September 1786, no. 53; *ibid.*, no. 91/76, 10 February 1786 (Hersfeld); StAM 17e Felsberg no. 5 (1575).

72. StAM Protokolle 2, Kassel Cc 6, Bd. 2a, Rinteln, 24 September 1786, Nos. 75/679 and 97. 73. Würgler, "Desideria", pp. 201–203. In general see Wehler, *Deutsche Gesellschaftsgeschichte*, vol. 1, pp. 90–94, 110–112.

74. StAF RS 1601 2, fos 252, 256. Similar cases: *ibid.*, fo. 133 (mason Jost Wolff), fo. 176 (goldsmith Sebastian Rese), fo. 268 (bookbinder Nikolaus Weitz).

75. Kocka, *Weder Stand noch Klasse*, pp. 179–185; Katharina Simon-Muscheid, *Basler Handwerkszünfte im Spätmittelalter. Zunftinterne Strukturen und innerstädtische Konflikte* (Bern [etc.], 1988), pp. 247, 294–301.

76. StAF RS 1601 2, fos 172r–173v (9 June), fos 203r–204v (16 June); BMB 1601, fo. 29v (9 June), fo. 35r (16 June).

77. StAF RS 1601 2, fos 29r–v, 96r–97r, 126r–127v, 140. Cf. Hoffmann, "Außergerichtliche Einigungen", pp. 573–575 (Augsburg, sixteenth century); André Holenstein, "Klagen, anzeigen und supplizieren. Kommunikative Praktiken und Konfliktlösungsverfahren in der Markgrafschaft Baden im 18. Jahrhundert", in Magnus Eriksson and Barbara Krug-Richter (eds), *Streitkultur(en)* (Cologne [etc.], 2001), (forthcoming).

this form of state service by imprisonment in Paris, they noticed, with surprise, the great desire of the people for authoritarian resolutions of family conflicts.⁷⁸ These empirical findings have stimulated the theoretical turn in Foucault's oeuvre from the concept of "discipline" to the concept of *gouvernementalité*.⁷⁹

Apart from families and authorities, neighbourhoods played an important role in the regulation of social relations and conflicts. While villagers, youth groups, and journeymen sanctioned violations of moral laws with ritual punishments such as rough music (*charivari*),⁸⁰ neighbours could write supplications to the authorities, as did some residents of the Arnoldsgasse at Sachsenhausen (near Frankfurt) who complained in c.1600 about the "loose Epicurean house keeping" of Dilman Dietz's wife.⁸¹

Group supplications and petitions were normally concerned with everyday problems. But in situations of revolt they might utter revolutionary claims. In 1525 peasants from upper Swabia and the guilds of the city of Basle both demanded the reformation of the Church, and in 1798 patriotic clubs in the Pays de Vaud petitioned for the revolutionizing of their country.⁸²

INDIVIDUAL PETITIONS AND CONFLICTS

Most of all, supplications seem to have been written or initiated by individuals. Because of the lack of systematic quantifying studies, some evidence has to be taken from various small samples that show individual supplications as constituting from 50 to over 80 per cent of the whole.⁸³ According to time, region, and context, the women's share lies between 3

78. Farge and Foucault, *Familiäre Konflikte*, p. 273.

79. Thomas Lemke, *Eine Kritik der politischen Vernunft. Foucaults Analyse der modernen Gouvernementalität* (Berlin [etc.], 1997), pp. 126, 143.

80. E.P. Thompson, "'Rough music' oder englische Katzenmusik", in *idem*, *Plebeische Kultur und moralische Ökonomie* (Frankfurt, 1980), pp. 131–168, 347–361; Albert Hauser, *Was für ein Leben. Alltag in der Schweiz vom 15. bis 18. Jahrhundert* (Zurich, 1987), p. 216–218.

81. StAF RS 1601 2, fos 199r–201v (Dietz). For religious and disciplinary courts, see Heinrich R. Schmidt, *Dorf und Religion. Reformierte Sittenzucht in Berner Landgemeinden der Frühen Neuzeit* (Stuttgart [etc.], 1995), pp. 291–350.

82. Blickle, *Revolution von 1525*, pp. 23–30; Simon-Muscheid, *Basler Handwerkszünfte*, p. 301; Andreas Würigler, "Abwesender Revolutionär – moderate Revolution: Frédéric-César Laharpe und die Waadt 1789–1798", in: Christian Simon (ed.), *Blicke auf die Helvetik* (Basel, 2000), pp. 139–159.

83. Hessen-Kassel 1594: 62.7 per cent in which N = 543 (Neuhaus, "Supplikationen", vol. 1, p. 126); Baden-Durlach 1798: 84.4 per cent in which N = 148 (Holenstein, "Bittgesuche", p. 336). My samples, A.W.: Hessen, Obergrafschaft Katzenelnbogen, Visitation 1514: 50 per cent in which N = 84 (my analysis of the protocol printed in Küch, "Visitation", pp. 192–218); Frankfurt 1601: 80.8 per cent in which N = 73 (StAF RS 1601 2, June); Hessen-Kassel, Gemeinde Oldendorf 1728: 83.6 per cent in which N = 61 (StAM 17e Oldendorf no. 6,

and 34 per cent.⁸⁴ Their great number alone secures the social and historical relevance of individual supplications. They will be discussed first by particular examples, and then from the perspective of their great number, without forgetting the similarities and synergies between individual and collective supplications and *gravamina*.

Singular supplications

Supplications have been drafted on highly varied occasions: in times of catastrophes, about administrative procedures or individual exposure to social problems. Many pleaded for help in situations of need and trouble, such as disasters and accidents, or imprisonment, illness, and death of family members. Margaretha Liechtensteiner, for example, was left a widow eight weeks after having given birth to her child. Her husband left her nothing but debts. In April 1583, she petitioned Zurich city council for a job as teacher. She argued that she needed to improve her situation and that she had learned to write as a girl. The council refused her application, but offered her alms of grain.⁸⁵ Countless supplications of that kind have been written, and accepted or rejected by various recipients. The chances of success might depend on sophisticated lobbying, as in sixteenth-century Bern or eighteenth-century Amsterdam.⁸⁶ The French philosopher, Voltaire, while prisoner in Frankfurt after his dispute with king Frederick II of Prussia in 1753, wrote several supplications a day, which he sent not only to the city council, but also to the Emperor, the Prussian and French kings etc. – and to newspapers.⁸⁷

The growth of bureaucracy increased the occasions to petition, because petitioning became part of ordinary administrative procedures regarding applications for public positions,⁸⁸ membership of a corporation or community, safe conduct of Jews, permits of residence, marriage licences

Supplikenprotokoll); Hessen-Kassel 1786: 62.9 per cent in which N = 89 (StAM Protokolle, Kassel Cc6, Bd. 2a, January–February 1786); Hessen-Kassel, Rinteln 1786: 87.7 per cent in which N = 65 (StAM Protokolle, Kassel Cc6, Bd. 2a, Rinteln 14 September 1786); Hessen-Kassel 1787: 83.6 per cent in which N = 55 (StAM Protokolle, Kassel Cc7, Bd. 2a, January).

84. Samples as above: Hessen 1514: 3 per cent; Hessen-Kassel 1594, 1596, 1787: 13 per cent; Hessen (Oldendorf) 1728: 34 per cent. Schwerhoff, “Kölner Supplikenwesen”, p. 482, estimates the women’s share at 25 to 33 per cent.

85. StAZH A 92.1 no. 69, (27 April 1583).

86. Simon Teuscher, *Bekannte – Klienten – Verwandte. Soziabilität und Politik in der Stadt Bern um 1500* (Cologne [etc.], 1998), pp. 218–234; Henk van Nierop, “Popular participation in politics in the Dutch Republic”, in Blickle, *Resistance*, pp. 272–291, 285.

87. Cf. Voltaire, *Correspondance*, vol. 3, Theodore Besterman (ed.) (Paris, 1975), pp. 967–968, 980–983.

88. E.g. StAF RS 1601 2, fos 5, 10, 19, 187, 211, 231, 234. Cf. Schwerhoff, “Kölner Supplikenwesen”, p. 480.

etc.⁸⁹ The supplications of enterprises and inventors for patents offer interesting data about economic and technical innovations. Not all of them remained as transitory as the patented wood-saving oven in Zurich (1575), or the planned coffee house at Frankfurt (1712).⁹⁰ But one of the important inventions in the history of culture, the printed periodical newspaper, is only documented by the supplication its inventor sent to the city council of Strasbourg in 1605.⁹¹

Supplications relating to extrajudicial procedures dealt with social conflicts more directly. Normally, individuals or groups were urged by friends and relatives, neighbours, or officials to seek reconciliation before suing each other. There must have been many informal supplications which left scarce evidence or none, unless they reached the level of written procedures. Some governments offered their subjects the opportunity of reconciliation by sending officials out in the country to hear and decide supplications. The community of Hausen in the landgraviate of Hesse thus complained about the village mayor; both sides were heard and then accepted an agreement. Parties were sent to law courts only if no arrangement could be found.⁹² These summary proceedings were much cheaper and faster than formal lawsuits. They complemented legal proceedings throughout the early modern period.⁹³ One of the leading historians of criminal history assumes that not even 50 per cent of all offences and quarrels appeared in law courts in early modern France. More than half of these legal cases did not end with a verdict, but with the parties' agreement⁹⁴ – a phenomenon common to diverse levels of jurisdiction in central Europe as well.⁹⁵ In addition to the high speed and low price of summary proceedings, they were particularly attractive

89. Fuhrmann, Kümin and Würgler, "Supplizierende Gemeinden", pp. 312–313; Hans Berner, *Gemeinden und Obrigkeit im fürstbischöflichen Birseck. Herrschaftsverhältnisse zwischen Konflikt und Konsens* (Liestal, 1994), pp. 257–309 (membership); Holenstein, "Bittgesuche", pp. 336–346; André Holenstein, "Bitten um den Schutz: Staatliche Judenpolitik und Lebensführung von Juden im Lichte der Schutzsupplikationen aus der Markgrafschaft Baden(-Durlach) im 18. Jahrhundert, in Rolf Kießling and Sabine Ullmann (eds), *Landjudentum im deutschen Südwesten während der Frühen Neuzeit* (Berlin, 1999), pp. 97–153 (permits of residence); David W. Sabeau, *Kinship in Neckarhausen, 1700–1870* (Cambridge, 1998), pp. 63–89 (marriage licences).

90. StAZH A 92.1, nos 49–52 (1575–1577); StAF BMB 1712/1713, fo. 12 (31 Mai 1712).

91. Johannes Weber, "Unterthenige Supplication Johann Caroli / Buchtruckers'. Der Beginn gedruckter politischer Wochenzeitungen im Jahr 1605", *Archiv für Geschichte des Buchwesens*, 38 (1992), 257–265.

92. Küch, "Visitation", p. 206 (1 July 1514) and p. 211 (4 July 1514).

93. Blickle, "Laufen gen Hof", pp. 265–266. Cf. Hoffmann, "Außergerichtliche Verfahren".

94. Garnot, "Justice", pp. 104, 110.

95. Schwerhoff, "Aktenkundig", pp. 89–90; Martin Fimpel, *Reichsjustiz und Territorialstaat. Württemberg als Kommissar von Kaiser und Reich im Schwäbischen Kreis (1648–1806)* (Tübingen, 1999), pp. 56–61, 104–106, 292–295.

because their agreements sought to restore peace after social conflicts, whereas law courts strove for punishment.⁹⁶

Supplications, however, were also an element of legal proceedings. Petitions for grace by murderers or other sentenced delinquents,⁹⁷ as well as supplications for legal remedies (known as “appeals” or “revisions” in legal history), have been extensively analysed.⁹⁸

Many similar supplications

Singular supplications can indicate heavy social tensions if they form part of a large body of similar petitions. At the beginning of the seventeenth century, peasants in Schleswig-Holstein adopted an individual strategy to fight the aggravation of serfdom. Instead of organizing revolts, as their fellows in southern Germany had done in the fifteenth and sixteenth centuries, every serf tried to free himself individually by petitioning, because redress by imperial law courts,⁹⁹ as sought by many serfs during the seventeenth and eighteenth centuries,¹⁰⁰ was not an option. Seeking a similar individual path to liberty, many protestants reacted to religious tensions by emigration. But reading the numerous supplications (documenting name, family status, profession, confession, origin, course of escape, and so on) for citizenship in places of refuge such as Geneva, the Swiss protestant towns, and Frankfurt, the mass dimension of these individual choices becomes clear. The acceptance of refugees could, on the other hand, cause serious social conflicts in host towns, as, for example, the Frankfurt revolt of 1612–1614.¹⁰¹

An example from this revolt shows how the individual and collective aspects of conflict might be interwoven. In 1615 the citizen, Georg Lauburger, petitioned the council for protection, because during the revolt he had been slandered as “obedient thief and traitor”, which threatened his honour as a member of the tailors’ guild.¹⁰² Defamation in the political

96. Würgler, “Diffamierung”, pp. 334–337; Garnot, “Justice”, pp. 109–112.

97. Davis, *Gnadengesuche*; Otto Ulbricht, *Kinismord und Aufklärung in Deutschland* (Munich, 1990), pp. 376–404; Andreas Bauer, *Das Gnadenbitten in der Strafrechtspflege des 15. und 16. Jahrhunderts* (Frankfurt, 1996).

98. Weitzel, “Rechtsmittel”, pp. 318–320.

99. Otto Ulbricht, “Angemaßte Leibeigenschaft”. Supplikationen von schleswigischen Untertanen gegen ihre Gutsherren zu Beginn des 17. Jahrhunderts”, *Demokratische Geschichte*, 6 (1991), pp. 11–34.

100. Würgler, *Unruhen und Öffentlichkeit*, pp. 85–99.

101. Meyn, *Reichsstadt Frankfurt*, pp. 173–174, 201–208, 228–233; Liliane Mottu-Weber, “Genève et ses réfugiés (XVIe–XVII siècles)”, in Hans-Jörg Gilomen *et al.* (eds), *Migration vers les villes* (Zurich, 2000) pp. 157–170.

102. StAF RS 1615 1, fos 174r–v, 179r–v (16.II.1615).

context of collective protest afflicted the craftsman's social and economic existence, because the revolt did not happen outside the realm of honour. When revolts came to an end, the social tensions could shift from collective violence to individual injuries, as might have been the case in Cologne, where historians noticed a massive increase of defamation cases during, and especially after, the revolt from 1608–1610.¹⁰³ In order to avoid this problem and quickly restore social peace, the revolts were often followed by amnesties and general pardons (except for ringleaders).¹⁰⁴

Supplications for alms were endemic in early modern shortage societies – and remarkably successful: from 1594 to 1602 the count of Hohenlohe approved 96 per cent of supplications for firewood and 95 per cent of supplications for grain support.¹⁰⁵ In the city republic of Bern, the alms commission granted 87 per cent of c.1,900 requests in the years 1730–1732, and 99 per cent of c.11,700 in 1780–1782, thus supporting 5 per cent of all the territory's households. Even if one considers that these Bernese supplications had to be approved by local officials, the success rate remains high. Supplications for alms increased during the eighteenth century in absolute figures, as well as in relation to population levels. Thus the modernization of welfare bureaucracy and social politics by the Bernese government appears to have been a mere reaction to growing popular demands.¹⁰⁶

Granting requests mercifully not only affected state expenses, but also state income. Petitioners paid considerable dispensation fees which could be spent on welfare or education.¹⁰⁷ Needless to say, it was possible to petition for the release of dispensation fees as well.¹⁰⁸ The above mentioned count of Hohenlohe approved no less than 72 per cent of supplications for tax reductions or deferment.¹⁰⁹ Of course, this ratio changed according to economic, social, and political crisis, but it influenced state finances. It would be interesting to know whether the tax bureaucracies calculated these “losses” when fixing taxes.

The lords' clemency policy affected jurisdiction too. Regional studies prove that more than 80 per cent of documented cases ended with a pardon on petition, which could be a complete remission (50 per cent) or just a

103. Schwerhoff, “Kölner Supplikenwesen”, pp. 321, 448–450.

104. Würzler, “Diffamierung”, pp. 334–337.

105. Thomas Robisheaux, *Rural Society and the Search for Order in Early Modern Germany* (Cambridge, 1989), pp. 172–173.

106. Flückiger, “Armenfürsorge”, pp. 63–68, 407–416.

107. Klaus Becker, *Die behördliche Erlaubnis des absolutistischen Fürstenstaates* (Marburg, 1970), pp. 401–407.

108. Johann Jacob Moser, *Von der Landeshoheit in Gnadensachen* (Frankfurt [etc.], 1773), ch. 8, § 11, p. 36; Becker, *Erlaubnis*, p. 412.

109. District of Langenburg, 1594–1602; Robisheaux, *Rural Society*, pp. 172–173. For Hesse-Kassel, see StAM, “Repertorium zu Bestand 5”, s.v. “Suppliken, Einzelpersonen”, pp. 123–129.

reduction of the punishment (40 per cent).¹¹⁰ The right to pardon was esteemed to be one of the ruler's most distinguished rights and a main source of princely authority.¹¹¹ Whether it was simply a case of arbitrary princely action interfering with a rational juridical apparatus, or, on the contrary, a princely instrument to correct sentences based on social prejudice, has been discussed ever since the eighteenth century.¹¹²

Even politics was influenced by supplications. Legislative power, considered to be an exclusively princely prerogative in absolutist doctrine, appears to have been strongly influenced by the common practice of petitioning. The preambles of many laws and ordinances mention that the legislation responded to popular complaints, suggestions, and demands, and these claims were not just rhetorical. Urged by large numbers of individual and collective petitions, the Hesse-Kassel government, for example, issued, revised, or abolished ordinances concerning Jews, emigration, domestic servants, quartering etc. Although the government finally decided whether, and when, to issue or revise a law, the legislation process was surely more influenced by subjects than early modern political theory and modern historiography on legislation have so far assumed.¹¹³

The competence to allow exceptions from general laws in particular circumstances nevertheless belonged exclusively to the ruler (who could delegate it to lower levels of authority).¹¹⁴ Supplications for dispensation concerned almost all matters regulated by the state (or church). As soon as there existed a law about the number of guests admitted to a wedding,¹¹⁵ a fire regulation against straw roofs,¹¹⁶ a guild regulation about journeymen's travels etc., people would petition for dispensation as a matter of course, because they wanted to invite all their relatives to a wedding party, because they could not afford a tiled roof, or because they were unable to travel. The excessive granting of dispensations, i.e. exceptions from the rule, caused difficulties with the general implementation of ordinances.¹¹⁷

Since the late fifteenth century, governments had tried to restrain the masses of supplications by ordinances. Despite some restrictive regulations, these ordinances testify to the fact that petitioning remained, in

110. Bauer, *Gnadenbitten*, pp. 203, 207. Davis, *Gnadengesuche*, p. 75 gives success-ratios of 93.5 per cent.

111. Davis, *Gnadengesuche*, pp. 26–28; Bauer, *Gnadenbitten*, p. 204.

112. David Martin Luebke, "Frederick the Great and the Celebrated Case of the Millers Arnold (1770–1779): A Reappraisal", *Central European History*, 32 (1999), pp. 379–408, 385–402; Martin Dinges, "Justiznutzungen als soziale Kontrolle in der Frühen Neuzeit", in Blauert and Schwerhoff, *Kriminalitätsgeschichte*, pp. 503–544, 525–532.

113. Würgler, "Desideria", pp. 196–203.

114. Becker, *Erlaubnis*, pp. 17–43; Holenstein, "Umstände", pp. 10–18.

115. StAM 17e Bischhausen no. 66 (1666).

116. StAM 17e Elnhausen no. 38 (1781) and no. 28 (1784).

117. Kümin and Würgler, "Petitions", p. 55.

practice, an unquestionable custom despite the lack of a positive right to petition.¹¹⁸ Complementary to the ordinances, new institutions, such as the “Supplication-Committee” at the level of the Holy Roman Empire¹¹⁹ or territorial committees, were installed or planned.¹²⁰ Even the coming into existence of central authorities, such as the Duke of Bavaria’s “Hofrat” (the court council) in the fifteenth century, has been traced back to the increasing number of supplications.¹²¹ Conversely, supplications also triggered the abolition of institutions such as the “Landrat” in Hesse-Kassel in 1798.¹²²

Similarities and synergies

Supplications and *gravamina* were frequently interwoven. Often, *gravamina* also included a petition: after complaining about this or that, texts usually end with a petition to abolish the causes of the *gravamina*. In contrast, many social conflicts started with humble supplications and ended with rebels’ *gravamina*. Numerous individual supplications might be gathered and condensed into collective supplications, or even *gravamina*. Denied *gravamina* could be handed in again as humble supplications.¹²³ Ordinary people could pursue their interests in various ways and make strategic choices between supplications and *gravamina* (as well as other means). By supplications, *gravamina*, and petitions, ordinary people forced their rulers to react to specific problems. They thus played a part in the setting of political agendas.¹²⁴

A common feature of social conflicts on all levels is the need for mediation. On the one hand, the emerging territorial state *sought* the role of mediator by expanding into formerly autonomous local or corporate spheres. But, on the other hand, the state *was sought* by individuals and collectives who trusted in its mediating capacities. By confidently petitioning (and complaining) to the ruler, the subjects triggered expand-

118. Neuhaus, “Supplikationen”, vol. 1, pp. 115–116; Fuhrmann, Kümin and Würigler, “Supplizierende Gemeinden”, pp. 293–296 (Württemberg), pp. 304–313 (Hesse-Kassel); Holenstein, “Bittgesuche”, pp. 346–347 (Baden-Durlach); Landolt, *Untertanenrevolten*, p. 137 (Canton of Basle); Van Nierop, “Popular Participation”, p. 284 (Amsterdam).

119. Helmut Neuhaus, *Reichstag und Supplikationsausschuß. Ein Beitrag zur Reichsverfassungsgeschichte der ersten Hälfte des 16. Jahrhunderts* (Berlin, 1975).

120. Schwerhoff, “Kölner Supplikenwesen”, pp. 485–488.

121. Blickle, “Laufen gen Hof”, pp. 259–266. For the coming into existence of the Pope’s penitentiary see Schmugge, *Supplikenregister*, pp. 22, 57, 238.

122. Würigler, “Desideria”, pp. 197–198.

123. E.g. the request of Gudensberg in Hesse to remove the gunpowder depot: the *gravamina* in StAM 73 no. 140, Bd. 2, no. 26a. (18 October 1785); the supplication in StAM Protokolle 2, Kassel Cc 6 Bd. 2a, no. 73/150 (17 March 1786).

124. Würigler, “Desideria”, p. 171.

ing state action. The numbers, recipients, contents, and resolutions of supplications may reveal channels of power. After all, the early modern state was *partly* the result of government reaction to popular petitions.¹²⁵ Institutions are nothing else but permanently repeated actions – where many people tread repeatedly, paths come into existence.¹²⁶

VOICES FROM AMONG THE MASSES? CONCLUSIONS

The specific quality of petitions as sources lies in the combination of a large social spectrum of authors with highly spontaneous and voluntary production. And, despite their humble, if submissive, rhetoric, petitions were neither nonpolitical nor politically without consequences. In spite of the quantity of petitions, one should not forget that only written or registered supplications were documented. Many exchanges took place orally on the occasion of audiences. This problem is not specific to petitioning, but has to be recalled when interpreting quantifying results.

Petitions, even if preserved as full-text originals, were not pure “ego-documents”. First, they were embedded in a functional context (they wanted to reach a specific goal), and they had to follow formal rules (defined by ordinances). Secondly, the content of a petition was usually translated from oral dialect to written and formalized language by a scribe. Professional scribes combined textbook advice on how to write a petition¹²⁷ with the recipients’ horizon of norms and values. The influence of a lawyer, priest, teacher, or petition writer could therefore severely alter the arguments: from legitimization by justice and equity to repentance and obedience, in the case of a Bavarian woman supplicating to the duke in 1620, or from radical biblicism to conventional good old rights in peasants’ *gravamina* in 1790.¹²⁸

Petitions illuminate many aspects of reality hardly documented in other (state) sources: for example, they show that the above mentioned widow asking for a job as a teacher had been supported by friends and “other good people” for more than three years before she addressed the Zurich city

125. Heinrich Richard Schmidt, “Sozialdisziplinierung? Ein Plädoyer für das Ende des Etatismus in der Konfessionalisierungsforschung”, *Historische Zeitschrift*, 265 (1997), pp. 639–682, 680.

126. Gerhard Göhler, “Wie verändern sich Institutionen? Revolutionärer und schleichender Institutionenwandel”, *Leviathan: Sonderheft*, 16 (1997), pp. 21–56, 28. Cf. Sabean, *Kinship in Neckarhausen*, p. xxv.

127. E.g. Fabian Frangk, *Ein Cantzley und Titel buechlin* (Wittenberg, 1531) (repr. Hildesheim 1979).

128. Blicke, “Supplikantin”, pp. 93–99 (1620); Claudia Ulbrich, “Rheingrenze, Revolten und Französische Revolution”, in Volker Rödel (ed.), *Die Französische Revolution und die Oberrheinlande, 1789–1798* (Sigmaringen, 1991), pp. 223–244, 238.

council. She even mentioned her feelings when writing the request: her hands were shaking for fear, as if she had a feverish cold, and therefore she was not able to write proper letters.¹²⁹

Whether such utterances were true, or just rhetorical skill, is subject to dispute. Scholarly positions depend on the type of petition and procedure under consideration. Some underline the fictional qualities of the “stories” told by murderers who tried to get pardoned,¹³⁰ others emphasize that the claims of a request had to be attested by local authorities and eventually examined by higher authorities.¹³¹ The warning of some Bavarian peasants that a refusal of firewood requests would make “babies freeze in their mothers’ wombs” was straightforward, but the matter of dispute was not firewood, but the timber trade.¹³²

Although petitions were increasingly drafted in writing, it is remarkable that petitioners tried again and again to hand them in personally. In spite of interdictions, they travelled long distances – from Kassel to Stockholm, from Frankfurt to Vienna¹³³ – to wait for the recipient after a mass or dinner, on a hunting trip or a journey to a watering place, in front of the town hall or the office.¹³⁴ Greater groups, corporations, or communes sometimes staged proper demonstrations when handing in petitions. The modern culture of political demonstrations, as well as the collecting of signatures for common petitions, obviously has far-reaching traditions in the early modern culture of social protest,¹³⁵ and cannot be termed an innovation of the French Revolution.¹³⁶ Liberals and radicals knew about that when they styled their rallies at Fribourg in 1830, or at Geneva in the 1840s, explicitly in the eighteenth-century tradition.¹³⁷

Altogether petitions, *gravamina* and supplications are among the most important sources not generated but dealt with by the state, offering the

129. StAZH A 92.1 no. 69, (27 April 1583).

130. Davis, *Gnadengesuche*, pp. 17–19, 139–141; Ulbricht, *Kindsmord und Aufklärung*, pp. 380–381. Cf. Schnyder-Burghartz, *Alltag*, pp. 240–241.

131. Fuhrmann, Kumin and Würgler, “Supplizierende Gemeinden”, pp. 307, 313–314; Ulbricht, “Supplikationen”, pp. 154–155; Holenstein, “Bitten”, pp. 108–109.

132. Stefan von Below and Stefan Breit, *Wald – Von der Gottesgabe zum Privateigentum. Gerichtliche Konflikte zwischen Landesherren und Untertanen um den Wald in der frühen Neuzeit* (Stuttgart, 1998), pp. 123–128, quotation p. 123.

133. Stockholm: *Casselsche Zeitung*, no. 39, 28 September 1733, pp. 305–306; Vienna: Werner Troßbach, *Soziale Bewegung und politische Erfahrung. Bäuerlicher Protest in bessischen Territorien 1648–1806* (Weingarten, 1987), pp. 212–214.

134. Examples listed in Luebke, “Frederick”, pp. 402, 406, and Blickle, “Supplikationen”, pp. 294–296.

135. Würgler, *Unruhen und Öffentlichkeit*, pp. 15, 161; Luebke, *Rebels*, pp. 189–190; Blickle, “Supplikationen”, pp. 316–317.

136. Charles Tilly, *Die europäischen Revolutionen* (Munich, 1999), pp. 73–75.

137. Würgler, *Unruhen und Öffentlichkeit*, p. 322.

widest social spectrum of authors or initiators, voicing an almost unlimited variety of issues in large quantities. Therefore, many historical disciplines have used them occasionally (but not systematically) for specific purposes. Petitions are open to various approaches, such as close reading in the hermeneutic tradition, serial analysis of petitioners, contents, and addresses, prosopographical or microhistorical reconstructions and linkings, and so on. With respect to social conflict, petitions are useful for analysing the causes, motives, and aims, the rhetoric, language, and legitimation, the course, escalation, and radicalization, the intention, success, and failure of conflicts on all levels. It may be true that actions speak louder than words. But the texts of petitions are easier to read and understand than ritualized actions, and they are more complex and precise in their statements than symbolic events. Finally, petitions are not dependent on a reporter's words, but they voice (ordinary) peoples' interests and experiences by documenting their actions.