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Review of Luca Scholz, *Borders and Freedom of Movement in the Holy Roman Empire*
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LUCA SCHOLZ, *Borders and Freedom of Movement in the Holy Roman Empire*, Studies in German History (Oxford: Oxford University Press, 2020), xii + 266 pp. ISBN 978 0 19 884567 6. £60.00

This study combines an examination of practices of safe conduct during the early modern period with wide-ranging reflections on mobility in general at the time. In return for a fee, holders of the right of escort (*Geleitrecht*) would provide armed guards, either mounted or on foot, for travellers within a particular territory or over a specific part of their route in order to protect them or – as in the case of noble travellers – to emphasize their ‘honour’. Scholz has conducted substantial archival research into this subject, and his readers accompany him not only on early modern roads, but on waterways too. We explore the River Main between Miltenberg and Marktheidenfeld, along with the lower course of the Weser, and we learn of escort conflicts between the county of Wertheim and the prince-bishopric of Würzburg, as well as the struggle between the city of Bremen and the counts of Oldenburg over the *dominium Visurgis*. Along the way, we see that safe conduct often led to conflict between purported rights holders, and (partly as a result of these conflicts) was generally unpopular among those in need of an escort. Indeed, some travellers sought to avoid such protection and therefore went incognito or used relatively unfrequented minor roads. The rhetoric deployed by the holders of escort rights was charged with a special emphasis on security: ‘protection . . . provided a powerful argument’ (p. 202). In Scholz’s view, this was merely a pretext; but if so, why did the rights holders go to such trouble? After all, although safe conduct came at a financial cost to those obliged to avail themselves of it, the granters of rights of escort rarely made a profit. Scholz suspects that the aristocracy ‘valued safe conduct as a tool for negotiating honour’ (p. 86), but his book also provides evidence to the contrary in the examples of nobles who preferred not to make a fuss of their rank so they could make easier progress, or who even slipped quietly through city gates in the early hours of the morning. In any case, *ius conducendi* – alongside other indicators, such as the exercise of judicial authority – was a marker of territorial sovereignty

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that granted legal and political authority to individual lords in the more fragmented portions of the Empire, where many small territories seemed to consist almost entirely of disputed borders.

By and large, the study sticks to its subject of safe conduct, but Scholz also casts a more general light on other aspects of early modern mobility, drawing on the rich body of literature on the topic – much of which examines local history. We see many of the tesserae that come together, mosaic-like, to form a ‘history of free movement and its restriction’ (p. 2), and we make acquaintance with the methods and motives – whether fiscal, economic, hygienic, or security-related – for limiting, channelling, or even promoting mobility. Yet the author speculates too casually over what outstanding experts on the Middle Ages (such as Ernst Schubert) have already demonstrated in far greater detail – that the medieval era experienced greater interregional mobility, while early modern societies were more settled overall.

Scholz’s book frequently visits customs stations, which he notes were unpopular not so much for their financial cost as for the time they wasted. People objected less to the tariffs, which were often locally negotiable, and more to the various chicaneries practised at these stations, such as their highly irregular opening hours. Customs stations slowed down the flow of goods. Scholz also casts his eye over epidemics, quarantines, and *cordons sanitaires*; the condition of early modern roads; the *Kaiserliche Reichspost* and its competitors; and passports, which were by no means as crucial to everyday mobility in the early modern era as they are now, but which were issued by many different authorities and inspected on various occasions.

Elsewhere, the author repeatedly emphasizes that boundaries between states did not pose any major obstacles to early modern mobility, writing that ‘up until the mid-eighteenth century, mobility was mostly controlled at checkpoints along roads and rivers and not at territorial borders’ (p. 125). Does this mean that we tend ‘to overestimate the importance of the countless boundary lines’ (p. 8)? And were contemporaries ‘confused’ (p. 87) by the many disputed and overlapping borders of the era? This reviewer would not go quite as far as that. There was one central issue of the early modern period that did require clear categorization: that of confession. For this reason alone, travellers always knew exactly which polities they happened

to be passing through, and it is extremely rare to find localities incorrectly ascribed to territories in travel diaries (which Scholz has not evaluated here). Likewise, the legal literature examining borderlines is plentiful. And incidentally, even disputes over safe conduct often took the form of border conflicts, since lords needed to reach agreement over where the escorts accompanying their more-or-less noble charges would hand over to those of a neighbouring ruler. In short, we must confine ourselves to the conclusion – which Scholz himself presumably would not oppose – that borderlines were in fact reasonably important to everyday mobility in the early modern era. This too could be demonstrated by travel diaries, whose authors almost always assigned the locations they visited to the correct polity – thereby implying precise knowledge of territorial boundaries – but rarely stated the importance of borders in explicit terms.

Because ‘the enclosure of movement can be seen as a key element of state-building’ (p. 230), Scholz’s wide-ranging study even seeks to correct ‘anachronistic narratives on the history of state formation’ (p. 5). ‘Political orders can be understood as regimes of movement’ (p. 11), he writes. This premise may be convincing in the mobile modern era (or what is currently left of it), but what specific results do Scholz’s investigations produce? For one thing, he repeatedly floats the idea that the progressive monopolization of lawful mobility went hand in hand with the gradual establishment of a state monopoly over the use of force and the administration of justice. This implies an assumption of progress – an upwards trend. But do the many case studies in this book offer sufficient evidence for this? Scholz himself observes that ‘The period witnessed manifold attempts by authorities to monopolize the legitimate means of movement, but this was an open-ended process that yielded different results in different settings’ (p. 10), which is perhaps more suggestive of haphazard fumbling. ‘There is no one linear direction in which the politics of mobility developed over the three early modern centuries’ (p. 14). Customs tariffs, the value of passports, the inaccessibility of ‘forbidden roads’ – all these things were constantly renegotiated at the local level. This is in line with our current understanding of early modern statehood, whereby even ‘absolutist’ states relied on consensus and co-operation, were inefficient and fairly corrupt, and

failed to punish their crooks or maintain their roads. The author's observations on mobility in Japan, south-west Asia, and the Ottoman Empire are rather cursory, but nonetheless offer a contribution to the debate over whether Germany represented a special case: 'Poly-centric, fragmented, and multilayered political orders were not an anomalous exception in the early modern world' (p. 37).

Now is of course an apposite time to place mobility regimes at the centre of an analysis of state formation, and Scholz is happy to draw parallels with the early twenty-first century. Future generations of historians will judge the durability of such comparisons; for the time being, however, we might question Scholz's decision to argue that the exact halfway point of the eighteenth century represented a decisive, all-encompassing watershed, instead of understandably admitting that he had to focus on a particular period and therefore could not look beyond it in any detail. The argument is not entirely convincing, since travel reports from the late Enlightenment inform us that roads were still in an atrocious state as late as 1770 or 1790. Likewise, passports did not acquire their paramount importance for mobility until the nineteenth century; the Franco-Spanish border only became a precisely defined and marked boundary line in the wake of the Treaty of Bayonne in 1868; and rights of escort lost their status as a primary guarantor of security during the establishment of the *Landfrieden* peace mechanism in the sixteenth century. That said, the author himself points out that the Dukes of Saxe-Weimar continued to claim the right of escort until 1831 (p. 134).

Scholz guides us through all manner of territories and local histories, and inevitably, given his broad scope, he lapses into inaccuracy at times. His chapter on 'The Old Reich', which draws largely on scholarship from the English-speaking world, is not exactly a reliable source of information on the political system of the Holy Roman Empire. If Scholz wishes to explain how relations between the Kaiser and the Imperial Estates were structured, he needs to include by far the most detailed text on this subject: the electoral capitulation (p. 28). Nor would it have hurt to include article IX.2 of the IPO (the *Instrumentum pacis Osnabrugense* of 1648, which ended the war between the Empire and Sweden), since this laid down rules governing mobility under Imperial law. Similarly, the role played by the more

active Imperial Circles in promoting central European mobility goes unrecognized. Why the lesser polities of the Empire ‘owed [their] continued existence . . . to the Westphalian Treaties’ (p. 52) also remains obscure, since it is unclear who sought to abolish them before 1648. Scholz repeatedly points out the importance of passports to the work of diplomats, but is evidently unaware that this was already a highly political issue prior to the Peace of Westphalia, as the peace congress in Cologne had (at least officially) been toiling in vain over the ‘passport question’ since 1636. The author seeks to set out the theoretical debate over interterritorial mobility, but his index omits the names of almost all the leading thinkers on international law – from Gentili and Textor to van Bynkershoek, Vattel, Wolff, and Moser – as well as those of the most prominent German cameralists of the day.

Scholz is even at pains to trace troop movements, being interested in the practicalities of such manoeuvres (and earnestly informing us that soldiers sometimes ravaged the fields and readily engaged in looting; p. 71). However, though he also seeks to account for the theoretical discourses surrounding the topic, he fails to mention the many contemporary controversies on the subject that drew on political and military science, or the many treatises on the rights and obligations of neutrality. Given the countless wars of the early modern era, troop movements were the subject of intense dispute. Half a page (pp. 216–17) is not enough to provide an overview of the thorny debate over the lawfulness of troop transfers, and the description offered by Scholz is inadequate. There was nothing resembling a ‘broad scholarly consensus’ over the issue, and he also overlooks the bitterly disputed criterion of the justness (*iustitia*) of officially requested troop movements.

Scholz draws out many highlights and comparisons with adjacent topics, giving his book an almost pointillist effect, and as a result, his attempts to summarize his findings fall short: ‘Early modern politics of mobility combined fluidity and friction, yielding widely different results for different social, corporative, religious, or economic groups at different times and in different places. Some roads were closed only at specific times. Letters of passage had to be acquired by some travellers, but not by others. Travelling persons of rank had to deal with bothersome symbolic practices and formalities, while many

peasants could move without bother. Whereas vagrants were forced into clandestinity, carters could move quite freely as long as they paid the required dues' (pp. 231–2.) Consider also the closing sentence: 'The ways in which societies channel mobility can be simultaneously promotive and restrictive, socially exclusionary, highly contingent, spatially dispersed, and morally ambiguous' (p. 234). Not all of the multifarious lines of investigation in this study offer profound insights, but many of them point to avenues for further research. Not everything has been thought through in detail, but much of it is stimulating in the best sense of the word. In any case, the book makes for an entertaining read.

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