

Maximilian von Montgelas, “Ansbach Memorandum.” Proposal for a Program of State Reforms (September 30, 1796)

Abstract

Maximilian von Montgelas (1759-1838) composed this reform program for Duke Max IV Joseph of Palatinate-Zweibrücken, who went on to become Elector Max IV Joseph of Bavaria and the Rhine Palatinate in 1799 and King Maximilian I of a newly enlarged Bavaria in 1806. From 1799 to 1817, Montgelas was the presiding spirit and executor of a Bavarian reform program that transformed the state in fundamental ways. In the following document, originally written in French, Montgelas speaks as a “humane and enlightened person” and criticizes the inefficiencies and corruption of the old-regime administration. He advocates tightening state control over the Catholic Church and cutting back its incomes and costs; fundamental school reforms, especially at the elementary level, where the “national spirit” is formed; religious tolerance; and an end to censorship. Montgelas claims that it is not enlightenment but “crude ignorance that sparks revolutions and overthrows empires.”

Source

Memorandum Presented to *Monseigneur* the Duke on September 30, 1796

One of the greatest flaws of the Bavarian administration lies in the defective organization of the central ministry. A precise division of the departments, so useful for maintaining the order without which business cannot be carried out in a regular fashion, is absolutely unknown there. Most of the ministers sit on the council merely as a matter of form. The chancellor is, strictly speaking, the only one who works. Everything is referred to him. He alone prepares and deals with all the questions on which the Sovereign has reserved the right of decision. This arrangement, which was fine for the Middle Ages, when the simplicity of handling things facilitated and lessened the work of government officials, is no longer suitable today, as matters have become much more complicated. It has simply led to this minister, who cannot cope with a task that exceeds human capacities, being obliged to rely on subordinates who are almost always imperfectly trained and very often corrupt. More than once, simple copyists have made final decisions regarding the happiness or misfortune of a respectable family. This major shortcoming could be easily remedied if a rational division of the departments were undertaken; there needs to be a separation of those matters that, on the basis of their diversity, are not suitable for combination; there must be clear demarcations that no sub-department can overstep; and the purely nominal figures who have headed the ministries up to this point must be replaced with intelligent persons, workers who are capable of supervising their subordinates, of bringing their ideas into line, and of justifying in every respect the confidence that the Prince has in them. One obstacle that would have to be avoided is setting salaries too low. Every individual who devotes his time to the service of the state has a right to a salary allowing him to live decently, in a style commensurate with his rank in society, and after his death, to a decent livelihood for his wife and children. Up to this point, a completely opposite principle has been followed: it has been thought possible to gain a great deal by purchasing service cheaply. [...]

These principles are developed in the following plan.

The [central] ministry would be divided into five departments: *foreign affairs, finances, justice, ecclesiastical affairs, and war.*

Each ministry would be composed of *a minister and as many referendaries* as there are provinces, whose constitutions differ essentially from one another. [...]

The responsibilities of each department would be laid out in the following manner:

I. The ministry of foreign affairs would be responsible for:

1° correspondence with all ministers, envoys, [diplomatic] agents, *chargés d'affaires* in all the courts of the Empire and of Europe; [...]

II. The ministry of finances would include: [...]

The abolition of the financial prerogatives of the privileged estates in the various provinces, the creation of a carefully drawn-up land registry that establishes a fairer proportion in direct tax levies, the abolition of several levies that impose too great a burden on subjects, and the cessation of the disastrous system of Bavarian customs duties clearly demand the attention of the legislator in the various branches of this vast administration.

III. The ministry of justice would include: [...]

This part is one of those most in need of fundamental changes. The humiliations bailiffs visit upon those under their jurisdiction, the excessive taxes they draw from them, can hardly be put into words. The poor people would be much relieved by assigning them [the bailiffs] fixed salaries, in which case they could be compelled to render account to the *Hofkammer* regarding the amount of the taxes. [...]

Perhaps it would be appropriate to work toward a new political division of the provinces, either by combining several bailiwicks whose jurisdictions are too extensive into one, or by adopting the *division into districts* already introduced in Prussia, Austria, Saxony, and Hessen. [...]

Here we have indicated only the main objects of reform. There are many others that stray too far into the details of internal administration, and thereby diverge from the subject of this memorandum, such as the abolition or at least the regulation of *corvées*, the elimination of arbitrariness in levying *seigniorial duties on sales*, the *Laudemium*, and other *seigniorial duties and fees*. This point is all the more important and requires a discussion all the more thorough because it is a question of reconciling the interest of the taxpayer and the promotion of the advance of agriculture, which cannot be avoided, with the respect we owe to the sacred right of property. Here we will not discuss whether it would be advisable to abolish *trusteeships and majorats*. Nor shall we discuss the abolition of a multiplicity of lower-level jurisdictions that needlessly complicate the administration of justice. We remain silent regarding the reform of *civil law*, the *code of Bavarian laws*, and especially *criminal law*, which has long been called for by all humane and enlightened persons.

IV. The ministry of ecclesiastical affairs [...]

Discussions with ecclesiastical tribunals have multiplied endlessly. They have led to a total relaxation of discipline among the clergy and promote the corruption of the priests by failing to hold them responsible for all their excesses. Without a doubt, ecclesiastical tribunals have allowed great attacks on the rights of the Sovereign, but the resistance was not always wise or systematic. [...]

The administration of ecclesiastical properties has been neglected to the point that it has become a disgrace to the government that permits it and also to the employees who allow themselves to forget their duties in such a strange way. [...]

The abbeys and convents require a reform that will make them more useful to society than they have

been in the past. The mendicant orders should be completely eliminated. They are a burden on society, in that they live at its expense and preserve ignorance and suspicion within it. Other religious orders could be reduced to the number of monks or nuns involved at the time of their original foundation. The remaining members would continue to administer their properties in their current form, but they would be authorized to use only that portion of the revenues necessary to maintain themselves, in accordance with a rate set on a per capita basis, and they would be obliged to pay the surplus, after deducting management costs, into the ecclesiastical fund to be used for the benefit of the state. Attempts to carry out such a plan have been made in France. The Republic of Venice successfully implemented it in 1768 and 1769. The Marquis de Tanucci introduced it in the Kingdom of Naples in 1770. Since the superiors of most of these religious houses have seats in the legislatures of the provinces and are, in this respect, integral parts of the respective constitutions, it would be appropriate to arrive at an understanding with them regarding the ways and means of promoting these beneficial intentions.

The parishes, especially in Bavaria, are too extensive. The distribution of revenues among these pastors is so unequal that one wallows in riches while another can barely afford essentials. A redistribution, to be agreed upon with the bishops, is absolutely necessary. The subjects would thereby be greatly relieved, and it would be easier to instruct them and provide the spiritual aid that many of them are obliged to do without during most of the year because they live so far away from their parish churches. Perhaps it would be useful to draw up the new division in such a way that no one would have to travel more than half a mile to reach his parish church. [...]

The two universities of Heidelberg and Ingolstadt are in the most deplorable condition. Their revenues have been reduced almost to nothing. No attention is given to the selection of professors. The schools in the cities and in the countryside are even more poorly maintained. Schoolmasters, most of them sacristans, remain ignorant, lack necessities, and hence enjoy no respect. Peasants refuse to send their children to school, and most of them do not know how to read or write. This is particularly true in Bavaria; the Palatinate is less bad off in this respect. Someday it will be necessary to completely overhaul this area, to meditate deeply on the plan to be adopted, and especially to give the closest attention *to the primary schools in the cities and in the countryside*. In reality, it is they that will develop the faculties of the most interesting [important] class of society by putting the stamp of the national spirit on them.

Religious tolerance attracts to the state foreigners useful for their diligence; it promotes the progress of industry and enlightenment, and encourages emulation. It is absolutely obligatory wherever subjects who adhere to different religions have settled in certain numbers. [...]

One of the great ways of accelerating this beneficial revolution in people's minds, of drawing them out of the lethargy in which they are mired, and of rapidly spreading enlightenment would be to free the book trade from the almost puerile restrictions to which it has been subjected under this reign [that of Elector Karl Theodor], *to completely abolish the college of censorship, to allow a reasonable freedom of the press by defining offenses with precision and by forcing authors and printers to put their names on every new creation, making both of them responsible to the magistrates for whatever their creations may contain that is reprehensible*. The law regarding this subject would have to be carefully thought through and discussed in detail. The great problem of determining where freedom stops and license begins has not yet been properly resolved in any state. It is even possible that it will prove necessary to take the time to prepare people's minds to enjoy this benefit, and that this improvement may be the last that it will be reasonable to introduce. I shall not linger on the objections that many people will be tempted to make concerning the very essence of the project [i.e., the lifting of press censorship]. Today we know that *it is peoples' crude ignorance that sparks revolutions and overthrows empires, not the education they receive, which is sensible and suitable to each person's standing*. The more enlightened they are, the more they cherish their duties, and the more attached they are to a government that is truly concerned with their happiness.

[...]

Source: Eberhard Weis, "Montgelas' innenpolitisches Reformprogramm. Das Ansbacher Mémoire für den Herzog vom 30. 9. 1796", in *Zeitschrift für bayerische Landesgeschichte* 33 (1970) pp. 219-56. The Ansbach Memorandum was reproduced in the original French, pp. 244-54.

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