

Martin Schennach, The Provisional Community Law of 1849 and the Imperial Community Law of 1862 as a Turning Point? Thoughts on the Concept of „Commune“ (Gemeinde) in Austria during the 19<sup>th</sup> Century (p. 369–390)

Beginning with an outline of the rather unsatisfactory state of research on the topic of communes, especially of the early 19<sup>th</sup> century, the paper deals with methodological questions of defining the concept of „Commune“ (Gemeinde) as an object of research for the time before 1849, which have been largely ignored. Subsequently, it is argued that the dominant verdict in legal history which claims that the Community Laws of 1849 (Provisorisches Gemeindegesetz) and 1862 (Reichsgemeindegesetz) were a distinct turning point leading to the creation of the „political commune“, must be modified in several respects. Although the years 1849 and 1862 brought about innovations such as the abolishment of seigneurial lordship over villages, the regulation of borders and the territorial entity of the communes was based on obvious continuities, making the Community Laws appear rather as the culmination of developments reaching back to the early modern period than as a distinct turning point.