Policing and social order in 18th century Denmark

The early modern meaning of “police”

The word police was introduced in the Renaissance from Aristotle’s book on politics, where ‘politeia’ in a very broad sense signified a state and its internal order (Eng.: ‘polity’). In the early modern period the word was used in France (Police), Germany (Policey) and Scandinavia (Politie) to describe a desired state of order and all the governmental actions to achieve this order such as the issuing and administration of special laws – the so-called police ordinances. This legislation dealt with numerous things from Sabbath-breaking to vagrancy, luxury, removal of refuse, traffic, fire precaution, and especially the guilds and the market trade in the towns.

Theories on the early modern police

The police legislation has been seen as a modernizing, ‘social disciplining’ tool to increase the power of the absolutist state by historians such as the German historian Gerhard Oestreich and the American historian Marc Raeff. In his lectures on governmentality Michel Foucault also interpreted the early modern police as a way to increase the power of the state, but was sceptical of its effects on social life. German studies in the enforcement of the police ordinances have shown that due the weakness of the early modern state, it was possible for the subjects to resist, evade or influence the enforcement.

Another problem with the theory of ‘social disciplining’ is that most police ordinances rather tried to preserve the estate society than modernize it, as the German historian Hans Maier noted as early as 1966. As a more recent study by Hans Simon from 2004 has shown that the idea to reform society with police ordinances does not emerge before the 18th century in the writings of German police scientists like Herman Gottlob von Justi. The Swiss historian Peter Blickle and his students has also emphasized the conservatism of the early modern police and seen it as a continuation of the communal self-rule of medieval towns and villages. According to Blickle, state building came ‘from below’, because it was the commoners who demanded ‘good police’ from the rulers, not the

---

1 An overview of the shifting interpretations of the early modern police is found in Andrea Iseli: Gute Policey. Öffentliche Ordnung in der frühen Neuzeit, Stuttgart 2009, p. 115-135.
opposite. Studies by Andrea Iseli and André Holenstein show that even during absolutism the welfare of local society continued to be the goal of “good police” in France and Germany.  

Inspired by the latter studies I have investigated the police administration in three Danish jurisdictions during absolutism. Some of my findings confirm the results of the recent research, but differ in the respect that I put more emphasis on the urban aspect of the early modern police. Thus I have chosen three jurisdictions in terms of urbanity: Aalborg was one of the major Danish market towns with 5000 inhabitants, ruled by a magistrate, and where the citizens were organized in guilds. Saebby was a very small market town with only 600 inhabitants, ruled by a bailiff (byfaged), where the citizens were not organized in guilds and subsisted more on agriculture, distillery and fishing than their trades. The third jurisdiction is a double country jurisdiction (herred), Borglum-Jerslev herred, where most peasants were tenants at a manorial estate and subdued the communal system of agriculture. In the countryside no one was permitted to practice urban trades. All jurisdictions were situated in the stiftamt (diocese county including market towns) of Aalborg in the region of Northern Jutland and under the authority of a stiftamtmand (governor of diocese county).

*The origins of the Danish police*

The word ‘police’ (politi) entered the Danish language in 1522 in the town law of king Christian 2. Here the mayors and aldermen of the market towns were ordered to come once a year to his court in Copenhagen ‘to do police’ about ‘defects and circumstances’ in their respective towns and let the king know their decisions. The aim of this circumstantial legislation is stated in a royal order to the magistrate of Aalborg from 1548: They should ‘to do police’ and hang it on the door of the town hall, so that ‘everyone could get at a just price the work of artisans and anything else which is rented, bought and paid’. The first Danish definition of the word ‘politij’ is in a legal dictionary from 1641: ‘common civil government of the market towns’ (gemeen Borgerlig Regimente i Kjøbstæderne). Similar definitions can be found in French and English dictionaries.  

From this it can be concluded that police was a circumstantial, moral regulation of the towns and their market economy, done by the magistrates and authorized by the king. The mercantilist focus

---

on the urban trades as source of royal revenues increased the interest of the crown in the police in the 17th century. After the introduction of absolutism in 1660 the Danish police was reformed after the French model in order to rebuild the economy after the disastrous wars with the Swedes. According the foreword of the first law book for the whole realm, king Christian V’s Danish Law from 1683, ‘everything concerning the police’ had been omitted, because unlike the eternal justice of the law book it consisted of “changeable laws and ordinances”. Instead the king had appointed a police commission in 1681 to work out a new set of police ordinances and publish them in a separate book. According to Danish Law the magistrates of the market towns should enforce this new police legislation. But inspired by the French appointment of a Parisian lieutenant de police in 1667, the king had appointed a *politimester* (chief of police) for Copenhagen in 1682. In 1683 his authority was extended to the other towns and the whole country in 1684.

A compilation of police ordinances never appeared, but the chief of police received an instruction in 1691, which resembled that of the French police. The instruction was divided into 12 chapters: 1) Religious matters (threats to the Lutheran state church), 2) Observance of the Sabbath, 3) Good manners (Prostitution, various public disturbances, disobedient servants), 4) foreigners and vagrants, 5) customs (extravagant feasts and dressing), 6) Market places, 7) Streets (paving and removal of refuse), 8) The water supply, 9) Buying and selling (false scales, quality and just prices, forestalling), 10) The guilds, 11) Watchmen, lanterns and fire-fighting, 12) Public transport. These tasks were repeated in an ordinance on the administration of the police from 1701, but in the province the *byfoged* (urban bailiff), *herredsfoged* (rural bailiff) and *birkefoged* (manorial bailiff) were to function as chief of police under the supervision of the *amtmand* (governor of county) – and not the Copenhagen chief of police. This ordinance remained in effect during absolutism. The new police institution was given the extraordinary authority to enforce the police laws like the right to search houses and fine offenders without a trial. But the police was not allowed to interfere with criminal justice, because it belonged to the justice of Danish law. However, during the 18th century the police gradually became involved in investigating crimes and sentencing minor crimes.

**Policing in early modern Aalborg**

A compilation from 1549 contains the oldest police ordinances from Aalborg. Two thirds of them concern the moral economy of the town: Tariffs are fixed on beer, bread and all kinds of services. Forestalling with foods and other life necessities outside the towns gate is strictly forbidden. The
last third deals with sanity, fire precaution, beggars and extravagance at funerals, weddings and other feasts. They also show that the magistrate sought the council of the citizens before passing new ordinances.

The influence “from below” on the police legislation and its administration continued after the absolutist police reforms in the 1680’s. The correspondence from the Copenhagen chief of police, Claus Rasch, to the magistrate in Aalborg 1683-1701 show that citizens petitioned Rasch, when they were dissatisfied with the police administration of the magistrate or the byfoged, who was the subordinate police clerk of Rasch in this period. One example is from 1685, where the poor had complained about the price of bread not being adjusted after a bad harvest two years earlier. In 1692 the shoemaker’s guild complained about the acquittal of an unauthorized shoemaker, that the guild had had arrested by the byfoged as the town’s police authority. The byfoged received a reprimand for having followed the order of the magistrate to prosecute the case by the court, instead of settling it immediately himself like a police case.

The conflict between the old municipal police and the new royal police continued after 1701, when the byfoged became chief of police under the supervision of the stiftamtmand. In 1719 the magistrate refused to cooperate with the byfoged and the stiftamtmand about the problem with garbage and loose pigs in the streets - and especially around the residence of the stiftamtmand at the town’s castle. However, in 1730 the magistrate agreed to pay the salary of two police officers from the means of the town to assist the byfoged in enforcing a new ordinance on the observance of the Sabbath. A police court was also established to deal with this type of cases. In time, other police cases about things as extravagance at funerals and forestalling with firewood and herrings was also tried at the new police court.

On one hand the citizens resisted the inquisitory house searches of the police and the summary justice at the police court, which was foreign to the accusatorial tradition of the Danish courts. The respectable or ‘honnete’ citizens thought that the police should concentrate on disciplining the mob. In 1749 the byfoged actually received a reprimand from the king for disturbing some merchants, who were celebrating the birth of an heir to the throne after 10 pm., the permitted ‘police time’. On the other hand the good citizens demanded better policing of “ordinary” people (journeymen, servants and sailors) and especially of “loose” women, who worked as day labourers or innkeepers.
instead of entering the service of the citizens. A royal ordinance against “vacant” women from 1762 actually mentions the complaints of the lack of maids in Northern Jutland. Another recurring complaint was about forestalling outside the town gates and the pollution of the towns’ streams from latrines, tanners and butchers. In 1752 and 1760 the byfoged was given specific instructions concerning these violations, which prior to this time had been enforced by a municipal market inspector and the treasurer. The new instructions on the “particular” police of Aalborg were issued by the stiftamtmand, but proposed by the magistrate. In return the magistrate agreed to increase the salary of the byfoged as chief of police and his police officers. After 1775 and until 1811 the magistrate acted as judges in the police court, while the byfoged was the executive police power.

So despite the centralization of the police during absolutism, the reforms were only partially implemented in Aalborg. The police legislation was still influenced by the demands of the magistrate and the citizens. The well-mannered citizens did see the police as a means to discipline the uncivilised “mob” of the town. However, by controlling the price of bread the police also met the demands of the poor. The crime rate rose after the establishment of a garrison in Aalborg in 1772 and the police became involved in investigating thefts and fencing. But, as the byfoged announced after some criticism in the local paper in 1799, the citizens should arrest thieves or find a suspect by advertising after stolen goods in the paper, before he would investigate such cases.

Policing in Sæby

In Sæby the magistrate was reduced from a major and two aldermen to a bailiff or byfoged in 1683. The byfoged was the only police force until 1785, when the newly appointed byfoged Christian Damsgaard tried to build up an efficient police according the police ordinance from 1701. He assembled the citizens in the town hall to announce new police ordinances about over-grazing on the common, forestalling of fish and the repair of roads and bridges. A police court was established, where he was the judge and his brother functioned as prosecutor. In 1789-92 this resulted in a heated conflict with the citizens, who accused him of unlawful arrests and inquisitory methods in police cases and not involving the citizens in the passing of new ordinances. In return he compared the citizens with French revolutionaries, but the stiftamtmand had the parties reconciled.

Discontent in the administration of the police was also the motive behind a more serious riot in Saeby, suppressed by the military in 1818. One of the rioters, a shoemaker, accused the byfoged of
embezzling public funds and allowing violation of the towns trade privileges by vagrant artisans and peasant bootleggers. So in Sæby the citizens also demanded “good police” in the communal sense, but at the same time resisted being disciplined by the absolutist state.

The establishment of a country police
As mentioned earlier, contemporaries understood “police” as the civil or republican government of the privileged citizens of a market town. Going through the court protocols of the country jurisdiction of Boerglum-Jerslev herreder before the issue of a special country police ordinance in 1791, I’ve only found police cases about peasants violating the urban privilege to distil and sell spirits (braendevin). This indicates that police primarily concerned the interests of urban citizens.

In 1791 a country police was established with the issue of ordinances on the prosecution of disobedience at the corvée and runaway servants at country police courts. These ordinances came as a reaction to reports on increased disobedience among peasants, after the reformist government of the crown prince Frederick had abolished the rights of the manorial lords to punish their peasants and keep male servants at their estates until the age of 40. As a stiftamtmand wrote, these ordinances had given the peasants civic rights and therefore they needed police. A parish bailiff (sognefoged) was also appointed in each parish as police officers to keep order in the villages, as the village communes was weakened by the enclosure reforms.

Concluding remarks
On one hand “police”, as a certain legislation and administration, was part of a policy to create a dynamic, taxable market economy and on the other hand it was supposed to preserve the traditional order threatened by this new market economy. In the last case the establishment of a country police was part of a liberal agrarian reform policy to increase the revenues of the crown and at the same time an attempt to restore the feudal and communal order, these reforms threatened to destroy. In the towns the police in a similar manner fulfilled the role as a supplementary power, when the social control of the church, the guild, the neighbourhood or the household failed due to the higher level of freedom in the town. I’m sceptical towards the theory of absolutist social disciplining ‘from above’ because of the conservatism of the police ordinances and the level of influence ‘from below’ on the police administration. On the other hand, the communal theory puts to little emphasis on police as an urban phenomena and part of the fiscal policy of absolutism.