Gute Policey in early modern rural areas:

local societies, police ordinances and digital methods

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In the early modern period, *'gute Policey*,' representing the 'good order of the community,' was a fundamental leading category in matters of order, government, and normativity. Regarding the latter, *gute Policey* predominantly manifested in the form of police ordinances and associated laws and other normative sources, forming a growing body of administrative law. While *gute Policey* has been a subject of considerable study among German-speaking scientific communities and the broader European mainlands,[1] its relatively limited presence in the Anglophone academic sphere can perhaps be attributed to potential translation issues. Nevertheless, in the last years, international research on *gute Policey*, administrative law, and related matters has also increased outside the German-speaking cultural area in many other European countries as documented by Scandinavian, Belgian, French and Italian studies.[2] The spectrum of national and international research would have broadened further to unprecedented dimensions if we had embedded our research on *'gute Policey*' in the literature that fundamentally and interdisciplinarily deals with systems of order in the early modern period. Within the Anglophone research on early modern administrative law and government, scholarly attention has primarily gravitated towards the themes of state-building and state formation, specifically focusing on tracing the 'developments' within early modern governance. As scholars such as John Morrill emphasize, it is prudent to exercise caution when employing English terminology, as it inherently carries implicit teleological connotations, directing attention to a progressive movement towards the modern state.[3] Furthermore, the use of the

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[1] On the state of research see Andrea Iseli, Gute Policey: Öffentliche Ordnung in der Frühen Neuzeit, Stuttgart 2009; Karl Härter, 'Art. Polizei', in: Enzyklopädie der Neuzeit, vol. 10, Stuttgart 2009, pp. 170–180; Karl Härter, Art. 'Policey' und 'Policeyordnungen', in: Handwörterbuch zur deutschen Rechtsgeschichte, 27. Lieferung, Berlin 2018, pp. 645–646 and 646–652.

[2] See the contributions in: Michael Stolleis (ed.), Policey im Europa der Frühen Neuzeit, Frankfurt am Main 1996; Toomas Kotkas, Royal Police Ordinances in Early Modern Sweden. The Emergence of Voluntaristic Understanding of Law, Leiden 2014; Jørgen Mührmann-Lund, Borgerligt regimente: politiforvaltningen i købstæderne og på landet under den danske enevælde, Copenhagen 2019; Andrea Iseli, „Bonne Police" Frühneuzeitliches Verständnis von der guten Ordnung eines Staates in Frankreich, Epfendorf 2003; René Vermeir, Recueil Des Ordonnances Des Pays-Bas, Deuxième Série : Règne de Philippe IV (1621-1665). Vol. 172, Commission royale pour la publication des anciennes lois et ordonnances de Belgique, 2023 (https://biblio.ugent.be/publication/8765122)

[3] John Morrill, Dynasties, Realms, People and State Formation, 1500-1720, in: Robert von Friedeburg/ John Morrill (ed.), Monarchy transformed: princes and their elites in early modern Western Europe, Cambridge 2017, pp. 17–43; John Morrill, "Uneasy Lies the Head That Wears a Crown": Dynastic Crises in Tudor and Stewart Britain, 1504–1746, Reading (UK) 2005.

term 'state' implies the existence of an abstract entity governed by impersonal institutions. In contrast, the early modern reality reveals a more dynamic entity, influenced by social and local actors and dynastic factors such as marriages, inheritances, and the exigencies of warfare in safeguarding territorial possessions.[4]

The contributions to this special issue of the *Journal for Digital Legal History*, however, aim at the function of early modern *gute Policey*, administrative law, and administration in governing, developing, and modernizing rural areas and local societies. Regardless of the challenges in translation, we can stick to the German word *Policey* and understand that it meant administrative and governmental norms, measures, and institutions to keep or establish a good order within a community. This should be primarily achieved through administrative laws, ordinances, and statutes which are summarized under the term *Policeyordnung* (police ordinance). From the Late Middle Ages onwards, the authorities and governments of many European countries issued a growing number of such police ordinances, increasingly regulating areas of life and social behavior in order to maintain order, welfare, and security. In this respect, police ordinances are invaluable sources of historical information, offering a wealth of insights into early modern government and society. As normative sources, they shed light on the identity of those accountable for crafting the regulations, the 'agents' (local administration and communities as well as individual subjects) entrusted with their enforcement or implementation, and the corresponding administrative and punitive measures. Furthermore, police ordinances yield valuable glimpses into the early modern period's prevailing social norms and practices, including rural areas and local societies. Since the implementation and enforcement of ordinances also depended on social communities and households, local and social actors could influence the normativity as well as the implementation of the ordinances. In this regard, they represent an underappreciated and underutilized resource for historical research that not only deals with the early modern state but extends its focus on local communities, rural areas, and local actors, which the contributions of this special issue address.[5]

Police ordinances regulated many sectors of society, economy, religion[6], culture, everyday life, and the domestic sphere, addressed all social groups, and covered a variety of subject matters and deviant behaviors. The provisions regulated a wide array of subject matters that piqued our curiosity, including matters such as the regulation of beer or wine[7], dress codes (*Kleiderordnungen*)[8], or the criminalization of

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[4] C. Annemieke Romein, Early modern state formation or gute Policey? The good order of the community, in: The Seventeenth Century 37 (2022), pp. 1031–1056, online: https://doi.org/10.1080/0268117X.2022.2111339.

[5] See, as examples, Achim Landwehr, Policey im Alltag: Die Implementation frühneuzeitlicher Policeyordnungen in Leonberg, Frankfurt am Main 2000; André Holenstein, "Gute Policey" und lokale Gesellschaft im Staat des Ancien Régime: Das Fallbeispiel der Markgrafschaft Baden(-Durlach), Epfendorf 2003.

[6] Birgit C. Bender-Junker, Utopia, Policey und Christliche Securitas. Ordnungsentwürfe der frühen Neuzeit, Marburg 1992; Karl Härter, The Regulation of Religious Diversity and Deviance in the Police Ordinances of Denmark, Sweden and the Holy Roman Empire of the German Nation in the Age of Reformation and Confessionalization, in: Nordic Variations of Protestant Governance – parish, household, state /realm, edited by Urban Claesson, Nina J. Koefoed and Jørn Ø. Sunde (forthcoming).

[7] For example: Wolfgang Wüst (ed.), Bacchus küsst Franken. Aspekte einer europäischen Weinlandschaft (Fränkische Arbeitsgemeinschaft e.V., Heft 13) St. Ottilien 2021; Georg M. Wendt, Herrschaftsverdichtung und politische Praxis in Württemberg am Beispiel von Kirchheim/Teck, Schorndorf und Steinheim/Murr (1482-1608), Ostfildern 2018.

[8] Joachim Peters, Nürnberger Kleiderordnung vom 28.4.1618, in: Wolfgang Wüst (ed.) Die "gute" Policey im Reichskreis, Bd. VII: Policeyordnungen in den fränkischen Reichsstädten Nürnberg, Rothenburg ob der Tauber, Schweinfurt, Weißenburg und (Bad) Windsheim, Erlangen 2015, pp. 489–504.

begging and vagrancy[9]. Furthermore, many regulations and provisions were related to agriculture, forests, and matters of feudal rural society.[10]

Police ordinances – many of them have so far been edited or digitized – illustrate and interpret the characteristics of early modern administration with territorial or urban examples. They allow to analyze fundamental objectives and categories of early modern government and politics such as 'social peace', 'common weal', 'welfare', 'public health', 'prosperity', and 'happiness' which have relevance even into modern history. Although the contributions to this special issue on gute Policey and police ordinances stick to the early modern period, they change the social perspective. While many publications on ordinances were tailored to the role of the nobility and the courts, the municipal councilors, the imperial ecclesiastical chancelleries, or the executive offices in the "Reichskreise" (Imperial Circles), the focus is now on their social reflections. The perspective from "below" becomes more effective. The rural area, village cooperatives, agrarian forms of trade, and action remote from capitals and centers are the new, undoubtedly no less interesting, focus.

In historiographical terms, scholars have adopted three distinct approaches and identified a middle ground in comprehending the concept of *gute Policey*. The first approach regards it as a means of social discipline or an attempt to exert greater control over society. This approach embodies a top-down perspective, involving the disciplining of inhabitants in adopting more suitable conduct, essentially constituting an implicit process of civilization.[11] The second approach scrutinizes *Policey* from the viewpoint of society, suggesting that it was the society itself that sought the implementation and normalization of certain practices. This implies a more intricate interplay between society and the government.[12] A third perspective, exemplified by scholars like Peter Blickle, posits that the pre-existing governmental structure persisted, and the police ordinances primarily documented rather than induced changes in society.[13] Ultimately, a negotiated standpoint arises as a compromise, stressing that a dual process unfolded, one originating from society and the other from the authorities. Both sides engaged in a process of communication e.g., complaining, supplicating, dispensing, petitioning, negotiating, and expectation-setting to reach outcomes from which all parties involved could benefit.[14]

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[9] Werner Herdegen, Bettel-Ordnung vom 2.8.1731, in: Wolfgang Wüst (ed.) Die "gute" Policey im Reichskreis, Bd. V: Policeyordnungen in den Markgraftümern Ansbach und Kulmbach-Bayreuth, Erlangen 2011, pp. 413–421; Karl Härter, Sicherheit und gute Policey im frühneuzeitlichen Alten Reich: Konzepte, Gesetze und Instrumente, in: Bernd Dollinger und Henning Schmidt-Semisch (Eds.), Sicherer Alltag? Politiken und Mechanismen der Sicherheitskonstruktion im Alltag, Wiesbaden: Springer 2015, pp. 29–55.

[10] As demonstrated in: Karl Härter/Michael Stolleis (eds.), Repertorium der Policeyordnungen der Frühen Neuzeit, 12 vols., Frankfurt am Main 1996-2017, online as database: https://policey.lhlt.mpg.de/web/.

[11] Wolfgang Wüst, A. Auftakt - Alles Policey oder was? In: Wolfgang Wüst, Frankens Policey: Alltag, Recht und Ordnung in der Frühen Neuzeit – Analysen und Texte, Darmstadt 2021, pp. 17–38; Karl Härter, Disciplinamento sociale e ordinanze di polizia nella prima età moderna, in: Disciplina dell'anima, disciplina del corpo e disciplina della società tra medioevo ed età moderna, eds. Paolo Prodi/Carla Penutti, Bologna 1994, pp. 635–658.

[12] Achim Landwehr, Policey im Alltag. Die Implementation frühneuzeitlicher Policeyordnungen in Leonberg (Studien zu Policey und Policeywissenschaft) Frankfurt a. Main 2000; Andre Holenstein, "Gute Policey" und lokale Gesellschaft im Staat des Ancién Regime. Das Fallbeispiel der Markgrafschaft Baden(-Durlach) (Frühneuzeit-Forschungen 9) Tübingen 2003; Antoon H.M Kerkhoff, Per imperatief plakkaat: overheid en pestbestrijding in de Republiek der Verenigde Nederlanden, Hilversum 2020.

[13] Peter Blickle/Peter Kissling/Heinrich Richard Schmidt (eds.), Gute Policey als Politik im 16. Jahrhundert. Die Entstehung des öffentlichen Raumes in Oberdeutschland, Frankfurt am Main 2003.

[14] Cf. the contributions in: Karl Härter (ed.), Policey und frühneuzeitliche Gesellschaft, Frankfurt am Main 2000; Iseli, Gute Policey; André Holenstein, „Rinviare ad supplicandum". Suppliche, dispense e legislazione di polizia nello Stato d'antico regime, in: Suppliche e „gravamina". Politica, amministrazione, giustizia in Europa (secoli XV-XVIII), eds. Cecilia Nubola/ Andreas Würgler, Bologna 2002, pp. 177–226; Wolfgang Wüst, Verfassungswirklichkeit im Spiegel des Petitionsrechts 1818 bis 1918. Beschwerden und Anliegen aus Schwaben an die Abgeordnetenkammer des Bayerischen Landtags, in Sabine Wüst (Hg.), Fabrica Historiae. 50

While many research projects predominantly center on urban settings,[15] this special issue directs its attention towards rural environments, encompassing villages, agrarian societies, local administration, and jurisdictions in various countries that fall under the regulatory purview of police ordinances and normative texts. Additionally, our secondary objective lies in the utilization of digital methodologies to make normative sources accessible and to conduct a comprehensive analysis of their substantive content. The application of these digital methods is of paramount importance in enhancing our understanding of the historical context and the content they encapsulate. This is particularly possible since police ordinances were issued in large numbers and are characterized by corresponding formal structures, information, and data regarding the 'legislator' or creators of the ordinances, date and form, administrative and punitive measures, and the subject matters regulated. Thus, digitalization, databases, quantitative analysis, and the application of the taxonomy/classification schema of police ordinances are used to access and analyze police ordinances and related normative sources as typical examples of legal sources that digital legal history is dealing with.[16]

Although digital projects concerning legal/normative sources such as police ordinances, statutes and other forms of law are developing at various universities and scientific institutes, it is not self-evident that researchers closely cooperate with others working with the same type of sources. Thus, this issue also aims to show which digital techniques could possibly be applied to legal sources, regardless of the different countries, periods and topics and, as a consequence, could lead to a more coherent research-structure in the future. In this respect, this special issue is an exemplary presentation of collaborative efforts involving an international group of researchers associated with *RHONDA*, an acronym signifying *Research on Historical Ordinances and Normative Data*. *RHONDA* is dedicated to exploring the intersection between technological advancements, particularly within the field of Digital Humanities, and the study of police ordinances, along with their practical applications. Within this special issue, we take great pride in presenting the collective achievements of our collaborative work.

Our compilation of contributions is diverse, spanning from reflections on traditional research and how it could be transformed through the application of digital techniques (Wüst)[17], to articles employing

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Wege zur Landesforschung. Festschrift zum Rubin-Doktorat von Wolfgang Wüst (1982–2022), Bd. 2, Regensburg 2022, pp. 1269–1290.

[15] Cf., for example, Iseli, Gute Policey; Iseli, „Bonne Police"; Gerhard Sälter, Polizei und soziale Ordnung in Paris. Zur Entstehung und Durchsetzung von Normen im städtischen Alltag des Ancien Régime (1697 - 1715), Frankfurt am Main 2004; Sigrid Schieber, Normdurchsetzung im frühneuzeitlichen Wetzlar. Herrschaftspraxis zwischen Rat, Bürgerschaft und Reichskammergericht, Frankfurt am Main 2008; Johannes Staudenmaier, Gute Policey in Hochstift und Stadt Bamberg. Normgebung, Herrschaftspraxis und Machtbeziehungen vor dem Dreißigjährigen Krieg, Frankfurt am Main 2013. For an overview on urban police ordinances see Karl Härter, Statut und Policeyordnung: Entwicklung und Verhältnis des Statutarrechts zur Policeygesetzgebung zwischen spätem Mittelalter und Früher Neuzeit in mitteleuropäischen Reichs- und Landstädten, in: Gisela Drossbach (Hg.), Von der Ordnung zur Norm: Statuten in Mittelalter und Früher Neuzeit, Paderborn u. a. 2010, S. 127-152.

[16] Karl Härter, Repertorium der frühneuzeitlichen Policeygesetze. Eine relationale Datenbank unter FoxPro, in: Geschichte und EDV: Probleme und Fortschritte - Probleme mit dem Fortschritt? 1. Tagung der Arbeitsgemeinschaft Geschichte und EDV Göttingen 1994, ed. von der Arbeitsgemeinschaft Geschichte und EDV, Bochum 1997, pp. 94–109; Karl Härter, A Database of Early Modern Police Ordinances, Journal for Digital Legal History 1/1 (2022), doi:https://doi.org/10.21825/dlh.85516; Wolfgang Wüst, Erfassung – Digitalisierung – Edition: Zum Quellenkorpus „guter" Policey in Franken, in: Georg Seiderer/Herbert Schott/Daniel Burger (eds.), Vielfalt fränkischer Geschichte. Gedenkschrift für Dr. Gerhard Rechter 1951–2012 (Jahrbuch des Historischen Vereins für Mittelfranken 104) Ansbach 2016, pp. 555–570; Wolfgang Wüst, Die digitalisierte und edierte „gute" Policey der Frühmoderne. Wege transregionaler Rezeption, in: Helmut Flachenecker/Krzysztof Kopiński (eds.), Editionswissenschaftliche Kolloquium 2021. Fortführung alter Editionsvorhaben im neuen Gewande, Toruń/ Thorn 2022, pp. 77–101.

[17] Wolfgang Wüst, "Country-"Policey": Norms in early modern agrarian Societies.", in: Journal for Digital Legal History 2(1) (2023), doi: https://doi.org/10.21825/dlh.85675.

extensive datasets (Härter[18], van Gelder and Cappelle, Philajamäki et al.), or digital resources (Deutsch)[19], to the complete utilization of digital methods in the study of *Policey* (Romein, Wagner and Van Zundert)[20]. These contributions are designed to be accessible and do not require a specific reading order. They offer unique perspectives on the topic of police ordinances, local societies, and digital methods, and their sequence should not be deemed significant. In this respect, the editors of this special issue hope to offer exemplary as well as unique perspectives on research on early modern legal sources and digital legal history.

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[18] Karl Härter, Police Ordinances, Customary Statutes and Normativity Regimes: Regulating Agriculture and Forest in a Rural District of the Electorate of Mainz between the late Middle Ages and the Early Modern Period, in: Journal for Digital Legal History 2(1) (2023), doi: https://doi.org/10.21825/dlh.87299.

[19] Andreas Deutsch, "Straf- und ordnungsrechtliche Regelungen in ländlichen Rechtsquellen und ihr spezifischer Wortschatz", Journal for Digital Legal History 2(1) (2023), doi: https://doi.org/10.21825/dlh.87176.

[20] C. Annemieke Romein/ Andreas Wagner/Joris J. van Zundert, Building and Deploying a Classification Schema using Open Standards and Technology, in: Journal for Digital Legal History 2(1) (2023), doi: https://doi.org/10.21825/dlh.85751.