Introduction: The problem of violence in early modern Europe

Most modern western Europeans and North Americans are acutely aware of violence in their midst, and public opinion polls consistently show that fear of violence is one of their primary concerns. The preoccupation of modern print and electronic media with the many forms of violence in society only heightens public concern about personal safety. Domestic violence, assaults and robberies, rape, the violence of organized crime, assassinations, riots, and acts of political terrorism all seize headlines and provide "lead-ins" for television and radio news, serving to convince many in their audiences that they live in the most violent of times.

Indeed, media focus on such news seems to have contributed to the belief among much of the public that not only are these the most violent of times, but they are also inexorably growing worse. A Gallup poll taken in the United States in 1996 is indicative of contemporary public perceptions of crime. Despite generally declining crime rates, 71 percent of those polled believed crime had increased in the United States in the past year, and 8 percent opined that crime rates were at least the same as those of the previous year. Nonetheless, 96 percent of respondents professed to have been unaffected by physical or sexual violence and such serious property crimes as housebreaking and car theft in the year ending in July 1996.[1]

Modern social theorists have reinforced this impression. From Ferdinand Tönnies and Emile Durkheim to late twentieth-century scholars, they have emphasized the criminogenic nature of many aspects of modern society, most especially industrialization, urbanization, and the attendant decay of the stabilizing institutions of family and community. And, certainly, the criminal justice statistics annually issued by all modern western governments have sustained the perception of a steadily worsening state of public safety. These data have shown dramatic increases since about 1960 in all forms of reported offenses, constituting

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[1] George Gallup, Jr. (ed.), *The Gallup Poll: Public Opinion 1996* (Wilmington, DE: Scholarly Resources, 1997), pp. 195–96.

a post-World War II crime wave extending into the early 1990s in many western countries. These statistics also suggest that violent human conflict has become not only more frequent in the second half of the twentieth century but more lethal as well, the result of the firepower of a modern weaponry more and more available to the public, particularly in the United States.

But the focus of the journalist and sociologist, who after all seek to explain modern crime problems, must necessarily be on the present, and they are unprepared to undertake long-term studies of human behavior that might allow them to interpret today's crime wave in a broader chronological context. Beginning in the late 1950s, historians have now provided the foundation for just such an analysis in their research on the behavior of medieval and early modern Europeans. That research reveals that Europeans half a millennium ago constituted a society far more violent than that of their modern descendants. Violence, as we will see, was part of the discourse of early modern interpersonal relations. Thus overall rates of violent offenses, inflated by a plethora of often minor altercations, were higher than those of twentieth-century Europe. And Europeans of all social strata were prone to violent behavior, a situation quite different from that obtaining in our own time, when a large portion of reported violence is the work of those economically, ethnically, or politically marginalized in modern society.[2] These findings must ultimately impel a reconsideration of modern social theory because they also reveal the general decrease of violence in western Europe over the two or three centuries preceding the precipitate rise in the rates of all reported crime beginning about 1960. In this broader perspective, our current crime wave, with its increase in violence, must for now appear as an interruption in a long-term diminution of violence. Ours are not, at least yet, the most violent of times according to historians.

Our goal in the present volume is to assess the nature and extent of violence in early modern times, to examine its causes, and to weigh the reasons for its generally decreasing incidence until the twentieth-century crime wave. But certain aspects of our undertaking need definition, and first we must note the geographic scope of the present volume. The state

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[2] For historians' findings on the criminogenic character of such marginalization, see, for example, on the Netherlands Pieter Spierenburg, "Long-Term Trends in Homicide: Theoretical Reflections and Dutch Evidence, Fifteenth to Twentieth Centuries" in Eric A. Johnson and Eric H. Monkkonen (eds.), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana: University of Illinois Press, 1996), p. 95; on Imperial Germany Eric A. Johnson, *Urbanization and Crime: Germany 1871–1914* (Cambridge University Press, 1995), pp. 178–79; and on the United States Roger Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Cambridge, MA: Harvard University Press, 1979), especially pp. 104–14.

of historical research at the end of the twentieth century essentially
defines the geographic limits of this study. Very little research has been
done yet on crime and justice in eastern Europe, and as a consequence
this volume must draw on the results of such studies in western Europe:
that is, in England, France, Germany, Italy, the Low Countries,
Scandinavia, and Spain.

The chronological scope of this volume is intentionally broad, and it
encompasses the entire early modern period, from 1500 to 1800. We have
chosen such a long period for two reasons. First, it will allow us to
examine human behavior over the long term, permitting us to identify
slow, but real, evolution in the violence of Europeans, individually and
collectively, over three centuries. More importantly, however, our period
encompasses an era of extraordinary changes in western Europe. Social
and economic historians have now come to understand that many of
these changes had profound impacts on violent behavior and state
responses to it, which we will gauge in this book.

Politically, the western European state was perfecting and strengthen-
ing its institutions in this period, a process particularly marked in the
assertion of its judicial power. This was an age in which many states cod-
ified their criminal laws (Germany's *Constitutio Criminalis Carolina* of
1532, France's Criminal Ordinance of Villers-Cotterêts of 1539 and that
of 1670, and the Criminal Ordinance of Philip II for the Spanish
Netherlands in 1570) and began to expand their judicial institutions to
impose state justice throughout their territories. The expansion of state
justice injected a measure of violence into European life through the cor-
poral and capital punishments that the penology of the day employed, yet
we will see this brutality eventually diminishing along with violent crime
itself. But early modern authorities also exercised the growing power of
the state more subtly than in simple, raw displays of brutality in public
executions. Increasingly, the early modern state regulated its citizens'
lives in a multitude of ways. The state issued ordinances and rules govern-
ing all manner of human activities, from tavern closure hours to sports,
dress, and gender relations. Collectively, such regulatory power, backed at
the end of our period by the growing police power of the state, gradually
reshaped human behavior.

This was also an age of religious change. Historians of this change now
increasingly consider that the first century and a half of our period was an
era characterized not by two opposing religious movements – the
Protestant Reformation and the Catholic phenomenon styled either the
"Counter Reformation" or the "Catholic Reformation" – but of
Protestant and Catholic expressions of essential religious reform. Both
Catholic and Protestant communities engaged in a complex process,

which many of the era's historians describe as "confessionalization," in which each solidified its dogma and institutions and also imposed discipline on its communicants. The Tridentine Catholic Church, Lutherans, and Calvinists, all sought with pastoral visits and institutions of ecclesiastical discipline to inculcate personal piety, respect for civil authority, and individual moral and ethical probity in their members. Historians increasingly recognize that this work of the early modern church complemented the mission of the state in pacifying society.

The process advanced by Church and state affected gender relations, too. Civil-law theory increasingly replicated the absolutist state in family legislation, erecting the husband and father as the domestic equivalent of the monarch. The scope of women's activities consequently became increasingly circumscribed, from the world of work (as Merry Wiesner has shown) to participation in recreational activities outside of the home.[3] Certainly all of these developments reinforced traditional gender roles to limit further women's participation in activities that might turn violent. But a concomitant of such attitudes that placed women under the legal authority of husband or father limited the legal liability of women in many violent acts. The principle of "coverture" in English law, for example, expressed the almost universal concept that the husband subsumed the wife as a legal entity and thus limited her liability for violent deeds.

Militarily, this was an age of especially sweeping change. The early modern period was one of almost constant west European warfare, and hostile forces imposed their violence on fearful civilian populations almost everywhere. But this was also an age of military revolution, in which warfare became technologically more advanced with the adoption of increasingly sophisticated projectile weapons, and as military forces became more professionalized, better disciplined, and less to be feared by peaceful civilians. The military was an important building block of the early modern state, too. At a most basic level, the state could employ troops to impose order on rebellious populations. But more importantly, the rising cost of the military weaponry and the new, standing, professional armies that employed it, forced the state to develop an institutional and fiscal infrastructure to support armed forces. Those structures sustained judicial, regulatory, and police agencies as well.

Finally, this was an age of great economic change. An expanding revolution in agricultural techniques, evident especially in English enclosures that forced many small farmers off the land, combined with a growing sixteenth-century population to produce a large, impoverished, and often

[3] Merry E. Wiesner, *Working Women in Renaissance Germany* (New Brunswick, NJ: Rutgers University Press, 1986).

rootless population. Additional economic dislocation increasingly over-
took artisans with the advance of protoindustrial techniques of organizing
work in the hands of less skilled workers. Although A. L. Beier has shown
that early modern officialdom probably overestimated the threat of such
persons, they did provide many recruits for bands of armed robbers.[4]

If our geographic boundaries can be easily defined, and our diachronic
parameters are revealed to be broad but comprehending a period increas-
ingly well understood by historians, our topic itself, violence, is less easy
to grasp, and indeed poses several issues that we must address. The first of
these is one of definition. This volume manifestly will not address the mil-
itary violence of war, civil war, and revolution as it affected opposing
forces in the many armed conflicts of this era. While we will chart the col-
lateral violence inflicted by early modern armies on civilian populations
in their paths, our main focus will be on the more quotidian violence of a
civilian population that we will find far more violent than its twenty-
first-century counterpart. Much of the violence we will explore – such as
armed banditry, homicide and assault, rape, and riot – was criminalized,
but not infrequently we will find early modern judges dealing with such
offenses far differently than would the modern bench, reflecting very
different behavior standards in the early modern age. Those standards are
evident in another way, too. Some of the violence we will examine was not
criminalized in state law by early modern legislators. That fact is of tre-
mendous significance for our understanding of the age and its violence,
and we will look, for example, at an apparently very high level of domestic
violence that received little or no official reprobation. Thus our survey
will include both violence proscribed by the law, and that omitted from
the statutes of our period.

Our topic, even when defined, however, remains a difficult one
because, in a sense, it is a moving target. This was quite clearly a violent
age, one in which, as a perceptive French historian wrote: "Like death,
like the cemetery which is at the center of the village, violence is at the
heart of life in the fifteenth, sixteenth, and seventeenth centuries." But the
"nasty, dirty, and violent" habits of Europeans that this historian iden-
tified were being transformed in our period.[5] Western Europeans were
becoming less violent, as a society increasingly governed by manners and
customs close to our own evolved in the early modern period. Thus our

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[4] A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London:
Methuen, 1985), pp. 123–45.

[5] Robert Muchembled, "Anthropologie de la violence dans la France moderne
(XVe–XVIIIe siècle)," *Revue de synthèse*, IVe sér., 108 (1987), p. 40. See also his *Popular
Culture and Elite Culture in France, 1400–1750*, translated by Lydia G. Cochrane (Baton
Rouge: Louisiana State University Press, 1985) and *L'invention de l'homme moderne: sensi-
bilités, moeurs et comportements collectifs sous l'Ancien Régime* (Paris: Fayard, 1988).

task will be not only one of description of the forms of early modern vio-
lence, but also one of charting the evolution of those forms.

Historians and sociologists have long identified this evolution of
western behavior, and have attempted to pose explanations of the
process. Almost a century ago the German Max Weber, one of the early,
great figures of modern social thought, warned of the "iron cage" created
by an emerging rationalized and bureaucratized capitalist society that
increasingly confined the actions of the individual. Modern capitalist
society for Weber meant the growing imposition of discipline in all social
phenomena, the army, industry, and the state, with its obvious impact on
human behavior.[6]

But if Weber characterized the general evolution of modern society, few
at first attempted to describe the processes by which this discipline was
imposed. The constraints of traditional academic disciplines seem to have
inhibited many scholars in undertaking such a task. Sociologists tend to
be concerned with present problems, rather than historical trends; histo-
rians, with their individual periods of specialization, often fail to address
general or long-term issues; and many philosophers lack sufficient foun-
dation in history to undertake diachronic studies.

The scholars who did address these changes largely concurred with
Weber that a process of imposing social discipline through new power
dynamics marked the early modern period. The French philosopher
Michel Foucault was one of the first modern scholars to offer a vision of
the process. Identifying changes in punishment and enforcement of social
norms with basic alterations in mentality occasioned by the rise of the
bourgeois-capitalist state, he described an increasingly subtle, and
devious, state repression of the individual. Foucault highlighted the dis-
appearance of traditional chastisements of the bodies of criminals in
brutal public capital and corporal punishments, and their replacement by
confinement designed to remold the spirits of offenders. This "great con-
finement" dated from the late medieval period, and aimed to bend non-
conformists of all sorts to society's norms in a growing institutional
structure of asylums, hospitals, workhouses, and prisons. Indeed,
Foucault's work traced the institutional expressions of confinement,
from the evolution of madhouses from medieval lazar houses rendered
obsolete by the disappearance of leprosy, to the birth of the modern

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[6] Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, translated by Talcott Parsons
(London: Allen and Unwin, 1948), p. 181. While fairly standard among English-
speaking scholars, Parsons's translation of "*ein stahlhartes Gehäuse*" as "iron cage" is not
universally accepted.

penitentiary.[7] In what he termed his "archaeology of knowledge"
Foucault found such institutions producing a society much more closely
disciplined than that of the early years of our period of study.

But many scholars increasingly found Foucault's theories, little
grounded in historical research, to be inadequate explanations of behav-
ioral changes in western Europe in the early modern period. In Germany
the historian Gerhard Oestreich also posed an explanation for behavioral
changes reshaped by new power realities. Observing such problems of late
medieval society as population growth and resulting subsistence crises, as
well as the inability of spiritual institutions to regulate behavior and
morals, Oestreich discerned the need for municipal authorities to provide
enhanced policing of human behavior. In the face of real problems of
public order, civic functionaries, responding according to need, not a
systematic plan, began a process of social regulation. A new stage in this
process, one styled "social discipline," was achieved when territorial
governments assumed the controlling role in it. Guided in part by
Neostoic philosophy associated with Justus Lipsius (1547–1606),
governments first built disciplined armies and then, in the eighteenth
century, bureaucracies capable of regulating much more of human life.
The result, according to Oestreich, was massive empowerment of the
state to control and regulate the behavior of its subjects.[8]

The chief scholar to move beyond the simple linkage of behavioral
change with the growth of the early modern state institutions and pro-
cesses of social discipline, however, was Norbert Elias. A social theoreti-
cian of very great influence today, Elias advanced an extraordinary
account of the "civilizing process" of the early modern period in a book
that gained scant recognition when first published on the eve of World
War II.[9]

A German scholar with especially broad training, Elias studied medi-
cine, philosophy, and psychology before completing graduate work in
sociology. For Elias the "civilizing process" only partially involved the

[7] Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*,
translated by Richard Howard (New York: Pantheon Books, 1965); *The Birth of the Clinic:
An Archaeology of Medical Perception*, translated by A. M. Sheridan Smith (New York:
Pantheon Books, 1973); and *Discipline and Punish: The Birth of the Prison*, translated by
Alan Sheridan (New York: Vintage Books, 1979).

[8] Gerhard Oestreich, "Strukturprobleme des europäischen Absolutismus," *Viertels-
jahreschrift für Wirtschafts- und Sozialgeschichte* 55 (1968), pp. 329–47, and *Neostoicism
and the Early Modern State*, edited by Brigitta Oestreich and H. G. Koenigsberger, trans-
lated by David McLintock (Cambridge University Press, 1982).

[9] Published as *Über den Prozess der Zivilisation* in 1939, Norbert Elias's work is now avail-
able in translation: *The Civilizing Process*, vol. I, *The History of Manners*; vol. II, *Power and
Civility*, translated by Edmond Jephcott (New York: Pantheon Books, 1978–82).

growth of state power for social control. Elias also described the civilizing process as "a specific transformation of human behavior," both of individuals and of groups; and he examined not only that behavior but also the social and psychological structures that reshaped it, beginning in the late medieval period. Elias described evolving patterns of conduct and inclination, drawing on such sources as normative texts like etiquette books, literary works, and art. And he traced the diffusion and internalization of new norms of behavior through society as new groups experienced heightened levels of psychological inhibition. Linked to this process was the evolution of modern social interdependency that, in late medieval court society as in modern business relationships, required self-control and deliberation in one's interpersonal relations.

This process of social and psychological transformation first affected the warlike, knightly order of late medieval society. Feudal warriors evolved by the sixteenth and seventeenth centuries into a court society in which one's standing depended not only on lineage but in large measure, too, on one's civility and cultural level. That development facilitated the civilizing process, for the pacification of the knightly order created a power vacuum in society that was filled by the state. As this increasingly centralized authority monopolized power, it was able to increase levels of peace and security to achieve a subtle effect identified by Elias:

The monopoly organization of physical violence does not usually constrain the individual by a direct threat. A strongly predictable compulsion or pressure mediated in a variety of ways is constantly exerted on the individual. This operates to a considerable extent through the medium of his own reflection . . . in other words, it imposes on people a greater or lesser degree of self-control.[10]

Elias described a process of internalization of restraints that first affected the aristocracy, then spread through society. This was a process continuing over generations, leading eventually to a society less prone to violence as the "threshold of shame and embarrassment" attending the commission of violence rose. Most interestingly, the process Elias posited spread first to urban areas; contrary to their modern, violent image, the cities were the first zones pacified after the royal and princely courts. Historians also identified conscious, organized efforts by elites, beginning in the fifteenth century, aimed at raising popular behavioral standards. The seventeenth-century Compagnie du Saint-Sacrement in France, the Societies for the Reformation of Manners in England, and the eighteenth-century Dutch Society for the General Welfare (Maatshappij tot Nut von het Algemeen) attacked swearing, lewd behavior, gaming, and bawdy houses in an attempt to improve the level of popular conduct.

Elias recognized that the civilizing process was not marked by an

[10] Elias, *The Civilizing Process*, vol. II, p. 239.

ineluctable linear progression. The Holocaust that consumed many,
including his own parents, during his lifetime was proof that war, revolu-
tion, and other events rendered the civilizing process a fragile one.
Nonetheless, Elias provided a theoretical framework that has influenced
much historical writing on the early modern period, including the present
book.

The differing interpretations of these social thinkers, in addition to his-
torians' findings on violence, indicate that in regard to human behavior,
too, the early modern period on which we will focus was one of dynamic
change. In the chapters that follow we will address numerous aspects of
the problem of violence in the early modern period.

Perceptions of dangers are important in shaping individual and govern-
mental responses to them. Often, as we suggested at the outset of this
Introduction, perceptions do not accurately reflect reality. But percep-
tions must be a part of our historical study because what people of the
past thought was occurring at a particular time was often more important
than what (as scholars, exploiting archival evidence, now know) really was
occurring. Such perceptions shape human action, especially when they
reinforce a sense of endangerment. In Chapter 1 we will examine the per-
ception of violence in early modern society through its representations in
popular culture. Asking basic questions about society's fears and insecur-
ities, we will analyze the perception of violence in early modern Europe as
represented in popular literature and in other cultural forms. We will find
that violence was never far from the consciousness of early modern
Europeans.

In Chapters 2 and 3 we will focus on the modes of containing violence
in early modern Europe. We start in Chapter 2 with an examination of
arms possession among early modern Europeans and the largely ineffec-
tive efforts of the state to limit privately owned weapons and to establish
its own monopoly of force. We will also assess the threat posed to civilians
by the early modern army and the slow evolution of that force as an
imperfect instrument for maintaining order among the state's subjects. In
Chapter 3 we will focus on the practice of justice in early modern Europe,
and we will discover the persistence of various modes of regulating dis-
putes outside of the institutions of state justice. Such modes of resolution
included duels that resembled medieval trial by combat, feuds, and
various forms of subjudicial arbitration and accommodation. In the
enforcement of state justice we will find police resources limited, if not
nonexistent. The judicial institutions of the state often added consider-
ably to the violent atmosphere of the first centuries of the early modern
era by responding to violence with exemplary brutal punishments.

With Chapters 4, 5, 6, and 7 we will turn to the violence of the early
modern era. We will find attitudes toward violence quite different from

our own. Indeed, for men and women of the era we will see that violence was less a problem to be solved than an almost accepted aspect of inter-personal discourse. In Chapter 4 we will treat the violence individuals wrought on those whom they knew, addressing assault and homicide, domestic violence, rape, and infanticide. Chapter 5 presents a treatment of the highly ritualized violence of the early modern period in activities of youth groups, the popular festivals of the age, and the entertainments and sports that added particular violence to the life of the age. Chapter 6 offers an examination of the multifaceted repertoire of early modern popular protest. Armed collective action rooted in subsistence problems, issues of taxation, and religious differences all figure in this chapter. And finally, Chapter 7 discusses organized crime and the violence wrought by the smugglers and robbers who filled its ranks.

FURTHER READING

The constraints of space preclude a full bibliographic essay including works in all of the major western European languages. The following is a brief listing to provide a basis for further reading, and emphasizes works in English. A full biblio-graphic essay, including works in English, French, German, Italian, and Spanish is available at this website: http://uk.cambridge.org/resources/052159894X.

Elias, Norbert, *The Civilizing Process*, translated by Edmund Jephcott. 2 vols. (New York: Pantheon Books, 1978, 1982).
  The Court Society, translated by Edmund Jephcott (New York: Pantheon Books, 1983).
Foucault, Michel, *Madness and Civilization: A History of Insanity in the Age of Reason*, translated by Richard Howard (New York: Pantheon Books, 1965).
  The Birth of the Clinic: An Archaeology of Medical Perception, translated by A.M. Sheridan Smith (New York: Pantheon Books, 1973.
  Discipline and Punish: The Birth of the Prison, translated by Alan Sheridan (New York: Vintage Books, 1979).
Hsia, Ronnie Po-chia, *Social Discipline and the Reformation: Central Europe, 1550–1750* (New York: Routledge, 1989).
Muchembled, Robert, *L'invention de l'homme moderne: sensibilités, moeurs et com-portements* (Paris: Fayard, 1988).
Oestreich, Gerhard, *Neostoicism and the Early Modern State*, edited by Brigitta Oestreich and H. G. Koenigsberger, translated by David McLintock (Cambridge: Cambridge University Press, 1982).
Raeff, Marc, *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia, 1600–1800* (New Haven: Yale University Press, 1983).
Shoemaker, Robert B., "Reforming the City: The Reformation of Manners Campaign in London, 1690–1738" in Lee Davison *et al.* (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689–1750*, pp. 99–120 (Stroud: Alan Sutton, 1992).