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PETITIONS AND 'LEGITIMATE' ENGAGEMENT WITH POWER IN ABSOLUTIST DENMARK

1660-1800

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Petitions (*supplications, besvär, requêtes, plaintes, Klagen*, sometimes overlapping with *gravamina* or *cahiers de doléances*), were a long-established line of communication from the bottom up, and as such appear to have worked in significantly different ways in different parts of Europe, dependent of course on the particular political and social structures prevalent at the time. Petitions formed an important part of all social networks: after all, patronage networks in early modern Europe relied on favours, services, and personal contacts at all levels: the ritualised language of petitions and responses can to some extent be regarded as part of the cement that held society together. It was a highly 'normative', literally 'artificial' form of communication, which we need to understand thoroughly before we can use it to good effect in the analysis of political/power relationships.

Petitioning in the Danish-Norwegian kingdom was (as everywhere else in Europe) a standard way for individuals outside the political nation (or even in it) to bring specific problems to the attention of their superiors. Petitions were ubiquitous, and might be addressed to individuals whose authority rested on tradition (for example landowners or town councillors), on spiritual authority (in the case of Denmark, the Lutheran clergy and the bishops), or on law enforcement (the officials of the *herredsting* and higher law-courts). Petitions could also be addressed to creditors, property owners, local militia commanders, or anyone else who might be deemed to have some influence in a particular matter. The effectiveness depended very much on how well each petition connected to current attitudes and norms, the expectations of its recipient(s) and how well it expressed a 'reasonable', convincing and 'fair' point of view, taking account of the social position and effective power of both sides.

We might right away note how Andreas Würigler<sup>1</sup> identified some specific features of the practice of petitioning: for example, does a petition seek to reinforce political traditions by reacting against perceived abuses, or does it seek change?; does it reinforce active use of power, or tend to hollow it out by requesting exemptions from new legislation?; does it claim a communal interest, or is it particular/individual in focus? We might well, in any analysis, also wish to separate intended impact from actual reaction/response - it is worth bearing in mind that, as in all forms of communication, the recipient may well find meanings that were not part of the intention of the originator. But to function at all, such mechanisms relied on shared perceptions of the role of government, the nature of daily authority, and a shared 'political culture', based on concepts of power and interest which were constantly re-assessed, and which could be part of a process of negotiation amenable to reaching a satisfactory compromise. That in itself required both awareness and dexterity.

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<sup>1</sup> A. Würigler, *Unruhen und öffentlichkeit: Städtische und ländliche Protestbewegungen im 18. Jahrhundert* (Tübingen, 1995); A. Würigler, 'Suppliken und Gravamina: Formen und Wirkungen der Interesseartikulation von Untertanen in Hessen-Kassel 1650-1800', in *Geschichte als Argument: 41. Deutscher Historikertag, München 1996*, Munich, 1997, 105-6. For a wider comparative context, see also Lex H. van Voss, 'Introduction: Petitions in social history', *International Review of Social History*, 46, suppl.9, 2001, 1-10; and A. Würigler, 'Voices from among the "silent masses": humble petitions and social conflicts in early modern central Europe', *ibid*, 11-34. On the Netherlands, see H. van Nierop, 'Private interests, public policies: petitions in the Dutch Republic', in *The public and the private in Dutch culture in the golden age*, ed. Arthur K. Wheelock and Adele Seeff (Newark : University of Delaware Press, 2000), 33-39

The primary focus of this paper is not just routine petitioning concerning personal disputes, property ownership or rights, economic hardship, preferment in employment, or other individual matters. At least as significant are the less common petitions that could be deemed to require political arbitration by the state, in other words, petitions with implications for contemporary power relationships and concepts of civil society. In the early modern period, even in those continental monarchies where there was a tendency towards centralisation based on 'absolute' or even divine-right monarchical ideologies, 'political culture' can be defined more broadly than might seem obvious at first sight. In the case of Denmark after 1660, on paper the most 'absolute' of all European monarchies according to the Royal Law of 1665 and the great law code of 1683, the state acquired a central role in all administrative and policy decisions, and accordingly became the natural focus for petitions on a wide range of issues. With no meetings of any form of representative assembly or Estates after 1660 (in striking contrast to for example Sweden), Denmark-Norway had fewer outlets for political engagement.

The Danish kingdom did, however, operate a fairly bureaucratic and increasingly thorough central administration. Amongst its many early achievements was the compilation of a detailed and practical law book, *Danske Lov*, which was promulgated in 1683 (and issued in print, in Danish, for all to use). This hugely significant publication is relevant in the present context for all several reasons. For a start, it defined Danish absolutism in no uncertain terms: its very first article made clear that the monarch:

'alone has supreme authority to draw up laws and ordinances according to his will and pleasure, and to elaborate, change, extend, delimit and even entirely annul laws previously promulgated by himself or his ancestors. He can likewise exempt from the letter of the law whatsoever or whomsoever he wishes. He alone has supreme power and authority to appoint or dismiss at will all officials regardless of their rank, name or title; thus offices and functions of all kinds must derive their authority from the absolute power of the King. He has sole supreme authority over the entire clergy, from the highest to the lowest, in order to regulate church functions and divine service. He orders or prohibits as he sees fit all meetings and assemblies on religious affairs, in accordance with the word of God and the Augsburg Confession. He alone has the right to arm his subjects, to conduct war, and to conclude or abrogate alliances with whomever he wishes at any time. He can impose customs dues and taxes as he wishes. In short, the King alone has the power to use all *jura majestatis* and regalian rights, whatever they may be called. For this reason all the King's subjects (of whatever status) who live in his kingdoms or own property here, together with their household and servants, must as good hereditary subjects respect the King as the highest being on earth, raised above all human law and liable to no judgment in religious or secular matters save that of God alone. All subjects must be obedient, humble and faithful to the King, their protector, and must seek to forward the King's cause, do their utmost to prevent harm or disruption, and serve the King faithfully with life and property. All subjects are bound by oath to resist anyone (native or foreign) who may act or speak against the King's absolute and hereditary rights, on pain of forfeiting life, honour and property.<sup>2</sup>

Book 1 of *Danske Lov* also outlined the entire legal system in Denmark and how it was meant to operate: where the weekly *herredsting* and *byting* should meet, who could serve as its officers of law, who could speak (as litigants, defendant, witness, expert witness, or as procurator), how verdicts should be reached, what judgments could be made and (where appropriate) fines/punishments imposed, how appeals were made to the higher courts (*landsting* and Supreme Court), and other general procedural issues. It is interesting to note that the only other matter covered in this section of the lawbook was the handling of supplications (petitions). Book 1 ended with chapter 26, which explained petitions in 4 articles (all developed from a decree of 1643):

(1) That all subjects of the king who have to petition the king, and others who may need to do so, should first contact the appropriate local crown officeholder, or the secular or

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<sup>2</sup> *Danske Lov* is discussed more fully in Munck, *Seventeenth century Europe* (2005), 364f

ecclesiastical authorities acting on behalf of the crown, who will hear the petitioner promptly, and annotate the petition in their own hand (without payment of any fee) with all necessary explanation and clarification both of the contextual circumstances and the key issues. The officeholder concerned will be held responsible for any inaccuracies in this annotation, on the pain of losing his office.

(2) Any issues that can be dealt with locally should be acted on, except in cases that are not subject to arbitration but rather require legal proceedings or require the decision of the king himself.

(3) If anyone has any grounds for complaint against crown officeholders or a local authority/superior, a petition can be submitted without such annotation. No one may be harassed or prosecuted for submitting such a petition, and it should be submitted direct to the crown.

(4) However, no one is allowed to libel another person, or question his honour, without demonstrable evidence, subject to appropriate penalty. If the petitioner cannot read or write, and denies the accuracy of the written account, whoever wrote it will be liable in law, unless he can demonstrate that he wrote solely what the petitioner required him to write.

In its wonderful simplicity, this was the legal framework within which the petitioning system in Denmark was consolidated and bureaucratised. It is worth repeating that *Danske Lov* was written in plain Danish, and published in quarto as well as smaller-format editions, specifically to make it accessible to all. An equivalent system was prescribed for Norway, *Norske Lov*, which was issued four years later in 1687. Both law codifications are landmark publications in European law and in terms of wide accessibility.

In other words, petitioning was regarded as a fundamental part of the law, and treated almost as if it was a *supplement to, or extension of*, the law. Petitioning procedures were revised by legislation in 1717, 1725, 1771 (esp. for Norway), and other measures. Since the crown was ostensibly the only source of indisputable authority in the Danish-Norwegian kingdom and all its overseas possessions, the systems evolved for the processing of petitions to the crown integrated them into the daily routine of incoming correspondence. As a result, the paper trail provides rich documentation on the range of what was in effect normal business, what recurrent substantive issues came up, how they were handled, and which sections of society used petitioning most frequently. The Danish state archives from the later 17<sup>th</sup> century onwards are substantial and well organised, so it is possible to study standard procedures. As the quantity of petitions increased over time, there was an increasing tendency to channel them through local officials (crown officeholders, often also local landowners) for preliminary comment, then to relevant government departments (Colleges) in Copenhagen, where the processing would be logged in protocols (with a summary of the case, and decisions made). Once dealt with, a petition would be annotated and sent back through the same channels to the originator, or the local official, by way of response.<sup>3</sup>

Alongside the bureaucratic process, the right to present petitions to the king in person (at weekly audiences) was explicitly maintained, and the Danish monarchy (in contrast to for example the French) made a point of being accessible to everyone. Petitions from further away could be sent via the post (the Danish postal system was run by the state from 1711). Submission of petitions by post was even free of delivery charge for a while (1739-1771). It is not clear whether other charges (influence, or even bribery) might be required in order to ensure your petition was noted, but given the very regulated nature of the Danish bureaucracy it is possible that there were no additional explicit costs. However, petitions were not considered valid unless they were submitted on stamped paper (that is, subject to a stamp duty determined

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<sup>3</sup> The only recent full study is M. Bregnsbo, *Folk skriver til kongen: supplikkerne og deres funktion i den dansk-norske enevælde i 1700-tallet* (Copenhagen, 1997). Bregnsbo however relied for his analysis on the administrative (summary) protocols of the central state bureaucracy, not the original petitions themselves. His research is thus one step removed from the language and political assumptions of the individual petitioners, and does not fully reflect the initiating primary material.

by an official scale of payments): in other words, the state earned a steadily mounting income from the flow of petitions.

In the absence of functioning representative assemblies (the Danish Estates did not meet from 1660, until the 1848 revolution created a new constitutional order), and in the absence of even local assemblies or other forms of collective bargaining, petitions served as a valuable means of checking on local administrative office-holders, ensuring that everyone acted in accordance with state policies, ensuring that the law was respected, and allowing opportunities for crown arbitration in the case of disputes. Petitioning could also serve as a safety valve for individuals who felt wrongly treated or had particular hardship or grievances, giving the crown a continuous hands-on role that not only consolidated royal power but also reinforced the image of the king as arbiter and moderator - as a fair and committed ruler who could intervene when/where necessary. In other words, petitions became a vital component in the mechanism of government, to some extent replacing the role of collective bargaining but on terms that could always be dictated by the nominally absolute ruler. It is interesting to observe that the system continued undiminished even during the reign of Christian VII (1766-1808), who was so severely mentally disturbed that he was incapable of acting as a monarch: successive regency systems ensured that the authority of the crown continued to be exercised legitimately, and with it, the system of petitioning.

As Derek Beales has made very clear in his discussion of petitioning in the Austrian Habsburg monarchy, especially under Joseph II, there was a much greater state interest in the system of petitions than the merely fiscal one. Beales suggests that as co-regent of the Habsburg territories Joseph routinely received thousands of petitions during individual trips round his large territories. After taking over as sole ruler in 1780 he made the processing of petitions an essential tool of government, whereby he could keep an eye on what his officials everywhere were doing. He would receive petitions daily at a set time, from anyone who wanted to speak to him, and would terrify government officials by demanding immediate explanations and details regarding the contents. As a result, petitions became an essential part of Habsburg government, both when Joseph was based in Vienna and while he toured provinces: the total number for his reign may well have run into millions.<sup>4</sup>

In Denmark, too, petitioning wasn't simply bureaucratized: by the early 18thC some Danish monarchs (notably Frederick IV, 1699-1730) made a habit of riding alone, according to a daily routine, and receiving petitioners at set times and places. This personal touch appealed to monarchs, because they could be seen to be approachable, and could earn enormous support by taking appropriate action - even if such action, in the first instance, amounted to no more than making enquiries and instructing officials to respond. Sometimes petitions were collective (a peasant community against a harsh landlord), sometimes individual (a criminal offender seeking a reduction in penalty, a request for assistance in an emergency, or - frequently - requests for posts, transfers, promotions, widows pensions, etc). There was of course an appropriate deferential language expected in such addresses, but in the case of plausibly-sounding grievances the point could be sufficiently well made that a formal enquiry might be established, evidence taken under oath, and remedies imposed either by decree or even by formal legislation.

### **Quantitative overview**

Throughout the seventeenth century, incoming petitions can be found in various sections of the Danish state archives, most frequently in the Rentekammer (the Exchequer), which became the standard recipient of petitions to do with economic issues, relief from natural disasters, debt-relief, tax concessions, military burdens and similar issues; and in Danske Kancelli (the

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<sup>4</sup> D. Beales, *Joseph II, vol.2: again the world 1780-1790* (Cambridge, 2009), 143-54; and D. Beales, 'Joseph II, petitions and public sphere', in *Cultures of power in Europe during the long eighteenth century*, ed. H. Scott & B. Simms (Cambridge, 2007), 249-68.

Chancellery) dealing with other general domestic-policy matters ranging from poor relief and medical assistance, preferment to offices, guild regulations, inheritance disputes, alleged miscarriages of the law, appeals for reduction in criminal sentences, and much else. The petition-processing ledgers of the Chancellery survive complete for the period 1699-1799, and document a substantial increase in petitioning in this area alone. There were typically around 2000 petitions processed annually through the Chancellery in the early years of the 18th century, rising increasingly steeply to over 10,000 per annum by 1790 - or put differently, some 300-400,000 petitions were lodged with the Chancery during the 18thC, making an average 10 per day, and culminating with upwards of 40 petitions per working day at the end of the century. These figures exclude the very large number of petitions channelled through the Rentekammer and other government departments. Equally, these numbers do not include petitions of a very routine kind which could be decided on the spot without being entered into the protocols. Until 1766, a few problematic cases were referred to the king himself, and after 1784 to the regency council and first minister - typically cases where two existing sets of royal privileges or legal rights were in direct conflict.

The social position of **those who submitted these petitions** ranges down through most layers of this hierarchical society, including women (often writing as widows), but there is a consistently strong representation of petitions from office-holders (some writing on behalf of others), townsmen, commoners and peasants (especially if we assume that some of the petitions where the originator did not specify his position were from the lower social orders), and a smaller proportion from landowners - fluctuating substantially over time, of course, with strong representation of the peasant population during the period of rural reforms after 1786. It would seem that contemporary perceptions recognised that the monarch could somehow be a fair arbiter - in an almost Hobbesian sense - of social relations, disputes and hardship cases amongst any and all subjects of the state. Petitions were thus used by peasants who felt they were unfairly exploited by landowners, contrary to traditional practices or even ancient customary rights; by communities subject to unduly harsh military conscription (notably in the troubled years from 1640 through to 1721); by the tenants of the new more rapacious landowners who after 1660 had been given land in lieu of payment of military loans to the state; by individuals hit by natural disasters (floods, sand erosion, cattle plague) or barred from accessing forests for fuel or grazing; by convicted criminals seeking a reduced sentence; and of course by individuals who had been subject to violence or harassment by their social superiors in ways that they felt could not be addressed through the law-courts.

With such a vast quantity of source material, it is hardly surprising that historians have been unable to make a comprehensive sampled study of the original petitions themselves, relying instead (as in the work of Bregnsbo already cited) on the administrative summaries entered into the ledgers. As in many other parts of Europe, this material has not been the subject of detailed research in respect of political language and the formal presentation of political arguments perhaps because petitions so often seem to represent just particular individuals and local problems, rather than more generic and structural issues in the daily and evolving negotiation of power.

### **Petitioning alongside litigation: some examples**

As we would expect in a society obsessed with property rights, social deference and status -- deeply conscious of notions of honour/dishonour, and acutely aware of particular 'interest' in relation to social rank -- there is no shortage of evidence of the imaginative strategies that might be useful in what I have in this paper loosely called the "negotiation of power". One route was though litigation: the arcane mysteries of rights of appeal, technical procedure, and evidence, may have flummoxed many litigants, but did not necessarily put them off. In Denmark, for example, the local court (normally the *herredsting* or *byting*) met regularly - the *herredsting* meetings were usually weekly. Not surprisingly, therefore, they functioned more as courts of arbitration than for actual litigation. They were also the first level of public hearing, in a

system of courts where one or two appeals were all that was necessary to reach the Supreme Court in Copenhagen. What is significant in the present context is the extent to which petitions could be part of a composite strategy of resistance, the purpose of which ultimately would be to ensure the king took notice. The records of the Supreme Court are well preserved up to 1699 (the sequel up to 1785 were lost in a palace fire in 1785, creating a massive gap). It is refreshing to observe that modest social status was not necessarily an obstacle to success in law. But it is also clear how often, especially in more complex cases, litigation and petitioning went hand in hand.

Given the scale of petitioning in Denmark-Norway throughout the period of absolutism, it is impossible to choose representative examples either of typical specific grievances or of more substantial and more political overt causes. But there are plenty of examples of the latter, a few of which deserve fuller comment. Thus a case in 1694 took a group of freehold peasants all the way to Copenhagen in pursuit of their case for exemption from the much higher level of labour services expected of tenants compared with freeholders. Higher rates had been imposed on them by one of the most powerful new landowners of the post-1660 settlement, baron Constantin von Marselis, who had received a special grant by the king himself. Marselis had also acquired special jurisdictional rights, the *birketing*, which he had used to sue the freeholders. Now 40 years later, the freeholders had come into conflict with his heirs, and naturally made use of both the law and of petitioning, to try to get their point of view heard by the crown. The case took 7 months to reach to top, but in the end the Supreme Court ruled partly in favour of the special rights of the freeholders, annulling an earlier *birketing* decision and in effect imposing an arbitration on the landowner respecting those rights which the freeholders could document in law. This was just one of many similar disputes arising from the alienation of crown land to creditors after the wars of the 1650s, and in all these cases the disputes hinged on property rights and entitlements, where different rights and grants of privilege either conflicted with each other, or could be deemed a contravention of tradition and law. In effect the crown had given away (as payment for debts) land rights on a questionable legal basis, and there were bound to be irreconcilable conflicts of interest between peasant tenants, the new landowner determined to recover a profit from his unexpected land grant, and the impecunious crown. A combination of petitioning and legal action, both from peasants and from the new landowners, was thus deemed useful, on the expectation of some crown concessions to either party.<sup>5</sup>

A number of other cases from this period illustrate how disputes over land and forestry rights, rents, labour services from tenants, and many other potential sources of profit, might ultimately lead to real struggles of authority and power. In 1696, for example, something close to a stalemate had thrown into question the financial viability of the large landed estate which financed the elite academy at Herlufsholm. No fewer than 80 peasants had signed a petition to the crown dated 25 February 1696, complaining against the school superintendent Johan Georg Kannenworf, who had not only forced the tenants to pay excessive charges, contrary to a royal grant of relief, but was also alleged to have misappropriated funds intended for the improvement of the estate. A formal crown commission was established, which conducted a public enquiry over 9 days. Each of the petition signatories was called up, individually, to answer to their signature, and each was asked who the ringleaders were. Under pressure, nearly half the petitioners claimed they did not know the details of what was in the petition, claiming they could not read and that the text they were signing had not been read out to them. It is not clear from the formal record just how threatening the atmosphere was, but it is clear that the petitioners were grilled quite aggressively in the presence of Kannenworf and the School authorities. Although the petitioners did not give clear information about how their protest had come about, in the end only a small proportion of the 80 signatories stood by every word in the complaint,

<sup>5</sup> Munck, *The peasantry and the early absolute monarchy in Denmark 1660-1708* (Copenhagen, 1979), 207-38. The conflicts over freehold rights are very similar in nature to the kinds of disputes arising in Sweden after 1648 in connection with the alienation of crown land to military commanders and crown creditors - disputes which culminated in the *reduktion* adopted by the Swedish Riksdag of 1680.

and many of the grievances crumpled under heavy pressure. Some of the petitioners even apologised for their action. But the Commission also investigated the Herlufsholm accounts in great detail. Significantly, Kannenworf's demand for formal prosecution of each of the petitioners was refused, and continuing economic difficulties on the estate suggest that the complaints were not entirely without foundation.<sup>6</sup>

An exceptionally protracted case may serve to illustrate how much we can learn about the local exercise of power by collating legal and petitioning material. On a crown estate on Møn in Denmark, early in 1690, a bailiff confiscated some cattle in lieu of alleged arrears of payments (representing a commuted form of labour service) owed by a group of peasants. They in turn took the case to the local *ting*, and sued the bailiff on 27 January. The bailiff retaliated by arresting nearly all the peasants, except for one who fled into the forest. However, their wives took up the case at the *ting*, a month later, lodging a formal statement compiled by the one who had escaped (written on unstamped paper, but including the stamp payment to make up for the fact that he could not obtain the appropriate stamped sheet without also risking arrest). On 24 February the *herredsfoged* (presiding officer at the *ting*) accepted this statement, and judged against the bailiff and his agent in terms of the unlawful arrest, whilst leaving open the underlying dispute (which would need to be judged separately, "effter Lou og Ret naar de som i Sagen steffnet haffuer kommer aff deris fengsell och i deris Egen frelse...", that is, according to the law, once those named in the case have been released from prison and recovered their freedom). The bailiff then had the presiding officer of the court dismissed (for reasons that are not recorded), and when a replacement officer appointed, the case was not pursued. The bailiff eventually allowed the peasants to be released, but only after making them sign a counter-petition to the *amtmand* (18 August) in which they were made to apologise for their "unnecessary lawsuit and convoluted confrontation". He also threatened them with loss of tenancy, and persuaded the *amtmand* to declare the judgment of February invalid - so much so that *the court record is actually crossed out in red pencil* in the original protocol. The peasants were now judged liable to pay the original sum in lieu of labour-service, and their "insubordination" was referred to higher authority. It was not until 7 years later, during a detailed crown enquiry precipitated by additional problems and further petitioning, that the full story was finally unravelled. These petitions triggered an actual royal commission of enquiry which undertook detailed investigation, the outcome of which was much more positive than the court litigation had been. The commission now acknowledged that the peasants had been treated more "in the military way, rather than according to the Law and Justice, as is indicated in their several complaints".<sup>7</sup>

As cases such as these demonstrate, the power conflicts in long-running cases where there were obvious attempts at cover-up, or at best insufficient documentary evidence, can be (and is) time-consuming and difficult to unravel. It is probably fair to say that, despite rich pickings, a great deal of work still needs to be done on the '(mis)rule of law' in early modern Europe, and the extent to which petitioning, if well done, might provide some kind of safety valve against abuses of power, status and connection. Despite the frequent inadequacy of the records, however, the scope for throwing light on power conflicts within each community are enormous, whether we are dealing with economic rights, abuse of authority, domestic violence, or verbal and physical abuse. We may not often be able to get at the truth of particular cases, but we can learn a great deal about contemporary notions of power, fairness and the rule of law. Such a research agenda, I would argue, is not a retrospective anachronism: early modern government had to rely on consensus in order to function at all, and there is clear evidence that the political leadership itself came to recognise the value of listening, even within absolute monarchies. The case of Denmark-Norway, one of the most extreme examples of absolute monarchy, illustrates the potential value of using petitions to reach some sort of consensus. As already noted, the crown had even made a point of publishing a comprehensive law code, in Danish, in 1683, in

<sup>6</sup> 1696 commission report and related papers, Rigsarkivet, Rentekammer 2243.292

<sup>7</sup> The archival material on this long-running case is extensive, but see notably Rigsarkivet, Rentekammer 472.2 (Mønske Kommission).

order to give everyone access to the law. This may have looked rather like an enactment of the kind of 'equality' advocated in Hobbes' *Leviathan*, and certainly did not grant political rights of participation to anyone. Nevertheless, a relatively simple structure of legal institutions, combined with a comprehensive system to process large quantities of petitions from all parts of society, ensured a semblance of concern for what we would now call 'public opinion', which in the case of Denmark-Norway seems to have helped to ensure peace, relative stability and some degree of consensus through several crises in the eighteenth century. As I have argued elsewhere, this attention to a public consensus even allowed the kingdom to avoid the ferocious censorship and restrictions imposed by other European states in the face of the challenges of French revolutionary contagion in the 1790s.<sup>8</sup>

As with so many other aspects of power in the early modern state, it all had to do with perceptions ("opinion", whether royal or "public"), combined with a pragmatic awareness of the actual source of authority and its limitations. Power was necessarily devolved down through a complex hierarchy of connection and social status, with many forms of interactions and manifestation at all levels. Petitions formed a crucial component in allowing efficient communication, even in societies that did not have a lively print culture. That is what enabled the early modern state to function at all - it had far too few directly employed officials at the centre, and even fewer controllable agents locally, for anything else to be possible. From the point of view of the historian, however, that also means we have to be particularly wary of what conclusions we might draw from the nature and language of the petitions themselves.

### **Petitions as historical source material**

Petitions of course never provide a straight forward insight into the complex political culture of the early modern period. Long custom and usage meant that their language was ritualised and often coded, their true intent partly masked by normative language, particularly so when addressing someone very powerful. Equally, collective petitions, whether printed or not, cannot be assumed accurately to represent a real consensus amongst the ostensible signatories, let alone an early form of 'public opinion'. Yet we might also remind ourselves that petitions contributed significantly to the cohesiveness of social networks throughout this period: patronage networks in early modern Europe relied on favours, mutually exchanged services, obligations, and personal contacts. The **rituals of petitioning**, and the expected norms of response, constituted a highly 'artificial' form of communicative negotiation, the precise context and purpose of which, whilst often political in one way or another, is easy to mis-read now that we no longer fully understand the codes of conduct. Particular ambiguities might arise when it is unclear whether a particular petitioner was seeking to reinforce political traditions, or seeking (or threatening to seek) change; accepting active use of power, or in fact trying to hollow it out; strengthening communal interests, or requesting an exemption on the basis of particular circumstance. Yet to function at all, the petitioning norms relied on shared (albeit negotiable) perceptions of the role of government and of local power-brokers, as well as a shared 'political culture', based on concepts of power and interest which were constantly re-calibrated.

In contrast to the distinctive and developing role of petitions in England from the 1640s, as argued by David Zaret and others,<sup>9</sup> the political ideologies of most continental European monarchies did not allow petitions to be used in innovative ways. The nature of absolute government in most of continental Europe made collective petitioning very dangerous (they were in effect a conspiracy against the sole legitimate ruler), and for the same reason made the **printing** of grievance-focused petitions unthinkable (breach of trust in the monarch by making the issue public rather than personal). Clearly, petitions in Denmark-Norway had to work on the

<sup>8</sup> Munck, 'Public debate, politics and print: the late Enlightenment in Copenhagen during the years of the French Revolution 1786-1800', *Historisk Tidsskrift* 114 (2014), 323-51.

<sup>9</sup> D. Zaret, 'Petitioning places and the credibility of opinion in seventeenth-century England', in *Political space in pre-industrial Europe*, ed. B. Kümin (Farnham, 2009), 175-95; D. Zaret, *Origins of democratic culture: printing, petitions and the public sphere in early modern England* (2000).



basis of an explicit and demonstrable trust in the monarch. This was particularly so, perhaps, because of the fact that the Danish version of absolute monarchy (unlike the French) was based more on a kind of Hobbesian contract, where the people had signed over authority to their monarch in 1660 in return for the establishment of peace and the removal of a divisive government by an aristocratic council. With no representative assembly, there was no other possible authority to whom a petition could be addressed.

The tone and wording of individual petitions clearly reflect these circumstances. A petition submitted by a group of peasants in southern Jutland, dated 7 July 1705,<sup>10</sup> reads as follows, in translation [with interpolated summaries of the more long-winded sections]:

Almighty and Most Gracious Hereditary Lord and King,  
 We poor peasants, subjects of his Royal Majesty, living in Riberhus Amt in Jutland, in Skads herred [local court jurisdiction], serving a noble estate Øllufgaard in that herred, belonging to his grace Jørgen Grubbe Kaas, who resides at Ryeberg and who is your Royal Highness' *amtmand* [governor] for Lundenæs and Bøvling Amter, have been forced, out of dire need, to submit our very necessary complaint, namely -- On that estate, Øllufgaard, there is a leaseholder by the name of Mogens Christensen who over the last six years, from time to time, has treated us unreasonably in a number of ways, notably by forcing us to work on holy days as well as on Sundays and other holy days, even before during and after the sermon. He has also burdened us much more, and demanded unusual labour that we have never been asked to do before his time while the estate for 27 years was under similar lease to Niels Nielsen of Emdrupholm, and quite contrary to our tenancy contracts; and he has also ill-treated our children, beating them badly with an impermissible wooden stick.

We notified our lord of all this in a written complaint, who replied, that we had to prove our complaint, and he would make sure that we suffered no in justice. But when in order to follow his instructions we called the leaseholder [MC] to appear at Skads herredsting to hear the evidence, our lord had appointed a different presiding officer at the ting, from another district, by name of Jens Knudsen (presiding officer in Øster-Nøer herred), who under order from the *Stiftamtmand* [provincial governor] Count Hans Schack, would for this case preside at our herredsting instead of our normal presiding officer Bertel Mathias Terchelsen - perhaps because he expected nothing other than a fair hearing from our own presiding officer [but actually claiming the usual presiding officer had a conflict of interest and was disobedient. Another clerk to the court was also appointed, against the protest of the incumbent presiding officer].

[The petitioners refer to previous herredsting decisions, which had found them not liable to perform any more labour than in the past; protest against the Jørgen Brubbe Kaas' application to the crown for a special commission of enquiry, on which the petitioners were not given proper representation; and object to a hearing called in Ryeberg manor itself, 12-13 mil (90 km) away, rather than at the local manor Øllufgaard, so that the petitioners had to appoint two representatives to attend on their behalf, one of whom was threatened with impressment into military service...]

When finally recently the case was deferred to the coming 26 May, we were able to send two of our fellow tenants, Peder Madtsen and Niels Nielsen of Sadderup, both very old men, who alone were to present our written deposition, a judgement reached by the *landsting* [provincial court of appeal], and two of our herredsting judgements [already seen earlier by the commissioners to conclude this case lawfully]. But now the commissioners refused to accept the documentation, except Councillor Palle Dyre who read part of our deposition and then returned it to our men, but without having it formally read or recorded in the hearing. The decision [of this commission hearing] was then read out to our two representatives and other men, that we peasants were to provide the labour services demanded by the leaseholder [itemised], and pay costs amounting to

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<sup>10</sup> Rigsarkivet, Rentekammer 2214.54, no.624 (see also image of the last page of the 8-page text, below)

100 Rigsdaler; and that in addition, I, Lars Jeppesen, in Nebbell, undersigned, not guilty, be punished with forced labour in Bremerholm for some words that leaseholder Mogens Christensen attributed to me...

[The petitioners call for help, since they do not know what to do with so many conflicting judgments, which they thought was not permissible, and which they cannot deal with as poor and ignorant subjects], when the law issued graciously by his Royal Majesty appears not to help us or any other poor persons, and appears worse than in the pagan lands, for if the presiding herredsting officer, or those in charge of good police, address issues such as working on holy days or similar, they will immediately face prosecution in court with endless consequences... or have to remain silent.

So our sole humble prayer and request to your Royal Majesty, who is a gracious and Christian king, is to most graciously allow us poor and crushed subjects to be protected against our lord, who is siding with the leaseholder in his to us unrightful demands, in that we neither understand how to negotiate with him, nor are we able to pursue in this way our case against him, the leaseholder and the commissioners; and that your Royal Majesty may most graciously instruct and command the commissioners to hand over to the Stifamtmand their full written report, with all the [submitted documentation and full minutes of the proceedings], to decide whether the commission judgement was carried out according to the instructions. We assume your Royal Majesty will most graciously then and in any legitimate future hearings find our concerns to be truthful, and [will see] that we have not had fair legal treatment [...]. Law and right will not be re-established here for the poor man until your Royal Majesty intervenes [and makes an example of this case].

If contrary to all expectation your Royal Majesty will not be so gracious as to come to our defence, we come to your Royal Majesty humbly begging that his Royal Majesty will most graciously allow and authorise that, since we have not broken our tenancy contracts, and have held our tenancies according to the terms stated therein, but can no longer do so, we be allowed to leave without hindrance, ending our tenancy contracts according to the law, taking our belongings with us, so that we do not according to the ordinance of 15 January 1701 have to equip his estate at our expense [...]

Upon which we in most humble subjection will await your Royal Majesty's grace and gracious answer in defence of us poor, repressed and unreasonably persecuted peasants, and if the presiding officer at our herredsting be allowed to explain the case, he will know how to give a full account [...]

We remain then  
your Royal Majesty's  
most humble and true subjects  
with life and blood

The 7th July Ao 1705  
[signatures/initials]

This petition is quite typical of the more complex grievances raised in this way. We note that it is written formally, by a professional scribe (probably some kind of procurator) who knows what standard formulae are required. It is a collective petition (though not the largest of its kind), and we note that some of the signatories were clearly not able to write their name (inserted by the clerk next to their initials/mark), yet they appear to have no difficulty operating within the local court (herredsting) system, and may have enough reading skills to understand the value textual documentation. We also note their strong sense of what is right and fair: they follow (perhaps on the advice of their procurator) the recommendations of Danske Lov in pointing out that they have exhausted normal legal procedures and found that their landlord is not playing a fair game. We note the clear expectation of crown intervention, to correct what they see as a miscarriage of justice, and to set right what appears to be local malpractices that (they hint) may be generic. The trust in crown fairness is of course unconditional, but it is interesting to see that two possible outcomes are suggested at the end, appearing to leave room for negotiation and crown arbitration. It is also very obvious that, although the complaint is essentially economic

(excessive labour services), it has very strong religious implications (work on Sundays, taking the petitioners away from church) as well as clear implications for the balance of authority and power in the community, implicating not just the leaseholder, a superior landlord, and the regional governor (Stiftamtmand), but also setting them against the incumbent staff presiding at the local court whose authority appears to have been deliberately side-tracked.

This is precisely the kind of complex petition which might well trigger crown intervention. In the later seventeenth century, such intervention, when it happened, typically led to further enquiries, possibly a more formal investigative commission, and in some cases further legislation. This also happened regularly in matters of urban trade, guilds, commercial privileges, or the north Atlantic trade with Norway and further afield. A range of responses came about, in part as a result of local issues and petitions: some led to major administrative initiative, including the creation of a Trade Department (College of Commerce), established to enhance economic activity, and the major commission of poor relief which reported in 1708.

This kind of responsive mode of course varied with the interests of successive monarchs (or their delegation of interest to first ministers). During the later eighteenth century, the most commonly cited is the hyperactive period of reforms during the brief period (1770-72) when Struensee was in effect first minister on behalf of the insane Christian VII. Much more constructive and durable were the reforms undertaken by the remarkable regency administration headed by the crown prince from 1784, but in reality led by a reforming team around the first minister Andreas Peter Bernstorff (until his death in 1797). This is not the place to detail the range of issues tackled, from rural reforms to education, criminal law, poor relief, education, the slave trade, and much else.<sup>11</sup> But we should note that the programme of reforms continued to rely heavily on the by now very large flow of petitions, as well as detailed reports by crown advisers, local officeholders, and enlightened members of the Copenhagen elite. After 1786, the rigid divide between manuscript (private) petitions and more public general discussion (though printed pamphlets) was seemingly deliberately and increasingly blurred, as the government deliberately avoided using its powers of censorship of print. In other words, petitions could now become the starting point for the formation of something more akin to the kind of 'public opinion' which had become visible in England and in the Netherlands, intermittently, in the mid-seventeenth century. Significantly, Denmark-Norway avoided any of the kinds of violent confrontations experienced by many other European countries in the 1790s. We should of course not assume that petitions and pamphlet debate were the only factor in preserving a viable and lively public opinion in Denmark through this period. But it is nonetheless significant how a highly centralised and apparently autocratic state could use petitions, and eventually public debate in print, as a form of consultation with potentially direct and significant administrative and legislative results.

This may also indicate that the apparent dividing line between 'private' petitions and published addresses of loyalty began to become a little unclear (as it had much earlier, in notably England and Scotland). Naturally, in Denmark-Norway as in other centralised continental monarchies there was no wish to restrict the equivalent of English subscription addresses - typically taking the form of celebratory addresses of loyalty, panegyrics, or hagiographic descriptions of major events. These were intended to reinforce political cohesion at particular events such as royal weddings or victories. They might also be deployed to celebrate historic events, as in the successive Reformation centenaries, or as in Denmark in 1760, to mark the centenary of the establishment of absolutism itself. In such instances we can assume that high-level sponsorship was involved, as in Britain, often at private expense but as a means of gaining public favour. Even allowing for the blatant propaganda purpose of such texts, they can be regarded as having some function in educating readers/participants in the history and values of the moment - and even, in certain circumstances, more subtly, reminding observers and the wider public of

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<sup>11</sup> For a survey, see Munck, 'The Danish reformers', in *Enlightened absolutism: reform and reformers in later eighteenth-century Europe*, ed. H.M Scott (Basingstoke, 1990), 245-63.

changing political assumptions. Such celebratory texts could work both ways: addresses and counter-addresses circulated in England at key turning points such as 1687-89 and 1715, or in Denmark for example in connection with the wedding of the crown prince in 1790 and his ceremonial entry into Copenhagen. They created opportunities for alternative points of view to be presented, sometimes leading to open controversy and more publicity.

By extension, we might also note that the actual flow of petitions is itself often significant. In Sweden after 1718, for example, petitions (*besvär*) were increasingly directed to the more powerful Riksdag and its committees, rather than to the monarch or to local officials, and this shows in the quantity of petitions drawn up in connection with the regular meetings of the Riksdag. Catherine II, on the other hand, became so fed up with the flood of requests that she threatened petitioners with severe penalties. Other governments might deliberately invite collective petitioning - which is surely what the French *cahiers de doléances* of 1789 almost amounted to, belatedly reviving a long-lost tradition in connection with meetings of the Estates General. The Danish crown seems to have been politically more astute in its policy of actively encouraging petitioning, and being willing to act on them in the public interest, so as to provide ready access to local and individual opinion even within a system of apparently absolute monarchy. In Denmark-Norway the flow of petitions of course also varied greatly, dependent on the overall economic, political and social issues arising at different times; but the central administration was designed to work with this input, whoever had sent it, and although the crown could be highly punitive towards those who appeared to abuse the system or seemed to challenge the established political or social order, this in no way discouraged potential petitioners.

In short, petitions could serve several purposes (sometimes at one and the same time), and need careful interpretation in the light of the precise historical context. While we need to be wary of comparing political systems across Europe that in practice varied enormously, it might nonetheless be possible to argue that petitions were an essential safety-valve in all early modern societies - and where the tradition of petitioning was well established, it could serve a useful purpose for all concerned, enhancing part of what might pass for 'balanced government' in an age of otherwise unaccountable power.

**Below: last page of the collective petition from Riberhus, 1705, cited above**

