Petitions and ‘legitimate’ engagement with power in absolutist Denmark 1660–1800

Thomas Munck

School of Humanities, University of Glasgow, Glasgow, Scotland

SUMMARY

Petitioning was universal across early modern Europe, but worked differently within distinct polities. Denmark-Norway became, after 1660, an absolute hereditary dual monarchy, with no further meetings of the Estates, and no other formal representative structures. The crown, however, did fully acknowledge the right to petition, confirming the mechanism and the legal basis for doing so in the full law code of 1683, *Danske Lov*. Petitions from all levels of society were processed in the central bureaucracy, and those processed through the Chancellery (*Danske Kancelli*) can be analysed systematically. However, a number of petitions were handled separately in the Exchequer (*Rentekammer*) or through the legal system. This article discusses the different types of petitions to the Danish crown, and analyses some examples that illustrate not merely the complicated negotiation of power within an absolute monarchy, but also the kind of language and cultural conventions necessary for the system to work.

Petitions (*supplications*, *besvär*, *requêtes*, *plaintes*, *Klagen*, sometimes overlapping with *gravamina* or *cahiers de doléances*) constituted a major and long-established form of communication from individuals or groups to those in authority all over Europe. Petitions could serve to strengthen social systems: after all, patronage networks in early modern Europe relied on mutual favours, services, and personal contacts at all levels. However, to work as intended, a petition had to be well adapted to the institutional and political context. The ritualized language of petitions (and any responses) was a highly 'normative' and literally 'artificial' construct, often including appropriately judged hierarchical and deferential formulae to suit particular political circumstances and cultural conventions. We need to understand this normative language, and how it may relate to the actual narrative underlying each petition, before we can use this voluminous type of source material to help us understand the complex and often implicit power relationships in early modern Europe.

Petitioning in the Danish-Norwegian kingdom (as everywhere else in Europe) was a standard way for individuals 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 the law (the officials of the local *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, how far it matched the expectations of its recipient(s), and how well it expressed a 'reasonable', 'fair' and therefore convincing point of view, taking account of the social position and effective power of both sides.

Andreas Würgler identified some of the dimensions that define the practice (and often deliberate ambiguities) 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?[1] We might also wish to separate intended impact from actual reaction or response: it is worth bearing in mind

[1] A. Würgler, *Unruhen und öffentlichkeit: Städtische und ländliche Protestbewegungen im 18.Jahrhundert* (Tübingen, 1995); A. Würgler, '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), pp. 105–6. For a wider comparative context, see also L.H. van Voss, 'Introduction: Petitions in social history', *International Review of Social History* 46, suppl. 9, (2001), pp. 1–10; and A. Würgler, 'Voices from among the "silent masses": humble petitions and social conflicts in early modern central Europe', in the same volume, pp. 11–34. On the Netherlands, see H. van Nierop, 'Private interests, public policies: petitions in the Dutch Republic', in A.K. Wheelock and A. Seeff (eds), *The Public and the Private in Dutch Culture in the Golden Age* (Newark, 2000), pp. 33–9.

that, as in all forms of communication, the recipient may well find meanings that were not intended by the originator. But to function at all, petitioning relied on shared perceptions of the role of government, the nature of daily authority, and a generally accepted 'political culture', based on concepts of power and interest which were constantly reassessed, and which could be part of a process of negotiation amenable to reaching a satisfactory compromise. That in itself required both awareness and dexterity.

The primary focus of this article 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 centralization based on 'absolute' or even divine-right monarchical ideologies, political culture may now 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, as explained in 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 kind of representative assembly or estates after 1660,

Denmark-Norway had fewer outlets for political engagement than for example Sweden after 1719, or other states with more complex political institutions.

The Danish kingdom did, however, operate a fairly bureaucratic and increasingly thorough central administration, which could take account of petitions. 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 several reasons. For a start, it defined Danish absolutism in no uncertain terms: its very first article made clear that the monarch

> 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.[2]

[2] On *Danske Lov*, see T. Munck, *Seventeenth Century Europe* (Basingstoke, 2005), pp. 364-5. In this article, all translations from Danish are my own.

Book 1 of *Danske Lov* also outlined the entire legal system in Denmark and how it was meant to operate: where the weekly local courts (*herredsting* and *byting*) should meet, who could serve as their officers of law, who could speak (as litigant, defendant, witness, expert witness, or as procurator), how verdicts should be reached, what judgments could be made and (where appropriate) fines or punishments imposed, how appeals were made to the higher courts (the *landsting* and the Supreme Court), and other general procedural issues. It is interesting to note that the only other matter covered in this section of *Danske Lov* was the handling of supplications (petitions). Book 1 ended with chapter 26, which explained petitions in four 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 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 penalties. 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 formal simplicity, this was the legal framework within which the petitioning system in Denmark was consolidated and bureaucratized. It is worth repeating that *Danske Lov* was written in plain Danish, and published in quarto as well as later 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 remained the key point of reference for all subsequent amendments and extensions.

In other words, in Denmark and Norway petitioning was regarded as a fundamental part of the law, and was treated almost as if it was a supplement to, or extension of, the legal system, remaining so even when actual petitioning procedures were revised during the eighteenth century. Since the crown was ostensibly the only source of indisputable authority in the Danish-Norwegian kingdom and all its overseas possessions, systems evolved for processing petitions in the daily routine of incoming correspondence in the central administration. The resulting paper trail provides rich documentation on the whole range of what was in effect normal government business, how each case was handled, which sections of society used petitioning most frequently, and for what kinds of purposes.

The processing of petitions

The Danish state archives from the later seventeenth century onwards are substantial and well organized, so it is possible to study standard procedures. As the quantity of petitions increased over time, there was an increasing tendency to channel petitions through local officials (crown officeholders, often also local landowners) for preliminary comment, after which they might be forwarded to relevant government departments (Colleges) in Copenhagen. There the petitions would be logged in protocols (with a summary of the case, and any decisions reached). Once dealt with, a petition would normally be annotated and sent back

through the same channels to the originator, or the local official, by way of response.[3]

Alongside the bureaucratic process, the right to present petitions to the king in person (at weekly audiences) was explicitly maintained. 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, and petitions were even exempt from delivery charges from 1739 to 1771. It is not clear whether other charges (or even bribery) might have been required in order to ensure each 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 according to a published scale of charges): in other words, the state earned a steadily mounting income from the flow of petitions.

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[3] 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: the detailed original argumentation is not included, nor any supporting documentation (which often no longer exists).

In the absence of functioning representative assemblies (Denmark had none between 1660 and 1848), and in the absence of even local assemblies or other forms of collective bargaining, petitions served several purposes. From the point of view of the state, petitions were very useful as a means of checking on local administrative officeholders, ensuring that everyone acted in accordance with state policies and the law, and even allowing opportunities for crown arbitration in the case of disputes. For individuals, petitioning also served as a safety valve for those with grievances at unfair treatment, or for victims of particular hardship. Processing such material gave the crown a continuous hands-on role that not only consolidated royal power but also reinforced the image of the king as arbiter and benign moderator – as a fair and committed ruler who could intervene when or where necessary, but on terms that could always be dictated by the theoretically absolute ruler. The system continued undiminished even during the reign of the mentally disturbed Christian VII (1766–1808): 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 under Joseph II, state interest in the system of petitioning went far beyond merely fiscal concerns. 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, and from anyone who wanted to speak to him, so could use this material to 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.[4]

In Denmark, too, petitioning was not simply bureaucratized: by the early eighteenth century some Danish monarchs (notably Frederick IV, 1699–1730) made a habit of riding alone, according to a daily routine, and would receive petitioners at set times and places. This personal touch appealed to monarchs. 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 petition might be written on behalf of a criminal offender seeking a reduction in penalty, or for victims seeking assistance in an

[4] D. Beales, *Joseph II: Against the World 1780–1790* (Cambridge, 2009), pp. 143–54; and D. Beales, 'Joseph II, petitions and public sphere', in H. Scott and B. Simms (eds), *Cultures of Power in Europe during the Long Eighteenth Century* (Cambridge, 2007), pp. 249–68.

emergency. Many petitions sought financial compensation or material aid.[5] But petitions were also used for a whole range of other purposes, including to request appointment to a post, or expectation of it in the future, or to ask for a transfer or promotion, or for widows to ask for a pension or similar favour. There was of course an appropriate deferential language expected in all such addresses. But with plausible-sounding grievances, the point could sometimes be made so effectively that a formal enquiry might be established, evidence taken under oath, and remedies imposed by decree or even formal legislation. In other words, petitions could serve all kinds of purposes, ranging from simple assistance to the arbitration of social disputes, and from complaints against local officeholders to requests for major legislative review.

Quantitative overview

A growing volume of incoming petitions from the seventeenth and eighteenth centuries can be found in various sections of the Danish state archives, notably 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 Chancellery). The latter dealt with a wide range of other general domestic policy matters including poor relief and medical assistance, preferment to

[5] Such petitions, in a British context, were examined by R.A. Houston, *Peasant Petitions: Social Relations and Economic Life on Landed Estates 1600–1850* (Basingstoke, 2014).

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 2,000 petitions processed annually through the Chancellery in the early years of the eighteenth century, rising increasingly steeply to over 10,000 per annum by 1790. Put another way, some 300,000–400,000 petitions were lodged with the Chancellery during the eighteenth century, making an average ten per day, and culminating with upwards of 40 petitions per working day at the end of the century. These numbers do not include petitions of a very routine kind which could be decided on the spot without being entered into the protocols, let alone those that were dealt with locally. Equally, these figures do not include an as yet unquantifiable number of petitions processed directly by the *Rentekammer* and other government departments. 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.[6]

The social position of those who submitted these petitions, where indicated, ranges down through most layers of this hierarchical society, including women (often writing as widows). However, the groups most strongly represented in the

6 Bregnsbo, *Folk skriver til kongen*, pp. 59–90.

ledgers are officeholders (some writing on behalf of others), townsmen, and to a lesser extent rural commoners. There was a smaller proportion from landowners, fluctuating substantially over time. Even greater fluctuations are found amongst peasant petitions, which became notably stronger during the period of rural reforms after 1786. It would seem that contemporary perceptions relied on a belief that the monarch – in an almost Hobbesian sense – would somehow be a fair arbiter for all in respect both of social disputes and of hardship cases.

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, the raw petitions have rarely been the subject of detailed research in respect of political language and the formal presentation of political arguments. Undertaking a full sampled analysis would be daunting, partly because so much of the underlying narrative can no longer be documented, and partly because petitions were often so deeply rooted in particular local problems that it is difficult to make out the more generic and structural issues in the negotiation of power. For the discussion that follows, a small sample of petitions (processed either in law or in the *Rentekammer*) have been selected because the full original petition survives, or because substantial ancillary documentation allows us to study how petitions were formulated and what kinds of issues they could raise.

Petitioning strategies

Denmark (more than Norway) was a society obsessed with property rights, social deference and status, deeply conscious of notions of honour/dishonour, and acutely aware of personal 'interest' in relation to social rank.[7] Appropriately worded petitions could work well in such a hierarchical society, and there is no shortage of evidence of imaginative strategies used in what we might call the 'negotiation of power'. One route was by combining petitioning with litigation. Clearly, the intricacies of the rights of appeal, technical legal procedure, and evidence may have flummoxed some litigants, but this did not necessarily put them off. In Denmark, for example, the local court (normally the *herredsting* or *byting*) met regularly – the *herredsting* usually weekly. Not surprisingly, therefore, these served as much as courts of arbitration as of actual litigation. They were also the first level of public engagement and formal hearing, in a system of courts where one or two appeals were all that was necessary to reach the Supreme Court in Copenhagen. The records of the Supreme Court are well preserved up to 1699 (the sequel up to 1785 were lost in a palace fire in that year, creating a massive gap). What is significant in the present context is the extent to which petitions and litigation could be part of a composite strategy of resistance, where litigation and petitioning went hand in hand, with the intention

[7] B.B. Jensen, *Udnævnelsesretten i enevældens magtpolitiske system 1660–1730* (Copenhagen, 1987).

of ultimately ensuring that the king took notice. It is refreshing to observe that humble social status was not necessarily an obstacle to success in law.

Underlying questions of power and politics occasionally became clearly visible. A few examples may serve to illustrate how the system could work. 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 which appeared to undermine their freeholder status. 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 both of the law and of petitioning to try to get their point of view heard by the crown. The case took seven months to reach the 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, where newly granted property rights came into conflict with traditional entitlements. In effect the crown had settled wartime debts by donating land rights, on a questionable legal basis. 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, might simply reinforce the expectation of some crown concessions to either party.[8]

A number of other cases from this period illustrate how disputes might ultimately lead to real struggles of authority and power, typically over issues such as land and forestry rights, rents, labour services from tenants, and other potential sources of profit. In 1696, for example, something close to a stalemate had thrown into question the financial viability of the large landed estate which supported 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 fees, 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 lasting nine days. Each of the petition signatories was called up

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[8] T. Munck, *The Peasantry and the Early Absolute Monarchy in Denmark 1660–1708* (Copenhagen, 1979), pp. 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.

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, saying 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 obvious that the petitioners were grilled quite aggressively in the presence of Kannenworf and the academy 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, and many of the grievances crumpled under heavy pressure. Some of the petitioners even apologized for their action. However, the commission then investigated the Herlufsholm accounts in great detail, and refused Kannenworf's demand for a formal prosecution of each of the petitioners. Over the next years, continuing economic difficulties on the estate suggest that the complaints were not entirely without foundation. In the nature of such drawn-out power struggles, it is impossible to establish how far the petitioners could have regarded the long-term outcome as successful.[9]

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 the Danish island of Møn early in 1690, a bailiff

[9] The 1696 Commission Report and related papers, Rigsarkivet [Danish National Archives], Rentekammer 2243.292.

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, a month later their wives took up the case, at the same court, lodging a formal statement compiled by the one who had escaped (written on unstamped paper, but including the correct payment in cash 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. He then 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 'according to the law, once those named in the case have been released from prison and recovered their freedom'. The bailiff retaliated by having the presiding officer of the court dismissed (for reasons that are not recorded). When a replacement officer was 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* (regional governor) dated 18 August, in which they were made to apologize 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 seven years later that the full story was finally unravelled, during a detailed crown enquiry precipitated by more petitions. Only then did an actual royal commission of enquiry uncover enough detail to acknowledge 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’.[10]

Long-running cases such as these, where there appear to be attempts at cover-up, or at best gaps in the documentary evidence, can be 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. But even where the inadequacy of the records prevents us getting the full underlying narrative, we may still learn a great deal about contemporary notions of power, fairness and the rule of law. Such a research agenda need not lapse into 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 recognize the value of listening. The case of Denmark-Norway, one of the most extreme examples of absolute monarchy, illustrates the value of actively encouraging petitions, within the terms of the 1683 law, to secure a sufficiently

[10] Rigsarkivet, Rentekammer 472.2 (Mønske Kommission).

visible balance of power to avoid unrest. Denmark may thus be described as an example of the kind of levelling sovereignty advocated in Hobbes' *Leviathan*, where in effect all subjects (regardless of status) submitted unconditionally to a sovereign who has the ultimate authority to arbitrate disputes and keep the peace. A relatively simple structure of legal institutions, combined with a comprehensive system to process large quantities of petitions from all parts of society, ensured at least the appearances of concern for consensus decisions. It seems to have worked: there were no significant riots or rebellions in Denmark throughout this period, and, as argued elsewhere, even in the 1790s the kingdom avoided the ferocious government repression and censorship restrictions imposed by other European states in the face of the fears of French revolutionary contagion.[11] Denmark was not remotely an egalitarian society, and lacked any trace of effective political representation or balanced power. Yet somehow petitions, and where necessary the law, provided stability and some degree of economic prosperity. And above all, the way petitions were used actually reinforced public perception of a benign absolutism.

Petitions as historical source material

[11] T. Munck, 'Public debate, politics and print: the late Enlightenment in Copenhagen during the years of the French Revolution 1786–1800', *Historisk Tidsskrift* 114, (2014), pp. 323–51.

Petitions never provide a straightforward insight into the complex political culture of the early modern period. Long custom and usage meant that their language was ritualized and often coded, their true intent partly masked by normative language, particularly so when addressing someone very powerful. Equally, the language of manuscript collective petitions cannot be taken as an indication of a 'public opinion'. That said, petitions could contribute 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 (artful) form of negotiation, the precise context and purpose of which, whilst often political in one way or another, is easy to misread when we no longer fully understand the codes of conduct, and when the core request itself may well be ambivalent. 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'.

As noted elsewhere in this special issue of *PER*, petitions acquired a distinctive and developing role in England from the 1640s as vehicles for public engagement, particularly when printed.[12] Most continental European monarchies

[12] D. Zaret, 'Petitioning places and the credibility of opinion in seventeenth-century England', in B. Kümin (ed.), *Political Space in Pre-industrial Europe* (Farnham, 2009), pp. 175–95; D. Zaret, *Origins of Democratic Culture: Printing, Petitions and the Public*

did not allow for such innovative use of petitions. The theory of absolute monarchy made collective petitioning very dangerous, since such a strategy could easily be construed as conspiracy against the sole legitimate ruler. For the same reason actual printing of grievance-focused petitions, by making the issue public rather than personal, would demonstrate an unthinkable lack of trust. Petitions in Denmark-Norway had to work on the assumption of the absolute power of the monarch alone, not (as in France) founded on historic hereditary rights, but rather on the reality of the imposed political change of 1660 brought about by catastrophic military defeat and the unconditional surrender of sovereignty to the king.

The tone and wording of individual petitions clearly reflect these assumptions. A petition submitted by a group of peasants in southern Jutland, dated 7 July 1705,[13] can be translated as follows:

> Almighty and Most Gracious Hereditary Lord and King,
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> We poor peasants, subjects of his Royal Majesty, living in Riberhus Amt in Jutland, in the local court jurisdiction of Skads *herred*, serving the noble estate Øllufgaard belonging to his grace Jørgen Grubbe Kaas, who

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Sphere in Early Modern England (Princeton, 2000); J. Peacey, *Print and Public Politics in the English Revolution* (Cambridge, 2013); and 'Parliament, printed petitions and the political imaginary in seventeenth-century England'in this special issue of *PER*.

[13] Rigsarkivet, Rentekammer 2214.54, no.624.

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…, even before, during, and after the sermon. He has also burdened us much more… than was normal before his time (when the estate for 27 years was under a 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 injustice. But when in order to follow his instructions we called the leaseholder [Mogens Christensen] to appear at Skads *herredsting* to hear the evidence, our lord had appointed a different presiding officer, 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. [Noting this departure from normal practice,

the petitioners refer to previous *herredsting* decisions, which have found them not liable to perform any more labour than in the past. They protest against the application from Jørgen Grubbe Kaas to the crown asking for a special commission of enquiry, on which the petitioners were not given proper representation. And they object to a hearing called in Ryeberg manor, nearly 60 miles away, which forced the petitioners to appoint two representatives to attend on their behalf.]

When finally, recently, the deferred case was heard on 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, including an earlier verdict from the *landsting* [provincial court of appeal] and two *herredsting* decisions [already seen earlier by the commissioners and intended to bring this case to a lawful conclusion]. 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, stating that we peasants were to provide the labour services demanded by the leaseholder [as itemized], and pay costs amounting to 100 Rigsdaler; and that in addition, I undersigned Lars Jeppesen, in Nebbell, 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.] We lament that the law issued graciously by his Royal Majesty appears not to help us or any other poor people, and appears worse than in pagan lands. For if the presiding *herredsting* officer, or those in charge of good police, raise 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 by this means able to pursue 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 *stiftamtmand* their full written report, with all the [submitted documentation and full minutes of the proceedings], to decide whether the commission judgment was carried out according to the instructions. We are certain 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 for the poor man will not be re-established here 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 authorize 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 in most humble subjection we 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 long-winded text is fairly typical of the tactical language used to bring attention to complex grievances. It was written formally, by a professional scribe or procurator who knew what standard formulae were required. It was a collective petition (though not the largest of its kind), but some of the signatories were clearly not able to write their name (inserted by the clerk next to their initials/mark). Yet the petitioners appeared to have no difficulty operating within the local court (*herredsting*) system, and seemed to have enough reading skills to understand the value of textual documentation. We also note their strong sense of what is right and fair: perhaps on the advice of their procurator, they followed the recommendations of *Danske Lov* in pointing out that they had exhausted normal legal procedures and that their landlord is not playing a fair game. We note the clear expectation of crown intervention, to correct what they saw as a miscarriage of justice, and to set right what appeared to be local malpractices that (they hint) may be generic. The trust in crown fairness is 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). It also openly questions the balance of authority and power in the community, challenging not just the leaseholder, a superior landlord, and the regional governor (*stiftamtmand*), but also setting these against the incumbent staff presiding at the local court whose authority appears to have been deliberately side-tracked. The petitioners clearly knew both their legal rights and how to challenge abuses of power.

Petitions, crown policy and the late acceptance of public engagement

From the later seventeenth century onwards, such complex petitions could encourage the crown to order further enquiries, occasionally instituting a more formal investigative commission, and in some cases initiating further legislation. This was already a normal pattern in cases involving urban trade, guilds, commercial privileges, or the North Atlantic trade with Norway and further afield. Occasionally this led directly to administrative initiatives, for example the creation of a permanent Trade Department (College of Commerce) to enhance economic activity, or instructions for a major commission on poor relief such as that of 1708.[14]

Inevitably, the pattern of crown response varied with the interests of successive monarchs (or their designated councils and ministers). During the

[14] T. Munck, '"Good police" and civic order in eighteenth-century Copenhagen', *Scandinavian Journal of History* 32, (2007), pp. 38–62.

later eighteenth century, there were two periods of intense crown activity: a hyperactive period of reforms from 1770 to January 1772, when Struensee was in effect first minister on behalf of the insane Christian VII, and a more constructive and durable phase during the remarkable regency administration headed by the crown prince from 1784. 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.[15] But we should note that the programme of reforms relied heavily on the by now very large flow of petitions, as well as resulting in detailed reports by crown advisers, local officeholders, and enlightened members of the Copenhagen elite.

To this traditional use of the hierarchical administrative system was added, after 1786, an unprecedented use of print. A normally rigid divide between manuscript (private) petitions and more public general discussion (through printed pamphlets) seems to have been deliberately blurred by the more secure regency council of 1784, which chose not to use its powers of censorship of print. 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 – where open discussion in print could potentially engage both crown

[15] For a survey, see T. Munck, 'The Danish reformers', in H.M. Scott (ed.), *Enlightened Absolutism: Reform and Reformers in Later Eighteenth-century Europe* (Basingstoke, 1990), pp. 245–63.

officials and the wider reading public.[16] We should of course not assume that petitions and a lively but moderate pamphlet debate were the only factor in encouraging a growth in public debate in Denmark right through to the late 1790s. But it is nonetheless significant how a highly centralized and apparently autocratic state could use petitions, and a measured public debate in print, as a form of consultation, with potentially direct and significant administrative and legislative results.

We may even argue that the apparent dividing line between 'private' petitions and published addresses of loyalty began to become a little unclear. Naturally, in Denmark-Norway as in other centralized continental monarchies, there was no wish to restrict addresses of loyalty, panegyrics, and celebrations of major events. Intended to reinforce political cohesion, such texts might also be deployed to celebrate historic events such as Reformation centenaries, or the centenary of the establishment of absolutism itself. In such instances we can assume that, as elsewhere in Europe, high-level sponsorship was involved, 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 or participants in the history and values of the moment – and even, more subtly, reminding observers of changing political assumptions. Such studied ambivalence became clearly visible in the addresses

[16] Munck, 'Public debate, politics and print', pp. 323–51.

and counter-addresses circulated in Copenhagen in connection with the wedding of the crown prince in 1790, and his ceremonial entry into the capital.

In conclusion, it would seem that the Danish crown had come to accept petitions as a form of dynamic engagement with public opinion. Allowing extensive use of petitions, and ultimately allowing printed pamphlets (within limits) to represent a range of views, may have provided a way of acknowledging consensus politics without re-activating an actual parliament. It is beyond the scope of this article to undertake a comparison with petitioning in other European monarchies – such as Sweden, where the processing of petitions by parliamentary commission was radically different, both before and after 1772; or France, where the *cahiers de doléances* of 1789 almost amounted to a revival of an older tradition of petitioning.[17] In such a context, the Danish example suggests a greater level of continuity, where the crown secured stability by accepting routine petitioning, and being willing to act on them, visibly, in the public interest. Although the crown could be highly punitive towards those who appeared to abuse the system or challenge the established political and social order, this clearly did not deter others. Ultimately, from the later 1780s, a recognition of a supportive public opinion allowed traditional petitioning strategies to be cautiously extended to encompass print.

[17] Recent work suggests that comparative analysis of petitioning can also be extended to overseas territories: see H.W. Muller, 'From *requête* to petition: petitioning the monarch between empires', *The Historical Journal* 60, (2017), pp. 659–86.

Notes on Contributor

Thomas Munck is Professor of Early Modern European History at the University of Glasgow. He is author of *Seventeenth-Century Europe: State, Conflict and the Social Order in Europe 1598-1700* (Basingstoke, 1990, second edition 2005) and *The Enlightenment: a Comparative Social History 1721-1794* (London, 2000). He is currently working on a book on *Print and Political Culture in Europe 1635-1795*.