



RESEARCH ARTICLE

# The establishment of the police office in mid-eighteenth-century Altona: new opportunities for privacy in transitional times?

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## Abstract

This article demonstrates how the introduction of a police office in mid-eighteenth-century Altona, a free town in the Holy Roman Empire as well as the Danish monarchy, catalysed practices and arguments in favour of privacy. By examination of police logs and correspondence from Altona to Copenhagen between 1759 and 1766, which included reports of conflicts over the implementation of the police instruction issued in 1754, we show how the process of establishing police regulation resulted in a greater emphasis on the outer door as a demarcation between street and house. Drawing specifically on a key conflict between a young merchant with his intended wife, their landlord and the chief of police, in which the supreme president also intervened, we demonstrate how arguments for and against the protection of the outer door helped to create room for privacy in the shifting landscape of bureaucratic opportunities offered by town and state.

When and how did the outer door of the private house become an entrance into a zone protected by notions of privacy? It was not always so. As previous research has noted, houses in early modern Europe generally functioned as open spaces, easily accessible both from the street and from other houses. Neighbours and authorities alike could enter quite freely, at least during the daytime and as long as they did not behave violently; nor were streets a clear-cut zone from which domestic and work-related activities were kept separate.<sup>1</sup> In the first half of the nineteenth century, however, new constitutions included the protection of the home against state intervention in their catalogues of basic rights. Legal and intellectual historians have

<sup>1</sup>J. Eibach, 'Das offene Haus: Kommunikative Praxis im sozialen Nahraum der europäischen Frühen Neuzeit', *Zeitschrift für historische Forschung*, 38 (2011), 621–64; I. Schmidt-Voges, 'Das Haus und sein Frieden: Plädoyer für eine Ausweitung des politischen Friedensbegriffs in der Frühen Neuzeit', in I. Schmidt-Voges et al. (eds.), *Pax Perpetua: Neuere Forschung zum Frieden in der Frühen Neuzeit* (Munich, 2010), 197–218; R. Laitinen, 'Nighttime street fighting and the meaning of place: a homicide in a seventeenth-century Swedish provincial town', *Journal of Urban History*, 33 (2007), 602–19.

argued that Britain and continental Europe employed different justifications for these protections: while the British referred to the value of liberty from the state, captured in the vivid expression ‘a gentleman’s home is his castle’, the continental approach rested on respect for human dignity.<sup>2</sup> Regardless of such justifications, research in social and architectural history has evaluated the historical background to these protections with reference to the new patterns of urban lodging found across these regions. The period of transition before the house door was declared a protected boundary by law were characterized by new building structures that contained more secluded apartments and rooms, separated from each other by hallways and staircase corridors. This process escalated during the nineteenth century, but in many cities it had started around a century earlier.<sup>3</sup>

Recent scholarship in various disciplines has pointed to the strengthening of outer doors as boundary markers between street and house as one of the processes that paved the way for present-day conceptualizations of privacy. But scholars have also highlighted the need for further case-studies to shed light on how shifting norms regarding the protection of outer doors were expressed, contested and shaped.<sup>4</sup> Research on the outcomes of these opposing trends needs to be undertaken on various levels, from formulated ideas and policies to situated arguments and practices on the actual doorsteps of private houses in a variety of cities. We contend that special attention needs to be devoted to clashes between opposing claims of non-intrusion across the closed door and the increasing police regulation of the eighteenth century. The topical police science made extraordinary interventions into the existing systems of law and local custom in the eighteenth century, covering all kinds of urban activities, from religious life and morality to business, infrastructure and festivities.<sup>5</sup> This included the justification to enter private houses by force. Less than a decade after the period investigated in this article, the short-lived Struensee regime (1770–72) in Denmark issued a new bill for Copenhagen stating that ‘anyone has the right to enjoy absolute liberty in their own house – day or night – without being prevented by

<sup>2</sup>T.J. Snyder, ‘Developing privacy rights in nineteenth-century Germany: a choice between dignity and liberty?’, *American Journal of Legal History*, 58 (2018), 188–207; J.Q. Whitman, ‘The two Western cultures of privacy: dignity versus liberty’, *Yale Law Journal*, 113 (2004), 1151–61; A. Vickery, *Behind Closed Doors: At Home in Georgian England* (New Haven, 2009).

<sup>3</sup>C. Heyl, *A Passion for Privacy: Untersuchungen zur Genese der bürgerlichen Privatsphäre in London, 1660–1800* (Munich, 2004); J. McEwan, ‘The lodging exchange: space, authority and knowledge in eighteenth-century London’, in J. McEwan *et al.* (eds.), *Accommodating Poverty* (Basingstoke, 2011), 50–68; P. Mitchell, ‘The development of the apartment building in 18th century Vienna’, in L. Thomas and J. Campbell (eds.), *Buildings in Society: International Studies in the Historic Era* (Oxford, 2018), 95–112; D. Lindström and G. Tagesson, ‘Spaces for comfort, seclusion and privacy in a Swedish eighteenth-century town’, in S. Nauman and H. Vogt (eds.), *Private/Public in 18th-Century Scandinavia* (London, 2022), 141–62.

<sup>4</sup>M. Korpiola, ‘Early modern Swedish law and privacy: a legal right in embryo’, in M. Green *et al.* (eds.), *Early Modern Privacy: Sources and Approaches* (Leiden, 2021), 135–45; T. Osvald, *Stadens gränsplatser: Kungliga Poliskammaren och vardagens omstridda rum i Stockholm, 1766–1835* (Uppsala, 2022), 1–22; S. Şavk, ‘Doors, privacy and the public sphere: a conceptual discussion on the spatial structure of early modern Istanbul’, *Urban History* (FirstView online publication, 2022), 1–22; B. Pierik, ‘Privacy, publicity and gender in Amsterdam’s early modern urban space’, *Privacy Studies Journal*, 1 (2022), 1–24; N.P. Körner and J. Ljungberg, ‘Experiencing intrusion: smashed windows as intrusions of privacy in the university town Helmstedt, 1684–1706’, *Architectural Histories* (2023).

<sup>5</sup>K. Härter (ed.), *Policy und frühneuzeitliche Gesellschaft* (Frankfurt am Main, 2000).

the police from conducting their private business'.<sup>6</sup> This principle was thoroughly radical. It was withdrawn the following year, as the bill had become notorious for protecting brothels installed in private houses. By the turn of the nineteenth century, however, similar non-intrusive policies were widespread across Europe, with the explicit intention of protecting private matters.<sup>7</sup>

Altona in the 1750s and 1760s stands out as an intriguing case through which to study the dynamics between increasing regulation and demands for non-intrusion. On the one hand, its status as a free town in which the inhabitants enjoyed codified freedoms of trade, taxation and religion fostered expectations to be left in peace. Altona thereby had an exceptional position in the Danish monarchy, which was only strengthened by its geographically distant location from the royal administration in Copenhagen. The city's function as a disreputable resort for the residents of nearby Hamburg, situated a few kilometres from Altona's unwallled boundary, further enhanced its permissive character. These circumstances had an impact on local regulation. For example, urban authorities of Altona found it reasonable that the city would have a more generous policy for closing taverns on Sundays in order to attract customers from Hamburg.<sup>8</sup>

However, after a couple of decades of rapid expansion, the city took important steps towards increasing inner regulation. In 1754, the Danish crown established a professionalized police office there. The written police instruction expressed the ambition to regulate all urban spaces. This is particularly revealing in its categorization of private houses as a form of 'public space' alongside streets, inns, churches and churchyards. Such lists of public spaces indicated which hotspots professional police assistants should prioritize for surveillance during their everyday patrols.<sup>9</sup> As research on police regulation has shown, this was not only imposed from above but also formed from below.<sup>10</sup> Indeed, the introduction of a police office in Altona was requested by a group of townsmen in a petition to the Danish king in 1752.<sup>11</sup> The inhabitants were expected to help to maintain the regulation, both by monitoring their own behaviour and by exercising social control over their neighbours.<sup>12</sup> In the words of Altona's police director and doctor of law Johann Peter

<sup>6</sup>U. Langen, 'Public order and the experiment of implementing privacy in eighteenth-century Copenhagen', in Nauman and Vogt (eds.), *Private/Public*, 189.

<sup>7</sup>Snyder, 'Developing privacy rights'.

<sup>8</sup>J. Ljungberg, 'Sabbath crimes in a city of Enlightenment: religious and commercial (dis)order in eighteenth-century Altona', in J. Ljungberg and E. Sidenvall (eds.), *Religious Enlightenment in the Eighteenth-Century Nordic Countries. Reason and Orthodoxy* (Manchester, 2023), 312–40.

<sup>9</sup>The royal instructions to police directors von Stammen and Willebrand are held in the Danish State Archives: Rigsarkivet (RA), Tyske Kancelli Indenrigske Afdeling, Patenten, 11 May 1754, 369–86, and 15 Dec. 1760, 1383–1406. Digital copies of both royal instructions can be accessed through arkivalieronline.dk. The same categorization recurs in a printed instruction to street bailiffs (*Gaßen-Voigte*) preserved in Landesarchiv Schleswig-Holstein (LASH), Abt. 65.2, 3886 Stadt Altona: Polizeimeister und Polizeidirektor 1736–1846, 106–8, as well as in the logs from the professional police assistants' everyday patrols, LASH, Abt. 65.2, 3888, 163–86.

<sup>10</sup>This is argued for Germany in P. Blickle (ed.), *Gute Policey als Politik im 16. Jahrhundert* (Frankfurt am Main, 2003), and for Denmark in J. Mührmann-Lund, *Borgerligt regimente: Politiforvaltningen i købstæderne og på landet under den danske enevælde* (Copenhagen, 2019). The townsmen's request can be found in LASH, Abt. 65.2, 3749, Stadt Altona: Magistrat 1732–1846, 27 May 1752, 1–23.

<sup>11</sup>LASH, Abt. 65.2, 3749, Stadt Altona: Magistrat 1732–1846, 27 May 1752, 1–23.

<sup>12</sup>G. Sälter, 'Obbrigkeithliche Kontrolle durch Inspektion: zum Wandel einer Herrschaftstechnik am Beispiel der Pariser Polizei', in M. Stolleis, K. Härter and L. Schilling (eds.), *Policey im Europa der Frühen Neuzeit*

Willebrand (1719–84, in post 1759–66) – whom Michel Foucault notes as a typical example of an ardent theorist of early modern police science – police regulation was to be considered as a ‘friend (*Freundin*) of all inhabitants and of every religion that the royal letters of freedom have admitted [to the city]’.<sup>13</sup> Unsurprisingly, this did not mean that the whole population always supported every aspect of its practical implementation. As a result of protest, or neglect, regulating initiatives thereby functioned as a catalyst for shaping and reshaping boundaries in the city, including those of outer house doors.

Against this backdrop of both increasing regulation and rapidly shifting policies to protect private activities behind closed house doors, this article asks how Altona’s inhabitants reacted to the establishment of the police office. By examining a fortuitously preserved police log that contains more than 700 entries covering Willebrand’s years of service (1759–66), as well as correspondence between authorities in Altona and Copenhagen, we will demonstrate how boundary markers were foregrounded in conflicts around outer doors.<sup>14</sup> Our approach is to read the police logs against the grain of established categorizations of police ordinances issued in the German lands at the time. While the common categorization sorts police regulation into five themes – religion, morality, health, business and infrastructure – we direct our attention to entries in all of these categories that directly or indirectly concern outer doors as a demarcation between house and street.<sup>15</sup>

Our analysis is divided into two sections, mirroring how outer doors figure in the log entries from two directions: from the street, and from the house. While most of these entries provide few details about the incidents, they reveal points of contention between the police director and citizens. During the eight years covered by the logs, two entries resulted in written complaints against the police director personally, in which we also get to hear the voices of citizens.<sup>16</sup> In turn, these complaints triggered responses from both the police director and the supreme president (*Ober-Präsident*) of Altona, who acted as the local royal authority.<sup>17</sup> The second incident is particularly valuable, as it developed into a showdown over the police office’s increasing practice of investigating houses by night.

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(Frankfurt am Main, 1996), 561–81; M. Weber, ‘“Anzeige” und “Denunciation” in der frühneuzeitlichen Policygesetzgebung’, in Stolleis, Härter and Schilling (eds.), *Policy in Europa*, 583–609.

<sup>13</sup>‘Die Policy in Altona ist eine Freundin aller Einwohner, von einer jeden darinnen durch Königl. Freyheits-Briefe zugelassenen Religion, so lange derselben Glieder sich ruhig betragen’: J.P. Willebrand, *Gedanken von den wesentlichen Pflichten und Beschäftigungen der Policy in Altona* (Hamburg and Altona, 1760), 18; M. Foucault, *Politics, Philosophy, Culture: Interviews and Other Writings 1977–1984* (New York, 1988), 81. On cameralism, see E. Nökkala, N.B. Miller and A.J. LaVopa (eds.), *Cameralism and Enlightenment: Happiness, Governance and Reform in Transnational Perspectives* (New York, 2020); M. Seppel and K. Tribe (eds.), *Cameralism in Practice: State Administration and Economy in Early Modern Europe* (Woodbridge, 2017).

<sup>14</sup>Unfortunately, the original logs are lost, but copies were regularly sent to Copenhagen. Although the copies do not cover every month, they contain brief but informative evidence of more than 700 incidents. Copies of Willebrand’s logs are held in LASH, Stadt Altona: Polizeiregistraturen und Manuskripte des Polizeidirektors Willebrandt, Abt. 65.2, 3888. They are easily identified by the headline ‘Policy-diarium’.

<sup>15</sup>D. Tamm, *Repertorium der Policyordnungen der Frühen Neuzeit, Band 9.1: Danmark og Slesvig-Holsten* (Frankfurt am Main, 2008).

<sup>16</sup>According to the register of the German chancellery (*Tyske Kancelli*) in Copenhagen, preserved at Landesarchiv Schleswig-Holstein.

<sup>17</sup>These are the petitions of Franz Behn (LASH, Abt. 65.2, 1915) and Johann Christian Kuhlenkamp (LASH, Abt. 65.2, 3886:III).

## Threats and remedies to the urban body

Altona was home to around 20,000 inhabitants in the 1750s. Before 1640, it belonged to the small independent county of Pinneberg, but when Count Otto Schaumburg died childless it passed to the Danish crown as part of the duchy of Holstein. The city quickly came to play a vital role in the crown's ambition to strengthen its influence over the lucrative North Sea trade.<sup>18</sup> Thanks to substantial support from the Danish monarchy, Altona grew significantly throughout the seventeenth century. Historian Franklin Kopitzsch has characterized it as 'the most successfully planned mercantilist city in Germany'.<sup>19</sup>

To attract merchants from out of town, the crown deliberately kept Altona a fairly open and unregulated place. In 1664, it was granted special privileges, including exemption from certain customs and taxes as well as freedom of religion for its inhabitants. Its combination of favourable trading conditions, the absence of restraining city walls and a permeable border with Hamburg made it an excellent place for business. Thanks to these economic and geographical advantages, Altona also became known as a place where dissenters could find sanctuary. The central administration in Copenhagen and the local authorities in Altona were perfectly aware of this, and they constantly balanced the benefits against the threats. It also implied that Altonians had to endure a certain degree of disorder in their city.<sup>20</sup>

The establishment of the police office was part of the process of reconstruction after two-thirds of the city was burned down by a Swedish army in 1713. A massive rebuilding project was initiated. Streets and houses were reorganized during the 1730s, the outer border with Hamburg was materialized with stone boundary markers during the 1740s and a professional police office was established in 1754.<sup>21</sup>

Compared with similar northern European towns, Altona's professional police office arrived relatively late. Europe's first professional police office was created in Paris in 1667, and a similar office was created in Copenhagen 15 years later. In Altona, the town privileges of 1664 stated that the supreme president, the burgomaster and the town council were responsible for maintaining 'good civil police',<sup>22</sup> but it remained unclear who bore the practical responsibility. Burgher patrols were introduced in 1748. The process of establishing a professional police office in Altona began in 1752, when a group of citizens wrote a petition requesting better organization of the burgher patrols. This led to a more general discussion between local representatives, the supreme president and the central administration in Copenhagen regarding how to implement order and security in the city of Altona. Instead of improving

<sup>18</sup>The north German duchies of Schleswig and Holstein were integrated into the eighteenth-century Danish state, although their cultural, political and legal status within that state differed from that of other parts of Denmark. See e.g. S.B. Frandsen, *Holsten i helstaten: Hertugdømmet inden for og uden for det danske monarki I første halvdel af 1800-tallet* (Copenhagen, 2008).

<sup>19</sup>'Die erfolgreichste merkantilistische Gründungsstadt in Deutschland': F. Kopitzsch, *Grundzüge einer Sozialgeschichte der Aufklärung in Hamburg und Altona* (Hamburg, 1982), 712.

<sup>20</sup>*Ibid.*, 228.

<sup>21</sup>P. Piper, *Altonas brand am 8. Januar 1713: Auf Grund der urkunden dargestellt von P. Piper* (Altona, 1913), LXIV–LXVIII; A. Wucher, 'Die gewerbliche Entwicklung der Stadt Altona im Zeitalter des Merkantilismus 1664–1803', in M. Ewald (ed.), *300 Jahre Altona: Beiträge zu seiner Geschichte* (Hamburg, 1964), 49–101.

<sup>22</sup>'Guten Bürgerlichen Policey': M. Ewald, 'Stadtprivileg für Altona vom 23 August 1664', in Ewald (ed.), *300 Jahre Altona*, 7.

the organization of the burgher patrols, this process led to the creation of the permanent office of chief of police (at first called the *Policey-Meister*, but known as the *Policey-Director* from Willebrand's time in office onwards).<sup>23</sup>

When Supreme President Henning von Qualen (1703–85) made the case to his superiors in Copenhagen for a professional chief of police in Altona, he did so with a diagnosis: 'the Altonian disease'. The city was staged as an ailing body, with the requested chief of police in the role of the medical doctor who would provide the necessary cure by executing ordinances: 'One may observe and feel the aching evil (*Übel*). One finds remedies to ease the pain. One prescribes ordinances.'<sup>24</sup> The first man to fill the position, Johann Georg Joachim von Stammen (d. 1759), rephrased this pathological metaphor in his initial letter of application to the Danish king, stating that the implementation of 'good police' in Altona was necessary to cure what he termed the city's 'inner disease' (*innerliche Krankheit*). He also listed his most relevant qualifications for the post: besides having worked as von Qualen's secretary for several years, thereby gaining valuable administrative knowledge, he had frequently walked the streets and had thus acquired personal experience of the city's challenges and the urban disease that good police regulation would cure.

The installation of the police office was an act of professionalization that affected the dynamics of Altona's various jurisdictions. Police director Willebrand answered to the supreme president, while Willebrand himself exercised authority over two police assistants, the city soldiers (*Stadt-Soldaten*), the street bailiffs (*Gaßen-Voigte*) and the heads of the civil militia (*Bürger-Capitänen*). The police director was granted authority to punish offences immediately (*brevi manu*). Without further appeal, he could impose fines of up to 5 *Reichstaler* or a maximum of four days' confinement on bread and water. Cases that could not be settled *brevi manu*, but where the fine did not exceed 10 *Reichstaler*, were taken to the police court (*Policey-Gericht*), over which the police director presided together with the praetor and the city bailiff (*Stadt-Voigt*). Cases of a more severe or complex nature were transferred to other judicial bodies, such as the criminal court (*Criminal-Gericht*), where the police director did not have a seat. Formally, the inhabitants of Altona had no influence on the organization and conduct of the urban police force, as all public offices were directly appointed by the king. However, everyone had the right to complain about decisions taken by the police director by writing a petition to the Danish king. In Copenhagen, Altona was administered through the German chancellery, and the supreme president of Altona acted as the king's representative in the city.

The revised police instruction of 1760 strengthened the police director's authority, urging him to approach other local authorities – the supreme president and the magistrate council (*Magistratskollegium*) – if anything was lacking.<sup>25</sup> However, it is impossible to draw any conclusions about the actual impact of police regulation on

<sup>23</sup>J. Ljungberg, 'Between home and the city: receiving and controlling strangers in Altona, 1740–65', in S. Nauman et al. (eds.), *Baltic Hospitality from the Middle Ages to the Twentieth Century: Receiving Strangers in Northeastern Europe* (London, 2022), 247–71.

<sup>24</sup>'Der Altonaischen Krankckheit', 'Man sieht, man fühlt das schmerzende Übel. Man findet auch Mittel daßelbe zu lindern. Man schreibt Verordnungen vor': LASH, Abt. 65.2, 3749, petition from Henning von Qualen to King Frederik V, 21 Aug. 1753.

<sup>25</sup>This account of the authority and jurisdiction of police director Willebrand is based on paragraphs 1–8 of the royal instruction to Willebrand. RA, Tyske Kancelli Indenrigske Afdeling, Patenten, 15 Dec. 1760, 1383–90.



Altona's inhabitants without considering how this instruction squared up to daily life in the city. Fortunately for our purposes, during his eight years in office Willebrand sent the aforementioned logs to his superiors in Copenhagen, and this saved them from perishing with Altona's city archive during World War II. Since the logs cover highly varied numbers of incidents each day, they probably do not represent all police activities. The large number entries on days when the police court operated is understandable, but it does not explain the uneven distribution across other days. Perhaps the logs only cover cases where the police director was personally involved, or perhaps he selected specific incidents he wanted to show to his superiors in Copenhagen. In any case, the incidents in question are clearly attributed with significance in his reports, and as such they are invaluable for our study. Moreover, the first pages of the document list the 88 categories of violations of the police instruction that were punishable during this period, with page references to relevant log entries.<sup>26</sup> This gives us the police director's own direct perspective on how the theoretical regulation was carried out in practice.

### The outer door where the street ends

In Willebrand's logs, three elements of street life stand out as recurring problems: excrement boxes, building materials and unleashed dogs. This reflects the paragraph of the police instruction specifying that wood, building materials, stone, gravel, animals, wagons and construction tools should not block the streets.<sup>27</sup> The police director's solution was essentially one and the same for all these problems: to move them off the streets and into houses or gardens. The handling of each of these categories reveals how the police office's interventions in everyday street life made the outer door a firmer boundary marker between streets and private houses.

In the summer of 1761, the supreme president instructed the police director to obey a royal decree and resolve 'the horrible situation in the city with excrement boxes placed in front of the doors'.<sup>28</sup> The precise concern was with their placement on the wrong side of the door. The police log provides several examples of how this decree was implemented in practice: fines were imposed on people who did not remove their boxes from the street despite having received explicit warnings and deadlines. Research on the police regulation of eighteenth-century cities has mostly connected the management of excrement with public hygiene and smell, but for Willebrand it was the visual aspect that was particularly important.<sup>29</sup> Those who kept their excrement boxes in their yards were instructed to erect a paling at least 6 feet high so that the sight would not disturb passers-by. In January 1764, a coachman

<sup>26</sup>The order of the categories largely coincides with the paragraphs of the police instruction, and with early modern police regulation in general. Paragraphs 1–8: administration; paragraphs 9–13: religious issues; paragraphs 14–29, 34–6, 38–43, 45–51: moral issues; paragraphs 30–3, 37, 44: medicine; paragraphs 52–64: production; paragraphs 65–88: infrastructure.

<sup>27</sup>RA, Tyske Kancelli Indenrigske Afdeling, Patent, 15 Dec. 1760, 1396.

<sup>28</sup>'Den Uebelstand in der Stadt mit den Mistkisten vor den Thüren wegschaffen zu lassen': LASH, Abt. 65.2, 3888, Policey-diarium, 16 Jul. 1761.

<sup>29</sup>E. Cockayne, *Hubbub: Filth, Noise and Stench in England, 1600–1770* (New Haven, 2007); W. Tullett, *Smell in Eighteenth-Century England: A Social Sense* (Oxford, 2019); T. Larsson, 'Policing Stockholm's filth: flows to fixedness, 1776–1836', in A. Clemente *et al.* (eds.), *Micro-geographies of the Western City, c. 1750–1900* (London, 2020), 125–40.

named Peter Brandenburg was fined because the excrement box he kept on his land was visible to passers-by, even though he had received clear instructions to hide it from their sight.<sup>30</sup> Another inhabitant, Lorentz Lange, kept his box on the street but reportedly tried to make it more acceptable by placing brick walls around it. However, the police director commanded him to take it down, expressing irritation that it had been placed on Bergstraße, one of Altona's newest and finest streets.<sup>31</sup>

Overall, the campaign against excrement boxes not only expressed the police director's obedience to royal decrees and instructions; it also reflected his more intellectual and theoretical interest in commercially motivated aesthetics. This is evident in his writings: the city's organization and appearance had to appeal to merchants, who subsequently would help to make the city rich and prosperous.<sup>32</sup> If we bear this commercial rationale in mind, the second example of the police director taking to the street to establish clearer boundaries may at first glance appear strikingly counterproductive. In the autumn of 1763, he instructed the coachmen of Altona not to leave their wagons on the street overnight, on pain of imprisonment in the penitentiary (*Zuchthaus*).<sup>33</sup> By contrast with excrement boxes, these wagons were important work tools. The essential role they played in commercial activities emerges clearly from the cases where the instruction was contested. Otto Dolck ran one of the city's many shipyards. His family had played an important role since the seventeenth century in the development of Altona's maritime industry. The family also owned a shipping company and a brewery.<sup>34</sup> According to the cameralist ideas presented in Willebrand's own books, police regulation was supposed to support merchants like Dolck. Instead, the police office entered a conflict with Dolck and other shipbuilders by persistently instructing them to remove the timber and planks they placed on the streets around their shipyards.

The outer door and the gate are highlighted as boundary markers in a graphical sketch that Willebrand used to visualize his desired order of things for his superiors in Copenhagen (Figure 1). The sketch demonstrates that the area in and around the streets was to be divided into distinct zones: the street, the shipyard and the public house (which appears demonstratively behind a gate in the sketch's upper right-hand corner) should each occupy only its own space. The ideal place for timber was along the river, behind a timbered gate that linked the work area to the street. The two timber piles in the sketch also explain graphically that wagons had to be able to pass the shipyard to reach the public house. This desired organization was in accordance with the principle of *servitut* in Roman law, which concerned both passage and sight. It also reflected the instruction from the *Grenz-Kommission* – which had established the city's outer borders in 1740 – to leave the edge of the space immediately outside a house door empty, in order for it to be possible to pass by.<sup>35</sup> However, since the

<sup>30</sup>LASH, Abt. 65.2, 3888, 13 Jan. 1764.

<sup>31</sup>LASH, Abt. 65.2, 3888, 18 Dec. 1763.

<sup>32</sup>J.P. Willebrand, *Abrégé de la Police, accompagné de réflexions sur l'accroissement des villes* (Hamburg, 1765); J.P. Willebrand, *Grundriss einer schönen Stadt, oder Bemerkungen, was zu, Angwachs und zur Erhaltung der Städtischen Einwohner dienet* (Hamburg and Leipzig, 1775).

<sup>33</sup>LASH, Abt. 65.2, 3888, 9 Nov. 1763.

<sup>34</sup>U. Lange-Basman, 'Schiffbaumeister in Altona vom 17. bis zum 19. Jahrhundert', *Deutsches Schifffahrtsarchiv*, 35 (2012), 113–43.

<sup>35</sup>RA, Copenhagen, Grenz-Vergleich 1740, XI.





**Figure 1.** Sketch by police director Johann Peter Willebrand displaying the ideal placement of timber on Elbstraße.

Source: Landesarchiv Schleswig-Holstein, Abt. 65.2, 3886 Stadt Altona: Polizeimeister und Polizeidirektor 1736–1846, 735.

complaint is repeated in the records, the shipbuilders seem not to have shared Willebrand's vision regarding the division of space. Instead, they continued to use the street as their place of work.

The third key example of the police office's contested attempt to regulate the streets concerns unleashed dogs. According to the police director's annotations, the city executioner had failed to get his men to exterminate unleashed dogs confiscated

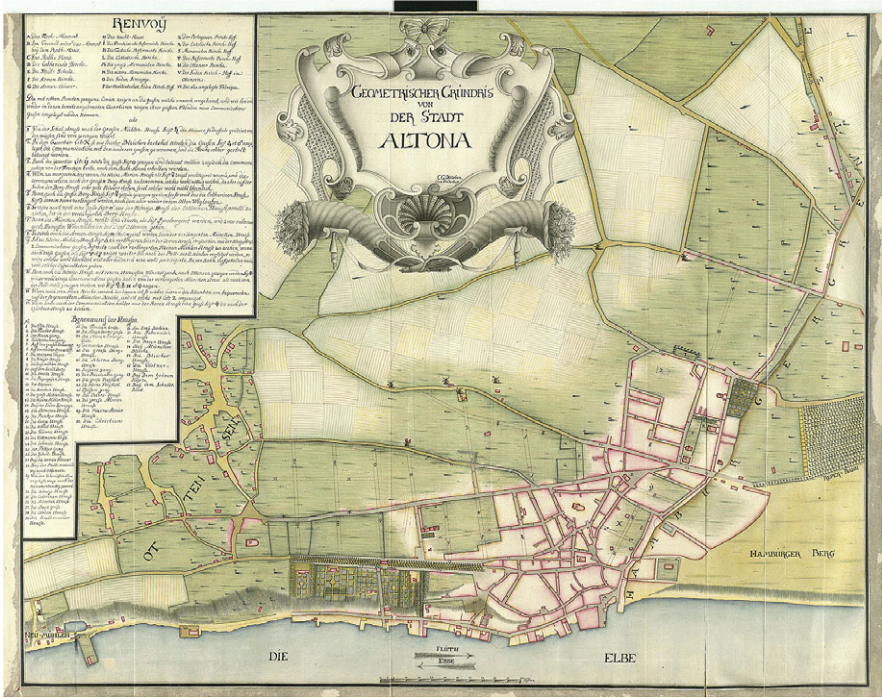


Figure 2. Sketch of Altona (1745). Note the centrally located Königstraße, which connects Hamburg with Ottensen. From C.G. Dilleben, *Geometrischer Grundriss von der Stadt Altona*, in *Frederik den Femtes Atlas*, vol. 29, repr. 76, 1745. Photo: The Royal Library in Copenhagen.

by the police office.<sup>36</sup> One such incident, recorded in March 1764, led to more extensive deliberation involving other local authorities. It concerned the son of Franz Behn, a prominent inhabitant of the nearby village of Ottensen.<sup>37</sup> Behn’s son had driven a wagon along the road that connected Hamburg with Ottensen via Altona (Figure 2). The police log listed the road to Behn’s residence as one of seven prioritized communications in the local infrastructure.<sup>38</sup> However, as the wagon passed the police director’s house, police assistant Rudolph Fick stopped the wagon to complain about an unleashed dog. Behn’s son was taken into the police director’s house, from which he was soon released after receiving a fine of 3 *Reichstaler*. The incident triggered the annoyed father to write the Danish king a petition that subsequently involved both the supreme president and the authorities in Copenhagen. The correspondence enables us to hear the voice of Willebrand’s opponent in this matter.

Behn complained: ‘The arrangement of good police is praiseworthy and gives glory to the Highest Creator. But when such a thing expands too wide, then even the

<sup>36</sup>LASH, Abt. 65.2, 3888, 13 Sep. 1765.

<sup>37</sup>LASH, Abt. 65.2, 3888, 27 Mar. 1764.

<sup>38</sup>LASH, Abt. 65.2, 3888, 11 Sep. 1761.

most faithful subject, and with him also the lord of the land, gets hurt.<sup>39</sup> This opening formulation of the complaint addresses no specific law. Instead, it points to the fundamental question of the point at which police regulation becomes excessive and a burden to state and citizen alike. This reminds us that the authorities and police directors were not the only ones with a sense of what ‘good police’ implied; Behn had his own ideas about it. He communicated his impressions not by referring to any specific protected space, or to any advanced theories about civil liberties or well-ordered ideal societies, but by clearly explaining the unreasonable consequences of excessive regulation for citizens’ daily lives. It simply did not make sense to be ‘chicaned for trifles’.<sup>40</sup> His argumentation followed the general genre of petitions, starting by explaining why the king should listen to him – because he allegedly had fulfilled his duty to accommodate soldiers during wartime – and then outlining his argument with reference to his lived experience. Behn presented himself as a countryman who needed to drive his coach through the city. Quite apart from the expectation of a decent infrastructure, which was central to police regulation, he stressed that excessive police regulation would eventually drive people from their homes, and that foreigners would actively choose not to settle in Altona if such offensive interventions became widely known.

In his response to the petition, Willebrand played down Behn’s objections. He expressed disbelief that Behn was even able to understand the regulation, and he doubted that he had written the petition himself. The latter was indeed confirmed by Behn, who complained about the money it had cost him to make his voice heard. Behn’s investment is fortunate for us: it provides us with explicitly formulated arguments in relation to one of the many entries recorded in the police log – of which many were clearly contested, as they reappear in the log later.

Von Qualen, the city’s supreme president, to some extent recognized the problem of dogs roaming the streets, adding that businessmen from Hamburg had the problematic habit of letting their dogs move freely around Altona. However, he took up a mediating position, exhorting the police director to inform citizens of the regulation instead of imposing fines in an apparently random fashion. He also stressed that some of Altona’s inhabitants needed their dogs – for example, ship-builders used dogs to guard valuable materials, which, as we have seen, were kept on the street both day and night. This comment compromised the police director’s desire for order in the street, in several regards. In addition, none of the other local authorities (*Gerichtsdienner*, *Stadt-Soldaten* and *Gaßen-Voigten*) supported the police director’s case.<sup>41</sup> The case thus demonstrates precisely what previous scholarship has stressed regarding inhabitants’ role in shaping and reshaping police regulation in practice.

To summarize the police log entries that concern spaces outside outer doors, these cases of excrement boxes, building materials and dogs all point to the principle that inhabitants should keep such things off the street. Although these boundaries were contested in various ways – for example, by the farm owner Behn and the shipbuilder

<sup>39</sup>‘Die Anordnung einer guten Policey ist Höchstlößlich und muß notwendig den allerhöchste urheber unsterblichen Ruhm erwerben, wenn solche aber zu weit extendiert wird, so kann selbige auch denen allergetreuesten Unterthanen, und mithin auch dem Landes Herrn Selbst zum Schaden gereichen’: LASH, Abt. 65.2, 3915, 186.

<sup>40</sup>‘Über nichts hiesenden Kleinigkeiten chicaniret’: LASH, Abt. 65.2, 3915, 187.

<sup>41</sup>LASH, Abt. 65.2, 3915, 182–5, 199–201.

Dolck – the log entries indicate that the establishment of the police office led to conflicts in which house doors and garden gates were engaged as firm boundary markers behind which one should keep one's excrement boxes out of sight, store one's work materials and let one's dogs move freely. As we will see in the next section, however, this does not imply that the space behind the door was off the police office's watch.

### The outer door where the house begins

The police office entered outer doors as part of its prescribed duties. However, the logs bear witness to uncertainty about how various boundaries should be drawn in practice. For example, a Danish ordinance introduced in Altona in 1753 prohibited gambling in both public and private houses, explicitly mentioning chambers behind locked doors.<sup>42</sup> In pursuit of this regulation, the police repeatedly checked suspected houses late at night – including immediately after the ordinance was renewed in 1761.<sup>43</sup> In December 1761, the police log records a discussion between the police director and the supreme president regarding whether the various games that frequently took place in the city's taverns should be considered gambling, a discussion that clearly balanced local custom against the new regulation.<sup>44</sup> Similarly complex categorization issues arose in the control of illicit lodgings. The police instruction listed various categories of people that were not allowed to be housed, including 'beggars' (*Bettler*), 'bad strangers' (*fremdes Gesindel*) and 'suspicious people' (*verdächtige Leute*), all of whom recur in the log.<sup>45</sup> For example, one log entry records that 'beggars' had been instructed not to seek alms late in the evening.<sup>46</sup> Willebrand was more than eager to regulate this activity. In a letter to his superiors in Copenhagen, he presented the detailed suggestion that begging should take place only on specified days, when beggars would line up in a procession, walk through the city in an organized way and knock only on preassigned doors, which would be fairly distributed by the authorities.<sup>47</sup> Similarly to the sketch (discussed above) showing the ideal placement of timber, this suggestion is another example of the police director's efforts to make the outer door a firmer boundary as a way of implementing the prescribed regulation in practice according to rational principles.

By far the most common reason for the police office to intervene in private houses was to prevent what was referred to as sex-selling (*Hurerei*), adultery (*Unzucht*) and the less precise category of 'lewd lifestyle' (*liederliche Lebensart*).<sup>48</sup> Altona was notorious for its many brothels in both public and private houses, and the police instruction provided a detailed classification along with directives regarding how to deal with these establishments, motivated by 'the maintenance of respectability and

<sup>42</sup>RA, Tyske Kancelli, Diverse sager, Trykte kgl. forordninger, 1567, 1629–1770, BX.171, 520.

<sup>43</sup>LASH, Abt. 65.2, 3888, 3 Sep. 1761.

<sup>44</sup>LASH, Abt. 65.2, 3888, 5 Dec. 1761.

<sup>45</sup>LASH, Abt. 65.2, 3888. These represent category 18: 'gegen die Beherbergung der Bettler'; category 47: 'gegen das Einmisteln fremdes Gesindels in den Quartiren'; category 33: 'verdächtige Häuser'; and category 34: 'verdächtige Wirthen'.

<sup>46</sup>LASH, Abt. 65.2, 3888. This is presented in category 21.

<sup>47</sup>LASH, Abt. 65.2, 3915, 105–53.

<sup>48</sup>These represent category 43: 'wegen Hurerey verdächtige Wirthshäusern'; and category 36: 'gegen liederliche Lebensart'. LASH, Abt. 65.2, 3888.



good manners' (*in Absicht auf die Ehrbarkeit und guten Sitten*). In these categories, we find lower-class sex workers (*Huren-Gesindel*), brothels (*Huren-Wirthe*) and 'lewd women' (*liederl.[iche] Weibs-Bilder*).<sup>49</sup> The instruction stipulated the general principle that police regulation should focus on such activities that 'took place in public' (*öffentl.[ich] vorgenommen*). This formulation did not imply activities in public houses as opposed to private houses; instead, it steered the focus towards activities that were commonly known. Accordingly, the logs reveal that the police office acted upon rumours, which – as we know from previous scholarship – had the capacity to establish truth in early modern societies.<sup>50</sup> Such denunciations of one's neighbours were officially encouraged, as the police instruction stipulated financial rewards for anyone who reported an incident.<sup>51</sup>

The police instruction explicitly permitted house investigations in connection with all the mentioned categories of sexual activity. A great number of log entries concern such actions. Some focus on specific houses. In the spring of 1760, several women were expelled from eight houses with reference to either sex-selling or lewd lifestyles.<sup>52</sup> At the end of the year, the police director expressed unusual (for him) satisfaction at a task completed, stating in the log that five brothels had been 'cleaned' (*gesaubert*).<sup>53</sup>

Approximately once a year, according to the log, male sex buyers were fined en masse for adultery.<sup>54</sup> Women were arrested during such investigations as suspected sex sellers, both in inns and private houses.<sup>55</sup> On other occasions, women were arrested for the less precise category 'lewd lifestyle'.<sup>56</sup> However, the people arrested in investigated houses were not always convicted. One log entry, among the many brief annotations, informs us that the police office investigated a 'suspected house', but that the (unnamed) woman found there was successfully identified as its housekeeper (*Haushälterin*).<sup>57</sup>

In December 1764, the leather tradesman Carl Hinrich Kars made a complaint about his tenant, Johann Christian Kuhlenkamp, which had an extensive and intriguing aftermath. The entry in the police log is brief: 'Kars pledged that there are two women in his apartment where Kuhlenkamp lives, whom he would like to have removed.'<sup>58</sup> According to the record of the incident, Kars stated that Kuhlenkamp shared his apartment with the two unmarried women, Catharina Elisabeth

<sup>49</sup>RA, Tyske Kancelli Indenrigske Afdeling, Patenten, 15 Dec. 1760, paragraph 14.

<sup>50</sup>LASH, Abt. 65.2, 3888, 24 Apr. 1766. E.g. L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1999); B. Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford, 2003); C. Walker and H. Kerr (eds.), *'Fama' and Her Sisters* (Turnhout, 2015); K. Barclay, *Caritas: Neighbourly Love and the Early Modern Self* (Oxford, 2021); C. Schjerning, 'Of chamber pots and scorned houses: exposing hidden bodies and private matters in eighteenth-century Copenhagen', in Nauman and Vogt (eds.), *Private/Public*, 119–38.

<sup>51</sup>RA, Tyske Kancelli Indenrigske Afdeling, Patenten, 15 Dec. 1760, paragraph 5.

<sup>52</sup>LASH, Abt. 65.2, 3888, 3 Mar. 1760, 26 Mar. 1760, 6 May 1760, 10 May 1760, 13 May 1760.

<sup>53</sup>LASH, Abt. 65.2, 3888, concluding comment for the year 1760.

<sup>54</sup>LASH, Abt. 65.2, 3888, e.g. 10 Jun. 1760, 16 Mar. 1761, 8–16 Jun. 1761.

<sup>55</sup>LASH, Abt. 65.2, 3888, 8 Jun. 1761, 10 Jun. 1761.

<sup>56</sup>LASH, Abt. 65.2, 3888, 17 Feb. 1762.

<sup>57</sup>LASH, Abt. 65.2, 3888, 8 Dec. 1762.

<sup>58</sup>Karsen imploriret, daß in seiner Wohnung bey Kuhlenkamp befindliche ledige Weibspersonen doch entfernet werden möge': LASH, Abt. 65.2, 3888, 20 Dec. 1764.

Preissen and Catharina Metta Hansen, ‘both day and night’.<sup>59</sup> He stressed that Preissen had responded defiantly (*trotzig*) when he had approached her, which was why he found it necessary to involve the police office. The police log identifies Kars as the landlord (*Wirth*).<sup>60</sup> We have found indications that his involvement in the issue was more personal. Documentation preserved in the archives of the Catholic and Reformed congregations shows that previously Kars, in his capacity as a representative of the Catholic congregation, had joined forces with a representative of the Reformed congregation to complain to the Danish king about the practice of cohabitation before marriage, which was on the rise in Altona.<sup>61</sup> Thus, what we see here is a man responding to the pluralization of norms regarding lodging arrangements in the expanding city by calling on the new institution of the police office.<sup>62</sup> Kars’ documented involvement in this matter suggests that he was seeking support for his own, more traditional view of households: he was thus acting as a housefather against what he viewed as disorder.

The police director responded swiftly to Kars’ request by sending his assistant Fick on a nocturnal visit to the apartment where his tenants lived. This visit took place during a year when the police log reveals a substantial increase in nocturnal investigations. In January 1764, the police office had dedicated a couple of nights to patrolling all the city’s inns, pubs and wine houses. A few days later, the police director recorded in his log that he had put his assistants in charge of the burgher patrols a couple of nights a week.<sup>63</sup> During the spring of 1764, the short description ‘night patrol’ emerges in the logs, and it is frequently used: between 3 February and 20 April, night patrols are recorded as having taken place on no fewer than 11 occasions.<sup>64</sup> This escalating police practice had significant consequences for doorstep conflicts, as the outer doors to private houses were less permeable during the night, and even protected by notions of *Hausfrieden* (house peace).<sup>65</sup> Rising tensions over the issue came to the fore in the summer of 1764, when the heads of the burgher patrols submitted a joint protest to the Danish king about their workload in general, focusing especially on the awkwardness of entering private houses at a late hour.<sup>66</sup> This context of contested institutional practice makes it highly important to further investigate the documentation in the Kuhlenkamp case, as it prompted both the police director and other local authorities to assess the increasing transgressions across the outer door into the house.

Kuhlenkamp was not at home when the police assistant arrived. However, the two women were arrested and taken to the police director’s house. They were released after interrogation when it was established that Hansen worked as a maid in the apartment while Preissen claimed to be Kuhlenkamp’s bride-to-be. But that was not

<sup>59</sup>LASH, Abt. 62.2, 3886:III, Stadt Altona: Polizeimeister und Polizeidirektor 1736–1846, 130–2.

<sup>60</sup>On the housefather’s responsibility in early modern Lutheran Germany to exercise authority and protect legal and cultural notions of domestic peace in a fatherly way, see H. Wunder, ‘“Privacy” and gender in early modern German-speaking countries’, in Green *et al.* (eds.), *Early Modern Privacy*, 70–1.

<sup>61</sup>LASH, Abt. 65.2, 3790, Fremde Religionsverwandte in Altona, 48.

<sup>62</sup>Cf. McEwan, ‘Lodging exchange’, 64.

<sup>63</sup>LASH, Abt. 65.2, 3888, 24 Jan. 1764.

<sup>64</sup>LASH, Abt. 65.2, 3888, 3 Feb., 6 Mar., 22 Mar., 27 Mar., 30 Mar., 3 Apr., 6 Apr., 10 Apr., 13 Apr., 17 Apr., 20 Apr.

<sup>65</sup>Schmidt-Voges, ‘Das Haus’; Laitinen, ‘Nighttime street fighting’.

<sup>66</sup>Ljungberg, ‘Between home and the city’.



the end of the story. The incident incited Kuhlenkamp to write a petition to the Danish king. Including the accounts of Preissen, Kars and police assistant Rudolph Fick, as well as responses from the supreme president and the police director, the documentation of the case amounts to over 100 pages. These accounts offer unique access to six different voices articulating different arguments for and against the action taken by the police office.

Let us start with the people directly involved in the action. According to police assistant Fick's account, Preissen had followed him to the police director's house voluntarily and without coercion. This constituted the police office report, and it is typical of the brief information we tend to get from such a subordinate servant. However, we also have access to a surviving copy of Preissen's interrogation.

Preissen's narrative tells a story of escalating intrusion across several material demarcations. She started by recounting that she had heard the police assistant ask for Kuhlenkamp outside what she referred to as her house (*Haus*). Then she had heard the police assistant declare that he wanted to talk to her instead; she had heard his steps as he went up the stairs, whereafter he had arrived in her room. He stated his name and commanded both her and Hansen to accompany him immediately to the police director. Preissen expressed several objections: she had not done anything illegal; she could not possibly leave the house over such a matter without her cohabitant, and especially not because Hansen had also been ordered to leave the building. Fick responded by threatening to summon the city soldiers, and he reminded her what it would do to her reputation if she were escorted out by them. Preissen then obeyed his order, and Fick made sure to lock the door after they had left the house. Finally, Preissen stressed that she had been observed from a distance by her neighbour Schmidt, the wife of a lawyer in whose household she had previously served as a maid. Preissen's point was that this observation in itself caused damage to her reputation. Her account speaks to a bodily exposure to the community from which doors and keys would have protected her. Indeed, her argumentation was deeply rooted in early modern society. As already mentioned, scholars have repeatedly identified the surveillant gaze of the neighbourhood community as lethal to the perception of people's honour; likewise, the confiscation of the keys to the house has been described as a violation of authority – especially women's authority – over domestic space.<sup>67</sup> In the context of Preissen's arrest, these points served as arguments for protection against intrusion by the police office.

Kuhlenkamp recounted that he had found the doors to his room locked when he came home. He had later learned that the police assistant had demanded that Preissen hand over the keys. So, how did he react to this intrusion? He tells us the answer in his petition: 'Then I went to His Royal Majesty through the supreme president and requested protection and security.'<sup>68</sup> Kuhlenkamp was asking for protection from the police assistant's enforced visit, using the same words as those used by the police

<sup>67</sup>LASH, Abt. 62.2, 3886:III, 142–5. On keys, see e.g. Vickery, *Behind Closed Doors*, 46–7; McEwan, 'Lodging exchange', 58; C. Schjerning, 'Behind thin walls: contested spaces and spheres of authority in late eighteenth-century Copenhagen', in E. Chalus and M. Kaartinen (eds.), *Gendering Spaces in European Towns, 1500–1914* (New York, 2019), 190. On honour, see e.g. Gowing, *Domestic Dangers*; Capp, *When Gossips Meet*; Walker and Kerr (eds.), *'Fama' and Her Sisters*; Barclay, *Caritas*; Schjerning, 'Of chamber pots'.

<sup>68</sup>'Ich ging da in nechst zu Eur. Königlichen Mayestät hiesigen Herrn Ober-Praesidenten, und *imploriste* derselben um Schutz und Sicherheit': LASH, Abt. 62.2, 3886:III, 127.

regulation itself. What Kuhlenkamp was explicitly complaining about was the exposure to the public gaze that Preissen recounted in more detail. Kuhlenkamp's understanding of security seems to have been rooted in the society of the Old Regime. He did not refer to any prevailing civil liberties, or any notions of *Hausfrieden* (house peace); instead he referred to the way in which the women had been taken from his lodging, further explaining that they had had to endure all kinds of judgment on the way to the police director's house. He added that his professional status as a young merchant had been damaged by 'the insult and *prostitution* that [they] have suffered publicly'.<sup>69</sup> Similarly to Behn, he stressed that incidents such as this, created by a police director 'with an aura of wood' (*sic*), would deter other young merchants from choosing Altona for their valuable business.<sup>70</sup> In addition to the complaint about exposure to the community, this supporting argument certainly matched the ambition for Altona to become a thriving commercial hub, as well as the underlying complex of cameralist ideas.

The landlord Kars' concern, on the other hand, was with the allegedly disordered household. In response to this concern, Kuhlenkamp referred to the practice of cohabiting before the wedding, a practice that was widespread in Altona and to which the authorities made no objections. He also claimed that he and Preissen had become engaged three weeks before the start of 'the *Willebrandchen* procedure', and that they were currently awaiting confirmation from Copenhagen.<sup>71</sup> The register of the German chancellery does confirm that an application from Kuhlenkamp and Preissen about *Haus-Copulation* was sent, although it was registered two weeks *after* the police office's nocturnal visit to their home.<sup>72</sup>

Willebrand did not trust Kuhlenkamp's words; nor did he believe in Kuhlenkamp's potential to run a thriving business.<sup>73</sup> Instead, he praised Kars for his action, stating that ideal citizens should indeed 'seek assistance against such lewdness (*Liederlichkeit*) in their houses' and confirming that premarital cohabitation might lead to temptation. He even announced that he had found another house where Preissen could stay until the wedding.<sup>74</sup> Yet, even though Willebrand supported Kars' complaint, he presented the incident as a potentially powerful threat to the city:

In this way, Your Excellency will soon be well informed, in order to assess what consequences this kind of obstruction against the execution of public office may have in Altona, where the sloppiest young Hamburgers, secret foreign military officers and others – among them the so-far only engaged – often make a stop in Altona or Ottensen to visit common whores (*gemeinsten Huren*) living in beds in rented chambers of one or another inhabitant. This has consequences for the city's reputation, for many parents, families and trading

<sup>69</sup>'Die Beschimpfung und prostitution die ich erlitten öffentlich gewesen': LASH, Abt. 62.2, 3886:III, 130.

<sup>70</sup>'Zum Holzern geneigte Lebhaftigkeit': LASH, Abt. 62.2, 3886:III, 130.

<sup>71</sup>'Der Willebrandschen procedur': LASH, Abt. 62.2, 3886:III, 129.

<sup>72</sup>RA, Tyske Kancelli Indenrigske Afdeling, Registranter med Koncepter og indlæg, 1764–65, Patenten Extracten, 29 Dec. 1764, 222. See also RA, Tyske Kancelli Indenrigske Afdeling, Patenten, 29 Dec. 1764. Both sources are available through arkivalieronline.dk.

<sup>73</sup>LASH, Abt. 62.2, 3886:III, 135.

<sup>74</sup>'Wenn die Bürger in ihren Häusern gegen dergleichen Liederlichkeit hülfe und Beystand suchen, der gleichen Unfug zu verhindern': LASH, Abt. 62.2, 3886:III, 138.

houses in Hamburg (*Kaufmann Comtoiren in Hamburg*), but it also has consequences for security.<sup>75</sup>

In brief, the police director argued that it was necessary to take action against all households where brothel activities were suspected to take place, and that this priority trumped the risk of discomfiting the inhabitants. The interests of the city were of higher value than the interests of its citizens.

Finally, the supreme president unpacked the case in a concluding memorandum. He briefly stated that Kuhlenkamp possessed enough rooms to house both women: the apartment had one living room, one chamber and even a third chamber that could be used to receive strangers.<sup>76</sup> What mattered in the end was that the three residents possessed three rooms. Furthermore, he stated – in a strikingly formal and bureaucratic manner far removed from the police director’s abstract threats – that the police instruction did not legitimize a house investigation in this case, ‘since the supplicant’s bride is not a whore nor lives in a brothel, and the whole issue is that she spends both day and night in the home of her bridegroom’.<sup>77</sup> The police director had acted ‘on the landlord’s simple denunciation about something that does not concern him’.<sup>78</sup> This assessment by the supreme president in effect meant that Kuhlenkamp’s protest was successful. It did not matter that Willebrand had expressed disbelief that the three residents really slept in different rooms. The nocturnal visit had not provided any proof regarding the sleeping arrangements, as Kuhlenkamp had not been at home. In this way, the supreme president presented a non-intrusive conclusion to the case: as long as nothing criminal had taken place, the home was protected from nocturnal investigation. In his further annotations, Willebrand commented on the supreme president’s intervention in a way that confirms Kuhlenkamp’s successful bid to be let alone behind his own outer door: ‘Mr Supreme President has ordered [me] to leave the abovementioned man in peace. I provided Mr Supreme President with further information, begging him to hear the truth of the matter and not let his command be guided by any incomprehensible messages.’<sup>79</sup>

The Kuhlenkamp case is unusually well documented, but the incident that sparked the process was not unique. Police log entries for the following year reveal that inhabitants persistently reported rumours about fornication taking place in the neighbourhood.<sup>80</sup> However, the few surviving report sheets from the night patrols

<sup>75</sup>Gleichwie aber Eur. Excellence endlich so erleuchtet sind, zu ermaßen, was eine Amtsverhinderung von dieser Art in Altona, wo die liederlichsten jungen Hamburger, fremde heimlich verbende Officers und andern, unter dem Vorstand der Verlobung, sich in Altona oder Ottensen oft die gemeinsten Huren, bey einem und anderen Einwohner, in gemieten Kammern auf der Streu halten, im Betracht der Renommee der Stadt, und im Betracht vieler Aeltern, Familien und Kaufmanns Comtoiren in Hamburg, auch im Betracht der Sicherheit für Folgen nach sich ziehen dürfte’: LASH, Abt. 62.2, 3886:III, 138.

<sup>76</sup>LASH, Abt. 62.2, 3886:III, 147.

<sup>77</sup>‘Da Supplicantes Braut keine Hure ist, sich in keinen Hurhause aufgehalten, und das ganze Versehen darin bestanden, dass selbige sich bey ihr Bräutigam Tag und Nacht auf gehalten’: LASH, Abt. 62.2, 3886:III, 148.

<sup>78</sup>‘So hätte der Policey Director auf die bloße Denunciation des Hauswirths über eine ihm nicht beikommende Sache keine Cognition nehmen sollen’: LASH, Abt. 62.2, 3886:III, 148.

<sup>79</sup>‘Der Herr Ober Präsident befahlen, obiges Mensch zu Frieden zu lassen. Ich machte Hr. Excellence die Sache näher bekannt, mit der Bitte, mich hinführo lieber zu sich zu fordern, um die Wahrheit der Sache zu vernehmen, und, durch keinen unverstandlichen boten der gleichen befehlen zu lassen’: LASH, Abt. 65.2 3888, 20 Dec. 1764.

<sup>80</sup>LASH, Abt. 65.2, 3888, 24 Apr. 1766.

taking place after the Kuhlenkamp affair are left empty in this regard.<sup>81</sup> In the same year, police director Willebrand resigned from his post in frustration at the lack of opportunity to fulfil his duties, according to his surviving correspondence with his superiors.<sup>82</sup> As final documentation of his time in office, he sent a bitter testimony to his superiors in Copenhagen entitled 'Lack of police in Altona', in which he listed a number of police regulation issues where his work had been 'in vain'.<sup>83</sup> It had been eight disappointing years.

### New opportunities for privacy?

Turning back to the main question on the opposed tendencies during the eighteenth century of increasing opportunities to claim protection behind the house door and, simultaneously, increasing police regulation, what does the case of Altona tell us about how these contentious developments took shape during this transitional period in the history of privacy?

First and foremost, it is necessary to establish that we have not encountered any explicit argument for a right to privacy. Nor have we found any use of terminology referring to private matters or private business, which actually the Copenhagen bill of 1771 would refer to just a few years later as worthy of protection. Throughout the sources for this study, the term 'private house' simply denotes a place of residence, which according to the police instruction was accessible for the outstretched arm of the police office, should it find a reason to enter. What we have managed to trace, however, is a variety of ways in which the inhabitants reacted to the implementation of police instruction around their outer doors, which indirectly provide insights into the history of privacy.

Our investigation urges further research to track the *material*, *narrative* and *bureaucratic* boundary markers that strengthened the outer door as a result of interactions between urban authorities and residents.

First, we have identified that Altonians were repeatedly requested to view their outer door as a *material* boundary marker in matters that had everyday consequences. For urban dwellers like Lange, who wanted to keep their excrement boxes outside their doorstep, the rapid implementation of police regulation meant they had to move the boxes inside their property and out of sight of the street. For shipbuilders like Dolck, the new order meant they were no longer allowed to use the street as their workspace. For farm owners like Behn, it meant they had to keep their dogs from roaming the streets. They all disobeyed this regulation, using the street as an extended part of their house and yards. However, for other inhabitants, such as Kars, the establishment of the police office offered new opportunities to involve a local authority in conflicts taking place behind the closed doors of private houses. This does not mean that local authorities had had no such authority before. For example, gambling had been forbidden long before the creation of the police office. But the police director was tasked with enforcing regulation on a daily basis by entering houses. Thus, the institutional novelty of the police office obviously did not establish

<sup>81</sup>LASH, Abt. 65.2, 3888, 2–37.

<sup>82</sup>LASH, Abt. 65.2, 3888, 200–56.

<sup>83</sup>LASH, Abt. 65.2, 3888, 163–86.

the house door as a material boundary in all matters. It also assisted initiatives to breach doors.

In cases of rising tension around the house door, *narrative* boundary markers tell us something significant about experiences of what later would be coded as violations of privacy. Such boundary markers are emphasized in the two petitions directed against police director Willebrand in person. While Preissen's cohabitant protested against the nocturnal house investigation with reference to existing legislation against public exposure, she presented her claim via a narrative of escalating intrusion across ever more intimate boundary markers – house, apartment, staircase, outer door, keys, lock – which reached its peak when her body was taken out of the house and onto the street, exposed to the gaze of the neighbourhood. Neither of these elements in Preissen's account stands out as particularly novel, pointing to any transition towards the increasing protection of the outer door by notions of privacy. Fear of defamatory exposure to the community, protest against violent entry through doors and the confiscation of keys are all familiar elements in early modern court cases. Nevertheless, all these concerns would through time become key examples of what constitutes a violation of privacy.

What we refer to as *bureaucratic* boundary markers reveal how the opposed tendencies of the time, of non-intrusive policies and intrusive police regulation, collided in Altona on the level of local administration. While the police director followed the instruction to enter houses upon suspicion, the supreme president expressed a more restrictive policy for house investigations, referring to the availability of enough rooms as a sufficient criterion not to enter. Their different attitudes to house investigations seem to reflect a more general conflict between the implementation of theoretical police regulation and local concerns to find pragmatic solutions. From the perspective of police director Willebrand, the remaining documentation of his time in service reveals that he spent much ink on logging incidents on the streets as well as on drafting paragraphs for his *grand œuvre* on ideal police regulation, which he published by the end of his service under the title *Abrégé de la Police* (1765), seemingly hoping to attract a broad audience by writing in French.<sup>84</sup> Supreme President Von Qualen, on the other hand, interrupted the police director's efforts by acting as a pragmatic servant of the absolutist regime seeking to calm down local sentiments.

Juxtaposing the two urban state servants Willebrand and Von Qualen is revealing of the bureaucracy's potential to increase and decrease the authority of police regulation and thereby regulate room for privacy. Even though police regulation legitimized what we can refer to as state intrusions into privacy, our findings suggest that local bureaucracy also had the potential to eliminate the legitimacy of those intrusions, and thus to create room for privacy, as petty conflicts were taken to an extreme and involved multiple authorities.

To conclude, this article has shown how the documentation of incidents and reactions in a free town during the transitional period of the mid-eighteenth century can shed light on the history of privacy. When Altonians were instructed to view their outer doors as boundary markers, and when they protected their doors in different ways, they had certainly many different concerns which were not directly related to privacy. They insisted on using the area around their house door as they liked. They

<sup>84</sup>Willebrand, *Abrégé de la Police*.

protested against what they perceived as exaggeration or abuse of the novel police regulation. Local authorities were likewise concerned with many things other than invoking the outer door as a boundary marker. At the same time, our analysis suggests that documented interactions between state authorities, local authorities and the urban community regarding matters of the outer door as a boundary marker foregrounded already existing views of privacy. In this light, we suggest that the stronger emphasis on the outer door of the private house in everyday life indirectly paved the way for new opportunities to recognize it as an entrance into a zone protected by notions of privacy.

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