SOCIAL AND ENVIRONMENTAL POLICING*

G. Geltner and Gregory Roberts

Introduction

On July 2, 1293, the notary Redolfo da Guercio went through the city of Bologna searching for anyone contravening the statutes under his remit. Redolfo was in charge of the *fango* office, which broadly speaking oversaw the commune's infrastructure, sanitation, and public spaces. He was a foreign official—part of the podestà's retinue, which local elites hired to administer justice for a term of six months—and took two of the podestà's soldiers (*berrovarii*) with him on patrol. Recording the occasion in his official register, Redolfo listed a number of the statutory violations he looked for. Some of them concerned what Mary Douglas, in her classic adage, would call "matter out of place": physical obstructions in the piazzas and city streets, and waste dumped in the piazza and other "prohibited places."[1] Others had to do with behaviours out of place: butchers slaughtering animals where it was prohibited, pedlars (*tricoli*) selling unregulated foodstuffs, and gamblers playing outside of designated gaming areas. Still others concerned persons who, according to the civic statutes, had no place at all within the city walls. These included lepers, the blind, and those who pretended to be such, as well as charlatans, purse-cutters, amputees, soothsayers, and "other persons who beg falsely." Over the next six months, Redolfo went on to compile a register filled with "discoveries" (*inventiones*) of apparent violations: gamblers playing on the stairs of the communal palace, residents dumping water from their balconies, stationers skinning animals to make parchment under their porticoes, stray pigs roaming the streets, taverns serving wine in measures that did not conform to the communal standard, and porticoes not high enough to allow people on horseback to pass underneath. Redolfo even investigated reports that three blind men were living with their families in the parish of San Giuliano, on the edge of town.[2] Far from exceptional, Redolfo's activities would have seemed perfectly ordinary to local residents. He stood among the first in a long line of *fango* notaries in Bologna who compiled registers of their discoveries, which

* G. Geltner wishes to thank Janna Coomans and Claire Weeda for their comments on an earlier draft of this text.

1 Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Praeger, 1966), 35.

2 Archivio di Stato di Bologna, Podestà, Fango 5, 1293 II (80 fols.). On the office more broadly see, most recently, G. Geltner, *Roads to Health: Infrastructure and Urban Wellbeing in Later Medieval Italy* (Philadelphia: University of Pennsylvania Press, 2019), 85–112.

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survive in abundance from 1285. Moreover, officials who oversaw roads, sanitation, and urban well-being were a staple feature of municipal government across and beyond Italy by the later thirteenth century.[3] As such, they served as de facto police forces well before the modern era, when historians tend to locate their rise.

Perhaps the most striking feature of the records of the *fango* notaries and similar offices is their homogenizing effect on disparate things, people, and activities. In the formulaic language of the registers, diverse phenomena are reduced to the category of a statutory violation, to be disciplined accordingly. This chapter contends that such regulatory activities are typical and emblematic of an important and generally unremarked development in medieval urban history, namely the growth of institutionalized policing. The process was neither a uniquely Italian phenomenon nor the exclusive province of governments. Indeed, different stakeholders exercised power through a broad constellation of organizations besides governments, including guilds and the church.[4] The effort was, however, marked by newly expansive regulatory schemes that treated people and things as objects to be managed for the sake of the public good. Over time, the regulation of daily life through rule-making became a defining feature of urban governance in western Europe. Public rules increasingly governed who and what was permitted in virtually all aspects of urban life, creating new forms of criminality and deviance in the process.

This chapter describes the many ways in which police—understood broadly as governance by regulation—strove to discipline urban communities. The first section shows how the management of various things, spaces, and activities created a detailed catalogue of deviant behaviour and subjected otherwise law-abiding citizens to public authority. The second section shows how elite concerns over social deviants such as beggars and habitual gamblers inspired new police techniques that in turn reinforced these social identities. A third section highlights the similarity between the environmental and social policing of the previous two sections, and how they served elites' claims to promote good governance. In the conclusion, we point out examples of urban policing in the premodern world beyond western Europe to suggest the fundamental (but not exclusive) link between urbanization and the growth of policing. Overall, this sketch will suggest that policing was a driving force behind the growth of the administrative state

3 Annemarie Kinzelbach, "Infection, Contagion, and Public Health in Late Medieval German Imperial Towns," *Journal of the History of Medicine and Allied Sciences* 61 (2006): 369–89; Carole Rawcliffe, *Urban Bodies: Communal Health in Late Medieval English Towns and Cities* (London: Boydell, 2013); Janna Coomans, *Community, Urban Health and the Environment in the Late Medieval Low Countries* (Cambridge: Cambridge University Press, 2021).

4 For the state as an "organization of organizations" including the government, see Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, rev. ed. (Cambridge: Cambridge University Press, 2013), 31; John Joseph Wallis, "Rules, Organizations, and Governments," *Atlantic Economic Journal* 43 (2015): 69–86.

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in western Europe well before the nineteenth century, and as such its history challenges a common understanding of the pre/modern divide.

Before turning to the empirical evidence, a few words on our choice of "policing" as an interpretive framework. After all, professional police forces (as distinct from military forces) did not exist in medieval Europe and the word "police" hardly appears in the sources. Moreover, "police" today is virtually synonymous with the internal security forces of polities or very large organizations; "policing" typically refers to the efforts of such forces to prevent and detect crime, enforce the laws, and maintain public order. In this narrow sense, "the police" is commonly said to be an invention of industrial modernity—in particular early nineteenth-century London.[5] Historians are aware that "police" had a much broader meaning in early modern Europe, from roughly the fifteenth to eighteenth centuries. The word "police" first appeared in thirteenth-century French as a translation of the Latin *politia* (state or administration); by the fifteenth century, "police" had come into wider continental usage to signify both the ideal of good order and the aspects of public administration that fostered it, including commerce, urban planning, health, safety, and morals. Polities in early modern Germany, for example, sought to create "good police" (*gute Policey*)—meaning something like a well-ordered state—through police ordinances (*Polizeiordnungen*). By the eighteenth century, German states had even developed an academic discipline called "police science" (*Polizeiwissenschaft*) for the administration of internal order, broadly perceived,[6] yet it was only in the nineteenth century that the word "police" came to denote the agents of the state who enforced these regulations, more so than the function of governance itself.[7]

In practice, however, numerous polities and especially municipal governments exercised police power long before it became an administrative or academic discipline. Our approach, then, deliberately aims to show that the traditional periodization of police as a "modern" institution does not hold up to scrutiny. It underscores how premodern polities addressed archetypal "police" concerns, such as vagrancy and what English common law would term public nuisances. By interpreting the regulation of people and things as part of an overarching project of governance, we also hope to break down traditional barriers in the historiography. There are rich literatures on social marginals, commercial activities, and urban planning in medieval cities,

5 For a textbook example, see John S. Dempsey and Linda S. Forst, *An Introduction to Policing*, 7th ed. (Clifton Park, NY: Delmar Cengage Learning, 2014), 8. For a more nuanced study, see Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720–1830* (Stanford: Stanford University Press, 1998).

6 Andrea Iseli, *Gute Policey: öffentliche Ordnung in der frühen Neuzeit* (Stuttgart: Ulmer, 2009); Thomas Simon, *"Gute Policey": Ordnungsleitbilder und Zielvorstellungen politischen Handelns in der Frühen Neuzeit* (Frankfurt: Klostermann, 2004); Georg-Christoph von Unruh, "Polizei, Polizeiwissenschaft und Kameralistik," in *Deutsche Verwaltungsgeschichte*, ed. Kurt G. A. Jeserich, Hans Pohl, and Georg-Christoph von Unruh, vol. 1 (Stuttgart: Anstalt, 1983), 388–427.

7 Reynolds, *Before the Bobbies*, 1.

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and budding literatures on public health and environmental regulation as well.[8] Few have noted, however, that all were objects of similar policing techniques. Likewise, for all the richness of the literatures on violence, crime, and justice in medieval cities, few scholars have understood the growth of public justice as a function (in part) of a growing police apparatus.[9] We contend that elites' efforts to regulate urban communities—both their social fabric and physical environment—through expansive statute collections and new means of enforcement were fundamental to defining and disciplining crime and deviance.

Constructing Deviance through Policing

Due to the strong association of the public health movement with the Industrial Revolution, the rise of nation states, and other processes of modernization, earlier civilizations are seldom credited with developing population-level prophylactics. However, not only are the latter well-documented for numerous premodern societies and groups, the environmental policies they promoted served as a major arena for defining deviance and developing policing practices. As this section demonstrates, threats to public health included disorderly people, dangerous animals, hazardous sites, and broken or simply misplaced things. As such, their identification, monitoring, deterrence, and prosecution helped hone governance policies and practices, also on the basis of then-current medical theory.

Indeed, who defines "matter out of place" and how to treat it depends on a capacity to assert legitimate power, rather than any inherent quality of things or an ideal spatial relation. That much was true for medieval civilizations as well. Daily interventions meant to return things to their proper place (or prevent them from being dislodged from it) were part and parcel of many political projects well before the rise of the modern nation state. Such was the very premise, for instance, of London's assize of Nuisance and numerous town and neighbourhood courts.[10] Across western Europe, similar claims were integral to the notion of the public good, whose defense and promotion defined the boundaries of legitimate government action. To be sure, such boundaries were constantly contested

8 For representative selections, see Frank Rexroth, *Deviance and Power in Late Medieval London*, trans. Pamela Selwyn (Cambridge: Cambridge University Press, 2007); Oscar Gelderblom, *Cities of Commerce: The Institutional Foundations of International Trade in the Low Countries, 1250–1650* (Princeton: Princeton University Press, 2013); and Carole Rawcliffe and Claire Weeda, eds., *Policing the Urban Environment in Premodern Europe* (Amsterdam: Amsterdam University Press, 2019).

9 For example, Daniel Lord Smail casts the growth of public courts as a consumer-driven phenomenon in *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca: Cornell University Press, 2003); and *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge, MA: Harvard University Press, 2016).

10 Helena M. Chew and William Kellaway, eds., *London Assize of Nuisance 1301–1431: A Calendar* (London: HMSO, 1973); Christine L. Winter, "The Portsoken Presentments: An Analysis of a London Ward in the 15th Century," *Transactions of the London & Middlesex Archaeological Society* 56 (2005): 97–161.

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or simply ignored, be it from the direction of individual households, urban guilds, the church, and even rural residents, including animals.[11] These tensions can accordingly be observed in terms of daily interactions between a) non-human things, including animals; b) people; and c) the places the first two categories jointly occupied, which could both buttress or undermine cities' health.

Though not exclusive to cities, sanitary policies were especially important tools for urban polities to regulate their complex economies and populations. Managing waste was seen by urban residents and governments as key to the ordering of disorder; as a manifestation of power, they paid constant attention to it. Tensions emerged, however, over the question of boundaries and clashing micro-agendas. For while households and workshops certainly developed preventative practices, also in order to promote health and labour safety among their members, they may have placed a smaller premium on aligning their needs with those of the urban community as a whole. Where certain artisans practised their trade and how people disposed of their waste, especially beyond private and corporate thresholds, were therefore a constant source of friction. Notably, matters believed to induce miasma, especially animal blood, entrails, and corpses, as well as human faeces and animal dung, hazardous smoke from lime kilns, chemicals used in leather production and dyeing, grease involved in candle making, and any process employing sharp tools or wood-burning ovens were broadly seen as dangerous nuisances threatening entire populations. In this sense, private citizens, households, and guilds could face allegations from their neighbours, visitors, and city officials for their activities' impact on their environs.

Urban regimes accordingly sought to regulate the quality and movement of things, also in or on the boundaries of domiciles and workshops, as a way to fight disease, reduce public harm, and facilitate commerce. They often construed such activities in terms of policing waste disposal. For example, after a 1328 flood left Valencia's streets choked with debris, municipal authorities ordered all residents to spend the next two days cleaning the city.[12] And in Ghent, an official known as the "King of Dirt" served as a factotum specifically enabling urban flows.[13] From officialdom's perspective, even seemingly innocent artifacts could become matter out of place. A loose cart, a protruding work bench, a discarded utensil, a pile of bricks: each could present danger and cause injury, however unintentionally.[14] Broadly speaking, misplaced things risked

11 G. Geltner, "Rural Policing in the Long *Trecento*: An Urban Project and Its Obstructions," *English Historical Review* 137 (2022): 47–79.

12 Abigail Agresta, *The Keys to Bread and Wine: Faith, Nature, and Infrastructure in Late Medieval Valencia* (Ithaca: Cornell University Press, 2022), 166.

13 Janna Coomans, "The King of Dirt: Public Health and Sanitation in Late Medieval Ghent," *Urban History* 46 (2019): 82–105.

14 Ernest L. Sabine, "City Cleaning in Mediaeval London," *Speculum* 12 (1937): 19–43; Roberto Greci, "Il problema dello smaltimento dei rifuiti nei centri urbani dell'Italia medieval," in *Città e servizi sociali nell'Italia dei secoli XII-XV* (Pistoia: Centro Italiano di Studi di Storia e d'Arte Pistoia, 1990), 439–64; Ercole Sori, *La città e i rifiuti. Ecologia urbana dal Medioevo al primo Novecento*

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interrupting the flow of people, animals, goods, and matter considered essential for community health and cities' metabolism, not merely from an economic perspective, but especially for ensuring well-aired and water-evacuated spaces *pro maiore sanitate hominum*, for people's greater health.[15] Furthermore, through practicing urban planning and zoning, regimes determined the location of production sites and areas for collective waste disposal outside the city, downriver, and downwind, where polluting matter would not be out of place. These interventions literally prepared the ground for integrating new and existing infrastructures (vehicles for the movement and location of things) into the public domain and presented them and their monitoring as a health-promoting pursuit belonging to the remit of local governments.

Galenism directed such efforts towards keeping at-risk sites traversable and clean, efforts directed from multiple sources and stakeholders in the city. Both privately employed and government guards, for instance, were tasked with ensuring the safety and productivity of fields and certain hinterland infrastructures such as ponds and mills. Guilds and other professional groups policed production and retail sites within the city, including furnaces, weaving and dyeing workshops, meat halls, tanneries, and bakeries.[16] From a municipal perspective, these sites were interconnected stations in the workflow of certain goods, including nodal points such as roads, canals, gates, and of course markets. Municipalities' eyes, ears, and especially noses led efforts at supervising these places, expressly to preserve population health, once again using both centralized officers and incentivizing self-policing. The division of labour between these agents was always in flux, but broadly speaking the former group were tasked with creating and maintaining public infrastructures, while the latter focused primarily on human behaviours and product quality. But slippage (and thus tension) between jurisdictions was common, and just as market inspectors could fine fishmongers for selling subpar merchandise, butchers too could opt to settle a professional dispute by appealing to a local court. And almost anyone could complain

(Bologna: Il Mulino, 2001); Thomas A. Spitzers, "Archaeological Evidence and Models of Waste-Disposal and the Infrastructure of Deventer," in *Lübecker Kolloquium zur Stadtarchäologie im Hanseraum IV: Die Infrastruktur*, ed. Manfred Gläser (Lübeck: Schmidt-Römhild, 2004), 117–36; Chloé Deligne, "Stedelijke vervuiling in het verleden: een inleading," *Jaarboek Ecologische Geschiedenis* (2007): 73–81; John Henderson, "Public Health, Pollution, and the Problem of Waste Disposal in Early Modern Tuscany," in *Le interazioni fra economia e ambiente biologico nell'Europa preindustriale. Secc. XIII-XVIII*, ed. Simonetta Cavaciocchi (Florence: Firenze University Press, 2010), 373–82; Elisabet Schager, Cathrine Andersson, Astrid Lennblad, and Maria Paring, "Waste Management in Nya Lödöse," *International Journal of Historical Archaeology* 22 (2018): 401–22.

15 Lara Sabbionesi, "'*Pro maiore sanitate hominum civitatis … et borgorum*': lo smaltimento dei rifiuti nelle città medievali dell'Italia settentrionale," PhD diss., Università Ca'Foscari di Venezia, 2016; Lori Jones, ed., *Disease and the Environment in the Medieval and Early Modern Worlds* (New York: Routledge, 2022).

16 Carole Rawcliffe, "Health and Safety at Work in East Anglia," in *Medieval East Anglia*, ed. Christopher Harper-Bell (Woodbridge: Boydell, 2005), 130–151.

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about individuals and government officials neglecting to maintain public amenities such as sewers and walls or sanitary services such as removing waste or keeping canals flowing.[17]

Indeed, enforcing prophylactic practices was a difficult task, and rulers accordingly used a variety of methods to achieve compliance. Accusers of environmental offenders, for instance, were usually entitled to some part of the fine levied pursuant to a successful prosecution, a regular feature of medieval justice systems based on the accusatorial process. (Conversely, accusers could be held liable for the accused's legal expenses if the charge was not proven.)[18] Beyond providing direct financial incentives, rulers also opted for (or conceded to) the inclusion of neighbourhoods in shaping policy and its execution, for instance by appointing local representatives as enforcing agents.[19] Last but not least, rulers created policing agencies with powers to monitor, fix, and create infrastructures, which often entailed fining those who threatened to damage them through poor planning, neglect, intentional damage, and unwanted animal behaviour, including littering, trampling, and blockage. Records left behind by these officials, especially their summary justice procedures, are often the most compelling proof for the existence of earlier environmental policing and the lengths to which governments would go to implement them. Positioning themselves as arbitrators in such nuisance-related issues, royal, princely, and urban regimes sought, albeit in the face of constant resistance, to encroach upon decidedly private spaces or expand the remit of public ones and establish people's health and safety as a defining feature of legitimate power.[20]

The disciplining of things extended to the governance of animals, often defined in terms of their spatial relation to humans and their property (stray, yoked, caged, tied) and the ramifications their behaviours could have for the well-being of other humans, animals, and of course things. As with other menacing or potentially deviant entities, seasonality and topography played a central role in determining when matter was out of place, with due attention to animals' breeding periods and by drawing clear distinctions between urban spaces. For instance, whereas dogs, goats, and pigs presented hazards usually issuing forth from private households and menacing children, smaller animals, and certain wares, pack animals tended to arrive from beyond the walls and could

17 Ernest L. Sabine, "Butchering in Mediaeval London," *Speculum* 8 (1933): 335–53; Sabine, "Latrines and Cesspools of Mediaeval London," *Speculum* 9 (1934): 303–21; Dolly Jørgensen, "Cooperative Sanitation: Managing Streets and Gutters in Late Medieval England and Scandinavia," *Technology and Culture* 49 (2008): 547–67; Jørgensen, " 'All Good Rule of the Citee': Sanitation and Civic Government in England, 1400–1600," *Journal of Urban History* 36 (2010): 300–315.

18 Massimo Vallerani, *Medieval Public Justice*, trans. Sarah Rubin Blanshei (Washington, DC: Catholic University of America Press, 2012), esp. chap. 2.

19 On the complex politics of representation in the era more broadly see Mario Damen, Jelle Haemers, and Alastair Mann, eds., *Political Representation: Communities, Ideas, and Institutions in Europe (c. 1200–c.1690)* (Leiden: Brill, 2018).

20 Rawcliffe and Weeda, *Policing the Urban Environment.*

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pose a graver danger to residents and structures when left untethered.[21] In the urban hinterland, even temporarily unsupervised animals could cause major damage, as loose horses and cattle broke through fences, ate and trampled produce, and impeded the flow of traffic and waterways on both private owners' property as well as common infrastructures such as public meadows, millraces, fountains, canals, and bridges.[22] It did not take much devastation, including of fragile crops and animals themselves, to place the health of entire communities at risk, an eventuality that preventative programs sought to address. In rare cases, animals required policing as perceived vectors of disease, threatening humans and especially other animals.[23] Animals could even be legally prosecuted as criminals, tried, and punished by a public court (usually for homicide), as seen in a number of cases from late medieval Burgundy.[24]

Food and drink comprised a final group of policed things, items whose supply and quality crucially impacted the intertwined physical and economic well-being of populations. Producers and sellers of raw and processed foods, as well as those who purchased and consumed them, operated under stringent regulations. Unlike byproducts of artisanal workshops, which could generate air or water pollution, food and drink entered human bodies directly and could enhance but also weaken humoural balance, the medieval definition par excellence of health. Health regimen literature, elaborating on the Classical Hippocratic and Galenic corpus, accordingly had much to say on discerning the quality of food and drink,[25] while occupational groups such as greengrocers and butchers developed rigorous procedures to ensure them, including a common prohibition on resale.[26] At the municipal level, policing agents, often the very

21 Jamie Kreiner, "Pigs in the Flesh and Fisc: An Early Medieval Ecology," *Past & Present* 236 (2017): 3–42.

22 Geltner, "Rural Policing."

23 Timothy P. Newfields, "Epizootics and the Consumption of Diseased Meat in the Middle Ages," in *Religione e istituzioni religiose nell'economia europea, 1000–1800*, ed. Francesco Ammannati (Florence: Firenze University Press, 2012), 619–39; Philip Slavin; "Flogging a Dead Cow: Coping with Panzootics on the Eve of the Black Death," in *Coping with Crisis: Re-evaluating the Role of Crisis in Economic and Social History*, ed. Alex Brown, Andy Burn, and Rob Doherty (Woodbridge: Boydell and Brewer, 2015), 111–35.

24 Lesley B. MacGregor, "Criminalising Animals in Medieval France: Insights from Records of Executions," *Open Library of Humanities* 5, no. 1 (2019) https://olh.openlibhums.org/articles/10.16995/olh.319/; Jen Girgen, "The Historical and Contemporary Prosecution of Animals," *Animal Law Review* 9 (2003): 97–133.

25 Marilyn Nicoud, *Les régimes de santé au Moyen Âge: naissance et diffusion d'une écriture médicale, XIIIe-XVe siècle*, 2 vols. (Rome: École française de Rome, 2007); Christopher A. Bonfield, "The *Regimen sanitatis* and its Dissemination in England, c. 1348–1550," PhD diss., University of East Anglia, 2006; Wolfram Schmitt, *Medizinische Lebenskunst. Gesundheitslehre und Gesundheitsregimen im Mittelalter* (Hamburg: Lit, 2013).

26 Dennis Romano, *Markets and Marketplaces in Medieval Italy,* c. *1100 to* c. *1440* (New Haven: Yale University Press, 2015), 153–220; Janna Coomans, "Policing Female Food Vendors in the Late Medieval Netherlands," *Yearbook for Women's History* 36 (2017): 97–113.

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same men enforcing curfew and monitoring other urban infrastructures, roamed local markets and workshops, and guards spread across urban hinterlands and customs agents on bridges and at gates were tasked with letting the right produce and products come into and leave the city.[27] Promoting healthy cities and economies, officials defined matter out of place not only spatially, by deterring and prosecuting sales offsite, but also temporally by enforcing market hours and, in the case of taverns, curfew laws, which often prohibited the sale of wine after nightfall. Both types of deviance were justified at least partly by arguing that offenders were operating outside the established protocols for quality control, thus not only compromising economic stability, but also, and in some cases especially, posing intertwined risks to urban order and health.

Taverns were deemed dangerous places also thanks to the fare their owners served, be it drink or cooked food. Both guests and city officials (who were often forbidden from patronizing taverns for fear of being bribed) could charge innkeepers with using illicit measures of ale and wine and selling dubiously sourced or simply old dishes, risking people's health and harming a city's reputation. But taverns were also commonly associated with prostitution, gambling, and general rowdiness, especially where foreign merchants, travellers, and soldiers converged. The consumption of alcohol, the availability of sex workers, cramped quarters, and the absence of moderating influences such as kin, meant that inns too developed a scandalous reputation. Once again, health and morality combined to construe an urban institution as a site vulnerable from many angles, and whose policing required the engagement of diverse stakeholders.[28]

Bathhouses too were suspicious sites. In the absence of domestic running water, medieval bathhouses provided an essential service to numerous residents. Yet precisely as a focal point for sanitary services baths posed particular risks.[29] On the one hand, within the reigning medical paradigm, bathing did not necessarily agree with everyone's condition, and dirty or stagnant water was prone to creating miasmas impacting entire populations. On the other, public bathhouses developed a reputation for sexual promiscuity, and indeed were often characterized by the presence of prostitutes or the vicinity of brothels.[30] Bathhouses, then, posed a dual risk to individuals' humoural

27 For examples from northern Italy see Gregory Roberts, *Police Power in Communal Italy, 1228–1326* (Amsterdam: Amsterdam University Press, 2019). For urban police forces, including market police, across late medieval Europe, see David Nicholas, *The Later Medieval City: 1300–1500* (New York: Routledge, 2014), 155–57.

28 Hannah Skoda, *Medieval Violence. Physical Brutality in Northern France, 1270–1330* (Oxford: Oxford University Press, 2013), 88–118.

29 Lynn Thorndike, "Sanitation, Baths, and Street-Cleaning in the Middle Ages and Renaissance," *Speculum* 3 (1928): 192–203; James F. Powers, "Frontier Municipal Baths and Social Interaction in Thirteenth-Century Spain," *American Historical Review* 84 (1979): 649–67; Guy Dupont, *Maagdenverleidsters, hoeren en speculanten: Prostitutie in Brugge tijdens de Bourgondische periode (1385–1515)* (Bruges: Van de Wiele, 1996), 154–56.

30 Hope P. Weissman, "Why Chaucer's Wife is from Bath," *The Chaucer Review* 15 (1980): 11–36; Leah L. Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc*

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balance, which according to the medical literature of the day could be compromised by promiscuous behaviour as much as unclean air.[31] The combination of physical and moral threats lent itself, here as elsewhere, to strict regulation rather than a prohibition on operating bathhouses: an indication that municipalities preferred to manage risks rather than eliminate an important service.

The above sketch should hardly be taken as exhaustive. The role of church officials and especially the mendicant orders and lay confraternities in policing urban health, for example, would deserve treatment in a fuller discussion. We hope it will be clear, however, that governing elites adopted similar regulatory techniques to address perceived threats to urban order, whether they were human or non-human, moral or physical, social or environmental.

Constructing Deviants through Policing

The previous section dealt with things, places, and activities that urban regimes deemed in need of regulation for reasons of public health, morals, and commerce. Such environmental regulations created deviants of city residents and visitors insofar as they were responsible for those unlawful things and activities. Yet other regulations sought to discipline and control persons whose very social identity made them deviants, individuals whose (reputed) habits placed them in a state of social deviancy. The mere or unregulated presence of such people in the city was unacceptable to urban elites, and they took measures to identify and manage these unwelcome populations for the physical and moral health of society.

From a public health perspective, living human beings were seldom seen as a major hazard requiring preventative supervision in the Middle Ages. For while sick people could exhale or exude noxious vapours that polluted the air, they were not considered as major infectious agents, since diseases lacked an autonomous existence outside a human (or animal) body. Prevalent Hippocratic and Galenic etiologies traced the efficient causes of disease in most cases to decaying and miasma-inducing matter or other environmental factors such as climate or the position of certain stars, which in turn operated upon people's imbalanced humours.[32] There was little reason then to banish or abandon lepers and plague victims, despite the persistent modern stereotype that medieval society shunned such individuals. Indeed, the foundation of leprosaria was inspired by inclusive charitable impulses rather than fear of contagion or epidemic,

(Chicago: University of Chicago Press, 1985), 98–99; Ruth Mazo Karras, "The Regulation of Brothels in Later Medieval England," *Signs: Journal of Women in Culture and Society* 14 (1989): 399–433.

31 Rawcliffe, *Urban Bodies*, 57.

32 Vivian Nutton, "The Seeds of Disease: An Explanation of Contagion and Infection from the Greeks to the Renaissance," *Medical History* 27 (1983): 1–34; Jacques Jouanna, "Air, Miasma, and Contagion in the Time of Hippocrates and the Survival of Miasmas in Post-Hippocratic Medicine (Rufus of Ephesus, Galen and Palladius)," in *Greek Medicine from Hippocrates to Galen. Selected Papers of Jacques Jouanna*, ed. Philip van der Eijk, trans. Neil Allies (Leiden: Brill, 2012), 121–36.

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and their denizens could have considerable involvement in social and economic life beyond their walls.[33] In the early fourteenth century, the governors of Chieri, a thriving town in northwest Italy, appointed four *ricercatores infirmorum* ("seekers of the sick") and tasked them with identifying and promptly ejecting ill people from their respective neighbourhoods.[34] But the office was unique across the peninsula, and possibly throughout western Europe before the sixteenth century.[35]

Nevertheless, persons of ill repute—a broad and flexible category that included vagabonds, pimps, prostitutes, gamblers, magicians, and beggars who pretended to be physically impaired, to say nothing of more infamous types of criminals and heretics—were widely feared as hazards to their surrounding communities. As such, they were routinely confined or chased out of cities by local officials, especially when they were foreign.[36] Although we generally lack detailed sources to reconstruct the operation of urban officials like Chieri's *ricercatores*—Bologna's *fango* officials are a notable exception—the bylaws of numerous other cities instructed officials to identify, seize, and remove people with certain impairments, such as blindness, and at least limit the movement of others, such as lepers. Such regulations derived in no small part from fears about idle persons and what the English legal tradition calls "sturdy beggars," that is, able-bodied individuals who ostensibly did not work for a living. Such idlers and charlatans were presumed to collect alms dishonestly, typically by impersonating the physically infirm or impaired, and to squander what little money they had in taverns and brothels.[37] Prostitutes, seen as morally as well as physically dangerous, were frequently confined to certain urban or suburban areas and occasionally expelled from them entirely. A similar fate could befall Jews and heretics, occasionally targeted as disseminators of disease,

33 Carole Rawcliffe, *Leprosy in Medieval England* (Woodbridge: Boydell, 2006); François-Olivier Touati, *Maladie et société au Moyen Âge: la lèpre, les lépreux et les léproseries dans la province ecclésiastique de Sens jusq'au milieu du 14e siècle* (Paris: De Boeck & Larcier, 1998).

34 *Statuti civili del Comune di Chieri (1313)*, ed. Francesco Cognasso, Biblioteca della Società Storica Subalpina, 76.2 (Pinerolo [Pavia]: Cajo Rossetti, 1913), 17, at 7. The legislation is confirmed by the council minutes from later years: *Gli Ordinati del Comune di Chieri, 1328–1329*, ed. Paolo Brezzi (Turin: Regia Deputazione di Storia Patria, 1937), 53–55, at 54 (December 31, 1328); 99–104, at 102 (April 30); and 250–252, at 251 (May 8).

35 Richelle Munkhoff, "Searchers of the Dead: Authority, Marginality, and the Interpretation of Plague in England, 1574–1665," *Gender and History* 11 (1999): 1–29; Munkhoff, "Poor Women and Parish Public Health in Sixteenth-Century London," *Renaissance Studies* 28 (2014): 579–96.

36 On approaches to disfigurement more broadly see Patricia Skinner, *Living with Disfigurement in Early Medieval Europe* (London: Palgrave Macmillan, 2017); Kristina Richardson, *Difference and Disability in the Medieval Islamic World* (Edinburgh: Edinburgh. University Press, 2012); Irina Metzler, *A Social History of Disability in the Middle Ages* (New York: Routledge, 2013).

37 Bill Hughes, "Disabled People as Counterfeit Citizens: The Politics of Resentment Past and Present," *Disability & Society* 30 (2015): 991–1004; Rawcliffe, *Urban Bodies*, 97–104; Metzler, *A Social History of Disability*, 162–97; Carol Lansing, "Idolatry and Fraud: The Case of Riperando and the Holy Managlia," in *Heresy and the Persecuting Society in the Middle Ages: Essays on the Work of R.I. Moore*, ed. Michael Frassetto (Leiden: Brill, 2006), 253–69.

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albeit by dispensing poison rather than acting as biological agents themselves.[38] Both categories of deviants exemplify the typical association in medieval Europe between moral contagion and *scandalum*: a violation of norms made so public that it endangered the well-being of an entire community.[39] Limiting its exposure or preventing it altogether was therefore also the prerogative of the church, which not surprisingly played a major role in dealing with (and creating) social, religious, and physionomic others.

Some deviants were defined by their excessive indulgence in otherwise common and, within certain bounds, licit behaviours such as gambling, which therefore merited careful monitoring and containment. Indeed, gambling was a popular medieval pastime, but urban authorities strictly regulated games of chance and viewed professional gamblers or those who frequented gambling spots with suspicion. Gambling houses were confined to designated areas of the city and permitted only by official license; gaming occurring outside of those bounds or in unlicensed venues was generally prohibited. Gambling was considered a moral as well as physical danger because it could lead men to blaspheme, steal, and assault or even murder each other over losses. It was also closely associated with guile and deceit, as men who profited from gambling were generally assumed to be cheats. Gamblers were therefore often listed among other unsavoury types such as pimps and vagabonds who did not enjoy full legal status in court.[40]

Similarly, police measures such as curfew and arms-bearing regulations, though they affected the population at large, served in practice as a check on notorious criminals and men of ill repute. Curfew laws did not aim to keep reputable citizens indoors all night so much as to allow watchmen and other police forces to investigate suspicious persons. Municipal laws generally associated nighttime with malicious intent, and men discovered after dark without a lamp or outside their own parish or neighbourhood could be stopped and questioned as common thieves or burglars.[41] Similarly, limitations

38 David Nirenberg, *Communities of Violence. Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 2001).

39 Arnaud Fossier, "*Propter vitandum scandalum*: histoire d'une catégorie juridique (XIIe-XVe siècle)," *Mélanges de l'École française de Rome* 121 (2009): 317–48.

40 Ulrich Schädler, "Organizing the Greed for Gain: Alfonso X of Spain's Law on Gambling Houses," in *Religions in Play: Games, Rituals, and Virtual Worlds*, ed. Philippe Bornet and Maya Burger (Zürich: Pano, 2012), 23–47; Gherardo Ortalli, *Barattieri: il gioco d'azzardo fra economia ed etica: secoli XIII-XV* (Bologna: Il Mulino, 2012); Giovanni Ceccarelli, *Il gioco e il peccato: economia e rischio nel tardo Medioevo* (Bologna: Il Mulino, 2003); Trevor Dean, *Crime in Medieval Europe, 1200–1550* (Harlow: Longman, 2001), 52–57.

41 A. Roger Ekirch, *At Day's Close: Night in Times Past* (New York: Norton, 2005); Jean Verdon, *Night in the Middle Ages*, trans. George Holoch (Notre Dame: University of Notre Dame Press, 2002); Luigi Lacchè, "Loca occulta. Dimensioni notturne e legittima difesa: per un paradigma del diritto di punire," in *La notte. Ordine, sicurezza e disciplinamento in età moderna*, ed. Mario Sbriccoli (Florence: Ponte alle grazie, 1991), 127–40; Mario Sbriccoli, " 'Nox quia nocet.' I giuristi, l'ordine e la normalizzazione dell'immaginario," in *La notte. Ordine, sicurezza e disciplinamento in età moderna*, ed. Mario Sbriccoli (Florence: Ponte alle grazie, 1991), 9–22.

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on the bearing of arms (*portatio armorum*) enabled local police forces to investigate potentially violent individuals. Such ordinances typically prohibited arms-bearing within city walls except when travelling abroad or in the service of a sanctioned collective, such as a neighbourhood militia; in many Italian cities, the right to wear armour was even regulated by license. Arms-bearing laws presumed that anyone carrying a weapon in a private capacity had malicious intent or, in the worst case, might be a highway robber or assassin.[42] Thus, policing grew in part out of elites' desire to regulate behaviours that might signal or lead to graver forms of criminal deviance.

Policing and Good Governance

The policing of deviant behaviours and individuals was a core project of governance in urban communities in premodern Europe. This project was grounded in Latin Christendom's shared political discourse of the "common good" (*bonum commune* or *utilitas publica*), which generally held that the purpose of government was not only to maintain peace and order but also to make virtuous and productive citizens.[43] The city's constituent organizations (government, guilds, religious foundations, neighbourhood associations, and so forth) shared this public responsibility, but the formal institutions of government played a prominent role in defining deviancy and organizing police forces.[44] Starting in the twelfth century, urban regimes enshrined their rules for good behaviour in ever-changing and -expanding statute collections, which they attempted to enforce (with varying degrees of emphasis) through daily interventions and surveillance, backed by the threat of conviction in a public court.[45] Beyond minimizing violence and discord

42 Gregory Roberts, "Vendetta, Violence, and Police Power in Thirteenth-Century Bologna," in *Violence and Justice in Bologna: 1250–1700*, ed. Sarah Rubin Blanshei (Lanham, MD: Lexington, 2018), 3–25; Justine Firnhaber-Baker, *Violence and the State in Languedoc, 1250–1400* (New York: Cambridge University Press, 2014), 77–79; Osvaldo Cavallar, "Regulating Arms in Late Medieval and Renaissance Italian City-States," in *Privileges and Rights of Citizenship: Law and the Juridical Construction of Civil Society*, ed. Julius Kirshner and Laurent Mayali (Berkeley: Robbins Collection, 2002), 57–126; Nicole Gonthier, *Le châtiment du crime au Moyen Age: XIIe-XVIe siècles* (Rennes: Presses Universitaires de Rennes, 1998), 55–59; Michel Toulet, "L'incrimination de port d'armes au bas moyen-âge," *Mémoires de la société pour l'histoire du droit et des institutions des anciens pays bourguignons, comtois, et romands* 45 (1988): 435–48.

43 *Il bene comune: forme di governo e gerarchie sociali nel basso Medioevo: atti del XLVIII Convegno storico internazionale, Todi, 9–12 ottobre 2011* (Spoleto: Fondazione Centro italiano di studi sull'alto Medioevo, 2012); Elodie Lecuppre-Desjardin and Anne-Laure van Bruaene, eds., *De Bono Communi: The Discourse and Practice of the Common Good in the European City (13th–16th c.)* (Turnhout: Brepols, 2010); Matthew S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999).

44 On shared responsibility for public services, see Manon van der Heijden, Elise van Nederveen Meerkerk, Griet Vermeesch, and Martijn van der Burg, eds., *Serving the Urban Community: The Rise of Public Facilities in the Low Countries* (Amsterdam: Uitgeverij Aksant, 2009).

45 Antonio Padoa Schioppa, *A History of Law in Europe: From the Early Middle Ages to the Twentieth Century* (Cambridge: Cambridge University Press, 2017), 114–19, 177–81; Giorgio Chittolini and

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among citizens, urban statutes sought to enhance economic security and prosperity; promote civic pride in the splendour of the city's buildings and public spaces; and suppress or at least regulate common vices. As noted earlier, police ordinances and an explicit discourse of "good police" would not become prevalent until the fifteenth century, but urban statute collections were typically concerned with "good governance" (*bonum regimen*) centuries earlier.

If historians of premodern Europe have generally not connected practices of social and environmental policing to discourses on good governance, this is at least in part because "police," in the paradigm of Michel Foucault, is the defining mode of governance for the early modern period and its more centralized states. Its domain is nothing less than the well-being of the population, what Foucault calls people's "coexistence and communication." Police manage the relationships among men and things so that the population will not only survive but also be healthy and thrive. In this sense, policing is a "positive" task, fostering the "happiness" of citizens and the "splendor" of their state at the same time it seeks to prevent harm. Importantly, however, the state administers its human and non-human resources to create public utility from them—not for their own well-being—and it does this to increase its strength vis-à-vis its competitors so that it can survive indefinitely ("Reason of State"). In sum, police are not an institution of government so much as a *mode* of governance. It is the apparatus of rules and disciplinary techniques designed to make the activity of the population useful to the state.[46]

This chronology, as we hope will be clear by now, does not match historical reality. The growth of policing in the later Middle Ages corresponded with the growth of the administrative state and literate forms of governance.[47] Perhaps the defining feature of police as a mode of governance is the way it attempts to classify everyone and everything in a given polity in order to manage them properly.[48] To borrow from James

Dietmar Willoweit, eds., *Statuti, città, territori in Italia e Germania tra Medioevo ed Età moderna* (Bologna: Il Mulino, 1991); Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 357–403.

46 Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, trans. Graham Burchell (Basingstoke, UK: Palgrave Macmillan, 2014), 312–14; Foucault, "'Omnes et Singulatim': Towards a Critique of Political Reason," in *Power*, ed. James D. Faubion, trans. Robert Hurley (New York: New Press, 2000), 298–325. See also Pasquale Pasquino, "*Theatrum Politicum*: The Genealogy of Capital—Police and the State of Prosperity," in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 105–18.

47 In addition to note 4 above, see M. T. Clanchy, *From Memory to Written Record: England, 1066–1307*, 3rd ed. (Malden, MA: Wiley, 2013); Alan Harding, *Medieval Law and the Foundations of the State* (Oxford: Oxford University Press, 2002). For global perspectives on medieval written records, see Mark Whittow, "Sources of Knowledge; Cultures of Recording," *Past & Present* 238, suppl. 13 (2018): 45–87; R. H. Britnell, ed., *Pragmatic Literacy, East and West, 1200–1330* (Woodbridge: Boydell, 1997).

48 Markus Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005), 179.

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C. Scott, police attempts to make impossibly complex communities and environments more "legible"—and therefore more controllable—for governing elites.[49] Indeed, it was the technology of documentation—along with the administrative elite who specialized in creating and preserving written records—that enabled local authorities to police their communities systematically.[50] Written regulations, ordinances, and interdicts determined who or what was to be regarded as deviant, and officials deployed writing as a tool to correct or remove instances of deviance in the community.

While we would hardly claim that environmental policing is exclusive to urban societies, we do agree with Foucault's characterization of policing as a typical urban phenomenon. This is not merely because police practices are better documented in premodern cities; it is because cities, by virtue of their population density, inspire authorities to focus more of their energies on regulating the "coexistence and communication of men," to borrow Foucault's characterization of policing's core concern. Insofar as police techniques became commonplace in rural areas and across kingdoms, this can be attributed to the growth of governance by police across western Europe as rulers aspired to govern their realms as if they were towns or even convents—a phenomenon that Foucault termed the "urbanization of the territory." Indeed, as the next and final section briefly suggests, police techniques were a common feature of urban governance across the premodern world.

Conclusion: Urban Policing in and Beyond Western Europe

Ordering disorder—real or perceived—describes any ruler's or regime's main task, even as the physical and jurisdictional boundaries of that remit changed dramatically across time and space, along with the methods used to carry it out. Nor are the boundaries between external and internal threats or differences between those residing in the private or public domain always easy to tell apart, then as now. While premodern urban magistrates were well aware of this complexity, they never gave up policing residents and visitors in the name of maintaining equilibrium and serving the population as a whole. The political and financial costs incurred by urban policing simultaneously served to legitimize and centralize regimes, leaving ample traces in local records, be they written or material. It is thanks to these witnesses that we can trace such tactics across vast swathes of the medieval globe.

That is not to argue that European policing was somehow typical, or the yardstick by which other cultures should be measured. Different polities around the world defined and pursued order in different ways and relied on different resources. In Constantinople as well as other East Roman provincial capitols, for instance, emperors

49 James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

50 On the "technology of documentation" see James B. Given, *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc* (Ithaca: Cornell University Press, 1997), 25–51.

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deployed janissaries to fight violent crime, fraud, and fire, while relying on secular water specialists to keep key infrastructures in check, and on bishops and monks to attend to the poor and the sick.[51] In the vast Islamicate world, by contrast, the charitable institution of the *waqf* provided the main vehicle for organizing both poor relief and water supply, while market inspection (including hygiene, quality of product, and honesty in trade) as well as medical appointments fell to a religious officer known as the *muhtasib* or market inspector.[52] In both Japan and China, cities were seldom left to their own devices when it came to public health and general policing, as both regional lords and local monasteries developed mechanisms to keep food and other resources flowing in, air and water clean, waste matter flowing out, and the sick and poor well-tended to.[53] It was a goal apparently shared by Mayan and Aztec rulers as well,[54] notwithstanding divergent cosmologies and natural-philosophical traditions that would have shaped different approaches to personal and communal health and ideal images of the body politic.

Yet as diverse as these projects of ordering were, they generally rested on the creation and attempted enforcement of public rules—public not necessarily in the sense that they were promulgated by a government, but in the sense that they were widely known to the members of the community—to regulate everyday life. The authors of these regulatory codes sought not to identify crimes per se (such as homicide, robbery, and theft) but to penalize behaviours deemed harmful to the community. This project of harm prevention through social discipline, rather than criminal law enforcement as such, lies at the core of police history. Police were very much a part of the premodern world, even if it would take powerful modern states to hone its disciplinary techniques.

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51 Godfrey Goodwin, *The Janissaries* (London: Saqi, 1997), 88–90 and 97–100; James Crow, Jonathan Bardill, and Richard Bayliss, *The Water Supply of Byzantine Constantinople* (London: Society for the Promotion of Roman Studies, 2008); Timothy S. Miller, *The Birth of the Hospital in the Byzantine Empire* (Baltimore: Johns Hopkins University Press, 1985).

52 Adam Sabra, *Poverty and Charity in Medieval Islam: Mamluk Egypt, 1215–1517* (Cambridge: Cambridge University Press, 2000); Maaike van Berkel, "Waqf Documents on the Provision of Water in Mamluk Egypt," in *Legal Documents as Sources for the History of Muslim Societies: Studies in Honour of Rudolph Peters*, ed. Maaike van Berkel, Léon Buskens and Petra M. Sijpesteijn (Leiden: Brill, 2017), 231–44; and Ahmad Ghabin, *Hisba, Arts, and Craft in Islam* (Wiesbaden: Harrassowitz, 2009).

53 Susan B. Hanley, "Urban Sanitation in Preindustrial Japan," *Journal of Interdisciplinary History* 18 (1987): 1–26; Kenzi Kiikuni, "The Development of Hospitals and Clinics in Japan," in *Public Health*, ed. Taizo Ogawa (Tokyo: Saikon, 1980), 1–11; Angela Ki Che Leung, "Hygiène et santé publique dans la Chine pré-moderne," in *Les hygienistes. Enjeux, modèles et pratiques*, ed. Patrice Bourdelais (Paris: Belin, 2001), 343–71.

54 Herbert R. Harvey, "Public Health in Aztec Society," *Bulletin of the New York Academy of Medicine* 57 (1981): 157–65; Linda R. Manzanilla, "Teotihuacan Apartment Compounds, Neighborhood Centers, and Palace Structures," in *Teotihuacan: City of Water, City of Fire*, ed. Matthew H. Robb (San Francisco: Fine Arts Museums of San Francisco and University of California Press, 2017), 94–101.

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