CHAPTER 8
Social Control Viewed from Below:
New Perspectives

Herman Roodenburg

Who actually controlled the law in early modern Europe? Was the law merely an instrument in the hands of state, church, or ruling class? Was it all or primarily a matter of control to bottom? Or were the middle and lower classes involved as well? And did the state evolve at the expense of society or was it perhaps the other way round? Was it rather society itself, in its growing demand for regulation, that created the state? And if we prefer this far more complex history, how exactly was this social demand complied with? Was the law the primary institution that people would turn to or were there many other, informal or quasi-formal, institutions that were more or less admitted or even encouraged and supported by the state? Indeed, did people switch from one institution to the other? Over the last twenty years these questions have dominated the exchanges among criminal historians, and they are still debated today. Offering a new understanding of the issues at stake, the chapters collected in this part of the volume all present a perspective “from below.” They focus on the lower criminal courts and on the civil courts; on church and consistory courts; on related institutions such as the guilds, the confraternities, and the urban neighborhoods; and on the family. What the authors share is a common interest in the concrete, multifaceted uses of the law. The perspective presented is, above all, a perspective of accommodation and negotiation.

At present the legitimacy of this alternative view has been widely acknowledged. But the debates have been fierce, especially in Germany, where they became part of a wide ranging school controversy between, on the one hand, the defenders of a historische Sozialwissenschaft, taking their cue from the works of Karl Marx and Max Weber, and on the other hand, the protagonists of a historische Anthropologie, drawing most of their inspiration from cultural anthropology, modern folklore studies, and related disciplines.

To many continental historians, using broad conceptualizations such as “acculturation” or “social disciplining,” it was primarily the state or an alliance of state and church that controlled the law. The advocacy of Robert
Muchembled and Heinz Schilling have been influential in this regard. A similar view has been ascribed to Norbert Elias and his notion of a western European “process of civilization.” To other mainly English historians, it was not so much the state as the governing class that ruled the law. As the Marxist historian Douglas Hay argued, the law of eighteenth-century England was first and foremost an instrument of class oppression. It was there to discipline the lower classes, and it did so through an imposing mixture of terror, mercy, and ceremony.

Muchembled formulated his thoughts in the late 1970s, Schilling some ten years later. In the meantime they have both modified their positions, making room within their top-to-bottom approaches for dimensions of reception and appropriation. Elias’s is a somewhat different case, as he has been treated somewhat unfairly by his critics. For instance, he defined his “civilizing process” as basically blind, as a long-term process generated by a growing and overall intensification of social and psychological interdependence. To reduce these blind developments to a set of active interventions from above clearly misses the deeper message of his work. In addition to this, Elias allowed for civilizing effects independent of court and state, pointing for instance to the social and psychological restraints implied in the world of trading relationships and commerce. Recently, this idea of civilizing pressures not imposed by court and state but, as it were, welling up from below, has been advanced by some historians working on seventeenth- and eighteenth-century England. But they contrast their views with those of Elias, who is identified once more with a one-sided perspective from above.

The masterful narratives of Muchembled, Schilling, Hay, and Elias came to prominence in the 1970s and 1980s. In 1974, however, the French historian Yves Castan proposed a very different approach. Though acknowledging the terror of the law, he was one of the first historians to look beyond the institutions of formal social control and trace the countless practices of informal mediation, including the structuring role of honor and reputation. Confronted with large numbers of “infrajudicial” settlements in the eighteenth-century Languedoc, Castan concluded that discipline and punishment had always come second to the law, that indeed its primary role, by its presence and threat alone, was to enforce a *compensation convenable*, a formal or informal settlement that would satisfy the plaintiff.

In the 1980s and 1990s scholarly interest in this mysterious world of the infrajudiciary quickly increased. In 1980 the historians Bruce Lenman and Geoffrey Parker situated the phenomenon within a long-term transition from the “private law” of the Middle Ages to the “state law” of present-day society. A few years later, the church historian John Bossy described a more open and nuanced transition from “feud” and “charity” (in its Medieval sense of amity and peace) to “law.”

Since then numerous studies have revealed the ubiquity of infrajudicial procedures and the social significance both in these and in the formal, judicial pro-
cedures of notions of “honor” and “peace.” As a consequence, the prevailing notions of acculturation, social discipline, and civilization (in its narrow sense of civilizing from above) were put into perspective. As these new studies argued, to understand fully the workings of social control in early modern Europe, one should also look at the lower and civil courts, at the related church and consistory courts, and at the multitude of sanctioning systems, informal or quasi-formal, maintained by family and kin and by neighbors, guilds, and local authorities. As Michael Ignatieff already observed in 1983, early modern society was “a densely woven fabric of permissions, prohibitions, obligations and rules, sustained and enforced at a thousand points.”

Clearly, such a fragmenting of social control requires a broad and quite open definition. A now widely accepted definition (see also Pieter Spierenburg’s introduction to this volume) is provided by Martin Dinges who, following the sociologist Donald Black, speaks of “all forms by which people define deviant behavior and react on it by taking steps.” In this view, shared by most of the authors here, social control encompasses a myriad of forms, from unofficial forms such as neighborhood gossip, charivari, or infrajudicial settlements, all the way up to the well-known types of formal conviction, imprisonment, and public execution. It also encompasses verbal and physical violence. In early modern Europe, as Martin Ingram and especially Gerd Schwerhoff remind us, violence was both an object and a medium of social control.

Recently, the concept of the infrajudiciary has been specified as well. It has been stressed that judicial and infrajudicial settlements did not oppose each other, that in many cases plaintiffs and even officials could and did switch from one option to the other. Indeed, to define such practices as infrajudicial, as practices somewhere “underneath” the official court system, tells us more about our own views on the judiciary than about those held by the men and women actually under study. Additionally, to distinguish responses to deviant behavior that come neither under the judicial nor under the infrajudicial system, Benoît Garnot has proposed the categories of parajustice and extrajustice. The first deals with responses such as vengeance or the duel; the second, with forms of simply tolerating or putting up with deviant behavior, basically forms of nonresponse.

The aim of this introduction is to reflect on some of the issues involved in the new perspectives, in this spectrum from below. These issues have been primarily discussed by German and English historians, though their points of departure, especially their ideas concerning the presence and significance of the early modern state, were very different indeed. I will therefore confine myself to the debates in England and Germany, but I will occasionally refer to similar discussions in France, Switzerland, and the Low Countries. Most of the exchange took place in the last fifteen years or so, as it was only in the 1990s that the ideas of various historians developed into this impressive and exciting avenue of research.
Issues of State Formation

Comparing the exchanges in Germany and England, it is not so much their scope, span, or rhetoric that stand out; what primarily catches the eye are the different directions of the two debates, their opposite points of departure and ensuing line of arguments. In the German controversy over the concept of Sozialdisziplinierung (as originally coined by Gerhard Oestreich and reformulated in social terms by Heinz Schilling and Wolfgang Reinhardt), it was first and foremost the implied “etatism,” the state’s supposed ubiquity and all-pervasiveness, that came to be challenged. Over the last fifteen years, a succession of studies on the administration of justice, church discipline, poor relief, and the functioning of urban neighborhoods, both in Germany and elsewhere, has convincingly demonstrated that the states of early modern Europe were far too weak to meet the disciplinary intentions foisted upon them by twentieth-century historians. Even a cursory glance at the large numbers of criminal or civil cases dropped before a formal sentence was passed suggests a different, far more complicated story. In practice the state had to negotiate with a host of other, mainly local, agencies; it was a matter of reciprocity and relationships based upon negotiation. Indeed, instead of the state’s pervading society at all regional and local levels, it was rather the other way round: much of the impetus to state formation came from below. To quote Heinrich Richard Schmidt, in a forceful argument against the etatism of the concept, it was “through its demand for regulation that society created the modern state.”

In England (where interestingly the top-to-bottom constructs of acculturation, social discipline, or civilization have hardly caught on among historians), it was not so much the dominance of the state as that of the ruling class that came to be questioned. While one group of historians interpreted the eighteenth-century law above all as an instrument of class oppression and another group argued that much of the early modern English state, including its social and geographical depth, had already evolved in the Middle Ages, a third group followed the historian Keith Wrightson, who was among the first to reflect on the effective presence of the Tudor and early Stuart state in the localities and to elucidate the role of the “middling groups” in the local administration of the law. He distinguished a “reformation of manners” in this period, a cluster of governmental and religious campaigns aimed at the “manners” of the poor. At present, as Robert von Friedeburg reminds us, Wrightson’s model has been modified in several respects. One of these, elaborated here by Von Friedeburg in an interesting comparison of Essex and the German region of Hesse-Cassel, concerns the degree to which such campaigns initiated from above were still rooted in the local mechanisms of social control.

Inspired by Wrightson and his seminal ideas, a couple of younger historians have eventually brought the state back into the argument. Michael Braddick and
Steve Hindle, amongst others, have analyzed the participatory nature of “what we are learning to call ‘state formation,’” as Wrightson put it in 1996. They stress the growing infrastructural reach of the early modern English state and the intensifying interaction between the state and local societies. To quote Hindle, “State authority was manifested not only in initiatives of control by central agencies, but also as a popular resource for the peaceful ordering of society, which might be employed and promoted at highly localised levels.” Indeed, the state “did not become more active at the expense of society; rather, it did so as a consequence of social need.” There is a clear resemblance here with Schmidt’s observation quoted above.

Both the English and the German debates, then, have focused on the state, though in the German case it was and is its supposed pervasiveness, in the English case its supposed weakness or lack of growth, that has been queried. Ironically, both the enlarging and the reducing of the state’s significance led to an under-valuation of the social and geographical depth of early modern state formation, of the many interactive and negotiating relations between central and local authorities. Recently, in a promising convergence of perspectives these relations have come to the fore in both the English and the German controversies. Focusing on this convergence, I will discuss some of the central issues that have dominated the most recent historical writings on social control and that also dominate the chapters in this part of the volume.

Issues of Honor and Reputation

In her impressive analysis of the late-fourteenth-century Zürcher Ratsgericht, one of the first studies to actually query the concept of social discipline, Susanna Burghartz contends that the primary function of this institution was not to discipline or criminalize. By imposing sanctions, mostly fines, it aimed to settle all sorts of disputes among the Zürich inhabitants and thus, in the interest of the entire community, to guarantee the urban peace. Zürich, as so many late Medieval towns, witnessed an honor culture in which the victims of verbal and physical violence, by addressing the Ratsgericht, sought to restore their blemished reputations. As Burghartz points out, theories viewing the violence dealt with by the Zürich magistracy as deviant behavior to be repressed, or as illustrating an earlier stage in Elias’s civilizing process, would miss the social significance of honor and the ensuing demand for both formal and informal dispute settlement. A very similar point of view, building upon a wealth of new research, is developed by Gerd Schwerhoff in this volume.

Comparable conclusions, pointing to the contemporary meanings of honor and assessing the lower secular or religious courts as instruments for the restoring of “friendship” and local peace, have been presented by other Continental
historians, among them Martin Dinges, Michael Frank, Schmidt, and Schwerhoff. Following on his definition of social control, Dinges approached honor as a form of “symbolic capital,” a complex and potent set of rules for defending one’s reputation in public (where it was constantly assessed and reassessed). The rules determined the duty to defend one’s honor and its forms and contents, including the appeal to a third party. As symbolic capital, honor acted as a special type of social control. It allowed people to define deviant behavior and to take proper steps, including the strategic redefinition of different (for instance, economic) disputes in terms of honor.

Dinges’s conceptual distinctions have found fertile soil among historians as has the notion of “agonale Kommunikation,” coined by Rainer Walz. Village culture, so Walz writes, was strongly “agonal”: it was determined by the daily competition for scarce goods and even more so by the nature of this struggle, by the constant attempts to tarnish the reputations of others, by the ever present insults, threats, and other violence. In anchoring the consensual notions of friendship, reconciliation, and peace (so often appealed to in the settling of honor disputes), in a social reality that was far from harmonious, Walz’s insights have been very important indeed. In the last decade the historical anthropology of honor and reputation has become a well-researched subject in Germany, with a prominent role for gender history and a growing interest (as represented here by Ingram and especially, in a European overview, by Carl Hoffmann) in the functioning of urban neighborhoods. Many of these studies have taken a critical stance toward the notion of social discipline. As Dinges observes, by studying honor and the many institutions of local governance that men and women appealed to in defending their reputations, one may examine the assumption, implicit both in the concepts of social discipline and Elias’s civilizing process, of the undisciplined nature of those to be disciplined.

In England research into honor and reputation has flourished equally. As Ingram put it, defamation cases were “peculiarly characteristic of early modern English society.” Much of this work has focused on church court and quarter sessions material, with again a striking contribution from gender history and also from neighborhood studies. As in Germany, the high number of cases dropped was quickly noticed; the availability of arbitration both in the courts and elsewhere, so Jim Sharpe observes, was the litigants’ main motive for doing so. However, issues of state formation are hardly discussed in this research. An interesting exception is Robert Shoemaker. Finding a remarkable decline of public insult in eighteenth-century London, he argues, against Elias, that this decline was more related to a civilizing process coming from below than to any civilizing pressures from above.

Recently, the duel in early modern England has been reassessed as well. Inspired by some recent work on Italy, Markku Peltonen has convincingly demonstrated that the early modern duel originated in the Renaissance ideology of courtesy
and civility, thus rejecting the widely held view (whether or not informed by Elias) that a lingering Medieval culture of honor and violence came to be replaced with this new culture of civility. To put it differently, contemporaries saw the duel not only as an object but also as a medium of social control—and a refined and even conciliatory one at that. Confronted with the meticulous rules of civility, dueling became one of the chief means to the English gentleman of restoring his honor, once the rules were breached. Of course, dueling also had its opponents and its relationship with the law and official attitudes was, to say the least, an ambivalent one.31 A less refined medium, involving a more “plebeian” notion of honor, was the “ridings” or “skimmington rides” (the English variant of charivari), in this volume discussed by Martin Ingram. Though rather situated at the other end of the social spectrum, this jocular form of folk justice was considered, at least in the sixteenth and seventeenth centuries, as no less a supplement to state justice (cf. Garnot’s *parajustice* as the aristocratic—and far from jocular—duel of honor.32

**Issues of Enmity and Amity**

In discussing the etatism implied in the notion of social discipline, Schmidt offers an extensive overview of what he calls the “communal” side of moral discipline (*Sittenzucht*).33 Focusing primarily on the Protestant churches, he concludes that the widespread processes of “confessionalization” (defined by Reinhardt and Schilling as the first phase in the long-term process of social discipline) were invariably locally committed and motivated. The Calvinist and Zwinglian churches, with their well-known presbyterial structures, are a case in point, but the same may be said for the other Protestant churches. Crucial to this communal rooting were the widespread practices of precommunion peacemaking. As Schmidt explains, these rituals were not only central to the Calvinist and Zwinglian notions of communion but also to those of the Lutheran, the Anglican, and the Counter Reformation Church. All over Europe, particularly in the Protestant churches of Switzerland, Germany, France, the Netherlands, England, Scotland, and Scandinavia, enmity was perceived as an impediment to receiving the sacrament. Neighbors bearing ill will toward one another should first have their disputes settled. Indeed, as David Sabean puts it in his fine study on the county of Württemberg, to abstain from communion was “the formal, public recognition of a quarrel.”34

Building upon the work of Peter Blickle and on recent research into petitioning, resistance, and the uses of justice, Schmidt goes on to argue that there was no such thing as an already fully grown state steamrollering society.35 The state evolved only as a response to the social needs of its subjects and the communal forms of local government. To grasp that process, says Schmidt, one might turn to the sociologist Anthony Giddens and his concept of the “locally embedded society.”36
Somewhat surprisingly, neither Schmidt nor his German colleagues seem to have assimilated the work of John Bossy on “peace” and “charity.” To Bossy the Christianity of the Middle Ages (“traditional Christianity,” as he calls it), was strongly geared to the notion of charity, meaning not an act of benevolence (such as almsgiving to the poor), but a state of Christian harmony “which one was in or out of regarding one’s fellows.” The latter encompassed both the dead and the living and both one’s enemies and friends. Central to the liturgy of the Mass were the “kiss of peace” and the commemoration of the living and the dead. The same message of love and amity, of “fictive kinship,” was disseminated in the rites of baptism and holy matrimony, in the late Medieval confraternities and guild organizations, and in such paraliturgical rituals as the popular Corpus Christi processions. By the end of the fifteenth century, it was deeply embedded in the Church and Christianity at large.

Recently, Bossy has returned to the subject, examining how this traditional idea of charity may have survived both the Reformation and the Counter-Reformation. He now speaks of a “moral tradition” in which three notions converge: “the notion or practical instinct that to be a Christian means to love your neighbour, and in particular your enemy; the fact that in these times and places it was very likely that people might be in a state of enmity towards others, which would call for arrangements of peacemaking if it was to be resolved; and the historic or perhaps archaic connection between these arrangements and the sites, rites and persons of the church.” He has traced the tradition, in particular its arrangements for precommunion peacemaking, in Italy, France, Germany, and England, often using the findings of criminal historians of church courts and similar institutions. His conclusions, allowing for the various and often contradictory trends in both the Catholic Church and the Protestant churches, are surprisingly positive. Apparently, the moral tradition was not waning but waxing during the post-Reformation. It was repressed by Catholic and Protestant Reformers alike but the effect of their campaigns seems to have been only temporary. The tradition simply returned, if it had even been halted at all. Indeed, as Bossy concludes, both churches may have “secured or retained the loyalty of their populations by proving themselves fit vessels of the moral tradition”—another instance of negotiatory relations. Depending for its persuasiveness “on the force of personal, face-to-face, eyeball-to-eyeball enmity,” the tradition would only decline with the rise of civility and civil society.

Clearly, Bossy’s positive view on the Christianity of the Middle Ages and his argument on the continuity of the moral tradition run counter to any notions of acculturation or social discipline. Important is his emphasis on the indissolubility of amity and enmity—of the ideals of peace and friendship on the one hand and the daily realities of social strife and conflict on the other hand. In this respect his understanding of the sixteenth and seventeenth centuries is very different from, for instance, the idealizing consensual society portrayed by Cynthia
There is a striking resemblance here with the later focus among German historians on notions of *Feindschaft* and *agonale Kommunikation.*

As both Schmidt and Bossy suggest, it should be easy to trace more instances of the moral tradition. As Hoffmann shows, it was still alive in the urban neighborhoods of the seventeenth and eighteenth centuries; nor did it suddenly disappear from institutions such as guilds and confraternities. Tomás Mantecón describes how the Spanish guilds and confraternities (with their “peacemakers”) were perceived as complementary to the social regulation offered by families and neighborhoods, and he traces their consensual notions and practices until the last decades of the ancien régime. Katherine Lynch has presented a similar argument. Writing on western Europe as a whole, she also characterizes the confraternities as complementary to the primary bonds of the nuclear family. And she goes on to trace the continuities, including the consensual notions of peace and harmony, between the late Medieval confraternities and the new, no less communally rooted institutions of poor relief founded by Lutheran, Calvinist, and Roman Catholic townspeople alike. She concludes, “To see the imposition of behavioral regulations on individuals and families as nothing more than ‘top down’ social policy imposed by urban elites would be a mistake.” Finally, Maarten Prak examines the craft guilds of western Europe and the strategies used by these institutions to make their regulations stick. Though they failed in controlling the journeymen (who often started their own brotherhoods or *compagnonnages*), in other economic, religious, and moral respects the guild regulations proved reasonably effective, including the maintenance of ideals of fictive kinship.

The ideals of amity, then, did not disappear after the Reformation and the Counter-Reformation, but they certainly acquired new meanings in the process. Ian Archer, for instance, perceives an already “changing conception of brotherhood” in the companies of Elizabethan London. The communal bond was still there, but it had become “a more hierarchically articulated one.” In the sixteenth century *charity* also took on a new meaning, from a state of Christian harmony to an act of benevolence. But Bossy cautions against taking this semantic change as anything more than a hint of how social reality may have changed; taking it too literally would imply that the moral tradition had already disappeared in the turmoil of the sixteenth century. According to Bossy, it was only the rise of civility and civil society that ended the tradition. As a consequence of this “current of civility”—was it “welling up from below”?—the enmity that the moral tradition had always tried to contain would gradually decrease. Other, mainly German, historians have pointed to the long-term process of *Verrechtlichung*, the steady rise in judicial jurisdiction, to account for the waning of communal ideals. Due to this increase the neighborhoods, guilds, and confraternities were slowly hedged in. But others have pointed to the simultaneous instances of *Entrechtlichung* (see also Hoffmann). Clearly, the waning of the moral tradition was a multilayered phenomenon; we still need further research to complete the picture.
The Uses of Justice

So far we have been looking at issues of state formation, of honor and reputation, and of enmity and amity. But questions regarding the “experience of authority” or, more precisely, the “uses of justice” (who used the law, for what purposes, and with what effects?) have hitherto been discussed only in a cursory manner.

The term uses of justice (Justiznutzung) was introduced by Martin Dinges in his stimulating analysis of the defamation charges filed before the police commissioners in eighteenth-century Paris. According to Dinges, going to court was just one option to pursue one’s interests. It was often the last step in quite a history of steps or it was a “last warning,” a conscious strategy to boost the pressure on one’s opponent to accept a settlement out of court. Even pending the official procedure, the plaintiffs could always withdraw and opt for an informal or quasi-formal arrangement.45

In his contribution to this volume, Dinges has considerably developed this idea, taking his examples from Germany and various other countries, including England—another indication of how the English and the German debates now seem to converge. Important to his argument, for instance, is Robert Shoemaker’s study of the prosecution of misdemeanors in London and rural Middlesex. Misdemeanors are interesting, because in deciding to prosecute and in choosing a method of prosecution, victims and officials enjoyed far greater discretion than in the case of felonies. Shoemaker discusses these discretionary choices, in particular as exercised by the justices of the peace, but we are also informed about the choices of both plaintiffs and defendants. Generally, they could choose from three procedures: informal mediation by a justice of the peace; binding over by recognizance; or summary jurisdiction. In the last case the defendant could be fined or committed to a house of correction. The system proved a flexible and successful one.46

Recognizances have been studied by Hindle as well. Magistrates could bind people over for a fixed sum (or “recognizance”) and for a fixed period to keep the peace and be of good behavior. Hindle relates this procedure to Bossy’s discussion of amity and enmity. As he explains, binding over “acted as a non-aggression pact, initially precluding any further physical self-assertion, and subsequently allowing a cooling-off period during which negotiation, either ‘informally’ (through mediation) or ‘quasi-formally’ (through arbitration), might restore disputing parties to the condition of charity.” In fact, the immense popularity of the procedure depended exactly on its curtailing head-on conflict, while avoiding or at least postponing the much more consequential procedure of summary jurisdiction.47

A third English illustration of the uses of justice is Peter King’s study on justice and discretion in the years 1740 to 1820. King calls the period covered by
his study the “golden age” of discretionary justice in England. Focusing on theft as prosecuted in the courts of Essex, he shows how the judicial system offered countless opportunities for discretion, from the pretrial phase to that of formal conviction and punishment. Indeed, though the law forbade felonies to be settled informally, a substantial number of cases were dropped before a trial could take place. Important is King’s assessment of the social groups involved. Contrary to Hay’s conclusions, it was not a matter of class oppression. The middling sort, the broad group of farmers, tradesmen, and artisans, exercised the most discretionary power, in particular in their capacity as jurors or parish officers, but even the laboring poor knew surprisingly well how to use the law. As King concludes, the law was an arena of struggle, negotiation, and accommodation: having different meanings for different people at different stages of the process, it was used intensively by all social classes.48

Conclusion

Although the debates in England and Germany began from very different positions, they now gradually seem to converge in their orientation on the social and geographical depth of the early modern state, on its interactive and negotiatory involvement with local governance. In the process one-sided conceptualizations such as acculturation, social discipline, and civilizing process (in its limited sense of interventions from above) have proved inadequate. As Hindle and Schmidt point out, the state was primarily created as a consequence of social need, as a response to society’s (especially the middle and lower classes’) demand for regulation. In addition to this, they and other historians have indicated that this demand did not prevent the state from injecting its public authority into the process, that there was also, for instance in the popular practice of binding over, a “symbolically edging forward” of its boundaries.49

Recently, a similar conclusion has been drawn by Karl Härter, an expert on German police ordinances (Policeyordnungen). Though he discards the notion of social discipline, acknowledging how numerous social groups through conventions (Landtage), gravamina, or petitions could directly or indirectly influence legislation, he also emphasizes how the state, in its response to society’s demand for regulation, gradually expanded its range and instrumentarium.50 Perhaps we should reserve the notions of acculturation, social discipline, and civilization (again in its limited sense) to the authorities’ intentions and reserve other, more flexible and less anachronistic notions for the complex, negotiatory relationships involved.51 The coming years will tell us whether such ideas will hold. One conclusion stands out: the new perspectives on the nature of early modern state formation have definitely moved the debate forward on social control in early modern Europe. The chapters that follow all bear witness to this.
Notes


2. See for instance Muchembled, L’invention de l’homme moderne; Schilling, “Disziplinierung oder ‘Selbstregulierung der Untertanen.’”

3. Elias, The Civilizing Process, 295n.; of course, Elias has never developed this notion of a noncourtly line of civilization.


5. Castan, Honnêteté et relations sociales, 70.

6. Lenman and Parker, “The State, the Community and the Criminal Law in Early Modern Europe”; Bossy, “Postscript.”


9. See also Schwerhoff, Aktenkundig und Gerichtsnotorisch, 126.

10. Garnot, “Justice, infrajustice, parajustice et extrajustice”; for both the complexity and the fruitfulness of the concept, see Loetz, “L’infrajudiciaire,” 545–62. See also Garnot, ed., L’infrajudiciaire.


13. Wrightson, English Society, chaps. 6–7. For a helpful discussion of the phrase “reformation of manners,” see Ingram, “Reformation of Manners”; the author discusses the term’s complex relationship with “civility” (but see also Bryson, From Courtesy to Civility), points to similar active campaigns in the fifteenth and early-sixteenth centuries (but see also McIntosh, A Community Transformed), and cautions (like Von Friedeburg) that all such campaigns were always based on a routine system of regulating behavior.


17. In distinguishing a growing convergence, I do not mean to say that England and Germany have never been compared in their respective systems of social control. An interesting exception is the work of Robert von Friedeburg; see for instance his contribution to this volume and his recent Self Defence and Religious Strife.
20. Dinges, *Der Maurermeister und der Finanzrichter*, 172; to avoid the economic determinism still implicit in Bourdieu’s notion of “symbolic capital” and to avoid the association that honor could be accumulated, the author prefers to speak of *symbolisches Vermögen* (“symbolic capacity” or “power”).
28. Sharpe, “Such Disagreement betwyx Neighbours,” 175; similar conclusions in Gowing and Ingram.
29. Shoemaker, “Decline,” 130–31; for a more nuanced interpretation of Elias, see above.
32. On charivari, see also Hoffmann in this volume.
33. Schmidt, “Sozialdisziplinierung?”
35. For Blickle and petitioning, see for instance *Resistance, Representation and Community*.
37. Bossy, *Christianity in the West*; see also his “Blood and Baptism,” “Holiness and Society,” and “Postscript.”
39. Ibid., 96–100.
40. Cf. O'Maley, *Trent and All That*, 10: “Bossy's view of the Christianity of the Middle Ages tends to be as positive as Delumeau's is negative.”
46. Shoemaker, *Persecution and Punishment*.