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A Revolutionary’s “Stravaganza”: Police and Morality in the Habsburg Empire (1780–1830)

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Abstract

During the era following the Enlightenment, the police became the main institution to oversee the maintenance of public order in many European cities. Their activities also shaped the idea of public order and public morality. The police were important in the context of political change and perceived “threat of revolution” but also in other areas, including the control of movement and residence. From the end of the eighteenth century, criminal codes were changing, and in the Habsburg monarchy, these changes included the definition of a new category of less grave “police delicts.” This study compares police norms and practice in the period of 1790–1830. Using several concrete examples, the author investigates whether the approach of the police and the authorities to moral offenses changed in connection with social and political developments (reaction to revolutions, restoration, changes in the influence of the Church). The aim of the study is to analyze whether the Habsburg police, in an era of more liberal legislation, played a similar restrictive role in the area of moral offenses as they did in controlling political activities.

Keywords: police; morality; enlightenment

In the era following the Enlightenment, the police became the main institution of oversight of public order in many towns and cities. This new ambition on the part of the police, as well as the tasks it was supposed to fulfill in implementing the political agenda in each of the Habsburg Empire’s individual lands following the War of the Second Coalition, is reflected in texts published in the *Deutsche Justiz- und Polizey-Fama* journal. The first issue of this journal was published by Theodor Konrad Hartleben, former director of the Salzburg police, in early 1802. In the introduction, he outlined the situation in European states in dark colors intended to help justify the need for police expertise, international information sharing, and the police in general. Hartleben was an advocate of enlightened conservatism: he acknowledged the importance of the state in overcoming the “barbarism” of earlier times (such as religious intolerance), but rejected revolution, which he blamed—much like wars—for destabilization of social values and disorder in households.¹ He still viewed religion as an important element contributing to the maintenance of the state and believed that the police should never make the mistake of assuming that “a non-believer could be an obedient, enlightened, and moral part of the state.”²

Complaints about a decay of morals in (post)revolutionary times were something of a leitmotif in Hartleben’s journal. Among the particular branches of the police, he mentions a special “morality police” (*Sittenpolizei*) but does not define it in his editorial, only stressing that the relevant directives (*Sittenordnungen*) should be drawn up by people with practical experience and knowledge of the

¹Hartleben saw one of the causes of decay of order in households (*häusliche Ordnung*) as a deterioration of morals in modern times: “Wir haben uns von den einfachern Sitten unserer Vorältern entfernt,” *Deutsche Justiz- und Polizeifama*, no. 1–2, 1 January 1802, “Ueber den Zweck, Umfang, Nutzen und die Art der Kultur dieses Instituts,” col. 4.

²*Ibid.*, col. 5, “Sie darf nicht . . . den falschen Wahn nähren, daß ein Irreligiöser doch ein folgsames, ein aufgeklärtes und gesittetes Staatsmitglied seyn könne.”

population. In the first year of the journal, he published reports on things such as alcohol consumption, dancing and balls, gambling, and fashion and cosmetics in a column on “morality police.”³

The aim of this study is to investigate how the police in the post-revolutionary Habsburg monarchy, and especially in Bohemia, worked toward maintaining the traditional political and social order and how it participated in the establishment of new, secular morals. I will offer a more detailed characterization and illustration of this morality using illicit sexual behavior as an example, which was no longer classified as a capital offense and was increasingly placed under the jurisdiction of the police and the state administration. But the enlightened relaxation of penalties set by criminal law did not necessarily translate into greater public acceptance of such sexual behavior (prostitution, same-sex acts). On the contrary, this previously taboo topic could now become the subject of public moral condemnation.⁴ In the Habsburg monarchy, the modern police were created during the enlightened reforms, but after the French Revolution they turned into protectors of the established political order. Moreover, public debate on issues of sexual morality was not well developed at the time. In the following, I will therefore examine the claim that Austrian police maintained public order and to some extent public morality but did not help create a secular moral order in the spirit of Enlightenment or bourgeois ideology.⁵

With this in mind, I shall examine the connections between theoretical treatments, norms, and guidelines pertaining to this subject on the one hand and police practice on the other hand. Administrative documents (correspondence, reports on surveillance and investigation) also enable us to explore the language used by police officials to describe “immoral” behavior even before it was classified by the courts. To some extent, such sources also suggest the views of the persons who were being prosecuted—by recording their confrontation with the police force. I shall try to establish whether the image of public morality, as codetermined by the police and other authorities (government officials, censors), corresponded to the written norms, and investigate what other normative notions—including gender norms—it reflected, and how this image related to the idea of good citizenship.

Although most reports in Hartleben’s *Justiz- und Polizey-Fama* were from the German lands, the journal covered more than the territories of the slowly deteriorating Holy Roman Empire. The first issues of the journal were dedicated to Johann Anton Perggen, creator of the Austrian police organization and a long-time police minister. Vienna and Austria in general—which Hartleben included among the German states—are praised in his introduction as examples of good police organization and models of monarchic concern for this branch of state administration.⁶

Hartleben’s praise for Perggen’s policing had some justification. In the Habsburg monarchy, police reforms had been underway since about the 1770s. The creation of a police directorate (*Oberpolizeidirektion*) in Vienna in 1782 was followed in 1785–87 by the establishment of police directorates in the capitals of other lands in the monarchy (including Prague, Brno/Brünn, Opava/Troppau, Graz, Innsbruck, Linz).⁷ After some initial clarification of its powers, the organizational structure of

³Ibid., index, col. XI–XII.

⁴For instance, based on the example of Voltaire’s *Philosophical Dictionary*; see Katherine Crawford, *European Sexualities, 1400–1800* (Cambridge, 2007), 206.

⁵On the practice of the Bavarian police between 1809 and 1817, see Isabel V. Hull, *Sexuality, State, and Civil Society in Germany, 1700–1815* (Ithaca, 1997), 368.

⁶*Deutsche Justiz- und Polizeifama*, no. 1–2, col. 9–10. It also seems that the *Justiz- und Polizey-Fama* was distributed and read in the Habsburg Monarchy: as early as 1802, Prague police director Joseph Anton Wratisslaw von Mitrowitz recommended it to regional officials; Státní oblastní archiv Litoměřice, Krajský úřad Litoměřice, sign. Publ 81, box 830, letter of Wratisslaw von Mitrowitz to the circle captain (*Kreishauptmann*) of Litoměřice, Prague, 5 August 1802.

⁷Except for older works by Bibl and Oberhummer, there is no recent monograph on the early history of police in Vienna; see only an unpublished dissertation by Ingeborg Mayer, “Studien zum Polizeiwesen in Wien und Niederösterreich von seinen Anfängen bis zum Ausgang des 18. Jahrhunderts” (Ph.D. diss., Universität Wien, 1985). For the history of police in Prague, see Pavel Himl, *Pozorovat, popsat, stvořit. Osvěcenská policie a moderní stát 1770–1820* (Prague, 2019), 53–68. For the history of police in Brünn/Brno and Troppau/Opava, see Michal Chvojka, “Die Errichtung und Genese der Polizeidirektionen in Brünn und Troppau im Rahmen der aufgeklärten josephinischen Reformen (1785–1787/89),” *Acta historica Universitatis Silesianae Opaviensis* 9 (2016): 29–54. Further also Helmut Gebhardt, *Die Grazer Polizei 1786–1850. Ein Beitrag zur Geschichte des österreichischen Sicherheitswesens im aufgeklärten Absolutismus und Vormärz* (Graz, 1992).

the police stabilized by the late eighteenth and early nineteenth century, and Pergen was at its helm for some years. Unlike Joseph Sonnenfels, for instance, Pergen was a dedicated advocate of a narrower conception of the police, one that did not include healthcare or social care. He also used the threat presented by the French Revolution to strengthen the secret police, whose mission gradually crystallized into the protection of the state system,⁸ but he in no way neglected the development of the public police, which included a large part of the morality police.

In the theoretical writings of Johann Heinrich Gottlob Justi and Sonnenfels, founders of the theory of the state in the German-speaking area (*Polizeywissenschaft*), we find no specific reference to morality police. Yet Justi does mention concrete measures aimed at supervision of morals, such as repression of brothels. It is important to note that he links transgressions against morality with public spaces.⁹ Like Justi, Sonnenfels believed that religion plays a crucial role in the maintenance of morality, but in his conception of the preservation of morals he also included children's education and upbringing, science, censorship, matters pertaining to servants, and even the theater. It was to this broadly defined area that he devoted the next phase of his professional life.¹⁰ In his view, supervision of morality meant prevention of behaviors harmful or damaging to the person, honor, or possessions of individual citizens (*innere Privatsicherheit*). Under Sonnenfels's influence, one of his students, Joseph Butschek, later a professor of the theory of state at the Prague university, also wrote about "morals" in the general sense in the 1770s.¹¹ Some later theorists of law nevertheless drew a distinction between morality and law in a Kantian spirit, for instance Franz von Zeiller, coauthor of both the criminal code of 1803/04 and, above all, of the General Civil Code (ABGB, 1811). According to Zeiller, immoral behavior (*Laster*) may harm the spiritual and physical powers of individuals, but the law should intervene only in cases when such behavior also affects others.¹² However, as it pertains to "acts against morality" falling under police jurisdiction, this negative impact could consist of something like giving a bad example or leading to imitation, which is why the public nature of such behaviors was of such importance.

Johann Jakob Reismann von Riesenberg, the first director of police in Prague, had studied with Butschek before his appointment. Although, according to both Pergen and Emperor Joseph II, he did not do well in the position and was recalled after just one year,¹³ the establishment of independent police directorates in the regional capitals of the Habsburg monarchy represented an important step also toward morality policing. Another milestone came with the adoption of Joseph II's criminal code in 1787. In addition to enlightened changes such as the abolition of the death penalty, the code also defined some offenses as "political delicts" (*politische Verbrechen*). These were not, as the terminology might seem to indicate, acts aimed against the existing political establishment or the ruler—those remained in the most serious category of "criminal felonies"—but lighter transgressions. They were still judged by the courts, but this

⁸For more on the development of secret police during the reign of Joseph II, see Friedrich Walter, "Die Organisation der staatlichen Polizei unter Kaiser Joseph II," *Mitteilungen des Vereines für Geschichte der Stadt Wien* 7 (1927): 22–53, here 43–51. The police tested its investigative abilities on the partly fabricated conspiracy of so-called Viennese (and Hungarian) Jacobites in 1794; see Paul P. Bernard, *From the Enlightenment to the Police State. The Public Life of Johann Anton Pergen* (Chicago, 1991), 180–221.

⁹Johann Heinrich Gottlob Justi, *Grundsätze der Policey-Wissenschaft*, 2nd ed. (Göttingen, 1759), 215, §289: "Am allerwenigsten aber hat die Policy die unschuldigen Ergetzlicheiten in denen Privat-Häusern zu verhindern; und es muß jedermann frey stehen, Gesellschaften in seinem Hause und dabey allerley Spiele, Music, Tänze und dergleichen zu haben. So bald aber dabey Dinge vorgehen, die zum öffentlichen Aergerniß, zu Verführung junger Leute und zum Verderb der Sitten gereichen, so ist es ihr Amt, diesem Unwesen Einhalt zu thun."

¹⁰Joseph Sonnenfels, *Grundsätze der Policey, Handlung und Finanzwissenschaft*, vol. 1, 3rd ed. (Vienna, 1777), 115–91, "Von dem sittlichen Zustande und der Vorsorge der Policey in Bildung des Verstandes und der Neigungen der Bürger."

¹¹Joseph Ignatz Butschek, *Abhandlung von der Policey überhaupt und wie die eigentlichen Polizeygeschäfte von gerichtlichen und anderen öffentlichen Verrichtungen unterschieden sind* (Prague, 1778), e.g., 34. On Butschek as a student of Sonnenfels, see Olga Khavanova, "Joseph von Sonnenfels's Courses and the Making of the Habsburg Bureaucracy," *Austrian History Yearbook* 48 (2017): 54–73, 66.

¹²Franz Leander Fillafer, *Aufklärung habsburgisch. Staatsbildung, Wissenskultur und Geschichtspolitik in Zentraleuropa 1750–1850* (Göttingen, 2020), 358.

¹³Himl, *Pozorovat*, 16.

separate definition may have contributed to the perception that the police were the proper body to investigate them.¹⁴

Alongside behaviors posing a danger to life, health, or possessions of fellow citizens, this group of less grave offenses included “offenses leading to the corruption of morals” (*Verbrechen, die zum Verderbnisse der Sitten führen*).¹⁵ These comprised religious delicts (casting doubt on religion, blasphemy), delicts broadly linked to sexuality, but also, for instance, wearing of masks outside of designated occasions, membership of secret societies, and possession of forbidden images and books. Even the operation of brothels, soliciting, and prostitution were thus classified as “political delicts.” Homosexual acts met with a strict but nonreligious condemnation,¹⁶ and their reclassification from a criminal category into this less severe one in effect meant a reduction of punishment. A sentence was likely to be stricter if the homosexual behavior caused “public outrage.” Even common fornication (*Unzucht*) was only to be prosecuted if it took place in public. In general, it is fair to state that in the Josephinian criminal code, most transgressions against morals were characterized by their “public” nature.

The category of moral delicts received special attention not only in the Habsburg criminal code issued in 1787 but also in earlier projects of police organization and in police manuals. The creation of a police force in the Habsburg monarchy was influenced not only by Justi’s and Sonnenfels’s theory of state, but significantly also by practical examples from other countries, especially France.¹⁷ A detailed report about the Paris police, commissioned by the Viennese court in 1769–71, may have originally been intended only for its own internal use, but was eventually published in a German translation in 1790.¹⁸ Among the main areas of activity for police commissioners, the report lists religion first and morals (*Sitten*) second, with the latter term covering a wide range of issues from theater, immoral prints and pasquils (meaning satire and caricatures), and (even) brothels.¹⁹ Because Viennese officials explicitly asked about prostitutes in Paris, the report contains a separate chapter on the subject.²⁰ It portrays prostitution as a necessary, ineradicable evil, which the police regulate to ensure that it causes no public outrage or indignation and that no young, previously honest, women fall into its snares. This toleration is legitimized by reference to greater evils which it helps prevent: the Parisian police were apparently using prostitutes as informers who were supposed to report all customers who might be involved in “conspiracies and assaults . . . on public peace” or in other crimes, as well as suspect and harmful persons in general.²¹

¹⁴In the late eighteenth century, the term “politycký” (“political”) in the Czech language was used as equivalent to the German term “Polizei-” (“police”). See, e.g., a bilingual directive issued by the Prague Town Council on the prosecution of persons who behave inappropriately to the “political watch” (*politycká stráž, Polizeywache*) and fail to observe “political rules” (*politycká pravidla, Polizeygesetze*), Prague, 23 November 1787, Národní archiv Praha [National Archives Prague, henceforth NA], Policejní ředitelství Praha 1769–1855 [Prague Police Directorate, 1769–1855, henceforth PŘ], box 2.

¹⁵*Allgemeines Gesetz über Verbrechen und derselben Bestrafung. II. Von politischen Verbrechen und politischen Strafen* (Vienna, 1787), bilingual Czech–German edition, 281–97, §61–82.

¹⁶*Allgemeines Gesetz über Verbrechen*, 287, §71: “Wer die Menschheit in dem Grade abwürdiget, um sich . . . mit seinem eigenen Geschlechte fleischlich zu vergehen, macht sich eines politischen Verbrechens schuldig.”

¹⁷Pavel Himl, “‘Une machine merveilleuse’ de police dans la monarchie des Habsbourg dans les années 1770 et 1780,” in *Images en capitale: Vienne, fin XVII^e – début XIX^e siècles*, eds. Christine Lebeau and Wolfgang Schmale (Bochum, 2011), 305–17.

¹⁸*Abhandlung von der Polizeyverfassung in Frankreich* (Vienna, 1790). The French original was, as an important historical document of the development of Parisian police, published only in the late nineteenth century; see Augustin Gazier, ed., *La police de Paris en 1770. Mémoire inédit composé par ordre de G. de Sartine sur la demande de Marie-Thérèse* (Paris, 1879).

¹⁹*Abhandlung von der Polizeyverfassung*, 73–74.

²⁰For more on issues of the Viennese court, see *La police de Paris en 1770*, 5: “12. Quel est le système [de la police] relativement aux filles de joie? 13. Si les filles de joie sont employées à l’espionnage?” In German translation, prostitution is discussed in the seventh article of the second part (“Von den öffentlichen Huren”); *Abhandlung von der Polizeyverfassung*, 158–68.

²¹*Abhandlung von der Polizeyverfassung*, 167–68. All works on the Paris police mention the central role of spies, e.g., Vincent Milliot, “L’admirable police”: *Tenir Paris au siècle des Lumières* (Ceyzérieu, 2016), 139–78; David Garrioch, “The People of Paris and their Police in the Eighteenth Century: Reflections on the Introduction of a ‘Modern’ Police Force,” *European History Quarterly* 24, no. 4 (1994): 511–35. On the legal recognition of prostitution in some countries around 1800, see Crawford, *European Sexualities*, 177.

In the Habsburg monarchy, a repressive attitude to prostitution and “immoral” behavior in general, as described and prescribed by the Austrian criminal code, was also integrated in the less authoritative norms of recommended police practice. In fact, the term “practice” appears in the name of a contemporary manual, *Die Polizei praktisch*, written by Andreas Chrysogonus Eichler and first published in 1794 in Prague.²² Later editions (1803, 1808, and 1815) responded not only to readers’ changing interests but also to changes in legislation, especially the adoption of a new Austrian criminal code in 1803/04. This manual was in effect an extensive excerpt from laws but also less authoritative regulations, some of which went back to the second half of the eighteenth century. This was combined with the foundations of police theory on the prevention of accidents and undesirable situations. The manual also reflected changes in the legal treatment of “fornication.” In the 1793 edition, fornication was simply banned, while in the 1815 edition, its various forms, including prostitution and procurement, are classified as “political delicts,” and prosecution of prostitution is treated as the responsibility of the police. Regarding the *actus reus* of prostitution and procurement, as well as penalties which these acts carried, later editions of Eichler’s manual copied the criminal code of 1803/04.²³ The manual did not, however, provide concrete guidelines for actual police work in towns.

Thanks at least in part to his authorship of successive editions of his police manual, Eichler was appointed in 1799 to the post of first chief commissioner (*Oberkommissar*), which was the second-highest office in the Prague police force after police director.²⁴ A similar career path from lower commissioner posts at the Prague police directorate awaited Johann Konrad, author of various treatises for and on the police in addition to other literary texts. After his work *Die Polizeyverfassung oder Theorie, Praxis und Geschichte der Polizey* appeared in 1817, Konrad, who was at the time studying law, was appointed second chief commissioner of the Prague police.²⁵ The full title of his treatise indicates that his *Polizeyverfassung* was intended to be a larger opus but it seems that only the first, theoretical part was ever published.²⁶ Still, it is worth noting how much space in his work Konrad devoted to morals and their supervision, especially given that he held an important post with the Prague police in the late 1810s and early 1820s. His name even figures in some of the cases discussed below.

According to Konrad, morality—or rather ethical life (*Sittlichkeit*)—enables citizens of the state to achieve their purpose, which is happiness (*Glückseligkeit*). Konrad makes a distinction between internal and external morality and between internal and external morality police. The former is based on internal attitudes and rests on two pillars: religion and education. These are also the areas which were outside the scope of police work but at which relevant measures and institutions were directed. (The notion of religion playing a constitutive role in the state was emphasized not only by Hartleben but also by Eichler in the introduction to his manual.²⁷) External morality is demonstrated by a person’s behavior toward himself and other citizens; behavior which detracts from or destroys happiness is perceived as immoral. A person can harm himself by “darkening his reason” (*Verdunkelung des Verstandes*), for instance through astrology or by treasure hunting, or by irrational or passionate gratification of

²²Andreas Chrysogonus Eichler, *Die Polizei praktisch oder Handbuch für Magistrate, Wirtschaftsämter, Aerzte, Wundärzte, Apotheker. u. s. w. dann für alle, denen die Aufsicht auf die Polizeigegegenstände obliegt, oder die von ihr gründlich unterrichtet seyn wollen, mit Anführungen der ergangenen Gesetze und Verordnungen. Nebst einem Anhang von den politischen Verbrechen und derselben Bestrafung* (Prague, 1794). For more in Eichler’s appointment to the post of police commissioner, see NA, Praesidium českého gubernia [Praesidium of the Bohemian Gubernium, henceforth PG], sign. 3, box 84, letter of the gubernium to Police Minister Pergen, Prague, 8 January 1799.

²³*Gesetzbuch über Verbrechen und schwere Polizey-Uibertretungen. Vol. II: Von de schweren Polizey-Uibertretungen und dem Verfahren bey denselben* (Vienna, 1803), 124–27, §254–60.

²⁴For year 1810, see NA, Policejní ředitelství Praha I.–presidium [Prague Police Directorate I–Praesidium, henceforth PP], sign. A 37, box 1, a table of commissioners of the Prague police directorate, Prague, 27 June 1810.

²⁵*Schematismus für das Königreich Böhmen auf das gemeine Jahr 1817*, vol. II (Prague, 1817), 13.

²⁶Johann Konrad, *Die Polizeyverfassung oder Theorie, Praxis und Geschichte der Polizey in ihrer allgemeinen Bedeutung, mit vorzüglicher Rücksicht auf den österreichischen Kaiserstaat. Ein Handbuch für Regierungs-, Polizey- und Justizbeamte. Erster oder theoretischer Theil* (Prague, 1817). This manual was to be an excerpt from Konrad’s previous treatise intended for the use of state authorities; see Johann Konrad, *Grundriss einer systematischen Uebersicht des Polizeiwesens im weitesten Verstande* (Nuremberg, 1813). See also Constantin von Wurzbach, *Biographisches Lexikon des Kaiserthums Oesterreich*, vol. 12 (Vienna, 1864), 415–16.

²⁷Eichler, *Die Polizei praktisch* (Prague, 1794), 3: “... ein Mensch ohne Religion ist ein gefährliches Glied im Staate; die Religion ist aber ein sehr festes Band der bürgerlichen Gesellschaft.”

sensuality at the expense of reason, heart, or body—and this is where Konrad placed fornication. In relation to others, external morality can be violated by immoral speech, gestures, or actions, but also by denying help to those who need it. External morality may also be jeopardized by games and entertainments that inflame sensuality and imagination, suppress subtle feelings, or incite passions. Among preventive measures recommended in this chapter we find, not surprisingly, the supervision of public places. Konrad also proposes that dissolute and profligate persons should be declared “legally dead,” that is, they should be stripped of their civil rights. In the second part of the book, the dispersion of clandestine meetings and corrective punishment of dissolute persons are added to the list of preventive measures.²⁸ Konrad’s interpretation thus went beyond Zeiller’s separation of individual morals and the law. In his view, police were supposed to be active even in the inner sphere, that is, areas where the behavior of an individual did not affect other persons and jeopardized only the individual concerned.

Konrad’s book was mentioned favorably in Hartleben’s *Justiz-, Kameral- und Polizeifama*.²⁹ It also received several other reviews, some of which criticized Konrad for failing to offer a narrower definition of the police. And indeed, Konrad’s definition included the supervision of a vast range of human activities, even to the point of becoming identical with state authority as such, which reviewers felt was an outdated approach.³⁰ This broad concept of police may have reflected the practice of the Prague directorate: for instance, the portfolio of commissioner Konrad in 1814 included preliminary investigation of crimes but also a commentary on regular police reports from regional authorities and the Prague magistrate and various issues related to construction and small commerce in Prague.³¹

The division of powers between the commissioners of Prague’s police directorate from early 1814 also included the categorization of issues of morals ranging from brothels, prostitution, and procurement, all the way to non-permitted dancing, drunkenness, and public excesses as permanent areas of police activity.³² The extent to which the police adhered to this narrower definition of its activities in accordance with Zeiller’s interpretation, as well as the degree to which it also interfered either preventively or in cases where individuals endangered only themselves, can only be shown in concrete cases of police investigation. In the following section, I discuss three such cases. These cases admittedly do not cover the full range of police activities; they capture varying degrees of detail, and they are not evenly distributed within our time period of interest, 1790–1830. Nonetheless, they are illuminating.

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A significant moral dimension clearly characterized the first public excess of note that the Prague police had to deal with—the “brothel riots” in December 1793.³³ It started with an attack on a brothel in the Prague Old Town that was the culmination of verbal disagreements between the brothel staff and students of the Prague university. The unrest lasted for several days and became increasingly heated. The riots developed their own dynamics and were later joined, partly out of curiosity, by up to several thousand persons. Looting and attacks against other brothels and houses of brothel keepers in both the New and the Old Town of Prague continued for several days.

The President of the Gubernium Lažanský criticized Police President La Moth for neglecting the affair and only belatedly reporting on it. La Moth was moreover derided by the students and the mob for alleged links to the prostitutes and madams and for protecting them. Viennese Police Minister Pergen addressed similar criticism about Prague’s reactions to the unrest, saying that the police had not only been careless but by sending the watch to the brothel they created the impression that they were less interested in maintaining public order than in protecting the “corrupt whores” (*feile Dirnen*). He complained, “[i]t would seem that the residents of Prague in general believe that

²⁸Konrad, *Die Polizeiverfassung*, 31–53, 218.

²⁹*Allgemeine deutsche Justiz- Kameral- und PolizeiFama*, August 1817.

³⁰*Leipziger Literaturzeitung* 332 (29 December 1817), col. 2652–55; further also a rather critical review in *Jenaische allgemeine Literatur-Zeitung* 44 (March 1819), col. 350–52.

³¹NA, PP, sign. A 32, box 3, division of competence at the Prague police directorate, Prague, 18 January 1814.

³²*Ibid.*

³³For their detailed description and analysis, including references to older literature and sources, see Himl, *Pozorovat*, 227–45.

the police give prostitutes more protection than the moral part of citizens would wish, and that they are not merely suffered but given preferential treatment.”³⁴

Even a brief look at subsequent steps taken by the police shows that the prostitutes were not treated with any undue laxity. While the detained students were soon released and a gubernial commission to investigate the attacks against brothels was set up much later, on 15 February 1794, the detained prostitutes and brothel keepers had been under investigation for their “dissolute way of life” and “procurement and facilitation of fornication” since late December 1793.³⁵

Although the investigation and the courts could not quite deny the guilt of the violent students, official records show the efforts of the authorities to excuse the behavior by referring to the students’ “immature and incorrect understanding of offended honor.”³⁶ Jan Theobald Held, witness to the riots and later an important physician in Prague, noted that the attacks were motivated by “the offended and outraged moral feelings of the youths.”³⁷ The students themselves appealed in their defense to moral outrage and this was reflected also in students’ ditties which targeted the allegedly close links between the police and prostitution. Official German Prague newspapers, on the other hand, reported in a moderate tone on mere disagreements that had led to a partial destruction of some “dens of lewdness,” and suggested that peace-loving locals, much to their credit, had not participated in these events, having at most watched them with abhorrence from their windows.³⁸

Moral indignation over prostitution, especially over the fact that prostitutes could occupy the public space like any other citizen and thus claim for instance the right to police protection from immediate threat, was a sentiment voiced by the students in their defense. Various official reports as well as journal articles seem to share this feeling. Gubernial councillors (in effect members of the Bohemian government) did not, however, appear to grant this right to moral indignation to rioters from the lower social classes: they believed that apprentices and servants (“the mob”) were motivated in their rioting not by moral outrage but by their desire to loot.³⁹

This publicly declared negative view of prostitution seems to be one of the key features of morality of the new bourgeois society, and unlike the apprentices and young craftspeople, students, regardless of their urban or rural origin, at least potentially belonged to this newly forming society. Despite their contacts with prostitution, or even their use of the services, the authorities viewed students as having the potential of moral and social improvement. After all, moral self-perfection without external guidance was constitutive of the ideal citizen, an enlightened man. The police and administration helped shape this ideal by protecting the students and the population in general from negative influences.

The Prague “brothel riots” of 1793/94 also display some other symptoms of bourgeois society’s distinctive, social or class-related, attitude toward prostitution as a “necessary evil,” as Peter Becker has demonstrated in his study of nineteenth-century criminologists. Tolerance of prostitution was supported more than it was opposed as it was supposed to prevent even more undesirable phenomena, such as breakdowns of marriages or masturbation. The use of prostitution was also generally tolerated

³⁴NA, PG, sign. 15c, box 234, J. A. Pergen’s letter to Prokop Lažanský, president of the Bohemian Gubernium, Vienna, 19 December 1793: “Uiberhaupt scheint das Prager Publikum in der Vermuthung zu stehen, daß man den Freudenmädchen von Seite der Polizey mehr Schutz angedeihen lasse, als der gesittete Theil der Staatsbürger wünschet und daß hierbey nicht sowohl duldung, als begünstigung eintrete.”

³⁵Archiv hlavního města Prahy [Prague City Archives, henceforth AHMP], Magistrát hlavního města Prahy I. [Prague City Magistrate, henceforth MHPM I], delivery protocol for the second half of 1793, book 19, sign. Publ 54/165, no. 10178 (16 December) and 10196 (17 December).

³⁶NA, PG, sign. 15c, box 235, final report by gubernial councilors Sweerts and MacNeven, Prague, 31 March 1794.

³⁷Jan Theobald Held, *Fakta a poznámky k mému budoucímu nekrologu. I. Vzpomínky pražského lékaře na léta 1770–1799* [Facts and Notes on My Future Obituary. I. Recollections of a Prague Physician of 1770–1799], eds. Jindřich Květ and Daniela Tinková (Prague, 2017), 218–19.

³⁸*Kaiserlich königlich privilegierte Prager Oberpostamtszeitung*, 17 December 1793.

³⁹The fact that masses of people attended—whether because they sought some satisfaction or out of curiosity—the exemplary public punishment of Katharina Flecklin, the brothel keeper, was not seen as inconsistent with this explanation. In Vienna, brothel keepers were punished in a similarly public fashion as late as in the 1840s; see Viktor Bibl, *Die Wiener Polizei. Eine kulturhistorische Studie* (Leipzig, 1927), 313.

for men of the lower classes who lacked the requisite education and internal moral regulation to control their sexual instincts—they were viewed as incapable of moral self-perfection.⁴⁰

The object of these enlightened/bourgeois repressive and regulatory, but also educative and cultivating, activities were, above all, men. Women played a rather marginal role. This was apparent in Prague during the events of 1793/94, although women were active participants in the riots and one can follow their subsequent defenses and pleas for release from forced labor from their own perspective. Prostitutes and madams were moreover targets of moral condemnation, which further contributed to their gender-based marginality. This added to the ambivalence with which locals and police minister Pergen perceived the efforts of the Prague police, who tried to de-escalate the conflict and protect the prostitutes—like any other citizens—from the anger of the mob. But we should not consider this a feature of modernity, due to the fact that protection of the weaker participants of unequal social (and sexual) relations or victims of abuse was not viewed as the task of the police for a long time to come.

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The police and the courts investigated and discussed moral offenses, both the less severe “political” and the criminal ones, behind closed doors. This meant that the public and the media never learned what really went on in there. A handful of remarks in the newspapers, and sometimes behaviors and reactions reported by the police, are insufficient to allow any confident conclusions regarding the prevailing attitude of the population of Prague (or any other place) to morality and what was genuinely perceived as immoral.

In the Habsburg monarchy, we nonetheless find a critique of immorality—or rather, moral and sexual transgressions—based on enlightened rather than simply traditional ideas. Specifically, associations were made between these phenomena and the “degenerate” members of both the higher social classes who could act with impunity and the deformed environment of the Catholic Church. Examples of such criticism can be found in a two-part treatise provocatively called *Forbidden Writings* (*Verbotene Schriften*), published anonymously in Straubing in 1805, which attracted the attention of the Austrian and Prague authorities. In the chapter “Love and Lust” (*Liebe und Wollust*), a person who succumbs to his instincts and passions is presented as lowering himself to the level of animals, while ideal human nature is said to be based on the cultivation of passions and lust by reason in the direction of morality. One element of the critique, namely a reduction of women to the subject of such passions, is implicitly aimed against prostitution but also against prostitutes.⁴¹ In a chapter on the “Culture of Vice” (*Kultur des Lasters*), the critique targets the social environment that hides this cultivated immorality under a guise of nobility, artificiality, and hypocrisy, just as prostitutes do.⁴²

In a chapter of the second volume called “Abuse of Boys” (*Knabenschändung*), the author describes the environment of moral depravity in more detail when he speaks of the sexual abuse of boys and young men (using the term “Päderastie”) as being the most unnatural and most despicable of vices. Its perpetrators are said to be “cowardly, ignorant men of weak character, arrogant rich good-for-nothings, scoundrels from the ranks of aristocracy.”⁴³ In a supplement to this chapter, the author anonymously charges six nobles with this vice: Baron A., a canon, commits pederasty (in elegant society). Count B. is hand in glove with representatives of the justice system who managed to sweep under the rug a charge brought against him by a hussar whom he kept as his “Maitresse.” Baron C. seduces students using his library full of most scandalous engravings and pays them large

⁴⁰Peter Becker, *Verderbnis und Entartung. Eine Geschichte der Kriminologie des 19. Jahrhunderts als Diskurs und Praxis* (Göttingen, 2002), 122–30.

⁴¹Anonymous, *Verbotene Schriften* II, [1] (1805), 27: “Er kennt den Menschenwerth im Weibe nicht, der Wüstling, der den Umgang und die Huld der Bessern flieht, und sich selbst verwirft an den Auswurf ihres Geschlechts.”

⁴²Anonymous, *Verbotene Schriften* II, 29–30: “Kultur des Lasters ist’s, das, ihre Häßlichkeit, die sieche Mißgestalt zu decken, im Edelschmuck erscheint, hochaufgeputzt, gleich einer geschminkten, scheußlich verwelkten, vornehmen Hure. . . . Da verbirgt sich die Despotie der Leidenschaften und falsch verzerrten, freundlichen Larven; und List und Verstellung führen durch die Künste der Ueppigkeit noch tiefer in den Abgrund allgemeiner Verderbnis.”

⁴³Anonymous, *Verbotene Schriften* II, 63: “. . . feige, stupide Weichlinge–übermüthige, reiche Taugenichts, Schandbuben aus dem Adel, der so manche Arme, Verlassene, Fremde an sich lockt, um für einen Sündenlohn ihre gemeine Herkunft mit vornehmen Laster zu beflecken.”

sums of money to keep quiet. Count D. seduces boys in the streets, in theaters, and in the ditches, for which he “often receives a harsh beating.” A fellow libertine, another Baron C. is “a big patriot in speech, a hunter of Jacobins, and a police spy.” Count F. also abuses boys: he exemplifies an idiot in a high office.⁴⁴ In addition to hypocrisy of the high society and the courts, the author also criticizes the police for its inaction, claiming that “with all its secret informers [it] overlooks these despicable crimes against humanity, while claiming to sniff out crimes against the state in passing words and fleeting opinions.”⁴⁵

From a semantic perspective, it is worth noting that all homosexual intercourse had been previously defined as acts aimed against humankind/humanity (*Menschheit*) in the Austrian legal code of 1787. The term “pederasty” was then used by the author of the *Forbidden Writings* in the sense of an unequal homosexual act, regardless of whether the inequality had to do with legal stipulation regarding age, social differences, or economic status.⁴⁶

When in 1809 the *Forbidden Writings* appeared in a second edition, the Police Ministry (*Polizeihofstelle*) and the Bohemian Gubernium launched a search for their author, which led them to Amand Berghofer, a writer with a checkered past and at the time a censor in Prague.⁴⁷ Hints to his identity were found in similarities between some textual content and Berghofer’s life. Berghofer, a Catholic, was separated from his (second) wife and in a relationship with another woman. In several chapters of the second volume of his work, he discusses the subject of divorce, or rather voices a criticism of the indissolubility of (unhappy) marriage in Church and civil law. The author argues that this is a counterpart to the “unnatural” Catholic command of celibacy, for which nature revenges itself with fornication and destructive passions of those who deny human nature.⁴⁸ Berghofer presents Catholic Italy as an illustration of a morally degenerated country, supposedly having produced castrati, pederasts, physical “half-people,” moral invalids, as well as the most shameful monster of the inquisition.

Not surprisingly, the Prague police investigated Berghofer on suspicion of authorship of the *Forbidden Writings*. In early March 1810, Chief Commissioner Johann Konrad, mentioned above in connection with his writings on the police, interrogated him. Berghofer denied writing a larger part of the work and explained its similarity with his own views or previous texts by claiming that he often shared his opinions with various persons active in the literary world. This was apparently also the case of the chapter on abuse of boys (*Knabenschändung*), where Berghofer noted that he used to discuss the “shameful vice of pederasty” with censor Procházka. In conclusion, under interrogation he defended life in partnership, parenting outside marriage, and he made references to extramarital relationships among higher aristocracy and the hypocritical double standard applied by the state depending on the class of the offender.⁴⁹ With these statements, Berghofer in effect admitted to authorship of the remaining parts of the *Forbidden Writings*.

⁴⁴Anonymous, *Verbotene Schriften* II, 67–72.

⁴⁵Anonymous, *Verbotene Schriften* II, 63–64.

⁴⁶Pederasty was a common term for homosexual sodomy in the late eighteenth century, see Bryant T. Ragan, “The Enlightenment Confronts Homosexuality,” in *Homosexuality in Modern France*, eds. Jeffrey Merick and Bryant T. Ragan (Oxford, 1996), 8–29, here 17.

⁴⁷Michael Wögerbauer, “Die Zensur ist keine Wissenschaft, sondern eine bloße Polizeianstalt. Zum Verhältnis von Sozialsystem Literatur und staatlicher Intervention 1780–1820 am Beispiel Prag,” in *Charles Sealsfield. Lehrjahre eines Romanciers. Vom spätjosephinischen Prag ins demokratische Amerika*, ed. Alexander Ritter (Vienna, 2007), 105–24, here 119–20. I would like to thank Michael Wögerbauer, the author, for bringing this text to my attention.

⁴⁸Anonymous, *Verbotene Schriften* II, 54: “Dort Ungebundenheit eines lieblosen unehelichen Lebens mit allen Arten der daraus nothwendig entstehenden Unzucht und Inhumanität—wilde Schwelgerey statt der edleren Freuden der Menschheit—thierische Lüsterneheit nach verbotener Frucht—böserartige, zerstörende Leidenschaften, wodurch die Natur an denen sich rächt, die sie verläugnen—Herzlosigkeit und Tücke—Menschenhaß und Fanatism.”

⁴⁹NA, PP, sign. B 327, box 1, Interrogation of Amand Berghofer, Praha, 3–4 March 1810. Berghofer defended his divorce and the fact that in “a moment of weakness” he conceived a child with a new partner, a child they did not put aside or foster with strangers. At the same time, he criticizes the hypocrisy which permits love affairs to the higher classes: “Wehe dem Lande, wo man die Bande der Natur trennt, dort verbinden sich Ausschweifungen und Liederlichkeit zu allen Lastern. Sollte der Staat gegen meine Verhältnisse minder nachsichtig seyn, als gegen die gröbereren so mancher Fürsten und Grafen, die einen Stern auf der Brust tragen, Fürst Auersberg hält sich bekanntlich eine Metresse, die Frau von Nagel, nebst seiner Frau, Fürst von Hessen Kassel hat seine Frau verstossen, und lebt mit einer anderen, Fürst Palm hat sich von seiner Frau getrennt und einem Manne

In Berghofer's view, outdated formal unions, institutions, and customs must give way to nature, cultivated by human reason and heart. Maternal love predestines women to bringing up their children, while love between partners—and not the institution of marriage—legitimizes sexuality. An affection-based but also fundamentally unequal relationship of this kind is naturally possible only between a man and a woman. Relationships based solely on lust, or even abuse of social or economic power, are despicable vices that weaken and degrade persons who engage in them to the level of animal. The state, including the courts and the police, nevertheless often tolerate such behavior by people of high status. Berghofer thus criticizes the police for covering up pederasty, which it ought to prosecute. Not only his life but also his views on partnership and sexuality seem to justify the label “the Austrian Rousseau,” which is what Wieland, a German Enlightenment writer, allegedly called Berghofer.⁵⁰

Although the police in its institutional form was the result of enlightened reforms, in Berghofer's eyes it stood on the side of the “old regime,” only partially due to its reputation for being a corrupt protector of the mighty, which is what Prague students in 1793 derided it for. A radical, although not egalitarian, romanticizing image of relations between the sexes necessarily challenged traditional social institutions, such as the indissolubility of marriage or celibacy, and with them the authorities who were supposed to safeguard those institutions. Although Wurzbach's lexicon called Berghofer—probably in part due to his lifestyle—an “eccentric” (*Sonderling*), he in fact embodied the Romantic idea of the superiority of feeling and reason over social conventions. This ideal led to the development of the no less normative ideology of a complementary bourgeois couple of a man and a woman, or family, as the foundation of society.⁵¹ What is important from our perspective is that from this point onwards, it was not only the criminal code but also this fundamentally secular ideology that formed the background of moral condemnation of extramarital sexuality as a selfish behavior oriented merely at individual pleasure and reducing a person to a body. In addition to oversight of a broad range of behaviors on the verge of criminal acts, the police were thus asked to suppress (and no longer tolerate) behaviors incompatible with this new view of humanity. It is unsurprising that in this context, “humanity” was taken to mean above all men, and that this attitude was manifest in official and public views of prostitution.

From a moral perspective, Berghofer also criticized the secret police, or rather the fact that they used spies and informers—whose motives were despicable and who came from the lowest class of society—against noble-minded people. Citizens were thus incited against citizens, which corrupted their morals.⁵² Berghofer even claimed that the increasing numbers and growing powers of police spies were the cause of subjects' mistrust of the state, of unrest and revolutions. He called upon governments to permit freedom of opinion and expression. This was an appeal that of itself attracted the attention of the police and censors in 1810. The Austrian authorities naturally did not act on Berghofer's recommendations during the Coalition Wars with France, much less after the defeat of Napoleon. On the other hand, the negative light in which author Charles Sealsfield and others portrayed the secret police as an instrument of Metternich's despotism was less a faithful depiction of reality than just part and parcel of the hyperbolic pamphlet style of his fictional travel diary though Austria.⁵³

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sein Weib abgekauft.” In conclusion, the commission reports that Berghofer read his reply from notes which he had on his person.

⁵⁰Constantin von Wurzbach, *Biographisches Lexikon des Kaiserthums Oesterreich*, vol. 1 (Vienna, 1856), 307–8. For more on Rousseau's complex conception of sexuality and his relation to organization of early bourgeois society, see Isabel V. Hull, “Sexualität und bürgerliche Gesellschaft,” in: *Bürgerinnen und Bürger. Geschlechterverhältnisse im 19. Jahrhundert*, ed. Ute Frevert (Göttingen, 1988), 49–66.

⁵¹For more on the ideology of the unequal position of men and women in the bourgeois family; see for instance Ute Frevert, “Bürgerliche Meisterdenken und das Geschlechterverhältnis. Konzepte, Erfahrungen, Visionen an der Wende vom 18. zum 19. Jahrhundert,” in: *Bürgerinnen*, ed. Frevert, 17–48.

⁵²Anonymous, *Verbotene Schriften I*, [p. I] 1805, 9–20 (chapter “Geheime Polizey”), e.g., page 16: “Auflauern und Angeberey sind die verkehrtesten Anstalten zur Ruhe: dadurch werden Bürger gegen Bürger aufgehetzt, ihre Sitten verdorben, Sicherheit und Friede in dem Innersten der Familien gestört, und die Unterthanen mit der Regierung noch mehr entzweyert.”

⁵³[Charles Sealsfield], *Austria as It Is or Sketches of Continental Courts by an Eye-Witness* (London, 1828), 135.

The important role of the secret police in the political establishment of Europe and more generally its development after 1814/15 have been investigated in detail elsewhere⁵⁴ and is not the subject of this text. Nevertheless, the secret police was oftentimes not separate from the police as such, i.e., from the public police in terms of personnel. The following case is of interest for our subject also because in it, the political and moral aspects intersect. This also brings us to the “Stravaganza” referred to in the title of this study. The case is interesting not only from the general point of view of policing morality, but also because it provides a hitherto unknown and unique insight into the life of the Italian exile in the 1820s. Let us therefore take a closer look at it.

Luigi Arcovito and Gabriele Pedrinelli arrived in Prague from Italy in September 1821. They did not come of their own free will: for six moderate leaders of the Neapolitan revolution of 1820–21, several towns in the Austrian monarchy (alongside Prague also Brno/Brünn and Graz) were designated as places of exile. The details of the Prague stay for these two former generals are known to us thanks to police surveillance.⁵⁵ While Arcovito’s behavior was exemplary and after about a year he was moved to Austrian Trieste and then further to Tuscany, Pedrinelli settled in Prague, set up a distillery, considered purchase of a house, and established numerous social contacts. The police used some of Pedrinelli’s contacts not only to check whether he was trying to spread revolutionary ideas but also to exert pressure on him and force him to leave. This was because in October 1823, the emperor Franz I issued a directive according to which all persons who had in some way participated in revolutionary movements were supposed to leave the territory of the Austrian Empire. Pedrinelli, however, did not want to leave. Quite the opposite: he did his utmost to prolong his stay in Prague.

According to Czech historian Josef Polišenský, who was one of the few to deal with these sources, the police reports contained no information about Pedrinelli’s political activities, and seemed suited at best “for the history of morals and as a testament to the low level of the care exercised by Metternich’s Austria to defend what they called ‘decency.’”⁵⁶ Johann Constantin Lorensi, a passport official of the Prague police directorate and author of most reports on Pedrinelli, focused his surveillance of Pedrinelli’s contacts not only on members of the Prague Italian community, merchants, and bankers, but especially his housekeeper and other persons from the lower classes, such as apprentices and servants, who were in regular contact with the Neapolitan former general. Reports from 1823 gradually reveal various secrets and suspicions, while seeming to keep the reader in suspense. Naturally, this may have been the policeman’s strategy, a way of convincing his superiors about his tireless effort and indispensability.⁵⁷ And it is moreover possible that Lorensi’s conclusions were simply wrong.

⁵⁴See the classical work by Donald E. Emerson, *Metternich and the Political Police. Security and Subversion in the Hapsburg Monarchy (1815–1830)* (The Hague, 1968). Among more recent publications, see, e.g., Pieter Judson, *The Habsburg Empire. A New History* (Cambridge, MA, 2016), for police, see 131–34. Based on David Laven’s study on Veneto, Judson claims that with respect to local officials, teachers, or priests, Austrian police tended to focus on their morals rather than their political views; see David Laven, “Law and Order in Habsburg Venetia 1814–1835,” *The Historical Journal* 39, no. 2 (June 1996): 383–403, here 399–400.

⁵⁵The exiles to Prague are virtually absent from the newer literature; see Emerson, *Metternich*, 90; Maurizio Isabella, *Risorgimento in Exile: Italian Émigrés and the Liberal International in the Post-Napoleonic Era* (Oxford, 2009), 9–14. Arcovito and Pedrinelli are only mentioned in the works by Czech authors as Josef Polišenský, *Opavský kongres roku 1820 a evropská politika let 1820–1822* (Ostrava, 1962), 142–58; Josef Polišenský, “Il Congresso di Opava (Troppau) e la politica europea degli anni 1820–1822 nei fondi degli archivi cèchi,” *Studi storici* 4, no. 2 (1963): 293–301; Dušan Uhlíř, *Čas kongresů a tajných společností* (Praha, 2017), 265–70. See also Michal Chvojka, *Josef Graf Sedlnitzky als Präsident der Polizei- und Zensurhofstelle in Wien (1817–1848). Ein Beitrag zur Geschichte der Staatspolizei in der Habsburgermonarchie* (Frankfurt am Main, 2010), 282–83. Other works on this subject seem unaware of the sources for Arcovito’s and Pedrinelli’s stay in Prague, cf. older studies such as Mariano d’Ayala, *Le vite de’ più celebri capitani e soldati napoletani dalla giornata di Bitonto fino a’ di nostri VII* (Naples, 1843), 625–39; Mario Manzo, “Il Generale Gabriele Pedrinelli (Napoli, 1770–Caivano, 1838),” in *Testimonianze per la memoria storica di Caivano raccolte da Ludovico Migliaccio e Collaboratori*, ed. Gaicinto Libertina (Napoli, 2019), 73–75.

⁵⁶Polišenský, *Opavský kongres*, 150–51. Pedrinelli’s political views, described on the basis of an interview with him, are presented in an anonymous report of 20 March 1823. See NA, PP, sign. B 74 (1823), box 7.

⁵⁷For the detailed nature or brevity of police reports as an official’s strategy, see Richard Cobb, *The Police and the People. French Popular Protests 1789–1820* (Oxford, 1970), 50.

In early March 1823, Lorensi wrote about two tinsmith apprentices who were supposed to be helping with operation of Pedrinelli's distillery. The roughly sixteen-year-old Joachim Lonner even lived in Pedrinelli's house and apparently had close relations with him. The other boy, Braun, was said to give the impression of "very wild morals."⁵⁸ Pedrinelli apparently paid for his food, lodgings, gave him pocket money, and walked with him around Prague, but he also allegedly asked both boys not to share confidences with their peers.⁵⁹ In May 1823, Lorensi informed the head of Prague police about the poor health of both apprentices: Braun was supposed to have some problems with movement and make an apathetic impression, which—Lorensi hinted—"could lead to the discovery of important facts."⁶⁰ In June 1823, the cause of these complaints came to light: a certain doctor Nushardt treated, apparently with success, both the two boys and Pedrinelli for syphilis, which he did not see as in any way extraordinary.⁶¹ Lonner and Braun then left Pedrinelli's service and his house. Lorensi started uncovering the nature of their relationship with the former general about a month later, when he convinced Braun to speak to him about at least some part of what had transpired. According to Braun, Lonner had from the start been Pedrinelli's "darling" (*Liebling*): he often stayed with Pedrinelli alone in the room and the general gave him plenty of money.⁶² Lorensi failed to convince the apprentices to share any more information with him, so he turned to other people around the Italian exile: a washerwoman, who often stayed around his house, testified about his contacts with prostitutes and was convinced that he "also corrupted the boy [Lonner] since given his manners, it cannot have been otherwise."⁶³

After the summer of 1823, Pedrinelli with a few exceptions stopped his contacts with young men. From time to time, he saw Braun but otherwise "no one of that ilk" was visiting him. It apparently took Lorensi some time to acquire another piece of evidence. He found it in the environment hinted at by the previous findings: in the world of prostitution. Midwife Maria Nedwied and her sister-in-law Theresia Chalaupkin recounted in their statement for the police, taken in late November 1823, something they had heard from an acquaintance, Lisette Wowes, a prostitute. Wowes, they said, claimed that Pedrinelli tried to convince her in his apartment to have sexual intercourse with him "in the manner of pederasts," which she refused. With another woman, he allegedly did have anal and oral sex and thereby "ruined her." Wowes supposedly also learned that Pedrinelli also "uses [men] in this way." One such person, a very handsome tinsmith apprentice apparently personally told her as much, adding that he paid for it with his health when he became infected and had to be treated by doctor Nushardt.⁶⁴

The above-mentioned commissioner Konrad, who was recording the statements of the two women, shortly thereafter presented a report about this and the whole investigation of Pedrinelli's "immoral way of life" to Josef Hoch, the new police director of Prague.⁶⁵ He supported his claim "that Pedrinelli is devoted to pederasty and practices this way of sexual intercourse with women too is notoriously known among all servants of Venus" with testimonies from several prostitutes. In his reproduction of Marie Nedwied's testimony, he called Pedrinelli's actions an "outrage" and spoke about "victims of his lust."

Police director Hoch in his subsequent report for the president of the Bohemian Gubernium used similar terms. The report contained descriptions of Pedrinelli's contacts with the Prague Italian community and other foreigners, mentioned the fact that the former general renounced all political activity, but above all focused on the results of surveillance conducted in consequence of suspicion of the "vice

⁵⁸NA, PP, sign. B 74 (1823), box 7, report from 4 and 20 March 1823.

⁵⁹Ibid., report from 25 April 1823.

⁶⁰Ibid., report from 8 and 21 May 1823.

⁶¹Ibid., report from 3 and 12 June 1823.

⁶²NA, PP, sign. B 34 (1825), box 15, Lorensi's report from 23 July 1823.

⁶³Ibid., report from 31 July 1823.

⁶⁴Ibid., statement by Marie Nedwied of 24 November 1823, and Theresie Chalaupkin of 27 November 1823.

⁶⁵Ibid., Konrad's report to Hoch, Prague, 3 December 1823. Hoch was active in Prague already in 1805–08, when he held the post of police commissioner. After serving in Vienna, Litoměřice, and Linz, he returned here in 1823; see Miroslav Novák, "Rakouská policie a politický vývoj v Čechách před r. 1848" *Sborník archivních prací* 3 (1953): 43–167, here 71.

of pederasty.” Surveillance was complicated by the fact that Pedrinelli tried his best to keep these “nefarious deeds” secret. In his report that Pedrinelli was having intercourse with female prostitutes in a similarly “unnatural manner,” it is unclear whether what was meant by “pederasty” was sexual intercourse with (young) men as such or, as seems more likely, a particular sexual practice. But be that as it may, Hoch had to wait a while for an answer to his question as to whether he should report this to a criminal court or merely caution Pedrinelli against such behaviors.⁶⁶ What police minister Sedlnitzky wanted above all was for Pedrinelli to leave the Austrian lands, yet it apparently never occurred to him that he could use the Italian’s moral weakness as a tool to make him do so. When in late January 1824, he was responding to reports about Pedrinelli’s “immoral and illegal behavior,” he left the decision whether to bring him to court for the “crime of unnatural fornication” up to the President of the Gubernium. Still, he implicitly expressed his support for prosecution when he wrote that there is no reason to “try to divert punitive justice from its legal course.”⁶⁷

In the meantime, the Prague police continued its surveillance. Lorensi was trying to find whether Pedrinelli, after conducting his “harmful experiment” on Lonner, would try to seduce other people around him to “sodomite sins.” In the case of Pedrinelli’s new twenty-year-old tinsmith apprentice, Daniel Tietens from Hamburg, he thought it unlikely because Tietens was said to be an ill-favored youth of limited intelligence who might easily blurt something out. A cartwright apprentice called Král, however, was allegedly offered money for “letting Pedrinelli do with his body what he pleased.” Král not only rejected this offer but told other apprentices and his girlfriend about it, and then left for Silesia. Lorensi had high hopes that when Král returned to Prague, his testimony could serve as a further proof of Pedrinelli’s “dissolute lifestyle.”⁶⁸

In the second half of January 1824 Pedrinelli tried to have his stay in Prague extended, going as far as to appeal to the emperor. In a letter to the emperor, he tried to dispel any suspicion of revolutionary inclinations, arguing that his short-lived misguided engagement in 1799—when “demagogical ideas” (meaning the Neapolitan Republic) were reaching their peak—had been forgiven by the rulers of Naples, as evidenced by the fact that Pedrinelli had been reinstated in his various functions. Otherwise, Pedrinelli had always been—in his own words—mainly a soldier. He had accepted public functions only in an effort to protect the local population, as was the case, for instance, in 1821 when as a governor he had handed Naples over to the Austrian army without a fight. He claimed that in Prague, his intention was to contribute, by establishing a distillery (for which he had received a license under an assumed name), to the development of this industry. In short, Pedrinelli was trying to present himself not as a foreigner forced to reside abroad, a person targeted by measures against idleness or revolutionary thoughts, but as someone who has behaved like a respectable Bohemian subject throughout his entire stay in Prague.⁶⁹

The emperor Franz I was not swayed. In the end, even police minister Sedlnitzky changed his view on what should be done to make Pedrinelli quit the town and the country. This can be assumed from the steps taken by the Prague police, who did not formally charge the former general for transgressions against morals but used his behavior to pressure him. On 4 February 1824, Johann Lorensi turned up at Pedrinelli’s apartment and accused him of committing “excesses most strictly prohibited here,” which, he said, placed him in danger of criminal prosecution. Although we only have the German report in our hands, the confrontation apparently took place in Italian. It was in effect the culmination

⁶⁶NA, Prezidium gubernia – tajné [Presidium of the Gubernium – confidential, henceforth PGT], sign. E 5, box 8, report of Police Commissioner Hoch for President of the Gubernium, Prague, 6 December 1823. A draft of this report is also found in NA, PP, sign. B 74 (1823), box. 7. Hoch justified his restraint by reference to a directive issued the previous year, according to which exiles in Austria were not to be treated in a way that could lead to their complaints.

⁶⁷NA, PGT, sign. E 5, box 8, Police Minister Sedlnitzky to Kollowrat, President of the Gubernium, Vienna, 26 January 1824. It should be noted that in 1807–10, Kollowrat himself served as director of the Prague police.

⁶⁸NA, PP, sign. B 34 (1825), box 15, Johann Lorensi’s report from 28 December 1823. Lorensi writes that further evidence cannot be obtained at the moment “wegen der Schwierigkeit in dem Innern der Gemächer dieses Mannes zu allen Zeiten persönlich gegenwärtig zu seyn.”

⁶⁹Ibid., [28 January 1824], a German summary of Pedrinelli’s application for permission to remain in Prague.

of Lorensi's long-term efforts, which is why he described it in his report in relative detail. While aware of the limitations of this source, we can reconstruct what transpired as follows:⁷⁰

- Pedrinelli (with visible signs of embarrassment and dismay): "I'm not sure I understand what you mean because the word you are using, 'extravagance'⁷¹ (*stravaganza*) has a very broad meaning."
- Lorensi: "What I mean and what you are charged with are unnatural excesses in love, taking pleasure with boys and girls, which here—and probably in any country where the state oversees morals and people's wellbeing—are perceived and punished as gross, criminal transgressions."
- Pedrinelli: "Dear God, I never thought I would ever in my life find myself in a situation where I would have to listen to something like this. This is for me most shameful, dishonorable, but it happened! And I can be brought to court for this?"
- Lorensi: "That is the case. And those charges are so strong you won't be able to avoid investigation."
- Pedrinelli: "Oh, my Savior, what a shame! I used to have somewhat close contact with girls from time to time, but that, I believe, is not forbidden. But with boys, no, I was never involved with boys."
- Lorensi: "Dear sir, it isn't my task to investigate this affair, only to inform you about it. That's why I cannot discuss it with you. I'd only like to ask you to carefully consider my words, so you won't realize just how serious this is only when it's too late."
- Pedrinelli: "Strange. You must admit that if someone entertains the kind of thoughts you are talking about here, that person would surely call upon some third person to serve as a witness to what allegedly happened. How could someone be convicted of such act if the testimony of the other party is not enough to counter the accused person's denial? So, tell me, please, whether the courts in this country would believe the testimonies of prostitutes?"
- Lorensi: "I cannot be sure about it because it depends on the circumstances. Still, please, consider that in any case, regardless of whether or not evidence against you emerges, your name would be dragged through the courts and given this severe charge, it would be exposed to shame. You still have time to do what you think fit but soon that won't be possible."
- Pedrinelli (after a short deliberation): "I can see that in this matter, I can only lose. Still, before I give you my definitive statement, I'd like to talk about this with the supreme burgrave [*i.e.*, *President of the Gubernium, note of the author*] and I'll let you know my decision then."
- Lorensi: "No one's stopping you from doing that. Nonetheless, I have good reasons to assure you that His Excellency won't give you any hope and will only agree to your immediate departure abroad."

Not only the recorded discussion between the two men but the entire report then abruptly ends with an almost triumphant remark: "on the following day, Pedrinelli applied for a passport to Munich, on the sixth he left Prague, and on the eighth he entered the territory of Bavaria!" Amid all this self-

⁷⁰Ibid., Johann Lorensi's report, Prague, 14 February 1824.

⁷¹In the original German "Ausschweifung."

satisfaction Lorensi probably made a small mistake in dates, because Pedrinelli in fact applied for a passport to Munich—where “his affairs had been pressing him to go for some time”—on the day of the interview, that is, on February 4.⁷² Thanks to a description recorded for this purpose, we also know what he looked like.⁷³ His passport was then issued on February 5, and with it in hand Pedrinelli left Prague on the following day.

The Austrian government thus managed to get rid of a problematic foreigner. His departure was almost immediately followed by an instruction to border officials not to allow him to return to Bohemia. The Prague police also informed the directorate of the Munich police about him, although without any hint regarding his transgressions against morals.⁷⁴ Lorensi then acquired further information about Pedrinelli’s conduct in Munich and his intentions both from the local police and from correspondence addressed to his former housekeeper and Italian friends (i.e., from letters that Lorensi seems to have been opening). Until 1826, Pedrinelli kept trying to return, at least temporarily, to Bohemia in order to settle his affairs, including the equipment of his distillery, and to take care of the housekeeper. At the same time, however, he was putting down roots in the Bavarian metropolis, where—as in Prague—he operated a distillery but was also active in sciences and arts. In 1830, he returned to Naples and eight years later he died in Caivano.⁷⁵

Although in the early nineteenth century the police force was becoming professionalized and its procedures standardized, and although we may acquire the impression that the reports compiled by the ambitious passport official Lorensi faithfully document not only Pedrinelli’s deeds but also his thoughts, police sources must be approached with caution. What seems indisputable in this case is that the threat of criminal investigation for moral delicts could be successfully used to put pressure on someone. It is evident that the mere threat of having one’s name tainted by such investigation—regardless of which particulars of Pedrinelli’s actions would be considered criminal by the court (sexual intercourse with men, or rather young men in a subservient position, or particular sexual practices)—was quite sufficient.

In the Austrian law, the use of prostitutes did not in itself qualify as even a minor “police delict,” but in the context of investigation of other actions it could have a defamatory or blackmailing potential, as Sabine Kienitz’s study on Hall has shown.⁷⁶ Sexual relations with persons of the same sex, however, did in Austria after the adoption of the legal code of 1803/04 once again constitute a criminal offense and Lorensi seems to have been well aware of it. It is also possible that Pedrinelli chose as the place of his next residence Munich because this behavior was legal there: the liberal Bavarian legal code of 1813 criminalized homosexual sexual relations only if they involved persons under twelve years of age.⁷⁷ How Pedrinelli’s behavior would have been treated by the Austrian, and in particular Prague, courts must remain a matter of speculation.⁷⁸

In any case, it was evidently quite sufficient for the police to threaten Pedrinelli to get what they wanted. In the official correspondence and public reports, no one seemed to entertain the idea of linking Pedrinelli’s moral excesses with his revolutionary past, for instance for the purpose of propagandistic denigration of revolution as such. On the other hand, in pamphlets the charge of “immorality”

⁷²NA, PGT, sign. 5, box 8, Pedrinelli’s French-written request for a passport to Munich addressed to the police directorate, Prague, 4 February 1824.

⁷³NA, PP, sign. B 34 (1825), box 15, according to an undated description, Pedrinelli was fifty-seven years old, of medium stature, oval face, smooth hair speckled with gray, gray eyes, somewhat pointy nose, and spoke French, Italian, and very little German.

⁷⁴Ibid., report of the Prague police to police directorate in Munich (draft), Prague, 6 April 1824.

⁷⁵Manzo, *Il Generale*, 73–75.

⁷⁶Sabine Kienitz, *Sexualität, Macht und Moral. Prostitution und Geschlechterbeziehungen Anfang des 19. Jahrhunderts in Württemberg. Ein Beitrag zur Mentalitätsgeschichte* (Berlin, 1995).

⁷⁷See Michael Kubiciel, “Absonderung des Menschen vom Menschen? Feuerbachs Freiheitsverständnis im Lichte der Religions- und Sittlichkeitsdelikte, in *Feuerbachs Bayerisches Strafgesetzbuch*, eds. Arnd Koch, Michael Kubiciel, Martin Löhnig, and Michael Pawlik (Tübingen, 2014), 393–412, here 403.

⁷⁸Pedrinelli corresponded to the image of “sodomites” which Jeremy Bentham described in the late eighteenth and early nineteenth century (“bisexual”, capable of marriage, and attracted to adolescent boys”); Jeffrey Weeks, *Sex, Politics & Society. The Regulation of Sexuality since 1800*, 2nd ed. (New York, 1992), 102.

was deployed against the institutions and social groups associated with the “old regime,” as well as against Italy altogether, as we saw in Berghofer’s report.

The language used by officials to describe Pedrinelli’s alleged immoral behavior can be analyzed and related either to terminology used in similar cases or to normative texts and ideas of the time. Police reports also offer some limited basis for speculation about how the actors themselves spoke about these behaviors. While on the one hand, Pedrinelli avoided any more specific references even after Lorenzi specified what he meant by “extravagance” (*stravaganza*), the female sources in their statements were relatively explicit.⁷⁹ This is quite understandable: testimonies of the prostitutes were supposed to serve as evidence, which is why they had to be quite concrete, while Pedrinelli denied any wrongdoing. When Lisette Woves spoke about Pedrinelli requesting sexual intercourse (*Genuss*) “like pederasts do,” she possibly meant anal intercourse. This is even more likely in the light of the fact that in the same context she also spoke about intercourse “in the mouth.” For Pedrinelli’s sexual activities in relation to both women and young men, the female witnesses used terms such as “enjoy,” “make use of,” “use,” and “serve oneself” (*genießen, gebrauchen, benützen, sich bedienen*)—all expressions which seems to indicate the unequal nature of these relationships.⁸⁰

Commissioner Konrad’s words about Pedrinelli practicing “pederasty” with women as well, and this possibly having a negative impact on health, also point to a sexual practice. Police director Hoch in his report for the Gubernium added to Konrad’s characterization of Pedrinelli’s behavior as “misdeeds” (*Unthaten*) and refers to the victims of his “lust” (*Wollust*), while also using the term “vice” (*Laster*) and speaking of the “vice of pederasty.” To denote a practice that was elsewhere called “pederastic relations,” he used the phrase “unnatural manner.” In minister Sedlnitzky’s reaction, on the other hand, we find a more general reference to “immoral and illegal behavior” as well as words taken from the legal qualification found in the criminal code, namely “fornication against nature” (*Unzucht wider die Natur*),⁸¹ which is quite unsurprising given his office’s position in the whole affair. It was also to be expected that the agile spy Lorenzi would be more loquacious than the matter-of-fact minister: even when the police already had at their disposal testimonies of the prostitutes, he wrote in his report about Pedrinelli’s “harmful experiment,” “sodomite sins,” and “dissolute lifestyle.”

The semantics of this kind of immorality are similar to expressions used in the context of comparable cases that took place in other parts of the Austrian Empire. For instance, in Vienna, in the summer of 1820, the police investigated homosexual sexual contacts believed to be occurring, for payment and in public, between soldiers and some civilians on the one hand and male passers-by on the other. A representative of the main police directorate (*Polizeioberdirektion*), who had already detained some of these men, wrote in his report about “shameful” and “disgusting” mischief, “shameful fornication,” and “the vice of pederasty or masturbation.” In reaction to this, and without differentiating the type of sexual activity concerned, the Police Ministry (*Polizeihofstelle*) denounced this behavior on a general level as “moral abomination” and called for oversight of public morality and order.⁸² The superior office (*Polizeioberdirektion*) also criticized the actions of district police directorates, complaining that the latter were only supposed to detain the guilty parties, not to investigate or even punish them, since that was the role of the courts. The main police directorate was also supposed to make the utmost efforts to detect “all the various kinds of fornication that take place among men whose numbers have been increasing in public places for some time, where, usually at dusk or at night,

⁷⁹ Testimonies of these women are recorded as a continuous speech, but it is possible that they reacted to questions by interrogators and adopted some of their expressions.

⁸⁰ “Geschlechtsgenuss” also denotes sexual intercourse in general. Criminal code of 1803/04 (also known as “Franziskana”) set the age limit under which it qualified as sexual abuse (*Schändung*) at fourteen years of age.

⁸¹ It is interesting to note that while reclassifying it as a criminal offence, the Franziskana provides no further specification of “Unzucht wider die Natur”; see *Gesetzbuch über Verbrechen und schwere Polizey-Uibertretungen*, vol. 1, 63, §113. One could suppose that in this particular case, the offence would be committed by sexual intercourse with men as such; sexual abuse of minors was dealt with in another paragraph.

⁸² Österreichisches Staatsarchiv, Allgemeines Verwaltungsarchiv [henceforth ÖStA, AVA], Polizeihofstelle, box S, fascicle 5609, report of the main police directorate to the Police Ministry, Vienna, 21 July 1820; reply of the Police Ministry (draft), Vienna, 31 July 1820.

various contacting, tempting, or invitations take place.”⁸³ It was also reported in 1829 that in some public parts of Vienna sexual relations were taking place between younger and older men in the form of prostitution.⁸⁴

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In Vienna, the police dealt with such cases as part of its public role, while in Prague, the reports on Pedrinelli were the result of the secret surveillance of a politically suspect person. Nevertheless, we can see some parallels in the official discourse regarding this “immoral” behavior. All officials in principle condemned such behavior as not only illegal but also shameful, scandalous, and immoral. The expression “vice” (*Laster*), which often appears in this context, does not seem to have had a religious connotation, however, since a phrase referring to vice in a possibly religious sense appears only once, namely in Lorenzi’s report where he uses the emphatic expression “sodomite vices.” While lower police officials tended to describe sexual behaviors in relative detail and with a degree of differentiation (which was naturally important from the perspective of providing evidence for convictions), their superiors, especially the Police Ministry but also the Bohemian Gubernium, tended to use either less concrete terms or categories defined in the criminal code. It is also interesting to note that the criminal code of 1803/04 does not use the term “vice” in either its secular connotation (*Laster*) or the religious one, in the sense of a “sin” (*Sünde*). In police texts, such as Eichler’s manual, but also in reports by some policemen, we encounter these expressions, but they indicate a traditional condemnation rather than a religious framing of this behavior.

Moreover, to the extent that we can reconstruct them from official and police communication, public attitudes to behaviors that carried sanctions did not generally invoke a religious context. In the newspapers, other printed texts, but also in testimonies, we do nevertheless encounter sharp ethical condemnation of prostitution and its use, as well as of homosexual relations, which were often linked to economic or political dependence or outright abuse of power. While in the case of Prague students in 1793, the students may have expressed moral outrage to deflect the attention of authorities from their own role in the affair (and use of prostitution), Amand Berghofer in his *Forbidden Writings* rejected prostitution and all sexuality focused solely on physical pleasure as a degradation of the new concept of affection-based relations between a man and a woman. In Berghofer’s writing, this went hand in hand with a rejection of the traditional hierarchy of power as well as institutions such as celibacy, which result in abuse by leading to unnatural behaviors and deformations while at the same time masking them.

Based on several examples, we can conclude that the police were criticized for providing protection to the mighty and powerful as well as for using morally suspect persons and behaviors to achieve their goals. In Berghofer’s case, this critique of the police was based on rather modernistic foundations. A similar kind of critique nevertheless appears as early as 1773, when the Bohemian–Austrian court chancellery rejected the use of spies and informers by the police as incompatible with the freedom of burghers/civic freedom (*bürgerliche Freiheit*).⁸⁵ Here, too, the aim may have been not only to protect the private lives of burghers but also to be seen to be taking a condemnatory stance vis-à-vis persons leading dishonest or “immoral” lives on whose services the police were accused of relying.

An example of cases where the police actually used not only a prostitute but also other women from her surroundings, albeit as witnesses rather than informers, is found in the above case of the blackmailing of Gabriele Pedrinelli in 1823/24. Nevertheless, the primary goal of the Prague police in that instance was to get Pedrinelli out of the Austrian Empire, not to protect the morals of the town. One could thus expect that the networks used by Pedrinelli to acquire sexual contacts were not

⁸³Ibid., directive intended for the main police directorate (draft), Vienna, 29 July 1820.

⁸⁴Ibid., fascicle H 155, report of the district police directorate in Josephstadt, Vienna, 1 January 1829. Analysis of these cases will be possible only on the basis of further study of sources of both the main and the district police directorate in Vienna.

⁸⁵ÖstA, AVA, Hofkanzlei, Niederösterreich, sign. IV M. 1, box 1326, Vienna, 24 April 1773, report of the Court Chancellery for Maria Theresa: to use the services of informers and snitches is incompatible “mit den begriffen der bürgerlichen freyheit, . . . mit den reinen begriffen der religion, mit der anständigkeit der Sitten, mithin auch mit den echten grundsätzen der staatsverfassung.”

investigated further after his departure.⁸⁶ On the other hand, it is also clear that the police did not completely close their eyes to homosexual relations and prostitution, as attested by the Viennese cases from the 1820s.

The attitude of the Austrian police to prostitution and other moral delicts in the first third of the nineteenth century was characterized by a combination of tolerance and exemplary punishments in cases that caused “public outrage” that were linked to other offenses, or jeopardized the “moral education of the youth.”⁸⁷ In our cases, the youth at risk were mainly men, especially men of higher social standing or ambitions, typically students.

The answer to the question of to what extent the police were the driving force of modernization in relation to public morality at this time is ambiguous. To a large extent, it depends on how one defines modernization. The absence of the religious connotation of terms used by the law and in police work does not, on its own, attest to very much. On a practical level, when it came to protecting persons who were facing immediate threat, the police did not see to make distinction between them (e.g., based on their social class). But that did not amount to an equal civic status of these persons. Although the police explicitly declared equal treatment of all, and even if investigation and punishment of persons from traditional higher social classes (the nobility, higher state administration) did on occasion take place, officials undertook such steps only on rare occasions.⁸⁸ The enlightened criticism of Berghofer, the “Austrian Rousseau,” who indicated that the police cover up the moral shortcomings of members of the upper classes may well have been justified.

If we look aside from the egalitarian attitude of the police in life-threatening situations on the one hand and from cases of clearcut favoritism and corruption on the other hand, we can conclude that Prague police in the first third of the nineteenth century protected and preserved not only the political but also the social status quo. Prostitution, but also homosexuality, which was no longer perceived as a sin, was prosecuted as phenomena that threatened the moral cultivation and self-perfection of (young) men. The men in question did not, however, include members of the lower urban classes, that is, the apprentices, laborers, and the poor. These were viewed by the police as the “mob,” and thus incapable of moral improvement. Pedrinelli’s case moreover shows that the political interest in getting rid of a “revolutionary” suspect was considered more pressing than investigation of potentially illegal (homosexual) behavior, much less the protection of victims of unequal power relations.

Public opinion, here represented in a radical form by Berghofer, could criticize the police for laxity in cases endangering social morals. Even so, one can interpret the role of the police at this time as supporting a new, modern moral order which required the ability to resist moral lapses especially from men, regardless of their origin. With its activity, the police at the same time also contributed to the definition of a way of life which represented the reverse of this order, a way of life that was characterized by, among other things, unregulated sexuality or alcohol consumption and associated with particular groups especially in the urban society.⁸⁹ Given that even some nineteenth-century criminologists saw a route toward the autonomy of the bourgeois subject in morality, or rather in the protection of citizens from the negative impacts of their instincts,⁹⁰ it

⁸⁶We should note, however, that prostitution, especially occasional prostitution, was not seen as strictly incompatible with the life of the lower burgher strata. We can see this in the cases of married women who were detained for prostitution after the riots of December 1793, or rather their husbands’ appeals for their release.

⁸⁷Bibl, *Die Wiener Polizei*, 313. Of the many works on the tolerance of prostitution in the nineteenth century, see Jill Harsin, *Policing Prostitution in Nineteenth-Century Paris* (Princeton, 1985); Nancy M. Wingfield, *The World of Prostitution in Late Imperial Austria* (Oxford, 2017). See also Milena Lenderová, *Chytila patrola aneb Prostituce za Rakouska i republiky* (Prague, 2002), 34–35.

⁸⁸See Pavel Himl, “‘Sine respectu personarum’? The Creation of a New Citizen by Policing the Population. Habsburg Monarchy, 1750–1820,” *Cornova* 8, no. 2 (2018): 23–39.

⁸⁹Jürgen Kocka critically mentions a hypothesis according to which the “bourgeoisification” (*Verbürgerlichung*) of morals led to a more severe exclusion, discrimination, and ultimately even destruction of minorities with different sexual behavior; Jürgen Kocka, “Bürgertum und bürgerliche Gesellschaft im 19. Jahrhundert. Europäische Entwicklungen und deutsche Eigenarten,” in *Bürgertum im 19. Jahrhundert: Deutschland im europäischen Vergleich*, vol. 1, ed. Jürgen Kocka (Munich, 1988), 11–76, here 42.

⁹⁰Becker, *Verderbnis*, 128.

is just one more reason why one should include this perspective in an investigation of police and official practice in the early years of modern civil society.

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