

The police reforms of Joseph II in the province capitals of Austria

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Preface

In this lecture the police reforms of the Emperor Joseph II will be presented in an overview. Not the capital Vienna will be in the center of our attention, but the situation in the province capitals of the Habsburg Empire. After the foundation of the first state-controlled police headquarter (Polizeidirektion) in Vienna in 1782, this system was transferred to the province capitals a few years later. However, until the end of the reign of Joseph II in 1790 serious changes were applied to this police organization within a short period of time. Although Joseph II was anxious to centralize the Habsburg Monarchy there were nevertheless still special developments in various parts of the empire – especially in Hungary, the Italian provinces and the Austrian Netherlands. Therefore I will refer today only to the situation in the Bohemian and Austrian provinces of the empire.

Of course, these police reforms have to be considered against the background of the general domestic reform programme at that time. In those years fundamental state reforms were being introduced. They had already begun under the reign of Maria Theresa and continued with more vehemence under the rule of Joseph II. With these state and administrative reforms different goals should be achieved. A substantial goal was the centralization, which was already mentioned. The different provinces of the monarchy should be tied more closely to the Viennese centre. A further goal of the state reforms was the abolishment of the privileged position of self-governed domains. Therefore the privileges of the aristocracy, the church and the autonomous cities should be eliminated. All these goals also had an impact on the reforms of the police.

Up until the middle of the 18th century the state and the emperor barely paid attention to the organization of security. There was no state-controlled police force. In the rural

areas it was the responsibility of the manors to maintain order on their property. Only in the towns there were special security guards under the control of municipal authorities. These municipal guards were acting completely autonomously and did not have any connections to other cities. The emperor and the state only interfered in security matters in exceptional cases via state courts and the military.

Reforms in Vienna

Not until the reign of Maria Theresa in the second half of the 18th century first steps towards the nationalization of the security organization were made. The first reform did not concern the whole empire but only the capital Vienna, where a national police station with a military police guard was introduced in the year 1776.

These first beginnings of a national security organization built the base for further reforms by Joseph II. A key figure devising these reforms was Johann Anton Count of Pergen. Count Pergen was actually only governor in Lower Austria, but became then, step by step, the crucial person regarding the police reforms. At that time the term police was still a very broad one. But thanks to Pergen's work the term police was narrowed down to the scope of security and order.

The police model of Paris, already well known to the imperial government for over ten years, served Pergen to a very large extent as a role model for the reforms of police organization. The first crucial step was set in Vienna in the year 1782. In the capital of the Habsburg Monarchy a state-controlled police headquarter (Polizeidirektion) was established. Head of this government agency was a police chief (Polizeidirektor) with police commissioners all of them graduated from law school, as support. The already existing police guard was subordinated to this new police headquarter as an executive organ.

The establishment of the new police authorities

Within the shortest time these reforms proved to be very successful in Vienna. But soon it became obvious that the security of the monarchy required the additional establishment of police stations in the remaining centres of the monarchy in order to increase the efficiency of the Viennese police. Soon the expansion of the Viennese police system to other larger cities of the Habsburg Empire was considered.

First steps were set in the summer of 1784. On July 22nd Count Pergen suggested to establish state-controlled police authorities in the province capitals of the whole monarchy. The police headquarter in Vienna should function as a central coordination centre of the Austrian police. At that time this proposal was a completely new approach in Europe. Of course there were state-controlled police authorities in some European capitals. But a central police authority with influence on the entire national territory did not exist anywhere yet.

Back then the Bohemian-Austrian chancery was the central administrative authority of the Bohemian and Austrian provinces of the monarchy. And with this police reform the imperial chancery should lose one of its spheres of influence. In spite of that the chancery was assigned with the implementation of the reform and subsequently this supreme authority attempted to impede that reform. Nevertheless Joseph II supported the plans of Pergen and therefore the administrative authorities in the provinces of the monarchy were instructed immediately to make proposals for the future police stations.

Since the reign of Maria Theresa in each province the "Gubernium", headed by the governor functioned as the administrative authority. Some of these authorities were not in the position to make proposals, because they hardly had any knowledge of the system of the Viennese police. Thus more than half a year went by before the next step was made. Not until May 1785 the Bohemian-Austrian chancery sent more exact information about the Viennese police organization to the governors.

In the following months different questions were debated between the provinces and the chancery in Vienna. That concerned particularly the financing of the new police authorities as well as the selection of staff. The chancery did not want to set up large-dimensioned police headquarters, but preferred to put the new authority to the test

with only a small expenditure. Not before the end of this first phase more staff should be employed. The expectations governors had regarding the number of staff were significantly reduced. Concerning the personnel and the equipment of the new police stations three factors were important: the population number, the location and the endangerment of the town and especially the number of the travellers and foreigners.

Therefore many police headquarters were assigned only a small number of policemen. For example the police in Graz had to make do with only three police commissioners in the headquarter and 31 men in the police guard. The police guard was organized like the military and consisted of so-called semi-invalid soldiers. These were soldiers who, because of their various disabilities or injuries were no longer apt for combats.

A delicate issue regarding the organization of the police was the financing, because both the cities and the provinces had to make appropriate monetary contributions. In order to come up with the necessary money the provinces had to increase individual taxes - for example the beer tax. But the largest contribution had to be drawn from the general national budget.

There were also great debates about the selection of the future chiefs of police. Actually officials of the Viennese police were supposed to be nominated as police chiefs in the provinces, since they were already familiar with the police work. As a matter of fact in many cases experienced officials from the provinces were appointed as chiefs of police. Surely this was the result of the fact that not so many qualified police commissioners were available in Vienna. On the other hand the governors argued that the police chief should also possess sufficient knowledge of the local conditions. Anyway the future police chiefs had to be trained for several weeks at the Viennese police authority and had to pass an exam given by Count Pergen.

The establishment of the police headquarters in the province capitals did not take place everywhere at the same time. As a kind of experiment the first police authorities were established in Prague and Brno in the year 1785. Afterwards further police headquarters in additional capitals were established in the years of 1786 and 1787. Finally there were police stations in the following cities of the monarchy: in the

north of the empire in Prague, Brno (Bruenn), Opava (Troppau) and Lviv (Lemberg). In Hungary there were headquarters in Bratislava, Buda, Pest and Sibiu (Hermannstadt). Additional cities with police were: Freiburg im Breisgau in today's Germany, Trieste and Milan in today's Italy, and finally Graz, Linz and Innsbruck in the Austrian hereditary lands.

Secret police

The new police headquarters had two large areas of responsibility: the secret police and the public police affairs.

The secret police was of particular importance for the state. Therefore the governors were informed about the goals and tasks of the secret service in a special instruction. This instruction was subject to a very strict confidentiality and was only known to the governor and the chief of police. The public was not allowed to know anything about the tasks and the field of activity of the secret police.

The main goal of the secret police was to protect the emperor and to preserve the state. The secret service primarily had to suppress and to discover the enemies of the state in time. This was possible only if the police took certain monitoring measures.

Among these measures was the investigation of the real opinions and moods of the people. Certain groups of the population had to be watched especially – namely the military, the clergy and in particular the civil servants, because these three groups were the most important pillars of the state. The civil servants had to be inspected in order to check whether they revealed official secrets, whether they were corruptible, whether they maintained contacts to suspicious persons and whether the people were content with their services. All of these measures were taken in full recognition of the special role that the officials played as most important representatives of the national authority. Because the implementation of the ample reform program of the emperor would not have been possible without the co-operation of reliable officials.

Foreigners and travellers also were subject to a special surveillance. An important role played the regulations of passport inspection and the system of registration, which were introduced at the same time. Each person had to fill in a registration form immediately after the arrival and was officially listed at the police. In order to receive information and discover subversive activities, the police commissioners had to recruit confidants and informers. These confidants should particularly be selected in professional groups, which were in continuous contact with different people. Especially coachmen, alehouse keepers and domestic servants belonged to these groups.

Precisely concerning the secret police it was recognised that rigorous restrictions were not appropriate. The activities of the police were too complex and not always predictable. Therefore no rigid rules and regulations should limit the activities. More than within other areas of the public administration police commissioners were to dispose of an increased mental mobility and a higher measure of intelligence.

Task transfer to the municipal authorities

The second major area of responsibility of the police headquarters were the public police affairs. That included a multitude of matters with reference to security and order. Among them there were first the solving of general crimes, then the inspection of the markets, the observation of beggars and domestic servants, the controlling of the closing time of the taverns, the surveillance of events and finally the control of construction works. In this sector substantial changes were introduced soon.

While some police headquarters were only just in the developing phase, the first major problems had already occurred in the police authorities, which had been established in 1785. Therefore Joseph II called a meeting of the police chiefs from Prague, Brno, Buda and Bratislava in September 1786, in order to get a better understanding of their problems. During this reunion in Vienna they complained about too much work and particularly about disputes with the municipal authorities concerning the competences, especially regarding the public police affairs.

At this point I must add that the new municipal authorities – the so-called magistrates - had been established in the Habsburg Empire only a short time before in the years 1783 to 1786. Previously the cities had a completely autonomous administration. This autonomy had been eliminated with the establishment of the magistrates, because these new municipal authorities were subordinated to the imperial administration.

Joseph II reacted to the mentioned problems immediately and arranged that in the future the police should only be directly responsible for the tasks of the secret police. The remaining public police affairs should be transferred to the municipal authorities. The police headquarters should only exercise a controlling function within these fields of application. They were supposed to check whether the municipal authorities performed the relevant tasks properly. The police headquarters were not authorized to give direct instructions to the magistrates, but had to contact the governor if necessary. And finally the governor had to regulate the case with the municipal authorities.

First Joseph II ordered that this important reform should be valid for all police headquarters of the monarchy. But Count Pergen could convince the emperor in the last moment that Vienna had to be excluded from that innovation. Due to the special tasks in the capital of the large empire the Viennese police headquarter maintained all the competences and therefore did not have to hand over any tasks to the magistrate of Vienna.

Moreover Pergen had even achieved a special official channel within the secret police. The chief of police could report secret police affairs directly to the police headquarter in Vienna without engagement of the governor. Regarding the other public police affairs however the governor and the Bohemian-Austrian chancery kept their function as supreme authorities.

The implementation of the reforms brought about many difficulties afterwards. Because some police headquarters had been established only few months before, had become scarcely acquainted with their competences and already had to hand

over many tasks to the magistrate. From March 1787 onwards, in some cities a few weeks later, the magistrates were fully responsible for all public police affairs.

Particularly annoying was that the magistrate now was responsible for the system of registration, since this system was of special importance for the secret police. Admittedly the police headquarters had to be informed daily about the registrations and notices of departure; still, the immediate supervision disappeared. A lot of misunderstandings and time delays were the consequences.

Finally serious problems resulted from the fact that the police guard was subordinated not only to the police headquarter, but primarily to the magistrate. Often the magistrate entrusted the police guard with a diversity of special tasks and therefore the guard was not available for the police headquarter. Various conflicts of interest and delays were the result.

Ultimately it can be stated that the division of competences between the police headquarters and the magistrates in the field of security did not function properly. Again and again there were complaints and interventions from the police headquarters, which criticized the administration of the magistrates. Naturally the situation in the cities depended on the personal relationship between the respective chief of police and the mayor.

The reform of 1789

In the year 1789 finally significant changes were introduced. In many parts of the monarchy there were civil disturbances and broad resistances against Joseph II and his reforms, particularly in the Austrian Netherlands, in Galicia and in Hungary. For the emperor therefore the work of the police became even more important.

In view of these circumstances important changes were made starting in February 1789. Emperor Joseph II transferred the supervision over all police authorities of the monarchy to Count Pergen. Just a few weeks before Pergen had been discharged from his function in the State Council and from governor of Lower Austria due to

illness. But now his position within the police was substantially amplified. Count Pergen received his own office with some employees and was directly subordinated to the emperor. Not only the Viennese police headquarter but also the governors had to report the police affairs henceforth exclusively to Pergen. This was a further crucial step towards the centralization of the Austrian police. Restrictively it must be added, that the office of Pergen consisted only of three officials, which were not able to handle too many tasks.

Nevertheless Count Pergen immediately communicated to the governors that in the future all police authorities should work on exactly the same principles as the Viennese police headquarter, in order to maximize the efficiency of the Austrian police. Because there was no division of security competences between police and municipal authorities in Vienna, this implicated a new reform.

Half a year later - in September 1789 - the reform of police in the province capitals was implemented. The magistrates lost the public police affairs, because in Pergen's opinion the municipal authorities were working at full capacity at too many tasks. Additionally they showed a deficit of specialized knowledge for police proceedings. Accordingly the public police affairs again were transferred to the police headquarters. Also the police guard was subordinated completely to the police headquarters.

At a first glance the status was restored as it existed before the reform of 1787. But there were also completely substantial innovations. First the scope of competences of the police headquarters was extended in some sectors. For example the police was now responsible for the control of gambling and for the punishment of speeding and fast riding. In addition each request for a passport had to be submitted to the police headquarter, which had to examine whether for security reasons there were any objections against the issuing of a passport.

A further important measure was the division of the province capitals in new police districts. In each of these police districts one public judge (Grundrichter) and several public watchmen (Grundwaechter) were employed. They were supposed to serve as a first contact point for the people in their district and thus should relieve the police

headquarters from minor cases. The public judges exercised their function only as part time jobs. Particularly alehouse keepers, craftsmen or retired officials were selected for this office. They had to support the work of the police and for example they were assigned minor investigations and interrogations. Furthermore they had to locate wanted individuals and regularly they had to control the pubs, coffeehouses and all streets of their district. Besides they had to arbitrate in disputes and to grant assistance and protection at any time. On a daily basis the public judges had to report about their activities in written form to the police headquarter.

Thereby a police institution was created to keep a more direct contact to the people. The public judges and public watchmen were financed from the budget of the municipal authorities, which had been relieved by the omission of the public police affairs. Afterwards this system of police districts caused many problems. The biggest problem was the fact that the public judges carried out these tasks as a part time job – as already mentioned. So they were often absent-minded and also corruptible. Nevertheless this system of police districts in the province capitals existed over 25 years – up until the year 1815.

The reform of 1789 however concerned not only the area of the province capitals but was extended likewise to other cities and market towns. In these locations district custodians (Bezirksaufseher) were employed – also as an assistance institution for the police. In addition the towns had to send a written report about the security to the governor every month. This report had to be submitted to the respective police headquarter in the province capital as well. This way the police headquarters were also regularly informed about the security outside of the borders of the province capitals. For all these reasons this reform was a substantial step towards an improved networking and centralization of the police in the Habsburg Empire.

The reform became effective on the 1st of January 1790. In the following weeks the first reports of the centralization of the police reached the Emperor. But at this time Joseph II was already fatally ill and then died on the 20th of February. Still on the day of his death Joseph II assigned Count Pergen to govern the police until his brother and successor Leopold II would give new instructions.

Afterwards Emperor Leopold II pursued however a completely different concept of the police. From Tuscany he brought his own secret service, and therefore Pergen resigned. But ultimately the police concept of Count Pergen prevailed. Because two years later the new Emperor Francis II came into power and called back the count. Pergen was now formally appointed head of police of the Habsburg Empire. And so the police headquarters in the provinces could also continue their work and remained unchallenged as substantial pillars of the police state up to the revolution of the year 1848.

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