

Elective popular offices and urban law enforcement in the 18th century

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During the 18th century, and even more so afterwards, the development of police services in Ancien Regime towns is marked by the decline of civilian police forces made up of local inhabitants giving way to an increased professionalization of this workforce and to a wider centralisation of its command chain. At the time, local populations agreed to the partial transfer of their supervisory powers, previously embodied by middle-class watches for example, to law enforcement professionals specifically paid to ensure public peace. There has been a multiplication of studies on very diverse European towns in the last few years, with a particular focus on daily surveillance practices, on the police profession, and on the relationships between power-holding agents and local populations, which have allowed for a better comprehension of the evolution of police forces at the end of the modern period. They have revealed that far from being a linear process leading to community police forces and a centralised state police, this evolution is characterized by many local variations in public order improvements, sometimes even by reverse movements tending to revitalize neighbourly organisations deeply rooted in local spaces dating sometimes back to the Middle Ages.¹

Middle-class watches (or militias) who mainly guaranteed the safety of French towns at night were generally criticised, especially in the second half of the 18th century, for their inadequacies when faced with urban growth and the 'rise of perils'. Popular upper classes were however becoming more and more reluctant to provide this service for the community and attempted to free themselves from this chore by paying out substitutes who were more interested in the meagre earnings than in any civic participation. The success of these professional, specialised and paid lookouts in replacing middle-class watches in many large towns, must not overshadow resistance movements against this trend in places such as Nantes² or Marseille³ where traditional law enforcement continues un-

¹ Denys, 'The Development of Police.'

² Stéphane Perréon showed that despite both the 1786 royal decree and the Intendant's and Brittany's Chief Commander's commitments for the establishment of a professional watch, the reform did not succeed when faced with the municipality's opposition who defended a preventive deterrent neighbourhood police force well-established in the urban fabric and with proven intelligence methods (Perréon, 'Guet professionnel', pp. 151-167).

³ In Marseille, magistrates promoted successive improvements in the bourgeois militia. The latter was under the command of four neighbourhood captains generally designated every year by the City Council and originating from honourable city families. Strengthening the workforce with extra guards and establishing new watches were preferred to the introduction of a 'royal' watch in order to retain control over the town watch and to prevent the expenses of paid troupes (Rosania, 'La configuration de la police',

til the Revolution. Their military role having become marginal, these middle-class militias managed to retain essential policing functions in their role as mediators between the authorities and local populations in urban space management and public peacekeeping. They maintained the vivacity of interpersonal relationships and collective vigilance within the neighbourhood and contributed to the integration of the working class within the life of the municipality.⁴ In Toulouse, the decline of middle-classes' military functions did not affect the *dizeniers* police activities. These local agents inherited from the Middle Ages (roughly 450 in the middle of the 18th century) pursued voluntary missions of surveillance, peacekeeping, mentoring and information around the blocks they lived on, in exchange for the dignity and small privileges these functions bestowed upon them.⁵ On the contrary, they acquired new policing duties in the second half of the century (ticketing, conducting searches, public lightning) and became *commissaires de quartiers* ('neighbourhood superintendents') in 1783 identified through their uniforms. There are corresponding *dizeniers* figures in Bordeaux or in Lille, or under different names in other places like for instance the *connétables des rues* in Valenciennes whose functions at the *ruage* level (understood here as a little civilian constituency) were modernised by the municipality from 1768 onwards.⁶

Numerous towns therefore retained more or less institutionalised neighbourhood organisations until the end of the Ancien Regime, coordinated by small-scale dignitaries from the local community, whose role in the arbitration of small conflicts, in social mediation and conciliation, as a relay for local authority, and in assisting in the identification and arrest of delinquents, was accepted by both local inhabitants and high-level authorities. They preserved a sense of neighbourly sociability and solidarity as well as a collective control over local behaviour patterns. These duties were not financially rewarded and those who performed them received simple honorary retributions. Devoid of any coercive power, they did have a certain authority whilst remaining close to their constituents on behalf whom they could also speak out when needed. These institutions and practices carried on throughout the 18th century and were sometimes even renewed and improved – financial considerations did play a role in the authorities' decision to uphold them as middle-class duties were exercised without payment – yet they were also criticised as they placed law enforcement powers in the hands of people of an inferior rank, often accused of ignorance and corruption, ill-prepared to the recording and writing duties that were increasingly demanded by the administration.

These subordinate roles often remain rather unknown as they have left few and discontinuous traces in the archives. It is therefore difficult to make out precisely how one would gain access to these duties or to measure the attractiveness of the position, and even less so to assess the agents' motivation. Their modes of designation varied between towns. They seemed to be mostly chosen and nominated directly by officials, sometimes

pp. 141-156) .

⁴ Saupin, 'La milice bourgeoise?'

⁵ Laffont, 'La police de voisinage.'

⁶ Denys, *Police et sécurité*, pp. 328-332. Denys, 'The Development of Police', pp. 338-339.

for long times periods – as long as they were able to exercise their duties – like the *dizeniers* in Toulouse,⁷ sometimes via an annual rotation system, like the neighbourhood captains in Marseille. They were close to the population as they carried out their monitoring, registration and reconciliation missions thanks to their long-established residence within the neighbourhood⁸ and their social profiles – mostly craftsmen and small merchants. In other cases the population was required to take part in an elective process to make sure these duties went to those most likely to be heard and respected by the locals. It is precisely on these forms of popular expressions and on the local participatory processes in the designation of local law enforcement agents that I would like to focus, in order to better comprehend these forms of popular policing during the Ancien Regime. I will look more specifically at two case studies located in Southern European capital cities where policing powers were shared between royal tribunals and local authority and where the reinforcement of royal police forces, in the last third of the 18th century, was used for the expansion of monarchical government intervention in city management. On the one hand, there are Naples' *capitani di strada* ('street captains'), a long-established part of the local authority's organisation who remained active until the end of the century. On the other hand, I will examine Madrid's *alcaldes de barrio*, new types of auxiliary police officers introduced in the late 1760s as part of the larger reform movement for the improvement of public order in the city, a creation that quickly spread over to other Iberian towns and cities.

In order to help outline popular participation in law enforcement and the socio-spatial roots of police subordinates, one needs to examine the rules of eligibility and the modes of designation by local populations, as well as territorial jurisdictions, the extent of validation and acknowledgement by competent authorities and procedures' evolution throughout the 18th century. Despite the lack of documentary evidence, it is possible to gather some data on these actors' social profile and to illustrate how their legitimacy was either accepted or challenged when exercising their policing duties and small judicial powers; originating from popular urban backgrounds, they evolve between a locally built authority based on their daily relationships with the inhabitants, and a gradual integration in central law enforcement services.

I will draw conclusions from comparing these two case studies as regards the discourse and attitude of governmental elite towards these popular public order figures, especially within the context of reforms aimed at setting up new professional police forces placed directly under central governmental control, thus leading to progressive changes in these popular duties.

⁷ Laffont highlights that *dizeniers* however used to suggest their own replacements, which made it de facto a charge passed from father to son (Laffont, 'La police de voisinage', p. 24).

⁸ However, in the case of Marseille, in the 18th century, captains no longer came from the districts for which they were responsible.

I. *CAPITANI DI STRADA*: A TRADITIONAL DUTY BETWEEN POPULAR ELECTION AND SERVICE TO THE PRINCE

As Naples' city clerk between 1607 and 1613, Giulio Cesare Capaccio is well informed of urban institutions when he depicts a foreigner and a citizen in his dialogue called *Il Forastiero* (1634). When asked what are *capitani's* functions the citizen replies that although he is not aware of the word's origins they are the 'chiefs of their *ottine* or regions, as are the *caporioni* in Rome'. He indicates that this is a 'highly reputable' function as *capitani* must look after their *complateari*,⁹ and all *ottine's* inhabitants, *cittadini* (citizens) as much as *forestieri* (foreigners)', making sure they would be neither 'offended or offensive'. They also looked after the poor, organising charity and the endowments set up by the *Piazza del Popolo*¹⁰ to wed destitute women. They provided certificates and testimonials required by the inhabitants. And most importantly, they were the guarantor of 'the popular reputation' regarding the orders of the prince and the *Eletto del Popolo* whom they obey and to whom they lend 'their eyes, and make sure they fulfil such necessary duties with thorough care'. Finally, he highlights their importance as the 'chiefs of such a great people, as is that of Naples'. They were generally appointed for six months 'so that everybody got a chance to take part in such honours' although some remained in office for almost ten consecutive years.

This testimony shows that these duties were highly regarded in the early 17th century. Yet they have stayed rather unexplored, as they have left few traces in the archives especially since those of the *piazza popolare* have been lost. Elected by family chiefs' assemblies in each of the 29 *ottine* that divided the urban space, the *capitani* did play an important role in the ruling of the capital's population, not only because of their policing and support duties but also because they were one of the backbones of the municipal institutional structure formalised between the Middle Ages and the early modern period. From 1498 onwards it was the Prince who nominated captains, thus conveying the function with the dignity and the authority conferred to royal officers, even though this was done on the basis of three names voted by *ottine's* (neighbourhoods) people assemblies. *Capitani* summoned *Popolo's* family chiefs to elect two *procuratori* for each *ottina*, who would then designate ten *consultori della piazza popolare* and draw up the list of names from which the monarch would chose the *Eletto del Popolo*. *Capitani* also took part in the

⁹ Literally those who live on the same *platea* or street. It relates families of citizens entrenched in the *ottina* who take part in the election of the *capitani*.

¹⁰ In Naples, as in other Southern Italian cities, local government rested on a marked distinction between nobles and *popolani*. In 1498 the sovereign Federico d'Aragona had stipulated that an *Eletto del Popolo* would sit alongside nobles' representatives to administer the city: an act of recognition that definitely contributed to the constitution of *popolani's* political capital. Municipal functions were split between these two groups both with their own organisation and elected body. The city council (Tribunale di San Lorenzo) was made up of six representatives of noble *seggi* and of one office from the 'popular' side, the *Eletto del Popolo*. His competences covered mainly four areas: the city's political representation, the administration of the city's heritage, the management of public supplies, urban police (retail, roads, hygiene, building work etc.). See: Faraglia, 'Le ottine e il reggimento'; Muto, 'Gestione politica e controllo'; Marin, Ventura, 'Les offices populaires'.

Piazza del Popolo's decisions: they gathered with the ten *consultori* and the *Eletto del Popolo* in San Agostino convent's cloister thus representing the whole of the *popolani*. Consent from the majority of captains (that's 15 out of 29) was needed to endorse any measure, with no involvement from the *consultori* who were only summoned to attend.

Their military functions such as raising citizens' militias when the city was faced with *barbaric* incursions still held a significant place in the 16th century. But they gradually gave way to more general public order duties, in which various *capodieci* supported the *capitani delle ottine* (also called *capitani di strada*). We don't know anything about how these *capodieci* were appointed, but we can realistically assume they were chosen directly by the *capitano* under the supervision of the *Eletto del Popolo*.

The lawyer Gaspare Di Blasio's plea, *Ragionamento intorno all'Ufficio de' Capitani delle Ottine della Fedelissima Città di Napoli* (August 1739), written to defend the *Piazza popolare*'s dignity and legitimacy following a conflict with Vicaria's tribunal shows their authority was truly acknowledged by the local population who regarded them as the their 'Padri, e Protettori (fathers and protectors)', and by their co-citizens who held them in 'grandissima stima, e venerazione (very high esteem and veneration)': this authority rested on the respect they had earned in the neighbourhood through the support they gave and the wise advice they shared within this close community. Hence they were able to intervene in the most sensitive family affairs with discretion, thus avoiding major scandals and other disturbances thanks to the confidence ordinary people entrusted them with. The *capitano* was the guardian of families' honour and secrets. Common folks therefore readily complied with his decisions and conciliatory arbitrations whereas they would have feared social disgrace had their domestic affairs been dealt with in front of a magistrate in a court of law.

The magistrates from the Camera di Santa Chiara, the kingdom's supreme court, were asked to adjudicate on the *capitani*'s policing powers in 1741 following the conflict between the *piazza popolare* and Vicaria's tribunal, an ordinary civilian and criminal court.¹¹ Following an incident between two shopkeepers in June 1739 the *strada degli Orefici's capitano* had 'de viva forza (forcibly)' incarcerated one of the troublemakers and had sought the support of Vicaria tribunal's *sbirri*, the court's armed forces, to do so. As soon as the court judges found out they liberated the imprisoned troublemaker and went to trial for *usurpata giurisdizione* (usurpation of jurisdiction), claiming the *capitani* were not authorised to exercise any judicial function as they had done when incarcerating their *ottine's popolani*. In so doing, they disputed their competences in terms of public safety and denied them any legal endorsement for coercive interventions on individuals, like temporary imprisonment whilst awaiting trial. Camera di Santa Chiara's magistrates gave a clear answer on the judicial level: Vicaria's tribunal was the only competent authority on 'ordinary jurisdiction', that is the power to incarcerate and punish delinquents. However, they did not dismiss *capitani's* regular requests to the tribunal's armed forces to incarcerate violent individuals within their neighbourhoods. Besides, the-

¹¹ Archivio di stato di Napoli (thereafter ASN), Camera di Santa Chiara, Bozze di consulta, vol. 47, inc. 15, 'Piazza del Popolo chiede se i capitani di strada possono esercitare atti di giurisdizione col carcerare i popolari delle loro ottine.'

re were numerous testimonies on the subject. In their eyes, it was an 'abuse' tolerated by past governments. Therefore, if the judicial issue was firmly settled, denying the *capitani* any judicial powers, even the so-called *bassa* ones that Gaspare di Blasio defined in his pro-*capitani* discourse as 'those only used to pacify small conflicts, like the ones occurring within a specific neighbourhood' (p. 24), magistrates were however of the opinion to keep the same *modus operandi* for practical reasons, as long as Vicaria's tribunal was immediately informed in order to ensure appropriate follow-up action was taken, and as long as this formal point of law was kept from the general populace. Indeed, without the threat of incarceration *capitani's* powers would have been undermined and disorderly behaviour would have been dangerously increased. The Camera di Santa Chiara thus acknowledged the captains' power to temporarily incarcerate local folk from their neighbourhoods on law enforcement grounds before handing them over to the judicial system as an effective means of lower classes' social control, but not any truly delegated judicial authority (the captains did not have their own army, prison, court or tribunals, nor could they issue a warrant or pass any sentence).

The senior judges also emphasised *capitani's* preventive roles, whereas court officials only intervened once the disturbance had occurred. They knew their neighbourhood's inhabitants very well as they came from the same background and were therefore well respected. They were thus in a better position to uphold public peace and avoid social unrest than the tribunal's subordinates. Gaspare di Blasio highlighted that such men 'were necessary for Republics', and, even 'more importantly for some of the local people' (p. 41). There were two essential requirements in his eyes for the *capitani* to be able to properly fulfil their policing duties: to come from the local populace and neighbourhood where they were to exercise their functions whilst also serving as the 'loyal vassals' of the prince.

We can assume that the elective process would secure popular confidence even though we know nothing of its origins or of its specific modalities. As well as imparting the charge with increased prestige and authority, their eventual nomination by the prince from the voted list of names integrated the *capitani* into the monarchical system. Gaspare di Blasio notes that when Charles de Bourbon acceded to the throne in 1734 he had asked the *Eletto del Popolo* to recall and replace the *capitani* as their loyalty was no longer assured.

Throughout the 18th century, the traditional election of *capitani* by *ottina's* family chiefs – the *complateari* – doesn't seem to be in decline or challenged. On the contrary, two affairs related to these elections and brought up to the kingdom's supreme court, the Camera di Santa Chiara, show how attached local populations were to this expression of popular choice, and their substantive participation in these procedures. In both cases, a number of inhabitants disputed the designation of the *capitano* and therefore his legitimacy. The government consulted Camera di Santa Chiara's magistrates about an appeal brought forward by the *Eletto del Popolo* dating 14th April 1760 attempting to remove the *capitano* of the S. Pietro Martire *ottina* called Pennarola from office. Thirty-seven *complateari* had requested the election of a new *capitano*, partly because of Pennarola's

disability and partly because of his recurring absences from the *ottina*. These arguments were supported by the priest of S. Arcangelo dell'Armieri and by a number of *arte de tiratori d'oro*'s master craftsmen who testified that Pennarola would travel daily to Lavinaro road to melt gold for the purpose of his trade. Sixty-two other *complateari* however supported Pennarola: 'for many years, he has carried out [his duties] with diligence, charity, vigilance and concerns for the common good [...] even though he had to be away from his *ottina* for a few months to nurse a broken leg'.¹² But no longer had he recovered that he had moved back to the *ottina* in his son Andrea Pennarola's house.

In 1778 the *complateari* from S. Giovanni Maggiore *ottina* challenged the election of a *capitano* called Raffaele Spasiano on the grounds it went against traditions: captains indeed always had to be well-educated and wealthy family chiefs from the *ottina*. Raffaele Spasiano did not meet these criteria. Rather than electing someone of a similar background to the deceased, Biagio Pastena, who came from a well-off family with a good upbringing, a young and single shopkeeper had been promoted with the help of his brother. Worse, he did not even live in the *ottina*, when there were plenty of doctors of law or affluent merchants amongst the *complateari* who would have been worthier of this charge. However, the *Eletto del Popolo* supported the new captain claiming the disgruntled arguments were inconsistent, as he was 'of a good birth with honest and healthy manners, of many talents and with useful abilities'. He also owned a house inherited from his father at the heart of the *ottina* and he lived only a couple of steps away from its bounds. He even tacitly invited the sovereign to stand firm on these issues, which, in his opinion, were prompted by private interests, as was the case with Giulio Carrano, the *capitano* from Sellaria's *ottina* who had been contested because he was not born in Naples.¹³

These documents inform us on the entity formed by an *ottina*'s *complateari*, and on the popular participation involved in the choice of a *capitano*. In 1760 for instance no less than 99 family chiefs decided to come forward to take side for or against their *capitano*. Furthermore, we can observe that although elections should theoretically take place every six months, as is underlined by G. C. Capaccio at the beginning of the 17th century, some actually remained in office for years, which tends to show the respect and notability they had earned amongst the local inhabitants. The charge also seemed to be de facto easily passed on from one member of a family to the next. In the second case the deceased *capitano*'s fratello called Stefano appeared, in some people's eyes, to be the best candidate as he was a 'wealthy and well-educated family chief with solid experience'. This reveals the ideal profile according to popular values: a man born in the city, who had raised a family, who lived in the *ottina*, or better still, who owned property in the *ottina*, who belonged to the *ceto civile*, who was master craftsman from a prestigious guild, or a merchant, perhaps even from a law-related background or from a liberal profession. Criteria of residency, stability, deep-rootedness and reputation thus formed the cornerstones of this territorial social control internal to the common folk.

¹² ASN, Camera di Santa Chiara, Bozze di consulta, vol. 239, inc. 18.

¹³ ASN, Camera di Santa Chiara, Bozze di consulta, vol. 136, fol. 50.

These documents show that the *popolani* organisation did not seem to be declining in the last third of the 18th century and ‘popular’ charges still held much social dignity and appreciation. We know a lot less still of *capitani*’s subordinates, the *capodieci*. We find them in very few archive documents, taking care of certifications to be signed by the *capitano* for his inhabitants (certificate of poverty, passports to get out of the kingdom etc.), or operating on the spot. Based on archives destroyed in 1943, Benedetto Croce for example recounts how from 1778 onwards *capodieci decano*, Mariano Ceriello, a cobbler by trade, supported the architect in charge of realising the new promenade on the town’s western shore, the Passegio Reale (Riviera di Chiaia), and how he repeatedly managed to settle popular discontent triggered by the works and the changes incurred to the uses of various parts of the area.¹⁴

If in Naples these popular charges were inscribed in an almost immemorial tradition, or at least recorded from the end of the Middle Ages by the authors of the time, other elected policing functions were created ex-novo in the 18th century particularly in Iberian territories.

II. L’ *ALCADÍA DE BARRIO*: AN ELECTIVE OFFICE AT THE HEART OF THE REFORM MOVEMENT

Social tensions in 1760 Spain took the form of worrying popular uprisings for the government, in particular with the Motín d’Esquilache in Madrid between the 23rd and 26th March 1766.¹⁵ This episode had important consequences on the reform movement; as a result, people’s representatives were introduced within local government through the 1766 local authority reforms, and through those of the urban police in 1768-69. They were elected on a territorial basis corresponding to neighbourhood communities with a view of easing social tensions and improving the administration, the justice system and the police.¹⁶ Both reforms are mostly owed to the propositions of one of Castille’s Council’s *fiscales*, Pedro Rodríguez de Campomanes, who was convinced bridges needed to be built between government instances and the poorest members of society. To do so, popular figures needed to be associated with law enforcement. On the one hand, they materialised in the form of *diputados del común* who were elected through a two-level voting procedure to counterbalance to weight of local oligarchies within local authorities.¹⁷ On the other, *alcaldes de barrio* were new types of police auxiliaries introduced in Madrid and distributed across the city according to new territorial boundaries between cuarteles dividing the city into 64 *barrios*. The capital’s policing services were thus reinforced through the assistance given by *alcaldes de barrio* to the Sala de Alcaldes de Casa y Corte judges, who were in charge of the city’s public order alongside the municipali-

¹⁴ Croce, ‘La villa di Chiaia,’ p. 35.

¹⁵ López García, El Motín contra.

¹⁶ Guillamón Álvarez, *Las reformas de la administración*. Cuesta Pascual, ‘Los Alcades de Barrio’. Martínez Ruiz, *La seguridad pública*. Pablo Gafas, *La sala de alcades*.

¹⁷ Hernández, ‘La democracia ilustrada.’

ty. On the 6 October 1768, the Cédula profoundly transformed the organisation of the Madrid police through the introduction of these new agents whose modes of designations and specific charges were defined more precisely in the *Instrucción* published on the 21 October of the same year.¹⁸ This text remained in effect until 1801 when the *alcalde de barrio*'s designation modes were quite importantly revised. Just one year after their creation in Madrid, they were introduced in other Spanish cities and all the way to imperial territories, through the law of 13 August 1769, starting with towns comprising *audiencias* and *chancillerías* (courts of second instance).¹⁹

Alcaldes de barrio's functions were similar to those of Naples' *capitani di strada*: arbitration of small conflicts, information, ensuring compliance with police decrees, monitoring the poor, the foreigners, wanderers, abandoned children, as well as road maintenance and street lighting. Differences were mostly threefold.

To begin with, a larger role was given to paperwork within policing practices. Whereas *capitani di strada* were not bound to any regular record, *alcaldes de barrio* were instructed to regularly update the registration of all inhabitants under their jurisdiction (*matrícula*). This task was considered to be their most important duty. It was their responsibility to visit each house and family to indicate each *vecino*'s name, status or profession, as well as registering his children and servants. *Instrucción*'s article 9 stipulated how these registers should be kept: one sheet per house 'leaving as much space as possible to record transfers throughout the year'. Of course, this monitoring applied to foreigners too which the government insisted upon especially after 1789. Alongside general population registers, *alcaldes de barrio* indeed kept other registers like the one for hostels (*posadas*), which were regularly inspected. Owners had the obligation to provide a written record of their clients' entries and outings. Furthermore, *alcaldes* were bound to make a daily log of what had happened in their *barrio* and of the nature of their interventions in books called *Libros de hechos*.

Moreover, whereas we have seen how there were sometimes uncertainties lingering over *capitani di strada*'s jurisdiction, that of *alcaldes de barrio* was clearly specified: small judicial powers (called *pedanea*) enabled them to arrest people on the spot and to incarcerate them until a local judge could take action. This power was represented on their badges, which showed a *vara de justicia* (rod of justice) with an ivory knob, to ensure they would be accepted and respected.

Lastly, the judicial apparatus rigorously regulated these new *alcaldes de barrio*. Admittedly they were sworn in and registered at the town hall after their election but they were placed under the direct authority of the *alcalde de la Sala*, their neighbourhood's judge, who gave them the detail of the streets under their jurisdiction, their *barríos*. Compa-

¹⁸ Instrucción que deben observar los Alcaldes de Barrio, que para el más expedito, y mejor gobierno se han de nombrar, ò elegir en cada uno de los ocho Cuarteles en que se divide la Población de Madrid, en cumplimiento de lo mandado en la Real cedula de seis de este mes, expedida à Consulta el Consejo de diez y nueve de Setiembre de mil setecientos sesenta y ocho, y lo que han de egecutar los Jueces Ordinarios en las causas de Familias (Archivo Histórico Nacional [thereafter AHN], Consejos, leg. 504).

¹⁹ Marin, Exbalin, Polices urbaines recomposées.

red to *capitani di strada* who were only accountable to popular municipal organisations and could not be assimilated to Vicaria's tribunal subordinates, even though they relied on this tribunal's armed force when needed for law enforcement purposes, the *alcaldes de barrio* clearly appeared as Sala's new subordinate police and judicial corps as they were answerable to their neighbourhood's judge for their actions and obeyed his orders. But whereas other police and judicial subordinates directly attached to the tribunals such as the alguazils were law graduates and held a commercial office, there were no education prerequisites for the *alcaldes de barrio*. The office was open to all *vecinos honrados* ('honourable citizens'). Social recognition, reputation within the neighbourhood, and an acknowledged role as a small popular dignitary took precedence over technical competences or administrative experience. The duties involved brought no financial reward, but expenses were covered through the impoundment of a third of the fines. However, they represented a heavy workload that was hardly compatible with the daily exercise of another trade. Thus needing a certain level of affluence, as well as enough education to fulfil the requirements of written procedures, these charges were mostly occupied by former militaries, minor administration officers, lawyers, sometimes *hidalgos*, but also by a few shopkeepers and craftsmen.²⁰

The advantages and disadvantages of electing those holding this office through popular vote were soon debated, first in Madrid, and then in the other cities where these charges had developed. Besides, there was some wavering at the time of the establishment of this new provision. Were there to be financial conditions placed on the right to vote (as was the case for the *diputados del común*)? The Sala had announced its preference for a two-level voting procedure, proposing the *comisarios electores* should vote to designate the *alcaldes de barrio* at the same time they voted for the *diputados del común*, or that they should at least propose a list of names validated by the *alcalde del cuartel* for a final nomination by the Council. It is Campomanes' choice that eventually prevailed: a direct vote with procedures overseen directly by the *alcalde de cuartel* who presided over voting assemblies in the parish.

On numerous occasions and especially in 1781 and 1782, the Sala observed that 'citizens failed to take part'.²¹ Historians have sometimes interpreted this poor attendance as citizens' disinterest in these elections and therefore as the explicit failure of the reform movement in its wish to increase citizen participation. Yet we mustn't overlook the prior informal arrangements that could precede *alcalde de cuartel's* regular assembly, especially since administrators precisely deplored agreements and transactions conducted about the votes outside of the public arena.²²

Elections were normally held yearly in December. They were challenged on numerous occasions, not only by the Sala magistrates who did not support them to begin with, but also by some *alcaldes de barrio* themselves. The case they made shed light on why this

²⁰ Cuesta Pasqual, 'Los Alcades de Barrio'. Marin, 'L'alcalde de barrio à Madrid'.

²¹ AHN, Consejos, Libro de gobierno 1371, fol. 147v.

²² Hernández, 'La democracia ilustrada'.

elective process was abandoned on the 26 January 1801 in favour of a nomination procedure by the Sala from a list of three chosen by Charitable Delegations²³ for their 'better aptitudes and conduct'.

From 1773 onwards eight *alcaldes de barrio*, all lawyers by trade came forward in the name of the entire corps to ask the government to change the system.²⁴ Basing their legitimacy on 'the practical experience acquired through the exercise of their functions', they asked to be able to carry out their duties for at least two to three years rather than one, and for their charge to bear higher prestige and dignity in order to constitute a properly recognised rank within an administrative career. Moreover, they demanded that only the neighbourhood's dignitaries (*los de mayor distincion*) had the right to vote and that domestics and other small trades they regularly inspected should be excluded. The higher authority opposed their proposal to limit popular voting. Excluding all inhabitants under inspection by *alcaldes de barrio* indeed would have meant leaving out 'todas las clases del Pueblo (all popular classes)', including shopkeepers and craftsmen, in favour of the more affluent and educated members of the neighbourhood. However, this charge had been created precisely to ensure people's interests would be represented within the police and judicial institutions thanks to popular choice and acknowledgment. Castille Council's *fiscal* insisted that 'honour' was not just attached to nobility. He argued that there was honour attached to each social condition residing in socially approved conduct and in collective esteem and consideration: 'an intelligent, enthusiastic and good workman is just as much an honourable citizen as a Great from Castille or a Graduate from Salamanca'.²⁵

The charge was normally held for one year but re-elections were frequent which shows that some of these subordinates managed to build and to keep the legitimacy and consensus needed to continue exercising their authority. Sacramento's *alcalde de barrio* Eugenio Ahumada Guillen del Castillo for example was first elected in 1776 in Palacio's *cuartel* and later re-elected for five consecutive years between 1781 and 1786. In 1786, the *cuartel's* *alcalde* Manuel Sisternes y Felin specified in writing that the charge had been granted 'through a unanimous vote from all citizens who took part in the elections'.²⁶

Sala's judges made an issue of the popular vote on different occasions in the 1780s and 1790s as they denounced the plotting and manoeuvres fomented at the time of elections. They offered to take control of the subordinates' designation in order to counteract these disturbances. They suggested the *cuartel's* *alcalde* selected three persons who were the most qualified to exercise the duty and who could be trusted. The *barrio* would vote from that list. Charity delegations on the other hand recommended the charge should be held

²³ 64 Charitable Delegations (one in each *barrio*) were created following the Auto Acordado of 13 May 1778. They were made up of the *alcalde de barrio*, of a clerk designated by the parish priest and three of the *barrio* inhabitants.

²⁴ AHN, Consejos, leg. 833, exp. 15, quoted in Guillamón Álvarez, 1980.

²⁵ *Ibid.*, fol. 852v-853r., 6 December 1773.

²⁶ AHN, Consejos, Libro de gobierno 1375, fol. 861 sq.

for longer, two or three years, to be able to count on more experienced *alcaldes de barrio* who would be better trained to efficiently police the poor.²⁷

In 1791 Juan Antonio González de Velasco, the *alcalde de barrio* from las Descalzas Reales and accounting officer for Monte Pio Militar, put a new reform plan forward. Once again the elections were at the heart of the highlighted dysfunctions: ‘they generally benefit worthless individuals or people busy [with their trade], and usually at the request of these same elected officers.’²⁸ The *alcaldes de barrio* therefore tended to come from the ‘Republic’s lowest ranks’ whilst *letrados* or administrative officers were rarely designated when, according to author, they were the only ones to properly exercise these functions even though they often turned them down.²⁹

We witness similar challenges to electoral systems in other Spanish cities. In Grenada for instance the *alcalde de barrio* Lorenzo Alarcón (Magdalena’s parish) disclosed regulation breaches, bribes and intrigues during the election process on two occasions (1782³⁰ and 1784). He wrote that candidates bought the votes, gathered voters in taverns and paid for food and drinks as the poor outnumbered the wealthy. That is how *alcaldes de barrio* who could not read or write would be elected whereas other types of citizens, like lawyers for instance, were much better suited to take on this charge.

Enlightened Spanish reformers therefore thought introducing non-professional *subordinates* within urban police forces through popular vote was a good way of upholding public order within a people who had demonstrated its capacity for rebellion in 1766, as their authority was acknowledged and accepted by the working classes. As the middleman between the judicial administration and the urban common folk, and as the direct emanation of neighbourhood communities who had designated individuals with whom they could identify, the *alcalde de barrio* was an invaluable source of information about the local population and its most marginal elements thanks to his deep local rooting. Yet the lack of financial reward and the exposure to popular discontent meant the charge was not attractive to ‘honourable people’. On the 16 November 1787 the Secretary of State Floridablanca suggested that as *cuartel’s alcalde*, Sala’s judges should make sure trustworthy persons, ‘honest and educated men’, held these functions. But they should be careful not to seem to be depriving the people of the freedom of choice they had been granted through the 1768 legislation.³¹ At the same time, some of the elected *alcaldes de barrio* who came from the judiciary or the administration saw this professionalisation as a way of keeping the duty for themselves in order to climb the social ladder within the ranks of the state apparatus.

²⁷ AHN, Consejos, Libro de gobierno 1371, fol. 147v.-148r.

²⁸ AHN, Consejos, Libro de gobierno 1382, fol. 1489r.: ‘[...] se hacen aquellas por lo común en personas o miseras, o ocupadas y no pocas veces a solicitud de los mismos elegidos.’

²⁹ The law stipulated someone elected to be *alcalde de barrio* could turn down the charge for professional or health reasons. These refusals caused delays in the taking of the office, which seemed like another drawback of the system.

³⁰ AHN, Consejos, leg. 833, exp. 15, quoted in Guillamón Álvarez, 1980.

³¹ AHN, Consejos, Libro de gobierno 1377, fol. 1341-1342.

The new low-level policing function created in 1768 initially meant to embody the ‘nobility of the neighbourhood’ which enjoyed a certain level of trust within the communities it directly represented, following a rather widespread model of Ancien Regime municipal police. But it became a social resource for *letrados* looking for government employment. Despite the resistance from certain enlightened administrators such as Campomanes, this social demand led to these agents’ full integration within the capital’s police services at the beginning of the 19th century. Their nomination now took into account candidates’ training and experience in other administrative branches (judicial, military, tax etc.) and replaced the elective process.

III. CONSOLIDATION OF THE ADMINISTRATIVE FRAMEWORK AND PROGRESSIVE PROFESSIONALIZATION OF ELECTIVE POLICE CHARGES

The electoral system introduced in Madrid in 1768 was definitely overridden after 30 years ‘for not achieving the goals that were set due to the abuses and frauds it generated’.³² The government had wavered between two approaches for a long time. On the one hand, voting seemed the best way to keep the office’s popular acknowledgement and representation, and to guarantee the efficiency of these social mediators, trusted as they were by the lowest classes of urban society. On the other, making sure these popular choices corresponded to governmental views would prevent these duties from falling into unlawful hands or from being hijacked by criminals. There is no doubt the *alcalde de barrio* could take good advantage of his position in the neighbourhood to consolidate his authority, extend his influence and enlarge his client base, as a trade-off for the time spent settling cases and disputes which bore a financial cost and sometimes led to strenuous conflicts with local inhabitants. Pressures and manoeuvres to obtain votes were therefore relentless. They preoccupied the authorities who wanted these duties to be carried out by men well aware of the judicial administration’s procedures and perfectly obedient to the judges’ authority (*alcaldes de cuartel*), essential as they were for social control. If the Spanish authority eventually gave up any electoral procedure to reinforce their control over these subordinates, what was it like elsewhere at the end of the century?

The *dizeniers*’ case in Toulouse studied by Jean-Luc Laffont shows a similar tendency: in the second half of the 18th century the municipal authority attempted to regain control over this ‘petite magistrature populaire’ (small popular judiciary) for social regulation purposes.³³ Originally merchants or craftsmen, these municipal agents acquired the status of *commissaires des quartiers* in 1783. Endowed with new powers such as being able to fine or to carry out search warrants and identified by a uniform, they were now

³² Decreto de los Señores de la Sala plena mandando que los Señores Alcaldes de Cuartel pasen oficio a las Diputaciones de Caridad de sus respectivas personas capaces de desempeñarle y de este modo recaigan le elección en las mas idóneas conforme a lo resuelto por el Consejo (AHN, Consejos, Libro de gobierno 1391 (1801), fol. 802).

³³ Laffont, ‘La police de voisinage’, in particular pp. 28-29.

better regulated by the administration. Admittedly they were not elected but nominated for life by the municipality, yet in the first half of the century they still possessed a certain amount of autonomy, sometimes even forgoing magistrates' provision letters. As a 'somewhat educated middle-aged man who exercised a sedentary activity with an already well-established family and profession and therefore deeply rooted in his *dizaine*',³⁴ the *dizenier's* typical profile rightly corresponded to the traditional values expressed for example by S. Giovanni Maggiore's *ottina's completeari* cited above to define the type of individual eligible to become *capitani di strada* through popular vote. This centrality tends to disappear as their professionalization starts to develop.

Other Italian situations show the continuation of electoral procedures in the last part of the 18th century for offices of social control at the neighbourhood scale. In Lombardy towns for instance *anziani di parrocchia* were directly elected by family chiefs in each parish to carry out these duties for life or until their resignation. Livio Antonielli has shown how this office was gradually integrated into stately bureaucracy in Milan even though it started out as the expression of local society.³⁵ *Anziani di parrocchia* were indeed part of a local judicial authority to begin with, before being placed under the central judicial authority of the Magistrato di Sanità, to which they were bound until it was finally suppressed in 1786. They maintained their elective dimension but it was the authorities' remit to summon the inhabitants to the elections, to ensure they were conducted according to the current regulations, to gather the necessary information about the candidates to check their eligibility – they had to be older than 20 or 25 after 1757, born in or resident of Milan's Duchy for over ten years, and with no judicial record. The election was followed by a nomination with the attribution of the corresponding patente, which conferred the *anziano* his legitimacy. Participation in elections was not insignificant overall: Livio Antonielli estimates it represented between 5 and 33 per cent of all family chiefs. The authorities generally respected the neighbourhood's choice. At first it was mostly craftsmen who tended to seek out this office, prestigious as it was within urban society. As the duties increasingly fell within the remit of the central authority, the nature of the functions shifted toward that of tribunals' subordinates. An institutional redefinition procedure was launched in 1775 but did not succeed. It aimed at steering the *anziano di parrocchia* towards more professional policing functions through the granting of a small allowance. This ever more stringent administrative framework probably made the charge less prestigious amongst the working classes than in Naples where this type of elected function had preserved its political dimension: the 29 strong *capitani* corps was more representative of people's interests than the *Eletto del Popolo* himself, and asserted the honour traditionally attached to these functions as they were the direct and autonomous expression of the local population.

In 1779 however a new law was passed aimed at reorganising the functions of Vicaria's tribunal police force through the redeployment of judges and their staff across new po-

³⁴ Ibid., p. 25.

³⁵ Antonielli, 'Tra polizia sanitaria'; see also his contribution to this volume.

lice headquarters created for that purpose.³⁶ The government also used this law to increase their control over *capitani di strada* and to connect them more tightly to the judicial police and the commanding judges of the capital's main justice and police royal tribunal. The law indeed specifically summoned *capitano di strada* and *capodieci* to obey the orders of neighbourhood judges for all matters relating to public peace and summoned them to provide all necessary information about their *ottine's* population, as no one knew them better. The idea was not to dispute the city's privileges and remove *capitani* from the traditional municipal organisation, but to reposition their office under the royal authority that could then guide the actions of all individuals with policing powers and manage the entire surveillance apparatus.

In a report dated February 1798 captain general Francesco Pignatelli, an urban police superintendent, highlighted *capitani's* lack of accountability to neighbourhood judges and their reluctance to collaborate. *Scrivani* (court clerks) and other tribunal subordinates on the other hand could not find any suitable alternatives to such invaluable sources of information for the police about the local population.³⁷ The police superintendent's tone is strikingly different to that of *Piazza Popolare's* documents and reflects the many grievances from police commissioners that fill up 1790 police archives. By then *capodieci* are described as the 'worst in their profession and more ignorant that one can imagine'³⁸ which shows both the gap between neighbourhood judges and these municipal subordinates and the difficult relationships between Vicaria's police authority and the traditional framework of social control. The police superintendent specifically targeted *capodieci*, who held the lowest popular charge, as they escaped all royal control and were just nominated by the *Eletto del Popolo*. Yet '*Capodieci* have much legal influence since the delinquents in the *ottina* are, or are known to the *Capodieci*'. The superintendent did not hide his outrage at seeing these individuals having risen from the lowest layers of society to the rank of guardians who could even issue their *ottine's* inhabitants with passports. He therefore invited the sovereign to 'resolve this matter so that [...] the choice of *capodieci* fell entirely within the remit of the Gran Corte and neighbourhood judges, to ensure these duties were held by honest shopkeepers and provided neighbourhood judges with additional resources in identifying the bad citizens'.³⁹ 1799 revolutionary events interrupted this reform movement aimed at transforming these popular charges into police auxiliaries for *giudici commissari*.

Cases studied here show electoral procedures were still very much operative in supplying popular charges of social control and urban neighbourhood management in the 18th century, whether these were long-term traditions as was the case in Naples or recent creations as in Madrid. We witness a certain amount of appetite from the working class for these social regulatory functions, embedded as they were in local forms of community organisations. They contributed to the recognition of popular honour and, even

³⁶ Alessi, Giustizia e polizia; Marin, 'Découpages de l'espace'.

³⁷ ASN, Archivio di Polizia, Consulte, 26, fol. 25.

³⁸ ASN, Archivio di Polizia, Consulte, 23, fol. 735.

³⁹ ASN, Archivio di Polizia, Consulte, 26, fol. 25.

though they brought no financial reward, they provided the individuals who held these offices with some advantages, like boosting their public reputation, building up their social networks for the benefit of their families and lineage, and sometimes like in Madrid for instance, they led to social promotion through a career in the administration. Furthermore, governments wished to centralise police forces' command all over and to dispose of a well-supervised professional corps that could be easily controlled by a firmly established hierarchy. At the same time, we witness the authorities' increasing distrust or even disregard for these functions when exercised by figures issued from the lowest strata of society. However they did acknowledge the absolute necessity for social mediation and the gathering of information within big cities' working classes, which were hardly accessible to those coming from the outside. Some of the envisaged solutions proposed to redefine these charges within a stronger institutional framework embedded in a hierarchical chain of command and subjected to a series of professional controls. This movement for the professionalization of subordinates favoured by the authorities intertwines with other trends developing across the people of the cities. The latter is of course far from socially homogenous. Many social struggles find a stage within the police reforms of the second half of the 18th century as can be witnessed in Spanish cities, where some of the upper social classes attempted to keep the *alcaldes de barrio* functions for themselves, and to exclude individuals from lower classes in order to hold on to these new resources. These complex evolutions therefore cannot be attributed to the sole actions of the central authorities and beckon for larger comparisons with other local situations whilst remaining attentive to the singularity of each urban culture within which these movements take place, in order to broaden this panorama.⁴⁰

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