Organized Arson as a Political Crime. The Construction of a «Terrorist» Menace in the Early Modern Period

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Organized Arson as a Political Crime. The Construction of a «Terrorist» Menace in the Early Modern Period[1]

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1   Organized arson was regarded as the most dangerous political crime of the early modern period. There is an abundance of records concerning organisations of incendiarists from French, English or German speaking Europe. The activities of these organizations of arsonists were not designed to do harm to individuals. Arsonists' gangs were allegedly responsible for the conflagration of whole towns. They were even supposed to plan the destruction of entire territorial states e.g. the Southwest German duchy of Württemberg[2]. The incendiarist gangs allegedly worked for foreign powers, for the political and / or denominational adversaries of their respective victims. The arsonists were supposed to be vagrants, most of them street beggars. In German, organized itinerant arsonists were called 'Mordbrenner' which originally meant 'clandestine arsonists' but became to be understood as 'murder arsonists'.

2   The following text focuses first on the various ways in which arsonist groups were imagined. Special attention will be paid to the circumstances under which such images were created. The fight against alleged arsonist conspiracies in criminal law and police practice and its interrelation with state building processes will be discussed. Finally, suggestions concerning new avenues of historical research will be made. The focus of the whole article will be on materials from the German Southwest, especially sources relating to a supposed series of arsonist attacks connected with a peasant insurrection in 1517.

Covert Warfare?

3   The list of those who allegedly engaged in secret warfare against their enemies by hiring vagabonds as arsonists is long and impressive. A few examples shall suffice. One of the earliest cases of politically motivated organized arson is the Bundschuh of 1517. Prior to

the Great Peasants' War (1524-1526) the German Southwest experienced a number of peasant rebellions, the so-called Bundschuh upheavals[3]. The term Bundschuh was originally used for cheap footwear worn by peasants. As rebellious peasants chose the Bundschuh as their symbol the word 'Bundschuh' took the meaning of 'organized peasant upheaval'. There were Bundschuh activities in 1493 in Schlettstadt (Alsace), 1502 in Untergrombach (Baden), 1513 in Lehen near Freiburg im Breisgau and supposedly in 1517 in the entire upper Rhine region on both sides of the river. None of these rebellions succeeded. The sixteenth century Bundschuh risings were all supposed to have been initiated and organized by the same man: Joss Fritz, a peasant and surveyor of the fences from the village of Untergrombach. After the failure of his two earlier insurgencies Fritz supposedly chose a new tactic in 1517. He allegedly recruited a large number of vagabonds. In turn, these vagabonds were to recruit new adherents to the Bundschuh among the rural population. In addition to that, the vagarants were paid to raise fires at the beginning and throughout the uprising. One of these vagabonds was arrested and betrayed all the plans of Fritz. Thus, the 1517 Bundschuh revolt was over before it even started. In 1524 three hundred houses burned down in Troyes[4]. The damage was blamed on vagabonds who were said to work for the Habsburgs. These arsonists were allegedly about to target other towns in France. At the imperial diet at Regensburg in 1540, the Protestant estates demanded that emperor Charles V should take action against a Catholic conspiracy. This conspiracy supposedly planned to eradicate the new creed by destroying whole regions: a series of arsonist attacks by vagrant beggars were to raze Protestant towns and villages to the ground. As one might expect, Heinrich von Braunschweig was supposed to pull the strings of this conspiracy in the Reich while the pope himself financed this gigantic autodafé[5]. In German Habsburg countries there were rumours about arsonist attacks organized by the Hussites in the 1420s, by the Venetians in early sixteenth century and finally by the Turks from the sixteenth to the eighteenth centuries[6]. In the sixteenth century, princes who had been forced out of their territories were suspected to have made pacts with itinerant arsonists to prepare the military retaking of their respective lands. Duke Ulrich of Württemberg and Albrecht Alcibiades von Brandenburg-Kulmbach are well-known examples[7]. On a smaller scale, members of Southwestern Germany's lower nobility were accused of having enlisted the help of Mordbrenner against the domineering power of the dukes of Württemberg[8]. After the devastating fire of London, British cities took measures against vagrants who were said to be the henchmen of the Quakers, or of the Catholics. These religious minorities were supposed to be eager to spread terror and insecurity in the Anglican kingdom[9]. There were rumours about organized crime in Poland in the seventeenth century[10]. A Polish secret organization was said to offer the 'services' of tramps as arsonists. Probably the best-know example of politically motivated organized arson is that of the arsonist scare in revolutionary France. During the Grande Peur especially the rural population feared a pact between the aristocracy and the itinerant poor[11]. The vagrants were to raise fires to destroy the crops and to spread fear and tumult in order to stop the revolutionary movement. During the English 'Captain Swing' protests of the 1830s it was rumoured that Irish itinerant working men were paid by wealthy Jews to commit arson. The adherents of 'Captain Swing' were at pains to emphasize that they did not cooperate with the fireraisers[12].

4   The conspiracy theories concerning the Great Fire of London were finally rejected in the early nineteenth century. Lefebvre proved that the Grande Peur was based on nothing but

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rumours: the most unlikely pact between vagabonds and aristocrats had indeed never existed[13]. However, historians have seriously discussed the other cases of organized arson as specific forms of early modern crime or covert warfare. Concerning the German Mordbrenner historiography pointed to inconsistencies in individual trial records. Spicker-Beck admitted that the confessions of some Mordbrenner seem hard to believe and conceded that the use of torture makes it extremely difficult to decide which parts of the confessions of supposed arsonists were based on their actual behaviour. However, she accepted the Mordbrenner files as «a representation of a kind of crime typical for that time [the sixteenth century] (das Abbild einer typischen Erscheingungsform der Kriminalität dieser Zeit). Finally, Spicker-Beck concluded that because of the criminal gangs of vagabonds she personally would not have liked to travel one of the dangerous country roads of sixteenth century Germany («Ich hätte nicht unterwegs sein wollen...»)[14] . Scribner suggested that the Mordbrenner fear might have been crossly exaggerated. He stated that there were probably serious misconceptions concerning the scope of organized arson. He spoke about a «paranoia» of early modern governments which were quick to suspect and to punish people for organized political crime without any conclusive evidence. Nevertheless, he considered the existence of bands of fireraisers as too «well-attested» to be dismissed as a delusion. Scribner admitted that tramps were victims of a scapegoating process initiated by state authorities. However, he assumed that they fought back and resorted to extremely violent crime including organized arson[15].

5   The very fact that organized arson was supposed to have been used in a variety of religious and political conflicts throughout the early modern period is apt to raise doubts concerning the reality of arsonist conspiracies. Fires that damaged or destroyed towns might be explained as simple accidents. As they were largely built from timber and straw early modern settlements were indeed extremely vulnerable to conflagration. It did not take carefully planned arsonist attacks to burn whole towns to the ground. In 1540, Germany witnessed numerous fires most of which were blamed on arsonist vagabonds. 1540, however, was an extremely hot and dry year[16]. The simple evidence of a fire or a number of fires is not sufficient to substantiate the assumption that there was organized arson.

6   As the vagabond fireraisers were supposed to work for princes we might expect some kind of documentation about their recruitment in the records of state agencies. To my knowledge, until now no government records whatsoever about this kind of covert warfare have been unearthed. The arsonists claimed to have been paid by agents of various lords but there is no evidence for these financial transactions. This lack of source materials could be explained by the secrecy of the arsonist organization. Officeholders or aristocrats who paid arsonists would of course try to obscure their connection to them. Thus, it is certainly possible that no records were kept or that all the records were quickly destroyed in order to make it impossible to trace arsonist attacks back to those high ranking persons who initiated and financed them.

7   To find out if there really was politically motivated organized incendiarism the trial records themselves have to be analysed. There are virtually no statements of the suspects that were not made under torture or the threat of torture. There are few witness accounts and hardly any witnesses who spoke in favour of the defendants. Arson was supposed to be organized crime: Anybody in close contact with the suspects could be regarded as an accomplice. As most of the suspects were itinerants few people of any standing in the respective community would claim to know them let alone would be

willing to defend them. The records of many trials consist of little more than a confession. An analysis of these confessions is considerably facilitated by the fact that they usually describe a largely unchanging set of actions. There was a pattern of Mordbrenner confessions. If the structural elements this pattern consists of interrelate which each other consistently and if they are plausible in their respective contexts, then we must consider the confessions themselves credible.

8   First of all, it is supremely important to note that all the persons engaged in arsonist plots were supposed to be male. Of course, there were female arsonists. But they were blamed exclusively for arson as an individual act of revenge against certain persons. Female arsonists were never said to 'work' in gangs[17]. Organized arson was regarded as the exclusive domain of vagrant men. Even if vagrant women were arrested during investigations against vagabond fireraisers no further legal action was taken against them for arson. Female itinerants were only considered guilty when additional charges of murder or theft were brought[18].

9   All arsonists were allegedly recruited in roughly the same way[19]. A vagrant accidentally met a person who presented himself as the agent of some foreign potentate. As a rule this person was a total stranger or even a foreigner the tramp had never met before. In other instances it was a person he knew superficially, sometimes another vagrant. In the latter case, this vagrant had been hired earlier by foreigners with the expressed purpose to form a gang of arsonists. The agent offered the vagabond a certain sum of money for raising fire in a certain region. The would-be arsonist was paid immediately by the stranger. Sometimes it was said that the recruiting person even provided the vagabond with slow-matches or gunpowder.

10   After that the arsonist was basically left to his own devices. The confessions turned into a cumulative enumeration of various acts of arson with little structure. Very like the first contact between the fireraiser and his 'principal' all following meetings, if they took place at all, did so purely by chance. Mostly, such additional meetings did not take place because of organizational difficulties. In many cases, they had not even been planned. The 'principal' told the arsonist almost nothing about actual tactics. Nothing was said about the concrete time or place of the arsonist attack. Mordbrenner claimed to have been paid for raising fires somewhere in Württemberg or even somewhere in the Reich. They seemed to be equally happy to attack a village or a town, a monastery, a manor, a cottage or a barn. This striking vagueness could mean that the arsonists' gangs employed 'terrorist' tactics: It is characteristic of terrorism that the immediate target often has hardly any connection to the strategic aim of the attack. The victim of the aggressive act and the adversary it is meant to be directed against are not identical. Spreading insecurity and chaos is at least as important as causing material damage. The strategic objectives of the respective 'principals' remained as a rule shadowy. The arsonist's 'employer' did hardly give any particulars concerning the political aims of the crimes. In a rare exception, in 1538 the South German petty aristocrat Gangolf von Geroldseck allegedly delivered a short hate speech in front of a somewhat perplexed arsonist: Geroldseck explained that his family had been wronged by the dukes of Württemberg and cheated out of the possession of the town of Sulz. Therefore, he wanted Sulz burned to the ground[20].

11   It is difficult to picture any organizational patterns of the arsonists' groups. Some of the source materials mention 'officers' of the incendiarists. However, the questions who invested these officers with what powers remain open. What the source materials do

reveal is an amazing flexibility of the arsonists' gangs. Groups formed and dispersed again at will. There were no fixed meeting places. If there were plans to reunite a scattered team of arsonists these plans usually failed. If Mordbrenner belonged to a greater group in the pay of the same 'employer' they were said to use secret signs to recognize each other. There was allegedly a variety of such signs, e.g. girdles made from straw or white staffs[21]. These signs were mentioned in confessions and warrants of apprehension. However, they do not seem ever to have helped to catch a fireraiser. The same holds true for Mordbrenner marks[22]. Vagrant arsonists were said to use marks as a kind of signature. Historiography attributed a list of such marks to the arsonists who were said to work for the Bundschuh of 1517 (figure 1)[23]. However, these marks are in all likelihood several years younger[24]. The marks themselves are rather complicated. It seems highly questionable whether incendiarists ever really used them as a means to identify themselves.

12   This nearly complete lack of organizational structures in the incendiary conspiracies strongly suggests that arsonists' confessions had no basis in reality outside of the courtroom. It is implausible that the respective 'principals' – many of them influential lords with considerable means – should have been unable or even unwilling to create an organizational apparatus to control their vagrant henchmen. The suggestion that foreign powers paid vagabonds in advance for dangerous and criminal acts without any effective means of control appears to be highly questionable. It is even more implausible that the vagabonds after receiving their payment really committed arson just to fulfil their respective contracts. They had nothing to gain anymore from doing so but risked being caught and punished. Even if their 'employer' had promised additional payments after they had committed the crime the extraordinarily weak structure of the conspiracy made it unlikely that they would meet their 'principal' again to collect their money.

Figure 1: Mordbrenner marks. Southwestern Germany, about 1530[25]
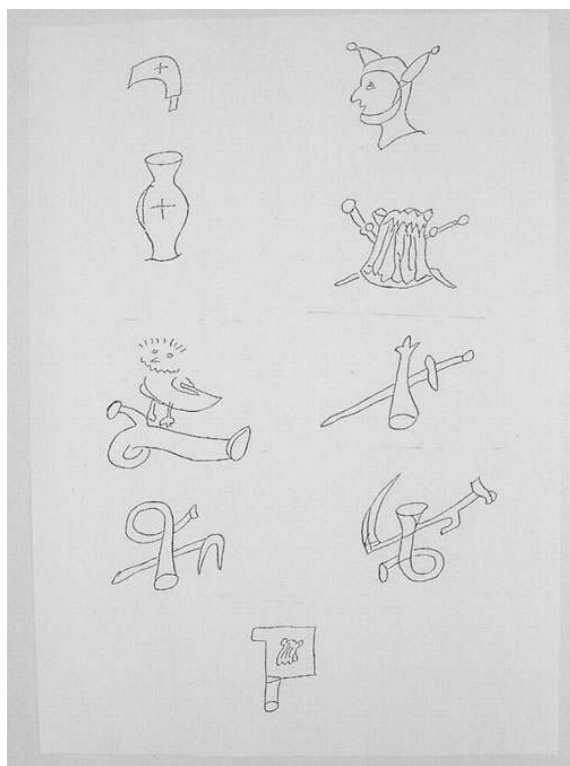
13   Some historians emphasized the fact that the vagrant population consisted partly of mercenaries looking for a new employer[26]. Therefore, they considered the arsonists' confessions credible: The incendiary conspiracy was supposed to have been a parallel to the mercenary system, as it were a secret army for covert warfare. However, the mercenary system of early modern armies was absolutely different from the arsonist system as it appears in the court records. First of all, mercenaries as a rule knew the recruitment officer who contacted them or at least the military leader they agreed to work for. Before they joined the ranks of the respective army they did not receive any pay at all aside from a small sum that enabled them to come to the mustering place. Anybody who received regular pay was subject to military discipline and forbidden to leave the troop. Of course, there were irregular re-groupings of military units and numerous desertions that made mercenary armies at times resemble the 'anti-system' of the arsonists' gangs. However, if military discipline broke down this was due to the lack of regular pay[27]. In contrast to that, the arsonists' groups were disorganized to begin with. We have to return to the question: Are we to suppose that princes spend money on people they could not control? Or that these princes did not even try to exercise control over them? When compared to the mercenary system, the arsonist conspiracy makes even less sense.

14   Did the vagrant population itself have an organizational structure that was capable of making up for the disorganization of the arsonist conspiracies? The idea of vagrants belonging to arsonist organizations was supported by another popular imagination of vagrancy: Beggars and vagabonds were supposed to form secret societies. Since the Middle Ages, the source materials allude to organizations of itinerants and beggars with their own structure of offices. There were allegedly fraternities of vagabonds, societies of beggars and even kingdoms of vagrants with estates and diets of their own[28]. The best-known element of this counter-state of itinerants is probably the tramps' court on the Kohlenberg near Basel. The 'brigand' (or 'rogue') literature helped to spread the idea of a secret 'monarchie d'argot'. Some of these supposed beggar organizations were indeed mere fictions, literary fantasies that mingled with sensational reports of the early modern news sheet 'press'. Others were real enough. On closer inspection however, the fraternities of beggars and the vagabond officials turn out to have been institutions or officeholders of state or church that were designed to control the homeless poor. The so-called beggar kings were officials who policed vagrants. Even the court on the Kohlenberg was by no means autonomous but under the close supervision of the Basel magistrate[29]. The fact that these policing agencies were reinterpreted as autonomous, potentially dangerous organizations of the itinerants themselves eloquently demonstrates that peasants and townspeople considered the homeless dangerous without knowing too much about them[30].

15   It seems safe to assume that the fear of politically motivated organized arson was a delusion. Of course, there were individual tramps who burned down the houses of peasants who had treated them badly. To be sure, there were unemployed mercenaries who used fire to punish persons they considered their adversaries. Threats of arson were evidently used for blackmail[31]. There might even have been individual criminals who accepted payment for setting fire to the house of some specific person. Nevertheless, it is highly implausible that there were arsonists' conspiracies, politically motivated arson perpetrated by vagrants in the pay of princes. The Mordbrenner were an imaginary, not a real menace. In this respect they may well be compared to the witches or to the Jewish

conspirators who allegedly plotted ritual murder and mass poisonings[32]. In contrast to Jews and witches the vagabond arsonists seemed to have no single purpose. They were said to work for a number of different 'principals'. Thus, they served a number of different ends. There were even rumours about competing gangs of arsonists. The dukes of Württemberg as well as their political opponents were suspected to pay for arsonist attacks on each other. This apparent variety of the arsonists' purposes made it difficult to realize that the whole organizational concept of secret societies of itinerant fireraisers was implausible. In this respect the arsonist vagabonds resembled other supposedly criminal organizations of itinerants more closely: The poisoners. In fourteenth century France there were numerous rumours about vagrants who used poison to spread leprosy or the plague. Supposedly, the Jews or the Muslims paid for these 'bioterrorist' attacks because they hoped that they could destroy Christianity that way. Even though the trials against mass poisoners and plaguespreaders seem to have been considerably less numerous than those against arsonists they continued throughout the early modern period. Alleged Plaguespreaders were persecuted in Geneva in the 1530s and 1540s. The outbreaks of the plague in Lyon in the 1560s were blamed on the Hugenots, the London plague of 1665-1666 on foreigners from France. In the seventeenth century in Southern Germany, there were rumours about itinerant fruit vendors from Italy. They were supposed to smear venom on church doors or door handles and thus poison numerous people[33].

The Construction of the Arsonist Scare: History and Historiography

16   The results of this study so far beg the question how the Mordbrenner delusion originated. Why were arsonist conspiracies considered real? To answer this question, I suggest a distinction between two contexts. The first one is the concrete regional or local context at any given time. Within this context it has to be discussed why at least the respective authorities assumed that there was a direct threat of organized arson. Second, there is a wider cultural context. Within this context it has to be asked why the imagination of organized arson by the homeless poor as such was basically considered credible.

17   I will discuss the first context using an early example of the Mordbrenner fear that attracted considerable attention: The Bundschuh peasant rising of 1517[34]. The source materials about the Bundschuh revolt of 1517 are in many ways typical for sources about organized arson: There are no statements whatsoever by the alleged arsonists that were not elicited by torture or under the threat of torture. There are no witness accounts. There are, however, numerous statements by alarmed office holders who warn each other against a peasant upheaval. The council of the Habsburg city of Freiburg and the Vogt (bailiff) of the Baden district of Rötteln took the lead in the investigations against the peasant rebels and their arsonist accomplices. Even questionable rumours about a new Bundschuh were sufficient to alert the Freiburg authorities. From May 1517 onwards, they spread warnings about an impending revolt without having any tangible evidence. Early in September 1517 the Vogt of Rötteln arrested one Michel of Dinkelsbühl, a vagrant juggler. Michel confessed that he belonged to a huge Bundschuh conspiracy that involved more than 2000 people living on both sides of the Rhine, 300 of which he claimed to know by name. This gigantic new Bundschuh allegedly consisted of peasants and townspeople

who had hired arsonist vagabonds as their Fifth Column. Michael said hardly anything about the concrete tactics and the aims of the Bundschuh. However, his denunciations were enough to galvanize Rötteln and Freiburg into action. All investigations against the 1517 Bundschuh were founded on Michael's evidence alone. The Vogt informed numerous Southwest German principalities about Michel's confession with amazing speed. Within days, he and Freiburg established a communication network with themselves at the centre. Even though investigations carried out by the authorities of several territories did not have any positive results, Freiburg urged other principalities to keep searching for suspects. The people Michel had named as his accomplices could not be found. During a second interrogation by an emissary of the sceptical town council of Strasbourg Michel began to contradict himself and de facto retracted his denunciations. Freiburg ignored this new evidence. The town council even took the trouble to emphasize openly that it continued to belief in the Bundschuh menace and demanded further investigations by the neighbouring authorities. However, the man-hunt against members of the alleged Bundschuh conspiracy petered out by the middle of October 1517. One Klaus Fleckenstein was arrested and confessed under torture to be a member of the Bundschuh. There was no correspondence whatsoever between Fleckenstein's statement and Micheal's confession. Needless to say, both supposed insurrectionists did not know each other[35]. Freiburg never admitted that the investigations against the Bundschuh had been a failure and that the evidence strongly suggested that there was no new Bundschuh i.e. that Michel's confession had been false. As late as December 1518, the Freiburg town council advocated the arrest and torture of persons who according to other authorities had already proven their innocence.

18   The fear of a peasant uprising and arson in Freiburg and in Rötteln was undoubtedly real. Both territories had been immediately threatened by a Bundschuh only four years ago. In Freiburg, there had been a fire in 1513 that was quickly blamed on the rebels. As Freiburg and Rötteln had taken the lead in the fight against this earlier revolt too, they now expected the revenge of Joss Fritz' followers. However, they were both so keen to demonstrate the alertness and strength of their policing agencies in 1517 that mere caution or nervousness on their part is no sufficient explanation for their behaviour. The authorities of both territories faced acute political problems. Rötteln was situated at the periphery of the Margraviate of Baden near the Swiss border. Since the fifteenth century a so-called Landschaft existed in Rötteln i.e. a self-governing organization of the peasant communities. The Vogt of Rötteln was constantly confronted with this largely autonomous representation of the 'subjects'. In 1517 the situation of the Vogt was especially vulnerable as the margrave had ordered him to negotiate a new code of law with the Landschaft. Freiburg faced similar difficulties. The town council was working on a new town law that was to be submitted to the Habsburg lordship in December 1517. The council expected long and difficult negotiations about questions of communal autonomy. It would in fact take three more years till Freiburg's new town law was finally enacted. The Freiburg town council as well as Rötteln's Vogt probably hoped that they would strengthen their respective positions if they demonstrated that they were able to take action against rebels and criminals quickly and decisively. Subsequently, neither of them could possibly admit that they had not been sceptical enough concerning Michel's story about a huge arsonist Bundschuh rising. This would have invited severe criticism or even ridicule. Additionally, the Vogt of Rötteln was obviously very interested in attracting attention to his personal abilities. He ignored his direct superior and contacted the

margrave immediately. He even went to see the lords of neighbouring territories personally to bring them the news about the conspiracy he had supposedly uncovered[36].

19 The fear of a new Bundschuh rising in 1517 was not completely unfounded. Southwestern Germany experienced a severe economical crisis between 1515 and 1518. Freiburg faced starvation and an epidemic. The town council asked the monasteries to hold masses and processions to ward off further misery. In addition to that, Freiburg's relation to its rural hinterland was exceedingly problematic. The stagnating town faced economic competition from prospering villages, while at the same time the Freiburg council tried to tighten its political control over the neighbouring hamlets and small towns[37]. The peasants of the Black Forest region were indeed restless and hostile to the authorities of the Habsburg city and the aristocratic states. Only eight years later the region became one of the centres of the Great Peasants' War.

20 At least three factors contributed to the genesis of the Bundschuh anxiety in 1517. A first look at several other cases of arsonist fear in France and Germany documented by Bechstein, Helleiner, Delumeau, Scribner, Roberts, Lefebvre, and Ramsay suggests that these three factors might indeed constitute the basic conditions for the emergence of an acute fear of organized arson. A short outline of these factors might be useful as a point of reference for further research.

21 First, there had to be a working infrastructure of communication within the given region and at least one government that was able to use this infrastructure to direct the attention of its neighbours to the supposed arsonist plot. In 1517, Rötteln and Freiburg, at least for a few weeks, had been able to dominate the discussion about the Bundschuh menace[38].

22 Second, there had to be a political and / or economical crisis that appeared to threaten this government. This crisis might have resulted from structural problems within the government organization itself. It might also have appeared to threaten one part of the respective political apparatus more than other parts. In our example, the Vogt of Rötteln had more to lose (and more to gain) in the fight against the supposed conspiracy than his immediate superior or the margrave himself[39].

23 Third, there had to be a real if diffuse or latent threat by a hostile force. In the Bundschuh example, the peasantry of the region was indeed hostile to the authorities[40].

24 Combinations of all three factors often occurred. That is the reason why after big fires the authorities of a variety of political systems did not hesitate to investigate against organized arson throughout the early modern period.

25 The question about the second context is still unanswered. Why was the imagination of organized arson by vagrants considered credible at all? Vagrants, very like Jews, Muslims, Indians and the imaginary group of the witches belonged to the archetypical 'evil people' of the early modern period[41]. As they lived outside of parish structures of authority and were therefore not subject to the cura animarum and the church discipline they were usually excluded from the sacraments[42]. Since the fourteenth century there had been rumours about criminal conspiracies of poor itinerant people[43]. The homeless did not belong to any estate. Their marginalization seemed to give them a reason to avenge themselves upon society. This very marginalization of the itinerants made it difficult to control them, indeed to know anything specific about them. When the liber vagatorum that denounced all vagrant beggars as frauds was first published in 1510 is was an immediate success[44]. As has been mentioned above, the homeless poor were supposed to

have their own shadowy secret organizations. Thus, in the public imagination vagrants formed a criminal counter-society that was hidden from the state authorities as well as from the everyday society of townspeople and peasants. They did not belong to any estate but they were still supposed to be organized. This quality together with their alleged viciousness made it plausible to suspect them as the perpetrators of organized arson.

26 Gender stereotypes played an important role in the construction of the arsonist conspiracies. Even though there were of course itinerants of both sexes, the members of the imaginary arsonist gangs were all supposed to be male. Criminal violence was indeed largely a male domain and it might therefore have been easy to imagine arsonists as male. However, this explanation is insufficient. Rather, a competing imagination of gender-specific crime eliminated women from the alleged arsonists' conspiracy. There was already a powerful alternative image of the evil, mindlessly aggressive woman: that of the witch. Numerous homeless women fell victim to witch trials. In the context of witch trials charges of organized arson together with those of magic could be brought against women [45].

27 It has been said above that vagabond arsonists seemed not to have had a common goal insofar as they were supposed to work for different employers with different aims. However, all vagrant arsonists were thought to have a common purpose: They caused destruction for its own sake. The ridiculously small sums of money shadowy agents of some foreign potentate allegedly offered the vagrants for raising fire did not constitute a sufficient motive for their crimes. Time and again we find in the sources the conviction that itinerant beggars were mindlessly destructive[46]. Tramps who were arrested as fireraisers were even forced to repeat the condemnation of vagrants as evil persons themselves: When the itinerant beggar Hans Spydelin confessed before the criminal court of Urach in Württemberg in 1526 that he had belonged to a gang of fireraisers he said by way of explanation: «There is no more accursed and no more evil man or beast than beggars» («Es sy kain verfliechtiger beser mensch noch thier dann bettler»)[47]. The indiscriminate and irrational destruction caused by huge fires was thought to be the expression of the viciousness of vagrants. The vagabonds' will to destroy was not the result but the precondition of all the machinations of foreign potentates. Whereas in the popular mind the external enemies that were supposed to hire the tramps were interchangeable and never came to the fore, the organization of itinerants was the centre of attention.

28 Why did historians largely accept the arsonists' conspiracies as facts? Prior to the anthropological turn in historiography and the quantum leap in witchcraft research connected with it, historians had been too ready to read court records as descriptions of reality[48]. In addition to that, the idea of organized arson by vagrants was acceptable to early authors because they shared the prejudice against the homeless. The research literature and editions of source materials published by the criminologist and mystery author Avé-Lallemant, the theologian Rosenkranz, the historians Franz and Helleiner still influence the relevant historiography today. Avé-Lallemant considered the description of an organized and largely secret criminal subculture that included vagrants one of his great personal achievements[49]. Helleiner explicitly stated that tramps, those «obscure gangs ... of riff-raff (lichtscheue Banden ... Lumpengesindels)», were likely to engage in criminal activities[50]. Rosenkranz depicted tramps as Mephistophelian geniuses who were capable of manipulating peasants at will. He claimed that vagabonds had an inherent tendency to become criminals[51]. Roughly at the same time Franz published on the

Bundschuh and the Great Peasants' War, he joined the NSDAP and the SS. It comes as no surprise that he sympathised with the Bundschuh rebels but expressed contempt for their vagrant henchmen[52]. Of course, Scribner and Spicker-Beck did not share the prejudice against vagabonds. However, not even they could distance themselves sufficiently from the earlier authors' decision to accept the sources concerning organized arson as at least partly reliable.

Organized Arson and the Emerging State

29   It is highly unlikely that organized gangs of itinerants paid by political leaders to commit arson in order to further political aims ever existed. The Mordbrenner fear was a delusion comparable to the fear of witches, Jewish conspirators or plaguespreaders. However, the emerging states of the early modern period went to great lengths to eradicate the arsonist conspiracies just as they persecuted witches.

30   An exhaustive study of the legal history of arson in the early modern period would be well beyond the scope of this text[53]. A few outlines shall be sufficient. The end of the Middle Ages witnessed the criminalization of the feud. The aristocracy's 'private' warfare in which fire had been the weapon of choice was banned and vanished slowly from the political culture[54]. At the same time, jurists began to differentiate the individual motives of arsonists. A common arsonist (incendiarius simplex or temerarius) started a fire to harm an individual person. But there was also the Mordbrenner, the incendiarius famosus or incendiarius seditiosus, an entirely different type of criminal. A Mordbrenner aimed at harming the whole community. His victim was not an individual, his victim was society[55]. From the beginning of the sixteenth century, juridical authors were less and less concerned with the circumstances of incendiary acts or with the actual harm caused by them. From the seventeenth century onwards the will to cause damage for its own sake, to do harm to the community was the central feature of arson[56]. Arson had to be punished most severely because it was a threat to the entire society. From the sixteenth century onwards it was communis opinio among jurists that secret criminal organizations were responsible for arsonist crime. The incendiarists were supposed to do the bidding of a third party. In the eighteenth century, a contract between arsonists and agents of an enemy prince was considered an integral, indeed a 'normal' part of incendiarism. Arsonist crime was organized crime. In contrast to the incendiarius simplex the Mordbrenner was said to 'work' in secret groups. From the early sixteenth century onwards, jurists took it for granted that arsonists were organized in itinerant gangs[57]. Thus, jurists not only accepted conspiracies of fire raisers as facts. By describing them, they help to spread the fear of organized arson as a political crime.

31   Between the early sixteenth and the middle of the eighteenth centuries, police laws and mandates against incendiarism declared time and again that organized groups of vagrants were responsible for arson (Table 1). The fight against arsonist crime became part and parcel of the innumerable measures against the itinerant poor. The Poor Law of Kurtrier claimed that tramps spread poverty as they ruined people by burning down their houses[58]. King Ferdinand issued a mandate that ordered authorities to arrest and question all suspicious vagrants as the country was plagued with arson[59]. In 1555, a mandate from Württemberg stated that a close watch had to be held on all vagrants as they had threatened whole towns with arson time and again[60]. After a devastating fire, the city of

Bremen enforced new regulations concerning fire-fighting in 1723. It was part of these regulations to exclude foreign beggars from the Bremen territory[61].

Table 1: German Police Mandates Mentioning Organized Arson Committed by Vagrants[62]

Year	Territory	Reference
1520	Kurpfalz	Härter/Stolleis, vol. 3.2, 83
1533	Lindau	Spicker-Beck, 366
1536	Pfalz-Neuburg	Härter/Stolleis, vol. 3.2, 29
1538	Kleve-Mark	Härter/Stolleis, vol. 2.1, 73
1540	Lower Austria	Helleiner, 338
1546	Kurpfalz	Härter/Stolleis, vol. 3.2, 169
1548	Austria under Enns	Helleiner, 337
1551	Lower Austria	Helleiner, 338
1555	Kurpfalz	Härter/Stolleis, vol. 3.2, 212
1556	Württemberg	Härter/Stolleis, vol. 4, 157
1560	Lower Austria	Helleiner, 339
1563	Kurpfalz	Härter/Stolleis, vol. 3.2, 265
1565	Kurbayern	Härter/Stolleis, vol. 3.2, 356, 357
1569	Kurpfalz	Härter/Stolleis, vol. 3.2, 290
1577	Salzburg	Helleiner, 340
1583	Tyrol and Habsburg Vorlande	Tiroler Landesarchiv Innsbruck, CD12,fol. 598r
1587	Württemberg	Härter/Stolleis, vol. 4, 241
1590	Kurpfalz	Härter/Stolleis, vol. 3.2, 429
1594	Kurpfalz	Härter/Stolleis, vol. 3.2, 458
1604	Habsburg Lands	Helleiner, 343
1616	Habsburg Lands	Helleiner, 344
1664	Kurpfalz	Härter/Stolleis, vol. 3.2, 823
1675	Austria under Enns	Helleiner, 345

1694	Württemberg	Härter/Stolleis, vol. 4, 1375
1699	Baden-Durlach	Härter/Stolleis, vol. 4, 345
1707	Württemberg	Härter/Stolleis, vol. 4, 1622
1723	Brandenburg	Härter/Stolleis, vol. 2.1, 1767
1723	Bremen	Staatsarchiv Bremen, 2D19f1
1732	Kurköln	Härter/Stolleis, vol. 1, 845
1750	Jülich-Berg	Härter/Stolleis, vol. 3.1, 1271

32   The search for itinerant arsonists put a severe strain on the abilities of early modern law enforcement agencies. If an incendiarist was not arrested immediately, the 'police' forces and courts of several jurisdictions had to cooperate to have a chance to catch the vagrant. During their fight against the alleged Bundschuh in 1517 Freiburg and Rötteln went out of their way to entice the other principalities of Southwest Germany to cooperate with them against the alleged rebels and their itinerant arsonist henchmen. In the 1530s, the Württemberg government was eager to be informed about arson committed in the electorate of Trier[63]. It comes as no surprise that in the late seventeenth century Salzburg authorities were worried about news from North Germany and Transylvania about arsonists paid by the Turks[64]. Arsonists from Sachsen-Gotha and Sachsen-Weißenfels were not only searched for in Hanover they were even supposed to constitute a serious threat for this principality in 1725[65]. Long lists of supposed accomplices with often detailed descriptions of their appearance became a standard feature of the criminal records in cases of arson. Authorities sent these lists to the courts of neighbouring principalities routinely or on request. As early as 1536 the extraordinarily well-organized government of Württemberg had lists of supposed Mordbrenner who were searched for between Tuttlingen and Frankfort, Trier and Munich[66]. State authorities produced, exchanged, collected and – ideally at least – updated information concerning suspected incendiarists. They often based their practical activities on these data. This procedure required a certain level of professionalism in the law enforcement agencies that could by no means be taken for granted in the principalities of early sixteenth century Germany. Even though these lists contained numerous errors and were often outdated, in the form of warrants of apprehension they had considerable influence on criminal investigations and on the imagination of arson in the popular mind. The peasants and townspeople, the so-called subjects, were very interested in obtaining that kind of information, too. Private persons owned copies of Mordbrenner lists. Starting in 1540, lists of suspects were printed and sold as news sheets[67].

33   The 'common people' seem to have been eager to support the authorities in their fight against organized arson. There were numerous denunciations of supposed arsonists[68]. Arson was clearly one of those kinds of crime that was particularly well suited to inspire a feeling of solidarity between the subjects and their respective lordship. By sanctioning arson, the authorities of the emerging states emphasized their claim to be the guardians of the common good. They appeared willing and capable to protect society from its collective enemy, the itinerant gangs of arsonists. These arsonists were vagrants, i.e.

foreigners or at least strangers. They were said to work on the behalf of foreign powers. The fight against them was apt to teach sixteenth century society to accept the idea of territorial organization. The structures of territorial states that slowly marginalized feudal ties, covenants and community organizations not only proved their power and usefulness when they punished arsonists. These arsonists were supposed to be mostly foreigners and to 'work' on the behalf of other foreigners. Thus, the fear of arson might have made it easier for the population of an individual principality to develop a sense of belonging to this principality and to accept its emerging administrations as legitimate or indeed as necessary. This development was not hindered but facilitated by the fact that investigations against itinerants required the authorities of various territories to work together: When territorial lordships cooperated to organize man-hunts in wide areas they provided a service for public safety which communal or manorial authorities could not compete with.

34   The fear of arson was one of the reasons why early modern state organizations took a keen interest in fire fighting and in measures designed to prevent fires[69]. These measures often implied direct interference with the everyday life of townspeople and villagers: Watches had to be organised, regulations concerning building materials and fire safety were enforced. Territorial legislation concerning fire fighting soon replaced local customs. The Feuerbeschauer (surveyor of hearths) was among the oldest local office holders in Germany. The impact of organized administrative and legal power on the 'common people's' lives could take the simple and unobtrusive form of a bucket full of water everyone had to have in his house ready for inspection by state officials[70].

35   The organization of the territorial state, its courts, bureaucracies, and law enforcement agencies grew with the responsibilities they claimed[71]. It is an undisputed fact that the Grande Peur contributed massively to the consolidation of the revolutionary order in France[72]. The same can be said about the arsonist scare and state building processes in general. Measures against alleged arsonists' conspiracies directly promoted state building and the acceptance of administrative authority by the 'subjects'.

Conclusions and Suggestions

36   It is highly improbable that politically motivated organized arson, perpetrated by vagrants and paid for by princes, ever existed. Is it important whether organized arson was imaginary or real? Delumeau contended himself with pointing out the significance the fear of arsonists had for the contemporaries[73]. The government apparatus grew and became more and more diversified whether the political crime it persecuted existed or not. However, the critical discussion of the source materials enabled us to correct the historical reconstruction of vagrancy. In addition to that, we could demonstrate that the emerging modern states not only persecuted a fictive crime but that the fear of an imaginary political crime influenced state building itself. It is a truism that criminalization is a highly flexible process and crime as such a construction of legal and administrative agencies. However, our discussion of the persecution of organized arson is not about 'labelling', i.e. the authoritarian definition of certain acts as being illegal. Rather, it is about a fundamentally different issue: The belief in a murderous conspiracy that had no basis in the actual behaviour displayed by those who were punished as members of that conspiracy. The brief sketch of laws and administrative measures against organized arson provided here might serve as a basis for further research. In

order to improve our understanding of the role of the arsonists' scare for the development of the policing apparatus we need comparative studies on a European level.

37   In this article, I repeatedly used the terms 'terrorism' and 'terrorist'. According to a definition widely accepted by criminologists and law enforcement agencies terrorism is violence or the threat of violence used to achieve political ends either by non-government agencies or by government agencies working secretly[74]. Thus, the alleged crimes of the vagrant arsonists could indeed be called terrorism or rather imaginary terrorism. This may seem to be an inappropriate actualization or even a political misuse of a historical topic. However, the apparent anachronism could open a new avenue for research. The true scope of terrorism and terrorist scares as historical phenomena is yet to be found. Evidently, it is not enough to discuss terrorism as a problem of nineteenth and twentieth century history only[75]. Even though the term 'terrorism' was not used till the 'terreur' of the French Revolution[76] implanted it into modern parlance the concept of terrorism was well known at least since the poisoners of the fourteenth century. Any history of terrorism has to keep in mind the essential fact that authorities might misunderstand or misrepresent their respective terrorist enemies. Nevertheless, whether the terrorist threat was real or imaginary is of secondary importance. It should be asked how terrorism was perceived of. In what ways did the fear of terrorism influence state building processes? How did 'state builders' react to the alleged activities of 'state destroyers'? The various constructions of terrorist threats and the state response to these threats deserve further attention from historians of all periods.

BIBLIOGRAPHY

Abbiateci, A., Arsonists in Eighteenth-Century France, *in* Foster, R., Ranum, O. (Eds), *Deviants and the Abandoned in French Society*, Baltimore, Johns Hopkins UP, 1978 pp. 157-179.

Abbiateci, A., Les incendiaries devant le Parlement de Paris: Essai de Typologie Criminelle (XVIIIᵉ siècle), *in* Abbiateci, A. (Ed.), *Crimes et Criminalité en France sous l'Ancien Régime, XVIIᵉ-XVIIIᵉ siècles*, Paris, Colin, 1971, pp. 13-32.

Adam, T., Blickle, P., (Eds), *Bundschuh: Untergrombach 1502, das unruhige Reich und die Revolutionierbarkeit Europas*, Stuttgart, Steiner, 2004.

Ammerer, G., *Heimat Straße. Vaganten im Österreich des Ancien Régime*, Wien, Verlag für Geschichte und Politik, 2003.

Avé-Lallemant, F. C. B., *Das deutsche Gaunerthum in seiner sozialpolitischen, literarischen und linguistischen Ausbildung zu seinem heutigen Bestande,* 3 vols., Leipzig, Brockhaus, 1858-1862.

Baumann, R., *Landsknechte*, Munich, Beck, 1994.

Bechstein, L., Die Mordbrenner zur Zeit des deutschen Krieges und deren Zeichen, *in* Bechstein, L. (Ed.), *Deutsches Museum für Geschichte, Literatur, Kunst und Alterthumsforschung*, 2 vols., Jena, Mauke, 1842/43, reprint Hildesheim, Olms 1973, pp. 309-320.

Behringer, W., Der Abwickler der Hexenforschung im Reichssicherheitshauptamt (RSHA): Günther Franz, *in* Bauer, D. *et al.* (Eds), *Himmler Hexenkartothek*, Verlag für Regionalgeschichte, Bielefeld, 1999, pp. 109-134.

Behringer, W., Geschichte der Hexenforschung, *in* Sönke, L., Schmidt, J.-M. (Eds), *Wider alle Hexerei und Teufelswerk. Die europäische Hexenverfolgung und ihre Auswirkungen auf Südwestdeutschland*, Thorbecke, Ostfildern, 2004, pp. 485-668.

Blickle, P., *Kommunalismus*, 2 vols., Munich, Oldenbourg, 2000.

Delumeau, J., *Angst im Abendland*, Reinbek bei Hamburg, Rowohlt, 1989.

Dillinger, J., *«Böse Leute». Hexenverfolgungen in Schwäbisch-Österreich und Kurtrier im Vergleich*, Trier, Paulinus, 1999.

Dillinger, J.,Freiburgs Bundschuh, *Zeitschrift für historische Forschung*, 2005, 32, pp. 407-435.

Dillinger, J., Terrorists and Witches: Popular Ideas of Evil in the Early Modern Period, *History of European Ideas*, 2004, 30, pp. 167-182.

Dolan, F., Ashes and 'the Archive': The London Fire of 1666, Partisanship, and Proof, *Journal of Medieval and Early Modern Studies*, 2001, 31, 2, pp. 379-408.

Fiedler, S., *Kriegswesen und Kriegführung im Zeitalter der Landsknechte*, Koblenz, Bernard & Graefe, 1985.

Franz, G., *Der deutsche Bauernkrieg*, 12th edition, Darmstadt, WGB, 1984.

Fritz, G., *Räuberbanden und Polizeistreifen. Der Kampf zwischen Kriminalität und Staatsgewalt im Südwesten des Alten Reiches zwischen 1648 und 1806*, Remshalden, Manfred Hennecke Verlag, 2003.

Fritz, T., Hexenverfolgungen in der Reichsstadt Reutlingen, *in* Dillinger, J., Fritz, T., Mährle, W. (Eds), *Zum Feuer verdammt,* Stuttgart, Steiner, 1998, pp. 163-324.

Geremek, B., *Les fils de Caïn. L'image des pauvres et des vagabonds dans la littérature européenne du XVe au XVIIe siècle*, Paris, Flammarion,1991.

Geremek, B., *Les marginaux parisiens aux XIVe et XVe siècles,* Paris, Flammarion, 1976.

Ginzburg, C., *Ecstasies. Deciphering the Witches' Sabbath*, New York, Penguin, 1992.

Grassberger, R., *Die Brandlegungskriminalität*, Wien, Springer, 1928.

Graus, F., Organisationsformen der Randständigen. Das sogenannte Königreich der Bettler, *in* Gilomen, H.-P., Moraw, P., Schwinges, R. (Eds), *Frantisek Graus: Ausgewählte Aufsätze (1959-1989)*, Stuttgart, Thorbecke 2002, pp. 351-368.

Guazzo, F., *Compendium Maleficarum*, (Original: Milan 1608), Summers, M. (Ed.), New York, Dover, 2nd ed. 1988.

Gueniffey, P., *La politique de la Terreur. Essai sur la violence révolutionnaire*, Paris, Fayard, 2000.

Hartung, W., *Die Spielleute. Eine Randgruppe in der Gesellschaft des Mittelalters,* Wiesbaden, Steiner, 1982.

Helleiner, K., Brandstiftung als Kriegsmittel, *Archiv für Kulturgeschichte*, 1930, 20, pp. 326-349

Hellwig, A., Brandstiftungen aus Aberglauben, *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, 1910, 6, pp. 500-506.

Heydenreuter, R. (Ed.), *«Gott zur Ehr, dem Nächsten zur Wehr»: Zur Geschichte der Feuerwehr in Bayerisch-Schwaben*, Munich, Generaldirektion der staatlichen Archive Bayerns, 2000.

Hiro, D., *War without End,* London, Routledge, 2002.

Hobsbawm, E., *Captain Swing*, 2nd ed. New York, Norton, 1975.

Hoffman, B., *Inside Terrorism*, New York, Columbia U.P., 1998.

Irsigler, F., Lassotta, A., *Bettler und Gaukler, Dirnen und Henken. Randgruppen und Außenseiter in Köln 1300-1600*, Köln, Greven, 1984.

Jenkins, P., *Images of Terror,* Yew York, Aldine de Gruyter, 2003.

Jones, E. L., Porter, S., Turner, M., *A Gazetteer of English Urban Fire Disasters, 1500-1900*, Norwich, Geo Books, 1984.

Jütte, R., *Abbild und soziale Wirklichkeit des Bettler- und Gaunertums zu Beginn der Neuzeit. Sozial-mentalitäts- und sprachgeschichtliche Studien zum Liber Vagatorum (1510)*, Cologne, Böhlau, 1988.

Jütte, R., *Arme, Bettler, Beutelschneider. Eine Sozialgeschichte der Armut*, Weimar, Böhlau, 2000.

Kästle, H., *Brandstiftung: Erkennen, Aufklären, Verhüten*, Stuttgart, Boorberg, 1992.

Köhn, R., Der Bundschuh von 1517, *in* Adam, T., Blickle, P., (Eds), *Bundschuh: Untergrombach 1502, das unruhige Reich und die Revolutionierbarkeit Europas*, Stuttgart, Steiner, 2004, pp. 122-138.

Kramer, K.-S., *Grundriß einer rechtlichen Volkskunde*, Göttingen, Schwartz, 1974.

Lefebvre, G., *La Grande Peur de 1789*, 3ème édition, Paris, Colin, 1988.

Metzger, H.-D., Heiden, Juden oder Teufel? Millenniarismus und Indianermission in Massachusetts 1630-1700' *Geschichte und Gesellschaft*, 2001, 27, pp. 118-148.

Monter, W., *Witchcraft in France and Switzerland*, Ithaca, Cornell U.P., 1976.

Naphy, W., *Plagnes, Poisons and Potions*, Manchester, Manchester University Press, 2002.

Po-Chia Hsia, R.,*The Myth of Ritual Murder: Jews and Magic in Reformation Germany*, New Haven, Yale U.P., 1988.

Ramsay, C., *The Ideology of the Great Fear*, Johns Hopkins UP, Baltimore, 1992.

Reyscher, A. L. (Ed.), *Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze*, 29 vols.,Tübingen, Cotta, 1828-1851.

Roberts, P., Arson, Conspiracy and Rumour in Early Modern Europe, *Continuity and Change*, 1997, 12, pp. 9-20.

Roeck, B., *Außenseiter, Randgruppen, Minderheiten*, Göttingen, Vandenhoek & Ruprecht, 1993.

Rosenkranz, A., *Der Bundschuh. Die Erhebung des südwestdeutschen Bauernstandes in den Jahren 1493-1517*, 2 vols., Heidelberg, Winter, 1927.

Schild, W., Die Dimensionen der Hexerei: Vorstellung-Begriff-Verbrechen-Phantasie, *in* Lorenz, S. *et al.* (Eds), *Wider alle Hexerei und Teufelswerk. Die europäische Hexenverfolgung und ihre Auswirkungen auf Südwestdeutschland*, Ostfildern, Thorbecke, 2004, pp. 1-104.

Schubert, E., *Fahrendes Volk im Mittelalter*, Bielefeld: Verlag für Regionalgeschichte, 1995.

Schulte, R., Feuer im Dorf, *in* Reif, H. (Ed.), *Räuber, Volk und Obrigkeit. Studien zur Geschichte der Kriminalität in Deutschland seit dem 18. Jahrhundert*, Frankfurt a. M, Suhrkamp, 1984, pp. 100-152.

Schwerhoff, G., *Aktenkundig und gerichtsnotorisch. Einführung in die Historische Kriminalitätsforschung, in* Historische Einführungen, vol. 3, Tübingen, Diskord,1999, pp. 61-68.

Scott, T., *Freiburg and the Breisgau*, Oxford, Clarendon Press, 1986.

Scott, T., «Nichts denn die Gerechtigkeit Gottes» Jos Fritz und der Bundschuh, *in* Haumann, H., Schadek, H. (Eds), *Geschichte der Stadt Freiburg im Breisgau*, 3 vols., 2nd edition, Stuttgart: Theiss 2001, 2, pp. 28-35.

Scotti, J.J. (Ed.), *Sammlung der Gesetze und Verordnungen welche in dem vormaligen Churfürstenthm Trier über Gegenstände der Landeshoheit, Verfassung, Verwaltung und Rechtspflege ergangen sind*, 3 vols., Düsseldorf, Wolf, 1832.

Scribner, B., *The Mordbrenner Fear in Sixteenth-Century Germany: Political Paranoia or the Revenge of the Outcast? In* The German Underworld. Deviants and Outcasts in German History, ed. Richard Evans, London, Routledge, 1988, pp. 29-56.

Spicker-Beck, M., Mordbrennerakten: Möglichkeiten und Grenzen der Analyse von Folterprozessen des 16. Jahrhunderts, *in* Häberlein, M. (Ed.), *Devianz, Widerstand und Herrschaftspraxis in der Vormoderne: Studien zu Konflikten im südwestdeutschen Raum (15.-18. Jahrhundert),* Konstanz, UVK, 1999, pp. 53-66.

Spicker-Beck, M., *Räuber, Mordbrenner, umschweifendes Gesind*, Freiburg i.B., Rombach, 1995.

Repertorium der Policeyordnungen der Frühen Neuzeit ed. Härter K., Stolleis M., 5 vols, Frankfurt, Klostermann 1996-2004.

Timcke, G., *Der Straftatbestand der Brandstiftung in seiner Entwicklung durch die Wissenschaft des Gemeinen Strafrechts*, Göttingen, Typoscript, 1965.

Underdown, D., Fire from Heaven, New Haven, Yale UP, 1992.

Ventzke, M., Fürsten als Feuerbekämper, *in* Ventzke, M. (Ed.), *Hofkultur und aufklärerische Reformen in Thüringen*, Cologne, Böhlau, 2002, pp. 223-235.

Wucke, B., *Gebrochen ist des Feuers Macht: Ein Abriß zur Geschichte der Feuerwehr*, Erlensee, EFB, 1995.

Art. Mordbrenner, *in* Zedler, J. H. (Ed.), *Grosses vollständiges Universal-Lexikon*, 64 vols., (Original: Leipzig, Zedler, 1732-1750), Graz, Akademische Druck und Verlagsanstalt, 1961, pp. 1582-1588.

NOTES

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2. Hauptstaatsarchiv, A 43 Bü 3, cf. Spicker-Beck (1995, p. 167).

3. Rosenkranz (1927); Blickle (2004).

4. Roberts (1997).

5. Scribner (1988, pp. 31-33).

6. Scribner (1988, pp. 32-33); Helleiner (1930, pp. 327-335).

7. Scribner (1988, p. 33); Spicker-Beck (1995, pp. 122-124).

8. Spicker-Beck (1995, pp. 137-144).

9. Roberts (1997, pp. 20-22).

10. Helleiner (1930, pp. 345-347).

11. Lefebvre (1988).

12. Hobsbawm (1975, pp. 239-241).

13. Dolan (2001, pp. 396-401); Lefebvre (1988, pp. 81-155).

14. Spicker-Beck (1995, pp. 319-331). Essentially the same arguments in Spicker-Beck (1999).

15. Scribner (1988, especially pp. 33-34, 38-39, 50-52).

16. Scribner (1988, pp. 31-32, 42).

17. Schulte (1984, pp. 139-141).

18. Spicker-Beck (1995, pp. 171-177).

19. Bechstein (1973, pp. 318-320); Roberts (1997); Spicker-Beck (1995, pp. 95-115); the arson records Hauptstaatsarchiv Stuttgart, A 43 Bü 2-3, 7-9, 15, Bü 20-21, 24; U 436,1; U 502; U 741; U 888; Staatsarchiv Bremen, D 16b, D 16g2 Bd. 4, 2 D 16d Bd. 1, 2 D 16f Bd. 1-2, 2 D 19f1, 2 D19f3, 2 D 17e7, Bd. 1-2; Stadtarchiv Freiburg, C1 Criminalia.

20. Hauptstaatsarchiv Stuttgart, A 43 Bü 15. Spicker-Beck believed that Geroldseck had really spoken in an overbearing fashion (« markige Sprüche») to an arsonist. At that time, this arsonist had already been hired for Geroldseck's private war against Württemberg by one of the aristocrat's officeholders. Why should the nobleman Geroldseck talk at any length with the vagrant arsonist? He had no reason whatsoever to discuss his plans and motives with a vagabond. On the contrary, it would have been foolish to seek the company of those he paid to do the ‚dirty work'.

21. Helleiner (1930, p. 330); Hauptstaatsarchiv Stuttgart, B 17, Bd. 21, fol. 580v-581v.

22. Examples in Bechstein (1973, Table V); Spicker-Beck (1995, pp. 102, 106-110).

23. The undated orginial is Generallandesarchiv Karlsruhe, 79/3384. Reproductions in Rosenkranz (1927, vol. 1, pp. 292-294); Scott (2001, p. 34).

24. Spicker-Beck (1995, pp. 130-133).

25. Generallandesarchiv Karlsruhe, 79/3384.

26. Rosenkranz (1927, vol. 1, p. 465); Spicker-Beck (1995, pp. 77-82); Scribner (1988, pp. 44-47).

27. Baumann (1994, pp. 48-62, 72-86); Fiedler (1985, pp. 56-83).

28. Jütte (2000, pp. 237-241).

29. Graus (2002); Jütte (2000, pp. 219-221, 239-241); Hartung (1982, p. 87); Irsigler, Lassotta (1984, pp. 30-31, 60-61).

30. Jütte (2000, pp. 209-215); Roeck (1993, pp. 67-71, 138-141). Cf. also Ammerer (2003).

31. Abbiateci (1971); Abbiateci (1978, pp. 166-169); Schulte (1984, pp. 120-123).

32. Delumeau (1989, pp. 412-455); Po-chia Hsia (1988). Concerning witch trials and the imagery of witchcraft cf. Schild (2004).

33. Ginzburg (1992, pp. 47-75); Monter (1976, p. 47); Roberts (1997, p. 24); Fritz (2003, pp. 28-29); Naphy (2002).

34. For all the 'facts' about the Bundschuh of 1517 in the following text cf. Rosenkranz (1927, vol. 2, pp. 235-310). Köhn is critical but basically accepts the 1517 arsonist conspiracy as a fact, Köhn (2004). For a more detailed analysis of the source materials, cf. Dillinger (2005).

35. The statements of two other Bundschuh rebels referred in all likelihood to the 1513 rebellion. In any case, they contradicted each other as well as the confessions of Fleckstein and Michael, Rosenkranz (1927, vol. 2, pp. 305-309).

36. Dillinger (2004, 2005).

37. Dillinger (2005); Scott (1986, pp. 332-353).

38. Cf. also Bechstein (1973, pp. 309-310); Helleiner (1930, pp. 332-335, 337-338); Delumeau (1989, pp. 245-248); Roberts (1997, pp. 14-15); Scribner (1988, pp. 30-31). Cf. Ramsay's analysis of the channels of communication through which the Grande Peur of 1789 spread (Ramsay, 1992, pp. 81-122).

39. Cf. also Helleiner (1930, pp. 343-344); Delumeau (1989, pp. 272-273); Roberts (1997, pp. 10-12); Scribner (1988, p. 33, 46). Ramsay (1992, pp. 215-240).

40. Cf. also Bechstein (1973, p. 309); Delumeau (1989, pp. 273-274); Roberts (1997, pp. 11-12); Helleiner (1930, pp. 327-329); Scribner (1988, pp. 29-33).

41. Delumeau (1989); Metzger (2001).

42. Schubert (1995, pp. 111-121).

43. Dillinger (2004, pp. 179-181).

44. Jütte (1988); Schwerhoff (1999, pp. 133-135).

45. Guazzo (1988, pp. 95-96); Dillinger (1999, pp. 187, 432); Fritz (1998, pp. 208-212). Arson per se does not seem to have had magical implications, cf. Hellwig (1910).

46. E.g. Geremek (1991), pp. 357-362; Geremek (1976), pp. 340-348. Delumeau (1989, pp. 92-193); Helleiner (1930, p. 344); Jütte (2000, pp. 209-219).

47. Hauptstaatsarchiv Stuttgart, A 43 Bü 3. Cf. Abbiateci (1978, p. 157).

48. For an outline of the historirgraphy of crime, its source materials, methods and theories, Schwerhoff (1999, especially pp. 15-69), for the development of the historiography of witchcraft Behringer (2004).

49. Avé-Lallement (1858, vol. 3, pp. VIII-XVIII). Cf. also Schwerhoff (1999, pp. 130-133).

50. In addition to that, Helleiner considered the brutality of the First World War corroborative evidence for the reality of the arsonists' conspiracies: After what had happened in the Great War, everything seemed possible to him, Helleiner (1930, pp. 329, 336-337, 349).

51. Rosenkranz (1927, vol. 1, pp. 452-462).

52. Franz (1984, pp. 76-79). Concerning Franz' affiliation with Nazism cf. Behringer (1999).

53. The most comprehensive study about laws against arson in the medieval and the early modern period is still Timcke (1965).

54. Concerning arson as the typical weapon of feuds in the context of state building cf. Blickle (2000, vol. 2, pp. 164-165).

55. Timcke (1965, pp. 16-17, 23-26, 31-34). The legal concept of the Mordbrenner is perfectly summarized in Zedler (1961, vol. 21, pp. 1582-1588). For arson in the nineteenth and twentieth century cf. Grassberger (1928) and Kästle (1992).

56. Timcke (1965, pp. 37-41, 43-48, 50-57).

57. Timcke (1965, pp. 32-34, 48-49, 60-61, 66); Abbiateci (1971, pp. 24-25).

58. Scotti (1832, vol. 1, 299-300).

59. Helleiner (1930, pp. 337-338).

60. Reyscher (1828, vol. 12, p. 293).

61. Staatsarchiv Bremen, 2 D 19f1.

62. The table is far from complete. It is almost exclusively based on the materials that have been made available so far by Helleiner (1930) and Härter, Stolleis (1996-2004).

63. Hauptstaatsarchiv Stuttgart, A 43 Bü 2.

64. Helleiner (1930, pp. 347-348).

65. Staatsarchiv Bremen, 2 D 17e7, Bd. 1.

66. Hauptstaatsarchiv Stuttgart, A 43 Bü 2, Bü 3, Bü 9.

67. Bechstein (1973, pp. 316-317); Helleiner (1930, p. 341); Scribner (1988, p. 30).

68. Bechstein (1973, pp. 310-318); Helleiner (1930, p. 328); Spicker-Beck (1995, pp. 140-141).

69. Timcke (1965, pp. 27-30); Helleiner (1930, pp. 338-339).

70. For the history of fire-fighting and its significance for state building cf. Roberts (1997, p. 9); Kramer (1974, pp. 20-22); Jones / Porter / Turner (1984); Underdown (1992); Wucke (1995); Heydenreuter (2000); Ventzke (2002).

71. Scribner (1988, pp. 47-48.)

72. Ramsay (1992, pp. 159-240).

73. Delumeau (1989, pp. 267-273).

74. Hiro (2002); Hoffman (1998).

75. Cf. the critical account Jenkins (2003).

76. Gueniffey (2000).

ABSTRACTS

Throughout the early modern period there were numerous rumors about organized arson. When the emerging administrations of the early modern states organized fire-fighting, policing, and measures against the homeless poor, they often did so under the assumption that they were threatened by incendiarists' conspiracies. A critical look at the source materials makes it more than likely that the arsonist scare was a delusion comparable to the fear of witches, poisoners or Jewish plotters. Using a supposed peasant upheaval, the 'Bundschuh' rebellion of 1517 as an example, this article discusses how and why arsonist scares originated. There are parallels between modern terrorism and the imaginary organized arson of the early modern period: The conspiracy structure, the violent attacks against non-combatant targets carried out by non-soldiers in furtherance of political goals, the spread of insecurity and anxiety as an end in itself. Thus, terrorism as a concept was known to the early modern period and influenced processes of state building.

Au début de l'époque moderne, circulaient de multiples rumeurs relatives à des incendies organisés. Lorsque les administrations émergentes des États de cette période entreprirent d'organiser la lutte contre l'incendie, la police et le contrôle des pauvres errants, elles le firent souvent parce qu'elles se voyaient sous la menace supposée d'une conspiration d'incendiaires. Un examen critique des sources donne clairement à penser que la peur de l'incendiaire était une illusion comparable à celle des sorcières, empoisonneurs ou comploteurs Juifs. À partir d'une prétendue révolte paysanne (la rébellion des «Bundschuh» de 1517), cet article examine les causes et les modes d'apparition de la peur des incendiaires. Il existe un parallèle entre le terrorisme moderne et l'incendie organisé imaginaire de l'époque moderne: la structure conspirative, l'attaque violente de cibles non-combattantes menée par des non-militaires poursuivant des buts politiques, la propagation comme une fin en soi de l'insécurité et de l'anxiété. En d'autres termes, le concept du terrorisme était connu dès l'époque moderne et a influencé le processus de construction de l'État.

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