

Early Modern Revolts as Political Crimes in the Popular Media of Illustrated Broadsheets

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The fruitful research on revolts in early modern Europe is still primarily characterised by a social historical approach, focussing on the socio-economic causes of social upheaval – especially in rural areas – as well as on the motives and activities of the disadvantaged groups or rebels.¹ Recent studies also addressed the issue of how revolts and similar forms of social unrest were represented in public media, taking into account how the authorities as well as the rebels used the public sphere for their respective interests.² However, only few studies paid thorough attention to the responses of the legal systems to revolt and similar phenomena – ranging from rural and urban revolts to rebellions and conspiracies of the nobility – and their long-term impact on the legal systems and the associated legal discourses in early modern Europe. Winfried Schulze argued that the harsh military suppression of the German Peasant War and other peasant revolts was followed and accompanied by preventative mechanisms of juridification (“*Verrechtlichung*”). This meant that throughout the early modern period conflicts between peasants and authorities did not only foster legislation, but were more and more dealt with or

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- 1 For an overview see: Peter Blickle, *Das Alte Europa. Vom Hochmittelalter bis zur Moderne* (München 2008), 186-206; Peter Zagorin, *Society, states, and early modern revolution. Agrarian and urban rebellions*, *Rebels and rulers, 1500 – 1660*, Vol. 1 (Cambridge 1982); Peter Zagorin, *Provincial rebellion. Revolutionary civil wars, 1560 – 1660*, *Rebels and rulers, 1500 – 1660*, Vol. 2 (Cambridge 1982).
 - 2 Andreas Würgler, *Unruhen und Öffentlichkeit. Städtische und ländliche Protestbewegungen im 18. Jahrhundert* (Tübingen 1995); Andreas Würgler, “Revolts in Print: Media and Communication in Early Modern Urban Conflicts”, in *Urban Elections and Decision-Making in Early Modern Europe, 1500-1800*, ed. Rudolf Schlögl (Newcastle-upon-Tyne 2009), 257-275.

even solved via the imperial courts and other legal mechanisms like supplication.³ In addition, Peter Blickle has referred to the increasing legislation after the German Peasant War, pointing out the criminalisation of social protest, resistance and peasant revolts as “treason”, and therefore as political crimes which were not clearly legally defined and allowed arbitrary justice.⁴ Moreover, recent case studies by legal historians analysed the legal consequences of the German Peasant War and the trials and punishment of the ringleaders in the Bavarian uprising against the Austrian occupation in 1705.⁵ However, crime, law and justice do not achieve a prominent role in research on early modern revolts, and comparative studies on the different reactions and strategies of the legal systems in Europe to all kinds of revolts are almost non-existing.

In this respect the following analysis decidedly follows the approach of legal and especially penal history, regarding revolts from the perspective of political crimes,⁶ which was not only a central viewpoint of the early modern authorities, but served also as a main representation of revolts in popular media such as pamphlets or illustrated broadsheets. Recent studies on the representation of crime and punishment in popular media, and notably in early modern illustrated broadsheets, proved the strong and complex interconnection between penal law, the actual

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- 3 Winfried Schulze, *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart-Bad Cannstadt 1980); Winfried Schulze, “Geben Aufruhr und Aufstand Anlaß zu neuen heilsamen Gesetzen. Beobachtungen über die Wirkungen bäuerlichen Widerstands in der Frühen Neuzeit”, in *Aufstände, Revolten und Prozesse. Beiträge zu bäuerlichen Widerstandsbewegungen im frühneuzeitlichen Europa*, ed. Winfried Schulze (Stuttgart 1983), 261-285.
 - 4 Peter Blickle, “The Criminalization of Peasant Resistance in the Holy Roman Empire: Toward a History of the Emergence of High Treason in Germany”, *Journal of Modern History* 58 (1986), 88-97.
 - 5 Malte Hohn, *Die rechtlichen Folgen des Bauernkrieges von 1525. Sanktionen, Ersatzleistungen und Normsetzung nach dem Aufstand* (Berlin 2004); Christian Strasser, *Der Aufstand im bayerischen Oberland 1705 - Majestätsverbrechen oder Heldentat? Eine Untersuchung der Strafprozesse gegen die Anführer der in der “Mordweihnacht von Sendling” gescheiterten Erhebung* (Münster 2005).
 - 6 B. L. Ingraham, *Political crime in Europe. A comparative study of France, Germany, and England* (Berkeley 1979). See also the postulation for a more intense interchange between “Revoltenforschung” and “Kriminalitätsforschung” by Andreas Würzler, “Dif-famierung und Kriminalisierung von “Devianz” in frühneuzeitlichen Konflikten. Für einen Dialog zwischen Protestforschung und Kriminalitätsgeschichte”, in *Devianz, Widerstand und Herrschaftspraxis in der Vormoderne. Studien zu Konflikten im südwestdeutschen Raum (15.-18. Jahrhundert)*, ed. Mark Häberlein (Konstanz 1999), 317-347.

practices of criminal justice and the images of the legal responses in popular media.⁷ The latter did not solely mirror the intentions and purposes of the authorities, but, moreover, reflects common attitudes and perceptions of crime and order. The image of crime and punishment in illustrated broadsheets could evoke ambiguous effects: augmenting the legal construction of crimes and the authoritarian purposes of punishment, as well as reflecting on and influencing the common perception of order and security, furthermore satisfying the curiosity of the public as well as intensifying the public memorisation of crimes or revolts.⁸ Thus, interrelated analyses of revolts as political crimes in both legal discourses as well as in popular media could yield new insights into the representation of revolts in a European context and implicates a cross-border approach. Since early modern penal law was not restricted to any “national” law, it can be characterised as a European phenomenon, based on the “common law” (*Gemeines Recht*) and the writings of hundreds of jurists from different countries. And, likewise, the illustrated broadsheet can be considered as a European mass-medium, distributed sometimes multilingually in different European countries, and referring to events, crimes and revolts in other countries.⁹ For this analysis, I have chosen illustrated broadsheets

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- 7 Karl Härter/Gerhard Sälter/Eva Wiebel (ed.), *Repräsentationen von Kriminalität und öffentlicher Sicherheit. Bilder, Vorstellungen und Diskurse vom 16. bis zum 20. Jahrhundert* (Frankfurt am Main 2010).
- 8 Dietmar Peil, “Strafe und Ritual. Zur Darstellung von Straftaten und Bestrafungen im illustrierten Flugblatt”, in *Wahrnehmungsgeschichte und Wissensdiskurs im illustrierten Flugblatt der Frühen Neuzeit (1450-1700)*, ed. Wolfgang Harms and Alfred Messerli (Basel 2002), 465-486; Harriet Rudolph, “Warhafftige Abcontrafactur? Die Evidenz des Verbrechens und die Effizienz der Strafjustiz in illustrierten Einblattgedrucken (1550-1650)”, in *Evidentia. Reichweiten visueller Wahrnehmung in der Frühen Neuzeit*, ed. Gabriele Wimböck, Karin Leonhard and Markus Friedrich (Münster 2007), 161-183; Gerd Schwerhoff, “Kriminalitätsgeschichte - Kriminalgeschichten: Verbrechen und Strafen im Medienverbund des 16. und 17. Jahrhunderts”, in: *Verbrechen im Blick: Perspektiven der neuzeitlichen Kriminalitätsgeschichte*, ed. Rebekka Habermas and Gerd Schwerhoff (Frankfurt am Main, New York 2009), 295-322; Karl Härter, “Criminalbildergeschichten: Verbrechen, Justiz und Strafe in illustrierten Einblattgedrucken der Frühen Neuzeit”, in *Repräsentationen von Kriminalität*, ed. Härter, Sälter and Wiebel, 25-88.
- 9 David Kunzle, *The Early Comic Strip. Narrative Strips and Picture Stories in the European Broadsheet from c. 1450 to 1825* (Berkeley et al. 1973); Wolfgang Cilleßen (ed.), *Krieg der Bilder. Druckgraphik als Medium politischer Auseinandersetzung im Europa des Absolutismus* (Berlin 1997); Wolfgang Harms and Michael Schilling (ed.), *Das illustrierte Flugblatt in der Kultur der Frühen Neuzeit. Wolfenbütteler Arbeitsgespräch 1997* (Frankfurt am Main et al. 1998).

which were primarily published in Central Europe, but refer to revolts in the Holy Roman Empire of the German Nation as well as in other countries, selecting exemplary types and cases such as the “Fettmilch-riot” in Frankfurt (1612-1616) as a typical urban revolt, the “magnate-conspiracy” in Hungary (1670/71) as a typical revolt spearheaded by members of the nobility, and “Horea’s uprising” in Transylvania (1785) as a “late” peasant’s revolt.

The selection is based on a sample of almost 100 illustrated broadsheets and pamphlets covering nearly 30 different revolts and political crimes in Europe between 1567 and 1785¹⁰ as well as on a comprehensive study on the representation of ordinary crimes in early modern illustrated broadsheets.¹¹ The three revolts alone, which I will be analysing in the following, evoked a strong media-response and were covered in 23 more or less different illustrated pamphlets and broadsheets. This was accompanied by other, non-illustrated, more voluminous publications, especially polemic pamphlets, “popular descriptions”, semi-official documents such as collections of court-records and authoritarian ordinances and laws. As far as possible, I have incorporated them into this study to demonstrate interconnections between popular media, public/official media policy and legal discourses.

10 The main sources are: Wolfgang Harms (ed.), *Deutsche illustrierte Flugblätter des 16. und 17. Jahrhunderts, Vol. I-III, IV, VII* (Tübingen 1985-1997); John Roger Paas, *The German political broadsheet 1600-1700, Vol. 1-9* (Wiesbaden 1985-2007); Digitale Bibliothek Spezial: *Deutsche Einblattholzschritte* (Berlin 2003) (CD-ROM: Directmedia Publishing GmbH), with 3400 woodcuts from: Max Geisberg, *The German single-leaf woodcut: 1500-1550*; ed. Walter L. Strauss, Vol. 1-4 (New York 1974); Walter L. Strauss, *The German single-leaf woodcut: 1550-1600*. Vol. 1-3 (New York 1975); Dorothy Alexander, *The German single-leaf woodcut: 1600-1700*, in collaboration with Walter L. Strauss, Vol. 1-2 (New York 1977). Many broadsheets are available on the internet: Bildarchiv Foto Marburg [http://www.fotomarburg.de/index_html]; Einblattdrucke der frühen Neuzeit: Bayerische Staatsbibliothek [<http://www.muenchener-digitalisierungszentrum.de>]; Verzeichnis der im deutschen Sprachraum erschienenen Drucke des 17. Jahrhunderts [<http://www.vd17.de>].

11 Härter, *Criminalbildergeschichten*.

Political crimes and revolts in early modern illustrated broadsheets	
1567/1568 Treason / conspiracy, Count Egmont and Horn, Netherlands	3
1575 Treason, Brandenburgischer Hofjude Lippold, Holy Roman Empire	2
1579 Assassination, Vizier Mohammed Sokullu, Ottoman Empire	1
1584 Assassination, William of Orange, Netherlands	3
1589 Assassination / regicide, Heinrich III, France	3
1595 Treason / conspiracy, Count Hardach (Hardegg), Holy Roman Empire	3
1601 Treason / conspiracy, Chancellor Nikolaus Krell, Holy Roman Empire	2
1605 Gunpowder-plot, England	5
1610 Assassination / regicide, Henry IV, France	8
1616 Women's-riot, Republic of the Netherlands	1
1612-1616 Fettmilch-riot, Holy Roman Empire	14
1617 Treason / conspiracy, Count Concini, France	1
1621 Rebellion, Bohemian Nobility, Bohemia / Holy Roman Empire	8
1626 Peasant's revolt, Austria / Holy Roman Empire	2
1637 Treason, Wallenstein, Holy Roman Empire	3
1637 Assassination, Mayor of Liège, Holy Roman Empire	2
1650/51 Rebellion of the Fronde, France	1
1653 Swiss Peasants' War, Swiss Confederation	2
1671 Rebellion of Razin, Russia	4
1670/71 Magnate-rebellion, Hungary	7
1672 Pika-revolt /Tököly, Hungary	1
1672 Riot / treason, Johann and Cornelis de Witt, Netherlands	5
1683 Assassination, Vizier Cara Mustapha, Ottoman Empire	3
1705/06 Bavarian revolt against Austrian occupation, Holy Roman Empire	6
1757 Assassination of Louis XV, Damiens, France	3
1758/59 Assassination / regicide, Joseph I, Portugal	4
1785 Peasants' revolt of Horea and Kloska, Hungary	2

Fig. 1: Illustrated broadsheets dealing with revolts and political crimes

LEGAL DEFINITIONS AND ELEMENTS

It should be understood that a constricted perspective on the media representation of revolts as political crimes has to cross crucial and well researched issues such as the causes and motives of revolts or the subsequent actions undertaken. As a result, it

can make little use of such models like social protest or resistance.¹² Despite the fact that many serious social or political conflicts, which could be or were considered as “revolts”, were dealt with or even solved by negotiation, mediation or via the mechanism of “*Verrechtlichung*”, early modern authorities or states reacted also within the legal framework of penal law, criminal justice and punishment. In this respect “revolts” and similar phenomena were mainly regarded as crimes such as rebellion, sedition, breach of peace (*Landfriedensbruch*), treason, *perduellio*, conspiracy, or lèse-majesty. This concise list of possible legal interpretations of revolts as different crimes already shows that at the end of the late middle ages no uniform or even clearly defined legal conception of political crimes and revolts existed in Europe. Only from the 16th century onwards did the legal systems in Europe – that is, the state based legislation and the actual practice of criminal justice, as well as the writings of the common law-jurists – gradually, often in reaction to social or political unrest, develop a more concise legal concept of political crimes.¹³

Nevertheless, not before the beginning of the 19th century did these different efforts result in a juridically stringent “modern” legal codification of political crimes, implemented by the French code pénal of 1810, evolving into a model for European penal legislation in the 19th century and the “modern” legal definition of political crimes in particular.¹⁴ Thus, the early modern era can be seen as an incubation period of the legal implementation and differentiation of political crimes including the criminalisation and punishment of revolts. However, different and wide-ranging legal constructions were still used, influenced also by traditional conceptions and laws: the *crimen laesae maiestatis* and the *perduellio* in Roman

12 On resistance and Widerstandsrecht see: Angela De Benedictis and Karl-Heinz Lingens (ed.), *Wissen, Gewissen und Wissenschaft im Widerstandsrecht (16.- 18. Jh.) / Sapere, coscienza e scienza nel diritto di resistenza (XVI-XVIII sec.)* (Frankfurt am Main 2003).

13 Friedrich-Christian Schroeder, *Der Schutz von Staat und Verfassung im Strafrecht* (Munich 1970); with regard to the concept of mass-delicts: Andreas Roth, *Kollektive Gewalt und Strafrecht. Die Geschichte der Massedelikte in Deutschland* (Berlin 1989).

14 Dirk Blasius, *Geschichte der politischen Kriminalität in Deutschland (1800 - 1980). Eine Studie zu Justiz und Staatsverbrechen* (Frankfurt am Main 1983); Karl Härter, “Asyl, Auslieferung und politisches Verbrechen in Europa während der “Sattelzeit”: Modernität und Kontinuität im Strafrechtssystem”, in *Dimensionen der Moderne. Festschrift für Christof Dipper*, ed. Ute Schneider and Lutz Raphael (Frankfurt am Main u. a. 2008), 481-502; Karl Härter, “Die Entwicklung des Strafrechts in Mitteleuropa 1770-1848: Defensive Modernisierung, Kontinuitäten und Wandel der Rahmenbedingungen”, in *Verbrechen im Blick. Perspektiven der neuzeitlichen Kriminalitätsgeschichte*, ed. Rebekka Habermas and Gerd Schwerhoff, (Frankfurt am Main and New York 2009), 71-107.

Law, the more English and Germanic *treason*, the *crimen fractae pacis publicae* (breach / violation of the peace: *Landfriedensbruch*), and *seditio / sedition* (*Aufruhr*).

Because of their different social and political contexts – rural, urban, aristocratic – their various manifestations and their diverse aims, revolts could be and were subsumed legally under suchlike crimes or concepts, taking also in account the purposes of punishment the concerned states or authorities pursued. The *crimen laesae maiestatis* put the ruler in the centre of the definition of the crime; thus, every activity aiming at the violation of his person, honour or rule could be classified as lèse-majesty, ranging therefore from verbal insults and pamphlets to violent action, assassination and regicide.¹⁵ One of most serious crimes in the concept of the *crimen laesae maiestatis* was that of *perduellio*: high treason and violent action against the ruler committed with *animus hostilis*. Because the sacred body of the ruler represented the divine and secular order, the concept of *crimen laesae maiestatis* could easily be expanded to the state, its officials and all forms of upheaval and revolt against the ruling elite or the state.

In the English and German legal traditions, the crime of treason was distinguished from that of *crimen laesae maiestatis*, putting the emphasis on such elements as conspiracy, plots, conjurations or collaboration with foreign powers and focussing stronger on the ruling elites.¹⁶ In this respect, revolts and rebellions of the nobility or towns against “their” ruler were often also considered as treason. Initially, the commitment of treason was restricted more or less to the elite, the office holders and military officers, but was extended in the 16th century in England and the Holy Roman Empire to political crimes and dissidents in the whole. A crucial element in the conceptualisation of the crime was the breach of loyalty (*Treuebruch*), which easily could be extended to every conspiracy, rebellion or any other dissident activity in which the nobility or office holders were involved. With the emergence of a more modern system of international relations between states, as well as the development of a professional military system, particularly revolts and

15 Mario Sbriccoli, *Crimen laesae maiestatis. Il problema del reato politico alle soglie della scienza penalistica moderna* (Milano 1974); Helga Schnabel-Schüle, “Das Majestätsverbrechen als Herrschaftsschutz und Herrschaftskritik”, in *Staatsschutz* (= Aufklärung 2 (1992)), ed. Dietmar Willoweit (Hamburg 1994), 29-47; Angela Rustemeyer, *Dissens und Ehre. Majestätsverbrechen in Russland (1600-1800)* (Wiesbaden 2006).

16 Kenneth R. Minogue, “Treason and the early modern state: Scenes from a mesalliance”, in: *Die Rolle der Juristen bei der Entstehung des modernen Staates*, ed. Roman Schnur (Berlin 1986), 421-435; John G. Bellamy, *The Tudor law of treason. An introd.* (London 1979); Simon H. Cuttler, *The law of treason and treason trials in later medieval France* (Cambridge u. a. 1981).

rebellions with a foreign element like the cooperation of rebels with rivalling states were considered as military treason (*Landesverrat*), thus adding a new “criminal” element to the legal definition of revolts as political crimes.

Further developments and differentiation of political crimes resulted from social conflicts – especially peasant revolts – and the emergence of public security as a primary aim of the early modern state with regard to public law, internal politics, policing and the penal policy. In the late Middle Ages, the Holy Roman Empire established the *crimen fractae pacis publicae* – the crime of *Landfriedensbruch* – in several laws and public treaties (*Landfriedensordnungen* and *Landfrieden*). Initially aiming at the feuds of the nobility, the legislation and penal practice of the 15th and 16th centuries much more emphasised the criminal activities of dangerous groups and bandits (*landfriedensschädliche Leute*) and social protest / upheaval of peasants as central elements of the crime. Therefore, public security superseded the older idea of common peace as the main intention of penal legislation and the purpose of punishment.¹⁷ Moreover, the legal concept of the crime’s definition allowed its application to social revolts and facilitated a broader range of flexible legal reactions, respectively the purposes of punishment: Not retaliation with respect to the sacred ruler but the restitution of the state’s order, deterrence and prevention gradually became more important. This resulted in a somewhat new legal definition of such mass-crimes or crimes against the state as sedition, appearing for the first time in the Holy Roman Empire in the imperial penal code of 1532 as “*Aufbruch des Volkes*” and in England in the middle of the 16th century.¹⁸ In first half of 16th century the English parliament passed over 60 treason statutes and riot acts, defining riots and revolts as treason and sedition, threatening capital punishment, but also milder penalties like fines to be imposed on so-called followers (*Mitläufer*), and therefore aiming at a flexible response to “mass-crimes”. Similarly, the penal law of the Old Reich and its members (the imperial estates and cities) did comprise in parallel the crimes of treason (*Verräterei*), revolt (*Aufbruch*), breach of peace

17 Karl Härter, “Von der Friedenswahrung zur “öffentlichen Sicherheit”: Konzepte und Maßnahmen frühneuzeitlicher Sicherheitspolizei in rheinländischen Territorien”, *Rheinische Vierteljahresblätter* 67 (2003), 162-190; Karl Härter, “Sicherheit und Frieden im frühneuzeitlichen Alten Reich: Zur Funktion der Reichsverfassung als Sicherheits- und Friedensordnung 1648-1806”, *Zeitschrift für historische Forschung* 30 (2003), 413-431.

18 *Die Peinliche Gerichtsordnung Kaiser Karls V. von 1532 (Carolina)*, 6th edition, ed. Arthur Kaumann (Stuttgart 1975), Art. 127; compare also Art. 124 (*Verrat*/treason) and 129 (*Fehde*/feud). On England see Andy Wood, *Riot, rebellion and popular politics in early modern England* (Basingstoke 2002), 32-42.

(*Landfriedensbruch*), sedition and lèse-majesty.¹⁹ The German as well as the English example shows that the criminalisation of revolts took place in penal codes and the writings of the jurists – the “common law”. However, it was also developed in a growing body of single ordinances and public laws, as well as in the trials and practises of courts with respect to the actual punishment of revolts and political crimes.²⁰ Flexible legislation and a flexible reaction of the penal systems in Europe originated not least from the intensification of “revolts” since the 16th century, which were to be quelled not only by military force, but by legal public action on part of the state, thus demonstrating the illegitimate causes of revolts as well as the reasonable and just reaction of the state in maintaining public order and security. With regard to these intentions and the necessity of flexible legal reactions, neither did the single laws and penal codes nor the common law jurists establish a clear and stringent legal definition of revolts or other social / political mass-crimes (upheaval, uprising, insurrection, riot, rebellion etc.). Instead, they provided a mixture of different elements and possible reactions / penalties corresponding with the different forms, manifestations and motivations of political crimes and revolts, respectively.

The crucial elements or features of the legal conceptualisation and criminalisation of revolts as political crimes in early modern Europe also influenced the “legal representation” or “criminal image” of revolts.²¹ In principle, rebels from all social groups – subjects / peasants, burghers / citizens and members of the elite / nobility could be considered as political criminals and treated nearly equally with regard to trial and punishment. Not the social status, but the character of the “criminal group” and the role of the participants of a mass-crime lead to legal differentiation. Collectiveness and the formation of a “criminal dissident group” of a sufficient number of three or more members was considered a precondition of a mass-crime or mass-tort, whether form of gatherings of larger groups and public tumult or the subversive activities of secret groups, conjurations, cabals, or “criminal” sects. The necessity of flexible legal reaction and punishment lead to the legal differentiation of the participants and their roles in such groups or mass-de-

19 Compare for instance *Constitutio criminalis Theresiana oder der [...] Mariä Theresiä [...] peinliche Gerichtsordnung*, (Vienna 1769), Art. 61 (crimen laesae maiestatis) and Art. 62 (sedition).

20 On the function of police ordinances (*Policeyordnungen*) with regard to the development of criminal law see: Karl Härter, *Policey und Straffjustiz in Kurmainz. Gesetzgebung, Normdurchsetzung und Sozialkontrolle im frühneuzeitlichen Territorialstaat* (Frankfurt am Main 2005).

21 On the legal definition see: Ingraham, political crime, 19-36; Schroeder, Schutz; Roth, kollektive Gewalt.

licts / revolts, basically distinguishing ringleaders, riot leaders and instigators on the one, and the followers / satellites on the other hand, using also the concept of a seducer and the seduced.

With regard to the activities of a criminal or revolting group, public actions were distinguished from the more secretive political activities. The former included a broad range of different punishable acts (offences) comprising symbolic and ritualistic actions such as the distribution of pamphlets, protest gatherings, assembling in public and submitting complaints or gathering and swearing an oath as well as more violent forms of open, dangerous tumult and armed revolt with excessive use of violence and weapons, or even military force in the case of military riot and mutiny. The symbolic, ritualistic and public dimension of the legal representation of revolts was complemented by the more “secretive” punishable activities, most commonly conceptualised as plots or conspiracies, especially of the nobility or dissident religious groups.²² The legal definition implied an appointment to commit a political crime and to instigate or spark a revolt, and therefore extended the punishment of revolts from the actual deed to their planning and preparation – even the intention – of a political crime. In this respect, regicide and attempted assassination of the ruler or a state official committed by a single person could also be considered as part of a conspiracy and the beacon to start a rebellion.²³ This resulted in a preventative criminal law which allowed flexible arbitrary criminalisation and the punishment of political crimes or attempted revolt as anticipatory crimes (the so-called “*Vorverlagerung der Strafbarkeit*”).²⁴ Moreover, conspiracy added a foreign dimension to revolts: hostile states and powers instigating, participating or supporting a conspiracy and a revolt with the aim of destabilising a state or taking over the rule. In this respect, participants of a conspiracy or revolt could be charged as traitors to their country (*Landesverrat*). The interconnection between conspiracy and revolt and the involvement of hostile foreign powers in its planning and preparation strongly influenced the legal representation and public image of revolts as political crimes.

22 Yves-Marie Bercé and Elena Fasano Guarini (ed.), *Complots et conjurations dans l'Europe moderne. Actes du colloque international [...]* (Rome 1996); Barry Coward and Julian Swann (ed.), *Conspiracies and Conspiracy Theory in Early Modern Europe From the Waldensians to the French Revolution* (Ashgate 2004).

23 Compare for example the case of Damien who's assassination of Louis XV was considered as part of a conspiracy and an attempted coup d'état: Dale K. Van Kley, *The Damien's affair and the unravelling of the Ancien Régime, 1750–1770* (Princeton, N.J. 1984).

24 See the pre-modern English concept of “imaging the King's death” and the context of treason and revolt: Wood, Riot, 33; Bellamy, law of treason, 10-12; Schroeder, Schutz, 238.

In contrast, the motivation of political crimes and revolts played only a marginal role in the legal conceptualisation and representation. They had to be considered as “political” in the sense that they threatened the monarch / ruler, the state or the existing order in general. As has been pointed out, in the early modern period we can observe a shift in the object of protection through penal law from the ruler / monarch to the state and the overall order. In this respect all kind of revolts – from social upheaval to rebellions of the nobility – were primarily considered as political crimes aiming at the state and its order.

The different legal crimes did not result in fundamentally different concepts of punishment. Based on Roman Law, nearly all early modern penal laws and codes in Europe comprised the threat of capital and corporal punishment to be executed in public – the theatre of public punishment (*Theater des Endlichen Rechtstags*). This included strong symbolic elements and rituals, in particular additional and dishonourable forms of punishment such as hanging (from the *arbor infelix*), quartering, dismemberment, the confiscation of property, the razing of the houses of the delinquents and banishment of their families.²⁵ In this respect the penalties not only mirrored the deed, as, for instance, with the dismembering of the “oath-finger” in the case of treason (breach of the oath of fealty). Moreover, they aimed at the elimination of the physical and social body of the rebel, i.e. his honour, property, social reputation, family and supporters, and intended to obliterate that the crime – or the revolt – possessed any legitimate reasons or aims. The death penalty could be extended by confiscation of property / real estate, the expulsion of relatives / families as well as the obliteration of the family-name. The punishment of revolt and rebellion aimed at infamy and defamation, and because of the special quality of a political crime – revolt as a public mass-tort or mass-crime – the *damnatio memoriae* achieved a crucial role in penal practice as well as in juristic and legal discourses. In short, a main purpose of punishing political crimes and rebels in a public context was the *damnatio memoriae*: the defamation and obliteration of the revolt, as well as the commemoration of just legal punishment.

From the 16th century onwards we can observe a shift to harsher and more severe punishment of political crimes and revolts in penal law as well as in penal practice. However, this was paralleled by a more flexible application of penalties with regard to the role of a criminal or rebel (ringleader or follower), preliminary actions (conspiracy), the involvement of foreign powers, the actual performance

25 On the early modern “theater of punishment” and the penalties in case of political crimes see Richard van Dülmen, *Theater des Schreckens. Gerichtspraxis und Strafritual in der frühen Neuzeit*, third edition (München 1988); Richard J. Evans, *Rituals of Retribution. Capital punishment in Germany 1600-1987* (Oxford 1996); Ingraham, political crime, 39-59; Strasser, *Aufstand*, 232-264.

and the use of violence etc. In this respect, punishment was executed as a public ritual and possessed a highly symbolic communicative function. Especially the public application of capital punishment obtained an exemplary and symbolic function with regard to ringleaders, conspirators and seducers, conveying retaliation, deterrence and general prevention as its main intentions (*Strafzwecke*), particularly with regard to the public, potential rebels and actual followers. The latter – the followers and those seduced – were often merely punished leniently or even pardoned if they renounced the “rebellion” and acknowledged the authorities. In using such strategies of flexible punishment, the state could communicate the message that it had the power to re-establish the rightful order and that it responded with equitable and just punishment to political crimes and revolts within a legal framework.

However, the punishment of political crimes, revolts and rebels was characterised by ambiguities and problems, especially as concerns collectiveness and the role of the public, for both punishment as well as revolt depended on collectiveness and publicity. Concerning the problem of collectiveness, mass-crime and the punishment of rebels, it was often hard to distinguish between the ringleaders and the seduced in legal categories and to mete out proper punishment. Moreover, the public execution of ringleaders would mean that the vast majority of followers, who were only leniently punished, could or could be forced to watch at least to deter or “convert” (convince) them. But assembling a larger crowd in the theatre of public punishment could cause further tumult, as it provided the rebel with the last opportunity to speak to an audience, or it could help make the rebel leaders martyrs. In this regard, public punishment could augment the symbolic public dimension of a revolt and help communicate or memorise the “political” message or even the “just causes” of a revolt to followers or the public. Furthermore, political crimes and revolts aroused the curiosity of the public and therefore obtained a growing importance as a prominent topic in popular media. Broadsheets, newspapers, books and collections reported and depicted revolts and political crimes following commercial intentions, but also communicating and influencing a peculiar image of such occurrences.

The authorities themselves also made use of the public, enhancing the legal responses to revolts and public punishment by using additional public rituals and media to communicate and co-memorise the just punishment of revolts. Sometimes public memorials, like the pillar of shame (*Schandsäule*) in the case of the Fettmilch-revolt in Frankfurt, were erected. In the 17th and 18th centuries, states and officials issued declarations, laws, collections of court records, as well as semi-official reports, pamphlets and broadsheets which communicated and justified the legal responses to revolts and political crimes. In responding to political crimes or revolts, the authorities developed a distinct media policy, controlling public media and printings via censorship on the one hand, but, moreover, also communicating

their view of political dissent and order, effectively transmitting their image of just legal responses to political crimes and revolts. Because revolts implied a public challenge of the order, the state was not only dependent on symbolic public penal justice, but had to legitimate its reactions via different popular media. The suppression of a revolt and the punishment of the rebels had to be communicated to the public as a just reaction – and was supposed to be preserved in public memory as a means of re-establishing the order and the legitimate system of rule. On the other hand, the challenge of the revolt as well as the rebels needed to be defamed and possibly obliterated from public memory. Especially the illustrated broadsheets reflect these ambivalent intentions and the problem of the opinion leadership and interpretation – *Deutungsherrschaft* and *Sinndeutung* – of revolts as political crimes.

IMAGES IN ILLUSTRATED BROADSHEETS

Illustrated broadsheets with their typical “comic-strip”-like combination of illustrations and text on one sheet emerged as a new type of mass-media in the first half of the 16th century. They were produced by professional “printing shops”, which were normally located in an imperial city, often manufacturing 1-2000 copies of a single broadsheet. Authors and painters / engravers are often unknown or identical with the printer. Sold at more or less low prices, they were distributed widely. Though the rate of alphabetisation was very low, they reached a broader public because everyone could read the illustrations, and in addition, literate consumers and professional distributors read them to a wider public, for example in public houses, places or at festivities. The illustrations played a prominent role: often one to six large-sized pictures were placed in the centre or upper range of the sheet, telling a basic story which everybody was able to understand. Even if only one picture was used, it sometimes contained different illustrations (picture in picture) telling a story. Many broadsheets used a bold headline with typical keywords and basic information (locations, date, involved persons) on the crime / revolt and the legal reactions. For instance a broadsheet dealing with the execution of the “rebellious” Bohemian nobles in 1621 was titled: *Extract auß Prag. Warhafftige Zeitung/ welcher gestalt auff der Röm. Keys. Maj. gnädigisten befelch/ die Böhemischen Rebellen/ von Grafen/ Herrn Ritter: und Burgerstandts Personen/ auff einer am Altstätter Ring auffgerichten/ und mit schwarzem Tuch uberzogenen Bühnen/ den 21. Junij dises schwebenden 1621. Jahrs zu Prag/ Iustificirt und hingericht worden* (Fig. 2).²⁶

26 Reprinted in: Harms, Flugblätter, Vol. II, 306; Paas, Broadsheet, Vol. 3, 362.

their consumers. Accordingly, besides religious and political “propaganda” (in the Reformation or the Thirty-Years War) the broadsheets covered increasingly popular topics such as “marvels”, catastrophes, wars, news and crimes from all over Europe.²⁷

Among the common topics of early modern illustrated broadsheets, which were produced in the Holy Roman Empire (and therefore written in German), crime and punishment – especially serious ones – obtained a considerable proportion of 10 to 15 percent with a certain continuity during the early modern period.²⁸ One third of them can be classified as political crimes or crimes with an explicit political context: treason, conspiracy, assassination, regicide, and revolts; on the whole, 27 political crimes are depicted in 99 broadsheets (see figure 1), many of them connected with revolt, riot, upheaval or rebellion. With regard to their legal representation and the elements of political crimes, all types of revolts are covered: peasants’ revolts, communal upheaval and rebellions of the elites / nobility, albeit the latter ones seemed to be over-represented in comparison with their actual emergency in early modern Europe. Though the broadsheets analysed were produced and mainly distributed in the Holy Roman Empire, they dealt with revolts and political crimes from different countries or regions: the Netherlands, the Swiss Confederation, France, Hungary, Russia and the Ottoman Empire; many of these events possessed a certain public significance and a “European” dimension.

The texts as well as the illustrations mainly focus on the reactions of the state or the authorities and on the public punishment of the criminals / rebels. The actual performance of a revolt or the actions of the rebels are seldom depicted and only sometimes described. Violent actions of the masses (“the revolt itself”) are displayed only in the case of the Women’s-riot in Delft 1614 (Republic of Netherlands), the Fettmilch-riot in Frankfurt (1612-1616), the peasants’ revolt in Austria 1626, the assassination of the *Bürgermeister* of Liège in 1637, and the riot in which the De Witt Brothers were executed as traitors (or lynched). One broadsheet dealing with the Swiss peasants’ revolt in 1653 depicts solely the clubs and bludgeons of the rebels, thus representing the violent image of the revolt as well as symbolising the savageness and backwardness of the rebels, who were using

27 Incidentally it is not possible to give a more comprehensive analyses on early modern broadsheets as mass-media; compare instead: Kunzle, *Early Comic Strip*; Michael Schilling, *Bildpublizistik der frühen Neuzeit. Aufgaben und Leistungen des illustrierten Flugblatts in Deutschland bis um 1700* (Tübingen 1990); Kristina Pfarr, *Die Neue Zeitung. Empirische Untersuchung eines Informationsmediums der frühen Neuzeit unter besonderer Berücksichtigung von Gewaltdarstellungen* (Mainz 1994).

28 For a comprehensive analyses see: Härter, *Criminalbildergeschichten*.

only archaic weapons.²⁹ Only a few broadsheets illustrate the combat between armed rebel groups and military forces like, for example, the Austrian peasants' revolt in 1626 (this however only in the background and using mockery), thus depicting and referring to the military suppression of revolt. Although this happened to be a frequent reaction of the early modern authorities to revolts, the image of military suppression – for instance dominating the few pictures of the German Peasants' War – was superseded in the illustrated broadsheets by the image of crime and punishment within the legal space of the criminal justice system. In this respect, the development of the illustrated broadsheets as an early modern mass media reflected the legal differentiation and representation of revolts as political crimes by using crucial elements of the conceptualisation of revolts as crimes as well as the punishment of rebels. The following examples will verify this in more detail.

COMMUNAL REVOLTS: 1612-1616

Though the production as well as the readership of broadsheets was located mainly in towns and cities, which were often confronted with social unrest, protest, and upheaval, only a few illustrated broadsheets dealt with communal revolts. One prominent example that had a considerable political and public impact in the Holy Roman Empire was the so called Fettmilch-revolt (or riot / uprising) in the imperial city of Frankfurt am Main on the eve of the Thirty-Years War, starting in 1612 and ending with the punishment of the rebels in 1616.³⁰ In many respects the Fettmilch-revolt provides an outstanding, albeit typical example of an early modern urban uprising, distinctive legal responses of the involved authorities – especially the emperor of the Holy Roman Empire – and a broad resonance in the print-media. This ranged from official statements and documents to semi-official pamphlets, reports, and popular broadsheets, spreading the news in the whole of the Old Empire, as well as in other European countries like, for instance, France: “there was

29 Andreas Suter, *Der schweizerische Bauernkrieg von 1653. Politische Sozialgeschichte - Sozialgeschichte eines politischen Ereignisses* (Tübingen 1997), 155 f.

30 On these events see: Christopher R. Friedrichs, “Politics or Pogrom? The Fettmilch Uprising in German and Jewish History”, *Central European History* 2 (1986), 186-228; Matthias Meyn, *Die Reichsstadt Frankfurt vor dem Bürgeraufstand von 1612 bis 1614. Struktur u. Krise* (Frankfurt am Main 1980); Rivka Ulmer (ed.), *Turmoil, trauma, and triumph. The Fettmilch uprising in Frankfurt am Main (1612 - 1616) according to the Megillas Vintz: a critical edition of the Yiddish and Hebrew text including an English translation* (Frankfurt am Main et al. 2001).

certainly an appetite for news about Frankfurt that extended far beyond the city itself”, emphasises Christopher R. Friedrichs.³¹

The revolt broke out in 1612 because a large group of citizens (members of the guilds, craftsmen and merchants) was disaffected with the rule of the patrician families, the council’s administration, high taxes, the handling of the city’s privileges and especially with the presence of the large Jewish community. A committee was formed, complaints and supplications were submitted to the emperor and the city council. An imperial commission tried to mediate between the conflict parties, and eventually, a compromise settlement was negotiated but failed. In 1614, the upheaval took a turn to violent revolt with an attack on the city hall, the forced resignation of the magistrates and the establishment of a new council as well as the plundering of the Jewish ghetto and the violent expulsion of the Jews carried out by a group of citizens led, amongst others, by Vincenz Fettmilch, all of them craftsmen and merchants. The revolt was not only “simultaneously anti-Jewish and anti-patrician in character”,³² but also affected the emperor, who was not only formally the *Stadtherr* of Frankfurt but also the protector and legal guarantor of the Jews (or their imperial privileges). From this perspective, the basically urban revolt infringed the legal system of the Old Reich: the so called *Reichsverfassung*. The emperor reacted immediately, the imperial aulic court (*Reichshofrat*) declared the *Reichsacht* (imperial ban) on the rebels, and troops were mobilised, but it was the citizens themselves who re-established the old council, arrested Fettmilch and his comrades and handed them over to the imperial commission. The commission, on behalf of the emperor and the imperial aulic court, held an inquisitorial trial that ended with verdicts against seven ringleaders and 31 of their associates. They were found guilty for committing a *crimen laesae maiestatis* against the emperor as well as committing sedition, treason and conspiracy with regard to the city council and the Jews; the ringleaders were sentenced to death, their families and associates to flogging and banishment.

The Fettmilch-revolt evoked a strong echo in the contemporary print media, with the involved groups also making use of popular media themselves.³³ The

31 Friedrichs, Fettmilch Uprising, 195; see also the comprehensive survey and analyses by Würgler, *Revolts in Print*.

32 Friedrichs, Fettmilch Uprising, 188.

33 Robert Brandt and Olaf Cunitz (ed.), *Der Fettmilch-Aufstand. Bürgerunruhen und Judenfeindschaft in Frankfurt am Main 1612–1616*. Ein Ausstellungsprojekt des Historischen Museums Frankfurt in Zusammenarbeit mit dem Historischen Seminar der Johann-Wolfgang-Goethe-Universität (Frankfurt am Main 1996); Bernd Herbert Wanger, *Kaiserwahl und Krönung im Frankfurt des 17. Jahrhunderts. Darstellung anhand der zeitge-*

rebels printed pamphlets, supplications and petitions, and the authorities distributed printings of the imperial ban, their decrees and mandates, court records and the final verdict.³⁴ Besides some newspaper reports several popular relations and pamphlets were printed between 1614 and 1617, some of them illustrated and explicitly naming the events a revolt or rebellion, like: *Gründlicher Bericht Von dem Aufflauff unnd Tumult/ [...]; Neue Zeitung: Warhafftiger Bericht/ was massen die Jüdengassen [...]; von den Handwercks Gesellen angeloffen/ gestürmet/ geplündert*; or the *Cursus Francofurdianus: Außbruch der Franckfurtischen Rebellion/ und Anfang der neuen Empörung daselbst [...];* and the *Appendix [...]* *Darinnen vermeldet wird, der Anfang und Verlauff der Empörung zu Franckfurt am Meyen* as well as the comprehensive *Diarium Historicum: Darinnen [...]* *gefährlicher auffstand/ und das schwürige Unwesen [...]* *verzeichnet ist*, published in two editions in 1615 and 1617.³⁵

nössischen Bild- und Schriftquellen und unter besonderer Berücksichtigung der Erhebung des Jahres 1612 (Frankfurt am Main 1994); Würzler, Revolts in Print.

- 34 Copia Der Kays. Achts-Erklärung/ so in deß heiligen Reichs Statt Franckfurt am Mayn/ Mittwochs den 28. Septembr. Anno 1614. Durch einen Kays. Herolden/ wider darin benannte Personen publicirt worden (Frankfurt am Main 1615); Peinlich Urtheil wider die Franckfurtische Rebellen Vincenz Fettmilchen, Conrad Gerngroß, Conrad Schoppen und Consorten ergangen, exequirt und vollstreckt (Frankfurt am Main 1616).
- 35 *Gründlicher Bericht Von dem Aufflauff unnd Tumult/ welcher in der Stadt Franckfurt am Mayn geschehen/ und sich darinnen begeben und zugetragen hat. Wie allda die ledige Bursch oder HandwercksGesellen [...]* *die Jüdengasse [...]* *angelauffen/ mit Gewalt in die Jüdenhäuser gefallen [...]* *und zum Theil etliche Jüden am Leibe beschädiget worden. Anno 1614 [...]* (Frankfurt am Main 1614); *Neue Zeitung/ Warhafftiger Bericht auß der Statt Franckfurt am Mayn: was sich mit Bürgern .. auch mit den Juden verlauffen und zugetragen hat wie der Tumult und Lermen angangen/ auch wie sie die Juden gestürmet haben [...]* (Frankfurt am Main 1614); *Cursus Francofurdianus: Außbruch der Franckfurtischen Rebellion/ und Anfang der neuen Empörung daselbst. Das ist/ Hochbetrüber zu stand der Statt Franckfurt am Mayn/ unnd weiterer Verlauff/ wie/ an wem/ an wie vilen Personen .. das peinliche Urtheil an denselben exequirt unnd volstreckt werden soll [...]* (Frankfurt am Main 1616); *Appendix, Der Historischen Relativen Gregorij Wintermonats, Darinnen vermeldet wird, der Anfang und Verlauff der Empörung zu Franckfurt am Meyen, Auch wie die Aechter den 28. Februarij dieses 1616 jahrs sind justificirt worden, ordentlich und kürztlich nackelnder beschrieben [...]*, (Frankfurt am Main 1616); *Diarium Historicum: Darinnen Deß Heyligen Reichs Statt Franckfort an dem Meyn gefährlicher auffstand/ und das schwürige Unwesen [...]* *ordentlich verzeichnet ist [...]* (Frankfurt am Main 1615 und 1617).

In sheer quantity the illustrated broadsheets outnumbered all other printings; more than 20 different were distributed, covering essential events and stages of the revolt, as well as the responses of the authorities, from the outbreak in 1612, the violent plundering of the Jewish ghetto in 1614, and the severe punishment in 1616. Most of them were produced in Frankfurt itself; however there are also examples of broadsheets printed in Darmstadt and Augsburg. They were distributed all over the Holy Roman Empire; one was even written in Dutch and produced for the Netherlands. At least three broadsheets dealt with the revolt itself, the violent actions and the plundering of the Jewish community, but more than ten covered the punishment of the rebels and therefore focused on the legal reaction to the revolt as a political crime.³⁶

One of the first broadsheets appearing in 1614 was the *Zeytung des verlauffs zu Franckfurt am Meyn von der blünderung der Juden Gasse*, produced by the printer and painter Johann Ludwig Schimmel.³⁷ The two sheets with two large pictures and a rhyming text dealt only with the violent plundering of the Jewish ghetto (the *Judengasse*) and the expulsion of the Jews. The text draws a clear relationship between the Jews and the authorities (emperor and city council), describing them as protectors of the Jews: “Niemandt dörfft ihn [the Jews] halt ein krumb wort/ Zu reden/ sie lieffen zu der Obrigkeit fort/ Da wahren sie beschützt als fromme Kindt/ Daher der Neyder viel kommen sindt.” In this respect, the Jews were blamed as a cause of the revolt and the violence against them received the character of a rebellious political action aiming at the authorities. In the first sheet the plundering is described as a violent fight between burghers and Jews, the latter defending their houses and the *Judengasse* and wounding one of the aggressors. The attacking burghers are illustrated as a tumultuous, rioting group, using weapons and firebrands as well as carrying away several objects and goods.

36 Some of them reprinted in: Daniel Dornhofer, “Matthias 1612-1616: Vertreibung und Rückkehr”, in *Die Kaisermacher. Frankfurt am Main und die Goldene Bulle 1356-1806. Katalog*, ed. Evelyn Brockhoff et al. (Frankfurt am Main 2006), 476-499, 490-492; Brandt/Cunitz, Fettmilch-Aufstand. There are at least 23 broadsheets reported, however, I did not have the opportunity to examine them all and therefore restricted the analyses to 13 different broadsheets.

37 *Zeytung des verlauffs zu Franckfurt am Meyn von der blünderung der Juden Gasse, geschehen im Jahr Christi 1614 den XXII. und XXIII. Augustus* (Frankfurt am Main 1614).



Fig. 3 and 4: Zeytung des verlauffs zu Franckfurt am Meyn von der blinderung der Juden Gasse

The second illustration shows a different scenario: armed men controlling the flight and expulsion of the Jews, who are leaving the city by boat; some burghers are watching from a bridge and their windows. Order is re-established – underlines the text – because the soldiers of the imperial commission as well as many burghers themselves kept the rebels at bay, calmed them down and resolved the cause for violent escalation of the revolt by expelling the Jews in an orderly manner. However, the broadsheet depicts and names grief and harm of the Jews and claims that some burghers gave them shelter and protection.

A second broadsheet from 1615 – depicting and describing 16 stages of the revolt in 12 pictures and additional text – consolidated the image that the violent revolt was the fault of a minority of rioting burghers – the *gemeine Pöbel* (mob) – lead by a few ringleaders, whereas the majority made use of mass meetings and complaints only to negotiate a new constitutional arrangement. Its failure, the unruly *Pöbel* and the agitation of the ringleaders led to violence and the plundering of the Jews, but also to a new government via customary public vow. After the publication of the imperial ban and several mandates, one of the ringleaders as well as the majority of the burghers realised their error, arrested the ringleaders and handed them over to the imperial commission. This broadside also emphasises that the burghers re-established order together with the authorities, which had been endangered by an opposition under the control of power-hungry leaders making use of mass meetings and stinging an unruly mob, which then resulted in an illegitimate revolt. Though there is no decisive statement that the events altogether constituted a serious political crime, the criminal elements – mass-tort, violence, conjuration, disregard of imperial authority – are present and depicted.³⁸

In 1616, after the verdict and the actual punishment of the rebels, all following broadsides are dominated by the image of the Fettmilch-upheaval as a criminal revolt and a political crime. Every woodcut depicts nearly the same scenario: the punishment of the rebels and their ringleaders, using a large picture showing the different penalties and additional scenes. The one of Johann Ludwig Schimmel (Fig. 5) comprises crucial elements and icons symbolising the political crime, the punishment and the response of the authorities to the revolt, also to be found in other broadsides.³⁹

38 Wahrhafftige vnd eigentliche Abbildung deß gantzen Handels/ so sich in der Keyserl. Reichstatt Franckfurt am Mayn vnd Sachsenhausen zwischen dem Raht vnd Bürgerschaft von 1612. biß ins 1615. Jahr zugetragen vnd verlauffen hat (Frankfurt am Main 1615).

39 Kurtzer Abriß vnd Bericht der Keyserlichen Execution vnd Verfahrung mit den Aechtern/ vnd dero anhenger/ sampt einführung der Jüdenschaft [...] (Frankfurt am Main 1616).



Fig. 5: Kurtzer Abriss vnd Bericht der Keyserlichen Execution vnd Verfahrung

In the middle of the picture we see the scaffold set up at the market place of Frankfurt cordoned by heavily armed soldiers and railings with posts showing the imperial eagle: The punishment of the rebels is taking place within the separated legal space of the empire, where only the delinquent, the executioner, the judge and several officials (representative of the imperial commission) and the soldiers appear. The city council and the representatives of the guilds on the two platforms

in the centre of the background as well as the burghers of Frankfurt surround that space, watching from the outside. The executioner decapitates one of the delinquents, the recently severed finger of whom can be seen in front of him. The dismembering of the finger – the *Schwurfinger* – clearly points at the illegal conjuration or conspiracy in terms of penal law. Two more decapitated corpses of ringleaders are positioned on the scaffold. In the background on the left, outside the city three gallows are set up; one with a corpse hanged at the feet and another exposing part of quartered corpse. Both death penalties – reverse hanging and quartering – are typical of the aggravated and infamous punishment of treason. In the case of the Fettmilch-revolt, the four main ringleaders were dismembered, decapitated, quartered and parts of their corpses were exposed at the gallows outside of town. Furthermore, their heads were impaled and exposed on the gate tower on the Rhine side, which was the main entrance to the city, depicted with the four decapitated heads and a super-sized imperial eagle in the left background of the broadsheet. The symbolic implication, communicated and enhanced by the broadsheet, is quite obvious: The ringleaders and the revolt are to be commemorated as a serious political crime. This was emphasized by the total demolition of Fettmilch's house shown in the foreground of the illustration on the right and the infamous shaving, flogging and banning of his family depicted in the background on the right: the total social disintegration and exclusion of the main ringleader – comprising his family, his name, his house – for eternal memory (“*zum ewigen Gedächtnuß*”). Apart from the ringleaders and their families, the punishment of other rebels (17 associates and followers) by flogging and banning, shown in the background on the left, seems almost lenient. In addition to the punishment of the rebels, the restitution of the legal and imperial order is represented by the re-entry of the Jewish community in form of a procession, just passing the scaffold.

All other broadsides dealing with the punishment of the rebels depict the same scene and make use of similar iconic elements: scaffold, armed soldiers, imperial posts and eagle, the dismembering of the *Schwurfinger* and decapitation, the tower with the heads, the gallows with the quartered corpses, whipping and expulsion, the demolition of the house, the re-entry of the Jews etc. However, there are slight differences. The *Wahre und eigentliche Contrafactur der Kayserlichen Execution* printed 1616 in Augsburg by Krebs shows a much larger number of imperial soldiers surrounding the scaffold as well as accompanying and protecting the Jews on their re-entry into the city, in a similar manner to the entry of the emperor and the estates of the Empire (*Reichsstände*) on the occasion of the imperial election in

Frankfurt.⁴⁰ Another broadside entitled *Eine gewisse/ warhaffte/ doch trawrig und erbärmliche Newezeitung/ Von dem betrübten Zustand/ welcher zu Franckfurt am Mayn/ den 9. Martji dß schwebenden 1616. Jahrs geschen*, printed by Balthasar Hoffmann in Darmstadt 1616 (fig. 6), gives a slightly different image and valuation of the revolt.⁴¹ The woodcut shows portraits of the four main ringleaders, albeit depicted as respectable burghers, whereas the demolition of the house is not shown. Their crimes are not explicitly quoted and the revolt is characterised as a quarrel (*Streit*) among the burghers. The delinquents are not presented as ringleaders conducting a revolt against the imperial order but as faithful, remorseful sinners arousing the compassion of the burghers: “*viel leuth hatten groß mitleyden*”. In consequence the revolt is characterised rather as a religious upheaval of the Christian *Bürgergemeinschaft* against the Jews who achieved imperial punishment of the Christian sinners with harsh penalties: “*daß soviel unschuldig Christen Blut/ vergossen ist durch der Jüden Muth/ darüber geschen groß Wunderzeichen*”. Though the broadsheet did not explicitly raise doubts about imperial punishment, the revolt is presented subtly as a lapse or sin of Christians reacting to the Jews, whereas their punishment remains a divine miracle and the secret of the authorities (“*der Obrigkeit Geheimniß*”). In this respect, the broadside demonstrates that other representations of revolts – in this case religious, anti-Jewish and with certain sympathy for the rebels – existed which at least could help to commemorate the revolt not as a political crime, but as failure and sin which could be exculpated. Nevertheless, the *Darmstädter* broadside constitutes an exception, possibly influenced by one of the ringleaders, Konrad Gerngroß, who prior to his arrest had fled to nearby Darmstadt, the residence of the Lutheran Landgraviate of Hesse.

40 Wahre und eigentliche Contrafactur der Kayserlichen Execution so den 28. Febr. Anno 1616 zu Franckfurt am Mayn an etlichen Aechtern und Handwercksgesellen volnzogen werden (Augsburg 1616).

41 *Eine gewisse/ warhaffte/ doch trawrig und erbärmliche Newezeitung/ Von dem betrübten Zustand/ welcher zu Franckfurt am Mayn/ den 9. Martji dß schwebenden 1616. Jahrs geschen [...]* (Darmstadt 1616).



Fig. 6: Eine gewisse/ warhaffte/ doch trawrig und erbärmliche Newzeittung

On the whole, the public interpretation and popular memorisation of the revolt was dominated by the authoritarian view of the imperial punishment of a political crime to be commemorated through the erecting of a *Schandsäule* – a “pillar of shame” or “infamy monument” – at the devastated place of Fettmilch’s house. Two more illustrated broadsheets, printed in Frankfurt by Conrad Corthoys and again Johann

Ludwig Schimmel, depict the *Schandsäule*; one in combination with the tower showing the impaled heads and the imperial eagle, as well as depicting the burghers reading the engraved message (in German and Latin): “*Sempiternae Rebellionis memoriae*” (fig. 7).



Fig. 7: Eigentliche Abcontrafactur/ der auffgerichteten Columnen vnd Säulen [...].

Both broadsides state deterrence and eternal memorisation as the purposes of the punishment and the pillar: “zur ewigen Gedächtnuß der Rebellion und jedermann

zur höchsten Warnung” – “zu ewiger gedechtnuß/ menniglichen zum abschewlichen Exempel/ und Vilen zur trewer Warnung”.⁴²

The actual punishment as well as its representation in the broadsheets conveys a distinct image of an urban revolt as the political crimes of *crimen laesae maiestatis*, treason, sedition and conspiracy, instigated through the conspiratorial machinations of the ringleaders. Although the image of revolt in the first broadsides was formed by the tumultuous actions of the mob and the violent plundering of the Jewish ghetto, the later and more numerous broadsheets represented the revolt mainly as a crime of ringleaders against the emperor and the legal order of the empire. This, in turn, reacts and punishes the ringleaders as “Ächter” (defiers) of the secular and divine order, which is re-established not only through imperial punishment of the ringleaders, but also by the renewal of the imperial legal protection of the Jews.

REBELLIONS OF THE NOBILITY

Images and the elements of the punishment of the Fettmilch-revolt are to be found in many other broadsheets covering not only urban, but also rural revolts and rebellions of the nobility. The upheaval or resistance of the Bohemian nobility against the Emperor is covered in eight illustrated pamphlets, six of them dealing only with the punishment of the nobles in Prague in 1621. Though the revolt had strong religious motivations, the nobles as well as some of their burgher-associates were punished as rebels for the political crime of *crimen laesae maiestatis*, and the woodcuts use the corresponding iconographic elements: the scaffold surrounded by the soldiers and a crowd of nobles and citizens watching the punishment of more than 40 delinquents, many of them dismembered (at the hand), decapitated, quartered and hanged, with some followers and relatives flogged and expelled. The heads of the twelve ringleaders are impaled at the gate tower and the quartered corpses are exposed outside of town on pillars and gallows. The *Eigentliche Abbildung deß Process der Pragerischen Execution* adds some pictures showing the

42 *Eigentliche Abcontrafactur/ der auffgerichteten Columnen vnd Säulen: so auff dem Platz Vincents Fettmilchs Kuchen Beckers geschleiffen Behausung/ zu ewiger gedechtnuß/ menniglichen zum abschewlichen Exempel/ und Vilen zur trewer Warnung/ den 22. Augusti 1617 zu Franckfurt am Mayn ist aufgerichtet Worden, Conrad Corthoys (Frankfurt am Main 1617); Eigentliche Abconterfyung Vincenz Fetmilch Kuchen-beckers Seullen: Welche auffgericht ist worden/ den 22. Augusti. im Jahr 1617. Auff den Platz seiner geschleiffen Behausung/ zur ewigen Gedächtnuß der Rebellion und jedermann zur höchsten Warnung für Augen gestellt, Johann Ludwig Schimmel (Frankfurt am Main 1617).*

trial and the families begging for pardon.⁴³ The message is clearly depicted and stated: “*Hieraus liebe Leser kanstu sehen/ was jederzeit die Rebellion guts gebracht/ und was die Rebellen für einen Lohn bekommen/ daran sich menniglich bespiegeln/ seiner von Gott fürgesetzten Obrigkeit gehorsamb seyn/ zu keiner auffwiegelung sich bereden lassen*”, as the *Extract auß Prag. Wahrhafftige Zeitung* concludes, referring also to the Austrian peasants’ revolt in 1597 and the Fettmilch-upheaval.⁴⁴

Using similar arguments, the broadside *Eigentliche und warhaffte/ und nach dem Leben gestalte Bildnussen/ Der ehedessen höchstberühmten Ungarischen Grafen/ Nunmehr aber wegen abscheulicher Conspiration wieder Unser Allerdurchlauchtigstes und Unüberwindlichstes Römische Oberhaupt Justificirten Rebellen/ Nadasti/ Serini/ Franchipani und Bonis* justifies the punishment of the magnate-rebels in 1671: “*Wer sich Gottes Ordnung hier frevelmütig widersetzet/ Wieder den Justitia ihr Schwert ganz rechtmässig wetzet.*” It belongs to no less than seven broadsheets and illustrated pamphlets dealing with the rebellion of the Hungarian nobility (or magnates) in 1670/71. In the second half of the 17th century we can observe a slight increase in the popular media dealing with revolts. Broad­sides on pamphlets (sometimes illustrated) appeared covering the Swiss Peasants’ War in 1653,⁴⁵ the rebellion of the Fronde in France, the Rebellion of Stenka Razin in Russia in 1671,⁴⁶ the rebellion of the Hungarian magnates in 1671, followed by the Kurucs- or Tököly-revolt in the 1670s and 1680s, the riot in Grafen Haag 1672, in which an organised mob hanged (or executed) the de Witt brothers at a “shame-gallows” for alleged conspiracy and treason, the peasants

43 *Eigentliche Abbildung der Pragerischen Execution Welcher massen uff befehl der Röm: Key: Maytt: die hieunden beschriebenen, Grafen, Herrn, Ritter und Burgerstadts Personen den 11. (21.) Junii diß 1621 Jahrs zu Praag Iustificirt, und hingericht worden [1621].*

44 *Extract auß Prag. Wahrhafftige Zeitung.*

45 Suter, *schweizerische Bauernkrieg*, 155 f., 313.

46 *Umständlicher Bericht Von deß grossen Rebellen wider Moßkau Stephan Razins Hinrichtung. Geschehen in der Stadt Moßkau den 6. Junij st. v. 1671; Kurtze doch Wahrhafftige Erzählung von der Blutigen Rebellion in der Moscau/ Angerichtet durch den großen Verräther und Betrieger Stenko Razin Donischen Cosaken: Wie er wider seinen Käyser [...] Alexe Michaloiwits [...] Anno 1667. auffgestanden/ Und seine Rebellion continuiert biß Anno 1671./ da er gefangen/ und [...] am 2. Iunii in die Stadt Moscau eingeführet und am 6. drauff öffentlich allda gerichtet worden. Enthält außerdem: Copie Des Urtheils/ Welchs Dem Stenko Rasin auff dem Richt-Platze in der Stadt Moscau Am 6. Junii Anno M.DC.LXXI. Vorgelesen worden, Emden 1671.*

upheaval in Brussels 1678,⁴⁷ the rebellion of the Streltsy in Moscow 1682,⁴⁸ the tumultuous assassination of Vizier Kara Mustapha in 1683⁴⁹ as well as the urban upheavals in Bremen in 1654, in Cologne in 1686 and in Hamburg in 1687.⁵⁰ Moreover, some comprehensive popular books on revolts and treason in European countries were published, such as, for instance, the *Continuierende Rebellion in 1650, dealing with France and England*, or the *Europäische- Schand- un[d] Laster-*

47 Unvermutheter Brüsselischer Land- und Bauern-Auffstand: Mit Eigentlichen Bericht derselben Furiösen Eiffers/ samt des Auffstands Ursach/ hitzigen Verlauff/ und vernünftigen Wieder-Begütigung/ Vermittelst Des Herrn Herzogs von Villa Hermosa Excellenz, Printzen Vaudemont, und anderer Herren hochreifflichen Zusprechens. Herausgegeben Vom 17. (27.) Junij, 1678.

48 Eigentlicher Bericht wegen des in der Stadt Moßkau Am 15/16 und 17 May Anno 1682 entstandenen greulichen Tumults/ und grausamen Massacre. Wie auch; Der augenscheinlichen Lebens-Gefahr/ in welche der daselbst befindliche Königlichliche Dänische Resident/ mittelst dieses Auffstandes/ verfallen [...] (Hamburg 1682).

49 Eigentliche Abbildung derjenigen Execution, welche aus Befehl des jetzt-regierenden Türkischen Kaisers, Mahumets des Vierdten, an dessen Groß-Vezier Kara Mustapha [et]c. In diesem zu End-lauffenden 1683. Jahr ausgeübet worden, 1683; Wahrhaffte Beschreibung/ Was sich seith der entstandenen grossen Empörung im Türckischen Läger und zu Constantinopel vom 7. Octobr. biß 2. Decembr. 1687. zugetragen (Regensburg 1688).

50 Wahrer/ kurtzer Bericht/ Deß in der Stadt Bremen gefährlich entstandenen Tumult und Auffstandes/ Am 6. Septembr. Anno 1654 [...], 1654; Iusta Divae Themidis Ultio, Oder: Gerechte Rach-Vergeltung der H. Gerechtigkeit und wohl-verdiente Belohnung/ Bürgerlicher Untreu und Aufruhrs/ wieder die vorgesetzte hohe Obrigkeit: Zu einem abscheulichen Bey-Spiel/ und billichen Straff-Exempel/ höchst-vermeidlichen Ungehorsams/ und auffständlicher Empörung/ verstockter und Halsstarriger Gemüther. Vorgestellet An den Cölnischen Executions-Proceß/ Dreyer bößhafftigen Aufwickler und Ertz-Rebellen. Nicolai Gulichs. Abraham Saxens/ und Anthonii Mesthovii. Wie solche .. jüngsthin zu Mühlheim den 23 Februarii/ dieses mit Gott tragenden 1686sten Jahrs/ exemplarisch abgestrafft und Executirt worden, 1686; Wahrhafftig-Abbildender Auffruhr- und Empörung-Spiegel: In welchem Alle unruhige und verwegene Köpffe gahr leicht und eigentlich zu erkennen seyn/ beydes Ihnen selbst zu nöthiger Betrachtung/ und allen [...] bedenkenden Gemüthern zu nützlichem Gebrauche vorgestellet. Worbey Eine kurtze Erzählung dessen/ was in Hamburg etliche Jahre hero durch die beyde hingerichtete Haupt-Redelsführer/ Jastram und Schnitger/ verübet worden (Friedberg 1687).

*Cronic/ Der vornembsten Stadt- un[d] Lands-Verräthern/ Rebellen/ Meer-Räubern/ Ertz-Mördern/ Mord-brennern/ Falsch-Müntzern/ Gottslesterern in 1674.*⁵¹

Many broadsheets focussed on rebellions and conspiracies of the nobility, and most notably the Magnate-revolt of 1670/71 evoked a strong echo in the popular print media all across Europe.⁵² Newspapers reported, reports and treatises on the revolt and the trial appeared, court records and the verdict on the rebels were printed, and several illustrated broadsheets covered the revolt. This media-attention had different reasons: first of all it was an anti-Habsburg revolt against the Emperor Leopold I, led by the prominent Hungarian and Croatian nobles Zrinyi, Frangepan, Nádasdy, Rákóczi, Bonis, Nagy and Tattenbach, five of whom were sentenced to capital punishment. Secondly, the “confessional”, “national” and “international” elements, the involvement of France and the Ottoman Empire, the motives of the rebels and its controversial character – a treacherous conspiracy and rebellion or a legal uprising and legitimate resistance-movement – did not only arouse the interest of the European public, but urged the involved parties to make use of public media to demonstrate their positions and legitimate their actions. In this regard, the illustrated broadsheets covering the magnate-revolt are an appropriate example of the public contention on the media representation of revolts, which again was dominated by the responses of the authorities, the trial and the punishment of the rebels and the interpretation of the revolt as a political crime. Leaving single newspaper reports aside, neither the actual preparation of the upheaval nor the short-time outbreak of the armed rebellion in 1670 was covered in popular media. The illustrated broadsheets as well as other popular and the semi-official

51 Continuirende Rebellion: Das ist: Gründlicher Bericht/ und kurtze Außführung/ so wol der anjetzo newen in Franckreich erweckten Rebellion/ deren Ursachen/ und nochwährenden Mißverstände/ zwischen etlich Parlamenten/ und dem Cardinal Mazarini: Erster/ und Ander Theil. Als auch deß Newen Parlaments in Engelland/ nach Hinrichtung ihres Königs [...], 1650; Johann Georg Schiele, *Europäische- Schand- un[d] Laster-Cronic/ Der vornembsten Stadt- un[d] Lands-Verräthern/ Rebellen/ Meer-Räubern/ Ertz-Mördern/ Mord-brennern/ Falsch-Müntzern/ Gottslesterern/ [et]c. wie auch der Weltbeschräiten Schandhuren/ Zauberin/ etc. etc. Sampt Deroselben Gerichtlich ergangenem Urteel und Proceß. Vom Jahr 1614. biß 1674 (Ulm 1674).*

52 On the revolt and the trial see: Franz Theuer, *Tragödie der Magnaten. Die Verschwörung von Muray bis zum Ödenburger Reichstag. Ein historischer Bericht* (Wien u.a. 1979), especially 258-337; Jean Bérenger, “La conjuration des Magnats hongrois (1664-1671)”, in *Complots et conjurations*, ed. Bercé and Fasano Guarini, 317-345. On the echo in popular media and the Habsburgian media policy: Jutta Schumann, *Die andere Sonne: Kaiserbild und Medienstrategien im Zeitalter Leopolds I.* (Berlin 2003), 118-128.

publications rather focused on the trial, the punishment and the rebels as “individuals”.

At least five broadsheets and some illustrations in the relations display large individual portraits of the rebels: The *Eigentliche und warhaffte/ und nach dem Leben gestalte Bildnussen/ Der ehedessen höchstberühmten Ungarischen Grafen/ Nunmehr aber wegen abscheulicher Conspiration wieder Unser Allerdurchlauchtigstes und Unüberwindlichstes Römische Oberhaupt Justificirten Rebellen* showed the four main leaders, counts Nadasti, Serini, Frangipani and Bonis. The *Warhaffte Contrafactur und Abbildung, deren ehemals Vornehm-Berühmten drey Ungarischen Grafen/ Nachmals aber an Ihrer Römischen Kays erl. Mayst. höchst-vergriffenen Rebellen, Nadasti, Serini und Frangipani, mit beygefügter ausführlicher Beschreibung, was massen selbige, dem billich-ergangenem Urtheil gemäß zur Execution gezogen as well as the Eigentliche und warhaffte/ und nach dem Leben gestalte Bildnussen/ Der ehedessen höchstberühmten Ungarischen Grafen/ Nunmehr aber wegen abscheulicher Conspiration wieder Unser Allerdurchlauchtigstes und Unüberwindlichstes Römische Oberhaupt Justificirten Rebellen/ Nadasti/ Serini/ Franchipani und Bonis* (fig. 8) displayed portraits of Nadasti, Frangipani and Serini.⁵³ In addition, three more broadsheets or illustrations were published, displaying only Serini and Frangipani or single portraits of Nadasti and Count Tattenbach. Beyond this, all broadsheets show smaller illustrations of the capital punishment of each of the delinquents.⁵⁴

53 *Warhaffte Contrafactur und Abbildung, deren ehemals Vornehm-Berühmten drey Ungarischen Grafen/ nachmals aber an Ihrer Römischen Kays erl. Mayst. höchst-vergriffenen Rebellen, Nadasti, Serini und Frangipani, mit beygefügter ausführlicher Beschreibung, was massen selbige, dem billich-ergangenem Urtheil gemäß zur Execution gezogen, und den 30. April dieses 1671. Jahrs vom Leben zum Tod gebracht worden [1671]; Eigentliche und warhaffte/ und nach dem Leben gestalte Bildnussen/ Der ehedessen höchstberühmten Ungarischen Grafen/ Nunmehr aber wegen abscheulicher Conspiration wieder Unser Allerdurchlauchtigstes und Unüberwindlichstes Römische Oberhaupt Justificirten Rebellen/ Nadasti/ Serini/ Franchipani und Bonis, Geschehen im Monat April 1671 [1671].*

54 *Wahre Abbildung beeder Rebellen Peter Serini und Francisci Frangepan, welche zur Neustadt in Österreich im Zeughaus enthaubtet worden [1671]; Warhaffte Bildnuß Francisci Nadasti welcher wegen Aufrührischen Meineyds in den Rahthaus Zu Wienn enthaubt worden, den 30. April, vormittag zwischen 8. und 9 Uhr im Jahr 1671 [1671]; Eigentliche Conterfactur und Bildniß deß Rebelle Hannß Erasmi gewesenenen Grafen von Tättenbach. Welcher im Rahthauß zu Grätz in Steuermark den 1. Decembris dieses zu End lauffende 1671. Jahrs mit de Schwerdt von Lebe zum Todt gericht [..], [1671].*

In comparison to former popular images of revolts, we can observe a change in the illustrations: The punishment itself faded into the background and the individual rebels came to the fore, albeit depicted as a conspiratorial group. Especially the broadsheet *Eigentliche und warhafft/ und nach dem Leben gestalte Bildnussen* and a very similar illustration in the pamphlet *Warhafftige und ausführliche Relation, Wie die Ungarischen Rebellen Zu Wien in Oesterreich [...] Zur verdienten Straffe gezogen worden* (fig. 9) use a characteristic iconic visualisation.⁵⁵ The four portraits of the conspirers are entwined by two large dragon-like serpents, assaulting the enthroned imperial eagle, which holds them off at sword-point. The serpents are knotted together by smaller serpents whose tails reach down to the spectators of the punishment. The symbolic meaning is quite clear: The revolt was instigated and performed by the treacherous ringleaders, forming a viperous conspiracy which, on the one hand, was based on the masses (or Hungarian society itself) and, on the other hand, strengthened by foreign powers (France and the Ottoman Empire), symbolised by the smaller serpents. The emperor reacts by utilising the sword of justice, and insofar moves within the ranks of the legal system. To strengthen the legality of the imperial reaction and to answer assumptions of unjust persecution of legitimate opposition and protestant dissidents, the broadsheets contained lengthy remarks on the confessions of the rebels, the verdicts and the execution. Moreover, they recapitulated the conviction of the “*Räthleinführer*” on the ground of “*Crimen laesae Majestatis & perduellionis*”, especially for setting up a “*höchstgefährliche und weitaussehende Conspiration*”, and trying to subjugate Hungary to foreign powers by setting up a treacherous alliance. The texts emphasise that the delinquents voluntarily confessed and regretted their crimes at the public execution, some of them even converting from Calvinism to Catholicism. Thus, the detailed depiction of severe public punishment, which included the delinquents’ decapitation, dishonourable hanging, dismemberment of the right hand, the confiscation of their property, the deletion of their titles and the shaming exposition of their corpses, was not only just and equitable, but accepted by them: “*ich habe es sehr wohl verdient*”, the *Warhafftige Contrafactur und Abbildung* cites Count Zrinyi. Justice, the deterrence of supporters and followers (“*dem Volck zum Abschreck*”) as well as the obliteration of each rebel whose memory was to be utterly destroyed (“*dessen Gedächtnis von der Welt ausgetilget*”) are the clearly stated and depicted authoritarian messages.

55 *Warhafftige und ausführliche Relation, Wie die Ungarischen Rebellen Zu Wien in Oesterreich/ Als auch Zur Wienischen Neu-Stadt Und zu Preßburg Am 30. Aprilis Anno 1671. Zur verdienten Straffe gezogen worden. Nebst dem Nadastischen/ Serinisch- und Frangyanischen Urtheil, 1671.*



Fig. 8: Eigentliche und warhafft/ und nach dem Leben gestalte Bildnissen



Fig. 9: Frontispiece and title page of the Warhafftige und ausführliche Relation

Although all broadsheets and most popular media propagated this interpretation of the imperial court in Vienna, the imperial media policy as well as the purposes of the actual punishment partially failed. Some members of the noble families involved continued their opposition and resistance against Habsburg rule, and more revolts such as the Kuruc uprisings were to come, answered again with punishment and covered in corresponding illustrated broadsheets.⁵⁶ A few pamphlets (but no illustrated broadside) were published which tried to delegitimise the harsh punishments as the repression of legitimate political opposition and the protestant religion. Moreover, the broadsides and pamphlets of the magnate-revolt were used in Hungary and Croatia to commemorate unjust punishment of “patriotic martyrs”. With regard to the European public, the representation of the revolt as the treacherous magnate-conspiracy and a serious political crime was largely dominant.⁵⁷

PEASANTS’ REVOLTS AND RESISTANCE IN THE 18TH CENTURY

Authoritarian media policies and the representation of revolts as political crimes also dominated the few illustrated broadsheets dealing with social upheaval in the 18th century, especially in the case of the Bavarian upheaval in 1705/06 and the peasants’ revolt of Horea and Kloska in Hungary in 1785. However, these two revolts occurred under specific circumstances, as both of them could also be regarded as “resistance movements” against the “foreign” occupation and domination by the Habsburgs. Concerning early modern peasant’s revolts, historians have stressed that after the military repression of the Peasants War in 1525, conflicts were increasingly dealt with within a legal framework and by using legal procedures.⁵⁸ The previous remarks have demonstrated that such legal responses also included the further criminalisation of social protest, as well as criminal justice procedures and subsequent punishment against rioting peasants and their ringleaders. In addition, we can observe that in the 18th century, authorities and states alike increasingly used military force in matters of “inner security”, the prosecution of criminals (especially bandits and gangs) and the execution of severe penalties. The illustrated broadsheets dealing with crime, punishment and revolt are

56 Abbildung, welcher Gestalt der Hungarische Haupt-Rebell Picaii, neben 19 andern seiner Gehülfffen, zur wolverdienten Straff gezogen und hingerichtet worden/ zu Arva den 28. Novembr. Anno 1672 [1672].

57 Schumann, Kaiserbild und Medienstrategien, 127-128.

58 Blickle, Criminalization; Schulze, Beobachtungen.

in part representative of these trends, most notably in the pamphlets and broadsides dealing with the Bavarian revolt against the Habsburg occupation in 1705/06.⁵⁹ Several illustrations use the familiar iconic programme in depicting capital punishment with quartering and the exposition of the quartered corpses at the gallows, and showing portraits of the ringleader Kraus.⁶⁰ Two broadsheets add a new media strategy, enhancing the representations of revolts and the reactions of the authorities in popular media with mockery. The illustration depicting the arresting of the “*Bauernrebell Krauss*” shows a peasant hiding fearfully in a hay barrel excusing himself to the approaching soldiers with the words: “*ich bin ein arm verführtes Bäuerlein*”.⁶¹

A second broadsheet entitled *Das rebellische Bayrn Parlament zu Braunau*, shows the assembly of the Bavarian peasants and burghers at Braunau in 1705 (the so called *Landesdefensionskongreß* or *Braunauer Parlament*) as a collection of ridiculous figures and animals (dogs and boars), who nevertheless are easy to perceive as a conjuration with the Gallic cock in the background window, instigating the revolt.⁶² Though the revolt was bloodily crushed by Austrian military forces, killing hundreds of peasants and burghers (the so called *Sendlinger Mordweihnacht*), the following broadsheets depict only the capital punishment of the ringleaders for crimes such as the *crimen laesae maiestatis*, *perduellio* and treason. Furthermore, the emperor published additional reports and pamphlets to propagate, “*daß der wider die Röm. Kayserl. Majestät und dero höchstlöbl. Administration der Chur-Bayerischen Lande von den Unterthanen darinnen vorgenommene Auffstand unrechtmäßig, Gewissen-loß und hochstraffbar sey*”.⁶³

59 Many of them reprinted in: Christian Probst, *Lieber bayrisch sterben. Der bayrische Volksaufstand der Jahre 1705 und 1706* (Munich 1978), 313, 336, 392, 403, 407; Henric L. Wuermeling, *1705. Der bayerische Volksaufstand und die Sendlinger Mordweihnacht. Mit einem Prolog von Winston S. Churchill*, 5th edition (Munich 2005), 63, 285.

60 Der Bayrischen Rebellen Rädelsführer Erste Execution Lohn und Warnung, 1706; Wahrhaffte Abbildung des bayrischen Rebellen Matth. Kraußen Hinrichtung in Kehlheim [1706], both reprinted in: Probst, *Volksaufstand*, 403, 407.

61 Einer von den verwegenen rebellischen Bauren in Bayern Krauss oder schwartzer Jockel genannt [...] (Nürnberg).

62 *Das rebellische Bayrn Parlament zu Braunau*, Probst, *Volksaufstand*, 392 f.

63 *Gründliche Vorstellung, daß der wider die Röm. Kayserl. Majestät und dero höchstlöbl. Administration der Chur-Bayerischen Lande von den Unterthanen darinnen vorgenommene Auffstand unrechtmäßig, Gewissen-loß und hochstraffbar sey*, 1706. Compare the comprehensive study of Strasser, *Aufstand im bayerischen Oberland*.



Fig. 10: Das rebellische Bayrn Parlament zu Braunau



Wer Eyd und Treue bricht
und nimbt nicht seiner Pflicht
bey Volk. Kayser war
dem wird wie mehr gekocht
auch Kehlheim jetzt laßt leben
an Kraußens Offenbar



Jeh Khlarwein sag wahr, es ist
kein Zweifel, wer mit ist Bayrisch
den holl der deiff, man hat mich
geschlagen, wegen der trey Khlar
wein bleib Bayrisch, laß loben Dan
ber

Fig. 11 & 12: Two different representations of revolt: the execution of the ringleader Kraus (Wahrhafte Abbildung), and Khlarwein as a Bavarian patriot (Rechtfertigung Plinganser, in: Probst, Volksaufstand, 313)

Though the Habsburg media policy spread the image of the upheaval as a criminal revolt, at least one pamphlet seemed to support the perspective of the “resistance fighters” and martyrs for their country.⁶⁴ Despite the option to use popular media for an affirmative representation of revolts, the Bavarian example on the whole solidifies that the emperor and the authorities did not only control the public media, but used them to communicate the authoritarian representation of revolts as political crimes.

In the course of 18th century, the ambiguous or even “dangerous” options for an affirmative representation of revolts and political opposition in popular media gained more importance. Social protest movements and revolts made increasing use of print media. Likewise, enlightened discourses criticised censorship, political oppression and capital punishment. In this respect, the European authorities had to deal with a sensitised public that could react differently to the severe public punishment of rebels and an authoritarian media policy aiming at the representation of revolts as political crimes. The example of the Peasants’ revolt in Hungary (Transylvania) against serfdom and the Habsburg regime lead by Horea and Kloska, who were executed in 1785, may serve to finally prove this. Habsburg suppressed the revolt of the Romanian peasants at the end of 1784 with military force, and an imperial commission sentenced more than 30 rebels to death. Joseph II pardoned all rebels who renounced the revolt and acknowledged the authorities or mitigated the death penalties, with the exception of the three “ringleaders” Horea, Kloska and Crisan (the latter one committing suicide prior to the execution). They were executed by using the conventional punishment for high treason and *lèse-majesté*: Horea and Kloska were broken on the wheel, disembowelled, decapitated and quartered in front of a large crowd of peasants, cordoned off by the imperial army; afterwards the quartered corpses and the heads were exposed on pillars. The punishment was clearly aimed at retaliation, deterrence and general prevention with regard to the assembled peasants and the still ongoing social unrest in the Habsburg territories.

The revolt as well as the capital punishment of its leaders evoked a strong echo in the European press and other print media, not least because Joseph II – the “enlightened reformer” – was involved, and reforms such as the abolishment of serfdom and social unrest constituted prime issues of the enlightened discourses. The reactions in the public media were mixed: Many followed the official interpretation of the revolt as a political crime that was rightfully suppressed. Others – especially newspapers – tried to give more or less “objective information” on the upheaval, and some publications showed favour for the causes of the revolt

64 The so called “Rechtfertigung Plinganser”: Probst, *Volksaufstand*, 313.

or dismissed the “barbaric” punishment of its leaders.⁶⁵ The public dispute on the interpretation of the revolts is discernible in the two broadsides, respectively illustrations, depicting the punishment of Horea and Kloska.

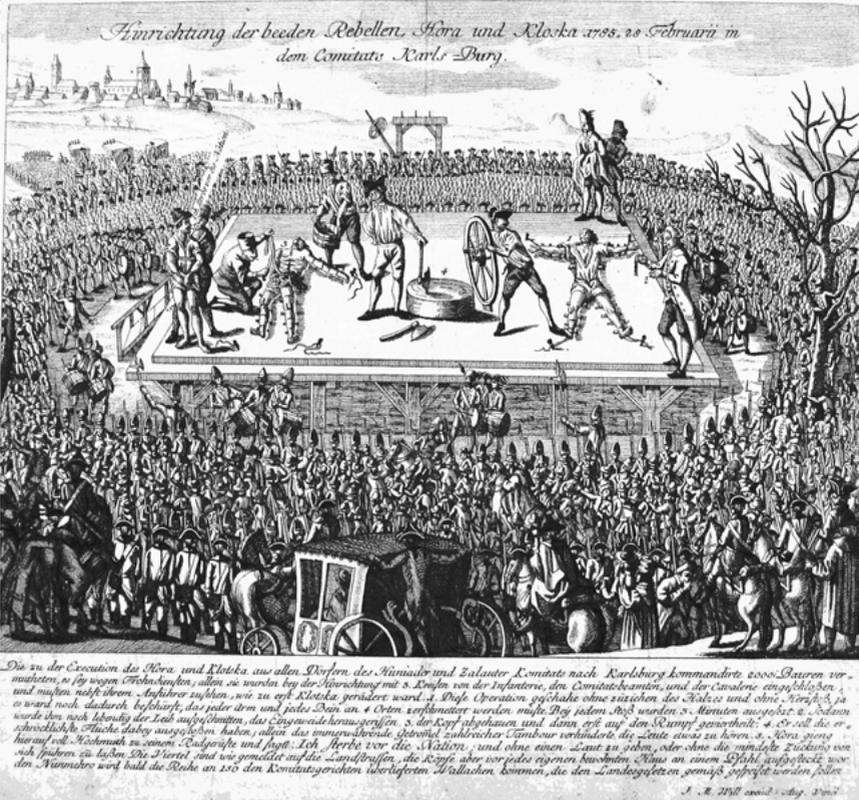


Fig. 13: *Hinrichtung der beiden Rebellen Hora und Kloska 1785*

The broadsheet *Hinrichtung der beiden Rebellen Hora und Kloska 1785, 28. Februar, in dem Comitats Karls-Burg*, printed in Vienna and published 1785, shows the typical scenery of the execution with the wheel, the disembowelment, the executioner with the axe ready for decapitation, the pillars and gallows in the background to expose the quartered corpses etc.⁶⁶ Though actually a vast crowd of peasants was present (the text says 2000), the illustration over-emphasises the

⁶⁵ See the thorough (but biased) study of Nicolae Edroiu, *Horea's uprising: European echoes* (Bukarest 1984).

⁶⁶ *Hinrichtung der beiden Rebellen Hora und Kloska 1785, 28. Februar, in dem Comitats Karls-Burg* (Vienna 1785).

presence of the well-ordered military forces, among them several coaches with higher clerics or other officials, depicting the authorities as attending the punishment of the rebels in person. The execution platform is surrounded by military music (drummers), drowning out the last speech of one of the rebels, who shouts: “*ich sterbe vor die Nation*”. Insofar, the state not only dominates the scenery, but is in full control of the peasants as well as demonstrating its power and ability to suppress a revolt by using the traditional public punishment of the *Endliche Rechtstag*. The “seduced”, but pardoned “followers” are allowed to attend the execution of the ringleaders, who are punished as traitors, but the state prevents the rebels from making a last speech to communicate “their” message of the revolt: the liberation of the nation. On the other hand, the image is ambivalent: The state needs exceptional means like loud music and has to rely on vast military forces as well as on “barbaric” punishments to deal with social unrest and upheaval.⁶⁷

A second broadside entitled “*Vorstellung der Execution*”, probably produced by the printer Johann David Donnhäuser from Frankfurt am Main, gives a slightly different view: peasants trying to enter the platform, a larger crowd of peasants, but a smaller number of soldiers and only one drummer in the background.⁶⁸

Vorstellung der Execution, welche an den beyden Wallachischen Rebellen, Horia und Klotska, zu Karlsburg vollzogen werden.



Fig. 14: *Vorstellung der Execution*

67 Compare the reaction of Brissot to the capital punishment of the rebels: Leonore Loft, “The Transylvanian Peasant Uprising of 1784, Brissot and the Right to Revolt: A Research Note”, *French Historical Studies* 1 (1991), 209-218.

68 *Vorstellung der Execution, welche an den beyden Wallachischen Rebellen, Horia und Klotska, zu Karlsburg vollzogen worden* / I. D. D. [d.i. wahrscheinl. Johann David Donnhäuser] (Frankfurt 1785).

CONCLUDING REMARKS

The early modern illustrated broadsheets are an important popular media of a cross-border, Europe-wide representation of revolts, communicating the image of revolts as political crimes and the reactions of the authorities within the legal framework of penal justice and punishment. In this respect, the representation of revolts in broadsheets and popular media follow the patterns of “*Verrechtlichung*”. In addition, the state and its legal system are placed at the centre of the popular representation of revolts, thus communicating that revolts were increasingly considered – particularly in penal law and the juristic discourses – as crimes against the state (or its representatives), and that the state had to be protected against such political crimes. From this point of view, the broadsides and pamphlets reflect the development of “*Staatsschutz*”. I do not suggest that this was a linear development or even a process of modernisation, but I would like to stress that the representation of revolts in criminal law and public media was closely linked and formed a more or less prevailing pattern of perception and reaction within the legal system and the legal construction of political crimes.

Therefore, all types of revolts in different European countries were covered, though we can observe a slight preference for the rebellions of the nobility and political crimes aiming at the ruler and the state. It seems that peasants’ revolts – by sheer quantity – are somehow underrepresented because either the authorities did not perceive them as main threats to the order, or could rely on the combination of legal process (*Rechtsweg*) and criminal justice, whereas the revolts of the nobility were considered as the more dangerous threat to the state or the system of government. On the other hand, it could also be argued that crimes in the sphere of the nobility were of higher interest to the public and made a better topic for selling broadsheets. Nevertheless, the broadsheets and pamphlets convey no substantial difference between the revolts of peasants, burghers or nobles: All of them are represented as political crimes with the focus on the legal reactions of the authorities, especially on the harsh public punishment of the rebels, depicted as ringleaders, traitors and conspirers. Here, the representation of revolts as political crimes in popular print media corresponds with the developments in penal law and the juristic discourses, using similar elements and symbols: the revolt as *crimen laesae maiestatis*, treason, sedition and conspiracy; the differentiation between ringleaders and followers and the public capital punishment of the former with quartering, dismemberment, decapitation, the exposition of corpses and heads and the appearance of shame pillars.

Concerning the overall images, symbols and icons, one may discern no substantial difference to the representation of ordinary crimes in illustrated broadsheets, albeit there are slight variations. The broadsides dealing with ordinary

crimes often depict the crime itself or the motifs of the criminals, whereas the causes of a revolt or the motivations of the rebels are almost ignored and the actual performance of a revolt is very seldomly depicted. In the case of ordinary crimes, no authority feared that the public could appreciate the motifs of the criminal, but with regard to revolts, popular media could harbour ambivalent effects and help spread oppositional ideas or even legitimate causes of social unrest and protest. For political crimes, respectively revolts, the legal responses of the authorities are related to different *Öffentlichkeiten* (public stages): The rebels themselves used the public and print media and, likewise, penal punishment depended on the public theatre of the *Endliche Rechtstag*. Beyond that, it also required the authorities' public media to distribute the image of a just legal reaction to crime and to enhance the desired impact of public punishment: the *damnatio memoriae* of the rebels and the obliteration of political dissidence, as well as deterrence and general prevention with regard to followers.

In this respect, the illustrated broadsheets were clearly influenced by the media policy of the authorities and their view on revolts. However, one should not forget the commercial interests of the printers and the curiosity of a growing public for sensational news: Broadsheets and pamphlets were to be sold to distribute a message. Accordingly, they offered limited space for slightly different images and representations of revolts. Some broadsheets furnished a revolt with an "individual" face in portraits of "ringleaders" who looked like honourable burghers or nobles. Rebels could appear as seduced or errant sinners with a righteous cause who had pursued the wrong path of violence and insurrection against the authority. Even a distinct representation of rebels as criminals who had to be punished with harsh penalties could promote their perception as martyrs.

Thus, the authorities not only needed to control the popular media dealing with political crimes by censorship, but, moreover, also had to develop a media policy of their own to influence public opinion. This first of all included the publishing of "own" pamphlets or their commission and the placing of the legal response and public capital punishment at the centre of the message and the image they were to disseminate: The suppression of a revolt and the punishment of the rebels as a legitimate and just reaction of the state within the legal framework of penal law. Viewed in this light, the broadsheets contain and depict crucial symbols and icons of penal justice or cite confessions and verdicts as well as emphasising the presence of a well-ordered and powerful state. In contrast, the rebels are depicted and characterised as traitors and conspirers collaborating with foreign enemies. Especially the image of traitors and conspirators – shaped in the public media as well as in penal law – seemed to influence the perception and representation of political crimes on the whole: Attempted assassination as well as the formation of secret "conspirative" groups were regarded as the preliminary stage or the start of a revolt against the state. On the other hand, the authorities developed an additional

media strategy with regard to the representation of peasants' revolts: the mocking of the rebels and the revolt, however, still using the image of severe penal punishment.

In conclusion, the effect and function of the broadsheets and pamphlets was to disseminate the theatre of public punishment to a wider public and to commemorate just legal punishment, thus enhancing the flexible legal responses to revolt: the defamation of the ringleaders as traitors and conspirers and their total social exclusion and disintegration; the deterrence of seduced or potential followers, as well as their reconciliation with the legal and political order, which they accepted especially by attending public punishment; the *damnatio memoriae* and obliteration of the revolt particularly with regard to its causes, which were now labelled as being purely "criminal", so that not the slightest reminiscence that the revolt occurred under any legitimate reasons or aims remained.

However, these were mainly the effects the authorities affiliated and desired, and it is hardly valid to conclude that illustrated broadsheets and popular media dealing with revolts fully obtained such an impact and successfully influenced public opinions and attitudes in Europe according to the described representation of revolts. For the media, representation of revolts could cause ambiguous effects and the broadsheet helped to keep the memory of the revolts themselves alive, as they demonstrated that "political crimes", unrest, dissent and protest had, in fact, existed and that the state had to use severe remedies to cope with them. Ongoing unrest and potential rebels could make use of broadsheets to memorise "martyrs" of a just cause and to demonstrate the "cruel" suppression of resistance and opposition. Furthermore, the representation of revolts and political crimes could help spread the news of revolt to a wider European public, across the borders, in foreign countries with a more sceptical public or even to competing powers. There is still very little research on the "productive use" of popular media by contemporaries, as it is even more difficult (or perhaps even impossible) to measure the impact of popular media dealing with crime for the early modern period than for the present. Still, early modern legal as well as public discourses certainly formed a persisting "cross-border" representation of pre-modern revolts as political crimes against the state and its order, planned and committed by conspiracies and criminal groups to which the state responded within a legal framework, albeit using all the options of the criminal justice system as well as the opportunities of the public media.