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Perspectives on the Emergence of the Dark Figure of Crime in the Late Eighteenth and Early Nineteenth Century

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- 1 The criminal is still very much of an enigma. I do not know who he is, and I do not know where to look for him.” Leon Radzinowicz, founding director of the Institute of Criminology at the University of Cambridge, was provoking his audience at the Royal Society of Arts in 1964: “For a very long time it was thought that the proportion of crime and criminals remaining unknown was rather small and that, broadly speaking, it continued the same over the course of time. This fallacy has since been challenged and should be challenged even more. Optimistic assumptions have been shattered. An ominous phrase expresses our disillusionment: ‘the dark figure’ of crime. Equally ominous is the fact that it has gained currency in every major language. ‘Dunkelziffer’ say the Germans; ‘le chiffre noir’, ‘il ciffro nero’ are the French and the Italian terms”.¹
- 2 Criminologists were very much aware of the problem of undetected and unreported crime. While Radzinowicz popularized the metaphor of the dark figure, startling results were produced, from the late 1960s and early 1970s onwards, by new methods to open up the black box of hidden crime. Since that time, victim surveys and self-report surveys have helped to surmount the walls encountered in traditional recording systems.² These methods, rooted in the social sciences, offer insights into under-reported and under-recorded crime and promise to push the boundaries of the unknown a little further out. Large scale research programmes, e.g. the Crime Survey from England and Wales, the German Victimization Survey and the International Crime Victim Survey, feed into policy consultations and enhance prevention strategies.
- 3 Despite the current boom in survey-based methods, however, the history of this quest to cast light on the “reality of crime” remains largely obscured. Its roots extend much further back to an age well before the “dark figure of crime” became, at least in part, a measurable entity in modern criminology. Talking of an unknown magnitude of crime is inextricably linked to an expertise. It takes a narrative force to launch notions of non-knowledge, unproven knowledge or, indeed, the uncomfortable hunch. But what

historical conditions promoted an awareness that too little was known about crime and delinquency? What practices allowed it to transform a “weak knowledge” into functional order? How it was possible to consolidate its perception as a “real” danger? And how was this venture into hitherto unknown territory able to stabilize the truths it unearthed?

- 4 This article examines how crime undetected by policing agencies came to attract attention in the late 18th and early 19th centuries. The questions raised will be explored below in relation to a threat seen as very real on the threshold to modern times: the robbers and vagabonds roaming the roads of German-speaking territories. The desire to capture the truth about the “real” magnitude of crime and delinquency cannot be analysed in isolation from the formation of modern nation-states. Undiscovered and unatoned crime added a novel depth to an age-old problem. Mobile groups on the margins of society had been observed throughout the 18th century as posing a danger to public security, triggering numerous legal provisions designed to keep them under control.³ But, as Gatrell notes for the English context, the word “crime” when used at all before the 1780s, usually referred to a personal depravity. It lacked the problematic and aggregative resonance it was soon to acquire. “Crime” was not yet thought to be increasing as a necessary and potentially uncontrollable effect of social change.⁴ Along with a growing focus by states on crime as both a public and a social problem rather than an individual one, the notion of “police” was changing, too. In its earlier sense, “police” implied a much more general system of government aimed at regulating broad aspects of communal life for the common good of the community. In the late 18th century, the meaning of “police” shifted towards its more narrow sense as a uniformed force employed by the state to supervise law and order, which was, as Francis Dodsworth points out, closely associated with the rising ideal of crime prevention.⁵
- 5 The key to preventing crime is to know about crime. The production of knowledge of significance to the state, and with it the identification of gaps in that knowledge, will be illustrated here with a focus on the specific situation in the south-western German territories.⁶ The Swabian region, broken up at that time into hundreds of separate principalities, not to mention the strongholds ruled by free knights, seemed particularly vulnerable to robbers and vagabonds. The existence of so many minor territories with their diverse jurisdictions — so contemporary commentators assumed — facilitated a massive proliferation of unemployed tramps and persons habitually suspected of infringing the law. Topographical factors, such as extensive forests and sparsely populated areas, offered plenty of opportunity to escape the notice of the authorities.⁷
- 6 Knowledge of the unknown derives from the practice of prosecuting crime. Intensified efforts to construct a criminological corpus flagged up the limits to obtaining information about crime. This article is not concerned with the missing data itself, but with the discourse, rhetoric and above all the range of practices that surround it and encourage its incorporation into the social world. The analysis of developments in the late 18th century is based on a striking abundance of publications, starting from a single but exceptional case which opened up new approaches to obtaining knowledge about crime and delinquency. These early criminological studies far outlived their time and carved the trail for what became known as *Aktenmäßige Geschichten* (Official Stories), a genre which, in the early 19th century, offered an ample vehicle for suspicion to unfold its own dynamic.

- 7 Concern about hidden crime is closely linked to Late Enlightenment discourse about the functioning and legitimacy of the state's monopoly on the use of force. From the 1760s, both criminal theory and penal practice were burning issues in the critique of the *Ancien Régime* articulated by bourgeois intellectuals. Not only had the rights of the individual to freedom and protection become a criterion for just rule, but the foundations were also being laid for a crime policy programme designed to shield the bourgeoisie from the threat posed by the penniless classes, culminating in a variegated list of measures to fight and prevent crime.⁸ Policing and preventing called for deeper knowledge and, inextricably linked, novel methods to find out more about crime, its causes and patterns, the hidden secrets of delinquent souls and the entanglements of the milieu, unearthed by local prosecutors, attentive chaplains and specialized commissions with their special agents. The emergence of this “knowledge of the unknown” is to be seen within the context of the rise of statistical thinking, but it predates official crime statistics, as we shall see.⁹ Data and the absence of data about a supposed milieu gained attention and triggered suspicion. There ensued a dynamic relationship between novel forms of knowledge about crime and delinquency and the marking of uncertainty and danger, resulting in turn in a willingness to trust in non-knowledge and the reportedly necessary interventions derived from it. These shallow banks of new knowledge coincide with the formation of a purportedly homogenous phenomenon: the world of the “*Gauner*”.¹⁰

Obtaining “true” testimonies

- 8 In 1760 Johann Friedrich Schwan was detained, tortured and condemned to death. His story is widely regarded as the best-documented case in the legal history of southern Germany. He made copious statements about delinquent and underprivileged sections of the Swabian population. The jury is still out on whether this cornucopia of information led to a major turning-point in the prosecution of mobile marginal groups.¹¹ Certainly, Schwan is still remembered today under his moniker, the “*Sonnenwirtle*”, a reference to the inn once kept by his parents. Friedrich Schiller drew on this piece of criminal anthropology to weave his tale *Verbrecher aus Infamie: Eine Wahre Geschichte* [Criminal by Infamy: A True Story] (1786) and its later version *Der Verbrecher aus verlorener Ehre* [From Loss of Honour He Turned to Crime] (1792). Schiller's portrayal of the case is seen as an indictment of the legal system under the *Ancien Régime*. His (heavily amended) biography of Schwan supplies the framework for exploring a hidden layer of morality and taking into account all the circumstances that shape the life of an offender. Uncovering the hidden springs of delinquency was a hugely popular exercise in the latter third of the 18th century.¹² This *psychologia empirica* saw its role as turning the enquiry inwards and shedding light on the dark depths of the soul. It elevated “understanding crime” to a major literary theme, gradually eroding the foundations of traditional attitudes to guilt.¹³ Twenty years or more after the “*Sonnenwirtle*” was sentenced, he was outperformed as a source by the notorious “Konstanzer Hans”, a widely hunted villain and well known beyond the borders of his region. The spectacular insider revelations from the delinquent milieu were not, on this occasion, immortalized in literature. Instead, the information extracted from him during his interrogations and provided throughout his many years in prison were the basis for a series of very different works, which will be examined below, about the *Gauner* of Württemberg. For a

long time, this material he provided was part and parcel of the corpus of early criminological knowledge. It offered unprecedented insider insights into the worlds of itinerant sections of the population who were often suspected of criminal activity.

- 9 Extensive and truthful statements were by no means self-evident fruits of early modern inquisitorial procedures. The two trials outlined here and the works to which they gave rise reflect shifts in both the criminal theory and the penal practice of their day. The interrogations of Friedrich Schwan and Konstanzer Hans were, nevertheless, fundamentally different in nature. The statements made by the prisoner in 1760 were extracted from him by inflicting bodily pain. Whereas twenty years later, according to the officer in charge of the enquiries, Konstanzer Hans surrendered his incomparably richer information entirely of his own accord.¹⁴ What interests us here, however, is not so much that the data obtained about the milieu of vagrants and robbers fed into two completely different spheres of knowledge as the abundance of information derived from the interrogations. They supplied the material for publications about the itinerant underclass and were read within an echo chamber profoundly influenced by Enlightenment interests.
- 10 The identification and registration of vagrants was already a well-established tradition by that period. The earliest known lists of vagrants and thieves date back to the late 17th century, but most of the lists that have survived until today originate from the years between 1770 and 1790. Information gleaned from inquisitions about the much-feared vagrant milieu was compiled in tables, single-sheet folios or texts of several pages. These lists were drawn up for internal use, printed in relatively small runs and sent out to neighbouring principalities. Their function was to supply public servants with a handy aid for their own enquiries and questioning.¹⁵ However, the prosecution agencies at that time were still poorly equipped to carry out their duties. Most of the lists of vagrants and thieves circulating in the south-west German region came from the tiny territories in the *Schwäbischer Kreis*.¹⁶ The reason for their proliferation lay in the highly fragmented power structures in this corner of the Empire, which made cooperation between the crime prosecution agencies essential.¹⁷ Besides, vagrants were openly tolerated in the areas controlled by imperial knights, as contemporary commentators frequently complained. On the other hand, there was a scattering of public servants eager to optimize the fight against crime for which they were locally responsible. They included the *Oberamtmann* (provost) Georg Jacob Schäffer (1745-1814). His superiors were wont to complain about his fondness for criminalistics. In their opinion, his painstaking research into *Gauner* and vagabonds cost far too much money and led him to neglect his other administrative duties.¹⁸ Schäffer's crime-solving activities, already widely acknowledged as efficient, were based on two unconventional methods. First, he involved individuals in his investigations with whom he managed to establish a close personal bond.¹⁹ Second, he underpinned his enquiries with elaborate paperwork. Schäffer compiled lists of *Gauner* and engaged in prolific correspondence with the authorities of neighbouring territories.²⁰ In 1783 he read in the *Stuttgarter Zeitung* that Konstanzer Hans had been arrested as the suspected ringleader of a band of crooks. Six months later, at his own instigation, the provost was placed in charge of the investigation. When the questioning began, Hans was already confronted with a big pile of case files and lists.²¹
- 11 The result of the interrogations was an encyclopaedia of betrayal. Schäffer succeeded in writing up a compendium of statements straight out of the "*Gaunermilieu*" that was

outstanding in both quantitative and qualitative terms.²² The structure of this work underscores the importance of his informers, as he ordered the material around their testimonies.²³ He demonstrates the fundamental condition for meeting the demand to fight delinquency and crime efficiently. First-hand reports formed the core and were now recognized as essential building bricks in an inventory of criminological knowledge.

- 12 The provost's approach to establishing the facts is founded on statements by five defendants. These are the source for detailed personal descriptions of almost a thousand vagabonds and robbers in the Swabian region. The publication not only demonstrates the virtue of amassing complete data of traceable origin, but extends to complementary information about, for example, receivers of stolen goods and persons providing shelter to vagrants. The abundance of information is punctuated by references to existing lists and other useful suggestions from the author, all of which stand out clearly thanks to the typographical design.
- 13 Schäffer leapfrogs the traditional media format of the *Gaunerliste* by publishing a work for the "common weal". This is the fruit, declares the title page, of more than two years of investigation and is based on many thousands of transcripts. The records-based selection of findings, presented as impartial, was also in harmony with other goals, such as transparency and public availability. Under the laws of the day, the crimes listed would have incurred the death penalty, but it was commuted to a lengthy term of imprisonment in the penal workhouse at Ludwigsburg. At public executions, the role of the public was to confirm the lawfulness of the enforcement proceedings. Now they were being called upon to witness unprecedented efficiency in the fight against crime.
- 14 The merits of this work were by no means confined to its volume of information, exceptional for the times, or to the novel structure of that information. Schäffer's book must also be seen in the context of discourse about the abolition of torture. Enlightenment authors had been embroiled in this debate for some time, but it quickly entered the limelight with the publication of Cesare Beccaria's *Dei delitti e delle pene* (1764). Carl Eugen, the Duke of Württemberg, showed a deep interest in the broad discussion of criminal law triggered by the Italian philosopher of law. The duke himself wanted to apply severe restrictions to the use of interrogation under torture in Württemberg. However, there was a longlasting divergence of opinion between Carl Eugen and his councillors, as Gerhard Fritz describes in detail. In 1785, a year after Schäffer's prolific opus appeared, a ferocious top-level quarrel erupted. The duke's closest advisers attacked what they saw as undeserved clemency towards vagrants and *Gauner* in Württemberg and demanded a tougher line. They drafted a bill providing for heftier penalties, not least capital punishment. The duke delayed these proposals from his advisers and ultimately managed to avert the proposed legislation by resorting to his absolutist powers.²⁴
- 15 Studies of penal practice by (legal) historians reveal that torture became gradually less widespread over the 18th century as a means of forcing the accused to confess for the purposes of evidence-gathering. If no statements admissible in court could be obtained, an "extraordinary penalty" could be passed down rather than a death sentence. By means of this *poena extraordinaria*, a person could be condemned to hard labour or to the workhouse without full evidence to support their guilt. This opportunity to find the defendant guilty on the basis of suspicion alone was being increasingly applied, especially to marginalized itinerant groups. The reason for this was that procedures

involving individuals from the feared “*Gaunermilieu*” were by no means simply about making them confess to the crime in question. There was a crucial interest in extracting additional information about any accomplices or accessories they might have. Local investigation procedures, supervised by bailiffs and justified on grounds of public security, were preserving a system still ridden with violent tactics such as whipping or the denial of food.²⁵

- 16 Dispensing with the use of physical force and plugging the evidentiary gap called for well-functioning channels of information. Schäffer’s successful strategy for obtaining circumstantial evidence met with a positive echo elsewhere. Two years later there were calls to make provision in the law for snitching on accomplices. It seemed far more efficient, rather than allowing crimes to remain hidden, to offer informers impunity or even rewards.²⁶ By this time, denunciation had proven to be almost indispensable as a tool for the authorities to gather information.²⁷ Schäffer’s investigations are not only distinctive because they were so far-reaching. One major factor in fierce debates about the use of torture in the late 18th century were widespread doubts about the veracity of statements obtained under duress. So often, however, a lack of evidence combined with a perceived threat to public security spoke a different language. Schäffer’s book offered a solution to this Late Enlightenment dilemma. We do not know whether the provost promised the accused a more lenient sentence in return for a willingness to talk, but the wealth of information he obtained was certainly boosted by the fact that Konstanzer Hans offered it up freely. Nearly half of those denounced in this manner owed their fate to his untrammelled tongue.²⁸ Questions about the veracity of statements obtained under force lost relevance in the light of Schäffer’s repeated insistence that these revelations had been voluntarily supplied. The unusually cooperative behaviour of one man enabled the provost to make rapid progress with the list on which he had so long been working and to present the outcome to the general public as an encyclopaedia of betrayal.

Revealing hidden souls

- 17 Imprisonment allowed the production of truth to continue unabated and even to acquire a new depth. Whereas the execution of a criminal brought detective work to an irreversible conclusion, the increase in gaol sentences opened up new scope for the generation of knowledge about crime. Before the discourse about how best to obtain confessions emerged in the latter years of the 18th century and the communicative situation in which interrogation occurred became an object of interest, it was individual ministers of the Church who had claimed a special role in the contest to establish the truth.²⁹ In the 1770s, a passionate debate arose about the validity of final-hour repentance and conversion on the verge of execution.³⁰ Advocates and adversaries alike seized the chance to highlight the role of pastoral involvement in the prosecution of criminals. A clergyman’s access to complex gang structures was felt to be especially rewarding. Without the services of ministers, argued an early textbook on pastoral care, “entire mobs of murderers and thieves would go undetected in their lands” and the state would be deprived of much useful knowledge.³¹ Quite apart from supporting the prosecution effort, there were psychological insights to be gained about these unconscionable acts. Clergymen should “discover and record the life story of every delinquent”.³² Indeed, the Church must have precedence over the prosecution agencies

in this respect: such biographies would reveal far more about the “morality and inner grandeur of malfasants” than the reports of lawyers and should preferably be available before sentence was passed.³³

- 18 Proceeding from the experience, or at least assumption, that criminals facing execution were likely to make a “truthful” confession, access was demanded immediately after arrest. Clergymen represented an authority far superior to that of the investigator and would therefore be much more successful in obtaining the necessary trust of the accused. Pastoral access to the “innermost secret recesses of the soul” made this the ideal means to “pursue vice into the most secret crannies”. In the confident knowledge that God sees all and cannot be deceived, discourse on the validity of belated repentance claimed a privileged understanding of the criminal soul.³⁴ According to contemporary reasoning, ministers could pre-empt protracted investigations and make the fight against crime incomparably more efficient because they had a “direct” path to the knowledge and conscience of their charges.
- 19 Konstanzer Hans did not lose his taste for communication either. During the eight years between his sentencing and his death, his prison chaplain in Ludwigsburg was Johann Ulrich Schöll (1751-1823). There was a dynamic interplay, as the next two sections will reveal, between his readiness to confess and the attention it received. Within a decade, further writings had been generated by Hans, with his loose and eager tongue, and his enthusiastic audience. In 1789 the chaplain wrote a biography of the talkative *Gauner*. This publication upholds a tradition of the dual-pronged approach to an infamous life. In his preface, Schöll explains his psychological interest in this extraordinary case. As the subject is so forthcoming and also capable of introspection, the author is able to construct a perspective on the “inner story”, setting it apart from popular tales of banditry lapped up by readers with an appetite for sensation. The narrative is driven by contrast. Wretched social and family conditions, an unfortunate chain of circumstances and bad influences pushed Hans, for all his honourable intentions and excellent physical and mental disposition, into the life of a vagrant and robber. A picture is painted for the reader of the social causes behind the criminal career as Hans drifts into a semi-lawless milieu. The power of contingency is illustrated in an effort to convey how life’s conditions govern the formation of a villain.³⁵
- 20 This tale of a criminal career has not escaped scholars researching the history of literature.³⁶ It fits within a contemporary boom in both histories of crime and journals devoted to matters of psychology and anthropology. The late eighteenth-century quest to understand the origins of crime in terms of empirical psychology was to induce a significant transformation. The focus of judgement shifted away from the deed towards the personality of the individual performing it. Chaplains were explicitly ranked among the experts in this field of empirical psychology.³⁷
- 21 With his biography of Konstanzer Hans, the author ventured deep inside the emotional world of his charge. Essentially, this is the chronicle of a successful conversion.³⁸ It portrays a soul given up for lost and its retrieval from entanglement with a world of crime. Prison custody provided an opportunity for interrogation under different conditions. Schöll seized on the educational aspects of the interrogative setting and encouraged the prisoner to do what was for his own “best”, which was to embrace the situation rather than to deny it.³⁹ The process sought to expose not only the darkest recesses of the soul, but also the hiding places where the *Gauner* community found refuge. The chaplain effectively transformed a confession submitted to a worldly court

into one that could hold up before a divine judge, rendered in literary form with an abundance of insights into the “innermost thoughts” of a criminal. The narrative constructs a sweeping overview: a painstaking record of the nexus of cause and effect enables the author, by adopting the “pragmatic story-telling” mode, to display his protagonist’s inner being “in action”. This graphic, immediate quality allows the reader to plunge straight into the scene, highlighting the “reality” of the phenomena.⁴⁰ Prison is stylized as a place of authentic catharsis. The time and place — ample time and an enclosed space — offered Schöll an exceptional framework to heighten his testing of truth. Doubling up with his pastoral role, he provides an object lesson in probing the “inner truth” of another man. His weaponry is the witness borne by an astute shepherd of the Church. Here we have the veridiction and public presentation of a successful conversion: with no ulterior motive a notorious *Gauner* puts a world of crime behind him and turns enduringly to a decent Christian life, confirmed for all eternity by his painful death in the faith.

- 22 Schöll published his account of a “genuine conversion” at a time of vehement debate about the legitimacy and purpose of state-inflicted punishment. Numerous enlightened treatises on the theory of criminal law were published from the 1770s onwards and some innovative paradigms emerged. Core features were the shift from revengeful public authority as a supreme purpose to the prevention of future ills, guarantees for public safety and the moral improvement of the criminal. As Thomas Nutz has described, there was also tenacious criticism of the principle of serving out prison sentences behind closed walls. Public visibility was seen, rather, as crucial to the deterrent impact of penal labour and other penalties. Although the degree of physical pain had been considerably reduced, this visibility was to remain pivotal into the early 1790s. The principal issue with enforcing sentences in the public eye, however, was the loss of honour. It made reintegration into society difficult, if not impossible.⁴¹
- 23 Schöll’s work was effective in countering these specific concerns about resocialization. What is presented to the reader here as the biography of a criminal is far more a testimony to individual potential for reform. The observer perspective served to enter hitherto unknown territory. Contours are sketched for a new field of knowledge that extends well beyond uncovering specific violations of the law and suggests the need and scope for a preventive approach. It made a central theme of the truth of the criminal’s soul and, as we shall see below, of the criminal’s milieu.

Counting and recounting

- 24 Prison chaplain Schöll was evidently acutely aware of the fruitful access afforded by a penalty meted out with the aim of “improvement”. The clergyman tapped into an unexplored area of criminology as a rich field of empirical investigation, deriving material for a second substantial study. The deliberate moments of confrontation in his questioning and his conversations with Konstanzer Hans had not only demonstrated the truthfulness of his subject’s own desire to reform but had triggered a flow of information. The insights into the “depths” of his prisoner’s “soul”, to which he gave a performative frame stylized as truth, culminated in as yet undescribed knowledge about the day-to-day world of delinquency. Schöll’s original intention of prefacing the biography with a brief outline of the *Gauner* community turned out to be impractical. Too abundant were the facts now at his disposal. The publication devoted to presenting

an authentic conversion was followed four years later by a comprehensive ethnographic account of Swabia's thieves and beggars.⁴² What these two studies have in common is the insider perspective, the powerful visualization of the dark side, whether of an individual or of a section of society.

- 25 In his second work, the chaplain identifies himself “as a private man” to address “readers of all classes”. The very authorship indicates the hybrid nature of this study. The author remains anonymous while at the same time giving away his credentials as the biographer of the well-known figure Konstanzer Hans. His declared aim is to provide a “total concept” of how the *Gauner* community lived and worked.⁴³ He depicts the indeterminate magnitude of an apparently homogenous group formed into “a standing army of many thousands” and “united into a society with multiple ties between its members”.⁴⁴
- 26 Schöll operationalized his study of the *Gauner* milieu in two ways: he was seeking a qualitative understanding, but also a quantification. He was able to draw on extensive source material. This included both oral and written reports obtained from “knowledgeable public servants” in Swabia and the adjoining territories, lists of *Gauner*, interrogation records and numerous documents from official archives. Most of the information, however, he had heard straight from the mouth of the infamous Konstanzer Hans. Alongside other defendants he was able to question closely in the course of his duties, the chaplain assures his readers, Hans had shown himself to be a well-informed and reliable source.⁴⁵ The crime archive was full to bursting, but this first-hand knowledge overshadowed it.
- 27 The entire population “from the courts of justice to the peasant’s cot” should be informed and warned about the *Gauner* community, observed Schöll.⁴⁶ Late Enlightenment concerns and security policies alike had enhanced the availability of ethnographic knowledge about groups of people who had no fixed abode and were constantly suspected of breaking the law, marking an Other within society.⁴⁷ Readers were treated to hundreds of pages of insights into vagrant structures never before described. Here were revelations about hiding-places, dens of thieves, receivers of stolen goods, breaches of territorial and administrative competence, spying operations, multifarious forms of aiding and abetting crime, and the deficiencies of crime investigations by the authorities. Schöll presented the lifestyle of the beggar and vagrant as deeply rooted in the everyday realities of rural subsistence farming. Inclusion and exclusion were inextricably intertwined, subverted by practices of classification and measurement. In the following years, Schöll was to confirm his own philanthropic and educational motives: he initiated a petition to the Diet of Württemberg about the “expedient establishment of poor institutions”, and called for the social integration of the children of vagrants and beggars.⁴⁸
- 28 Placing a precise figure on the *Gauner* and vagrants was a key security measure in the author’s eyes. Of course, Schöll argued, there could be “no question of counting them”, and there was “no data available” in any other form either.⁴⁹ Lists, to the extent that they existed, were relatively reliable sources, but they did not fully reveal the “true” extent of the evil. Besides, he lamented, the existing lists did not properly distinguish between *Gauner*, tramps, thieves and beggars, and anyway individuals were as a rule inadequately described. This lack of knowledge, or its lack of clarity, had now been acknowledged as a fact in its own right. What was specifically new about this study was

that it explicitly recognized the unreliability of knowledge while acknowledging that it would be difficult to perfect.

- 29 This did not, however, prevent the chaplain from attempting to put a number on the *Gauner* population in Swabia. His declared aim was to produce an overall list, a “*General-Jaunerliste*”. It should also include those who had not yet fallen into the clutches of the authorities. The matter was of such importance to security that the contradiction between the faulty dataset and Schöll’s cognitive aspirations faded into the background. Once again Konstanzer Hans was consulted. Four years earlier the chaplain had testified to his authentic conversion. Now the clergyman turned the situation on its head and granted the once-feared outlaw the role of an expert witness. His inside knowledge of the milieu was crucial to distinguishing between crime, delinquency and chronic poverty. “To bring out the truth”, i.e. to determine the number of those who “exercised the craft of thieving professionally”, Schöll did not balk at mixing calculations, extrapolations and estimates on the same page and presenting his results to the public in concrete numerical form.⁵⁰
- 30 His extensive proposals for quantifying *Gauner* and his call to compile a single cross-border list for vagrants in all territorial units was picked up and fleshed out a few years later. Provost Friedrich August Roth in Emmendingen, a town in Baden, was able to build on the chaplain’s work. His friend Schäffer had given him Schöll’s incomplete lists. Alongside other handwritten and printed lists, these constituted the principal basis for the extremely copious “*General-Jauner-Liste*” published by Roth in 1800.⁵¹ The alphabetical arrangement of the information in tabular form insinuated “total” knowledge. The list lent itself, just as its author had intended, to rapid consultation during investigations.
- 31 The aim was not simply to register every *Gauner*. Roth meticulously checked his lists for deaths. But there were limits to ascertaining how many vagrants had passed on. Here Roth devised an equation which seems at first sight rather surprising, for it contains two unknown terms linked by a (hypostatized) set ratio. And so it was that crime hidden from the view of the authorities entered the stage of science: Roth felt able to assure his readers that there were at least as many *Gauner* lurking unnoticed as there were dead *Gauner* on the list.⁵² The equation constructed by Roth is somewhat easier to grasp if we consider his practical methods. The provost lists 3,147 *Gauner*, thieves and vagrants in total. 223 of these have been sentenced, 94 have died in prison and another 127 have perished at large. This illustrates two points. One is that only a fraction — almost 14% — of the delinquents no longer pose a threat to decent people. The other is that Roth is thus able to demonstrate his meticulous methods. In addition to his data on the inmates of Swabian prisons, he was able to match his findings against the deaths of bandits from far-off countries such as Bohemia, Hungary and Spain.⁵³
- 32 Both Schöll’s *General-Jaunerliste* and the one compiled by Roth were attempts to “fully record” all *Gauner*. One might expect that in the wake of these efforts unknown crime might naturally emerge. Both authors demonstrate that this gap in the knowledge of the public authorities cannot entirely be plugged. Undiscovered crime is more, however, than just a missing link. Indeed, this zone of the unknown identified on the eve of modern statehood is, as the next section will seek to show, a powerful entity. As the generation of knowledge around delinquency and crime began to be pursued with greater vigour, this “night of knowledge” could unfold a life of its own.⁵⁴

Surveillance and suspicion

- 33 Undiscovered crime, the delinquency concealed from the prosecuting authorities, is not merely that which escapes the “eye of the law”.⁵⁵ This at best diffuse knowledge of the “actual” magnitude of criminal activity does not exist in a vacuum. Talk of unknown crime has a performative dimension and this too is part of the picture. “Real”, if anything, are the demands which are articulated and the measures which are implemented. Undetected crime was posited as something not yet known. This carved out a powerful space for intervention that was not confined to the pastures of certain knowledge. The rise in surveillance triggered in the early 19th century must be understood in its dual function as exercising control and pursuing wellbeing. It served not only repression, but also the state’s duty of care.⁵⁶
- 34 From 1806 the Kingdom of Württemberg was a greatly enlarged sovereign territory. Establishing and expanding domestic security became a political priority. Beggars, vagabonds, *Gauner* and gangs of thieves all figured here, as they did elsewhere, as a *topos* of threat. The focus on mobile marginalized groups gained potential from a supposed facticity combined with an inability to quantify. This ambiguity was fostered above all by assessments of *petite délinquance* with its extremely blurred boundaries. The territorial fragmentation seen in the Holy Roman Empire as the greatest obstacle to fighting crime effectively had now been overcome.⁵⁷ Nevertheless, the agencies of state were keen to tighten their mesh of control and administration and to close gaps in their knowledge. A dynamic interplay unfolded between suspicion and strategies for prevention. This fear of an unknown danger is clearly discernible when, as state power was reorganized in the transition from a pre-modern to a modern era, suspicion was not merely a flickering candle in the legislative and executive branches alike, but a smouldering underground fire.
- 35 Under the *Ancien Régime*, non-sedentary and delinquent elements were subjected to various levels of repression ranging from draconian punishment to the waiving of sanctions.⁵⁸ When the kingdom was constituted afresh and efforts to codify Württemberg’s law advanced, responsibilities for the security policy agenda were increasingly centralized. In 1807 a comprehensive regulation was enacted with detailed provisions on how to deal with “vagrants and other persons constituting a danger to public security”. On the one hand, the new state sought to “mould” domestic, mobile, marginal groups into “harmless or possibly even useful citizens”.⁵⁹ On the other hand, a cascade of penalties was introduced, ranging from military conscription or arrest, with or without beatings or other corporal punishment, to confinement in one of the forced labour institutions that had been set up in every area from 1808.⁶⁰ It was hoped that the *Gauner* problem would be resolved by the requirement to carry a passport introduced in 1811, the prohibition of begging, the recording of routes taken by travellers in transit and checks at the external borders. Persons engaged in a trade “detrimental to the public” would not even be allowed to cross into Württemberg.⁶¹
- 36 Within the kingdom, domestic monitoring of “suspicious persons and persons posing a danger to public security” was to be guaranteed at two levels. In the local communities, responsibility lay within the bailiwick. In every village “trustworthy residents” were detailed to keep watch by day and by night. The bailiff was required to patrol isolated farmsteads and outlying areas on a regular basis and generally to keep an eye on the lifestyle of local subjects. A gendarmery was founded in 1807 to supervise rural roads.

- The main task of these country constables, two hundred in number in Württemberg, was to seize beggars and vagrants.⁶² If a traveller struck them as suspicious, they were to enquire after the purpose and route of the journey. Even if no offence could be proven, a personal description had to be drawn up. The registration of suspicious elements was operationalized by means of journals recording the exact details, which would then be signed off by the local bailiff. These logs also served to monitor the supervisory bodies themselves. The journals were regularly checked and had to be submitted to a superior authority once a month.⁶³
- 37 Surveillance was not limited to roads, towns, villages and outlying farms, but extended to channels of communication. Knowledge of delinquency and crime was to be recorded, archived and networked. From 1814 a central record was kept of the number of people picked up by the gendarmery,⁶⁴ and from 1819 Württemberg kept statistics on convictions by local and district courts and the number of persons under arrest.⁶⁵ The quantity of thefts ascertained in this manner, which seemed incomparably higher than in other territories, triggered a bill designed to prosecute such offences with greater severity.⁶⁶ Beside these first attempts at criminal statistics, a regulation adopted in 1811 established mechanisms for pooling further data. Threads of information relating to the existence of an enforceable judgment against a specific individual were to be clustered at that person's place of residence or birth. These reports were to be kept in registries set up for this purpose in parishes and bailiwicks. However, many contemporary commentators lamented that these registries were maintained in very different ways, were of little avail and failed to ensure that all this personal information was retrievable.⁶⁷
- 38 The residents of Württemberg were to function as a neuralgic interface in the effort to counter delinquency and crime. At local level, any dealings with mobile marginal groups were subject to intense scrutiny. Rigid rules, rammed home again and again, discouraged the provision of shelter to aliens. This indicates that controls by the authorities were heavily reliant on the willingness of local people to report infringements. The readiness to pass on information was an essential hinge in the efficient prosecution of crime. Overnight stays by outsiders, whether at an inn or in a private dwelling, had to be notified. In addition, bailiffs had to monitor the guesthouses and keep an alphabetical register. To "seal off bolt holes for once and for all", severe penalties were meted out for accommodating "vagabonds and other suspicious outsiders".⁶⁸
- 39 The assumption that mobile marginal groups were operating on the boundaries of the law became a powerful reality. "Vagrancy", or "roaming outside the place of residence with no permitted purpose and with inadequate means of sustenance", was consolidated in Württemberg's Criminal Code of 1839 as an offence in itself. Vagabonds were no longer seen merely as a nuisance, but as a concrete threat. Legal sanctions could be imposed without any evidence that a law had been broken. The legislation left broad scope for suspicion: even begging by such persons was enough for the "reasonable supposition that idleness was an inducement to crime".⁶⁹
- 40 Beside these regulations in Württemberg, a specific distinction was drawn between "vagrants" and "*Jauner*". The latter were considered to be "criminals roaming the countryside for gain with specific customs and their own language".⁷⁰ Doubts were expressed during the lengthy drafting of the Criminal Code as to whether these "people raised from young years as enemies and disruptors of human society" were still out

there at all.⁷¹ Questions about the existence of gang structures and whether criminal behaviour was being passed down through families had already triggered controversy in earlier decades. Critics of the regulations argued that the stringent laws already in place for dealing with vagabonds, thieves and robbers were sufficient. Including the putative “*Jauner*” in the law of Württemberg, and imposing a worst-case penalty of lifelong imprisonment, amounted to recognizing a criminal offence which in other German states was now a relic of a bygone era. Despite grave reservations about a definition so specific to the territory, “*Jaunerei*” was nevertheless incorporated into the legal code of Württemberg.⁷²

Obfuscation

- 41 The response to this purported threat to public security emanating from mobile marginal groups commonly designated a “criminal milieu” was not merely legislative. The dangers associated with such people were disseminated by the media through the publication of what, in the parlance of the day, were known as *Aktenmäßige Geschichten* (Official Stories).⁷³ At this point we shall extend our geographical focus beyond Württemberg. The authors of these texts advocated a “definitive” solution to the issue, a goal that could only be achieved by cross-border collaboration between the competent authorities. As a genre, these Official Stories were especially popular in the first half of the 19th century, and they testify to a policing practice that has so far found little reflection in the canon. The hallmark of this genre is its recourse to court media: thousands of pages of interrogation transcripts, inter-regional correspondence and copious police case files were intended to ensure the verifiability of the published material. The assumed neutrality of the “data” and “facta”⁷⁴ proffered here to both a wide audience and the crime-fighting authorities combines with the empirical knowledge available to forge an effective alliance for the production of truth. There are testimonies here to sinister threats, but also to new criminalistic skills, all powerfully underscored by the virtue of diligence. Not one of the authors schooled in the direct practice of prosecuting crime neglects to mention that, in addition to their specific function, they have devoted themselves to the service of public security. Their publications are occasioned by the successful exposure of peripatetic gangs. The focus is on *Gauner* who, it is taken for granted, have made crime their profession. Suspicion and delinquency transmute into manifest evidence of real danger. Fears are fanned of “the most artful scoundrels, nay, even robbers and murderers, hiding behind the mask of a vagrant, a travelling craftsman or a helpless beggar”.⁷⁵
- 42 The narrative of the Official Stories generated both active obfuscation of the situation and a halo of successful service to public security: bands of thieves and robbers with purportedly impenetrable structures and, diametrically opposed, the investigative interventions of adroit specialists.⁷⁶ The authors styled themselves as experts by dint of their experience, forged in day-to-day crime-fighting against a milieu imagined as a kind of mycelial substrate. The power of the narrator, reinforced by discourse, lent veridiction to precarious, indeterminate knowledge or, more accurately, to a lack of knowledge. Reference was impressively made to “a silhouette of the countless crimes truly committed and the terrible impunity of their undiscovered perpetrators”.⁷⁷ These expert practitioners from the corridors of investigation were equally certain that up to a hundred times many more criminals could be convicted if only more vagrants were

brought before the courts.⁷⁸ They bewailed how fighting crime was governed entirely by chance, how quantitative data only existed on crimes that were detected and how, consequently, “nothing is known about the level of public security”.⁷⁹

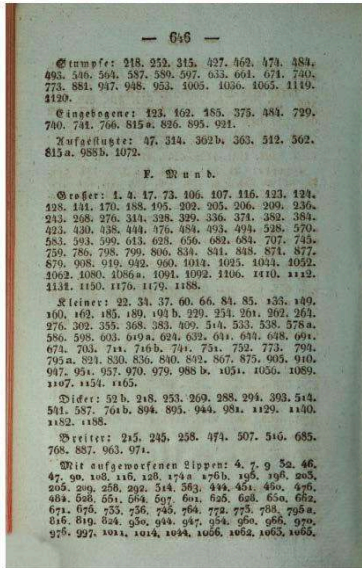
- 43 Given the circularity of the argument between the “reality” of the threat to public security and the expertise weaponized to counter it, it was not difficult to ascertain the urgency of the approach. The Official Stories are a *pot-pourri* of disparate views about how to fight crime. Amid the plethora of proposals for stepping up the repressive apparatus of prosecution, we find a scattering of elements reflecting social or welfare policy.⁸⁰ There was an evident will to cast aside traditional forms of patrimonial jurisdiction, for its proponents had little training in the law, were inadequately funded and displayed minimal interest in applying the full force of prosecution techniques.⁸¹ The prospects for specialized “security commissions” were held to be far more promising. They would shift investigations and sentencing away from local structures to purpose-related, time-limited criminal courts.⁸² To ensure their efficiency in the prosecution of crime, so the demand, a close network of information systems had to be developed and their representatives should be given “extraordinary rights to enquire after the truth”.⁸³ On the side of light was the resolution of crime, while opposite was the dark force of a menacing evil. A distinction was drawn between thefts committed in acute distress and “professional” breaches of the law perpetrated by *Gauner*. In the former category, the ratio of discovered to undiscovered crime was estimated at 1:20. In the case of professional thieves, the picture was very different. As they were so much better at evading the law, claimed these experts, the ratio of undiscovered crime must be twice as high.⁸⁴
- 44 The security commissions set up to catch the gangs were the site where the distinction between wandering vagabonds and professional criminals was institutionalized and a chronicle of futility was established.⁸⁵ But the thing to be differentiated was at the same time deliberately blurred. Repressive measures against society’s mobile marginal groups and their criminalization became an indistinguishable enterprise. The advocates talked of a “horde of people” living at society’s expense and posing a permanent threat to public security. Mistaken for beggars and vagabonds, the true identity of the *Gauner* remained concealed.⁸⁶ The difference, argued the discriminating observer of mobile marginal groups, did not reside in the matter itself, but in the efficiency of investigations and interrogations.⁸⁷ If no crime could be pinned on the detainees, they would be sent down for the very fact of vagrancy and accordingly interned in a workhouse. There, explained the director of one such establishment in Bavaria, they would be “kept until they were exposed”.⁸⁸ This call for indefinite detention in the interests of continued enquiries, if nothing else, shows how difficult it was to find evidence for distinguishing between vagrancy, delinquency and crime. It also indicates a lack of restraint in indicting a section of society that was unable to protect itself against apparently irrefutable suspicions.
- 45 These authors were unanimous in lamenting the difficulty — which was also reflected in the legislation — of enforcing the rules about offering accommodation to outsiders. In every region, they insisted, there were lairs where thieves found shelter, places where felons were welcomed with open arms.⁸⁹ If these countless “dens of criminals” concealed from the authorities were closed down, so the vision, this would cut the ground from under the feet of the sinister community of villains. It was equally urgent — and equally impracticable — for the police to obtain some visibility of the receivers

of stolen booty.⁹⁰ There was discussion of enhancing the flow of information from the public by imposing an obligation to report such matters, or else by offering a reward.⁹¹ Smooth communication was consequently a pivotal factor. At the same time, the conduct of interrogations and the question of how to win the confidence of detainees became a focus of attention for these practitioners. Skilfully choreographed confrontations with possible accomplices were a favourite ruse for encouraging the *Gauner* milieu to yield up information.⁹² The objective was to extract the “pure truth” from the mouths of those who were being questioned. Evidently the art of interrogation and the “people knowledge” it required were the prerogative of the few. Patience was not the only requirement; they must be prepared to spend “weeks and months, often until midnight, in the stinking air of the gaol!”⁹³ What is emerging here is a shift in the perspective of the observer, always with the purpose of “ripping out the evil by its root”.⁹⁴ Information obtained first hand, regardless of the circumstances in which the examiner worked, was considered to offer incomparably more truth. To this end, judges needed to have a command of the *Gauner*’s argot,⁹⁵ to identify the right moment for gaining access to the accused, and leading questions were frowned upon.⁹⁶ Radical voices wanted a return to torture, but the majority regarded the use of force during enquiries as demeaning to their profession and an insult to criminal science.⁹⁷

- 46 In the Official Stories, the dominant narrative is one of suspicion. The descriptions recorded here of persons who had attracted the authorities’ attention were increasingly processed for use in police enquiries and their veracity consolidated. The reliability of information was distinguished in the form of direct and indirect statements. A clear typographical distinction was made between information established by investigators and input founded merely on indirect statements.⁹⁸ Many of these Official Stories also included a register of names, and sometimes of places too. These were intended to ensure rapid access to the available information during questioning but also to save time on endless searches in the milieu. Karl Schwencken, who worked for the justice department in Hesse, devised a method whereby characteristics of individuals who were unwilling to divulge their identity could be matched more efficiently against existing information. He sifted meticulously through cursory personal descriptions to extract specific physical traits and entered his findings in a register. This exercise resulted in columns of figures stretching over more than twenty pages, arranged according to the physical traits of the individuals on record (Figure 1). The numbers refer to descriptions of vagrants who have “not yet” been sentenced but have already attracted suspicion. The endless cross-references and the tangled web they form constitute in themselves an image of the mysterious links between gang members. Registers like these, which aspire to be an absolute compendium of facts, pursue a media logic of their own and sometimes had an undeniable impact. The tomes published by Schwencken in 1820 and 1822 were acknowledged by contemporaries as an “encyclopaedia of the *Gauner* community”. His proposals for “definitive counter-action” shaped reforms to the way the police dealt with mobile marginal groups in society.⁹⁹
- 47 It is not hard to link this demand for intervention to knowledge which, if uncertain, operated in a context of threat. Schwencken concluded that there was insufficient knowledge about the magnitude of a counter-society utterly mired in crime. His own assessment of the extent of the evil, on the other hand, was relatively concrete. The figure that Schöll had placed in 1793 on the “real” number of *Gauner* and vagrants living in Swabia offered him a basis for calculating the size of this population

throughout Germany. Schwencken’s projection resulted in a figure of 12-15,000 *Gauner*, only a fraction of whom were on record.¹⁰⁰ Besides, as he observed two years later, it was usually the “most dangerous scoundrels” who escaped the arm of punitive justice.¹⁰¹ The statistic for vagrant individuals that he was able to consolidate as “real” due to his established role in fighting crime, reinforced by his urgent warnings about the effects of failing to punish offences, continued to haunt criminological literature for some time to come.¹⁰²

Figure 1. Schwencken’s “Official Stories” of 1822 with accounts of Gauner and vagabonds



Spying

- 48 The limits to the knowledge available to the authorities suggested a need to adapt investigative techniques. The “reality” of hidden crime had to be determined. Covert operations would provide insights into the internal mechanisms of the feared gang structures, perceived as almost impenetrable. The “vigilantes” entrusted with these operations worked within the dark environment of crime. Etymologically, the term derives from the Latin verb *vigilare*, to “watch”, which led by another route to the word *surveillance*. Their enquiries in the jungle of the “*milieu*” — so the hope — would generate information of far greater reach than could ever be achieved by the official investigative bodies. The normative sources say little about the use of this all-seeing, personified “eye of the law”.¹⁰³ However, the police practice reflected in the Official Stories clearly indicates that such spies played an at times decisive part in investigations.
- 49 Covert operations were part and parcel of the everyday fight against crime. These agents, known as “*Spitzbubenfänger*” (“rascal catchers”), were to be found in every

district and jurisdiction.¹⁰⁴ Unlike the “vagabond visitations”, checks by the gendarmery carried out in many territories and widely seen as “open secrets”, these covert operations promised to reap much greater rewards.¹⁰⁵ Apart from solving specific crimes the targeted, one-off deployment of vigilantes was expected to enhance the effectiveness of the executive by acquiring broad background knowledge about what was assumed to be the uncanny ability of the gangs to evade prosecution.¹⁰⁶

- 50 There were no rules to govern the use of informal informants. To what extent this was intentional on the part of the enforcement agencies is difficult to say. As constant commuters between the worlds of crime and investigation, they were subject to rigorous minding, which in turn was driven by distrust. The status of the “dirty truths” unearthed by covert agents was striking. Of course, investigations confined to this dark world were regarded as dishonourable and always implied questions about what it took to make a good spy and who should be recruited. The other side to this coin was that nobody could be entirely sure whether the information thus acquired was reliable. But despite these inherent problems associated with snooping, it did seem indispensable to identifying the dreaded *Gauner*.
- 51 The departments set up specifically to investigate organized gangs were particularly keen on this line of enquiry. The crime investigation experts dispatched on such missions were to be supported in the field by a sufficient number of “capable vigilantes”.¹⁰⁷ Views differed widely, however, about the skills required to track down offenders in the jungle world of crime. Essentially, knowledge of delinquency and crime was considered to reside within the “*milieu*” itself. Occasionally, suspects and defendants already facing charges would offer to assist with enquiries.¹⁰⁸ It seemed appropriate, nevertheless, for experienced investigators to make their own selections of condemned criminals rather than being forced to rely on immoral offers of help. There was nothing straightforward, however, about recruiting competent, reliable informants and using them to glean information from the jungle of crime. Both the system of covert investigation and the individuals deployed by it called for credentials. Carl Falkenberg, who for many years headed the security office in Berlin, was very specific about his ideal of a perfect vigilante. The agents’ character and skills, combined with their intimate acquaintance with delinquents and misdeeds, ensured access to information essential to the fight against crime. However, as Falkenberg points out in his manual, the key to fruitful operations is management by an experienced officer. The recruiting of a “suitable” personality, the running of the overall operation, the day-to-day instruction and detailed supervision of the vigilante were the sole responsibility of the police commissioner in charge. It was his expertise, insisted Falkenberg, that transformed the information obtained into a meaningful picture, like pieces in a jigsaw puzzle. Moreover, it required many years of experience in the pursuit of villains to strike the right balance between trusting and distrusting the spies on the books. This ever-present modicum of suspicion is the clue to the fragility factor in covert investigations. Falkenberg’s meticulous description of the procedure, from the dispatch of his informant to the daily debriefings, like the ostentatious demonstrations of the man’s loyalty and skill, suggest that the gathering of first-hand inside knowledge of the milieu was a precarious undertaking for the enforcement agency. Even the culmination of the mission lasting several months confirmed Falkenberg’s presuppositions: no sooner was the vigilante released from his master’s strict service than the ex-convict fell back into his old habits and was immediately re-arrested.¹⁰⁹

- 52 Ludwig Aloys Pfister adamantly refused to adopt this practice of recruiting crooks. Widely known for his investigations and numerous arrests of bandits, Heidelberg's chief administrator had profound misgivings about their willingness to go straight and warned earnestly against using them as agents. Rather than drawing on inveterate criminals, he argued, the choice should fall exclusively on trustworthy persons of fixed abode who, like chimney sweeps, exercised a mobile trade and would hence not be conspicuous. They should be paid a fixed salary and a performance-related bonus. To ensure that their activities remained secret, they should be known only to the officer who recruited them and only ever report verbally to him. If there was any risk of exposure, warned Pfister, it was better to let a *Gauner* slip through the fingers of the law than to risk losing a reliable vigilante so urgently required for intelligence gathering.¹¹⁰
- 53 The use of "trusted" sources offered so many benefits that the authorities simply could not do without them. The system of covert investigation was constantly at risk, however, from informers switching sides, turning their knowledge of police operations to their own advantage or, as was often claimed, ultimately remaining loyal to their criminal roots.¹¹¹ Enquiries might go awry in unpredictable ways. One could never be certain of the truth: vigilantes might spy on their former comrades, expose corrupt officials or unmask other vigilantes as double agents. Again, it was the exceptional case of a spy that found its way into the published reports of police practice.¹¹² But the focus was not so much on the extraordinary service he performed for the criminal authorities as a vigilante for over a decade. Rather, it concerned his frequent comings and goings between the fronts. The crime fighters were left with nothing but tearful insistence that his reports were true. His tears were accepted as evidence of his integrity, so that even after the notorious turncoat had been nailed, he was once again offered a key position in the fight against crime. Too great was the success promised and, indeed, obtained by his revelations and his insights into internal intrigues. Working out who was in which camp, who had changed sides and who was playing a double game remained an insuperable problem and — just like the dreaded gang structures themselves — had become an impenetrable thicket. The numerous tips about how to recruit agents and how to supervise the dirty data they provided tell us far more about the persistence of the problem. It was concluded, with a sigh of resignation, that the vigilantes had to be allowed their interventions "in the machinery of state" for better or for worse. The importance of their services to the executive was compared with the weights in a wall clock: "Remove them and the cogs stand still".¹¹³
- 54 This approach to intelligence gathering by spying on the population was regarded in many quarters as a French way of doing things.¹¹⁴ There was widespread ambivalence about covert investigations. The threat posed by criminals made the deployment of vigilantes appear either unavoidable or absolutely crucial.¹¹⁵ But as the pressure for executive reform grew around the middle of the 19th century, the role played by spies in fighting crime seemed more and more incongruous. However, if the hidden boltholes of crime were to be discovered without them and the receivers of stolen goods nonetheless tracked down, more was required than an efficient police force; the vigilance and willingness of every honest citizen would have to be mobilized. Eyes and ears had to be everywhere; making use of them should be the responsibility of everyone — that was the gist of the Official Stories and their increasingly popular tone.¹¹⁶ In this crime prevention exercise, a dynamic relationship evolved between the

political promise of security and the production of insecurity. Purged of the filth of informers drawn from the world of crime itself, and strategically idealized as a civic duty and virtue, the investigation of clandestine activities was promoted as a neutral administrative act.

Conclusion: criminological uncertainty and evidence

- 55 The idea that there are more criminals and crimes than the state knows about has a history. Modern criminology has developed survey-based methods to open up the black box of hidden crime since the late 1960s and early 1970s. But crime detection has been haunted by the “dark figure” much longer than this “fact” became, at least in part, a measurable entity. The emergence of undiscovered crime at the turn to the 19th century demonstrates one thing above all: that there are mutual dependences between knowledge, poor or unsubstantiated knowledge, and the associated fields of intervention. The phenomenon of crime unknown to the public authorities cannot be reduced to a lack of numerical information. Rather, missing data are framed by specific rationalising discourses and practices, which in turn inform both the truth of the non-knowledge and the urgent measures derived from it. Crime fighters aspiring to first-hand knowledge and better data were driven by changing notions of crime as it came to be perceived as a social issue, by the emergence of policing to enforce codified rules and by a growing psychological interest in “understanding” delinquent souls. What came into being as effective crime prevention went hand in hand with novel practices to unearth some truer reality about the *Gauner* and their seemingly homogenous, dangerous world. The exceptional testimonies of the notorious villain Konstanzer Hans, novel interrogation methods, denunciation under duress, mounting paperwork and lengthy prison terms as an opportunity to tease out hidden secrets all laid the groundwork for case-based knowledge that derived its veracity from a greater familiarity with the inner life of the criminal and with the delinquent milieu. On the eve of modern statehood, the attention of experienced prosecutors was attracted by a phenomenon below the surface. Intense pastoral care gained deep insights into territories of rising governmental interest, eliciting quantitative disclosures about the “real” magnitude of crime and delinquency and confirming that there was, indeed, an unknown and presumably high amount of undetected crime. As secrets shared with the public, they triggered both suspicion and surveillance and spawned a need for active criminal prevention. The emergence of the knowledge of the unknown and the dynamic it set in motion can be read as a history of good administration impelled by a concern for danger. Hidden crime became seen and unseen at the same time. The authors of the Official Stories created and operated in a twilight zone. Their investigative expertise about the entangled structures of the *Gauner* milieu were based on their politics of active obfuscation and made the case for spying as a seemingly legitimate method in the repressive prosecution of crime. Both stability and instability were brought effectively into play. What expert practitioners presented as “almost complete knowledge” had, in its indeterminate totality, to be certified as true. And yet a door had to be kept ajar so that the impact did not fade.
- 56 The hidden magnitude of crime and delinquency and the almost inevitable threat scenarios associated with it entered the stage just before the advent of criminal statistics. A history of the dark figure of crime, one might conclude, is a history of a

knowledge not yet formed and of the ensuing constant optimization of survey techniques. An unknown “reality of crime” propels the quest for as much detail and scope as possible. Motivated by security policy and in a preventive spirit, research into this dark figure has now become hugely productive and has triggered a proliferation of data and algorithms.

- 57 The desire to obtain knowledge about areas of life shrouded in mystery is profoundly human. There is a need to make danger zones visible, public and hence governable. Modern-day methods for generating and linking data promise – somewhere on the distant horizon – technical solutions. And yet an epistemological dilemma is perpetuated here. Talk of an unknown but considerable magnitude of hidden crime inevitably generates a suggestive surplus. But this should not blind us to the fragile link between weak knowledge and robust measures to resolve it.

BIBLIOGRAPHY

Adler H., 2010, Das gewisse Etwas der Aufklärung, in Adler H., Godel R., (Eds.), *Formen des Nichtwissens der Aufklärung*, München, Fink, 21-42.

Althammer B., 2017, *Vagabunden. Eine Geschichte von Armut, Bettel und Mobilität im Zeitalter der Industrialisierung (1815-1933)*, Essen, Klartext.

Arnim A.H. von, 1803, *Bruchstücke über Verbrechen und Strafen, oder Gedanken über die in den preußischen Staaten bemerkte Vermehrung der Verbrecher gegen die Sicherheit des Eigenthums*, vol. 1., Frankfurt, Leipzig.

Avé-Lallemant F.C.B., 1858a, *Das deutsche Gaunerthum in seiner social-politischen, literarischen und linguistischen Ausbildung zu seinem heutigen Bestande*, vol. 1, Leipzig, Brockhaus.

Avé-Lallemant F.C.B., 1858b, *Das deutsche Gaunerthum in seiner social-politischen, literarischen und linguistischen Ausbildung zu seinem heutigen Bestande*, vol. 2, Leipzig, Brockhaus.

Barkhausen V., 1786, Ueber die Abschaffung der Todesstrafe, als Probe eines Commentars über den Beccaria, in Plitt J. F. (Ed.), *Repertorium für das peinliche Recht*, Frankfurt a.M., Düren, 302-420.

Becker J.N., 1804, *Actenmäßige Geschichte der Räuberbanden an beyden Ufern des Rheins*, vol. 2., Köln, Keil.

Becker P., 2000, Vigilanten als Informationsquelle im 19. Jahrhundert: Kriminalistischer Irrweg oder Königsweg im Kampf gegen „organisiertes Verbrechen“? in Ross F., Landwehr A. (Eds.), *Denunziation und Justiz. Historische Dimensionen eines sozialen Phänomens*, Tübingen, edition diskord, 117-140.

Becker M., 2001, *Kriminalität, Herrschaft und Gesellschaft im Königreich Württemberg. Ein Beitrag zur Historischen Kriminologie unter Berücksichtigung von Normen- und Sozialgeschichte in Württemberg von 1830 bis 1848*, Freiburg i.B., Edition Iuscrim.

Becker P., 2002, *Verderbnis und Entartung: eine Geschichte der Kriminologie des 19. Jahrhunderts als Diskurs und Praxis*, Göttingen, Vandenhoeck & Ruprecht.

- Behrlich L., 2016, *Die Berechnung der Glückseligkeit. Statistik und Politik in Deutschland und Frankreich im späten Ancien Régime*, Ostfildern, Thorbecke.
- Berg G., Török Z. B., Twellman M. (Eds.), 2015, *Berechnen / Beschreiben. Praktiken statistischen (Nicht-)Wissens 1750-1850*, Berlin, Duncker & Humblot.
- Blauert A., Wiebel E. (Eds.), 2001, *Gauner- und Diebslisten. Registrieren, Identifizieren und Fahnden im 18. Jahrhundert*, Frankfurt a.M., Klostermann.
- Brakensiek S., 2005, Neuere Forschungen zur Geschichte der Verwaltung und ihres Personals in den deutschen Staaten 1648-1848, in *Jahrbuch für europäische Verwaltungsgeschichte*, 17, 297-326.
- Brill C.F., 1814, *Actenmässige Nachrichten von dem Raubgesindel in den Maingegenden, dem Odenwald und den angrenzenden Ländern*, Darmstadt, Heyer und Leske.
- Broers M., 2016, The Napoleonic *Gendarmerie*. The state on the periphery made real, *Crime, Histoire & Sociétés/Crime, History & Societies*, 20, 1, 1-15.
- Castelbajac M. de, 2013, The Difficulties of Invention: On the Multiple Invention of Crime Victim Surveys in Scandinavia and the US in the Post-War Era, *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 14, 1, 133-153.
- Castelbajac M. de, 2014, Brooding Over the Dark Figure of Crime The Home Office and the Cambridge Institute of Criminology in the Run-Up to the British Crime Survey, *The British Journal of Criminology*, 54, 5, 928-945.
- Castelbajac M. de, 2017, The genesis of victimization surveys and of the realist-constructionist divide, *Journal of the History of the Behavioral Sciences*, 53, 1, 332-346.
- Christensen C.D., 1814, *Alphabetisches Verzeichniß einer Anzahl von Räubern, Dieben und Vagabonden mit hinzugefügten Signalements ihrer Person und Angabe einiger Diebsherbergen*, Hamburg, Bohnsche Buchhandlung.
- Dainat H., 2014, Aufrichtige Bekenntnisse eines Diebs von Profession. Johann Ulrich Schölls Biografie des Konstanzer Hans, *Text & Kritik. Zeitschrift für Literatur*, V, 58-70.
- Das Königlich württembergische Polizei-Strafgesetz vom 2. Oktober 1839. Wörtlich aus dem Regierungsblatt Nro. 53 abgedruckt*, Reutlingen, B. G. Kurz.
- Das Regierungsblatt für das Königreich Württemberg im Auszuge. Eine Sammlung der in den Regierungs-Blättern des Königreichs Württemberg vom Jahre 1806 an enthaltenen noch ganz oder theilweise gültigen Gesetze, Verordnungen, mit erläuternden Anmerkungen und einem Haupt-Register*, 1840, vol. 1, Stuttgart, J. B. Metzler.
- Dauser R., 2015, Das Wissen der Herrschaft. Wissensgenerierung und Reformen der praktischen ökonomischen Aufklärung in der zweiten Hälfte des 18. Jahrhunderts, in Häberlein M. et al. (Eds.), *Geschichte(n) des Wissens. Festschrift für Wolfgang E.J. Weber zum 65 Geburtstag*, Augsburg, Wißner, 619-633.
- Dodsworth F., 2007, Police and the Prevention of Crime: Commerce, Temptation and the Corruption of the Body Politic, from Fielding to Colquhoun, *British Journal of Criminology*, 47, 3, 439-454.
- Dodsworth F., 2008, The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c. 1780-1800, *Journal of the History of Ideas*, 69, 4, 583-604.
- Ermahnung der General-Verordnung von 1807 (1817), *Repertorium über die Königlich Württembergische Gesezgebung von den Jahren 1810 und 1811*, vol. 4, Stuttgart.

- Falkenberg C., 1816, *Versuch einer Darstellung der verschiedenen Classen von Räubern, Dieben und Diebeshehlern*, vol. 1, Berlin, Dunker und Humblot.
- Falkenberg C., 1818, *Versuch einer Darstellung der verschiedenen Classen von Räubern, Dieben und Diebeshehlern*, vol. 2, Berlin, Dunker und Humblot.
- Foucault M., 1977, *Überwachen und Strafen. Die Geburt des Gefängnisses*, Frankfurt a.M., Suhrkamp.
- Fricke Th., 1996, Die Behandlung von Sinti und Roma in der Zeit der aufklärerischen Reformen, in Borst, O. (Ed.), *Minderheiten in der Geschichte Südwestdeutschlands*, Tübingen, Silberburg-Verlag, 1996, 128-152.
- Friedreich J.B., et al., 1861, *Die Grundbegriffe des Criminalrechts und seine leitenden Grundsätze, mit Rücksichtnahme auf die deutschen Gesetzgebungen*, Nürnberg, Friedrich Korn.
- Fritz G., 2004, *Eine Rotte von allerhandt rauberischen Gesindt. Öffentliche Sicherheit in Südwestdeutschland vom Ende des Dreißigjährigen Krieges bis zum Ende des Alten Reichs*, Ostfildern, Thorbecke.
- Fritz G., 2008, Herzog Carl Eugen, König Friedrich und die Abschaffung der Folter in Württemberg, *Zeitschrift für württembergische Landesgeschichte*, 67, 183-247.
- Fritz G., 2011, Robbers – Vagrants – Beggars in South Western Germany during the 17th and 18th Century. Quantitative Aspects of a Social Problem, in Veits-Falk S., Fritz G. (Eds.), *Beggars, peasants, and soldiers in the early modern age*, Schwäbisch Gmünd, 15-25.
- Gatrell V.A.C., 1990, Crime, authority and the policeman-state, in Thompson F.M.L. (Ed.), *The Cambridge Social History of Britain, 1750-1950, Vol. 3: Social Agencies and Institutions*, Cambridge, Cambridge University Press, 243-310.
- Gerstenmayer C., 2013, *Spitzbuben und Erzbösewichter. Räuberbanden in Sachsen zwischen Strafverfolgung und medialer Repräsentation*, Konstanz, UKV.
- Giese G.L., 1828, *Actenmäßige Notizen über eine Anzahl Gauner und Vagabonden des nördlichen Deutschland*, Celle, Schulze.
- Greve Y., 2004, *Verbrechen und Krankheit. Die Entdeckung der Criminalpsychologie im 19. Jahrhundert*, Köln, Böhlau.
- Grolmann F.L.A., 1813, *Actenmäßige Geschichte der Vogelsberger und Wetterauer Räuberbanden und mehrerer mit ihnen in Verbindung gestandener Verbrecher*, Gießen, Heyer.
- Grolmann F.L.A., 1822, *Wörterbuch der in Teutschland üblichen Spitzbubensprachen, in zwei Bänden, die Gauner- und Zigeunersprache enthaltend*, Gießen, Müller.
- Hacking I., 1990, *Taming of Change (Ideas in Context 17)* New York, Cambridge University Press.
- Härter K. (Ed.), 2000, *Policey und frühneuzeitliche Gesellschaft*, Frankfurt a.M., Klostermann.
- Härter K., 2002, Der Kreisleutnant des Oberrheinischen Reichskreises. Entwicklung, Praxis und Scheitern eines supraterritorialen paramilitärischen Polizeiorgans im 18. Jahrhundert, in Holenstein A. et al. (Eds.), *Policey in lokalen Räumen. Ordnungskräfte und Sicherheitspersonal in Gemeinden und Territorien vom Spätmittelalter bis zum frühen 19. Jahrhundert*, Frankfurt a.M., Klostermann, 267-288.
- Härter K., 2005, *Policey und Straffjustiz in Kurmainz. Gesetzgebung, Normdurchsetzung und Sozialkontrolle im frühneuzeitlichen Territorialstaat*, 2 vols., Frankfurt a.M., Klostermann.
- Härter K., 2008, Gaunertum, in *Handwörterbuch zur deutschen Rechtsgeschichte*, 2. ed., Berlin, Schmidt, vol. 1, col. 1947-1953.

- Härter K., 2010, Security and „gute policey in early modern Europe: concepts, laws and instruments, *Historical Social Research*, 35, 4, 41-65.
- Härter K., 2011, Die Folter als Instrument policeylicher Ermittlung im inquisitorischen Untersuchungs- und Strafverfahren des 18. und 19. Jahrhunderts, in Altenhain K., Willenberg N. (Eds.), *Die Geschichte der Folter seit ihrer Abschaffung*, Göttingen, V & R Unipress, 83-114.
- Härter K., 2018, *Strafrechts- und Kriminalitätsgeschichte der Frühen Neuzeit*, Oldenbourg, de Gruyter.
- Hohbach G., 1832, Ueber die Einrichtung der Registraturen der Bezirksgerichte in Württemberg, *Jahrbücher der Gesetzgebung und Rechtspflege in Württemberg*, vol. 4, 181-232.
- Holenstein A., 2001, Normen und Praktiken der Anzeige in der Markgrafschaft Baden-Durlach in der zweiten Hälfte des 18. Jahrhunderts, in Hohkamp M., Ulbrich C. (Eds.), *Der Staatsbürger als Spitzel. Denunziation während des 18. und 19. Jahrhunderts aus europäischer Perspektive*, Leipzig, Leipziger Universitätsverlag, 111-146.
- Holenstein A., 2005, Kommunikatives Handeln im Umgang mit Policeyordnungen. Die Markgrafschaft Baden im 18. Jahrhundert, in Asch R. G., Freist D. (Eds.), *Staatsbildung als kultureller Prozess. Strukturwandel und Legitimation von Herrschaft in der Frühen Neuzeit*, Köln, Weimar, Wien, Böhlau, 191-208.
- Hufnagel K.F., 1840, *Commentar über das Strafgesetzbuch für das Königreich Württemberg*, vol. 1, Stuttgart, Metzler'sche Buchhandlung.
- Instruktion für die Königliche Gendarmerie 1811, *Königlich-Württembergischen Staats- und Regierungs-Blatt*, No. 36.
- Kallweit H., 2015, *Kulturelle Konfigurationen. Studien zum Selbstverhältnis von Wissensordnungen und Erzählformen*, Paderborn, Fink.
- Kappler F., 1838, *Handbuch der Literatur des Criminalrechts und dessen philosophischer und medizinischer Hilfswissenschaften*, Stuttgart, J. Scheible.
- Kirchmeier C., 2013, *Moral und Literatur: Eine historische Typologie*, Paderborn, Fink.
- Kittsteiner H.D., 1991, *Die Entstehung des modernen Gewissens*, Frankfurt a.M., Leipzig, Insel Verlag.
- Kivivuori J., 2011, *The Discovery of Hidden Crime: Self-Report Delinquency Surveys in Criminal Policy Context*, Oxford, Oxford University Press.
- Königl. Verordnung, die Errichtung von Zwangs-Arbeitshäusern in den 12 Kreisen des Königreichs betr., vom 26. Juni 1808, 1846, in Reyscher A. L. (Ed.), *Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze*, vol. 15, Tübingen, L. F. Fues, 275-279.
- Königlich-Württembergisches Staats- und Regierungsblatt*, 1814, No. 21.
- Königlich-Württembergisches Staats- und Regierungsblatt*, 1815, No. 50.
- Krause, 1804, *Skizzen und Bemerkungen über das Mangelhafte der Verfahrungsart bei Kriminaluntersuchungen und der Kriminalverfassung überhaupt nebst Beispielen und Erfahrungen*, Osnabrück, H. Blothe.
- Küther C., 1976, *Räuber und Gauner in Deutschland. Das organisierte Bandenwesen im 18. und frühen 19. Jahrhundert*, Göttingen, Vandenhoeck & Ruprecht.
- Landwehr A., 2000, *Policy im Alltag. Die Implementation frühneuzeitlicher Policeyordnungen in Leonberg*. Frankfurt a.M., Klostermann.

- Lange K., 1994, *Gesellschaft und Kriminalität. Räuberbanden im 18. und frühen 19. Jahrhundert*. Frankfurt a.M. et al, Peter Lang.
- Lange K., 2004, "Many a Lord is Guilty, Indeed For Many a Poor Man's Dishonest Deed": Gangs of Robbers in Early Modern Germany, in Fijnaut C., Paoli L. (Eds.), *Organised Crime in Europe: Concepts, Patterns and Control Policies in the European Union and beyond*. Dordrecht, Springer, 109-149.
- Ludi R., 1999, *Die Fabrikation des Verbrechens. Zur Geschichte der modernen Kriminalpolitik 1750-1850*, Tübingen, bibliotheca academica Verlag.
- Ministerial-Vorschrift, für das Benehmen der Königl. Landvögte und Beamten in Beziehung auf die öffentliche Sicherheit, 1811, *Königlich-Württembergischen Staats- und Regierungs-Blatt*, No. 27.
- Mohl R., von, 1834, *System der Präventiv-Justiz oder Rechts-Polizei*, Tübingen, H. Laupp.
- Mohl R., von, 1838, „Gauner“, in *Staatslexikon oder Encyclopädie der Staatswissenschaften*, vol. 6, Altona, Hammerich, 317-324.
- Moritz K. Ph., 1782, Vorschlag zu einem Magazin der Erfahrungs-Seelenkunde, *Deutsches Museum*, 1, 485-503.
- Moses A., 2006, *Kriminalität in Baden im 19. Jahrhundert: die „Übersicht der Strafrechtspflege“ als Quelle der historischen Kriminologie*, Stuttgart, W. Kohlhammer.
- Niehaus M., 2003, *Das Verhör. Geschichte – Theorie – Fiktion*, München, Fink.
- Niehaus M., Schröer N., 2005, Das Geständnisdispositiv im Strafprozess. Ansatz einer hermeneutisch diskursanalytischen Wissenssoziologie, in Keller R. et al. (Eds.), *Die diskursive Konstruktion von Wirklichkeit. Zum Verhältnis von Wissenssoziologie und Diskursforschung*, Köln, Halem, 277-304.
- Nutz T., 1998, Vergeltung oder Versöhnung? Strafvollzug und Ehre in Schillers „Verbrecher aus Infamie“, *Jahrbuch der Deutschen Schillergesellschaft*, 42, 146-164.
- Nutz T., 2001, *Strafanstalt als Besserungsmaschine. Reformdiskurs und Gefängniswissenschaft 1775-1848*, München, Oldenbourg.
- Oemler Ch. W., 1775, *Der Prediger bey Delinquenten und Missethättern, oder Regeln und Muster für angehende Geistliche*, Jena, Cröker.
- Paul I.U., 2005, *Württemberg 1797-1816/19. Quellen und Studien zur Entstehung des modernen württembergischen Staates*, vol. 1, München, Oldenbourg.
- Pfaff K., 1857, Die Landstreicher und Bettler in Schwaben, vom sechzehnten bis in das achtzehnte Jahrhundert, *Zeitschrift für deutsche Kulturgeschichte*, 2, 431-466.
- Pfister L., 1812, *Nachtrag zu der aktenmäßigen Geschichte der Räuberbanden an beiden Ufern des Mains, im Spessart und im Odenwalde*, Heidelberg, Gottlieb Braun.
- Porter Th., 1986, *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life*, Princeton, Princeton University Press.
- Radzinowicz L., 1964, The Criminal in Society, *Journal of the Royal Society of Arts*, 112, 916-929.
- Rebmann A.G.F., 1811, *Damian Hessel und seine Raubgenossen: Aktenmäßige Nachrichten über einige gefährliche Räuberbanden, ihre Taktik und ihre Schlupfwinkel*, Mainz, Kupferberg.
- Reichardt S., 2016, Einführung: Überwachungsgeschichte(n). Facetten eines Forschungsfeldes, *Geschichte und Gesellschaft*, 42, 5-33.

- Reichertz J., Schneider, M., 2007, Einleitung, in Reichertz J., Schneider M., (Eds.), *Sozialgeschichte des Geständnisses: Zum Wandel der Geständniskultur*, Wiesbaden, Springer, 7-21.
- Retcliffe J., 1865, *Das schwarze Buch von Berlin oder Geheimnisse der protestantischen Metropole: Social-politischer Roman*, vol. 2, 3, Leipzig, G. Purfürst.
- Riedel W., 1992, Influxus physicus und Seelenstärke. Empirische Psychologie und moralische Erzählung in der deutschen Spätaufklärung und bei Jacob Friedrich Abel, in Barkhoff J., Sagarra E. (Eds.) *Anthropologie und Literatur um 1800*, München, Iudicium Verlag, 24-52.
- Rochlitz Chr., 1846, *Das Wesen und Treiben der Gauner, Diebe und Betrüger Deutschlands*, Leipzig, Schmidt.
- Roth F.A., 1800, *General-Jauner-Liste: oder Alphabetischer Auszug aus mehreren theils im Druck, theils geschrieben erschienenen Listen. über Die in Schwaben und angränzenden Ländern zu deren grossem Nachtheil noch herumschwärmende Jauner (...)*, Karlsruhe, Macklot.
- Sälter G., 2004, Die Polizei und ihre Spitzel. Eine allgemeine Entstehungsgeschichte am Beispiel des vorrevolutionären Paris im 18. Jahrhundert, in Mohr M., Viehmann K. (Eds.), *Spitzel: Eine kleine Sozialgeschichte*, Hamburg, Assoziation A Verlag, 17-26.
- Schäffer G.J., 1784, *Sulz am Neccar. Beschreibung derjenigen Jauner, Zigeuner, Mörder, Straßen-Räuber, Kirchen- Markt- Tag- und Nacht-Diebe, Falschen Geld-Münzer, Wechsler, Briefträger, Spieler und andern herum vagirenden liederlichen Gesindels (...)*, Stuttgart, Cotta.
- [Schöll J.U.], 1789, *Konstanzer Hans: eine schwäbische Jauners-Geschichte aus zuverlässigen Quellen geschöpft und pragmatisch bearbeitet*, Stuttgart, Erhard und Löflund.
- [Schöll J.U.], 1793, *Abriß des Jauner und Bettelwesens in Schwaben nach Akten und andern sichern Quellen*, Stuttgart, Erhard und Löflund.
- [Schöll J.U.], 1796, *Ueber zwekmässige Armen-Anstalten in Schwaben. An die Machthaber Schwabens, zunächst an die Committenten der Wirtembergischen Landtag-Deputirten*, Stuttgart, Franz Christian Löflund.
- [Schöll J.U.], 1798, *Ueber die Erziehung der Jauner und Bettlerkinder, Schwäbische Provinzialblätter über Armenversorgung und Armenerziehung*, 3, 1-61.
- Schönert J., 2007, *Perspektiven zur Sozialgeschichte der Literatur. Beiträge zu Theorie und Praxis*, Tübingen, de Gruyter, 2007.
- Schwencken K.P., 1820, *Notizen über die berüchtigsten jüdischen Gauner und Spitzbuben, welche sich gegenwärtig in Deutschland und an dessen Gränzen herumtreiben (...)*, Marburg, Kassel, Krieger.
- Schwencken K.P., 1822, *Aktenmäßige Nachrichten von dem Gauner- und Vagabunden-Gesindel, sowie von einzelnen professionirten Dieben*, Kassel, Hampeschen Buchdruckerei.
- Statistische Uebersicht über die Verwaltung der Rechtspflege in den Jahren 1824-27, 1827, *Württembergische Jahrbücher*, 2, 225-270.
- Steinbart G.S., 1770, *Ist es rathsam Missethäter durch Geistliche zum Tode vorbereiten und zur Hinrichtung begleiten zu lassen?* 2 ed., Berlin, n.p.
- Stolleis M., et al (Eds.), 1996, *Policey im Europa der Frühen Neuzeit*, Frankfurt a.M., Klostermann, 1996.
- Stolleis M., 2014, *Das Auge des Gesetzes. Geschichte einer Metapher*, München, C.H. Beck, 3. ed. [2004].
- Stuhlmüller K., 1823, *Vollständige Nachrichten über eine polizeyliche Untersuchung gegen jüdische, durch ganz Deutschland und dessen Nachbarstaaten verbreitete Gaunerbanden*, n.p.

Thiele A. F., 1842, *Die jüdischen Gauner in Deutschland: ihre Taktik, ihre Eigenthümlichkeiten und ihre Sprache*, 2. ed., Berlin.

Ueber die Aufbewahrung der Criminalerkenntnisse in den Gemeinderegistraturen, 1824/1825, *Jahrbücher der Gesetzgebung und Rechtspflege im Königreich Württemberg*, vol. 1.

Vorschriften in Rücksicht auf den Polizeidienst der Gendarmen, 1811, *Königlich-Württembergisches Staats- und Regierungsblatt*.

Waechter C.G. von, 1832, *Die Strafarten und Strafanstalten des Königreiches Württemberg. Nach der älteren und neueren Gesetzgebung und Praxis*, Tübingen, Osiander.

Weber M., 2000, „Anzeige“ und „Denunziation“ in der frühneuzeitlichen Policeygesetzgebung, in Härter K. (Ed.), *Policey und frühneuzeitliche Gesellschaft*, Frankfurt a.M., Klostermann, 583-609.

Wennmohs F.A., 1823, *Ueber Gauner und über das zweckmäßigste, vielmehr einzige Mittel zur Vertilgung dieses Uebels*, Güstrow, Ebert.

Würgler A., 2001, Verschwiegenheit und Verrat, Denunziation und Anzeige in der Berner Verschwörung von 1749, in Hohkamp M., Ulbrich C. (Eds.), *Der Staatsbürger als Spitzel. Denunziation während des 18. und 19. Jahrhunderts aus europäischer Perspektive*, Leipzig, Leipziger Universitätsverlag, 87-109.

Wüst W., 2000, Grenzüberschreitende Landesfriedenspolitik im Schwäbischen Kreis: Maßnahmen gegen Bettler, Gauner und Vaganten, in Wüst W. (Ed.), *Reichskreis und Territorium: die Herrschaft über die Herrschaft? Supraterritoriale Tendenzen in Politik, Kultur, Wirtschaft und Gesellschaft*, Stuttgart, Thorbecke, 153-178.

NOTES

1. Radzinowicz (1964, 916f).
2. Castelbajac (2013, 2014, 2017), Kivivuori (2011). This essay was written during a stay at the Institute of Advanced Study at the University of Konstanz, part of the university's "Cultural Foundations of Social Integration" Center of Excellence, established in the framework of the German Federal and State Initiative for Excellence. I am grateful for the tremendous support I received for my research during that productive, stimulating visit. Thanks also to the anonymous reviewers and their many insightful comments and suggestions.
3. On "public security", which has played a stable and increasingly important role in police law since the early 18th century: Härter (2010). The many existing studies on mobile marginal groups focus on reconstructing the conditions in which they lived.
4. Gatrell (1990, 248).
5. Dodsworth (2007, 2008).
6. Dauser (2015, 619).
7. Today this region is still designated "Spitzbubenland" ("country of rogues"). On the "extraordinary high percentage of beggars and vagrants in this region" see: Fritz (2011).
8. Ludi (1999, 21-30), Foucault (1977).
9. (Porter, 1986). Kivivuori sheds some light on traces of self-report delinquency surveys but confines the "Discovery of Hidden Crime" to early crime statistics (2011, 40f.). See also Moses (2006), Berg *et al.* (2015), Behrisch (2016). The rising concern in question is to be dated earlier than the "avalanche of numbers": Hacking (1990).
10. The key expressions *Gauner* and its South German variant *Jauner* were used until the 18th century as synonyms for itinerants. From then on, they increasingly assumed the meaning of "thief" and "swindler": Lange (2004, 109), Härter (2008).

11. Fritz (2004, 148, 196). On the background to the legal history see: Nutz (1998). Meanwhile Schiller's Enlightenment tale of crime has met with broad interest in recent research on literature and the law.
12. Kirchmeier (2013, 11f.).
13. Riedel (1992, 32), Schönert (2007, 63-82).
14. Schäffer (1784) date on the title page. His testimony in court was rated as "the most frank and complete confession ever given by a *Jauner*": Schöll (1789, 359).
15. Blauert, Wiebel (2001, 54), Härter (2018, 142f.).
16. Blauert, Wiebel (2001, 40). On the hypothesis that the administration of small and medium-sized states demanded more dynamic communication than in the larger monarchies see: Brakensiek (2005, 326). In the Electorate of Saxony, most lists of vagrants likewise originate from small territorial units: Gerstenmayer (2013, 85).
17. Wüst (2000).
18. Küther (1976, 122).
19. Fricke (1996, 138-141), Schöll (1789, 388).
20. On his volume of paperwork see: Avé-Lallemant (1858a, 242), Blauert, Wiebel (2001, 87).
21. Schöll (1789, 333f.).
22. Schäffer (1784).
23. Blauert, Wiebel (2001, 96).
24. Fritz (2008, 192-206).
25. Härter (2011). The Imperial District of Swabia had played a pioneering role in implementing gaol sentences: Wüst (2000, 174).
26. Barkhausen (1786, 311).
27. Würgler (2001, 107), Holenstein (2001, 111), Weber (2000, 585).
28. Schäffer (1784, 79-144).
29. Greve (2004), Niehaus (2003).
30. Kittsteiner (1991, 341-356).
31. Oemler (1775, 112f.).
32. Oemler (1775, 205-208), Steinbart (1770, 30f.).
33. Steinbart (1770, 30f.).
34. Oemler (1775, 6f., 9f.).
35. Schöll (1789).
36. Dainat (2014).
37. Moritz (1782, 503). Schöll was a co-editor of Mauchart's *Allgemeines Repertorium für Empirische Psychologie und verwandte Wissenschaften* and also wrote for it (vol. 2, 1792).
38. Dainat focuses on the biography of the *Gauner*, largely overlooking the vital significance of his conversion: (2014, 67). On similarities between legal and religious confessions: Niehaus (2003, 291f).
39. Reichertz, Schneider (2007, 13), Niehaus, Schröer (2005, 283-286).
40. Kallweit (2015, 207-233).
41. Nutz (2001, 31-65).
42. Schöll (1793).
43. Schöll (1793, preface).
44. Schöll (1793, iv, xvii).
45. Schöll (1793, preface).
46. Schöll (1793, x).
47. Becker (2002).
48. Schöll (1796, 1798).
49. Schöll (1793, 14).

50. Schöll (1793, 13-23). Schöll recommended compiling analogous lists of beggars. Although they did not, like *Gauner*, “creep in the darkness”, their numbers were much harder to determine. The authorities were only aware, he pointed out, of a fraction of those who roamed the countryside. Here again, Konstanzer Hans played a key role. His statements were fed into extrapolations leading the chaplain to conclude that the ratio of *Gauner* to beggars was 1:3. *Ibid.*, 470-478.
51. Roth (1800), on the man himself: Hostenstein (2005).
52. Roth (1800, preface).
53. Roth (1800, 107f.).
54. Adler (2010, 25).
55. Stolleis (2014).
56. Reichardt (2016, 10).
57. This major administrative shift was also seen as dealing a fatal blow to the *Gauner* problem. Pfaff (1857, 444).
58. Althammer (2017, 43-46), Becker (2001, 79-89). For a long time researchers assumed that social discipline was the dominant factor, but more recent studies of the early modern constabulary place less emphasis on the imposition of power policy from the top and more on the implementation of concepts of order: Stolleis *et al.* (1996), Landwehr (2000), Härter (2000, 2005).
59. Das Regierungsblatt (1840, 445-456).
60. Königl. Verordnung (1846). On the arbitrary determination of lengths of stay: Waechter (1832, 48-53).
61. Das Regierungsblatt (1840, 101f.), Ermahnung der General-Verordnung von 1807 (1817, 583).
62. Instruktion für die Königliche Gendarmerie (1811, 373-387), Ministerial-Vorschrift (1811, 289f.). See also: Paul (2005, 645-656), Broers (2016).
63. Vorschriften in Rücksicht auf den Polizeidienst (1811, 192-200).
64. Königlich-Württembergisches Staats- und Regierungsblatt (1814, 181), *ibid.* (1815, 363).
65. Kappler (1838, 1157). These statistics were published regularly: Württembergische Jahrbücher für vaterländische Geschichte, Geographie, Statistik und Topographie.
66. Statistische Uebersicht über die Verwaltung der Rechtspflege (1827, 237f.).
67. Ueber die Aufbewahrung der Criminalerkenntnisse (1824/1825, 147f.). See also Hohbach (1832).
68. There were repeated efforts to remind the public of the Regulation enacted in 1807. On the penalties for the provision of lodgings see: Das Regierungsblatt (1840, 97f.).
69. For the police act on public order offences in Württemberg: Das Königlich württembergische Polizei-Strafgesetz: Frevel gegen die öffentliche Ordnung (1839, 8f.), Hufnagel (1840, 507). On the laws in other German territories: Althammer (2017, 52-56).
70. Friedreich *et al.* (1861, 195f.).
71. Hufnagel (1840, 517).
72. Hufnagel (1840, 517-519). Unlike all the other German territories, Württemberg retained “*Jaunerei*” as a distinct criminal offence in its penal code for many decades more: Friedreich *et al.* (1861, 196).
73. Lange (1994), Härter (2018, 143f.). A fairly comprehensive overview of this corpus: Avé-Lallemant (1858a, 220-239). He calls them “sketches of groups and individuals” which, after the works by Schäffer and Schöll, seemed to dry up for a long time (*ibid.*, 245).
74. Becker (1804, 1). Some of these were destined exclusively for use by the authorities: Schwencken (1820), Stuhlmüller (1823), Giese (1828). A wider audience is targeted by: Thiele (1842), Rochlitz (1846).
75. Schwencken (1820, iv), Mohl (1834, 270).
76. Grolmann (1813), Schwencken (1820, 1822).
77. Krause (1804, 4f.).
78. Pfister (1812, 269).

79. Wennmohs (1823, 1-8).
80. For the most comprehensive reform project: Pfister (1812, 56-75). See also Mohl (1834, 241-274).
81. Arnim (1803, 126-129). On the accusation that “rabble” were being tolerated in their territory: Schwencken (1822, 8).
82. Krause (1804), Pfister (1812), Christensen (1814, 55), Falkenberg (1816, 1818), Schwencken (1820, 1822), Wennmohs (1823), Giese (1828).
83. Pfister (1812, 69). The political scientist Robert von Mohl took the view that, as these trials of *Gauner* were often so lengthy, rule-of-law principles could be set aside. Rather than submitting lawful evidence, the “moral conviction” of judges should be decisive: Mohl (1834, 274).
84. Wennmohs (1823, 25).
85. Retcliffe (1865, 176-240).
86. Schwencken (1822, 35).
87. Wennmohs (1823, 37).
88. Stuhlmüller (1824, xxxvi).
89. Schwencken (1822, 58).
90. A list of dens of thieves and receivers of goods across Germany identified during investigations: Christensen (1814, 140-166).
91. Krause (1804, 5, 24f.), Pfister (1812, 61), Brill (1814, 7).
92. Thiele (1842, 55-58).
93. Rebmann (1811, 73). He also spoke Yenish and conversations usually took place with no one else present: Christensen (1814, 6). See also: Thiele (1842, vi).
94. Rebmann (1811, 73).
95. Pfister (1812, 210). Many of the Official Stories include a glossary.
96. Krause (1804, 117-139), Rebmann (1811, 35), see also: Christensen (1814, 5-9).
97. Pfister (1812, 16), Brill (1814, 3).
98. Schwencken (1820, 1822), Pfister (1812, 140).
99. Avé-Lallemant (1858a, 256).
100. Schwencken (1820, iv, 12f.).
101. Schwencken (1822, i).
102. Stuhlmüller (1823, xxxiv), Rochlitz (1846, 11). The *Gauner* population is estimated at around 10,000 by: Thiele (1842, 9).
103. Stolleis (2014, 12). The vigilantes deployed to track down *Gauner* should not be confused with the secret police: Mohl (1834, 482-497).
104. Pfister (1812, 62). See also: Härter (2002), Becker (2000).
105. Falkenberg (1816, 241), Althammer (2017, 161-167).
106. Rebmann (1811, 76).
107. Falkenberg (1818, 24).
108. Pfister (1812, 60).
109. Falkenberg (1818, 24-50).
110. Pfister (1812, 62f.).
111. Becker (1804, 304), Thiele (1842, 118f.).
112. Thiele (1842, 32-50).
113. Thiele (1842, 119).
114. Sälter (2004).
115. Restricting the use of vigilantes to major cities was advocated by: Mohl (1838, 323), Thiele (1842, 32).
116. Thiele (1842, 120f.), Rochlitz (1846), Avé-Lallemant (1858b, 350-370), Becker (2000, 137f).

ABSTRACTS

Undetected and unreported crime are among the most pressing challenges of crime statistics. Since the late 1960s and early 1970s, victim surveys and self-report surveys have helped to paint a clearer picture of the social reality of crime, and in modern criminology such tools are now state of the art. Yet despite the current boom in survey-based methods, the history of this quest to define the “reality of crime” remains largely obscure. Its roots extend much further back to an age well before the “dark figure” of crime became, at least in part, a measurable entity. This paper explores the historical context behind an emerging awareness of undiscovered crime at the turn to the 19th century. The knowledge that knowledge was deficient emerged out of practices of criminal investigation. It is considered here in the light of a perception in German territories on the threshold to a modern administration that itinerant thieves and vagabonds posed a very real danger. The paper examines methods adopted to probe uncharted realms, thereby stabilizing the veracity of this “knowledge of the unknown”.

Le « chiffre noir de la criminalité » demeure un enjeu majeur en matière de statistiques de la délinquance. Depuis le tournant des années 1970, les enquêtes de victimation et les enquêtes de délinquance autoreportée ont permis de brosser un tableau plus clair de la réalité sociale de la criminalité. Ces méthodes font désormais partie de la « boîte à outils » de la criminologie actuelle. Malgré la diffusion de leur utilisation, l’histoire de ces méthodes d’enquête demeure méconnue. Elle remonte à une époque bien antérieure à celle où le « chiffre noir » de la criminalité est devenu une donnée partiellement mesurable. Cet article explore le contexte dans lequel a émergé, au tournant du XIX^e siècle, une conscience émergente de la criminalité non enregistrée. L’idée que la connaissance était déficiente est venue des pratiques d’enquête criminelle. Elle est examinée ici à la lumière de la perception, dans les territoires allemands au seuil d’une administration moderne, que les voleurs et les vagabonds représentaient un danger très réel. L’article examine les méthodes adoptées pour sonder des domaines inexplorés, proposant ainsi une mesure de cette « connaissance de l’inconnu ».

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