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Female crime and household control in early modern Frankfurt am Main

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ABSTRACT

This article investigates the way in which informal control by household authorities affected how female crime was prosecuted in early modern Frankfurt am Main. Crime historians have argued that female crime was a particular urban phenomenon during this period. They have attributed this to a relatively high level of independence of women and the existence of many formal social control institutions. This article shows that due to strongly enforced patriarchal ideals concerning household authority in the Holy Roman Empire supposedly 'rural' characteristics (low levels of independence and high levels of informal control) could also be found in distinctly urban settings, like Frankfurt am Main. As the household was viewed as the central location for social order, authorities required everyone to reside in an orderly household. Unlike regions in which household control was weaker, the majority of women, including migrants, were therefore incorporated in networks of informal control through their position in the household. This means that strong informal control within the household, which is normally associated with close-knit communities in the countryside, also played a dominant role in the urban community of Frankfurt. The criminal investigation records show that only few domestics were prosecuted formally; rather they were disciplined by their master – leaving a possibly very large dark number of female criminality. Most of the offenders appearing in the criminal investigation records were those that had failed to secure a position within a household. Owing to the reliance on household control, cities like Frankfurt am Main knew a distinct type of urban female offender.

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1. Introduction

In 1740, during the annual autumn fair in Frankfurt am Main, Dorothea Christina Quinner, a merchant widow from the city of Öhringen, returned to her lodgings after church and discovered that her possessions (primarily consisting of textiles and garments) had been stolen. She reported the theft to the city's authorities and declared that she suspected a young girl from Hanau. According to Dorothea, this girl, Susanna Clara Marck, was suspected because she had already been caught stealing textiles from one of the other lodgers at the inn. During her interrogation Susanna declared that she had come to town eight days earlier in order

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to look for work as a domestic servant. Confronted with the widow's accusations, Susanna admitted to stealing only a portion of her possessions – three aprons – and that she did not know what happened to the rest. Although the records state that the investigators did not believe her, Susanna stuck to her story and the authorities 'had to leave it like this' and 'send her to the poorhouse for a well-deserved punishment and to be whipped 15 times, after which she was to be banished from the city immediately'.¹

Susanna Clara Marck very much represents the stereotypical female offender in early modern cities: most of them were young, poor, living a mobile lifestyle (often working as domestic servants) and lacking an extended social network in the city. Historians working on crime and gender in this period have argued that the urban context had a considerable influence on women's involvement in crime. As one of the first to draw attention to female crime patterns in the early modern period, John Beattie showed that high levels of female crime were a particular urban phenomenon. He argued that this pattern was a result of the different nature of the lives of urban women: they lived a more independent and public life, which increased their risk of breaking the law. The loss of social and economic support networks – often present in more traditional close-knit communities – was an especially important factor in making the women more vulnerable in times of hardship (Beattie, 1975, p. 82; Beattie, 2001, pp. 41–42 and 69).

The link between city life and high levels of female crime has been confirmed by other historians as well and is generally explained as a combination of their independent and – at the same time – precarious position. Prostitution or theft could become important survival strategies for women who had no access to formal or informal urban social support networks (Feeley & Aviram, 2010, p. 154; Hufton, 1974, pp. 278–280; King, 1996; Moch, 2003, p. 146). According to Robert Shoemaker, female servants in the city who were in between contracts were more likely to get caught because they were watched closely by lay and church authorities (Shoemaker, 1991, pp. 184–186). Most recently, Manon van der Heijden stated that '[T]he close relationship between the degree of urbanization and the percentage of female offenders is particularly relevant to the highly urbanized region of Holland' (Heijden, 2013, p. 93, 2014). For non-urban settings, on the other hand, it is argued that informal sentencing, for example a master dismissing his maid, occurred more often than formal recourse to the law, thereby creating a possibly larger dark number than in cities (Kilday, 2014, p. 511; Schwerhoff, 1999, pp. 149–155). The paternalistic structures associated with rural societies are believed to have saved women from having to resort to crime.

As this article will show, however, structures of strong informal control similar to those attributed to rural areas could also be present in cities. In Germany, the early modern period witnessed a strengthening of the household as the central location for social order, which had far-reaching consequences for the position of women. Historians such as Merry Wiesner and Sheilagh Ogilvie state that women in Germany were more restricted in their options than their Dutch or English counterparts. They attribute this to strongly enforced patriarchal norms and increasing discrimination against women living and working independently, outside the sphere of a male-governed household (Ogilvie, 2003, p. 9; Rublack, 1999, p. 93 and pp. 152–154; Wiesner, 1986). This emphasis on the household as the place of social order was reflected in the semi-judicial authority of the *Hausvater* and the public function of household control (Eibach, 2003, pp. 339–341, 2011).

This raises important questions about systems of control and patterns of crime and gender. How did these authoritative patriarchal structures affect the proportion of female

offenders in the city? And what could this tell us about the variation in urban female crime rates throughout Europe? In order to answer these questions, this article investigates the criminal patterns of women in early modern Frankfurt using the city's criminal records. With 35,000 to 39,000 inhabitants over the course of the eighteenth century, the city could hardly be considered as a close-knit, face-to-face community (Roth, 1996, p. 47). It shared many of the characteristics of the early modern cities in north-west Europe that are at the core of explanations for urban female crime patterns. Like virtually any other city during the period, the majority of inhabitants of Frankfurt were migrants, poverty levels were high and access to formal relief systems was restricted to inhabitants with the right citizenship status. Because of the many journeymen, apprentices, soldiers, merchants and domestic servants that were attracted to the city, large segments of the population were highly mobile and only lived in the city temporarily. This makes Frankfurt particularly suitable as a case study, as it enables us to trace the effects of more strictly imposed patriarchal norms on urban female crime.

2. Patriarchy, household and the city

The main argument put forward in explaining the urban character of early modern female crime has been the independent and public lifestyle that women were able to lead in the city (Schmidt & van der Heijden, 2016). In early modern Germany, however, the dominance of the household as a place for social order affected the scope of action of urban women to a great extent. In the historiography on early modern Germany the term 'house' (*Das Haus*) is often preferred to the term household, in contrast to other European studies, because it is a better reflection of the all-encompassing meaning and definition of *Das Haus* in the perception of the historical actors. In early modern Germany there was no clear-cut separation between concepts like house, household, home or domesticity (Hahn, 2015; Schmidt-Voges, 2015b, pp. 1–2). For the readability of this article, and to avoid confusion, the term 'household' will be used when referring to the concept of *Das Haus*. The household (*Das Haus*) was a social, economic and political unit in which authority was exercised by the (preferably male) head of the household. His authority stretched beyond the nuclear family and incorporated other household members, including live-in apprentices and domestic servants, as well. It was the duty of the head of the household to maintain peace and (public) order, while at the same time ensuring the wellbeing of his household members. In order to be able to exercise his disciplinary duties, the head of the household possessed a far-reaching semi-judicial authority to discipline and control household members. Authorities generally chose not to intervene directly in cases of in-house conflicts but rather favoured settlements out of court and disciplining by the housefather (Eibach, 2011; Hardwick, 1998; Schmidt-Voges, 2015a).

The dominance of the household as a place for social order must not be confused with an ideal of separate spheres in which men lived public lives and women's place was restricted to the domestic sphere, as has been formulated for the nineteenth century. Many scholars have argued that a separation between public and private spheres is problematic for the early modern period; indeed, Joachim Eibach has introduced the concept of the 'open house' (*Das offene Hause*) to highlight the public functions and interactions of the early modern household within the urban community (Eibach, 2011).

Given the importance attached to the household, authorities mistrusted anyone living outside its controlling structures. This is reflected in the attitudes of authorities not only

towards migrants in general, and vagrants, beggars and so-called 'masterless' people specifically, but also towards independent single women (Dürr, 2001; Härter, 2005; chapter 9; Von Hippel, 2013). In many regions, the position of never-married females was quite restricted. In Württemberg, for example, they were not allowed to head households and were instructed either to enter service or to take in a male authority figure who could keep their conduct under surveillance (Ogilvie, 2003, pp. 54–63). We do not know whether such restrictions applied formally in Frankfurt as well, but the majority of female household heads in the city were widows. According to tax records from the end of the sixteenth and early seventeenth centuries, around 20% of the households were headed by women, 90% of whom were widows (Wiesner, 1986, p. 5). Similar numbers are available for the eighteenth century as well: in 1761, 18% of Frankfurt's real estate was owned by women, and again 90% were widows. Finally, in 1811, only 7% of the women heading households among the citizenry were single (Roth, 1996, pp. 72 and 132). Households headed by women were often among the city's poorest: more than 40% of them were registered in the lowest tax categories (Wiesner, 1986, p. 5). These figures make clear that the majority of women in Frankfurt were incorporated into male-governed households, and few women were able to lead an independent life.

The restrictions that single women faced are especially reflected in their position in the labour market and their economic scope of action. Frankfurt's urban economy was dominated by merchants and craftsmen, organised in guilds. Women, however, were largely excluded from such institutions. Historians have heavily debated the extent of this exclusion, as well as the causes behind it. Without going into this debate, it is important to note that even in the best case scenario the access to guilds was restricted to women with the right legal and marital status (as daughters, wives and widows of guild members) (Crowston, 2008; Fridrich, 2013; González Athenas, 2014; Ogilvie, 2003; Werkstetter, 2001). In Frankfurt 11.8% of the craft workshops were headed by widows in 1762 (Brandt, 2002). As Heide Wunder (and others) reminded us, the economic activities of married women were an indispensable part of the family economy and a woman often joined her husband in his tasks. Husband and wife acted as a 'working couple' and as we will see this certainly applied to the disciplining of household members as well (Wunder, 1992). The majority of single women had to make a living by other means. Their options, however, were limited, especially for migrants. The range of occupations held by women in Germany was much more narrow than that of women in the Netherlands or England (Ogilvie, 2004, p. 49). One of the few acceptable forms of employment for single women was domestic service, as this placed them under household control (Wiesner, 1999).

The dominance of the *Haus* as a place for social order restricted the independence of especially single women with regard to mobility and work opportunities. Even after migrating to the city, women were still subjected to the controlling sphere of the household. While on the one hand this meant that women were less capable of leading independent lives, it also meant that their position was less precarious because they fell under the protection (*Schutz*) of the household and that they were incorporated into the social and controlling networks of the city. At the same time, as we will see, women who were unable to secure their position in the city as a member of a household – often residing in the city illegally – were more likely to be suspected and prosecuted by authorities. They had few employment opportunities and their economic vulnerability put them in a position in which resorting to crime could become part of a broader economy of makeshift.

The norms concerning household authority did not mean, however, that women were exposed to the limitless power of the *Hausvater*. Authorities and the urban community depended on the *Hausvater* to maintain order and to discipline the household members accordingly. However, the importance of keeping an honourable household also meant that the *Hausvaters* themselves could be subjected to control. Examples of neighbours reporting on masters for poor housekeeping (*Übelhausen*) are not uncommon. Similarly, scholars have argued that women actively participated in the negotiation of norms, and exploiting the patriarchal ideals for their own purposes, by denouncing their husbands to urban or ecclesiastical authorities whenever they did not live accordingly. In this respect, scholars have spoken of patriarchy as a 'double-edged sword' as both men and women were bound to these norms (Hahn, 2015, pp. 51–55; Hoffmann, 2004; Eibach, 2007). Nevertheless, as we will see, household discipline as a form of informal social control influenced the way crime was prosecuted in early modern Germany, in particular for women.

3. Prosecuting crime – the *Verhöramt*

In order to establish whether and how the importance of the *Haus* as a locus of social order affected women's involvement with the law, a closer look at their criminal patterns is needed first (for a recent overview of research on female crime in Germany see: Schwerhoff, 2011, Zusatztext 1).

The criminal statistics gathered for Frankfurt in this article are based on the criminal investigation records (the *Criminalia*) of the *Peinliche Verhöramt* (on the following see Eibach, 2003, pp. 61–72). The *Verhöramt* – presided over by the junior burgomaster and a senator from the second bench of the city council (from 1788 the latter was replaced by a *Kriminalrat*) – was in charge of conducting criminal investigations, interrogated suspects and witnesses, and exercised supervision over the city's constables, and the prison and their overseers. In cases of petty crimes, the *Verhöramt* could administer justice on its own account. It could hand out punishments up to three months of prison or hard labour to foreign vagrants ('*ohne Wohnort herumirrenden Vagabunden*') – who were generally expelled from the city after their sentence – and monetary fines or custody (*Bürgerliches Gefängnis*) to citizens. In minor cases and small fights, the *Verhöramt* could also refer the case to the so-called *Oberstrichter*, a lower official. It is often difficult, if not impossible, to draw a distinction between the investigation process and the sentencing process in the case of petty crimes. In the cases of felonies, the *Verhöramt* would hand over the investigation records to the city's syndics to draw up their legal opinions. The investigation records plus legal opinions were handed over to the city council, that passed judgment solely based on the written records and without seeing or hearing the suspects. From 1788 onwards, the city council only passed judgment in case of offences punishable by death or corporal sanctions (*an Leib oder Leben*).

The *Verhöramt* investigated property crimes, crimes against the authorities and public order, and violent offences such as murder, manslaughter and assault. Fights were only investigated if they resulted in serious injuries or if they were a disruption of public order. The prosecution of vagrants and beggars was the responsibility of the city's beadles (*Armenknechte*) and such cases were only incidentally referred to the *Verhöramt*, mostly when offenders were also suspected of other crimes or deemed suspicious enough for further investigation. Similarly, violations of the city's sumptuary laws, market regulations, and so on were dealt with by other institutions. Finally, most moral offences did not belong to

the jurisdiction of the *Verhöramt* but came under that of the *Sendamt* (until 1728) and the *Konsistorium* (from 1728 onwards). Prostitution, fornication, bigamy, adultery, and marital disputes were often only referred to the *Verhöramt* in cases of repeat offenders, serious domestic violence or large-scale brothel-keeping.

Thus, the *Verhöramt* dealt with a large variety of criminal offences, stretching from petty offences to serious felonies. As said above, the criminal statistics in this article are based on the *Criminalia*, the investigation records of the *Verhöramt*. These contain the interrogation records of suspects and witnesses (in cases of felonies), the legal opinions of the syndics, reports of the city's surgeons about injuries, and (occasionally) petitions (either by the suspects or by family members) to and correspondence with other authorities. This enables an in-depth analysis of the circumstances of offences, which one cannot always gain from lists of punishments, for example. It also means that the records contain all suspects, and not only convicted offenders. Finally, it is important to mention that in early modern Germany, women were fully accountable in terms of criminal law, and the principle of coverture did not apply as it did in civil law (Holthöfer, 1997; Schnabel-Schüle, 1997; Westphal, 2005).

4. Patterns of crime

In the seventeenth and eighteenth centuries, women accounted for 22% of all suspects (10,800) investigated by the criminal investigation office in Frankfurt.² Figure 1 shows that their proportion remained relatively stable throughout the period, fluctuating between 15% at the lowest and 30% at the highest. The share of women was at its highest during the period of the Thirty Years' War. Discussing possible factors influencing female crime rates, Peter King has demonstrated that periods of war often coincided with a rising percentage of female offenders. The absence of men during such periods had a double effect. On the one hand, there were fewer men present to be prosecuted. On the other hand women faced more difficulties in providing for their families, which increased their vulnerability, but also their independence (King, 2006, pp. 212–214). As we can see in Figure 1, the rising share of women was primarily caused by a declining number of men as well. Certainly, the economic

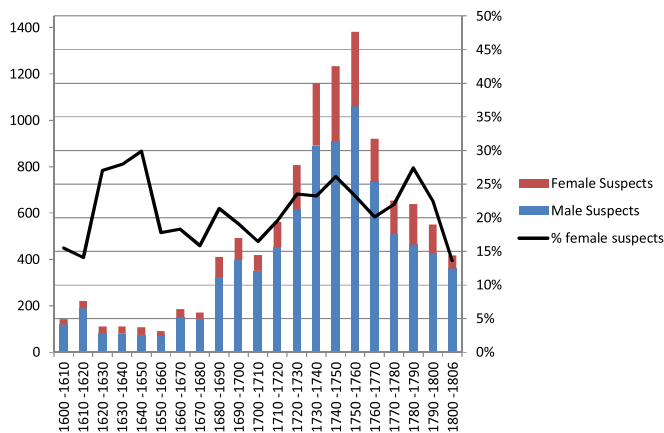


Figure 1. Proportion of male and female suspects, Frankfurt am Main 1600–1806. Sources: Institut für Stadtgeschichte Frankfurt (ISG), *Criminalia*: all cases 1600–1806.

decline during this period will have affected the lives and crimes of female (and male) offenders. The absence of a large number of men would have meant that fewer women were subjected to a *Hausvater*. More qualitative research would be needed, however, to study the effect of war on the survival strategies of offenders, changes in informal control, and the prosecution efforts and capacities of authorities.

From the early eighteenth century onwards, there is another trend of increasing proportion of female offenders. This trend coincides with a period of heightened intensity of prosecution and regulation against groups of vagrants, beggars and other wandering poor in Frankfurt and their neighbouring territories. This criminalisation of mobile groups particularly influenced the prosecution of property offences, for both men and women (Ammerer, 2003; Eibach, 2003, p. 293; Härter, 2005, pp. 947–960 and pp. 987–1008). It is very likely that this influenced the prosecution patterns in Frankfurt as well. The number of women being prosecuted for property offences during this period grew disproportionately compared to the other crimes and the sources make repeated references to the suspected vagrant status of offenders. As we will see, being excluded from the controlling structures of belonging to a sedentary household (whether voluntarily or not) heightened the chances of attracting suspicion by the authorities, and entering the city and trying to settle independently became increasingly difficult.

After 1780, both the share of female suspects as well as the overall number of prosecuted offences declines remarkably. By the end of the eighteenth century the share of women had plummeted to 14%, after not reaching below 20% since 1710. However, as the data after 1806 are incomplete (only the political offences were preserved after this date) it is impossible to tell whether this is a short-term trend (possibly caused by the political turmoil of the period) or reflects a long-term decline of female crime, as has been argued elsewhere (Feeley & Little, 1991).

The majority of female suspects in Frankfurt were prosecuted for property offences (55%) and considerably fewer for violent offences (19%) (the majority of which were related to cases of infanticide or child abandonment), sexual offences (16%) and crimes against authorities and public order (14%). Although property offences had been the type of crime women were suspected of most throughout the entire period, they became more dominant in the eighteenth century. Another change in time is reflected in the prosecution of moral offences. As has been noted above, the majority of moral transgressions were dealt with not by the criminal court, but by the *Sendamt* and *Konsistorium*. Still, a considerable number was investigated by the *Verhöramt*, but there was a shift in emphasis regarding which moral transgressions and which offenders were investigated. In the seventeenth century the focus lay especially on cases of adultery, and both men and women were investigated for this. Transgressing the sanctity of marriage by committing adultery was something taken particularly seriously in the case of married men. And with a share of 58% among all suspects of moral offences, the number of men even exceeded the number of women during the seventeenth century. By the eighteenth century, however, this picture had changed. The focus now lay on cases of women who had given birth out of wedlock on more than one occasion and women who were described as '*liederliche weibspersonen*' (loose women). Historians have shown that the prosecutions of these moral offences were just as much driven by economic considerations as they were by moral concerns. Authorities feared the burden of illegitimate mothers on the public poor relief system (Kamp & Schmidt, 2015, p. 113). This change of focus particularly affected independent migrant women. In 1755 the

city council issued a decree to expel all ‘foreign loose women’ (*fremde lapsae*) together with their children.

Historians have related the predominance of property offences in the crime patterns of early modern women to issues of economic distress, precariousness and the marginal place of women in the urban economy. As we will see in the paragraph below, the social profile of offenders in Frankfurt shows that here, too, the majority of female offenders belonged to the margins of society. The precariousness of early modern urban life must have contributed to the likelihood of them committing crimes.

5. Social profile

The figures presented above reveal little about the urban effect on female crime without knowing who these women were. A closer look at their social background is needed, in order to gain more insight into the way they were or were not incorporated into urban society, and how they experienced the effects of a precarious economic position or of informal control by the household authority. An examination of the sample years 1700, 1720, 1740, 1760 and 1780 allows us to acquire more detailed information about the women that were prosecuted in eighteenth-century Frankfurt. The investigation records often provide detailed references to a suspect’s age and origin. Detailed information on the social background of women is often lacking in early modern court records, but in the case of Frankfurt, investigators regularly inquired after a suspect’s mobility and employment history – even in the case of women – in a bid to determine the suspect’s character.

Historians have argued that the precariousness of urban life particularly affected migrant women. They were considered to be the people who benefited least from social support structures and who were less likely to be punished informally by the community (Van der Heijden, 2014, pp. 34–38; King, 1996; Shoemaker, 1991, pp. 178–187). But how many women were indeed migrants? In this article the term migrant will refer to those who did not possess citizenship or were registered resident aliens (*Beisassen*). What mattered most in the eyes of the order-seeking urban authorities was not necessarily a person’s place of birth, but his or her legal status. As a consequence, the investigators of the *Peinliche Verhöramt* did not differentiate between citizens born locally and those who acquired citizenship later on in life (on the importance of citizenship in relation to punishment see Eibach, 2009, pp. 526–532).

As the figures in Table 1 clearly show, the majority of female offenders (56%) can indeed be counted as migrants, and their proportion is probably even higher since the majority of cases in which the origin of the suspect is unknown most likely refer to migrant women as well. Considering that citizens represented a share of 46% of the urban population, it is clear that migrants were over-represented among female suspects. Similar indications are available for other cities in Europe as well (Schmidt & van der Heijden, 2016, p. 26).

Table 1. Legal status of female suspects in eighteenth-century Frankfurt.

	<i>N</i>	%
Burghers and resident aliens	25	27
Migrants	52	56
Unknown	16	17
Total	93	100

Sources: Institut für Stadtgeschichte Frankfurt (ISG), Criminalia: sample years 1700, 1720, 1740, 1760, 1780.

In order to study the controlling function of the household, it is important not only to distinguish between local and migrant women, but also to see which migrant women were incorporated into a household and which were not. At the time of their – suspected – offence only 16 out of the 52 migrant offenders belonged to a *Haus*, almost exclusively as servants (in the following they will be referred to as foreign household members, to distinguish them from migrants lacking a position in a household). The largest number of suspected migrants, 32, did in fact not belong to a household (the status of the remaining four suspects was not clear from the investigation records). It can be concluded that all three groups – local women, foreign household members and migrants – showed different crime patterns that were closely related to their place in the urban community, their scope of action and prosecution patterns.

The types of crimes committed by local women were the most diverse and in general of a less opportunistic nature than that of migrant criminality. They ranged from ignoring urban regulations on tavern closing hours, disturbances at the city gate and illegally mortgaging a home, to keeping a brothel, taking part in robbery and simple theft. Foreign household members were suspected of the least variety of crimes: there were nine cases of domestic theft and three cases of other petty theft. The remaining four were suspected of giving birth out of wedlock or (a crime closely related to this) infanticide. Finally, the pattern of migrant women resembles most closely the stereotypical urban female offender committing crimes out of poverty: 22 were prosecuted for property crimes; a further eight women were prosecuted for vagrancy, breach of banishment or leading a 'loose' or 'suspicious' lifestyle in general (including prostitution); and there were four cases of child abandonment or infanticide.³

The different crime patterns are the result of a variety in the scope of action of these three groups of women. Migrant women, for example, were not able to own real estate and could therefore not be prosecuted for unlawfully leasing property. Nor did they possess civic honour that needed to be defended with regard to a right of way at the city gate. It can be assumed that the limited variety of crimes portrayed by domestic servants not only illustrates their limited scope of action, but is also illustrative of the fact that authorities were less likely to suspect these women of living a loose or immoral lifestyle, simply because they were part of a household.

Single women are often considered to be more vulnerable than married women to committing crimes out of economic necessity, as well as being more likely to be prosecuted (King, 1996, p. 69). The marital status of female offenders was often only noted in the case when they were married or widowed. Women were only specifically referred to as single when this had any significance for the criminal offence, such as in the case of illegitimacy, infanticide or prostitution, or if their single status was something extraordinary considering, for example, their age. In consideration of the occupational structure and age of the offenders without a specific reference to their marital status, one can assume that they were single. It might be possible that the status of unmarried women was not recorded in the investigation records because it was not as meaningful to investigators as the status of married or widowed women was, in the sense that the latter reflected credibility as well as a permanent position in a household. In total, about a third (30 women) were married. Many of the migrant women, however, referred to the fact that their husbands were unable to support their family and/or seemed to live apart from their husbands. In any case, marriage did not provide these women with the support structures that are so often associated with marital status. With

regard to soldiers' wives, for example, marriage did nothing to enhance their social position. They often lived apart from their husbands, were unable to support a family from his pay, and were frequently suspected by authorities of portraying immoral behaviour (on soldier's wives see Engelen, 2005; Hurl-Eamon, 2008).

6. Crime patterns compared

The social profile of the female offenders in Frankfurt shows that they clearly fit the stereotypical urban female offender: many were single, had a precarious economic position and were only loosely incorporated in urban social support networks. Furthermore, they fit the common gendered pattern of crime that is known for other European cities during this period, in which the majority of women were prosecuted for property offences and the gender gap was at its narrowest in property crimes and moral offences. Given these similarities, one might expect to see similar crime rates, but as one can see in Table 2 this is not the case.

Table 2 provides an overview of available female crime rates in early modern Germany and cities in the Netherlands and England. Comparing crime rates is notoriously difficult, especially considering the differences in jurisdictions and crimes handled by the court. The data in this table represent the higher court levels, which allows us to draw comparisons of some general trends. As we can see, the share of female offenders in Frankfurt is comparable to that of other cities in early modern Germany, where it varied between 16 and 30%. In the

Table 2. Female crime rates in early modern Germany, Netherlands and England.

Location	Period	Total share of female offenders	Share of female offender in property offences
<i>Germany</i>			
Frankfurt (urban)	1600–1806	22%	27%
Kurbayern (urban and rural)	1600–1650; 1685–1689	26%	14%
Kurmainz (urban and rural)	1560–1802	34%	24%
Köln (urban)	1568–1612	16%	19%
Würzburg (urban)	1769–1788	30%	–
Nürnberg (urban)	1578–1617	27%	–
Siegen (small town)	1750–1810	21%	18%
Thorn (small town)	1704–1792	16%	–
Lippe (rural)	1680–1795	11%	19%
<i>The Netherlands</i>			
Rotterdam (urban)	1700–1750	35%	33%
Leiden (urban)	1678–1794	44%	47%
Amsterdam (urban)	1680–1811	35%	–
Delft (urban)	1591–1810	36%	–
<i>England</i>			
London (Old Bailey)	1690–1750	38%	43%
Surrey (urban and rural)	1663–1802	21%	Urban: 28% Rural: 14%

Sources: **Frankfurt:** Institut für Stadtgeschichte Frankfurt (ISG), *Criminalia: all cases 1600–1806*; **Kurbayern:** Behringer (1995, pp. 65–66); **Kurmainz:** Härter (2005, pp. 539–542); **Köln:** Schwerhoff (1995, p. 91); **Würzburg:** Van Dülmen (2010, p. 189); **Nürnberg:** Jütte (1991, p. 93); **Siegen:** Plaum (1990, p. 170); **Thorn:** Thomsen (2005, pp. 89–91); **Lippe:** Frank (1995, p. 235); **Rotterdam:** Van der Heijden (1995, pp. 15–16); **Leiden:** Kloek (1990, p. 131); **Amsterdam:** Faber (1983, pp. 253–259); **Delft:** Noordam (1989, p. 237); **London:** Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674–1913* (www.oldbaileyonline.org, version 7.0, 24 March 2012); Feeley and Little (1991); King (2006, pp. 196–220); **Surrey:** Beattie (1975, pp. 81 and 97).

highly urbanised Dutch province of Holland and in London, the share of women was considerably higher and varied between 30 and 50%. The differences are even more striking if we look at the varying rates of property offences (the offences mostly associated with the precariousness of urban life) between the regions, as they are consistently higher in the Dutch cities than they are in Germany. The following paragraphs will investigate how strong informal social control by the household may have affected registered female crime in Frankfurt, and account for some of the differences we see in urban female crime across early modern Europe.

This article has argued that varying regimes of social control are one of the possible explanatory factors for the differences in urban female crime rates.

7. The importance of getting in

One of the indicators that can tell us more about the way local and non-local women were incorporated into the urban community lies in their employment status. The majority of female migrants coming to Frankfurt tried to find employment as domestic servants (Koch, 1985, 2002, p. 71; Kaltwasser, 1989). In contrast to small and medium-sized cities, which predominantly attracted women from the surrounding villages and countryside, a larger city like Frankfurt had a larger radius of attraction. Servants not only moved over longer distances, but their migration patterns were more diverse as well, moving from countryside to the city as well as between cities (Dürr, 1995, p. 186; Eibach, 2003, p. 338). Unlike other cities where authorities established systems of employment agents to coordinate the mobility of servants to and in the city, in Frankfurt women depended on their own connections and good reputation to find service.

The introduction tells the story of Susanna Clara Marck, who was banished from the city for theft. During her interrogation, the investigators not only focused on the theft itself, but also asked questions about her motives for coming to town, the length of her stay in the city, her accommodation and if she had any (respectable) connections in the city. Susanna stated that she had only come to town eight days before and that she was looking for a position to work as a maid. Susanna knew her way around in the city since it was not the first time she had come to Frankfurt. According to her statements, she had worked as a maid in the city two years previously but was let go by her mistress after a quarter of a year because the mistress no longer required her services. This time, Susanna Clara appears to have encountered more difficulties in finding service. In her statements she does not directly cite her temporary unemployment as a motive for her theft, but it is clear that especially single migrant women like Susanna Clara were vulnerable. Not only did they lack the social support of a household, but – as we will see – they were also more often the object of suspicion by the authorities.

The urban magistrates could expel unwanted migrants from the city, even without a formal conviction. In the sources we find many references to migrants who on an earlier occasion had been ordered by the city's beadles (*Armenknechte*) to leave town, but who ignored these orders and returned at a later date. In 1780, for example, Christina Drachin was investigated for the first time as a suspect by the *Peinliche Verhöramt*. But according to her statements she had been expelled by the city on two earlier occasions and had even spent some time in the poorhouse. When asked for the reason for her earlier arrests, Christina stated that this had been 'because she was an unwanted stranger'.⁴ Despite her previous

expulsions Christina returned to the city and even managed to find employment as a maid. While such a post could have secured her position in the city – at least for the time of her service – Christina failed to hold on to it. According to the testimony of her employer Knopf, she had served in his household for approximately one year, but was dismissed because he was told repeatedly that she was a thief and maintained an illegitimate relationship with a soldier. Shortly after her discharge she was captured by one of the city's beadles (*Armenknechte*) who had requested a warrant for her arrest from the younger burgomaster. After her arrest she was sent to the poorhouse for 'appropriate labour' for three months and officially banished from the city by swearing an oath afterwards.

Looking for domestic service was considered to be one of the few valid reasons for migrant women to stay in the city, but there were limits to how long they were allowed to stay in Frankfurt without finding a position. While this does not appear to have been formally regulated for domestic servants, the city and guild regulations show that – as a comparison – journeymen were only allowed to stay in town for eight days. If they did not manage to find a position in that time, they were ordered to leave (Beyerbach, 1799, pp. 1349–1354). Other urban regulations show that the stay of transients was also restricted and varied between three and eight days throughout the period.⁵ To be able to stay in the city for longer, one had to request formal permission for this from the authorities. In order to control the mobility of migrants to Frankfurt, the city had set up an extensive system of migration control based on investigations at the city gates, taverns and inns as well as demanding that foreigners should register and acquire formal permission to stay in the city (Kamp, *in press*; for Cologne see Küntzel, 2008).

The city authorities often mistrusted unemployed maids and questioned whether or not they were looking for service at all. Rather, the women were suspected of using this as an excuse for entering the city to steal or prostitute themselves. In 1747 Friderica Helena Hepp was arrested during a search of the *haus/inn* of the brewer Buck, who was suspected of housing disorderly people. Friderica was questioned about her reasons for coming to Frankfurt and she claimed that she had found a position as a maid, but was still waiting for a formal acknowledgement. In the meantime she stayed with Buck and his wife, who was a distant relative. The investigators, however, were very doubtful about her testimony. Rather, they suspected Friderica of receiving male company and having 'suspicious relations' with them. In fact, they suspected her of prostituting herself. Unable to prove anything, the authorities released Friderica with the explicit warning that she should find more honourable people to stay with or she would be arrested again and banished.⁶ The only way to avoid such suspicions was by having respectable travel companions or connections in the city.

The social profile of foreign female suspects was not only restricted to maids looking for employment, though they formed a considerable group. Others seem to have supported themselves mainly with casual day labour such as 'sowing and knitting for the people', as hucksters or working in the city's gardens and vineyards. Most of the migrant women in the sample (excluding the foreign household members) led a very mobile lifestyle, in which this mobility was part of their survival strategy. They were unable to form lasting connections within the established urban community and gain some sort of protection through these connections. This is what distinguished them from local women, many of whom also had to make a living through casual and unsecure work. Especially migrant women without secure employment became the target of authorities. It might be that the importance of the

household as the main locus for social order was driven by economic considerations just as much as it was by patriarchal ideals.⁷

The accounts of migrant women show the difficulties they encountered in making a living and finding a position within a household, thereby securing their stay in the city. Not only was their situation more precarious than that of local women and foreign household members in economic terms, they were also more likely to be suspected by the authorities. But how about the women that were incorporated into the controlling structures in the household? The following paragraph will investigate the way in which informal disciplining by household control may have affected the prosecution of women in the early modern period, and consequently their share in the criminal statistics.

8. Household control

In 1780, the widow Anna Margaretha Engelmann reported to the authorities the theft of some textiles by her maid Katharina Schwendler from Mainz. According to Anna's account, she had initially promised her maid not to report the theft to the investigation office, as long as Katarina would return all the stolen goods, or a sum of money equal to the worth of the textiles. Katharina promised to do so, but fled during the following night, not having reimbursed any of the stolen goods. It was only at this point that Anna decided (or in her words: 'felt obliged') to report the theft to the authorities and to ask for assistance to recover her possessions.⁸

Anna Margaretha Engelmann's response to the theft by her maid is exemplary for the way that contemporaries dealt with many crimes committed within the sphere of the household. Rather than reporting it immediately to the urban authorities, household heads resorted to a range of informal options to discipline unruly domestic servants. Common punishments included withholding part of the wage, dismissal before the end of the contract, physical punishment and even the possibility of incarcerating a perpetrator for a limited amount of time (Eibach, 2003, pp. 336–354; Ulbricht, 1995).

This would explain why most female migrants in Frankfurt worked in domestic service (and were therefore incorporated into a household), but only represented a minority of the suspects. Historians have argued that this type of informal censuring must have resulted in a considerable number of unreported crimes, and that this particularly affected offences committed by women. Compared to men, their scope of action was more confined to the domestic sphere, and they were therefore less likely to encounter other institutions of control, such as guilds, neighbourhood officials, etc. (Dürr, 1995; pp. 267–268). The discrepancy in the low number of domestic servants in the criminal records, and the proportion they constituted in the urban community, however, cannot fully be explained as the result of a higher number of unreported crimes. Unlike women who had to make a living through casual wage labour and often had difficulties in making ends meet, domestic service provided more stability. Although wages for domestic servants were low, their income was supplemented with customary gratuities, and room and board were included (Dürr, 1995; Wiesner, 1986, pp. 83–92). At the same time, belonging to a household also created opportunities: it was not uncommon for maids to buy goods on the account of their masters for their own benefit. With little capital of their own, money, clothes and luxury items of other household members could be hard to resist. However, unlike an offender who stole something from the

marketplace, for example, such cases were more often dealt with informally and punished within the household.

The example of Anna Margaretha Engelmann and her maid Katharina Schwendler has shown that informal disciplining was not always successful. Often offenders simply escaped with the stolen goods. In fact, the majority of cases of domestic theft in this sample were only reported to the authorities because the maid had fled and the victim turned to the authorities for assistance to retrieve the stolen goods. Often, the crime wasn't even discovered until the maid had run away. Other cases, such as infanticide, were simply too serious to be punished informally. This means that a (possibly very large) proportion of female criminality remained unregistered, but not unpunished.

Informal disciplining by the household clearly affected the way offenders were prosecuted. While it is impossible to make assumptions about the scope of unreported crimes as a result of this, we may safely assume that their share was larger in urban societies with strong household authority, such as Germany, than in cities with weaker household structures that existed in Holland. However, the effect of the *Haus* as the preferred instrument for social order stretched beyond the capacity of the head of the household to discipline offenders informally.

The difference between insiders and outsiders, locals and migrants, household members and independents shaped not only the city's prosecution policies, but also its punishment policies. Local women were almost always punished with either monetary fines or a period of incarceration in the poorhouse. In contrast to foreigners, they were hardly ever banished. Only four women (making it 14% of the sample) were punished with expulsion and in each case these women were serious recidivists. In the same sample, migrant women were banished in 55% of the cases, often in combination with imprisonment in the poorhouse and/or a physical or shaming punishment.

9. Conclusion

This article started with the observation by crime historians that the urban context had a considerable influence on the involvement of women in crime in the early modern period. In the cities, many women (especially migrant women) led relatively independent and public lives and were less incorporated in traditional networks of social support and informal control. This combination of independence and vulnerability increased women's chances of coming into conflict with the law and has been argued to be the key explanation for the high proportion of female offenders in early modern Dutch and English cities. The dynamics of the precariousness and anonymity of urban life and its effects on female crime, however, varied greatly throughout Europe. The proportion of female offenders in German cities varied between 16 and 30%. In the highly urbanised Dutch province of Holland, their proportion was considerably higher and varied between 30 and 50%. This article has argued that varying regimes of social control are one of the possible explanatory factors for the differences in urban female crime rates.

The centrality of the household in early modern Germany affected the life and crimes of urban women on a variety of levels. First, the aim of urban authorities – like Frankfurt – to have everyone incorporated into the controlling structures of the household restricted the opportunities of women in particular to live independently. The narrow scope of labour opportunities meant that fewer women depended on casual labour and instable income.

This did not mean that the city attracted fewer female migrants as a result, but rather meant that most of them were driven into domestic service, as this was one of the only acceptable forms of employment available to them. Secondly, unlike regions in which household control was weaker, the majority of women, including migrants, were incorporated in urban networks of informal social control through their position in the household. This means that household control, normally associated with close-knit communities on the countryside, also played a dominant role in the urban community of Frankfurt.

The criminal investigation records of Frankfurt am Main reveal that women living outside the controlling structures of the household were the most vulnerable in terms of economic prospects as well as with regard to the likelihood of being prosecuted officially by the urban authorities. The majority of female offenders in Frankfurt were migrants, and, considering their share among the female labour population, the number of women working as domestic servants at the moment of their crime was strikingly low. Because domestic servants were more likely to be disciplined informally, many of their crimes were unrecorded and did not contribute to the female crime rate. The usual punishment for crimes within the sphere of the household was to dismiss the offender or withhold part of the wages. Usually, crimes by domestics only appeared in court if disciplinary measures had failed, the offender had fled or in the event of a serious crime.

Most of the offenders appearing in the criminal investigation records, however, had failed to secure a position within a household. Some of them had come to town to look for service, while others lived a more mobile, vagrant lifestyle, and theft was more of a regular occurrence than an exception in their survival strategies. As the control over the mobile poor increased over the early modern period, the position of these women became more vulnerable as they could be taken to the poorhouse and banned even without a criminal trial. The combination of household control and criminalisation of mobility affected the possibility for women to lead independent and public lives, and in turn their risk of coming into conflict with the law.

In order to understand the variations of female involvement in early modern crime it is important to look at the cultural, social and institutional context at the location in question. Historians agree that women are more likely to be over-represented among unreported crimes and it is very likely that this share is higher in cities with strongly institutionalised household control, than in cities where such structures were weaker. This means that we have to look at different regimes of social control, along with other factors. Only then can we grasp how women's scope of action and the prosecution patterns of authorities affected female crime.

Notes

1. Institut für Stadtgeschichte Frankfurt (ISG), Historische Archiv (vor 1866), *Criminalia* 5091 (1740). The original quotation in German reads: 'So hat man es beij obrigem bewandten lassen müssen und ist darauf heute den 21. Sept. die arrestirte Marckin zur wolverdienter Straffe ins Armenhaus gebrach und ihr daselbst 15 fermen Schwantz-strich gegeben, selbige auch sofort aus der Stadt gebracht worden'.
2. The findings of this article are based on the criminal investigation records, the *Criminalia*. For a more detailed analysis of the content of these sources and the judicial system in Frankfurt, see Eibach (2003, pp. 29–35, 58–78). The calculations are based on the inventory conducted by the Institut für Stadtgeschichte, which is accessible through its website which was not available yet at the time Eibach conducted his study on eighteenth-century crime in Frankfurt. He based his calculations on the contemporary inventories. The inventory allows for a calculation of

the number of crimes, the number and gender of suspects per investigation record, and the type of crimes they committed. It does not, however, provide consistent information on the geographical background of the suspect or their punishment, and this information has to be gathered from the investigation records themselves. The author has gathered the information from the inventory in a database. Since the inventory of the *Institute für Stadtgeschichte* only lists records that are still present in the city archive, information on the missing cases has been supplemented from the old contemporary inventories. Richard von Dülmen and Maria Boes based their calculations for Frankfurt crime rates on another source, the *Strafenbuch*, which has only been preserved from 1562 to 1696. This source, however, only lists the penal punishments (*Peinliche Strafen*) meted out by the authorities and therefore does not include any cases that were acquitted or in which the suspect was fined or imprisoned. Unlike the *Criminalia*, it does not contain any information on the criminal procedure, such as interrogation records, legal advice by the city's syndics or any correspondence with other authorities. The proportion of women in the *Strafenbuch* is almost exactly the same as in the investigation records, which indicates that there was no gender bias in the number of punishments vs acquittals. For the calculations based on the *Strafenbuch* see: (Boes, 2013) and (Dülmen, 2010, p. 187).

3. A number of women were suspected of a combination of crimes. For instance, theft and prostitution or breach of banishment and theft. This is why the total number of type of crimes is higher than the number of suspects.
4. ISG, Criminalia 9196 (1780). Original: 'Weil man sie als eine fremde person in der Stadt nicht leiden wolle'.
5. In Frankfurt, the *Schatzungsamt* was in charge of regulating the settlement and migration to the city. Their records were largely destroyed in the Second World War. Part of the records, including an overview of all regulations dealing with this topic have been preserved as they were used as evidence in the court case against Johann Erasmus Senckenberg, a member of the city council who was prosecuted for fraud and rape: Criminalia 12880 (1756).
6. Criminalia 5916 (1747). Original: 'Weilen von dieser Person dermahlen nichts weiters heraus zu bringen gewesen, so hat mann dieselbe als eine junge person von welcher noch einige besserung zu verhoffen ihres arrests erlassen, jedoch mit der aus drücklichen verwarnung dass sie sogleich sich aus diesem haus weg und ein anderes begeben, u. sich sonst still und honett aufführen moge, wiedrigen falls sie auff betreten so gleich wieder in arrest gebracht und bestraft werden solle'.
7. See for example: ISG, Peinliches Verhöramt (Klein Malefizbuch) (1751–1765) where Catharina Heijstrichin from Grinberg, Louisa Huberin from Bessungen and Magdalena Wilhelmin of Homburg were expelled from the city because they had nothing to do in the city and could not legitimate their stay 'weilen sie hier gar nichts zu schaffen gehabt auch keinen praetext ihres auffenthaltes dahier vorbeugen können' (08.11.1755); Criminalia 7008 (1754) of Anna Eva Daubin from Lichtenberg who was expelled because she was wandering around with soldiers ('welche auf liederlichen leben dahier mit Caijserl. Soldaten herumgezogen'); Criminalia 7216 (1756) of Anna Maria Rumpin from Pohl-Göns who is repeatedly expelled for her loose lifestyle ('liederlichen Lebenswandel'); Criminalia 7227 (1756) in which Anna Elisabetha Meyerin is expelled as a vagrant; Criminalia 7928 (1763) in which Katharina Reul from Kronberg was arrested and expelled for her suspicious stay in the city ('wegen hiesiger verdächtiger Aufenthalt') and suspected theft. These are just a few of the cases in which women were arrested and expelled after they had attracted the attention of constables or other urban personnel because they stayed in the city without being incorporated into a proper household. See for the precarious position of servants on the road and the suspicion they attracted by authorities: Dürr (2001).
8. ISG, Criminalia 9199 (1780). Original: 'Sie sehe sich also jezo in die nothwendigkeit versetzt, dieses gehorsamst an zu zeigen und zu bitten ihr wo möglich wieder zu dem ihrigen hochobrigkeitlich zu verhelfen'.

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