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IV. Transcending dichotomies

Gender, property offending and the 'open house'

The previous chapter has analysed the development of criminality in seventeenth- and eighteenth-century Frankfurt am Main. It has shown that there were both differences and similarities in female crime patterns in the city compared to general trends in early modern Europe: most women were prosecuted for property offences and their share among this category of crime was higher than their overall contribution to registered criminality. This chapter will take a closer look at the socio-spatial contexts in which men and women committed theft and other related offences. Traditionally, historians argued that women's stealing was different from men's with regard to the methods they applied, the type of goods they stole, and their motivation. In short, women's thieving was supposedly connected to their dependent role in a family-based economy and confinement to the domestic space. Due to their restricted public roles, it was argued, women were less likely to commit offences. More recently, such explanations are no longer considered to be sufficient since they deny the complex meaning of private and public for this period.

The previous chapter has shown that in Frankfurt the majority of women were incorporated into male-governed households, and few women lived independently. The emphasis on the household as the central location for social order meant that authorities strongly relied on social control *within* the domestic sphere. The question is how the informal control within the household (which is usually associated more with rural areas) affected women's criminal patterns in an urban context. On the one hand, the restrictions on women's independence might have protected them from the precariousness of urban life they could otherwise have experienced. On the other hand, it could also mean that it increased the likeliness of women being subjected to informal control, rather than formal prosecution by the criminal justice system.

The first part of this chapter is devoted to a discussion of the historiography and the legal context within which property offences were prosecuted in early modern Frankfurt. It then moves on by investigating the different types of property crimes committed by men and women, and the social profile of the offenders. Subsequently, the locations of theft and patterns of distribution are analysed to investigate if and how the gendered socio-economic spheres contributed to differences in criminality. Finally, the last part of this chapter discusses the importance of informal control within the household in the context of servants' thefts. The chapter is based on the study of the registers of the Criminalia between 1600 and 1806. As these contain only limited information on factors such as the social profile of the offender (age, origin, profession, marital state) or the context of the crime (location, stolen goods etc.), this information is extracted from additional sample years,

which have been studied in depth both quantitatively as well as qualitatively. As the criminal records of the seventeenth century are often limited in the information they contain, this part of the study is restricted to the eighteenth century only. In order to have a similar amount of data for men and women, the sample of women contains an additional year. The sample covers the following years³⁵⁵: 1700(01); 1720(21); 1740(41); 1760(61); 1780(81). The sample of 1721 contains many cases which are related to thefts and plundering after the great fire in the Jewish Ghetto. These cases have been excluded from the calculations because they derived from an exceptional context: these were mostly a crime committed by local (married) citizens and men and women participated roughly in equal numbers. While this is worth studying on its own, the cases have been excluded as it would skew any comparison, in particular because the men were not consulted for this additional sample year. In total, the sample contains 183 cases (some of which contained several thefts prosecuted at the same time), 132 male offenders and 137 female offenders.

Female property offending and the public/private dichotomy

For a long time, historians argued that women's unlawful appropriation was considerably different from that of men because of their contrasting economic and public roles. Barbara Hannawalt was one of the first historians to deal with gender differences in the rate of theft in the past. Studying thefts in late medieval England, she argued that women's thefts were directly related to household concerns.³⁵⁶ John Beattie argued in his study on female offending in eighteenth-century Surrey and Sussex that 'for women even more than for men, it was theft and related offences that most often brought them into trouble with the law'.³⁵⁷ However, the patterns of women's property offending, he stated, were distinctly different from men's in the sense that they were not likely to use violence or force and that 'women's crimes were on the whole much less serious'.³⁵⁸

The conclusions drawn by Beatty and Hannawalt in the '70s influenced the image of women's property offending for a long time. Pieter Spierenburg argued along similar lines to Hannawalt, stating that women's theft in early modern Amsterdam was connected to their household roles and providing food for the family.³⁵⁹ Otto Ulbricht and Robert Jütte, who were among the first German historians to study early modern female crime in Europe in the '90s, stated that women's offences were more common, mundane and conformist than those of men. When

³⁵⁵ The years behind brackets refer to the extra sample for women.

³⁵⁶ B. Hannawalt, 'The female felon in fourteenth-century England', *Viator. Medieval and Renaissance Studies* 5 (1974) 253-268.

³⁵⁷ J.M. Beattie, 'The criminality of women in eighteenth-century England', *Journal of Social History* 8:4 (1975) 80-116, 89.

³⁵⁸ Beattie, 'Criminality of women', 96.

³⁵⁹ P. Spierenburg, 'How violent were women? Court cases in Amsterdam, 1650-1810', *Crime, History & Societies* 1:1 (1997) 9-28, 13.

women committed crimes, they did so differently: with less violence and usually together with someone else. They took on the role of helpers and accomplices, rather than being pro-active criminals in their own right. Apart from refraining from the use of violence, women supposedly also committed more simple thefts, stealing items of low monetary value but of immediate utility value.³⁶⁰ For sixteenth century Cologne Gerd Schwerhoff, argued that such differences were related to the restricted scope of action of women. Offences such as purse cutting, burglary or church theft required certain specialised skills, which women possessed to a much lesser degree, in correspondence with a gender division of labour in the formal economy.³⁶¹

More recently, research has demonstrated that it is problematic to relate women's property offending to their restricted public roles. First, historians like Garthine Walker and Trevor Dean argue that portraying male and female patterns of appropriation as a dichotomy is too restricted. As Walker has shown for seventeenth-century Cheshire and Dean has argued for medieval Bologna, property offences by men and women shared more similarities than difference, both in the ways they were carried out, as well as the context within these crimes were committed. Violent robberies are often seen as the epitome of male property crime, while they only constituted a minority of their offences. Moreover, both sexes particularly committed offences that were related to their own social and economic networks and activities.³⁶² For early modern Holland, Manon van der Heijden argued along similar lines, stating that women used their labour networks in order to steal or distribute stolen goods. Women usually committed thefts in places they knew through their work, and they usually committed thefts in other people's homes.³⁶³

Second, scholars have questioned the usefulness of the concept of public and private spheres for the early modern period. According to modern notions, the household clearly represents a private space, but this was not the case for the early modern period. In fact, boundaries between the private and the public were much more fluid.³⁶⁴ Due to the importance attached to early modern households as the central location for social order, urban authorities and neighbours

³⁶⁰ O. Ulbricht, 'Einleitung. Für eine Geschichte der weiblichen Kriminalität in der Frühen Neuzeit oder: Geschlechtergeschichte, historische Kriminalitätsforschung und weibliche Kriminalität' in: O. Ulbricht ed., *Von Huren und Rabenmüttern. Weibliche Kriminalität in der Frühen Neuzeit* (Köln 1995) 1-37, 19; R. Jütte, 'Geschlechtsspezifische Kriminalität im Späten Mittelalter und in der Frühen Neuzeit', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung* 108 (1991) 86-116, 107-108.

³⁶¹ G. Schwerhoff, 'Geschlechtsspezifische Kriminalität im frühneuzeitlichen Köln' in: O. Ulbricht ed. *Von Huren und Rabenmüttern. Weibliche Kriminalität in der Frühen Neuzeit* (Köln 1995) 83-115, 94.

³⁶² G. Walker, *Crime, gender and social order in early modern England* (Cambridge 2003) 160, 208-209; T. Dean, 'Theft and gender in late medieval Bologna', *Gender & History* 20:2 (2008) 399-415.

³⁶³ M. van der Heijden, *Misdadige vrouwen. Criminaliteit en rechtspraak in Holland 1600-1800* (Amsterdam 2014) 96.

³⁶⁴ G. Walker and J. Kermode, 'Introduction' in: G. Walker and J. Kermode eds., *Women, crime and the courts in early modern England* (London 1994) 1-24, 7, 12; M. van der Heijden, 'Women, violence and urban justice in Holland, c. 1600-1838', *Crime, History & Societies* 17:2 (2013) 71-100, 95-96; A. Vickery, 'Golden age to separate spheres? A review of the categories and chronology of English women's history', *The Historical Journal* 36:2 (1993) 383-414; H. Wunder, 'Herrschaft und öffentliches Handeln von Frauen in der Gesellschaft der Frühen Neuzeit' in: U. Gerhard ed. *Frauen in der Geschichte des Rechts* (München 1997) 27-54.

were much more invested in meddling with household affairs if they were considered to endanger this social order.³⁶⁵ Simultaneously, it also implied that household authorities, in particular the male head of the household, were expected to govern their households properly. This ‘governing’, therefore, was not a private matter, but served an important public function in the maintenance of social order.³⁶⁶

In order to underscore both the material and social openness of early modern households, Joachim Eibach introduced the concept of ‘Open House’ (*das ‘offene Haus’*).³⁶⁷ Due to the public importance of households, the domestic was to a large degree a permeable space. This openness was crucial to ensure the household as a central location of social order, and the role of the head of the household in maintaining this. With his concept, Eibach replaced the older model of ‘*das Ganze Haus*’ – the total household. The concept was introduced by Otto Brunner in the late 1950s, who used it to refer to the household not just as a social, but as an economic unit as well.³⁶⁸ Since then, the model has evolved considerably, and was criticised by later historians for portraying a too rigid ideal of early modern households as self-sufficient economic units.³⁶⁹ Older notions of *das Ganze Haus* portrayed the household as an (almost) autonomous closed legal space in which the housefather ruled over his subjects. This does not correspond with the public functions of household control, in which the housefather himself also had to uphold norms of respectability and was bound by public responsibilities.³⁷⁰ Thus, even informal control by household authorities had a public connotation, at least in the eyes of early modern authorities.

In order to gain a better understanding of gendered patterns of property offending, the concept of the ‘open house’ is extremely relevant, particularly in the case of early modern Germany.

³⁶⁵ C.A. Hoffmann, ‘Neighborhood in European cities’ in: H. Roodenburg and P. Spierenburg eds., *Social Control in Europe*. Vol. 1: 1500-1800 (Columbus OH, 2004) 309-327; H.R. Schmidt, ‘Hausväter vor Gericht. Der Patriarchalismus als zweischneidiges Schwert’ in: M. Dinges ed., *Hausväter, Priester, Kastrate. Zur Konstruktion von Männlichkeit in Spätmittelalter und Früher Neuzeit* (Göttingen 1998) 213-236; J. Eibach, ‘Das Offene Haus. Kommunikative Praxis im sozialen Nahraum der europäischen Frühen Neuzeit’ *Zeitschrift für Historische Forschung* 38:4 (2011) 621-664.

³⁶⁶ Walker, *Crime, Gender and social order*, 9-13; J. Hardwick, *The practice of patriarchy. Gender and the politics of household authority in early modern France* (University Park 1998); K. Hassan Jansson, ‘Haus und Haushalt im frühneuzeitlichen Schweden. Geschichtswissenschaftliche Trends und neue Zugänge’ in: J. Eibach, I. Schmidt-Voges eds., *Das Haus in der Geschichte Europas. Ein Handbuch* (Berlin 2015) 113-129, 123-128.

³⁶⁷ Eibach, ‘Das Offene Haus’; J. Eibach, ‘Das Haus: zwischen öffentlicher Zugänglichkeit und geschützter Privatheit (16. – 18. Jahrhundert)’ in: S. Rau and G. Schwerhoff eds., *Zwischen Gotteshaus und Taverne. Öffentliche Räume im Spätmittelalter und Früher Neuzeit* (Köln 2004) 183-205.

³⁶⁸ O. Brunner, ‘Das ‘ganze Haus’ und die alteuropäische ‘Ökonmik’ in: O. Brunner ed., *Neue Wege der Verfassungs- und Sozialgeschichte* (2nd edition: Göttingen 1968) 103-127.

³⁶⁹ I. Schmidt-Voges, ‘Das Haus in der Vormoderne’ in: J. Eibach, I. Schmidt-Voges eds., *Das Haus in der Geschichte Europas. Ein Handbuch* (Berlin 2015) 1-18; C. Opitz, ‘Neue Wege in der Sozialgeschichte? Ein kritischer Blick auf Otto Brunners Konzept des ‘‘Ganzen Hauses’’’, *Geschichte und Gesellschaft* 19 (1994) 88-98; H.R. Schmidt, ‘‘Nothurfft vnd Hußbruch’’. Haus, Gemeinde und Sittenzucht im Reformiertentum’ in: A. Holzem and I. Weber eds., *Ehe – Familie – Verwandtschaft. Vergesellschaftung in Religion und sozialer Lebenswelt* (Paderborn 2008) 301-328; I. Schmidt-Voges, ‘Strategien und Inszenierungen häuslichen Lebens zwischen 1750 und 1820. Eine Einführung’ in: I. Schmidt-Voges eds., *Ehe – Haus – Familie. Soziale Institutionen im Wandel 1750-1850* (Köln 2010) 9-27.

³⁷⁰ Eibach, ‘Das Offene Haus’, 633.

Of course, the patriarchal household as a representation of social and public order was not unique to Germany, but rather existed across Europe.³⁷¹ However, more than in other countries, *das Haus* in Germany embodied a legal entity and a unit of strongly regulated social control. As a result, both the internal social control exercised by the head of the household over his/her dependents, as well as the external control of authorities in neighbours in household affairs, was stronger than elsewhere.³⁷² As the previous chapter demonstrated, the majority of women in early modern Frankfurt were indeed incorporated into a male-governed household. This chapter, therefore, discusses how the centrality of the household impacted gendered differences among recorded property offences, both in the way that the crimes were committed as well as in the way they were controlled.

Until now most research on property offending in early modern Germany has focused largely on the study of robberies and thefts by gangs of bandits and vagrants, and questions to what extent these should be characterised as professional and well-organised gangs that are part of a criminal underworld.³⁷³ Within this context, the role of women has been relatively well studied, and has moved away from a perspective that depicts women solely as accomplices to male crimes. Quite the contrary: in some cases, women even functioned as heads of ‘gangs’.³⁷⁴ Similarly, Florike Egmond has demonstrated based on research for the early modern Netherlands that women functioned as the ‘social glue’ in criminal gangs.³⁷⁵

More ‘common’ and everyday property offences have received somewhat less attention, and their study (with the exception of the study of domestic theft) has remained largely gender neutral or has analysed women’s property offences only in comparison to those of men, in which

³⁷¹ Walker, *Crime, Gender and social order*, 9-13; J. Hardwick, *The practice of patriarchy. Gender and the politics of household authority in early modern France* (University Park 1998); T. Kuehn, *Family and gender in Renaissance Italy 1300-1600* (Cambridge 2017) 28-33; K.A. Lynch, *Individuals, families, and communities in Europe, 1200-1800. The urban foundations of western society* (Cambridge 2003) 153-155. Also see the contributions on various European countries in: J. Eibach, I. Schmidt-Voges eds., *Das Haus in der Geschichte Europas. Ein Handbuch* (Berlin 2015).

³⁷² Ogilvie, *Bitter living*, 63, 311-312; Rublack, *Crimes of women*, 8-9; M. Wiesner, *Gender, church, and state in early modern Germany* (Harlow 1998) 94-101.

³⁷³ E.g. U. Danker, *Räuberbanden im Alten Reich um 1700. Ein Beitrag zur Geschichte von Herrschaft und Kriminalität in der Frühen Neuzeit* (Frankfurt am Main 1988); C. Küther, *Räuber und Gauner in Deutschland. Das organisierte Bandenwesen im 18. und frühen Jahrhundert* (Göttingen 1976); G. Fritz, *Eine Rotte von allerhandt rauberischem Gesindt. Öffentliche Sicherheit in Südwestdeutschland vom Ende des Dreißigjährigen Krieges bis zum Ende des alten Reiches* (Osfildern 2004); K. Härter, *Policey und Strafjustiz in Kurmainz. Gesetzgebung, Normdurchsetzung und Sozialkontrolle im Frühneuzeitlichen Territorialstaat* (Frankfurt am Main 2005); G. Schwerhoff, ‘Karrieren im Schatten des Galgens. Räuber. Diebe und Betrüger um 1500’ in: S. Schmitt and M. Matheus eds., *Kriminalität und Gesellschaft in Spätmittelalter und Neuzeit* (Stuttgart 2005) 11-46.

³⁷⁴ E. Wiebel, ‘Die “Schleiferbärbel” und die “Schwarze Lise”. Leben und Lebensbeschreibungen zweier berüchtigter Gaunerinnen des 18. Jahrhunderts’, in: A. Blauer and G. Schwerhoff eds., *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne* (Konstanz 2000) 759-800; Fritz, *Öffentliche Sicherheit*, p. 227-229; A. Blauert, *Sackgreifer und Bentelschneider. Die Diebesbande der Alten Lisel, ihre Streifzüge um den Bodensee und ihr Prozess 1723* (Konstanz 1993).

³⁷⁵ On the role of women in organised crime in the early modern Netherlands also see: F. Egmond, ‘Between town and countryside. Organized crime in the Dutch Republic’ in: E.A. Johnson and E.H. Monkkonen eds., *The civilization of crime. Violence in town and country since the middle ages* (Chicago 1996) 138-152, 144.

the latter was considered as the norm.³⁷⁶ In her work on female crime in seventeenth-century Württemberg, Ulinka Rublack argued that women's property offences were characterised by various degrees of opportunities and constraints according to their social standing: thefts by servants differed from those by vagrant women, which in turn differed from local and married women.³⁷⁷ While her analysis offers many fruitful insights, her findings are not contrasted with the crime patterns of men, and therefore largely stand on their own.

For Frankfurt it is possible to build upon Joachim Eibach's earlier study of property crimes in eighteenth-century Frankfurt.³⁷⁸ His very rich chapter offers much contextualisation and shows that property offences during this period were *grosso modo* committed out of poverty ('*Armutskriminalität*'). The types of offences committed reflected the characteristics of the city as a place of trade and commerce, which was particularly true for cases of fraud. There was no large-scale organised gang activity in the city, nor were there any signs of an existing 'underworld', such as has been observed for other larger eighteenth-century metropolises or the nineteenth century.³⁷⁹ Eibach's analysis of property offending remained gender neutral at large, apart from a section devoted to domestic theft and a quantitative assessment of the share of women among different types of property offences. His characterisation of women's property offences followed the general traditional historiography, arguing that women committed more low-risk, ad-hoc, and 'unspectacular' offences than men.³⁸⁰

This chapter follows up on recent studies which highlight the similarities, rather than the differences of male and female offences, and reconsiders the thefts of women in early modern Frankfurt. Historians have frequently pointed out that the dichotomy between male/public and female/private spheres does not hold for the early modern period, but that boundaries between the two were fluid. Gender differences in relation to locations of theft and types of stolen goods did not result from women's dependent role in a family-based economy but were related to their

³⁷⁶ For the early modern period Peter Wettmann-Jungblut's study on property offending in South-West Germany largely stands on his own. In other cases, single chapters or articles are devoted to the study of property crimes, but no monographs. P. Wettmann-Jungblut, *Der nächste Weg zum Galgen? Eigentumskriminalität in Südwestdeutschland 1550-1850* (Saarbrücken 1997); O. Ulbricht, 'Zwischen Vergeltung und Zukunftsplanung. Hausdiebstahl von Mägden in Schleswig-Holstein vom 16. bis zum 19. Jahrhundert' in: O. Ulbricht ed., *Von Huren und Rabenmüttern. Weibliche Kriminalität in der Frühen Neuzeit* (Köln 1995) 139-170; A. Griesebner, 'Verbannung statt Todesstrafe? Diebstahlsprozesse aus dem Erzherzogtum Österreich unter der Enns im 18. Jahrhundert', *WerkstattGeschichte* 42 (2006) 5-24; G. Schwerhoff, *Köln im Kreuzverhör. Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt* (Bonn 1991) 344-361; J. Eibach, *Frankfurter Verböte. Städtische Lebenswelten und Kriminalität im 18. Jahrhundert* (Paderborn 2003) 287-374.

³⁷⁷ U. Rublack, *The Crimes of women in early modern Germany* (Oxford 1999) 92-93.

³⁷⁸ Eibach, *Frankfurter Verböte*, 287-374.

³⁷⁹ H. Shore, *London's criminal underworlds, c. 1720 – c. 1930. A social and cultural history* (Basingstoke 2015); R.J. Evans, *Tales from the German underworld. Crime and punishment in the 19th century* (New Haven 1998).

³⁸⁰ Eibach, *Frankfurter Verböte*, 324.

broader economic activities and contemporary perceptions of gender which provided easier access to certain spaces than others.

Legal norms and prosecution practices

Before we can comment on the various types of unlawful appropriation engaged in by men and women, it is necessary to take a look at the legal norms regarding the prosecution of property crimes. The *Verhöramt* only investigated property offences from a certain level. Moreover, there was the possibility of jurisdictional competition with regard to the prosecution of ‘rural’ property offences. However, there were no clear-cut regulations that enable the historian to reconstruct the jurisdictional boundaries of the *Verhöramt* in relation to property offences.³⁸¹ Uncertainties arise, for example, with regard to differentiating between different types of property offences. In early modern England there were numerous statutes that clearly defined various types of theft, differentiating between burglary, grand theft, petty theft, pickpocketing, shoplifting and so on.³⁸² In the early modern German context, however, the legal norms with regard to property offences (and other offences in general) were defined less strictly, and were therefore more open to interpretation and debate by jurists and law enforcement.³⁸³

Frankfurt’s own legal statute, the *Erneuerte Reformation*, stated that all criminal cases should be handled according to the *Carolina* (the criminal law code of Emperor Charles V from 1532), and Frankfurt’s own legal traditions.³⁸⁴ In articles 157-175, the *Carolina* listed various types of theft and their prescribed punishment. The *Carolina* differentiated between simple theft (*einfachen Diebstahl*) and qualified theft (*qualifizierten Diebstahl*). Simple theft was further distinguished between secret and public theft, and between grand (five guilders and more) and petty thefts (below five guilders). A qualified theft was considered any case of repeat offending or appropriation with the use of weapons, or through breaking or entering a building (*durch einsteigen oder erbrechen*). The prescribed punishments ranged from the pillory and banishment to the death penalty. Offenders younger than 14 were spared the death penalty, as were offenders who stole out of starvation (article 166 ‘*Stelen in rechter hungersnot*’).³⁸⁵ In addition to this, the *Carolina* separately listed theft from fields, theft of wood, theft of fish, church theft, theft from the poor chest, and misappropriation (articles 167-

³⁸¹ The following is primarily based on Eibach, *Frankfurter Verböre*, 67-71.

³⁸² C. Emsley, T. Hitchcock and R. Shoemaker, ‘Crime and Justice - Crimes Tried at the Old Bailey’, Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.0, 16 April 2017).

³⁸³ H. Janßen, *Der Diebstahl in seiner Entwicklung von der Carolina bis zum Ausgang des 18. Jahrhunderts* (Göttingen 1969).

³⁸⁴ *Der Statt Franckfurt am Mayn erneuerte Reformation. Wie die Anno 1578 außgegangen und publicirt/ Jetzt abermals von neuem ersehen/ an vielen unterschiedlichen Orten geändert/ verbessert und vermehrt* (Frankfurt am Main 1611) §10.8.

³⁸⁵ F. Dorn, “‘Not kennt kein Gebot’. Der Notdiebstahl (‘Stehlen in rechter Hungersnot’) in der frühneuzeitlichen Strafrechtsdogmatik’ in: S. Schmidt ed., *Arme und ihre Lebensperspektiven in der Frühen Neuzeit* (Frankfurt am Main 2008) 207-236.

175). Depending on the time of day and the method of appropriation, these should either be treated as theft, or punished with fines or other civil punishments (*bürgerliche Strafen*).

In addition to the *Carolina*, Frankfurt's legal constitution (1578/1611) listed several types of fraud, which were, however, not considered criminal but civil offences.³⁸⁶ During the early modern period, additional police ordinances were issued by Frankfurt's city council regarding the theft from vineyards, *Feldgüter*, theft from the gardens surrounding the city, and receiving stolen goods.³⁸⁷ According to the regulations of the *Verhöramt* from 1788, the investigation office was in charge of investigating 'all malicious damage to other people's property, including all types of fraud, usurious contracts, wanton bankruptcies, and thefts in particular.'³⁸⁸ Joachim Eibach noted that it is remarkable that the instruction specifically mentioned offences like usury, forgery and bankruptcy. While such offences reflect the importance of Frankfurt as a centre for trade and finance, they only constituted a minority of the crimes prosecuted by the *Verhöramt*.³⁸⁹ Many trade disputes, including complaints concerning usury or bankruptcy were handled by the aldermen in the civil court, rather than being investigated by the *Verhöramt*.³⁹⁰ More 'everyday' crimes such as burglary, housebreaking, domestic theft, shoplifting, pickpocketing or even robbery were not mentioned separately in the office's regulations of 1788, even though the investigation records of the *Verhöramt* show that these were much more numerous than other property crimes. In the registries of the investigation offices, too, there was often no differentiation made between the different types of theft. Burglary, domestic theft, robbery etc. were mostly only registered as *furtum* without further specification.

³⁸⁶ *Der Statt Franckfurt am Mayn erneuerte Reformation* (1611) §10.1.

³⁸⁷ E.g. PO 1822 *Articul und Ordnung der Goltschmidt Gesellschaft* 18.11.1613; PO 1828 *Der Juden Stettigkeit* 00.00.1614; PO 1888 *Männiglich soll sich anderer Leuten Weinbergen, Gärten und anderer Feldgüter enthalten* 19.08.1617; PO 1964 *Daß niemandt die gestohlenen unnd geraubte Sachen von den Soldaten kauffen solle* 17.01.1622; PO 3394 *Straffe der Feld=Dieben; und Belohnung der Denuncianten derselben* 22.04.1751.

³⁸⁸ PO 4346 *Verordnung und Unterricht für das peinliche Verbör=Amt der Reichs Stadt Frankfurt* 04.12.1788, §5. Original: 'boshaftige Beschädigungen des Vermögens anderer, wohin alle Arten von Falsis, wucherliche Contracte, muthwillige Banquerots, und Diebstähle insonderheit gehören'.

³⁸⁹ Eibach, *Frankfurter Verböre*, 67-71.

³⁹⁰ Frankfurt's civil law proceedings have recently gained attention through the lens of the Reichskammergerichtsforschung. C.O. Schmitt, *Säuberlich banquerott gemacht. Konkursverfahren aus Frankfurt am Main vor dem Reichskammergericht* (Köln 2016); A. Amend-Traut, *Wechselverbindlichkeiten vor dem Reichskammergericht. Praktiziertes Zivilrecht in der Frühen Neuzeit* (Köln 2009). On Frankfurter women and their uses of justice in disputes concerning debts (amongst others): A. Baumann, 'Frauen vor dem Reichskammergericht' in: F. Battenberg and B. Schildt eds., *Das Reichskammergericht im Spiegel seiner Prozessakten. Bilanz und Perspektiven der Forschung* (Köln 2010) 93-115. Also see: A. Baumann, 'Spielschulden und ihre Folgen – oder: die Funktion des Frankfurter Pfandhauses im 18. Jahrhundert' in: A. Amend-Traut, A. Cordes and W. Sellert eds., *Geld, Handel, Wirtschaft. Höchste Gerichte im Alten Reich als Spruchkörper und Institutionen* (Berlin 2013) 3-22; M. Rothmann, 'Schulden vor Gericht. Die Frankfurter Messegerichtsbarkeit und der Messeprozess in Mittelalter und beginnender Früher Neuzeit' in: A. Amend-Traut et al. eds., *Die Reichsstadt Frankfurt als Rechts- und Gerichtslandschaft im Römisch-Deutschen Reich* (München 2008) 285-303; G. Schlick-Bamberger, 'Die Audienzen des Jüngeren Bürgermeisters in der Reichsstadt Frankfurt am Main. Ein Untergericht als Spiegel des reichsstädtischen Alltagslebens im 18. Jahrhundert' in: A. Amend-Traut et al. eds., *Die Reichsstadt Frankfurt als Rechts- und Gerichtslandschaft im Römisch-Deutschen Reich* (München 2008) 9-38.

The *Verhöramt* did not investigate all types of property offences in Frankfurt's territory. Thefts of natural resources from communal grounds, illegal wood gathering, poaching, stealing grain from agricultural fields etc. were more likely to be investigated by the city's *Ackergericht* or the *Landgericht*, which were in charge of minor offences in the city's territory.³⁹¹ Even though the theft of agricultural products or other natural resources received considerable attention from the authorities during the early modern period, which is evident from the numerous police ordinances issued related to this topic, the actual prosecution policies appear rather lenient. Or to put it differently: the authorities were rarely inclined to prosecute such offences with a formal criminal procedure by the *Verhöramt* and/or to impose penal punishments.³⁹² The *Criminalia* therefore primarily reflect property offences committed in an urban context.³⁹³

In addition to a selection based on the type of property offence, there was also a selection based on the gravity of the crime. The *Verhöramt* only investigated offences that required a formal criminal procedure. Thus, petty property offences did not fall within the office's jurisdiction and were handled by other institutions. The legal statutes do not make clear, however, what would be considered a minor property offence and what would not. According to the *Carolina*, the limit between a grand and petty theft was five guilders. Legal commentators often debated on this limit in the following decade and centuries, and it is not clear whether the authorities in Frankfurt maintained the limit set by the *Carolina* either. Joachim Eibach suggested the possibility that the *Verhöramt* followed the same guidelines as were set for the civil law procedures before the burgomaster sessions, and considered that the criminal investigators adhered to a benchmark of thefts above the value of five guilders.³⁹⁴ We know for the early nineteenth century that larcenies below the value of twenty guilders were not investigated by the *Verhöramt*, but by a lower police office which was not established yet in the nineteenth century.

How the boundaries were drawn exactly remains unclear, and it seems that rather than following a fixed amount the authorities took the offender's social status into account. The sources show that it was not uncommon for the petty thefts to be investigated by the criminal investigation office, some of which were even sanctioned with penal punishments.³⁹⁵ In 1781, for example, Susanna Gerlingin, an unemployed maid from Eichenbühl, was condemned to the poorhouse for a little over a month, birched twenty-five times and expelled from the city, because she had

³⁹¹ J.H. Faber, *Topographische, politische und historische Beschreibung der Reichs- Wahl- und Handelsstadt Frankfurt am Mayn*. Vol. 2. (Frankfurt am Main 1789) 94-95, 121.

³⁹² Ulinka Rublack found similar practices in Southwest Germany: *Crimes of women*, 94.

³⁹³ Eibach, *Frankfurter Verböre*, 70.

³⁹⁴ Eibach, *Frankfurter Verböre*, 69-70.

³⁹⁵ K. Meinhardt, *Das peinliche Strafrecht der freien Reichsstadt Frankfurt am Main. Im Spiegel der Strafpraxis des 16. und 17. Jahrhunderts* (S.L. 1957) 229.

pickpocketed 14.5 *Batzzen* (less than a guilder) from the Jewess Süßchen of Mainz.³⁹⁶ A year earlier, Wolff from Amsterdam was sentenced to forced labour in the trenches after which he was banished for the theft of a peasant's wallet which contained two guilders.³⁹⁷ There were many cases in which people labelled by the authorities as paupers, vagrants etc. were expelled after being investigated on suspicion of theft, but where the investigation office had failed to find sufficient proof to allow for a formal criminal procedure and conviction.³⁹⁸ In contrast to such cases, Joachim Eibach referred to a legal opinion in which the syndic Johann Simon Seyfried argued that two servants who were indicted by their master, baker Johann Georg Schluckbier, for the theft of some flour could not be taken into custody and subjected to a formal criminal procedure because the supposed theft was not worth more than some small change.³⁹⁹

Gerd Schwerhoff found a similar pattern for sixteenth-century Cologne. Authorities did not follow the normative distinction between grand and petty theft as regulated in the *Carolina*. Instead they took the social status of the offenders into account: unlike vagrants and foreigners, burghers and long-standing residents had much better chances of avoiding execution even if the law required it.⁴⁰⁰ In Frankfurt, too, the mobile poor were much more likely to become subject to criminal investigation for minor property offences, and therefore appear in the investigation records, than locals.

Furthermore, we must consider that there is a considerable *dark number* when it comes to property offences. Cases in which the offender was unknown were hardly ever reported to the authorities. Instead, victims would post an advertisement in the local newspaper promising a reward to anyone who would help them retrieve their items.⁴⁰¹ Victims that caught a thief red-handed were also inclined to handle the case without necessarily notifying the authorities because this could be time consuming and delay the retrieval of one's properties. In the eighteenth century, the authorities in Frankfurt issued several police ordinances urging victims not to act on their own

³⁹⁶ Criminalia 9264 (1781).

³⁹⁷ Criminalia 9174 (1780). Other examples of cases of minor theft that were investigated by the Verhöramt: Criminalia 5088 (1740) Anna Elisabeth Scheffner, a local denizens daughter was investigated for the theft of clothes with an approximate value of three guilders; Criminalia 5091 (1740) Susanna Clara Mack was investigated for the theft of three guilders worth of clothing.

³⁹⁸ On the increasing legal insecurity experienced by people labelled as vagrants or ethnic minorities and the increasing use of expulsion as a regulatory measure instead of a formal criminal conviction in the course of the early modern period, see: Härter, *Policey und Strafjustiz*, 640-641; K. Härter, 'Die Sicherheit des Rechts und die Produktion von Sicherheit im frühneuzeitlichen Strafrecht' in: C. Kampmann and U. Niggemann eds., *Sicherheit in der Frühen Neuzeit. Norm – Praxis – Repräsentation* (Köln 2013) 661-672.

³⁹⁹ Criminalia 5622 (1743) as quoted in: Eibach, *Frankfurter Verböre*, 70.

⁴⁰⁰ Schwerhoff, *Köln im Kreuzverbör*, 350.

⁴⁰¹ See for example the advertisements in the Ordentliche wochentliche Franckfurter Frag- und Anzeigungs-Nachrichten (later referred to as Franckfurter Frag- und Anzeigungs-Nachrichten) listed under 'Sachen so gestohlen wurden' – 'Items that have been stolen'. Many of these papers have been digitised and can be consulted through Google Books or the Princeton digital library. See for an overview: <https://de.wikisource.org/wiki/Hessen/Zeitungen> (retrieved April 2017).

account and punish offenders informally, but to report thefts to the *Verhöramt*.⁴⁰² This points to a certain reluctance by victims to involve the authorities in property offences, at least in those cases where they felt it was more efficient to settle the case with the offender themselves. It has been suggested by historians that particularly thefts within the community by community members were more likely to be sanctioned informally.⁴⁰³ Ulinka Rublack also argued that because women did not carry weapons, confrontations with female thieves were less risky for victims than confrontations with male thieves, leading to a larger number of unreported thefts by women than by men.⁴⁰⁴ In a later part of this chapter I will deal in greater detail with the gendered means of informal control of domestic thefts by servants, which were especially likely to be handled informally.

In sum, the legal norms in early modern Frankfurt only broadly distinguished between various types of property offences. The regulation of the *Verhöramt*, for example, did not differentiate between burglary, shoplifting or larceny, and it appears that distinctions between grand and petty theft were not systematically applied.⁴⁰⁵ This is also reflected in the registration of crimes. Offences registered as *furtum* (theft) could refer to simple thefts, shoplifting, burglary, domestic theft etc. In some cases, an additional description enabled further specification, but this was not done systematically. Additionally, it must be remembered that due to the organisational structures, offences that could be distinguished as ‘rural’ were less likely to end up before the *Verhöramt* and therefore do not show up in the *Criminalia*. And last, but not least, although the prosecution of property offences rose considerably in the eighteenth century (as we will see below), many offences remained unreported – either because the offender was unknown, or because the case was settled informally without the intervention of the authorities.

Gendered patterns of property crimes

Now that we have established which type of property offences belonged to the jurisdiction of the *Verhöramt*, it is time to take a closer look at the gender patterns that can be discerned in the *Criminalia*. It is clear that, numerically speaking, women committed fewer property offences than men. But does this justify a distinction of women as petty criminals and men as hard-core organised robbers? The findings of the *Criminalia* for the seventeenth and eighteenth centuries confirm

⁴⁰² PO 3577 *Straffe der Feld=dieben* 04.08.1761; PO 3581 *Anzeigepflicht Bevölkerung Diebstahl* 27.08.1761; PO 3657 *Verbotene thätliche Selbsthilfe gegen Diebe* 09.02.1764; PO 3872 *Verbotene thätliche Selbsthilfe gegen Diebe* 10.09.1771; PO 4397 *Anzeigepflicht* 16.10.1789; PO 4830 *Anzeigepflicht* 05.04.1800.

⁴⁰³ H. Schnabel-Schüle, *Überwachen und Strafen im Territorialstaat. Bedingungen und Auswirkungen des Systems strafrechtlicher Sanktionen im frühneuzeitlichen Württemberg* (Köln 1997) 271.

⁴⁰⁴ Rublack, *Crimes of women*, 28.

⁴⁰⁵ This was not unique to Frankfurt. See e.g.: M. Thomsen, *Zwischen Hauptwache und Stockhaus. Kriminalität und Strafjustiz in Thorn im 18. Jahrhundert* (Marburg 2006) 187.

previous findings by historians: differences with regard to the type of thefts men and women engaged in were less distinct than is often assumed.⁴⁰⁶

Table 1 shows the types of property offences men and women were prosecuted for based on the contemporary registers of the *Criminalia*. These only allow for a broad categorisation since *furtum* or *Diebstahl* included many different types of theft (such as burglary, pickpocketing etc.) which cannot be distinguished based on the registries. A first broad categorisation based on the registers of the *Criminalia* shows that in proportion to their overall activity in property offences, both men and women predominantly committed offences registered as *furtum*. For women this accounted for 83% of all their property offences, and for men 72.9%. The table shows that although men were more likely to be prosecuted for offences like fraud or (accessory to) robbery, the differences are less marked than might be expected (8% vs 5.5% and 7.6% vs 3.3% respectively).⁴⁰⁷ Moreover, it also shows that these offences only constituted a relatively small percentage of male property offending. Violent robbery, often seen as a distinguishing feature of male thieving, was not the defining characteristic of male property offenders in early modern Frankfurt. Due to its relatively small territory, there were hardly any cases of stereotypical highway robbery or large gangs of thieves, who generally operated primarily in the countryside.⁴⁰⁸ Historians have shown how women played a crucial role in the organisation of ‘professional’ gangs, and that these were certainly not a male-dominated world.⁴⁰⁹ In the seventeenth century, the share of property crimes labelled as robberies was relatively higher among both male and female recorded offences, but this was mainly caused by a decline in other forms of theft. A third type of offence for which men were prosecuted proportionately more frequently than women, was poaching and other related offences. It is likely that this was a result of judicial organisation, rather than gendered behavioural patterns. The majority of these offences would have been investigated by the *Landamt* or the *Ackergericht*, which were lower courts and may have included more women. Evidence in criminal records demonstrates that women were often prosecuted for offences like collecting firewood illegally, which was related to their tasks within the household and the rural economy.⁴¹⁰ Overall, there appear to have been more similarities than differences between men and women. Relatively

⁴⁰⁶ Walker, *Crime, gender, and social order*, 160; Dean, ‘Theft and gender’, 405; Van der Heijden, *Women and crime*, 63-66.

⁴⁰⁷ This is confirmed by Joachim Eibach’s earlier findings of a relatively high share of women among offenders prosecuted for robbery or gang membership in the eighteenth century: *Frankfurter Verböre*, 323; J. Eibach, ‘Böse Weiber und grobe Kerle. Delinquenz, Geschlecht und soziokulturelle Räume in der frühneuzeitlichen Stadt’ in: A. Blauert and G. Schwerhoff eds., *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne* (Konstanz 2000) 669-688, 683.

⁴⁰⁸ Eibach, *Frankfurter Verböre*, 313. On the urban-rural connection of gangs of robbers: F. Egmond, *Underworlds. Organized crime in the Netherlands 1650-1800* (Cambridge 1993).

⁴⁰⁹ Egmond, ‘Between town and countryside’, 144; Wiebel, ‘Die “Schleiferbärbel” und die “Schwarze Lis”’, 762-763.

⁴¹⁰ B.D. Plaum, *Strafrecht, Kriminalpolitik und Kriminalität im Fürstentum Siegen 1750-1810* (St. Katharinen 1990) 207; Rublack, *Crimes of women*, 94-97.

speaking, both genders were equally prosecuted for offences such as receiving stolen goods, damage to property and extortion.

Table 6 Type of offences committed by men and women, 1600-1806⁴¹¹

Type of offence	Male		Female	
Theft (incl. housebreaking, burglary, etc.)	2,691	72.9%	1,142	83.0%
Fraud (incl. bankruptcy and debts)	295	8.0%	70	5.1%
Robbery, <i>Räuber- Diebesbande</i>	282	7.6%	46	3.3%
Receiving of stolen goods	245	6.6%	70	5.1%
Damage to property	47	1.3%	21	1.5%
Poaching	57	1.5%	4	0.3%
Extortion	16	0.4%	7	0.5%
Miscellaneous	60	1.6%	16	1.2%

Source: *Criminalia 1600-1806*

The broad range of offences that were covered by the term *furtum* may conceal more specific gendered behavioural patterns. Working on late eighteenth- and early nineteenth-century London, for example, Deirdre Palk demonstrated that women's involvement in shoplifting and pickpocketing outnumbered that of men, as a result of the legal definition of these crimes and the different spheres men and women operated in.⁴¹² Garthine Walker showed for seventeenth-century Cheshire that although women were *numerically* less often prosecuted for offences like housebreaking or burglary, they were *relatively* more likely to commit such offences than men.⁴¹³

A closer analysis of the *Criminalia* themselves allows for a further differentiation between the various types of offences defined as *furtum* in the contemporary register. In his analysis of property offences for the sample years 1741-43, 1771-75 and 1801-1805, Joachim Eibach studied the proportion of women among each category of property offending, rather than analysing the relative importance of each type of offence according to gender. Compared to their overall share among property offenders during his sample years (28%), their share was much higher among cases of simple theft and domestic theft (32.3% and 51.4%) and considerably lower among cases of fraud

⁴¹¹ For a more detailed graph of developments over time, see appendix Figures 2 and 3.

⁴¹² D. Palk, *Gender, Crime and Judicial Discretion 1780-1830* (Suffolk 2006) 39, 67.

⁴¹³ Walker, *Crime, gender, and social order*, 160-161.

and burglary (17.9% and 21.7%).⁴¹⁴ Although this exercise provides very valuable insights, as it proves that the share of women varied considerably among the different offences, it also runs the risk of masking similarities and exaggerate differences.

In my own sample I have also distinguished between the different types of property offending: domestic theft (theft by servants, journeymen and other dependents living in the household of their master); burglary (breaking into dwelling houses, inns, public buildings etc.) and theft.⁴¹⁵ But rather than looking at the percentage of women among each category, I have examined the relative importance of each category according to gender. Table 2 reveals that for both men and women, the majority of these offences were ‘normal’ thefts without breaking or entering, including everything from market thefts to pickpocketing, etc. (65.4% for men and 60% for women). Furthermore, the table also reveals that relatively speaking women were only slightly less likely to commit burglary or housebreaking than men. Still, based on these figures there is no reason to assume that women refrained from more ‘complicated’ property offences that involved some use of force and possible confrontation with the victim. The most significant difference is the importance of domestic theft. This figured more prominently among the property crimes committed by women than men: 22% vs 9% respectively. The ‘female’ nature of domestic theft will be discussed in more detail below. For now, it suffices to say that in terms of the gendered pattern of property offences investigated by the *Verhöramt*, the similarities between men and women are more salient than the differences. Both my own sample years as well as those of Joachim Eibach reveal that normal theft was the most important category of property offending by men and women, and that women were only slightly less inclined to commit offences that would normally be considered as ‘male’ offences such as burglary or fraud.

Table 7 Types of thefts committed by men and women in eighteenth-century Frankfurt

Types of property offence	M (N)	%	V (N)	%
Theft	70	65.4%	77	60%
Domestic Theft	10	9.4%	28	22%
Burglary (<i>Einbruch/Einsteigen</i>)	27	25.2%	23	18%

Source: Criminalia 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

⁴¹⁴ Eibach, *Frankfurter Verböre*, 323.

⁴¹⁵ Since there was no legal differentiation between larceny and an offence like pickpocketing (as was the case in early modern England) they have not been separated here.

Moreover, contrary to the previous stereotypical portrayal of women as accessories and subordinates to male offenders, the *Criminalia* show that in Frankfurt am Main the majority of women investigated before the *Verhöramt* in the seventeenth and eighteenth centuries committed offences on their own. Women were prosecuted on their own in 53% of the cases compared to 49% of the men. When committing offences together with others, women were more likely to operate in mixed groups (27% of the cases) rather than in single-sex groups (20%). For men this was the opposite (13% in mixed groups vs 38% in single-sex groups).⁴¹⁶ Women found partners in crime through all types of social connections. They committed property offences together with their spouses, with other family members, connections they made through work. But, they also formed short-term, opportunistic alliances together with complete strangers whom they had met in inns or taverns.⁴¹⁷ All of these different types of ‘partnerships’ emphasise that women’s agency in property offending was not confined to the domestic arena.

Social profile of property offenders

The socio-economic background of property offenders in eighteenth-century Frankfurt demonstrates that it was not just the type of theft where similarities between men and women outweighed the differences. Historian Peter Wettmann-Jungblut developed a typology of early modern property offenders based on his study of theft in south-west Germany which has been very influential in German historiography.⁴¹⁸ His typology distinguished three different types of property offenders. First, property offences committed by vagrants, unsettled and uprooted people, who formed the mass of all offenders. Second, thefts by servants, journeymen or others in a dependent wage relationship, who stole from their employer or master. Finally, theft by locals who stole within their community motivated by need, greed, envy or personal conflict. Ulinka Rublack has applied this typology in her study on female crime in seventeenth-century Württemberg as well, though slightly adapting the first category to ‘predominantly mobile, professional thieves’, which she defined as thieves for whom the main source of income for longer periods of time was theft.

⁴¹⁶ IfSG, *Criminalia* 1600-1806.

⁴¹⁷ E.g. *Criminalia* 2241 (1700) Anna Barbara Langing and Anna Margaretha Mundin shared a family connection through Anna Barbara’s stepmother; *Criminalia* 5065/5066 (1740) Christina Magdalena Weissnerin and Friedrich Hass travelled together posing as a married couple called Bernardi; *Criminalia* 7650 (1760) Anna Elisabetha Weigandin worked as a domestic servant for the gardener Winter. She committed domestic theft and escaped with the help of the gardener’s neighbours with whom she had forged an alliance. Also see: G. Ammerer, *Heimat Strafe. Vaganten im Österreich des Ancien Régime* (Vienna and Munich 2003) 433-434.

⁴¹⁸ P. Wettmann-Jungblut, “Stelen inn rechter hungersnoddt”. Diebstahl, Eigentumsschutz und strafrechtliche Kontrolle im vorindustriellen Baden 1600-1850’ in: R. van Dülmen ed., *Verbrechen, Strafen und soziale Kontrolle. Studien zur historischen Kulturforschung* (Frankfurt am Main 1990) 133-177, 154-155. Schwerhoff, *Köln im Kreuzverhör*, 351; Härter, *Policy und Strafrecht*, 581, 1092; Schnabel-Schüle, *Überwachen und Strafen*, 271.

However, she did not consider them as belonging to a ‘criminal’ underworld because many of them went back to regular work from time to time and only rarely operated in large organised groups.⁴¹⁹

This differentiation tends to disguise the fluid boundaries that existed between short-term (labour) migration and permanent unsettledness. Not all men or women on the road who had to casually supplement their income with an opportunistic theft was necessarily characterised by the authorities as a vagrant, nor would they fit any of the other two typologies. Additionally, it masks the influence of life-cycle changes, which influenced labour and mobility patterns in the early modern period and were different for each gender. In a study of late-eighteenth-century London, Peter King demonstrated how theft was closely related to life-cycle experiences and a period of high mobility and economic vulnerability.⁴²⁰ In order to provide a more nuanced classification of early modern property offenders, a closer look is needed at the origin and legal status of offenders, their age, and employment status.

The first characteristic according to which we can differentiate property offenders was their origin/legal status, for which information is available in the majority of the cases. Frankfurt’s inhabitants were divided according to legal status, with burghers being at the top and enjoying full citizenship rights, and transients at the bottom, whose stay in the city was conditional and who enjoyed no legal protection.

It was not always possible to determine the exact legal category of offenders. In some cases, it was simply stated that the suspect was born in Frankfurt (*‘von hier gebürtig’*) or originated from there (*‘seije von hier’*) without specifying whether they enjoyed full citizenship or belonged to the community of resident aliens. Domestic servants and journeymen enjoyed a different status from other strangers because they were incorporated in their master’s household and enjoyed his protection (*‘Schutz’*). However, since this was not a formal legal category, they have not been listed separately here. Moreover, it was often not possible to establish from the sources which servants suspected of theft were still considered as household members and which had lost this status and were considered as strangers.

The data reveal (table 3) that 66% of the female suspects and 74% of the male suspects were foreigners (*Fremde*). This means that measured against the population as a whole, migrants were over-represented among property offenders in early modern Frankfurt.⁴²¹ Burghers (including their families) constituted about 46% to 50% of the city’s inhabitants in the eighteenth century, resident aliens about 5% (approximately 20% including their families), and the local Jewish

⁴¹⁹ Rublack, *Crimes of Women*, 119.

⁴²⁰ P. King, ‘Female offenders, work and life-cycle change in late-eighteenth-century London’, *Continuity and Change* 11:1 (1996) 61-90.

⁴²¹ Joachim Eibach found comparable figures for his sample years: *Frankfurter Verböre*, 299.

community slightly less than 10%.⁴²² Among the criminal offences, however, all local groups together represented only 22% of the male suspects and 32% of the female suspects.

Table 8 Legal Status of property offenders according to gender, eighteenth-century Frankfurt

Category	Men		Women	
	Frankfurt ⁴²³	25	22%	41
Village	5	4%	3	2%
Stranger	86	74%	83	66%
Total	116		127	
Unknown	16		10	

Source: Criminalia 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

Both for men and for women, then, theft was primarily a crime of outsiders. Or at least outsiders were more likely to be subjected to criminal investigation on suspicion of theft. The majority of the prosecuted offenders in early modern Frankfurt were either transient or had lived in the city for just a short period of time. Most of them were only loosely incorporated within the social-economic networks of the city, which made them vulnerable to prosecution.

Although this observation accounts for both male and female suspects, some gender differences can nevertheless be discerned. ‘Foreignness’ was more marked among male offenders than female offenders. Moreover, the geographical radius of male offenders arrested in Frankfurt was larger than that of women. While for women 45% of the offenders originated from places within a 50km radius of Frankfurt, for men this was only the case 23% of the time (table 4). These differences can partially be explained by gendered migration patterns as female migration is generally characterised as more regional than that of men.⁴²⁴ Nevertheless, one should not underestimate the high level of mobility displayed by female property offenders in the sources: 10% of the female migrants originated from places further than 250km away, and some even came from places in Denmark, Bohemia and the Czech Republic. One reason women may have migrated

⁴²² S. Hochstadt, ‘Migration in preindustrial Germany’, *Central European History* 16:3 (1983) 195-224, 202; G.L. Soliday, *A Community in conflict. Frankfurt society in the seventeenth and early eighteenth centuries* (Hanover 1974) 45; R. Roth, “... der blühende Handel macht uns alle glücklich...”. Frankfurt am Main in der Umbruchszeit 1780-1825’, *Historische Zeitschrift. Beihefte* 14 (1991) 357-408, 326.

⁴²³ Of the 41 women who originated from Frankfurt, 11 were identified as burgher women/daughters; another 11 as resident aliens; 1 as a local Jew; and 18 did not specify their legal citizenship status. Of the 25 men who claimed to originate from Frankfurt, 7 were burghers or the sons of burghers; none identified as a resident alien; 6 were local Jews; and 12 did not specify their legal citizenship status.

⁴²⁴ L.P. Moch, *Moving europeans. Migration in western Europe since 1650* (2nd edition: Bloomington 2003) 14- 18.

to Frankfurt was the prospect of better wages. Anna Margaretha Blumin, who was born in Kassel, some 160km away from Frankfurt, stated that she had come to the city because of the higher salary for servants in Frankfurt than in Kassel.⁴²⁵ Frankfurt was located in one of the most densely populated regions of the Holy Roman Empire, with many people living in small to medium-sized towns.⁴²⁶ Many of the migration patterns of male and female offenders were similar to that of Blumin, in the sense that they were characterised by intra-urban mobility (see map 1).

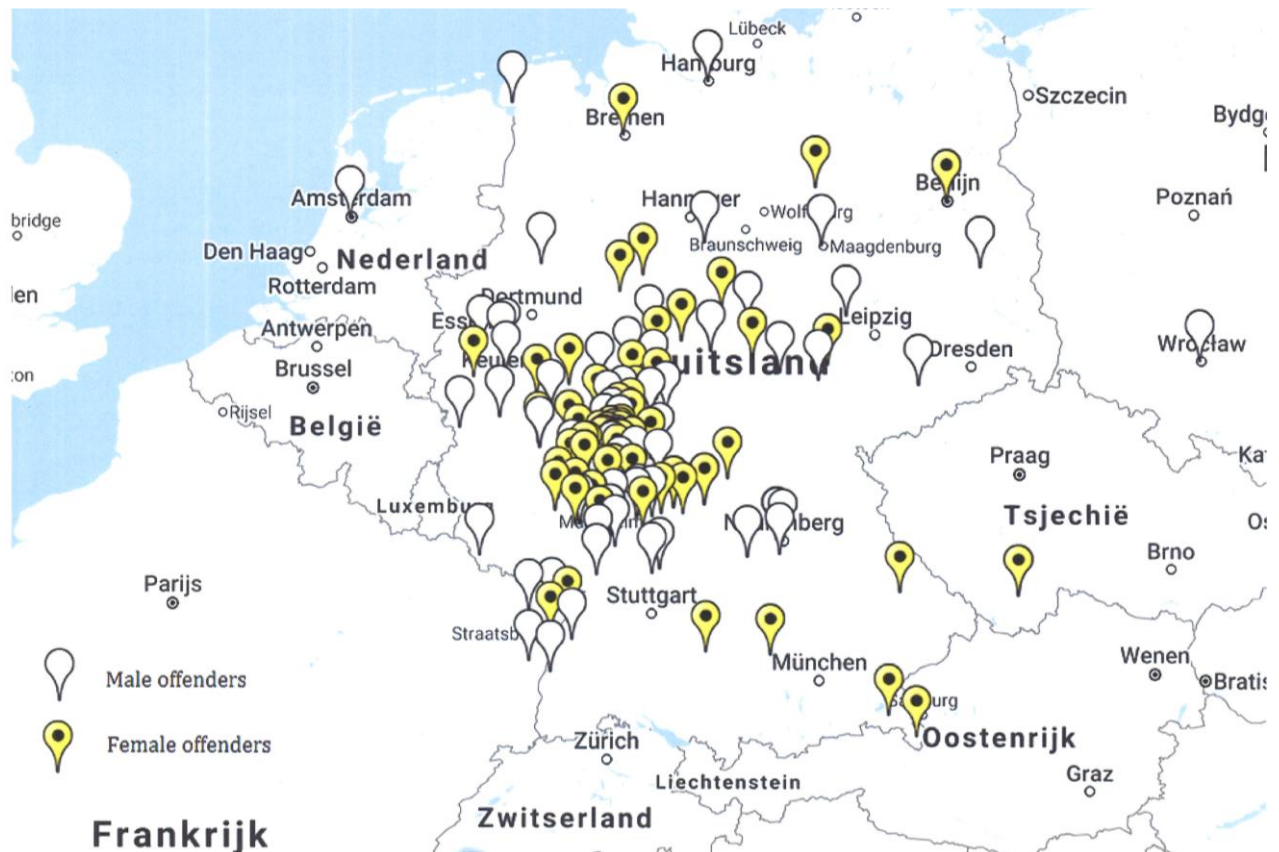
Table 9 Mobility radius of foreign male and female property offenders

Distance to Frankfurt (km)	M	%	V	%
>25	8	10%	15	21%
25>50	11	13%	17	24%
50>100	20	24%	18	25%
100>150	3	4%	9	13%
150>200	13	16%	2	3%
200>250	12	15%	3	4%
250>	15	18%	7	10%
Total	82		71	

Source: IfSG, *Criminalia*, 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

⁴²⁵ *Criminalia* 1215 (1660) Original: 'wegen des großen Lohns den die Mägde alhier bekommen, dann eine Magt zu Cassel vor alles mehr nit als 6Rthlr bekommen'.

⁴²⁶ See Pfister, *Bevölkerungsgeschichte*, 16-17 for a map of the population density across early modern Germany.

Map 1 Place of birth of male and female property offenders in early modern Frankfurt

Source: Criminalia 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

The second characteristic that can be discerned from the sources, the age of the offenders, shows that high level of migrants was closely connected to life-cycle mobility patterns typical of the early modern period. This was the period in their lives, between the age of 15 and 29, that men and women left their parental home in order to look for employment as apprentices, journeymen or domestic servants.⁴²⁷ In general, the age distribution of male and female property offenders was quite similar (table 5). More than half of the offenders (51% of male offenders and 53% of female offenders) were below the age of 25. At the same time, however, there are also slight differences in the age distribution by gender.

The first difference is that the percentage of offenders below the age of twenty is higher amongst women than amongst men. This can be explained by the fact that the percentage of domestic servants entering at a young age was higher among women than among men. This group often belonged to the most vulnerable. Renate Dürr has shown for seventeenth-century *Schwäbisch*

⁴²⁷ M. Mitterauer, 'Gesindedienst und Jugendphase im europäischen Vergleich', *Geschichte und Gesellschaft* 11 (1985) 177-204.

Hall that the most important factor contributing to entering domestic service at an early stage in life was the death of one (and more often) two parents.⁴²⁸

Second, there were fewer female than male property offenders between the age of thirty and forty. This may be related to the fact that cases of fraud were more significant amongst male offenders. Such offences were often connected to the world of trade, and the age of offenders in this group tended to be higher than that of a simple thief. At the same time, it is also the age in women's lives that was related to child-bearing and raising children, which may have restricted their opportunities to commit offences.

And finally, the number of offenders aged 50 and above was slightly more significant among women. It would be tempting to relate this to the precarious position of widows in the early modern period.⁴²⁹ However, of the eleven female offenders in this category, only three were identified as widowed and six were married.⁴³⁰ Women in this age category were prosecuted for all sorts of property offences including committing simple theft, being gang members, and receiving stolen goods. It may be more likely that the gender differences in this age group were related to the prosecution patterns of the authorities. In Frankfurt's neighbouring territory of Kurmainz, Karl Härter has discerned similar age differences among prosecuted vagrants and property offenders. Among life-long offenders, the chances for men to reach old age before being arrested by the authorities and sentenced to death were much slimmer than for women.⁴³¹

Table 10 Distribution of age of property offenders according to gender

Category	M	%	V	%
< 20 years	22	23%	35	30%
20 - < 30 years	39	42%	51	44%
30 - < 40 years	22	23%	18	15%
40 - < 50 years	7	7%	5	4%
Above 50	4	4%	8	7%
Total	94		117	

Source: IfSG, *Criminalia*, 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

⁴²⁸ R. Dürr, *Mägde in der Stadt. Das Beispiel Schwäbisch Hall in der Frühen Neuzeit* (Frankfurt am Main 1995) 157-162.

⁴²⁹ On widows in early modern Germany: G. Ingendahl, *Witwen in der Frühen Neuzeit. Eine kulturhistorische Studie* (Frankfurt am Main 2006). On widowhood as a distinct form of early modern 'singleness', see various contributions to a recent collection of essays: J. de Groot, Isabelle Devos and A. Schmidt eds., *Single life and the city 1200-1900* (New York 2015).

⁴³⁰ Of the remaining two women, one was identified as single (Ledig) and the marital status of the other is unknown.

⁴³¹ K. Härter, 'Prekäre Lebenswelten vagierender Randgruppen im frühneuzeitlichen Alten Reich. Überlebenspraktiken, obrigkeitliche Sicherheitspolitik und strafrechtliche Verfolgung' in: G. Ammerer and G. Fritz eds., *Die Gesellschaft der Nichtsesshaften. Zur Lebenswelt vagierender Schichten vom 16. bis zum 19. Jahrhundert* (Affalterbach 2013) 21-38, 36.

Finally, the third characteristic that can be discerned from the sources is the employment status of offenders. Investigators at the *Verhöramt* regularly inquired after the ways in which offenders supported themselves – ‘*womit sie sich nähre?*’ in order to determine whether or not suspects were in fact honourable people (*ehrbahre menschen*) or not. The sample informs us about the way women supported themselves in 85 cases (out of 137) and an additional 18 women were identified through the work of their husbands. For men there are references to work for 89 out of 132 offenders (which is only slightly higher than for women!). The examples in the sources affirm that for most suspects, the property offences were committed in the context of specific life-cycle vulnerability and arose from precarious economic positions.

The references show how women coped with the restricted employment opportunities available to them and are demonstrative for the unstable and insecure economic circumstances most of the women engaged in. In the majority of cases (46), the female suspects answered that they made a living as domestic servants. However, more than half of these (25) were not in service at the moment of their crimes and/or arrest and they had to make a living by other means. Rosina Barbara Appoldtin, for example, was arrested because she had stolen a basket of beans from the garden of Matthias Fuchs. Rosina was twenty-five years old and originated from a small town near Würzburg. According to her statements, she had arrived in Frankfurt a year earlier and worked as a servant for a tailor for about six months after which she was only able to find short-term employments as a servant. At the time of her arrest, however, she was out of work again and had to support herself by carrying wood chips (*‘Spähne tragen’*).⁴³² She excused her theft by stating that she had not eaten for two days and had only stolen the beans driven by the greatest need and poverty.⁴³³ The story of eighteen-year-old Barbara Elssin from Mainz, who was arrested together with another girl for stealing cloth and clothes, is yet another tale showing the precariousness of domestic servants. Barbara had worked as a domestic servant in her home town until she became ill and was dismissed by her master two years earlier. No longer able to support herself as a servant, she now sold fruit and vegetables that she purchased in Frankfurt with which ‘she earned an honest but bitter living’.⁴³⁴

The activities that Rosina and Barbara undertook when they were out of employment are quite similar to those of female suspects who did not identify themselves as domestic servants. They earned a living as peddlars trading in all sorts of goods, by sowing, spinning and knitting, as washers on the city’s bleaching ground, and so on. The accounts of the women reveal that many

⁴³² Criminalia, 5229 (1741).

⁴³³ Criminalia, 5229 (1741). Original: ‘*sie die größte Noth und Armuth darzu angetrieben*’.

⁴³⁴ Criminalia, 5292 (1741). Original: ‘*und ihr stück brod ehrlich doch säuerlich damit verdient*’.

had to make ends meet by combining several sources of income. Maria Elisabetha Erlin was arrested in 1760 and expelled from the city on the orders of the French military administration, because she was a known recidivist. She earned a living by sewing, but according to her own statements, she faced increasing difficulties to find enough work and therefore supplemented her income by trading lemon kummel (*Citronen Cümmel*) and working as a vivandière as well.⁴³⁵

Finally, eight women were referred to as prostitutes or 'loose' women. These women were not necessarily full-time professional prostitutes. Rather, many of the cases provide the impression that intercourse in exchange for money was occasional and part of a broader range of survival strategies. In half of the thefts involving prostitutes, their offences were directly related to their activities as prostitutes.⁴³⁶ In 1741, Friedrich Roth reported the theft of 'fifteen or sixteen Carolinen' (approximately 150 to 160 guilders) from his wallet to the authorities. In his testimony, Friedrich recalled how he – after drinking too much wine in the journeymen's inn of the tailor's guild – went out onto the street and was lured into a house by an unknown woman, where they were joined by two other women and continued drinking. According to Friedrich, the women had deliberately plied him with wine so that they could rob him after he had passed out. While Friedrich himself never described the women as prostitutes, the situation seemed clear for the investigators. Two of the three women involved had been arrested in prostitution-related cases on earlier occasions. Because neither of the women admitted the theft, the authorities could not formally convict them, and therefore expelled them on the charge of being vagrants and loose and idle people.⁴³⁷

The statements of the male suspects demonstrate a more diverse range of labour opportunities available to men. Little more than a quarter (24 offenders) named artisan professions, half of which as apprentice or journeyman. Another quarter (25 offenders) referred to themselves as traders, and in most cases they were peddler traders, trading with whatever they could find to make a living. The third largest groups were soldiers (18 offenders). The constant need for manpower of many early modern armies offered the opportunity for employment to many who could no longer make a living as journeymen or had no fixed abode. In Frankfurt, the presence of recruitment officers from the Prussian and Imperial armies made it easy to find employment.⁴³⁸

Although the male suspects display a wider range of professions, their testimonies are very similar to those of the women. They demonstrate the temporary and unstable nature of their employments and highlight how their lives were characterised by an economy of makeshift.

⁴³⁵ Criminalia, 7636 (1760).

⁴³⁶ For theft by prostitutes, see: King, 'Female offenders, work and life-cycle change', 75-80; M. Pluskota, *Prostitution and social control in eighteenth-century ports* (Abingdon and New York 2015) 97-103.

⁴³⁷ Criminalia 5275 (1741).

⁴³⁸ J. Kamp, 'Between agency and force. The dynamics of desertion in a military labour market, Frankfurt am Main 1650-1800' in: M. van Rossum and J. Kamp eds., *Desertion in the early modern world. A comparative history* (London 2016) 49-72.

Andreas Helfmann, aged twenty, was arrested on suspicion of theft from one of the market stalls during the Easter fair – he stated that he was a basket maker and worked as a day labourer.⁴³⁹ Johann Hermann Wiegand, aged twenty-three and born in Hessen Homburg, stated that at the time he made a living selling hair (*‘handle mit haaren’*), but that he had previously worked as a servant for four-and-a-half years, but was a trained linen weaver.⁴⁴⁰ 40-year-old Jacob Wagner from Oppenroth, who was arrested on suspicion of stealing a copper kettle, stated that he sold flax and nuts as a peddler trader, and would work as a day labourer wherever he could earn something (*‘wo er etwas verdienen können’*).⁴⁴¹ Due to his age, Wagner’s mobility was no longer part of accepted life-cycle migration, and the authorities labelled him a suspicious ‘thug and vagrant’ (*‘verdächtiger jauner und vagabund’*).

The social characteristics of property offenders in early modern Frankfurt demonstrate that the majority of them were migrants who were not incorporated (or only loosely incorporated) in the city’s social control networks. Mostly they were not settled in the city but led very independent mobile lifestyles. The overall characteristics of urban female (property) offenders correspond to those identified for other early modern cities in Europe.⁴⁴² The majority of female offenders did not originate from the city in which they were prosecuted and they committed offences on their own account. They belonged to the age groups for which single status and life-cycle mobility were characteristic, and whose economic position was precarious. These characteristics show how problematic it can be to study women’s property crimes from the perception that they must have been related to household concerns and taking care of the family.

Locations of theft: transcending the private and the public

Identifying the locations where property offences were committed may inform us about spaces in which men and women moved and participated. As mentioned earlier, historians previously suggested that women were more likely to commit offences in or around the household because they led less public lives and were more subjected to the private sphere than men.⁴⁴³ However, more recently, the supposed distinction between female/private and male/public crimes has been called into question.⁴⁴⁴ This means, that the locations of theft need to be considered from an early

⁴³⁹ Criminalia 5080 (1740).

⁴⁴⁰ Criminalia 2254 (1700).

⁴⁴¹ Criminalia 5076 (1740).

⁴⁴² On the characteristics of urban female offenders: P. King, *Crime, Justice and Discretion in England. 1740-1820* (Oxford 2000) 169-217; M. van der Heijden, *Misdadige vrouwen. Criminaliteit en rechtspraak in Holland 1600-1800* (Amsterdam 2014) 221-225.

⁴⁴³ Schwerhoff, *Köln im Kreuzverhöre*, 180; M. Feeley and H. Aviram, ‘Where have all the women gone? The decline of women in the criminal justice process’, *3rd Annual Conference of Empirical Legal Studies Papers* (2008); B.A. Hanawalt, *Crime and conflict in English Communities, 1300–1348* (Cambridge MA, 1979) 119–22.

⁴⁴⁴ Walker and Kermode, ‘Introduction’, 7,12; Eibach, ‘Das Haus’.

modern perspective in which boundaries between the private and public were blurred. The crime scene itself only gains meaning if we put the relationship of the offender to this location into context. Moreover, the socio-economic characteristics of thieves in early modern Frankfurt already indicate that the ‘public/male’ versus ‘private/female’ dichotomy is inadequate to properly interpret gendered patterns of illegal appropriation, as many of the female offenders led lives beyond the confinements of the domestic sphere.

The fluent boundaries between the private and the public have to be borne in mind when looking at the locations of theft in early modern Frankfurt, for several reasons. First, contrary to what we know for later periods, early modern houses were literally open in the sense that they were accessible to outsiders and that there was a high degree of visibility in relation to what happened inside the domestic space.⁴⁴⁵ Many houses in early modern Frankfurt had a so-called *Geräms* attached to the house. When the famous poet Goethe described his hometown in *Dichtung und Wahrheit*, he described the *Geräms* as a structure resembling a bird cage which offered the opportunity to communicate with the outside world from within the house, without the necessity of actually having to enter the street. Many of the domestic economic activities of women actually took place in this *Geräms*.⁴⁴⁶ These structures are a sign of the permeability of early modern homes, in which the boundaries between the public sphere of the street and the privacy of the household were fluid. In the course of the eighteenth-century the *Geräms* slowly but surely vanished from the urban houses, particularly in the building boom of the second half of the century (between 1741 and 1800 close to 730 new buildings were constructed).⁴⁴⁷

Second, this openness also served an important function within a society where notions of honour and ritualised sociability were crucial. This could only be achieved through a culture of visibility, where domestic practices were public or semi-public.⁴⁴⁸ The house was a locus of contact within the neighbourhood. This was not only necessary in social terms, but in economic terms as well, as households were much less stable units than they have often been presented: they depended on the support of - and interaction with - the neighbourhood.⁴⁴⁹ There were spaces which were less

⁴⁴⁵ J. Eibach, ‘Das Offene Haus. Kommunikative Praxis im sozialen Nahraum der europäischen Frühen Neuzeit’ *Zeitschrift für Historische Forschung* 38:4 (2011) 621-664, 648-651.

⁴⁴⁶ M. Rodenstein, ‘Vom “Gassesitzen”, “Spaziergucken” und der Geselligkeit. Modernisierung des städtischen Raums und Wandel des Geschlechterverhältnisses im Frankfurt des 18. Jahrhunderts’ in: G. Engel, U. Kern and H. Wunder eds., *Frauen in der Stadt. Frankfurt im 18. Jahrhundert* (Königstein Taunus 2002) 15-46, 23. On windows as a place of contact between the house and the neighbourhood, see: D. Jütte, ‘Das Fenster als Ort sozialer Interaktion’ in: J. Eibach, I. Schmidt-Voges eds., *Das Haus in der Geschichte Europas. Ein Handbuch* (Berlin 2015) 467-483

⁴⁴⁷ Roth, *Stadt und Bürgertum*, 35.

⁴⁴⁸ Eibach, ‘Das Offene Haus’, 650-651.

⁴⁴⁹ M. Ågren, ‘Introduction: Making a living, making a difference’ in: M. Ågren eds., *Making a living, making a difference. Gender and work in early modern European society* (Oxford 2017) 1-23.

visible or accessible by outsiders, but these should not be characterised as private in the modern sense of the word.

Moreover, when categorising locations of theft, there are several difficulties that have to be kept in mind. Most houses in the early modern period were multifunctional, encompassing workspaces, living quarters, storage rooms etc. all in one building.⁴⁵⁰ Distinguishing between different spaces in the house is not always possible. Although for some regions in early modern Europe there are signs of a functional distinction among spaces, examples for German cities have shown that well into the eighteenth century beds were found in multiple spaces in the house: in the corridor, living room and even in the kitchen – a sign that most spaces in the house continued to be multifunctional.⁴⁵¹ In most of Frankfurt's buildings the ground floors usually housed stores and workshops, featuring windows that could be converted into vending tables when lowered. These rooms were not necessarily used by the owner of the house itself, but could be rented out to others, particularly during fairs, during which they were also used as storage- and show room for merchandise.⁴⁵² Inventories for early modern Frankfurt also suggest that many rooms in the upper floors of houses were not used for living space, but were rather used as storage rooms for household items, raw materials, foodstuffs, tools, junk and so on.⁴⁵³

This multi-functionality can make it difficult to discern where people actually committed theft as shops and storage spaces were also referred to as houses in the sources, and distinctions were not always made between the various spaces. Rooms in taverns could function as guest rooms as well as living quarters for servants, particular spaces could be converted temporarily into illegal brothels and so on. In the categorisation of locations of theft, the context of what spaces in buildings were used for has been taken into account as much as possible, although it is inevitable that in some cases thefts from workshops or storage rooms have been categorised as theft from houses. Furthermore, in some cases of theft it was not possible to distinguish a location, for example, because offenders were prosecuted on suspicion of theft because they were carrying stolen goods.

⁴⁵⁰ Schmidt-Voges, 'Das Haus in der Vormoderne', 5. J. Schmidt-Funke, 'Städtische Wohnkulturen in der Frühen Neuzeit' in: J. Eibach, I. Schmidt-Voges eds., *Das Haus in der Geschichte Europas. Ein Handbuch* (Berlin 2015) 215-232, 219.

⁴⁵¹ Schmidt-Funke, 'Städtische Wohnkulturen', 222-223.

⁴⁵² J. Schmidt-Funke, 'Between change and persistence. Material culture and consumerism in XVIIth-century Frankfurt on Main', Conference Paper 11th International Conference on Urban History of the European Association for Urban History: "Cities & Societies in Comparative Perspective", Prague, 29.08.-1.09.2012.

⁴⁵³ Schmidt-Funke, 'Städtische Wohnkulturen', 223.

Table 11 Locations of theft by gender of suspects, eighteenth century⁴⁵⁴

Location	M	%	F	%
House	29	29%	75	59%
Shop/Market stall	19	19%	17	13%
Inn/tavern	8	8%	14	11%
Street	16	16%	7	6%
Public Building	15	15%	8	6%
Garden/bleaching grounds	8	8%	4	3%
Workshop	6	6%	2	2%
Other	8	8%	2	2%
Total	Total	101		127

Source: IfSG, *Criminalia*, 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

Theft from dwelling houses

As table 6 demonstrates, the majority of thefts occurred from dwelling houses. This was the case for offences committed by both men and women. As one can see, however, the house as a location for theft was particularly dominant in the case of women. In almost 60% of the cases, female suspects were investigated for stealing items from other people's houses, whereas for men this was the case for only 29% of the cases investigated. It would be tempting to view such numbers simply as the result of women's confinement to the domestic sphere. However, a further analysis of the men and women stealing from houses shows that the picture was more complicated than that.

There are three different 'types' of offenders who stole from dwelling houses. The first are of course domestic servants and other household dependents, and, indeed, they constituted a large share of offenders for both sexes. Little more than a third of the women stealing property from houses were maidservants who stole from their employer or someone else in the household where they were working. In the case of men, the significance of their position as servants or living-in apprentices and journeymen was less profound than for women, but still made up one-fifth of the property offences that took place in the house. Clearly, for both sexes, working and living in a household provided opportunities and temptations that were hard to resist. An analysis of the gender differences in cases of domestic theft will be discussed in more detail later on in the chapter.

⁴⁵⁴ These calculations exclude the theft from houses after the great fire in the Ghetto in 1721 as this would distort the results too much.

The majority of thefts from houses, however, were committed by non-household members. The second type of offenders stealing from houses did so in the context of the neighbourhood and early modern living arrangements. In early modern Frankfurt, only citizens were allowed to own real estate. About two-thirds of the citizens owned their own house, while the remaining one-third lived together with relatives or rented living spaces.⁴⁵⁵ On average, there were about fifteen to sixteen inhabitants per house.⁴⁵⁶ Travelers often remarked on Frankfurt's narrow alleys and small streets as something extraordinary. Compared to other towns and cities in the region, which were characterised by wide streets and many open public spaces, the building style in Frankfurt had barely changed since the Middle Ages, providing ample opportunities for thieves to sneak into houses unseen.⁴⁵⁷ Most of the thefts in a neighbourhood setting were committed by women (ten women versus three men), which reflects the important roles women played in neighbourhood communities.⁴⁵⁸

The third, and most important, type of offender stealing from houses had no relationship to the occupants at all. This was the case for women as well as for men. Many cases of burglary, housebreaking or sneaking into people's houses were committed by transients or foreigners who did not reside in the city. The majority of these thefts, therefore, did not arise from a context in which women were confined to the domestic space or that was linked to their economic activities within the house. Entering other people's houses in the early modern period did not necessarily require planning or professional skills. At least during the day, houses were generally not locked and were easily accessible by outsiders. Most thefts seem to have been opportunistic and occurred by chance, rather than being the result of careful planning and preparation. Offenders slipped into houses through back doors when they appeared to be unguarded.

There was, however, a gendered aspect that enabled women - even if they were unknown in the neighbourhood - to enter people's homes more easily without arousing any suspicion than men. This was in part related to the fact that women in general were considered less suspicious than men. Historians have shown how the perception of women as being less dangerous, as well as the fact that women usually received more empathy, had also resulted in a gendered division of

⁴⁵⁵ Roth, *Stadt und Bürgertum*, 128.

⁴⁵⁶ H. Gerber, 'Die Stadt Frankfurt am Main und ihr Gebiet', in: H. Voelcker ed., *Die Stadt Goethes. Frankfurt am Main im XVIII. Jahrhundert* (Frankfurt am Main 1932) 17-50, 20.

⁴⁵⁷ R. Diehl eds., *Frankfurt am Main im Spiegel alter Reisebeschreibungen vom 15. Bis zum 19. Jahrhundert* (Würzburg 1984); M. Stalljohann-Schemme, *Stadt und Stadtbild in der Frühen Neuzeit. Frankfurt am Main als kulturelles Zentrum im publizistischen Diskurs* (Berlin 2017) 303.

⁴⁵⁸ Criminalia 5077 (1740); Criminalia 5208 (1740); Criminalia 5298; Criminalia 7631 (1760); Criminalia 7733 (1761); Criminalia 9295 (1781); Criminalia 9296 (1781). On the role of women in early modern neighbourhoods see: Eibach, 'Böse Weiber - Grobe Kerle'; Van der Heijden, 'Women, violence and urban justice'; B. Capp, *When gossips meet. Women, family, and neighbourhood in early Modern England* (Oxford 2003); Rublack, *Crimes of Women*, 197-230; S. Muurling and M. Pluskota, 'The gendered geography of violence in Bologna, 17th-19th centuries' in: D. Simonton ed., *The Routledge history handbook of gender and the urban experience* (Basingstoke 2017) 153-163.

labour among vagrants. In most cases it was women who maintained contacts with the settled population, went begging or asked for assistance through other means.⁴⁵⁹ Thus, women circulating in the neighbourhood begging would not necessarily raise suspicion, and some women used this as an excuse when they were caught stealing.

Several cases demonstrate how female strangers had no problem entering dwellings in Frankfurt. In 1781, Helena Kalbfussin was caught by the maid red-handed when stealing four plates from the kitchen of a house on the *Zeil*. According to Helena, she had entered the house in order to beg for alms but found that no one was present. And as she saw that the kitchen door was open she took her chances, picked up the plates and quickly left, only to be caught by the maid.⁴⁶⁰ Also appealing to sympathy for female ‘weakness’ instrumentally was Margaretha Veltin, a notary’s daughter from Mainz. She had entered the house of Nikolaus Gerlach, a mercer, through his shop where she had bought some cloth and asked him if she could warm herself in his *Stube*. There was apparently no reason for Gerlach or his wife to suspect Margareta and they invited her in. As soon as Gerlach’s wife had left the room, however, Margareta took her chance and stole some clothing from the wardrobe.⁴⁶¹ Another – very plausible – excuse used by women in order to justify the fact that they had entered people’s homes was that they were looking for domestic service or some other form of casual labour. Maria Müllerin, for example, was prosecuted for several thefts within the same neighbourhood, where she was going around legitimising her entrance by asking ‘if there was something for her to sew’ in one house and in another ‘if they could use a maid’.⁴⁶² Unlike other cities in the Holy Roman Empire where authorities had set up employment agencies for domestic servants in order to regulate the mobility of women seeking employment in the city, in Frankfurt women seeking employment depended on informal methods.⁴⁶³ For journeymen, however, this was much more regulated through the handicraft associations and did not require going from door to door in order to look for service.

Although it was relatively easy for women to enter the houses of strangers, this does not mean that they refrained from the use of violence. Due to the ‘openness’ of early modern houses, most household items and valuables were stored in locked chests or cupboards.⁴⁶⁴ Storing one’s

⁴⁵⁹ K. Härter, ‘Prekäre Lebenswelten’, 31; O. Ulbricht, ‘Bettelei von Frauen auf dem Land in den Herzogtümern Schleswig und Holstein (1770-1810)’ in: G. Ammerer et al. eds., *Armut auf dem Lande. Mitteleuropa vom Spätmittelalter bis zur Mitte des 19. Jahrhunderts* (Wien 2010) 63-90, 67.

⁴⁶⁰ Criminalia 9292 (1781). Also see: Criminalia 9239 (1781).

⁴⁶¹ Criminalia 3174 (1741).

⁴⁶² Criminalia 7670 (1761). Other examples of women using this excuse: Criminalia 7636 (1760); Criminalia 9239 (1781); Criminalia 9295 (1781).

⁴⁶³ See, for example: Criminalia 6848 (1753).

⁴⁶⁴ B. Krug-Richter, ‘Unter Verschluss! Familiäre Grenzziehungen in der ländlichen Gesellschaft der Frühen Neuzeit’ in: T. Hengartner and J. Moser eds., *Grenzen & Differenzen. Zur Macht sozialer und kultureller Grenzziehungen* (Leipzig 2006). For London: A. Vickery, ‘An Englishman’s home is his castle? Thresholds, boundaries and privacies in the eighteenth-century London house’, *Past & Present* 199:1 (2008) 147-173.

valuable items safely was considered the responsibility of the owners, and investigators usually spent some time to ask victims whether or not they had locked away their items safely. In newspaper advertisements where victims of theft appealed to the public for information about the whereabouts of their stolen items, it was common to remark that things had been stolen from a secured house ‘*ein sicheres Haus*’.⁴⁶⁵ This meant that even if one could sneak into a house without any problems, obtaining more valuable items meant the use of physical force or lock-picking.⁴⁶⁶ In their efforts to break open cabinets, wardrobes, chests, drawers etc., women behaved just as men did. Sophia Veronica, wife of a notary, reported that one of her closets was broken into with such a force by the 16 year-old Maria Catharina Mayerin that the closet frames had burst open (*‘die leisten davon auffgespengt worden’*).⁴⁶⁷ Anna Elisabetha Raabin used a knife to cut out the window glass from the lead frame to enter the house⁴⁶⁸ and Anna Elisabetha Weigandin had used an axe in order to open a chest and steal household linen and garments.⁴⁶⁹

While there were no clear gendered patterns in the techniques that were applied to break into dwelling houses, there was a gender divide in the timing of burglary. The night appears to have been the domain of men, at least in relation to property offences.⁴⁷⁰ This corresponds with what we know from other studies on early modern cities.⁴⁷¹ Committing burglary during the night was considered an aggravating circumstance. Night-time in general became a specific focus of discipline and policing for early modern authorities, and women’s presence on the streets during the night was prohibited.⁴⁷² Policing the night was highly gendered: women caught in the streets during the night were almost automatically associated with prostitution.⁴⁷³ Thus for women, it was more difficult to move around in the city during the night-time, which may help to explain their prerogative for daytime offences.

⁴⁶⁵ See advertisements in the *Franckfurter Frag- und Anzeigungs-nachrichten* under the header ‘Sachen die Gestohlen worden’ – items that were stolen. *Franckfurter Frag- und Anzeigungs Nachrichten* Nr. XX 10.03.1750; Ibidem Nr. XCII 06.11.1750; Ibidem, Nro. XCVII 28.11.1750; *Franckfurter Frag- und Anzeigungs Nachrichten* Nr. XIV 16.02.1753.

⁴⁶⁶ On the use of violence in cases of theft by women, see: Dean, ‘Theft and gender’, 409; Walker, *Crime, Gender and social order*, 161.

⁴⁶⁷ Criminalia 5208.

⁴⁶⁸ Criminalia 5298.

⁴⁶⁹ Criminalia 7650.

⁴⁷⁰ Examples of men breaking in during night time: Criminalia 2240 (1700); Criminalia 2258 (1700); Criminalia 3091 (1720); Criminalia 5076 (1740); Criminalia 7637 (1760). Also see: Ammerer, *Heimat StraÙe*, 431.

⁴⁷¹ See, for example, G. Durston, *Victims and Viragos. Metropolitan women, crime and the eighteenth-century justice system* (Suffolk 2007) 122-123..

⁴⁷² See for the surveillance of the night in general and the gendered context in particular: Beattie, *Policing and Punishment*, 169-197; C. Casanova, *Nachtleben. Orte, Akteuer und obrigkeitliche Disziplinierung in Zürich, 1523-1833* (Zürich 2007); P. Griffiths, *Lost Londons. Change, Crime, and Control in the Capital City 1550-1660* (Cambridge 2008) 332-360.

⁴⁷³ E.g. Criminalia 3603 (1727); Criminalia 5940 (1747); Criminalia 6287 (1750).

Other Locations

Shops and market stalls were the second most frequent location of theft for men and women (19% and 13% respectively). These are usually offences that are typically associated with women, as they are linked to their economic activities.⁴⁷⁴ For early modern England, in particular London, historians have linked the high presence of women among those prosecuted for shoplifting to an emerging consumer society and the development of a ‘modern’ retail trade with shops, shop windows and shop displays that enticed consumers to come in and buy - or possibly - steal merchandise.⁴⁷⁵ John Beattie even considered that the underreporting of shoplifting might have had a more considerable effect on the apparent rate of women’s crimes than of men.⁴⁷⁶

Studies on early modern Germany have shown that there was a relatively late transition to a retail landscape with mostly closed shops, which only started to develop properly in the nineteenth century.⁴⁷⁷ Most of the trade for which Frankfurt was famous was wholesale trade, which did not cater primarily for shopping by the local public. Frankfurt depended on the reputation of the city as a safe space for merchants during fairs. During these times, they intensified the prosecution of suspected individuals, arresting them without a specific suspicion of committed offences, and not banishing them until after the fair was over.⁴⁷⁸ This also helps to explain why Frankfurt, despite being an important trading town, had relatively few thefts from shops and markets. Outside the fairs, the right to keep shop (*‘offene Läden’*) was reserved for citizens only. Such shops were mostly located within residential buildings without a clear boundary between the living quarters and the shop. Commodities were displayed outside the shop on benches or tables and shutters, in removable booths and stalls, or simply in hampers in front of the sellers (see figures 1 and 2). The local market served as the most important site for trading, both for daily groceries as well as luxuries.⁴⁷⁹ It was still heavily regulated by the authorities, and handicraft associations and

⁴⁷⁴ E. Wiebel, ‘Die “Schleiferbärbel” und die “Schwarze Lis”. Leben und Lebensbeschreibungen zweier berühmter Gaunerinnen des 18. Jahrhunderts’ in: A. Blauert and G. Schwerhoff eds., *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne* (Konstanz 2000) 759-800; p. 766-767; Ammerer, *Heimat Strafe*, p. 431; M. Fenske, *Marktkultur in der Frühen Neuzeit. Wirtschaft, Macht und Unterhaltung auf einem städtischen Jahr- und Viehmarkt* (Köln 2006) 103; Rublack, *Crimes of Women*, p. 120.

⁴⁷⁵ Palk, *Gender, Crime and Judicial Discretion*, 38-66; Durstone, *Victims and Viragos*, 126-129; J. Beattie, ‘Crime and inequality in eighteenth-century London’ in: J. Hagan and R. Peterson eds., *Crime and inequality* (Stanford 1995) 116-139, 128.

⁴⁷⁶ Beattie, *Policing and Punishment*, 94.

⁴⁷⁷ U. Spiekermann, *Basis der Konsumgesellschaft. Entstehung und Entwicklung des modernen Kleinhandels in Deutschland 1850-1914* (München 1999); H. Homburg, ‘German landscapes of consumption, 1750-1850. Perspectives of German and Foreign Travellers’ in: J.H. Furnée and C. Lesger eds., *The Landscape of consumption. Shopping streets and cultures in Western-Europe, 1600-1900* (New York 2014) 125-156; S. Ogilvie, ‘Consumption, social capital, and the “Industrious Revolution” in early modern Germany’, *The Journal of Economic History* 70:2 (2010) 287-325.

⁴⁷⁸ Eibach, *Frankfurter Verböte*, 382.

⁴⁷⁹ Hombrug, ‘German Landscapes of consumption’, 135; H. Voelcker, ‘Handel, Gewerbe und Verkehr in Frankfurt am Main’ in: H. Voelcker eds., *Die Stadt Goethes. Frankfurt am Main im XVIII. Jahrhundert* (Frankfurt am Main 1932) 105-133; *Stadt und Natur Frankfurt um 1780. Das Buch der gleichnamigen Ausstellung des Historischen Museum November 1982 – Juni 1983* (Frankfurt am Main 1982) 103-113.

corporative restrictions (*Zunftzwang*) dominated and controlled the access to markets. Shopping as an activity to pass time, especially for women, had not yet developed.

Figure 11 The Hühnermarkt in Frankfurt am Main



Source: Detail from Salomon Kleiner's engraving of Frankfurt's *Hühnermarkt* 1725.

Figure 12 Hucksters and market stalls at the Römer square in Frankfurt



Source: Detail from Salomon Kleiner's engraving of the *Römer* in Frankfurt 1725.

Overall, shops and market stalls in early modern Frankfurt were busy public spaces, rather than closed and confined. This means three things that have possibly influenced the prosecution of this type of offence and the gender composition of the suspects. First, there are repeated references in

the sources that make it reasonable to assume that informal control was common (and probably preferred) in early modern shops and markets. If offenders were caught, merchants and shopkeepers settled the case by retrieving their property on their own account, rather than going through the hassle of reporting the case to the authorities.⁴⁸⁰ Second, the crowded streets made it easy for offenders to escape. Although victims could still report thefts by an absent or unknown offender to the authorities, the *Verhöramt* hardly ever investigated cases for which there were no identified suspects. In early modern Württemberg, theft and petty fraud from markets and shops by local women was tolerated to a great extent by the authorities and often only admonished or sanctioned with fines.⁴⁸¹ Third, although grocery shopping was usually a chore for maids, the market place was not an exclusive female space: men and women moved around freely in the streets, having the opportunity to snatch products from unattended market stalls and shops. Offenders pretending to be customers could cause a distraction so that their accessories could steal items unnoticed.⁴⁸² These factors probably contributed to the fact that there is a less profound gender pattern among such thefts than one might expect.

There was one type of unlawful appropriation from shops, however, that was almost entirely committed by women. Obtaining goods from mercers or grocers under false pretences was a typical type of theft from stores which was almost only committed by women. Nineteen-year-old Anna Maria Waltherin, for example, had already left the service of Johann Adolph Stentzel some considerable time previously, but she continued to take out goods on his credit from several mercers in the neighbourhood. This way she obtained butter and sugar from spice trader (*'Specereyhändler'*) Johann Jacob Bettbier, meat from butcher Johann Georg Achs and again butter from a confectioner (*'Zuckerbäcker'*) called Schroder.⁴⁸³ Another case was that of nineteen-year-old Catharina Sibylla Meissnerin *modo* Schaffnerin, who was prosecuted for buying two dresses on her mother's credit from wigmaker Weberin under false pretences. She also obtained shoe buckles from a shoemaker in the Schnurgasse using a fake name, and from stocking weaver Geisler she had taken several pairs of stockings in the name of *Fräulein von Humbecht*.⁴⁸⁴ This type of offence was not only committed by young single women. In 1760 the wife of carter Wilhelm Petermanns was prosecuted because she tried to obtain coffee and sugar from the trading company *Franz Meermanns seel. Sobnen* in the name of Frau Dauthin from the Engel-Apothek. However, she

⁴⁸⁰ Fenske, *Marktkultur in der Frühen Neuzeit*, 104.

⁴⁸¹ Rublack, *Crimes of women*, 119.

⁴⁸² E.g. Criminalia 5080 (1740); Criminalia 5122 (1740); Criminalia 7584 (1760); Criminalia 7629 (1760); Criminalia 7655 (1760); Criminalia 9177 (1780).

⁴⁸³ Criminalia 5162 (1741).

⁴⁸⁴ Criminalia 5278 (1741).

aroused suspicion because she was unable to pronounce the name of Frau Dauthin correctly and instead referred to her as Taufferin.⁴⁸⁵

Taking goods under false pretenses was closely linked to women's lawful economic activities. As daughters, domestic servants and wives, they were responsible for going to the market and shopping for groceries, and as such became acquainted with opportunities to procure goods under false pretenses. As households regularly changed servants, it was not suspicious for women unknown to merchants to take goods in their (fake) employer's name. Buying goods on credit was a widespread practice and women made instrumental use of the trust shown by grocers and other shopkeepers. Because it was such a central part of women's activities in the household economy, it was not likely that they were mistrusted and their chances of getting away with it were quite high. There are several newspaper advertisements in which victims warned the public about specific women taking goods under false pretenses. In the *Franckfurter Frag- und Anzeigenachrichten* from 06.03.1761, for example, an advertisement contained a report on a servant who pretended to buy ribbons for a person of good standing. Later inquiries, however, informed the victim that this person had not given anyone orders to buy ribbons in their name.⁴⁸⁶

After dwelling houses and shops, taverns and inns were at 13% the third most frequent location from which women stole goods (see table 6). For men, however, this location only ranked in fifth place with a share of 8%. This may come as a surprise as such places have been interpreted largely - or even exclusively - as the domain of male sociability. As Joachim Eibach has shown, most of the violent conflicts that took place in eighteenth-century Frankfurt arose from a context of journeyman sociability in the tavern, from which women were indeed excluded.⁴⁸⁷ Just like houses, however, taverns and inns were multifunctional places, and even though women did not participate in the honour rituals of journeymen, they were present in inns and taverns as guests, servants, etc.⁴⁸⁸ Since foreigners, regardless of their standing, were largely dependent on finding accommodation in inns or guesthouses, these were always crowded places with opportunities for thieves to find large spoils. In her travel writings, English author Ann Ward Radcliffe regarded Frankfurt as a pleasurable place and argued that it would probably be an attractive place of residence for foreigners 'if the magistrates, either dreading the increase of luxury, or the

⁴⁸⁵ Criminalia 7653 (1760). Other examples: Criminalia 7719 (1761); Criminalia 9178 (1780).

⁴⁸⁶ FFAN, Nr. XIX 06.03.1761. Also FFAN, Nr. XXXV 28.04.1767.

⁴⁸⁷ Eibach, *Franckfurter Verböre*, 241-265, Eibach, 'Böse Weiber', 678.

⁴⁸⁸ On early modern taverns, see: M. Scheutz, "'Hab ichs auch im würtshauß da und dort gehört [...]". Gaststätten als multifunktionale öffentliche Orte im 18. Jahrhundert' in: M. Scheutz, W. Schmale and D. Stefanova eds., *Orte des Wissens. Jahrbuch der Österreischischen Gesellschaft zur Erforschung des achtzehnten Jahrhunderts* (Bochum 2004) 169-207; B.A. Tlusty, 'Privat' oder 'öffentlich? Das Wirtshaus in der deutschen Stadt des 16. und 17. Jahrhunderts' in: S. Rau and G. Schwerhoff eds., *Zwischen Gotteshaus und Taverne. Öffentliche Räume in Spätmittelalter und Früher Neuzeit* (Köln 2004) 53-74.

interference of strangers in their commerce, did not prevent this by prohibiting them from being lodged otherwise than at inns. It was with difficulty, that an English officer, acting as Commissary to some of the German regiments, lately raised upon our pay, could obtain an exemption from this rule, at the request of the Hanoverian Minister'.⁴⁸⁹ It is within this context – the tavern as a place of lodging for strangers - that many of the thefts in these locations took place.⁴⁹⁰ Others resulted from the tavern as a place of sociability⁴⁹¹, a place of work⁴⁹², or as a place for prostitutes to find clients.⁴⁹³

Finally, the last location of theft that will be discussed here is the street. Men appear to have been more likely to commit property offences in public, pickpocketing on the streets, on market squares or in the crowds awaiting entry before the city gates. The street as a location of theft only had a share of 6% for women, while for men this was 16%. This discrepancy results from gender differences in pickpocketing practices. The women who were investigated for pickpocketing in this sample usually committed the offence on their own and in an opportunistic fashion. Besides men who operated in a similar fashion to women, there are also several examples of men working in groups, making use of the crowdedness of the streets and stealing in a more coordinated fashion. Friedrich Schramm, for example, was robbed of 400 guilders while waiting at the local weigh house (*Stadtwaage*) by a group of male Jewish pickpockets. Only four of them were arrested and expelled from the city, while the others managed to make their getaway in the crowds.⁴⁹⁴ The authorities were particularly apprehensive of groups of thieves and pickpockets during the Fall and Easter Fairs, when they would often arrest larger groups of suspected offenders, and keep them in custody during the time of the fair before expelling them.⁴⁹⁵

Overall, the results presented here show that there are certainly gender differences that can be identified in the locations of theft for men and women. However, these differences are not a result of differences in the private vs public scope of activities of men and women. Although women were more likely to steal from houses than men, they were often not connected to the household they stole from. Rather, they profited from the fact that gender stereotypes granted them easier access to the houses of strangers than men. Thus, even if committed in domestic spaces, crimes did not necessarily need to be committed in the private sphere as such a distinction disregards the permeable structures of early modern houses and households.

⁴⁸⁹A. Radcliffe, *A journey made in the summer of 1794, through Holland and the western frontier of Germany with a return down the Rhine [...]* (2nd ed. London 1796) 410-411.

⁴⁹⁰ E.g. Criminalia 5065 and 5066 (1740); 5091; 7636; 9203 (1780); 9164 (1780).

⁴⁹¹ Criminalia 5094 (1740); Criminalia 5241 (1741).

⁴⁹² Criminalia 5208 (1740); Criminalia 5123 (1740).

⁴⁹³ Criminalia 5103 (1740).

⁴⁹⁴ Criminalia 7671 (1760). Also: Criminalia 9179 (1780); Criminalia 2800 (1715).

⁴⁹⁵ Criminalia 1635 (1684); Criminalia 9120 (1780).

Between necessity and fashion: stolen items in eighteenth-century Frankfurt

In addition to looking at the location of theft as a way to investigate if and how male and female patterns of unlawful appropriation were linked to different spheres of social and economic activity, another approach may be to look at the goods that were targeted by thieves. First, the different economic circles men and women operated in shaped their expertise about the value of certain types of goods, and this influenced which items they stole. It also provided them with knowledge about possible distribution channels, an issue this will be discussed in the next paragraph. Second, the early modern period is said to have been characterised by a ‘consumer revolution’, spearheaded (amongst other things) by women’s spending patterns and growing desire to acquire a certain level of ‘luxury’.⁴⁹⁶ The thefts in early modern Frankfurt thus possibly reflected gendered consumption patterns linked to new and growing consumption markets as is shown for other early modern European cities.⁴⁹⁷ Again, this paragraph mainly focuses on the types of goods themselves, rather than on the influence they had on distribution channels.

So what types of items did men and women steal in early modern Frankfurt? As table 7 demonstrates, there are some noticeable gender differences that can be discerned. While the top three were the same for both men and women – consisting in each case of clothing and shoes, money, and textiles – their relative importance was different. Women were significantly more likely to steal items of clothing, textiles, and other household goods than were men. Such items were probably even more important than the figures suggest, as it has not been possible to take the total volume of spoils into account (i.e. the exact number of stolen linens, clothes, etc.). A maid who stole the majority of her master’s clothing and textile inventory is counted the same as a market thief who snatched one piece of cloth from a market stall.

The locations of theft determined to a great extent what types of items men and women stole. As women mostly stole from houses, their spoils usually contained items of clothing, household items like cutlery, crockery, tableware, linens and other textiles, but also money which was available in households. In general, women tended to steal a larger variety of goods than men: where the latter stole items from the same category in 80% of the cases, for women this was the case 64% of the time. More than women, men tended to target single items, whereas women – in an opportunistic fashion – stole whatever they could find within the house. Whereas men tended to steal money through pick-pocketing in the business of the market during the fairs, women were more likely to steal money they found in houses.

⁴⁹⁶ J. de Vries, *The Industrious revolution. Consumer behavior and the household economy, 1650 to the present* (Cambridge 2008); Ogilvie, ‘Consumption, social capital’, 289.

⁴⁹⁷ Van der Heijden, *Women and crime*, 69-72.

Initially, historians have tended to characterise women's thefts as petty, arguing that women were more likely to steal items of little value and direct use. However, Garthine Walker was able to demonstrate for seventeenth-century Cheshire that although men and women stole *different* type of items, the total value of their spoils was very *similar*.⁴⁹⁸ For Frankfurt it is unfortunately not possible to investigate this, as the value of the stolen items was not registered systematically. The sample years reveal a number of cases in which men were accused of thefts or malversation of goods and assets of great value. Most of these occurrences were situated in Frankfurt's role as an important centre of trade. Carter Johannes Gottschalck, for example, was accused by the wealthy merchants Etienne Conte and Dionys Nothäi, two wholesale traders with a firm based in Frankfurt, of having (deliberately) lost part of their trade goods from Amsterdam with an estimated worth of 1000 guilders.⁴⁹⁹ Another example is that of Johann Georg Otto Werth, who was employed as a *Tapezierergesellen* in the *Dielische* workshop. He was prosecuted for the malversation of goods from his employer with an estimated worth of more than a 1000 guilders.⁵⁰⁰ Joachim Eibach also noted that large-scale trading frauds in eighteenth-century Frankfurt were the domain of men.⁵⁰¹ In contrast, the largest known value of theft by a woman in the sample years was by Maria Elisabetha Köpperin who had stolen a considerable number of different coins from her employer, which he valued at a total of 200 guilders.⁵⁰²

⁴⁹⁸ Walker, *Crime, gender and social order*, 161.

⁴⁹⁹ Criminalia 3073 (1720).

⁵⁰⁰ Criminalia 9165 (1780).

⁵⁰¹ Eibach, *Frankfurter Verböre*, 324.

⁵⁰² Criminalia 2238 (1700).

Table 12 Items stolen by women and men

Category	M	%	V	%
Clothing and shoes	21	15.6%	42	23.5%
Money	29	21.5%	34	19%
Textiles: cloth and household linen	21	15.6%	33	18.4%
Household goods and tools	14	10.4%	23	12.8%
Jewellery and watches	13	9.6%	15	8.4%
Precious metals	11	8.1%	8	4.5%
Food	6	4.4%	10	5.6%
Livestock + agricultural products	8	5.9%	1	0.6%
Miscellaneous	12	8.9%	13	7.3%
Total	135		178	

Source: IfSG, *Criminalia*, 1700(01); 1720(21); 1740(41); 1760(61); 1780(81).

Although it is not possible to systematically compare the value of the goods stolen by men and women in early modern Frankfurt, the perceived differences do not allow for a simple model of serious looting by men and petty pilfering by women. Clothing and household items (which featured more prominently among women's spoils) may seem of little value from a contemporary perspective, but this was not at all the case during the early modern period. They made up a large share of the expenditures from the household budget and were therefore often safely locked in cabinets or chests.⁵⁰³ For domestic servants and apprentices, clothes were often the only valuables they possessed. Whenever they were on the road between finding employment positions, clothes were the last items they would sell to support themselves since they were an important aspect to distinguish themselves from vagrants and beggars. Clothing, therefore, was not just valuable but also belonged to people's social capital.⁵⁰⁴ The importance of clothing during this period is reflected in their use as an "alternative currency" as well as a savings strategy.⁵⁰⁵ Women more than anyone knew the value of household items, as they came in contact with them through their household duties.⁵⁰⁶ Moreover, the *Criminalia* reveal that women did not steal household items randomly, but

⁵⁰³ K. Gottschalk, 'Schlüssel und "Beschlüss". Verfügungsgewalt über Verschlussenes', *Comparativ* 15:4 (2005) 21-32.

⁵⁰⁴ K. Simon-Muscheid, "'Und ob sie schon einen dienst finden, so sind sie nit bekleidet dennoch". Die Kleidung städtischer Unterschichten zwischen Projektionen und Realität im Spätmittelalter und in der frühen Neuzeit' *Saeculum* 44 (1993) 47-64, 54.

⁵⁰⁵ B. Lemire, 'Consumerism in perindustrial and early industrial England. The trade in secondhand clothes', *Journal of British Studies* 27:1 (1988) 1-24; R. Jütte, *Poverty and deviance in early modern Europe* (Cambridge 1994) 78-82; G. Stöger, 'Urban markets for used textiles. Examples from eighteenth century Central Europe' in: J. Stobart and B. Blondé eds., *Selling textiles in the long eighteenth century. Comparative perspectives from Western Europe* (Basingstoke 2014) 210-225.

⁵⁰⁶ Walker, *Crime, Gender, Social Order*, 165.

targeted items made from expensive materials like copper, tin, brass and silver which could be sold as raw material to artisans (see the paragraph below). The spoils of thieves in early modern Frankfurt are, therefore, in line with findings by other historians. Rather than assuming that women would steal items of lesser value because their criminality is inherently pettier than that of men, it becomes clear the different patterns were more related to the different economic spheres in which men and women operated.

A second point that needs to be addressed in this paragraph concerning the types of stolen goods is the importance of a ‘consumer revolution’. Historians have argued that the growing demand for - and the availability of - market goods influence patterns of theft. Beverly Lemire related the frequency of theft of clothing in early modern England to a growing popular consumerism and sensitivity to fashionable products. Stealing items that were popular ensured thieves of a large market to easily distribute the stolen items. At the same time, it offered individuals an opportunity to take part in the culture of fashionability through illegal means if they lacked the means to do so legally.⁵⁰⁷ Contemporaries and historians alike have often linked the theft of clothing by domestic servants as a sign of their desire to own luxurious items, which would otherwise remain beyond their reach.⁵⁰⁸

It is difficult to assess to what extent thieves in early modern Frankfurt, too, were influenced by a growing desire of the lower and middle classes to participate in a growing consumer culture. The ‘consumer revolution’ was of course not limited to textiles and clothing, but to a growing market for consumer goods in general, including the expanding availability of colonial commodities. The extent of this revolution varied across Europe. Sheilagh Ogilvie has suggested that due to dominant non-market agents, and strong sumptuary regulations, the ‘consumer revolution’ in early modern Germany was less strong and occurred later than in countries like the Netherlands and England.⁵⁰⁹

As an important European trading centre, Frankfurt was acquainted with new colonial products from early on.⁵¹⁰ According to Julia Schmidt-Funke, there is no clear-cut evidence that suggests a change in consumption in early modern Frankfurt, despite the large range of goods that were available in the city.⁵¹¹ Frankfurt with its fairs was known as an important trading centre for luxury items. Both the raw materials, like diamonds, jewels and gold, as well as the jewellery itself

⁵⁰⁷ B. Lemire, ‘Theft of clothes and popular consumerism in Early Modern England’, *Journal of Social History* 24:2 (1990) 255-276.

⁵⁰⁸ Beattie, ‘Crime and inequality’, 128;

⁵⁰⁹ Ogilvie, ‘Consumption, social capital’, 297.

⁵¹⁰ For Frankfurt’s trading history, see: A. Dietz, *Frankfurter Handelsgeschichte, vol. 1-4.2* (Frankfurt am Main 1910-1925).

⁵¹¹ J. Schmidt-Funke, ‘Wandel des Konsums? Frankfurt am Main im 17. Jahrhundert’ in: S. Richter and G. Garner eds., *‘Eigennutz’ und ‘gute Ordnung’. Ökonomisierungen der Welt im 17. Jahrhundert* (Wiesbaden 2016) 133-148, 147-148.

were available in large quantities and from early on.⁵¹² Sugar and coffee from the Atlantic also found their way to Frankfurt from the sixteenth century onwards. Flemish refugees played an important role in establishing trading networks for these colonial goods. In 1689 Frankfurt was the second city in early modern Germany (after Hamburg in 1671) to establish a coffeehouse.⁵¹³ The majority of the trade during the fairs, roughly 80% to 90%, consisted of all types of textiles (especially precious cloth and expensive fabrics).⁵¹⁴

The city's Lutheran authorities and burgher community had an ambiguous relationship with consumption and the new consumer items. On the one hand they valued the riches of the fairs and importance of the market, while on the other hand it was also considered reprehensible to offer too much room for splendour and public display of wealth. The authorities sought to regulate conspicuous consumption patterns through the implementation of dress ordinances and other sumptuary laws. The dress ordinances regulated the type and amount of fabric that was allowed to be worn according to social status. Velvet, for example, was preserved for the first social order according to the ordinances of the seventeenth century, and in the last dress ordinance of 1731 it was still only allowed for the first and second order.⁵¹⁵

These dress ordinances were often difficult to enforce in practice. The *Sendherren* (the deputies of the *Sendamt*, who were responsible for policing sumptuary regulations) often struggled to distinguish the many various types of fabrics that were available, not to mention the fact that fabrics were produced in various qualities.⁵¹⁶ Johann Bernhard Müller, aldermen and syndic in Frankfurt in the second half of the eighteenth century, wrote about the social and cultural state of the city. He lamented the riches and 'abundance of needless things' that were available in the city, stating that 'what previously used to be preserved for the gentry only, was no longer considered good enough by a wealthy burgher'. Müller went on to complain that the common people (*Pöbel* [...] *geringeren und gemeinen Leuten*) did not know how to deal with the abundance of luxury goods available in the shops and markets and, particularly during the fairs, squandered their money. As a

⁵¹² G. Marcussen-Gwiazda, 'Die Frankfurter Juwelenhandlung de Briers in 1. Drittel des 17. Jahrhunderts' in: R. Koch ed., *Brücke zwischen den Völkern. Zur Geschichte der Frankfurter Messe. Vol. 2* (Frankfurt am Main 1991) 122-128; A. Dietz, *Frankfurter Handelsgeschichte. Vol 2* (Frankfurt am Main 1921) 200-243.

⁵¹³ D.J. Harrell, 'Atlantic sugar and Antwerp's trade with Germany in the sixteenth century', *Journal of early modern History* 7:1 (2003) 148-163, 155-156; A. Thiel, 'Spezereien und andere Luxuswaren, Kaffee, Kakao und Tee' in: R. Koch ed., *Brücke zwischen den Völkern. Zur Geschichte der Frankfurter Messe. Vol. 2* (Frankfurt am Main 1991) 238-241; Roth, *Stadt und Bürgertum*, 173.

⁵¹⁴ A. Dietz, *Frankfurter Handelsgeschichte. Vol 1* (Frankfurt am Main 1910) 88-94; Roth, *Stadt und Bürgertum*, 53.

⁵¹⁵ PO 3056 *Der Kayserl. Und des Heil. Röm. Reichs freyer Stadt Franckfurt am Mayn Kleider= Hochzeit= Kind= Tauf= und Leich= Begängnuß= Ordnung* 19.06.1731.

⁵¹⁶ I. Worgitzki, 'Samthauben und Sendherren. Kleiderordnungen im frühneuzeitlichen Frankfurt', *AFGK* 68 (2000) 167-199, 190. Also see: N. Bulst, 'Kleidung als sozialer Konfliktstoff. Probleme kleidergesetzlicher Normierung im sozialen Gefüge', *Saeculum* 44 (1993) 32-46.

result, they ended up destitute and penniless, and became a burden to the city's poor relief, which as burghers they were entitled to.⁵¹⁷

Although it proved difficult to enforce sumptuary laws and dress ordinances, various cases have been persevered in the mayor's records to demonstrate that the sumptuary laws were not entirely dead-letter laws. The cases analysed by Inke Worgitzki indicate that it were particularly women who were accused of transgressing the dress codes, and therefore of dressing above their standing.⁵¹⁸ There are many other contemporary sources that commented on servants dressing above their station either as a desire for luxury or to increase their attractiveness to prospective marriage partners. Frankfurt's criminal records, however, only reveal single cases in which women stole luxury items within this context.⁵¹⁹ Nevertheless, items were often found among the spoils of female thieves which they could not have worn themselves, according to the dress codes. These prohibited servants and other women in the lowest social order from wearing clothes in bright colours or any type of embellishment. Moreover, jewellery, and any type of headwear except for modest (night) caps were not allowed. The same applied to fashionable clothing like crinolines (*Reifröcke*), *Andriennes*, and *Manteaulettgen*.⁵²⁰

Overall, the cases of theft show that in early modern Frankfurt the link between theft, targeted spoils, and a growing consumer society is complex and ambiguous. Jewellery and clothing made from precious textiles with extensive embellishments were stolen alongside less expensive and non-fashion-sensitive household linens. At the same time, the expansion of available products throughout the early modern period is visible in Frankfurt. Suspects who were accused of stealing food usually did not steal food for their own consumption. These thefts were more often related to more 'luxury' products like coffee and sugar, and even champagne. Margaretha Emmerichin, for example, was prosecuted because she had obtained sugar on credit from several stores, which she had sold on to several mercers in order to be able to pay her rent as well as have some money in order to buy food for herself.⁵²¹ Overall, regardless of the products men and women stole, they were usually sold on and turned into cash immediately. The profits were mostly used to pay for daily necessities, travelling, and place to stay, rather than saved in order to acquire expensive luxuries.

⁵¹⁷ J.B. Müller, *Beschreibung des gegenwärtigen Zustandes der Freien Reichs-, Wahl- und Handels-Stadt Franckfurt am Mayn* (Frankfurt am Main 1747) 203-205. Original: ('so müsten sie endlich, der Casten und andere milde Stifungen erhalten, und dieses: weil sie in der Bürgerschaft stünden').

⁵¹⁸ Worgitzki, 'Samthauben und Sendherren', 192.

⁵¹⁹ Eibach, *Frankfurter Verböre*, 335.

⁵²⁰ PO 3056 *Der Kayserl. Und des Heil. Röm. Reichs freyer Stadt Franckfurt am Mayn Kleider= Hochzeit= Kind= Tauf= und Leich=Begängnuß=Ordnung* 19.06.1731.

⁵²¹ Criminalia 7719 (1761). Also: Criminalia 7713 (1761).

Distributing of stolen goods

Fencing and gender

Now that we have a clear picture of the different types of theft men and women committed, and consequently the different goods they targeted, it is necessary to take a closer look at the way that stolen goods were sold and circulated. ‘Networks’ of distribution can tell us a great deal about the economic circles that men and women were involved in: both from the perspective of the receivers as well as from the perspective of the offenders. Studies have shown that women featured prominently among receivers of stolen goods in early modern England, France and Holland.⁵²² In the city of Leiden, a staggering 63% of the offenders prosecuted for fencing, were women.⁵²³ In late eighteenth-century London, fencing made up only a minority of both male and female property crimes. However, it constituted a larger proportion of women’s crimes, than of men’s (4% vs 2%).⁵²⁴ While figures are lacking for other cities, historians have characterised receiving as a typical female offence.⁵²⁵

Scholars related the high level of female involvement in networks of distribution and selling of stolen goods to women’s dependent position in the household.⁵²⁶ Gerd Schwerhoff, found that in late sixteenth-century Cologne, concealment and fencing were offences equally committed by men and women. He explained this by the fact that such crimes usually took place in or around the home, and therefore belonged to the female sphere.⁵²⁷ More recently scholars have argued that such patterns should not be explained by women’s dependent position in the household. Garthine Walker stated that women’s involvement in receiving stolen goods should be connected to ‘women’s own economic activities and interactions’.⁵²⁸ Many women were involved in lawful economic activities that involved pawning, recycling, selling and reselling second-hand goods. It was through these activities that women were involved in unlawful networks of receivers of stolen goods, as they often had a better understanding of second-hand markets than men. Among the women redistributing stolen goods there was often no clear-cut separation between their lawful and unlawful activities. Additionally, Kathy Callahan argued that receiving stolen goods fitted the

⁵²² G. Walker, ‘Women, theft, and the world of stolen goods’ in: J. Kermode and G. Walker eds., *Women, crime and the courts in early modern England* (1994) 81-105; K. Callahan, ‘On the receiving end. Women and stolen goods in London 1783-1815’, *The London Journal* 37:2 (2012) 106-121; Van der Heijden, *Women and crime*, 62-76. D. Roche, *La culture des apparences. Une histoire de vêtement, XVIIe-XVIIIe siècle* (Paris 1989) 313-345.

⁵²³ E. Kloek, *Wie hij zij, man of wijf. Vrouwengeschiedenis en de vroegmoderne tijd. Drie Leidse studies* (Hilversum 1990) 136.

⁵²⁴ Callahan, ‘Women and stolen goods’, 110.

⁵²⁵ M. Neale, ‘Making crime pay in late eighteenth-century Bristol. Stolen goods, the informal economy and negotiation of risk’, *Continuity and Change* 26:3 (2011) 439-459, 449-450.

⁵²⁶ Walker, ‘Women, theft and the world of stolen goods’, 91.

⁵²⁷ Schwerhoff, ‘Geschlechtsspezifische Kriminalität’, 96. Also: P. Spierenburg, ‘How violent were women? Court cases in Amsterdam, 1650-1810’, *Crime, History & Societies* 1:1 (1997) 9-28, 13; Rublack, *Crimes of women*, 109-110.

⁵²⁸ G. Walker, *Crime, gender and social order*, 166.

expected stereotypes of female gender roles as it did not involve violence or require special skills, which made it easy for women to participate. Women in particular were familiar with reselling used items, through their regular use of pawnshops or other second-hand retail networks.⁵²⁹ Working on eighteenth-century Bristol, Matt Neale also emphasised that women were not only important as sellers of stolen goods because this was associated with their economic activities, but also because these activities meant that they were less likely to be *suspected* of selling stolen goods.⁵³⁰ Finally, Manon van der Heijden suggested that in the Netherlands as well women used job-related networks either to commit theft or to distribute their spoils.⁵³¹

The general picture that women played a central role in the distribution of stolen goods and that this is linked to their economic roles is not at first sight confirmed by the evidence on early modern Frankfurt. On the contrary, judging from the prosecution patterns of the authorities, women seemed to be much less involved in fencing compared to studies on British and Dutch cities. Receiving of stolen goods made up only a minority of the investigations for property offences before the *Verhöramt*: between 1600 and 1806 this made up just over 4% of the cases involved.⁵³² Maria Boes' calculations of the *Strafenbuch* (1562-1696) reveal that only 3.8% of the recorded penal punishments were related to the sale of stolen goods.⁵³³ Moreover, women's overall share among property offenders in Frankfurt between 1600 and 1806 was 27%. Their share among those prosecuted for receiving stolen goods, however, was 20%. Compared to their overall share among property offenders, this figure is rather low. Or at least it seems to suggest that in Frankfurt women were much less involved in networks of receivers than one may assume based on the evidence from elsewhere.⁵³⁴

How can we explain this difference? Several scholars have argued that women's legal position in the Netherlands and England provided favourable opportunities for them to become involved in commercial enterprises, and female traders could run businesses on their own account independently from their husbands.⁵³⁵ It were precisely these activities that provided opportunities for women to sell and resell stolen goods. Callahan has shown that a considerable proportion of the women prosecuted for receiving before the Old Bailey were shopkeepers.⁵³⁶ The question then

⁵²⁹ Callahan, 'Women and stolen goods', 111.

⁵³⁰ Neale, 'Making crime pay', 451-452.

⁵³¹ Van der Heijden, *Women and Crime*, 66-67.

⁵³² IfSG Criminalia 1600-1806.

⁵³³ Boes, *Crime and punishment*, 179.

⁵³⁴ IfSG Criminalia 1600-1806. In Joachim Eibach's eighteenth-century samples, the share of women among prosecuted receivers was 22.2%, which is only slightly higher than their overall share throughout the 17th and 18th centuries and still considerably below their average share among property offenders.

⁵³⁵ D. van den Heuvel, *Women and entrepreneurship. Female traders in the Netherlands, c. 1580-1815* (Amsterdam 2007) 84-85; Ogilvie, *A Bitter living*, 9; H. Barker, *The Business of Women. Female Enterprise and Urban Development in Northern England 1760-1830* (Oxford 2006).

⁵³⁶ Callahan, 'Women and stolen goods', 116.

arises of whether or not one could attribute the relatively low share of women among receivers of stolen goods in early modern Frankfurt to more restricted economic activities?

Although figures on women's economic activities in early modern Frankfurt are lacking to a great extent, both the interrogation records as well as other sources reveal that they were involved in many different economic activities, working as peddler traders, in craft workshops or as merchants alongside their husband or as widows on their own.⁵³⁷ According to the city's legal constitution, married women could trade in partnership with their husband, and sign contracts and bills of exchange etc. on their own account, without the use of guardianship. With the consent of their husband, married women could also trade independently.⁵³⁸ Robert Beachy emphasised the importance of women as independent traders in large-scale family businesses in early modern Frankfurt.⁵³⁹ Similarly, Robert Brandt suggested that the role of women among artisans may not have been as grim as previously perceived. In 1762, widows ran close to 12% of the workshops on their own accounts, mostly employing journeymen as well. This figure, of course, excludes the many women that worked alongside their husbands.⁵⁴⁰

Women featured prominently in small-scale trading activities, many of which were closely associated with the distribution of stolen goods. In the late medieval period and early sixteenth century, most of the so-called *Kleiderhocken* (second-hand traders in clothing) were almost exclusively female.⁵⁴¹ In the course of the early modern period, the trade of peddlers in Frankfurt was increasingly restricted, as a result of which they were only allowed to sell agricultural products

⁵³⁷ B. Dölemeyer, 'Privatrechtliche Handlungsspielräume von Frauen. Die Frankfurter Gesetzgebung' in: G. Engel, U. Kern and H. Wunder eds., *Frauen in der Stadt. Frankfurt im 18. Jahrhundert* (Königstein im Taunus 2002) 87-102, 98-99; I. Kaltwasser, 'Handelsfrauen in Frankfurt – Rechtsfälle aus dem Reichskammergericht', in: G. Engel, U. Kern and H. Wunder eds., *Frauen in der Stadt. Frankfurt im 18. Jahrhundert* (Königstein im Taunus 2002) 103-116; C. Klausmann, 'Handelsfrau, Marktfrau, Handelsgehilfin. Aspekte weiblicher Handelstätigkeit in Frankfurt am Main zwischen 1700-1900' in: *FrauenStadtGeschichte. Zum Beispiel Frankfurt am Main* (Königstein im Taunus 1995) 83-102; H. Halbleib and U. Kern, "'Amazonen' im Frankfurter Zunfthandwerk. Ein Werkstattbericht' in: *Blickwechsel. Frankfurter Frauenzimmer um 1800* (Frankfurt am Main 2007) pp. 68-77; R. Brandt, 'Frauen und Handwerk im Frankfurt im 18. Jahrhundert – Forschungsstand, Quellen und offene Fragen' <http://www.corf.de/texte/Brandt-Frauen&%20Handwerk.pdf> (Accessed 2017-09-29). For an earlier more pessimistic assessment of women's economic roles in early modern Germany, including Frankfurt, and later discussion, see: M. Wiesner, *Working women in early Modern Germany* (New Brunswick, N.J. 1986); M. Wiesner, 'A response to women and business in eighteenth- and nineteenth-century Northwestern Europe', *Histoire Sociale* 34:68 (2001) 371-375.

⁵³⁸ Dölemeyer, 'Privatrechtliche Handlungsspielräume', 97-99; Schmitt, *Säuberlich banquerott*, 110-116.

⁵³⁹ R. Beachy, 'Business was a family affair. Women of commerce in Central Europe, 1650-1880', *Histoire Sociale* 34:68 (2001) 307-330, 316-317.

⁵⁴⁰ For the statistics see: F. Lerner, 'Eine Statistik der Handwerksgelesen zu Frankfurt am M. vom Jahre 1762' *Vierteljahrsschrift für Sozial- und Wirtschaftsgeschichte* 22 (1929) 174-193; J.A. Moritz, *Versuch einer Einleitung in die Staatsverfassung der Oberreihischen Reichsstädte. Zweyter Theil. Reichsstadt Frankfurt (Abschnitt 4)* (Frankfurt am Main 1786) 287-311. For an analysis of the role of women in Frankfurt's guilds in the eighteenth century: Brandt, 'Frauen und Handwerk'. For Augsburg and Köln see: C. Werkstetter, *Frauen im Augsburger Zunfthandwerk. Arbeit, Arbeitsbeziehungen und Geschlechterverhältnisse im 18. Jahrhundert* (Berlin 2001); M. González-Athenas, *Kölnher Zunfthandwerkerinnen 1650-1750. Arbeit und Geschlecht* (Kassel 2010).

⁵⁴¹ K. Bücher, *Die Frauenfrage im Mittelalter. Zweite verbesserte Auflage* (Tübingen 1910) 79; G. Stöger, *Sekundäre Märkte? Zum Wiener und Salzburger Gebrauchwarenhandel im 17. und 18. Jahrhundert* (München 2011) 181.

on the market during special hours.⁵⁴² For early modern Leipzig, Susanne Schötz has shown how such economic limitations went hand in hand with the feminisation of the industry: by the beginning of the eighteenth century, most *Hockinnen* were women.⁵⁴³ A similar development appears to have occurred in early modern Frankfurt as well.⁵⁴⁴ At the same time, historians have shown how women, and particularly unmarried women, faced increasing restrictions on engaging in market and retail activities, including the market for second-hand goods, during the seventeenth and eighteenth centuries, pushing them into the informal economy.⁵⁴⁵

Thus, even though women's economic roles in early modern Germany were potentially less diverse compared to those of women in England or the Netherlands, they were certainly not excluded completely from the economic activities that were often related to networks of receiving. And indeed, as a closer look at the sources will show, women *did* play a role as receivers of stolen goods. But due to the prosecution efforts of the city's authorities, women were less frequently subjected to criminal investigations for fencing and other related activities.

The importance of the Judengasse

Who then was prosecuted for fencing in early modern Frankfurt? Jewish men featured prominently among those prosecuted for selling stolen goods. Joachim Eibach has shown that more than three-quarters of all suspects prosecuted for this offence in eighteenth-century Frankfurt were Jewish, the majority of them being male local Jews with citizenship (*Stättigkeitsjuden*).⁵⁴⁶ Other studies on early modern Germany as well have indicated that Jews were overrepresented among those prosecuted for receiving stolen goods.⁵⁴⁷ This overrepresentation of local Jewish men among those

⁵⁴² Moritz, *Versuch einer Einleitung*, 239.

⁵⁴³ S. Schötz, 'Female traders and practices of illicit exchange. Observations on Leipzig's retail trade between the sixteenth and nineteenth century' in: T. Buchner, P.R. Hofmann-Rehnitz eds., *Shadow economies and irregular work in urban Europe. 16th to early 20th centuries* (Vienna 2011) 127-140, 130.

⁵⁴⁴ R. Habermas, 'Die Ordnung der Stadt. Frauen und Männer im Frankfurt des 18. Jahrhunderts – oder: Chercher la femme' in: G. Engel, U. Kern and H. Wunder eds., *Frauen in der Stadt. Frankfurt im 18. Jahrhundert* (Königstein im Taunus 2002) 47-66, 52-53. See, for example, the copperplate engraving of the market in Frankfurt by Salomon Kleiner from 1725 which shows many market women sitting (*hocken* – hence the term *Hockinnen*) before their goods, Lübbecke, *Kleinere florirende Frankfurt*, 30-31.

⁵⁴⁵ M. Wiesner, 'Paltry peddlers or essential merchants? Women in the distributive trades in early modern Nuremberg', *The Sixteenth Century Journal* 7:2 (1981) 3-13; A. Montenach, 'Formal and informal economy in an urban context. The case of food trade in seventeenth-century Lyons' in: T. Buchner, P.R. Hoffmann-Rehnitz eds., *Shadow economies and irregular work in urban Europe. 16th to early 20th centuries* (Berlin 2011) 91-106; Stöger, *Sekundäre Märkte*, 181-201.

⁵⁴⁶ J. Eibach, 'Stigma Betrug. Delinquenz und ökonomie im jüdischen Ghetto' in: H. Berding, D. Klippel and G. Lottes eds., *Kriminalität und abweichendes Verhalten. Deutschland im 18. und 19. Jahrhundert* (Göttingen) 22. On the general stigma of Jews as criminals, see; O. Ulbricht, 'Criminality and Punishment of the Jews in the early modern Period' in: R. Po-Chia Hsia and H. Lehmann eds., *In and out of the Ghetto. Jewish-Gentile relations in late medieval and early modern Germany* (Cambridge 1995) 49-70.

⁵⁴⁷ Rublack, *Crimes of women*, 116, 121-122; Ammerer, *Heimat Strafe*, 437; C. Kühn, *Jüdische Delinquenten in der frühen Neuzeit. Lebensumstände delinquenten Juden in Aschkenas und die Reaktionen der jüdischen Gemeinden sowie der christlichen Obrigkeit* (Potsdam 2008) 82-83; Härter, *Policey und Strafjustiz*, 579. For Netherlands: F. Egmond, *Underworlds. Organized crime in the Netherlands 1650-1800* (Cambridge 1993) chapter 6.

prosecuted for fencing was related both to their economic marginalisation, as well as to dominant stereotypes about Jews as swindlers and frauds. These associations made it more likely that they would be subjected to criminal investigation (as a result of biased policing practices). Moreover, the stereotypes had also penetrated into the legislation of the city and the empire, thus continuously reinforcing the image of Jews (in particular Jewish men) as dishonest criminals.⁵⁴⁸

There are several examples in Frankfurt's legislation that explicitly mention the (perceived) link between Jews and fencing. In the legal constitution for Frankfurt's Jewish citizens (*Stättigkeit* 1616), for example, they were explicitly prohibited from buying, selling or pawning items that were undoubtedly stolen.⁵⁴⁹ Moreover, the *Stättigkeit* stipulated that Jews were prohibited from selling or pawning items from young people who still lived with their parents or in their master's household. This regulation was often specifically referred to in cases of domestic theft where the servant had sold the items to a Jewish pawnbroker or seller.⁵⁵⁰ While fencing featured in the regulations of Jewish citizenship, there were no references to this offence in that of the Christian burgher community (*Bürgervertrag*). Later police ordinances also reinforced the existing stereotypes. In an ordinance against the receiving of stolen goods from 1760 the city council directed the ordinance to the city's gold and silver workers *and* the entire Jewish community (*'wie auch die gesamte Judenschafft'*).⁵⁵¹ It is clear that according to the legal codes there was a close association between Jewish commerce, theft and the sale of stolen goods.

A second factor that needs to be considered in order to understand the overrepresentation of Jews among receivers of stolen goods is their economic position. Jewish inhabitants of Frankfurt (like elsewhere) were heavily restricted in the kind of commercial activities they were allowed to employ. For one, they could not become guild members, as a result of which they were denied access to the majority of skilled professions. Additionally, Frankfurt's *Stättigkeit* limited the opportunities for Jewish merchants to trade to a large extent (they could not own trading firms, for example). The retail of second-hand clothes and textiles was one of the few branches in which Jews could trade without restrictions. Similarly, they were allowed to work as pawnbrokers. Many people never redeemed their pawned items, as a result of which a lively trade in second-hand goods existed in the *Judengasse*. Unsurprisingly, considering the restrictions, the majority of Frankfurt's Jewish

⁵⁴⁸ Eibach, 'Stigma Betrug', 23; S. Ullmann, 'Jüdische Minderheit vor dörflichen Niedergerichten in der Frühen Neuzeit', *Geschichte und Gesellschaft* 35 (2009) 534-560, 547-548; K. Härter, 'Cultural diversity, deviance, public law and criminal justice in the Holy Roman Empire of the German Nation' in: T. Ertl and G. Kruijtzter eds., *Law addressing diversity. Pre-modern Europe and India in comparison* (13th - 18th centuries) (2017 Berlin) 56-97, 73-78.

⁵⁴⁹ PO 1861 *Der Juden zue Franckfurth Stättigkeit und Ordnung, wie die im Nahmen der Kayserlichen Maytt. Geendert und verbeßert worden* 28.02.1616. Original: 'Item sie sollen nicht kauffen noch leiben, auf Naß oder blutig Gewandt, oder aber andere unzweiffentlich dergleichen gestoblene wahren [...]'.
⁵⁵⁰ Criminalia 9199 (1780); Criminalia 5283 (1741); Criminalia 5111 (1740).

⁵⁵¹ PO 3561 *Vermuthlich gestoblene Sachen soll man nicht kaufen oder Geld darauf leiben* 19.09.1760.

population was involved in (second-hand) clothing and textile retail trade or worked as pawnbrokers and money lenders.⁵⁵²

These were all professions that were closely associated with most of the goods that were stolen in the early modern period. Most offenders - both men and women - stole in order to substitute their income through the sale of stolen items, rather than stealing food as an immediate relief for hunger and starvation. In order to turn stolen goods into money, one needed knowledge about possible buyers and markets where one could sell one's spoils with a minimum risk of getting caught. With the large variety of pawnbrokers, second-hand dealers and small 'shops' available, the *Judengasse* in Frankfurt offered a plethora of opportunities to do so. As a result, it functioned as a prominent go-to place for thieves to turn their spoils into money. Being asked where she planned to sell the two copper plates she had stolen from a silversmith, Elisabeth Vachingerin answered that she planned to sell them to the first Jew who would offer her a price for them.⁵⁵³ Helena Kalfbussin had stolen four soup plates from a house in her neighbourhood. She declared to the authorities that she had taken the plates home in order to set them aside until she had found a Jew she could sell them to.⁵⁵⁴ The reputation of Frankfurt's *Judengasse* as a place where one could easily distribute stolen goods exceeded the city walls and also attracted thieves from other cities who were looking to sell their goods. Johannes Albert, for example, came to Frankfurt with some garments, several pairs of shoes and a tin jug he had stolen from an inn in Mainflingen, some 30kms upstream the Main, in order to sell his goods in the *Judengasse*.⁵⁵⁵

The Jewish quarter was not only known to thieves as a place to distribute stolen goods. The investigation records reveal many examples of victims who had gone to the *Judengasse* in order to retrieve their property and find the thief before they went to the *Verhöramt* to report the theft.⁵⁵⁶ Additionally, the authorities had the power to proclaim a so-called *Schulbann*: the stolen items were announced in the synagogue. After the proclamation, the *Schulkopper* (a Jewish official in service of the synagogue) had to go around and take oaths from all the inhabitants of the *Judengasse* in which they declared they would return the stolen goods if they turned up in the quarter.⁵⁵⁷ Such a *Schulbann*

⁵⁵² I. Kracauer, *Geschichte der Juden in Frankfurt am Main (1150-1824) vol. 2* (Frankfurt am Main 1927) 109; C. Kasper-Holtkotte, *Die Jüdische Gemeinde von Frankfurt am Main in der frühen Neuzeit. Familie, Netzwerke und Konflikte eines Jüdischen Zentrums* (Berlin 2010) 92-94.

⁵⁵³ Criminalia 9239 (1781).

⁵⁵⁴ Criminalia 9292 (1781).

⁵⁵⁵ Criminalia 9203 (1780).

⁵⁵⁶ Criminalia 5283 (1741); Criminalia 3138 (1721); Criminalia 9203 (1780); Criminalia 7664 (1760); Eibach, 'Stigma Betrug', p. 23.

⁵⁵⁷ Eibach, 'Stigma Betrug', p. 23-24.

could also be approached by other authorities, who suspected that goods stolen in their territory might be sold in the ghetto in Frankfurt.⁵⁵⁸

For seventeenth-century Württemberg, Ulinka Rublack witnessed a ‘perfect division of labour’ among Jewish receivers. The women stayed at home to collect the spoils from thieves and, in turn, their men traded these as pedlars.⁵⁵⁹ It remains unclear from Rublack’s account whether this gender division is also reflected statistically among the offenders prosecuted, and whether Jewish women were prosecuted for fencing in seventeenth-century Württemberg to the same extent as men. For eighteenth-century Frankfurt at least, this was not the case. Both in my own sample years, as well in Joachim Eibach’s, the prosecution efforts of the authorities were mainly directed at male Jewish receivers.⁵⁶⁰ Moreover, the investigation records of Frankfurt do not point to a similar gendered division of labour concerning the distribution of stolen goods as Rublack detected in Württemberg. There are several examples in which thieves sold their spoils to Jewish women, but there is no evidence that they worked alongside their husbands in a coordinated fashion to distribute the stolen goods.⁵⁶¹ The spoils were usually sold to the Jewish women in the context of their everyday lawful economic activities, not as dependent housewives. They were usually not subjected to a criminal investigation because evidence was lacking that they had knowingly bought stolen goods.

Thus, the prosecution efforts of the authorities in relation to fencing discriminated according to gender and religion. However, despite the fact that the Jewish ghetto featured prominently in the world of stolen goods in early modern Frankfurt, it should not be characterised primarily as a black market for stolen items. Most of the trade in the *Judengasse* was legitimate and not dominated by fencing. Equally, there are no signs of large existing networks of professional receivers in the sources. In fact, most of the receivers prosecuted had come into contact with property offenders through their lawful economic networks and activities.⁵⁶² The boundaries between lawful and unlawful activities were often blurred.

Beyond the Judengasse

Even though the majority of the prosecutions for fencing involved Jewish suspects, a close reading of the sources reveals that men and women sold their spoils through a variety of channels and did

⁵⁵⁸ Criminalia 3523 (1726); Criminalia 7299 (1756); Criminalia 2024 (1694); Criminalia 4655 (1737); Criminalia 6188 (1749); Criminalia 6543 (1751); Criminalia 6866 (1753); Criminalia 7328 (1757); Criminalia 7350 (1757); Criminalia 8982 (1777).

⁵⁵⁹ Rublack, *Crimes of women*, 116.

⁵⁶⁰ Eibach, ‘Stigma Betrug’, 23.

⁵⁶¹ Cases in which items were sold to Jewish women: Criminalia 5296 (1741); Criminalia 5298 (1741); Criminalia 5088 (1740); Criminalia 5081 (1740); 7586 (1760).

⁵⁶² Eibach, ‘Stigma Betrug’, p. 24.

not restrict themselves to selling goods in the ghetto. Certainly, pawning, recycling materials, and selling second-hand items were not the prerogative of the Jewish community. Such activities were an integral part of the early modern urban economy.⁵⁶³ Even guilds did not solely focus on manufacturing new goods: repair work and recycling constituted a significant part of their day-to-day business, which meant that they a large part of their activities involved second-hand goods.⁵⁶⁴ The majority of thieves in early modern Frankfurt – be it local or non-local, men or women – sold their goods on this large-scale second-hand ‘market’, which was part of the everyday lawful economy. It is difficult to discern a very clear gendered strategy among offenders as to where they chose to distribute their goods. To a large extent, men and women used the same economic networks to make a profit from their crimes. Male thieves would go around the houses selling stolen goods as peddler traders directly to local women, or sell them on to female hucksters.⁵⁶⁵ Women, too, sold their goods where they would find a market. They often sold their spoils to other women, but also to male buyers. In little less than half of all the cases where it was possible to find information about how spoils were distributed, women were involved as buyers, pawners or receivers - although many of them claimed not to know anything about the theft.⁵⁶⁶ This shows that women were not necessarily excluded from economic activities connected to receiving in early modern Frankfurt, as a first look at the profile of formally *prosecuted* receivers would suggest.

As the low number of fencing cases already indicates, authorities often had difficulty in prosecuting receivers of stolen goods. This was in part related to the legal norms. The *Carolina* did not mention receiving as a separate crime, but stated that anyone who kept or sold items that were stolen, should be convicted as a thief. However, due to the strong emphasis on definite proof in the code (see chapter 2), this was only possible if there was conclusive evidence that the person buying the spoils had been aware that they were stolen.⁵⁶⁷ If the authorities managed to prove a receiver’s criminal intent and convict them of fencing, they usually imposed monetary fines and on top of that Jews could expect the loss of their *Stättigkeit* (which *de facto* was equal to expulsion).⁵⁶⁸ According to Gerhard Fritz, the fact that many receivers were locals also contributed to the relatively low and mild prosecution of authorities.⁵⁶⁹ The local *Trödelfrau* (second-hand seller) Maria

⁵⁶³ See f.e. B. Blondé, P. Stabel and J. Stobart eds., *Buyers and sellers. Retail circuits and practices in medieval and early modern Europe* (Turnhout 2006); J. Stobart and I. van Damme eds., *Modernity and the second-hand trade. European consumption cultures and practices, 1700-1900* (Basingstoke 2010).

⁵⁶⁴ G. Stöger, ‘Urban Markets for Used Textiles – Examples from Eighteenth-Century Central Europe’ in: J. Stobart and B. Blondé eds., *Selling Textiles in the Long Eighteenth Century: Comparative Perspectives from Western Europe* (Basingstoke 2014) 210.

⁵⁶⁵ Criminalia 7637 (1760); Criminalia 7628 (1760); Criminalia 7619 (1760).

⁵⁶⁶ It was possible to find information on receivers for 41 cases: these involved 26 female receivers and 33 male receivers.

⁵⁶⁷ Janßen, *Der Diebstahl*, 4.

⁵⁶⁸ Eibach, ‘Stigma Betrug’, 25.

⁵⁶⁹ Fritz, *Öffentliche Sicherheit*, 418-422.

Bettenhäuserin was one of the few Christians convicted of fencing. She was ordered to return the goods and share part of the investigation costs as well as pay a fine of ten Reichsthaler.⁵⁷⁰ More often than being investigated themselves, receivers were called as witnesses against the suspected thieves. Also, it was not uncommon that they were even compensated for the financial loss they suffered for having to return the goods to the owner, either by the thief or the owner itself.⁵⁷¹

The prosecution of receivers was further complicated by the fast turnover and circulation of goods in the second-hand market. Usually by the time authorities came to investigate the case and questioned the original buyer, he/she often already sold the items on to someone else. Maria Magdalena Kadnowein, a fourteen-year-old soldier's daughter from Mannheim, was investigated for several thefts, including a frock worth sixteen guilders from Johann Carl Müller, a local *Kannenmacher*. Maria Magdalena sold the frock to a local huckster for three guilders, who in turn had sold it on to a Jew from Friedberg. It was at this point that Johann Carl discovered the crime as he found the frock among the merchandise the Jew was selling on the street.⁵⁷²

In the majority of cases, offenders sold their goods to strangers in an opportunistic and ad-hoc fashion, rather than knowing beforehand to whom they would sell the goods or having an established network of receivers. Both small and large spoils were split up and distributed over several different pawnbrokers, peddler traders, or second-hand dealers, who would in turn sell the goods on themselves. This strategy was applied for several reasons. First, it would have been difficult to find a buyer that was able to buy up large spoils, since many of these petty traders did not have sufficient capital themselves. Second, selling only single items reduced the risk of being suspected as a thief and therefore made it easier to sell the goods without further inquiries. Third, it made it more difficult for investigators to trace all the stolen goods to one person, which consequently made it more likely that he/she could only be prosecuted for petty theft.

Another common strategy that was employed by both men and women to turn stolen goods into profit, was to sell them as raw material to artisans. Items made of silver, (less often) gold, tin, copper or brass were popular to steal. Elisabeth Vachingerin, for example, who was mentioned earlier, had stolen a tin water jug from master tailor Johann Leonard Foster and sold it to tin founder Baijerbach.⁵⁷³ Similarly, Catharina Schwendlerin stated that she had sold the tin she had stolen from her former mistress to a tin founder 'whose name she did not know'.⁵⁷⁴ Susanna Margaretha Wachtin had stolen two silver shoe buckles and a silver Hungarian water jar from her

⁵⁷⁰ Criminalia 9293 (1781).

⁵⁷¹ Criminalia 9202 (1781); Criminalia 7628 (1760); Criminalia 7619 (1760).

⁵⁷² Criminalia 5269 (1741). Also: Criminalia 9295 (1781); Criminalia 5283 (1741); Criminalia 5232 (1741); Criminalia 3138 (1721); Criminalia 7642 (1760); Criminalia 7664 (1760).

⁵⁷³ Criminalia 9321 (1781).

⁵⁷⁴ Criminalia 9199 (1780).

mistress. She had sold these to a silversmith, who testified in court that he had melted these items down immediately.⁵⁷⁵

Crafts and guilds are usually considered as primarily male spheres of economic activity. However, the investigation records also reveal several widows of master artisans who continued to run workshops independently after the death of their husband as buyers of stolen goods.⁵⁷⁶ Perhaps their weaker economic positions may have made them particularly susceptible to such risky illegal activities, but it is hard to find evidence in the sources that the offenders did this as a specific strategy as Ulinka Rublack previously suggested for seventeenth-century south-west Germany.⁵⁷⁷ Furthermore, the examples described above show that women knew their way around the workshops of the city. Selling raw materials directly to artisans was not necessarily something that would arouse suspicion, as it was common for households to trade or recycle old utensils or use them (partially) as currency. For many maids, running errands also involved pawning and trading second-hand items, which meant that they knew such places well, or at least were aware of how to locate them.⁵⁷⁸ Stolen food could be sold to victuallers in a similar fashion.⁵⁷⁹

The interrogations provide examples of servants and former servants who used knowledge about possible buyers that they had acquired during their service. An example of this is the case of bell founder Johann Georg Schneidewind against seventeen-year old Margaretha Eckhardtin. In 1780, Schneidewind reported to the authorities that Margaretha had come to him in order to buy brass tools on the account of her employer coppersmith Derscho.⁵⁸⁰ At first there was nothing that aroused Schneidewind's suspicion: he knew both Margaretha and Derscho. However, about half an hour after Margaretha had left his shop he was summoned by one of his colleagues, the bell founder Barthels. The latter showed him the very tools that Margaretha had just bought at Schneidewind's shop. According to Barthels, Margaretha had told him the tools belonged to her cousin and that he had requested her to sell them. Unlike Schneidewind, however, Barthels did not trust the situation and ordered Margaretha to go and get her cousin, while he held on to the tools. After Margaretha failed to return, Barthel called for Schneidewind, who recognised the tools as his. Schneidewind immediately went to Derscho, who knew nothing of the business. Indeed, Margaretha had left his service five months previously. Together with Derscho's wife, Schneidewind summoned Margaretha under the pretence that they had found her a service. After

⁵⁷⁵ Criminalia 5273 (1741).

⁵⁷⁶ Criminalia 5278 (1741); Criminalia 9201 (1780); Criminalia 5076 (1740); Criminalia 5095 (1740).

⁵⁷⁷ Rublack, *Crimes of women*, 117.

⁵⁷⁸ See, for example, Criminalia 5271 (1741) in which Katharina Charlotta Marpurgerin lists all the items she had to pawn or sell for her mistress and carpenter widow Maria ELisabetha Rückmännin. On the tasks of domestic servants, see: Dürr, *Mägde in der Stadt*, 148-152.

⁵⁷⁹ Criminalia 5162 (1741); Criminalia 7631 (1760).

⁵⁸⁰ Criminalia 9178 (1780). Also: Criminalia 5280 (1741); Criminalia 9172 (1780); Criminalia 5111 (1740).

she turned up they confronted her with her theft and had her arrested. During her interrogations at the *Verhöramt*, Margaretha revealed that she had planned to buy new clothes from the profit of the tools. She had specifically chosen to go to Schneidewind because she often ran errands at his workshop when she was still in the service of Derscho, and he would be more likely to trust her.

Although the investigation records show that it was a common strategy to sell items of valuable materials directly to manufacturers, the example presented above also shows that this was perhaps the most risky method of turning stolen items into profit. Other cases as well reveal that the intimate knowledge of craftsmen about hallmarks of goods either they or one of their colleagues had manufactured meant that they were more skilled at recognising stolen property than others. Guild members were often informed to look out for specific stolen items.⁵⁸¹ It was not uncommon for thieves to be apprehended through the help of craftsmen or guild masters who reported offenders that tried to sell them raw materials.⁵⁸²

Thus, studying the ways though which thieves in early modern Frankfurt distributed their spoils displays a very varied picture of all the people involved. Contrary to Heather Shore's observations for eighteenth-century London, there are no clear signs of 'organised' networks of receivers that functioned as a go-between the 'criminal underworld' and the lawful community in early modern Frankfurt.⁵⁸³ Moreover, although the prosecution efforts of Frankfurt's authorities mainly targeted Jews, the analysis shows that women were equally involved in buying and selling stolen goods through their economic activities. The examples confirm that women's role in these activities did not stem from their position as dependent household members. They were not associates in their men's criminal activities, but acted on their own account through independent economic activities. Furthermore, it was difficult to detect gendered patterns in the way that thieves disposed of their spoils. In general, all the examples illustrate that the majority - if not all - of the goods were easily sold on in an economy in which selling and reselling of second-hand items was common practice, and in which boundaries between formal and informal trade were fluid and difficult to determine.

Domestic theft

The previous paragraphs have already shown that the practice of unlawful appropriation in early modern Frankfurt am Main cannot simply be understood through the lens of a public/male and

⁵⁸¹ Criminalialia 7719 (1761); 5076 (1740).

⁵⁸² Criminalialia 5076 (1740); Criminalialia 5289 (1740); Criminalialia 9178 (1780).

⁵⁸³ H. Shore, 'Crime, criminal networks and the survival strategies of the poor in early eighteenth-century London' in: S. King and A. Tomkins eds., *The poor in England 1750-1850. An economy of makeshifts* (Manchester 2003) 137-165; H. Shore, *London's criminal underworlds, c. 1720 – c. 1930. A social and cultural history* (Basingstoke 2015).

private/female dichotomous model. Early modern households were not closed off private spheres. They were open and served public functions. More than in other countries, the household (*das Haus*) in early modern Germany embodied a legal entity and a unit of strongly regulated social control.⁵⁸⁴ This is visible, for example, in the public function of the ‘semi-judicial authority’ of the head of the household and the tendency of authorities not to impose criminal punishments if the head of the household regulated any in-house conflicts.⁵⁸⁵ Moreover, it is reflected in the importance of households in the regulation of migration. Incorporation in a household was a prerequisite for staying in the city: servants and journeymen unable to find work had to move on. This restricted the opportunities for men and women to live independently, and indeed, the number of domestic servants on the total population was higher in Frankfurt than in cities like London or Amsterdam.⁵⁸⁶

In the previous sections, theft by servants and other household dependents has only been mentioned in passing, when they were mentioned as one of the three groups of offenders that stole from houses. Unlike the other two groups (neighbours and strangers), their offences *were* committed from a position of dependent household members. Household dependency, however, was not a general *female* characteristic (as it was often made out to be in the early historiography on women and theft) but a social status. Both male and female servants were in a subordinate position in the household hierarchy. Therefore, in order to fully understand how gender differences, both in the methods and the prosecution of property crimes, played out, a closer look at domestic thefts is crucial. This section looks at the connection between the nature of the crime and the dependent position of servants. The following section then will deal with the relationship between household control and criminal prosecution of domestic theft.

In the course of the early modern period, domestic theft became an increasing concern for public officials. The sixteenth-century *Carolina* had not yet defined it as a separate offence. By the eighteenth century, domestic theft had become a popular subject among legal commentators. Moreover, in several cities and territories in early modern Germany authorities published police ordinances defining domestic theft as a separate offence and specifying harsher punishments.⁵⁸⁷ A similar development was visible in early modern England, where the increasing anxiety about servant thefts led to the implementation of an extraordinary statute in 1713 that made ‘theft from a house’ a capital offence.⁵⁸⁸

⁵⁸⁴ Ogilvie, ‘Bitter living’, 63, 311-312; Rublack, *Crimes of women*, 8-9.

⁵⁸⁵ Eibach, *Frankfurter Verböre*,

⁵⁸⁶ See chapter 3.

⁵⁸⁷ Härter, *Policey und Strafjustiz*, 580-581; Wettmann-Jungblut, *Eigentumskeimlichkeit*, 278; Ulbricht, ‘Zwischen Vergeltung’, 140.

⁵⁸⁸ Beattie, *Policing and punishment*, 39.

The context from which the increased anxiety arose in the two countries, however, was rather different. In England authorities were particularly concerned with the potential danger posed by servants, as they might invite strangers into the house. Maids especially were often suspected of having connections with the ‘criminal underworld’, and enabling others to steal from their employers’ houses.⁵⁸⁹ In Germany, the discussions were much more framed as a crisis in hierarchical relations that endangered the existing social order. Domestic theft was considered a breach of loyalty towards the head of the household, which was considered as an aggravating circumstance.⁵⁹⁰

Contrary to other cities in Germany, no police ordinances were issued defining domestic theft as a separate offence in early modern Frankfurt. Nevertheless, several sources reveal that it was a topic of discussion among the city’s authorities and legal professionals as well. Syndic Johann Ludwig Burgk called for harsh punishments (*‘scharfe Strafen’*) against disloyal servants.⁵⁹¹ Illegal appropriation of household property took up a considerable part of the servant order that was drafted by the consistory on the initiative of the city council in 1756.⁵⁹² The ordinance stated, for example, that ‘servants should be loyal, and not only prove their loyalty by not stealing anything, but also by making sure that they prevent any harm to the fortune of their master, when they sell or buy anything on his account’.⁵⁹³ Moreover, servants were not allowed to keep their chests of personal belongings outside their master’s household, as this would enable them to hide stolen property.⁵⁹⁴

The attention domestic thefts received in the legal writings and moralistic literature of that time are in stark contrast with the actual number of cases prosecuted before the courts. Based on primarily German examples, Otto Ulbricht considered a percentage of domestic thefts of 3-8% as common for the early modern period.⁵⁹⁵ In Frankfurt’s neighbouring territory of Kurmainz, domestic theft constituted about 5% of all prosecuted property offences between 1560 and 1802.⁵⁹⁶ In eighteenth-century Frankfurt, suspects prosecuted for domestic theft had a share of 10.7% among all property offenders. This is comparatively high, but it has to be remembered that the data

⁵⁸⁹ Beattie, *Policing and punishment*, 38.

⁵⁹⁰ Eibach, *Frankfurter Verböre*, 346; Härter, *Policey und Straffjustiz*, 580-581.

⁵⁹¹ Criminalia 5610 (1743) quoted in: Eibach, *Frankfurter Verböre*, 352.

⁵⁹² Criminalia 12880 (1756). For more information on this servant order: Chapter 6.

⁵⁹³ Criminalia 12880 (1756) folio 52. Original: ‘Überhaupt sollen die dienstbotten getreu seyn, und ihre Treue nicht nur damit bezeigen das sie würcklich nichts entwenden, sondern auch darinnen, das sie allen Schaden nach Vermögen abwenden, dasjenige was sie für ihre herrschafft kauffen oder verkauffen auf das genaueste bedingen, ohne für sich oder andern einigen Vortheil dabei zu machen’.

⁵⁹⁴ Criminalia 21880 (1756).

⁵⁹⁵ Ulbricht, ‘Zwischen Vergeltung’, 144.

⁵⁹⁶ Härter, *Policey und Straffjustiz*, 578.

only cover the eighteenth-century, which was marked by increasing attention towards this type of theft.⁵⁹⁷

The majority of cases of domestic theft in early Frankfurt were committed by women. The share of women investigated for domestic during the thirteen sample years in the second half of the eighteenth century analysed by Joachim Eibach was 51.4%.⁵⁹⁸ In my own sample, 10 men were investigated for domestic theft and 28 women. However, as my sample included more years for women than they did for men, the extra years have to be excluded: this leaves us with 10 men and 13 women – or to put it in other words: 56.5% of the domestic thefts recorded in these sample years were committed by women. This corresponds with what is known for other cities and regions as well: in terms of numbers, domestic theft was predominantly a female offence.⁵⁹⁹ According to John Beattie, the common involvement of women in theft by servants may partially explain why theft of goods from a house or warehouse to the value of forty shilling or more was made a capital offence in England in 1713, as this act was particularly aimed servants who stole from their employer.⁶⁰⁰ In the German moral and legal writings dealing with domestic theft, the underlying assumption was also that it was idle and immoral young girls that masters had to fear most when it came to the need to protect their property.⁶⁰¹

This gender pattern stems from a variety of reasons. The first issue that needs to be considered is the unequal balance of the sexes among domestic servants. In Frankfurt, by the beginning of the nineteenth century, three-quarters of domestic servants were female. For the early modern period a proportion of men to women of 1:2 is generally accepted.⁶⁰² However, this number does not include journeymen and apprentices, who were also incorporated in their master's household. Looking at the group of dependent household members as a whole, the sex ratio was more balanced than among servants. The female nature of domestic service alone, therefore, cannot explain why women appear more frequently as suspects of domestic theft than men. Rather, I will argue, the differences must be understood from the different nature of labour relations experienced by men and women in service, and the different level of dependence within the household.

⁵⁹⁷ Eibach, *Frankfurter Verböre*, 323.

⁵⁹⁸ Eibach, *Frankfurter Verböre*, 323.

⁵⁹⁹ Ulbricht, 'Zwischen Vergeltung', 145; H. Diederiks, *In een land van justitie. Criminaliteit van vrouwen, soldaten en ambtenaren in de achttiende eeuwse Republiek* (Hilversum 1992) 77-80; Durston, *Victims and Viragos*, 133-136.

⁶⁰⁰ Beattie, *Policing and punishment*, 63-71.

⁶⁰¹ K. Simon-Muscheid, *Die Dinge im Schnittpunkt sozialer Beziehungsnetze. Reden und Objekte im Alltag (Oberrhein 14. bis 16. Jahrhundert)* (Göttingen 2004) 149-160; Dürr, *Mägde in der Stadt*, 91.

⁶⁰² S. Hahn, *Migration-Arbeit-Geschlecht. Arbeitsmigration in Mitteleuropa vom 17. bis zum Beginn des 20. Jahrhunderts* (Göttingen 2008) 207-212.

Let us first take a look at the gender division of labour among servants. Otto Ulbricht found that in the rural duchies of Schleswig-Holstein and Lauenburg the different tasks of male and female servants influenced the type of goods they had access to, which in turn led to different tactics of stealing.⁶⁰³ Women tended to have better access to places where valuables such as clothing, jewellery and money were stored (i.e. the house) than male servants, who had more access to livestock and provender. Because women were more likely to target 'unique' items in the sense that their absence was easily discovered, they usually stole many items simultaneously and fled immediately. Men, on the other hand, targeted smaller items connected to their tasks, such as animal fodder, which could be hidden more easily without anyone noticing. This made it easier for them to steal little by little over a longer period of time.⁶⁰⁴

Ulbricht's analysis was based on rural households, but the case of Frankfurt shows that a gendered division of labour among domestic servants also attributed to different patterns of appropriation in the city. Johann Philipp Friedrich Weyland, for example, worked as a servant in the *Zum Krachbrein* inn, from which he was accused of stealing several bottles of expensive wine and selling it to a servant at another inn. Moreover, he also served wine to the maids of the inn, who unlike Johann, did not have access to the wine cellar.⁶⁰⁵ Ludwig Rusch, a servant of beer brewer Peter Schulte, was responsible for taking care of the stables. When he left his service prematurely, he stole his master's horse.⁶⁰⁶ Anna Barbara Langin, who worked as a servant for Johann Baptist Eisen *des Rates* (council member) knew her way around in the pantry of her master. This allowed her to provide her accomplice with access to the pantry to steal butter, flour and other provisions.⁶⁰⁷ Unlike what Ulbricht found for the rural case, however, there are no signs that the division of labour also resulted in different methods of appropriation. Both men and women were accused of stealing a small number of items gradually, only to be noticed by the master or mistress after some amount of time.⁶⁰⁸

Easy access of servants to valuable items certainly goes some way to explaining why servants were motivated to steal from their masters. Maids came into contact on a daily basis with luxuries they were not able to afford themselves, and for some this may have been a temptation too hard to resist.⁶⁰⁹ But temptation alone does not offer a sufficient explanation. Besides the

⁶⁰³ Ulbricht, 'Zwischen Vergeltung', 148-149.

⁶⁰⁴ R. Dürr, "'Der Dienstbote ist kein Tagelöhner...'" Zum Gesinderecht (16. bis 19. Jahrhundert)' in: U. Gerhard ed. *Frauen in der Geschichte des Rechts* (München 1997) 115-139, 118-119.

⁶⁰⁵ Criminalia, 5123 (1740).

⁶⁰⁶ Criminalia 2239 (1700).

⁶⁰⁷ Criminalia 2241 (1700).

⁶⁰⁸ Criminalia 3138 (1721); Criminalia 5111 (1740).

⁶⁰⁹ Durston, *Victims and viragos, 133-136*; D.D. Gray, *Crime, prosecution and social relations. The summary courts of the city of London in the late eighteenth century* (New York 2009) 89; Ammerer, *Heimat Straße*, 144.

gendered division of labour, the second aspect that needs to be considered is the subordinate position of domestic servants as a whole. Their marginal position in early modern society is an important factor in understanding domestic theft in general and that of women in particular. From the moment that servants accepted the hiring penny (*Mietpfennig* - a small sum given to a servant upon being hired), he or she was legally bound to the service, and therefore the authority of their master, for the agreed term.⁶¹⁰ Domestic servants could not dissolve their contracts and leave before the end of their service, without the consent of their master.⁶¹¹

One motive for theft that was connected to the 'bound' status of servants was what Otto Ulbricht referred to as the *Vergeltungsdiebstahl*: theft out of 'retaliation' for maltreatment, general social inequality or unpaid wages.⁶¹² There are a number of cases of domestic thefts in the *Criminalia* which are set in this context. The aforementioned Ludwig Rusch, for example, excused the theft of his master's horse by stating that he had not received his full wages and had broken his arm during his work, which left him lame.⁶¹³ Maria Margaretha Gerstin justified her theft with the fact that her mistress, duchess Wilhelmina Louisa Friedrica von Leiningen-Westerburg, only gave her one *Batzzen* daily for beer and bread, and fed her nothing more than leftover soup.⁶¹⁴ And Johann Jakob Notwang stated that he had left because the work his master made him do was too hard, and he feared that he would not receive his full wages. He therefore stole some household linen and clothing which he hoped to sell in order to make some *Zehrgeld* (allowance) for on the road.⁶¹⁵ Anna Margaretha Burkhardin, who was accused of theft by her master Willhelm DeAhna, declared that she had entered into service for a yearly wage of eight guilders with the promise of an increase after the first year of service, which she claimed to have never received.⁶¹⁶ Moreover, Anna Margaretha stated that she had left her service prematurely, because her mistress had treated her violently. She herself denied that she took the items DeAhna reported as stolen with her.

Conflicts over salary are difficult to decipher for outsiders. Whereas servants could perceive a cut in pay as unjustly, employers could argue that they were simply part of disciplinary measures of servants acting lazily, not doing chores correctly, or spoiling and wasting household goods.⁶¹⁷ Moreover, 'thefts' could also be related to misunderstandings of customary rights and gratuities

⁶¹⁰ On the bound nature of early modern labour relations of servants see: A. Stanziani, *Bondage. Labor and rights in Eurasia from the sixteenth to the early twentieth centuries* (New York 2014) 48-52; 147-174.

⁶¹¹ The regulation of contracts formed an important part of Frankfurt's servant order from 1810 and in the draft of 1756. *Criminalia* 12660 (1756) folio 37-36; I. Kaltwasser, *Häusliches Gesinde in der Freien Stadt Frankfurt am Main. Rechtsstellung, soziale Lage und Aspekte des sozialen Wandels, 1815-1866* (Frankfurt am Main 1989) 38-41; Dürr, 'Gesinderecht'.

⁶¹² Ulbricht, 'Zwischen Vergeltung und Zukunftsplanung', 155.

⁶¹³ *Criminalia* 2239 (1700).

⁶¹⁴ *Criminalia* 5282 (1741).

⁶¹⁵ *Criminalia* 7580 (1760).

⁶¹⁶ *Criminalia* 3078 (1720).

⁶¹⁷ *Criminalia* 5226 (1741); *Criminalia* 9257 (1781). Also: Rublack, *Crimes of women*, 192.

which were often part of a servant's salary.⁶¹⁸ Master baker Gernhard, for example, dismissed three of his apprentices for 'stealing' milk rolls without paying their salary. According to one of the journeymen, their master had told them that they could eat as many milk rolls as they wanted, while the other two reported that they were allowed three or four a day.⁶¹⁹ Withholding wages was only one of the many disciplinary methods employed by household authorities. And as we will see below, such methods of informal discipline played a crucial role in dealing with household theft in the early modern period.

The motive of retaliation inspired some scholars to define domestic thefts as a 'social crime', a way to claim or reclaim customary rights and a form of protest against social inequality.⁶²⁰ Joachim Eibach objected to this perception and found little evidence for this in Frankfurt's criminal records. Although he found many examples of domestics stealing out of retaliation, they did not match the concept for two reasons. First, although many of the victims of domestic thefts were burghers, they did not belong to the privileged and ruling classes of the city, but were part of the middle or lower-middle class. Second, unlike such crimes as poaching and wood theft, there was no shared sense of 'reclaiming old rights' within the community with regard to domestic thefts. Within all layers of society, it was perceived as a breach of loyalty.⁶²¹ Eibach is certainly right in stating that domestic thefts do not fit the traditional definition of social crimes. However, this does not mean that social inequality and the bound status of servants did not play a role. While they may not have been committed out of 'protest' against their social status, they *were* often committed within a context where it was difficult to get justice through other means.

Technically, servants, even though they were in a subordinate position, could indict their master for maltreatment or not upholding agreements about wages or other forms of remuneration. After all, the master-servant relationship was a contract based on mutual obligations and reciprocity.⁶²² Indeed, the criminal records reveal several examples of servants indicting their master before the *Verhöramt*. Charlotte Chatillon accused her master Johannes Maijer, who was a master

⁶¹⁸ P. Lane, 'Work on the margins. Poor women and the informal economy of eighteenth- and early nineteenth-century Leicestershire', *Midland History* 22:1 (1997) 85-99, 89; J. McEwan, Negotiating support. Crime and women's networks in London and Middlesex, c. 1730-1820, (2008). Unpublished PhD thesis, the University of Western Australia, 165-167.

⁶¹⁹ Criminalia 7581 (1760). Other cases in which conflicts about access to provision or other perquisites of their employment played a role: Criminalia 9804 (1788); Criminalia 5123 (1740).

⁶²⁰ For the concept of social crimes, see: D. Hay et al., *Albion's fatal tree. Crime and society in eighteenth-century England* (New York 1975). In connection with domestic thefts: M. Rheinheimer, *Arme, Bettler und Vaganten. Überleben in der Not 1450-1850* (Frankfurt am Main 2000) 44; Beattie, 'Crime and inequality', 137; Ulbricht, 'Zwischen Vergeltung', 154-155.

⁶²¹ Eibach, *Frankfurter Verböre*, 349.

⁶²² H. Wunder, 'Gender norms and their enforcement in early modern Germany' in: L. Abrams and E. Harvey eds., *Gender relations in German history. Power, agency and experience from the sixteenth to the twentieth century* (London 1996) 39-56, 43; H.R. Schmidt, 'Hausväter vor Gericht. Der Patriarchalismus als zweiseitiges Schwert' in: M. Dinges ed., *Hausväter, Priester, Kastraten. Zur Konstruktion von Männlichkeit in Spätmittelalter und Früher Neuzeit* (Göttingen 1998) 213-236.

shoemaker, of having beaten her excessively, lifting up her skirt and whipping her in front of one of his journeymen and his wife. According to Charlotte, the latter even encouraged her husband to beat harder with the words that she was happy to pay any possible fine for maltreatment.⁶²³ As several of the testimonies in this case highlighted, the conflict was set in the context of Charlotte's desire to leave her service before fulfilling her term, which Maijer denied her. In the end, he was ordered to pay a fine of six Reichsthaler (which was later reduced to only four Reichsthaler) and cover Charlotte's expenses in the hospital where she had stayed as a result of the assaults.⁶²⁴

The unequal power balance between servants and masters may have prevented many from bringing their case to the authorities. One reason may be that, if the authorities considered the complaints to be unjust, servants could potentially be ordered to pay the costs of investigation. This may have decreased the likelihood of domestics initiating a case against their masters, because they carried the burden of proving the case themselves.⁶²⁵ Moreover, even if servants managed to prove their case and their masters were sentenced (usually with a fine) for the use of excessive force, this did not automatically exclude them from being disciplined themselves. 32-year old Catharina Elisabetha Rachin, a local burgher's daughter, ended up in hospital after being maltreated by her master, master baker Johannes Schäffer. The hospital's doctor reported the assault to the junior burgomaster who ordered the *Verhöramt* to investigate the case. The interrogation of Schäffer himself, as well as the statements by Catharina Elisabetha, revealed that master and servant had come into conflict over the fact that Catharina had used some left-over coffee grounds and coals to make some coffee for herself. When Schäffer confronted her with this, Catharina Elisabetha reacted defiantly and insulted her master as well as his wife. The authorities punished Schäffer for his excessive disciplining, but acknowledged that he had the right to discipline his servants as part of the 'right to punish (*Strafrecht*) that parents, teachers, and masters were entitled to'.⁶²⁶ Schäffer was ordered to pay a fine and the costs of Catharina's stay in hospital.⁶²⁷ However, although the authorities considered the *force* with which Schäffer had disciplined his maid to be unjust, they did acknowledge his *reasons*. Initially, the authorities considered sending Catharina Elisabeth to the poorhouse for her disobedience and insubordinate behaviour, but finally decided against this because she was a burgher's daughter. Honourable citizens were commonly not confined to poorhouses, which were meant to discipline the loose and disorderly sections of the urban

⁶²³ Criminalia 9610 (1786). Original quote: 'das wenn sie auch die strafe von 5 und noch einmal so viel guden geben müsstens sie solche gern daran wenden wolltē'.

⁶²⁴ Others: Criminalia 5452 (1742); Criminalia 8637 (1772); Criminalia 8673 (1772); Criminalia 8825 (1775); Eibach, *Frankfurter Verböre*, 342-343.

⁶²⁵ This happened in the case of Schöngen, who indicted her master for slapping her and going through her trunk without permission. Criminalia 9207 (1780).

⁶²⁶ Criminalia 9804 (1788) Original: 'des den Eltern, Leren, Herrschaftens allerdings zustebenden Strafrechts'

⁶²⁷ Criminalia 9804 (1788).

population. Clearly, Catharina did not belong to these social layers. Catharina, however, was a minority as most domestic servants in early modern Frankfurt came from elsewhere and did not belong to the city's burgher community.⁶²⁸ Their social and legal position, therefore, was much weaker than Catharina's.

These examples make clear that there were serious disincentives to be considered for servants who wished to indict their master. Leaving service prematurely and taking away goods that could be turned into money to help them leave the city and survive a little while on the road offered an alternative in these cases.⁶²⁹ There was a gendered aspect to this as well. Women working as domestic servants could only turn to the urban authorities for help if they felt they were ill-treated by their master. Journeymen and apprentices, on the other hand, could also turn to the guild authorities and may have had more bargaining power to settle labour conflicts.⁶³⁰ At the same time, the way a master treated his journeymen was subject to more social control than the way he treated his maids, as the latter was primarily played out in the domestic arena. All in all, this may partially explain why domestic theft was mostly a female offence. The gender division of labour not only influenced the different spaces men and women had access to, it also meant that relatively speaking female servants were more bound to the household and their master than apprentices and journeymen.

Finally, it has to be mentioned that not *all* domestic thefts were disguised labour conflicts. There were other motives at play as well. For rural Schleswigh-Holstein, Otto Ulbricht identified thefts committed in the context of gaining independence and matchmaking. He referred to these as illegal dowry collecting (*'illegales Brautschatzsammeln'*).⁶³¹ It concerned domestic servants, particularly women, who were enticed to steal jewellery and nice clothing in attempt to attract the attention of a possible marriage partner or who stole in order to save up for a future dowry. According to Ulbricht, such thefts could also be related to a quest for more independence and self-determination, which women were more likely to achieve being married, than as dependents in an

⁶²⁸ Eibach, *Frankfurter Verböre*, 338; R. Koch, 'Zum Gesindewesen in Frankfurt am Main (17.-19. Jahrhundert)', *Archiv für Frankfurts Geschichte und Kunst* 59 (1985) 231-250.

⁶²⁹ For similar considerations, see Alessandro Stanziani who stated that 'runaways as a form of exit cannot be understood without taking into account the fact that, between the seventeenth and the early twentieth centuries, working people – slaves or serfs, day labourers or servants, conscripts or convicts – had no voice or only a very weak one [...] They were runaways because they had no voice and thus no choice'. A. Stanziani, 'Runaways. A Global history' in: M. van Rossum and J. Kamp eds., *Desertion in the early modern world. A comparative history* (London 2016) 15-30, 15-16.

⁶³⁰ Criminalia 7581 (1760); Eibach, *Frankfurter Verböre*, 256. On conflicts between masters and apprentices/journeymen: A. Griebinger and R. Reith, 'Lehrlinge im deutschen Handwerk des ausgehenden 18. Jahrhunderts. Arbeitsorganisation, Sozialbeziehungen, und alltägliche Konflikte', *Zeitschrift für Historische Forschung* 13:2 (1986) 149-199; B. de Munck and H. Soly, 'Learning on the shop floor in historical perspective' in: B. de Munck, S.L. Kaplan and H. Soly eds., *Learning on the shop floor. Historical perspectives on Apprenticeship* (New York 2007) 3-32, 21-22.

⁶³¹ Ulbricht, 'Zwischen Vergeltung', 156-159. Also: Rublack, *Crimes of Women*, 103; Ammerer, *Heimat StraÙe*, 144; Eibach, *Frankfurter Verböre*, 342.

alien household.⁶³² Although securing a marriage partner may be less of a motive for male servants, Joachim Eibach pointed out that for men as well thefts could be motivated by the desire to take part in social culture with peers (*Geselligkeitskultur*). They stole in order to be able to go to inns to drink, smoke and gamble, for example.⁶³³ My own examples show that domestic theft was also seen a way of saving for insecure times and to cover the period between employments, or possibly even to be able to live independently.⁶³⁴ In these cases, the thefts by servants show many similarities to ‘normal’ thefts from dwelling houses committed by outsiders. Often, the maids did not carefully plan their thefts, but committed them ad hoc and opportunistically.

Criminal prosecution and household control

Now that we have a clear picture of how the dependent status of servants shaped the context within which domestic thefts were committed, it is necessary to take a closer look at the relationship between household control and criminal prosecution. The cases that have been cited thus far were visible in the investigation records because they were part of a formal criminal investigation. However, these cases most likely represent only a fraction of all the domestic thefts, because the majority probably never made it to the criminal investigation office. Instead, they were handled informally within the household. In the prescriptive literature of that time (*Hausvaterliteratur*), masters and mistresses were instructed to govern their dependents to maintain peace and public order, and to discipline where necessary. The emphasis lay on regulating conflicts within the household, rather than before the court.⁶³⁵ As mentioned before, this should not be considered as a form of private control as the household was regarded as a ‘public’ foundation of state and society. Thus, the disciplinary actions by the head of the household – though informal – served a public function.⁶³⁶ In order to be able to exercise his disciplinary duties, the head of the household possessed a ‘semi-judicial authority’ over 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.⁶³⁷

⁶³² Ulbricht, ‘Zwischen Vergeltung’, 156-157. Such a case can be found in Criminalia 7587 (1760).

⁶³³ Eibach, *Frankfurter Verböre*, 350.

⁶³⁴ Criminalia 3138 (1721); Criminalia 9296 (1781); Ulbricht, ‘Zwischen Vergeltung’, 158-159.

⁶³⁵ M. van Haag, *Recht in der Hausvaterliteratur. Der “Oeconomus Prudens et Legalis” von Franz Philipp Florin im Kontext seiner Zeit* (Münster 2014) 91; Dürr, *Mägde in der Stadt*, 108; Eibach, *Frankfurter Verböre*, 352. Also: T. Meldrum, *Domestic service and gender, 1660-1750. Life and work in the London household* (Harlow 2000), 34-67; M. Muravyeva, ‘A king in his own household.’ Domestic discipline and family violence in early modern Europe reconsidered’, *The History of the Family* 18:3 (2013) 227-237.

⁶³⁶ Eibach, *Frankfurter Verböre*, 291; Eibach, ‘Das Haus’, 184.

⁶³⁷ Criminalia 5320 (1741) quoted in Eibach, *Frankfurter Verböre*, 341. The Syndic Seyfried concluded in a case between a servant and his master that petty conflicts (*Streitigkeiten*) between masters and their servants, for example disagreement about a curfew, were not considered a ‘*Crimina Publica*’ and should therefore not be handled by the *Verböramt* or the authorities.

There was a whole range of informal options available to household heads to punish servants whom they caught stealing. These included withholding their wages or part of their wages, dismissal before the end of the contract or simply reprimanding the offender. There are plenty of references in the sources of domestic thefts that were not prosecuted by the authorities, but sanctioned within the household. When Anna Katharina Keckin was arrested and investigated for the theft of a silver cup from silversmith Von Hilten, investigators called in several witnesses to testify about the character of Anna Katharina. One of the witnesses was her former employer, female shoemaker Lehrin. According to her testimony, Anna Katharina had stolen from her multiple times during her service. In the first instance, Lehrin retained the clothing of her servant, in order to make up for the financial loss. Even in the second instance, Lehrin did not go to the authorities to indict Anna Katharina, but simply dismissed her. This is a clear example of a domestic theft that was not reported to the criminal authorities for formal investigation. We only learn about the case because Lehrin was asked to testify as a witness about the character of Anna Katharina in another criminal investigation.⁶³⁸

The majority of indicted household thefts before the *Verhöramt* were cases in which informal control had failed or in which the servant had fled and the authorities were called in for assistance to retrieve the stolen items. Anna Margaretha Engelmännin, widow of a brewer, reported the theft of textiles by her maid Katharina Schwendlerin to the authorities. According to Anna Margaretha's account, she had initially promised her maid not to report the theft to the *Verhöramt*, as long as Katharina promised to return all of the stolen goods, or a sum of money equal to the worth of the textiles. Katharina agreed to this, but fled during the following night without reimbursing anything. It was only at this point, Anna declared, that she felt obliged to report the theft to the authorities (*'Sie sehe sich also jezo in die Nothwendigkeit versetzt, dieses gehorsamst anzuzzeigen'*) and to ask for assistance to recover the possessions.⁶³⁹ Another example is the case of Philippina Kitzingerin. Her domestic theft was only mentioned in passing after her former mistress, *Gärtnersfrau* Maria Elisabetha Bockin went to the authorities to indict Philippina of harming her cows in retaliation for her dismissal, causing their udders to get infected.⁶⁴⁰ Again, the initial reaction was not to report the case to the authorities, but to handle the case informally.

The examples above demonstrate that disciplining household subjects was not a male prerogative. The mistresses were equally - or perhaps even more - involved in disciplining their maids. These examples show how much the position of women depended on their social and marital status. As mistresses of a household (*Hausmutter*), women were instrumental in maintaining

⁶³⁸ Criminalia 5240 (1741). Also: Criminalia 9804 (1788); Criminalia 9207 (1780).

⁶³⁹ Criminalia 9199 (1780).

⁶⁴⁰ Criminalia 7635 (1760).

social order, which after all was centred on the house. Since household discipline, in the perception of contemporaries, served a public function and was not restricted to the private sphere, married women fulfilled public roles. Even if this was ‘only’ in the space of their own home.⁶⁴¹ Joachim Eibach suggested that household authorities, in particular men, were reluctant to report domestic theft to the authorities for various reasons. Indeed, household authorities wished to maintain control over their own matters and to exercise discipline without the interference of authorities. But they might also have been afraid that their stealing servants might be perceived as a failure on their behalf, as a sign of weakness and lack of mastership. First, because they had failed to employ (and therefore judge) an honest person. Second, because it could be considered as a sign of failing discipline and possible incompetence as household authority.⁶⁴²

Informal household disciplining was thus an important tool for social control in early modern Frankfurt. But it did not affect male and female household members in a similar fashion. There are several reasons that suggest that maids were more intensely supervised within the household than male dependents. These differences partially explain the female nature of the domestic thefts. First, the tasks of maids were more likely to take place within the household itself, which increased their ‘exposure’ to the watchful eye of their mistresses and masters.⁶⁴³ Second, although apprentices and journeymen were also subjected to the household of their master, there is evidence for early modern Europe that suggests that social ties weakened and the relationship between apprentices and masters gradually began to resemble that between employer and labourer, particularly in industries that experienced ‘pre-capitalist’ growth.⁶⁴⁴ Apprentices increasingly boarded outside their master’s household, which must have had a considerable effect on the nature of control in cases of domestic theft. Moreover, Frankfurt’s guilds also exercised a high degree of informal social control.⁶⁴⁵ Not only did this broaden the circles of control that apprentices and journeymen were subjected to, it also offered them more opportunities to regulate possible

⁶⁴¹ H. Wunder, ‘Herrschaft und öffentliches Handeln von Frauen in der Gesellschaft der Frühen Neuzeit’ in: U. Gerhard ed., *Frauen in der Geschichte des Rechts. Von der frühen Neuzeit bis zur Gegenwart* (München 1997) 27-54; G. Dilcher, ‘Die Ordnung der Ungleichheit. Haus, Stand und Geschlecht’, in: U. Gerhard ed., *Frauen in der Geschichte des Rechts. Von der frühen Neuzeit bis zur Gegenwart* (München 1997) 55-72.

⁶⁴² Eibach, *Frankfurter Verböde*, 347-348.

⁶⁴³ Ulbricht, ‘Zwischen Vergeltung’, 148.

⁶⁴⁴ B. De Munck, ‘From brotherhood community to civil society? Apprentices between guild, household and the freedom of contract in early modern Antwerp’, *Social History* 35:1 (2010) 1-20, 9. Gießinger and Reith, ‘Lehrlinge im deutschen Handwerk’, 165; R. Sarti, ‘Criados, servi, domestiques, gesinde, servants: for a comparative history of domestic service in Europe (16th-19th centuries)’ *Obradorio de Historia Moderna* 16 (2007) 9-39, 33.

⁶⁴⁵ R. Brandt, ‘Die Grenzen des Sagbaren und des Machbaren. Anmerkungen zur Rechtsgeschichte des Frankfurter “Zunfthandwerks” während der Frühen Neuzeit’ in: A. Amend et al. eds., *Die Reichsstadt Frankfurt als Rechts- und Gerichtslandschaft im Römisch Deutschen Reich* (München 2008) 247-265. On social control of guilds: M. Prak, ‘Moral order in the world of work. Social control and the guilds in Europe’ in: H. Roodenburg and P. Spierenburg eds., *Social Control in Europe. Vol. 1: 1500-1800* (Columbus OH, 2004) 176-199.

conflicts over wages, maltreatment and other factors which could lead to thefts out of ‘retaliation’ via different means as mentioned above.⁶⁴⁶

Informal disciplining by the household clearly affected the way offenders were prosecuted. Due to the nature of patriarchal control and household relationships, the dark number of thefts committed within the domestic arena must be considerable, and probably higher than with other type of property offences.⁶⁴⁷ As result of the nature of domestic service and household authority, this underreporting may have concerned more women than men. It is impossible to make assumptions about the scope of unreported crimes as a result of this. Neither is it possible to calculate how the gendered nature of this underreporting affected the gender balance among recorded offences. What *can* be considered, however, is that the share of informally sanctioned offences was larger in urban societies with strong household authority, such as Germany, than in cities with weaker household structures like Amsterdam or London.

There are several reasons to allow for such a consideration. First, as the previous chapter demonstrated, the share of domestic servants among the urban population was relatively high in early modern Frankfurt. Thus, more people were incorporated in patriarchal households and therefore possibly subjected to informal control by household heads. Cities like Amsterdam and London maintained migration regimes that were more open than those in Frankfurt, where incorporation into an orderly household was one of the conditions to stay in the city. The importance of household control may likely be more important in cities and regions with a dominant artisanal economy, such as was the case in Frankfurt, as there were fewer labour opportunities for men and women which would enable a certain degree of independence from the more informal traditional household discipline. Tim Meldrum, for example, argued that in early modern London the scale of the market for domestic servants, the constant need for servants and the accompanying ‘abundance’ of opportunities for hire, lessened the effectiveness of disciplinary tools such as summary dismissal.⁶⁴⁸

Second, there are indications that the level of ‘semi-judicial authority’ of household heads in early modern Germany was relatively strong. In contrast to England, where masters and mistresses needed an official warrant to indict their servants and search their personal storage chests when they suspected them of stealing, the *Hausvater* or *Hausmutter* in Frankfurt could do this at their own discretion if they felt that there was reasonable suspicion of theft.⁶⁴⁹ There are

⁶⁴⁶ Criminalia 9172 (1780); IfSG, Handwerker Akten 352, 11.4.1772.

⁶⁴⁷ Eibach, *Frankfurter Verböre*, 347.

⁶⁴⁸ Meldrum, *Domestic service and gender*, 67. Also: B. Capp, *When gossips meet. Women, family, and neighbourhood in early Modern England* (Oxford 2003) 132-134.

⁶⁴⁹ Vickery, ‘Thresholds, boundaries and privacies’, 162-163. As a result, servants had a relative strong position in court when they indicted their masters and mistresses for unpaid wages, even if their employers claimed that they withheld them as a compensation for pilfering: Capp, *When gossips meet*, 137-138.

indications that employers were much more inclined to make use of urban ‘disciplinary facilities’ with regard to their servants in early modern London than they were in Frankfurt. In the early eighteenth century, a quarter of the depositions in the City of London session papers were concerned with an alleged theft by a servant.⁶⁵⁰ Moreover, correctional facilities like Bridewell in London were established as a house of correction for disobedient servants among others.⁶⁵¹

Despite these differences in the extent of household authority, it would be going too far to state that households in Germany were fully autonomous legal spaces (*rechtsfreier Raum*) in which authorities did not meddle. Neither did households elsewhere in Europe refrain from settling matters within the domestic space informally without the intervention of the authorities.⁶⁵² Rather it was the relative strength of households in early modern Germany as the central legal, political, and social unit to ensure public order that needs to be considered. Moreover, in Germany, too, authorities were increasingly inclined to regulate household matters publicly. This is evident from the numerous police ordinances defining household theft as a separate offence in the eighteenth century. In Frankfurt, the first attempt at a *Gesindeordnung* in 1756 prescribed formal punishments for servants’ thefts. It was not until the introduction of the servant act (*Gesindeordnung*) in 1810, however, that household relationships in Frankfurt were no longer regulated according to customary law. The authority of the *Hausvater* became subjected to more rules and greater conformity to the authorities. The latter increasingly took over the regulation of domestic servants through the alien’s police.⁶⁵³ Thus, throughout the early modern period, household disciplining played an important role in relation to domestic thefts. By the beginning of the nineteenth century relationships altered, as did the concepts of domesticity and privacy. This must have impacted the prosecution of thefts by servants in this period considerably, but that is beyond the scope of this investigation.

Conclusion

The majority of women that faced criminal prosecution in early modern Frankfurt were suspected of having committed some sort of property crime. The findings of this chapter contribute to the existing historiography. They have shown that in order to understand the gendered patterns of prosecuted thefts, it is not sufficient to consider female criminality as an extension of normative roles, where they only acted as associates of their husbands or other male family members. Overall,

⁶⁵⁰ Beattie, *Policing and punishment*, 37.

⁶⁵¹ Beattie, *Policing and punishment*, 25; Shoemaker, *Prosecution and punishment*, 174, 184-186.

⁶⁵² Capp, *When gossips meet*, 135-138; A. Flather, *Gender and space in early modern England* (Woodbridge 2007) 39-74.

⁶⁵³ Eibach, *Frankfurter Verböre*, 352-53; Kaltwasser, *Häusliches Gesinde*, 28. This practice continued across Europe well into the 20th century: Lucassen, ‘Administrative into social control. The aliens police and foreign female servants in the Netherlands (1918-1940)’, *Social History* 27:3 (2002) 327-342.

male and female thieves displayed more similarities than differences in the type of property offences they committed, although some gender differences could nevertheless be discerned. Another resemblance was that the majority of thieves committed their offences independently, women even slightly more so than men. The social profile of property offenders in Frankfurt corresponds with what we know for other cities: most of them were young, single and migrant. Many committed their crimes out of economic hardship that was associated with life-cycle mobility. All of these factors underline that women's thefts were not committed in a context of dependence, but of independence, with all the socio-economic precariousness that was associated with this.

Differences between male and female offending did exist, but they were more complex than earlier studies have suggested. Differences, for example, could be found in the locations men and women stole from: the range of locations of theft was more diverse for men than for women, who predominantly stole from houses. This, however, was not because women led less public lives than men. Due to the 'openness' of early modern houses, these buildings were relative accessible by outsiders. The majority of women stealing from houses were in fact strangers, who were unconnected to the household. The access to certain spaces was gendered in the sense that women were less likely to arouse suspicion when they entered houses, even if they were unknown in the neighbourhood, than men. The locations of theft also determined what types of items were stolen, with women being slightly more likely to steal items of clothing and shoes, linen or other textiles, and household stuffs in general. The distribution of stolen goods was facilitated by the importance of reselling used commodities for many early modern household economies and small-scale producers: copper, tin, and silver (materials) could be sold to artisans, and textiles could be sold to second-hand dealers or directly to housewives. Women played an important role in the economies of second-hand goods and in the distribution of stolen goods. However, the prosecution efforts of Frankfurt's authorities were primarily aimed at male Jews, and burghers were only rarely prosecuted for this offence.

Finally, this chapter investigated the importance of informal control exercised by the head of the household over domestic servants and other dependents. In early modern Germany, the head of the household possessed a high degree of (legal) autonomy to discipline his dependents, which was considered a public function. The social profile women being investigated by the *Verhöramt* in the eighteenth century reveals that women living outside the controlling structures of the household were the most vulnerable to be prosecuted for property offences. Domestic servants were more likely to be sanctioned through the disciplining authority of the head of the household. Crimes by servants were usually only reported to the authorities if household discipline had failed or the offender had fled. Moreover, the subjection to household control may have been

considerably different for women than for men. The eighteenth century witnessed an attenuation of incorporation in the household of apprentices and journeymen, who increasingly lodged outside their master's household. Additionally, they were also incorporated in more extended social support and control networks through the handicraft associations. Thus, household dependency *did* play a role in the crimes of women, but not as previously suggested. The differences in status between married women and maids have to be considered.

In sum, the chapter has demonstrated that female property offending in early modern Frankfurt was shaped by the urban context of the city. It has shown the importance of household control in the early modern period, which was particularly important for women. The public 'open' nature of household control was emphasised, and it should not be considered as a form of the public vs private dichotomy that has been argued as existing for the nineteenth century. In order to understand variations of female involvement in early modern crime, it may be fruitful to consider the different demographic, cultural, social and institutional contexts that existed in European cities. Historians agree that women are more likely to be over-represented among unreported crimes than men, and one may consider that this was higher in cities and regions with strongly institutionalised household control than was present in early Modern Frankfurt.