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III. Gender and recorded crime

Long-term patterns and developments

Now that we have established a clear picture of the judicial framework, it is time to turn to the main objective of this study: gender differences in recorded criminality in early modern Frankfurt. It is generally accepted by historians that women's contribution to registered offences varied through time and place. Several historians have characterised the early modern period as a time of a relatively high level of female offending, compared to the twentieth and twenty-first centuries.\(^\text{227}\)

While there is a lively academic debate discussing changes in the transition from the early modern to the modern period, much less is known about fluctuations and developments in the early modern period itself. Data show that in the seventeenth- and eighteenth-century women accounted for anything between 10\% and 50\% of all registered offenders across Europe.\(^\text{228}\)

For Frankfurt, figures indicate that the percentage of women in the city was comparable with the European average. Richard von Dülmen and Maria Boes found that women represented 23-24\% of all penal sanctions (\textit{peinliche Strafen}) imposed by the city council between 1562-1696.\(^\text{229}\)

Joachim Eibach’s study for selected sample years of the eighteenth century revealed a female share of 7\% among suspects of violent offences, compared to 28\% for property offences.\(^\text{230}\) My own statistical analysis of the city’s criminal investigation records showed that women constituted 22\% of all suspects in the period from 1600-1806.\(^\text{231}\)

Historians argue that one of the most defining factors contributing to high levels of female involvement in the early modern period was the urban context. Due to socio-economic and demographic characteristics, women in cities often lived mobile and relatively independent lives. At the same time, their situation was also precarious, as they often lacked economic and social


\(^{231}\) Part of the statistical analysis in this chapter has been presented earlier in: J. Kamp, ‘Female crime and household control in early modern Frankfurt am Main’, \textit{The History of the Family} 21:4 (2016) 531-550, 536-537.
support networks which were present in smaller communities. While European cities shared many similar characteristics which stimulated women’s independence, there were also considerable differences. Studies show that there were strong legal and ideological sanctions in place on single women living alone in early modern German cities. This means that they would have experienced less relaxation of patriarchal control but did not face the same socio-economic difficulties as a result of their independence either. In this chapter, I will argue that these differences are a crucial factor in explaining regional differences in the level of female recorded criminality.

Apart from structural factors that impacted the gender gap among recorded offences, there are also temporal factors that could cause short-term fluctuations in the number and type of prosecuted offences. Most scholarship regarding long-term trends and fluctuations in crime have focused primarily on broad theories such as the civilisation of violence, violence-au-vol, modernisation etc. to explain changes over time, and mostly excluded women from their analysis. Although these theories offer important insights into broader patterns of criminality, they offer little to account for fluctuations in women’s rate of prosecution, particularly in the local context.

We are already well-informed about the general developments of criminality in early modern Frankfurt through the work of Joachim Eibach. More information, however, is needed about the gendered nature of these general developments to gain better insight into both local fluctuations, and regional differences throughout early modern Europe.

The first part of this chapter discusses the variations in female participation among recorded offences across early modern Europe, linking these variations to the different urban demographic contexts. The second part moves on to a closer examination of the gendered crime patterns in early modern Frankfurt. It focuses on the way that prosecution patterns, and consequently female crime levels, were shaped by socio-economic fluctuations.

Women in Recorded Crime

Scholarship on female offending has long focused on ‘underrepresentation’ as a common denominator. In 1991 Robert Jütte published an article based on available data about female


235 Eibach, Frankfurter Verhör, 89-108.
criminality in late medieval and early modern England, France, Netherlands and Germany. The data revealed that women’s involvement in crime varied considerably across time and space, from between 10% in eighteenth-century Neuchâtel to 43% for Leiden in the same period.236 Despite this broad range, Jütte concluded that ‘the female crime rate was significantly lower than that of men’. Moreover, he stated that even though the figures were slightly higher in the past than they were in ‘modern industrial societies’, female crime in general was related to the limitations in women’s lives which were centred on the home and family.

Whereas Jütte emphasised women’s underrepresentation, others instead argued that it was a period in which women ‘were present in courts as criminal defendants in larger numbers […] than common criminological wisdom suggests’.237 Malcolm Feeley and Deborah Little found that in early modern London, women made up a substantial proportion (over 45 per cent at times) of all those indicted for felony offences. Later on, Feeley extended his research and included data on early modern Dutch cities, which showed similar patterns of high female involvement in crime, with women accounting for ca. 30 to 50% of all offenders.238 In their discussion, Feeley and his co-authors primarily focused on long-term developments and argued that ‘research strongly suggests that female crime rates were rather high in seventeenth and early-eighteenth-century Europe […]’.239

Both characterisations of female offending in the early modern period, however, ignore the large regional variations within early modern Europe. Data for early modern Germany indicate that fluctuations in the early modern period itself refute a simple juxtaposition of high levels of female offenders in the early modern period versus low levels in the nineteenth century. For early modern Kurbayern, Wolfgang Behringer observed a decline from 29% female offenders at the beginning of the seventeenth century to 23% by the end of the century.240 Scholarship on the socio-economic position of women in early modern Germany has often characterised this as a period of strengthening male patriarchal control and increasing exclusion of women from the labour market regulated by guilds.241 Behringer questioned whether women’s decline among prosecuted offenders

was related to this change in their societal roles, but ultimately found that judicial changes offered a better explanation.

Other scholars highlighted the importance of women’s socio-economic position and the attitude of authorities towards single women. Based on a qualitative analysis, Ulinka Rublack found that following the disruptions and disorder of the Thirty Years’ War, the position of authorities in south-west Germany was characterised by a ‘more rigid defence of resources and hierarchies of rank as well as reinforced defences of marriage and family’. This had severe consequences for the position of women. Independence was seen as a sign of disorder and immorality, and unmarried migrant women in particular were subjected to intensified controls and regulation by the authorities.242 Gerd Schwerhoff found that the precarious socio-economic position of independent women could increase their involvement in crime. In late sixteenth century Cologne, women accounted for 16.1% of offenders. By the beginning of the eighteenth century, a period characterised by poverty and economic decline, (1568-1612) accounted for 44.6% of all offenders. They primarily committed ‘poverty crimes’ (‘Armut- und Nadelinzenz’) like theft, prostitution and infraction of their banishment.243

Table 1 provides an overview of available percentages of female offenders in early modern Germany, Holland and England. Of course, one has to exercise some caution when comparing such figures for the early modern period, as they are each derived from a specific legal context and have been reconstructed based on very different sources. The data in this table represent the higher court levels, and allow us to draw comparisons of some general trends between the different cities. Moreover, in order to account for some of these differences, the table not only lists women’s overall contribution to crime, but also lists their share among property offences separately as it can be considered as one of the most ‘stable’ categories of crime across jurisdictions. As one can see, the share of women was highest in London and Newcastle and in cities in the highly urbanised province of Holland. Cities and territories in early modern Germany displayed lower patterns, similar to the data available for rural regions in England. Still, there was a relatively high proportion of female property offenders in early modern Frankfurt compared to other cities and territories in the Holy Roman Empire. Higher shares are available only for Cologne and Freiburg, but these refer to relatively short periods in the eighteenth century, when the shares were high in Frankfurt as well.

Table 1 Female share of property offences in Germany, Holland and England

<table>
<thead>
<tr>
<th>City/Region</th>
<th>% Female property offenders</th>
<th>% Female offenders overall</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Germany</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frankfurt (1600-1806)</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>Cologne (1568-1612)</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Cologne (1698-1712)</td>
<td>36</td>
<td>45</td>
</tr>
<tr>
<td>Nurnberg (1578-1617)</td>
<td>16</td>
<td>27</td>
</tr>
<tr>
<td>Kurmainz (1560-1802)</td>
<td>24</td>
<td>34</td>
</tr>
<tr>
<td>Bavaria (1600-1650)</td>
<td>12</td>
<td>29</td>
</tr>
<tr>
<td>Bavaria (1685-1689)</td>
<td>15</td>
<td>23</td>
</tr>
<tr>
<td>Heiden (1680-1795)</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>Freiburg (1763-1772)</td>
<td>34</td>
<td>-</td>
</tr>
<tr>
<td>Thorn (1704-1792)</td>
<td>-</td>
<td>16</td>
</tr>
<tr>
<td><strong>Netherlands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leiden (1678-1794)</td>
<td>47</td>
<td>41</td>
</tr>
<tr>
<td>Rotterdam (1700-1750)</td>
<td>33</td>
<td>35</td>
</tr>
<tr>
<td>Amsterdam (1680-1810)</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td><strong>England</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>London (1670-1750)</td>
<td>39</td>
<td>36</td>
</tr>
<tr>
<td>Newcastle (1725-1800)</td>
<td>50</td>
<td>-</td>
</tr>
<tr>
<td>Surrey (1663-1802)</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>Cheshire (1590s; 1620s; 1650s; 1660s)</td>
<td>22</td>
<td>-</td>
</tr>
<tr>
<td>Oxfordshire (1750-1800)</td>
<td>22</td>
<td>-</td>
</tr>
</tbody>
</table>

Urban factor

In order to explain these differences, I argue that it is necessary to take the different demographic and socio-economic contexts into account. As mentioned, scholars working on crime and gender agree that there is a close link between the urban context and female offending. John Beattie was one of the first to argue that high levels of female crime were a particular urban phenomenon. This pattern, he found, was a result of the different nature of the lives of urban women: they lived a more independent and public life, which increased their risk of breaking the law. The loss of social and economic support networks – often present in more traditional close-knit communities – was an especially important factor in making women more vulnerable in times of hardship.244

The link between city life and high levels of female crime has been confirmed by other historians as well and is generally explained as a combination of their independent and – at the same time – precarious position. Prostitution or theft could become important survival strategies for women who had no access to formal or informal urban social support networks.245 According to Robert Shoemaker, female servants in London who were in between positions were more likely to get caught because they were watched closely by lay and church authorities.246 Manon van der Heijden stated recently that ‘[T]he close relationship between the degree of urbanization and the percentage of female offenders is particularly relevant to the highly urbanized region of Holland’.247

For non-urban settings, on the other hand, it is argued that informal sentencing, for example a master dismissing his maid, occurred more often than formal recourse to the law, thereby creating a possibly larger dark number than in cities.248 The paternalistic structures associated with rural societies are believed to have saved women from having to resort to crime.

However, as table 1 demonstrates, the urban effect on female crime levels was not universal. The highest shares were found in the cities in the province of Holland (the most urbanised area of Europe in the early modern period) ranging between 30% and 47%, in London (39.4%), and Newcastle (50%). Can the factor of scale account for these differences? In other words, did the most populated cities and urbanised regions have the highest share of female offenders? After all, urbanisation levels were much lower in early modern Germany than they were, for example, in the

With a population of 23,000 by the beginning of the eighteenth century and 39,000 by the end of the Ancien Régime, Frankfurt was certainly smaller than London (676,000) or Amsterdam (219,000). However, size in urban population alone cannot explain the differences. In Rotterdam (39,000) and Newcastle (25,000) population sizes in the middle of the eighteenth century resembled that of Frankfurt, but they had considerably higher shares of female crime. Leiden’s population size had reached 67,000 inhabitants in around 1650, but by 1750 it had declined to 38,000. Rather than declining, the percentage of women among sanctioned offenders actually increased.

Thus, these examples demonstrate that there was not a one-on-one relationship between the size of the city and the percentage of women involved in recorded criminality. As underscored by scholars, it was in particular the relative independence and relaxation of patriarchal control, which was closely connected to urban migration patterns, that explain the high levels of female criminality in cities like London and Amsterdam. The cities with the highest share of women – Leiden, Rotterdam, Amsterdam, Newcastle and London - were all characterised by specific demographic patterns due to labour markets which ensured high female migration to the city and a considerable level of male outward migration either through service as sailors or soldiers. In most early modern cities, there was a surplus of women, but the numbers of women were particularly high in some of the cities experiencing high levels of female crime listed in the table above. In eighteenth-century Leiden, for example, 26% of the households were headed by women, and their share among households classified as poor was even larger: 48%. And across Holland, the share of households headed by widows varied between 14 and 27%.

In early modern Germany, on the other hand, the position of never-married females was more restricted. In early modern Württemberg they were not allowed to head households and were instructed either to enter service or to take in a male authority figure who could keep their conduct

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There are no signs that such formal restrictions also existed in Frankfurt, but
the majority of female household heads in the city were widows. According to tax records from
the end of the sixteenth and early seventeenth centuries, around 20% of the households were
headed by women, 90% of whom were widows. Similar numbers are available for the eighteenth
century as well: in 1761, 18% of Frankfurt’s real estate was owned by women, and again 90% were
widows. Finally, in 1811, only 7% of the women heading households among the citizenry were
single. Households headed by women were often among the city’s poorest: more than 40% of
them were registered in the lowest tax categories. These figures make clear that the majority of
women in Frankfurt were incorporated into male-governed households, and few women lived
independently.

Self-employment by women, especially unmarried migrant women, as washers or
seamstresses, was objected to by the authorities and prohibited as much as possible in early modern
Germany, including Frankfurt. The conditions for women to live independently in early modern
Frankfurt appear to have been more restricted than in cities like London or Amsterdam where
women may have found more employment opportunities and possibilities for independence. The
share of domestic servants among the population may be informative in this respect. According to
Frankfurt’s first census of 1811, 17% of the city’s inhabitants belonged to the Gesinde – servants
who lived as subordinates in their master’s household. The share of women among the servants
listed in the 1811 census was 76%. These figures correspond with what is known for other cities
during this period and reflect the typical gender structure and feminisation of domestic service as
it developed throughout the eighteenth century. In eighteenth century Amsterdam, on the other
hand, domestic servants are estimated to be 9% of the total population and for London, Tim
Meldrum considered a share of around 7.7% to be plausible. The figures suggest that the labour

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256 Wiesner, Working women, 5.
257 Roth, Stadt und Bürgertum, 72, 132.
258 Wiesner, Working women, 5
259 Rublack, Crimes of Women, 152-154; Eibach, Frankfurter Verhörv. 342.
260 Roth, Stadt und Bürgertum, 86; 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) 75.
261 Kaltwasser, Häusliches Gesinde, 78.
markets in these cities were more diverse, and that fewer women were incorporated in alien households as dependents than in Frankfurt.

More in general, Frankfurt’s authorities employed a rather restricted migration regime, which prevented foreigners from settling in the city independently. Migration patterns in Frankfurt and most of early modern Germany resembled those in other Western European countries, infused by the European Marriage Pattern. During the relatively long period of freedom before marriage, many men and women were very mobile mostly connected to life-cycle service. Although migration is usually associated with increasing independence for women, there were urban regulations in place which prevented this, even for migrant women. The stay of transients was restricted and varied between three and eight days throughout the period. To be able to stay in the city for longer, one had to request formal permission from the authorities. In order to control the mobility of migrants to Frankfurt, the city had set up an extensive system of migration control based on investigations at the city gates, taverns and inns as well as demanding that foreigners should register and acquire formal permission to stay in the city. Journeymen and domestic servants looking for service were also subjected to these regulations, and had to leave the city within eight days if they were unable to find service, because this meant that they were not incorporated in an orderly household. Consequently, there was no possibility of settling in the city independently.

It is clear that Frankfurt provided a different urban context from those cities associated with high levels of female criminality: fewer women were able to settle and live independently in the city. This resulted in a lower number of women who had to make ends meet on their own, without social and economic support networks to fall back upon. Still, a closer look at the criminal patterns of women in Frankfurt in the following paragraphs will demonstrate that, at the same time, they displayed many of the characteristics known for other cities as well.

**Early modern criminal records and quantification: problems and opportunities**

Before we can turn to a closer examination of the development of female criminality in early modern Frankfurt, it is important to discuss the sources used and confront the difficulties that arise with quantifications based on early modern criminal records. Moreover, it is necessary to account for the differences between my own quantifications in comparison to the earlier analysis based on the same sources by Joachim Eibach.

One of the main issues that need to be confronted is the reliability of the documentation and the question of record survival. The archives hold more than 12,000 individual *Criminalia* for the period between 1508 and 1856, the majority of which (close to 11,000) belong to the period

under research here (1600 and 1806). Of course, this sheer amount alone does not guarantee completeness, but there are enough indications to assume not only that the majority of records for this period survived, but also that they were preserved systematically by contemporaries. The need for safe record keeping was already felt in the early modern period. According to instructions for the investigation office from 1726, the *examinator ordinarius* was responsible for properly storing the proceedings during the investigations. After a case was closed, the scribe or *Actuarius* had to make sure that a note was made of the final decision/verdict, after which the release or punishment of prisoners had to be recorded in so-called *Urphed- und Malefizbücher*. In addition, the investigation records had to be transmitted to the municipal registration office.\footnote{J.P. Orth, *Nötig und nüzlich erachteter Anmerkungen über die sogenante erneuerte Reformation der Stadt Frankfurt am Main. Dritte Fortsezung* (S.L. 1751) 828. Original: ‘Weiter hat der examinator ordinarius auf genaue verwarung der protocollorum, in seinem zu dem ende in der canzlei befindlichen schank, gute vorsorge zu tragen, und wann eine sache abgetan, muß der ratschreiber oder actuaries sich angelegen sein lassen, daß der ausgang derselben richtig nebst dießfals abgefaßten decretis ad acta notiret, auch die respective loslassung oder bestraffung der gefangenen in die urfried oder uhrphed- und malefizbücher eingetragen, so fort aber die protocolla auf die registratur zur verwarnung geben werden’. Also see: PO 4346 Verordnung und Unterricht für das peinliche Verhör=Amt der Reichs Stadt Frankfurt 04.12.1788, §265: ‘Soll sich unser peinlich Verhör=Amt und Criminal-Rath insbesondere die ordentliche Registrirung und Verwahrung der Acten, Protocolle und Malefiz-Bücher solange bis jene geschlossen und auf das Stadt-Archiv der Ordnung gemäss abgegeben worden, als welches auch inskünftig genau befolgt werden soll, zur angelegene Sorge machen, und über den Actuarium vicarium des Amts desfalls die nöthige Aufficht führen’.}

The regulations of the *Verböramt* contain several references that are important regarding the matter of completeness of the sources. For one, the instructions of 1726 reveal that while the previous scribe had kept the records accurately, record-keeping had become irregular after his death and different types of registrations had been mixed up. The new scribe was ordered to bring the old and incomplete records up to date and keep a complete registry from then on. He was ordered to clearly distinguish criminal offenders from individuals who were sanctioned as part of a civil process.\footnote{Orth, *Dritte Fortsezung*, 829. Original: ‘und dabei die malefizpersionen vor andern, so nur wegen civilsachen die gemeine urphede geschowren, wohl unterscheide’.\footnote{PO 4346 Verordnung und Unterricht für das peinliche Verhör=Amt der Reichs Stadt Frankfurt 04.12.1788, §10.}} Moreover, the regulations of 1788 introduced even more compulsory administration by the *Kriminalrat* (head of the investigation office). He was ordered to provide the authorities with a quarterly report of all the ongoing investigations and a list of all the current inmates.\footnote{PO 4346 Verordnung und Unterricht für das peinliche Verhör=Amt der Reichs Stadt Frankfurt 04.12.1788, §10.}

There are several things that can be deduced from these contemporary instructions. First, it was considered important to keep a proper administration of all criminal investigations and to retain all the records and documents that had been collected as part of the investigation process. This was required both for investigation and administrative purposes. Communication with external authorities about arrested or fugitive criminals was a common part of the criminal procedure in early modern Germany. To be able to provide information – and possibly even send copies of criminal records to other authorities – proper record keeping was absolutely vital. Indeed,
a considerable part of the investigation records of early modern Frankfurt involved communication with outward authorities.

Second, the instructions show that not only was it considered necessary to preserve the records of the criminal investigations, but also that irregularities in the record-keeping were noticed and that efforts were made to correct these. From the beginning of the eighteenth century onwards, the individual dossiers were numbered, listing the name of either (some of) the suspects and/or the victims involved and recorded in a register. These inventories were (partially) intended to facilitate the process of finding past offenders and their corresponding criminal records. Moreover, all cases from 1680 until the point in time when the contemporary register was introduced were included retro-actively. No contemporary registers existed for the period before 1680.268

Occasionally one can find references in the sources that authorities were not able to trace suspects in the registry, even though they knew they had been investigated. However, these instances are rare and could also relate to misspelling of names, such as was the case of Margaretha Dorothea Hanshelmin. Margaretha Dorothea was a frequent recidivist whose criminal career spanned the period from 1735 until 1756. In her final encounter with Frankfurt’s authorities in 1756, it was written in her files that her previous documents were not found in first instance because she had previously been registered as Helmin and Anshelmin.269 Similarly, there are instances in which the corresponding investigation files of offenders recorded in the registry were lost or simply could not be found by the examinatores.270 The scribes carefully noted such instances in the registry, which heightens the reliability of the documentation.

Joachim Eibach previously cross-referenced the preserved Criminalia with the quarterly reports of the Kriminalrat and the Strafenbuch (register of penal punishment) for the period from 1680 onwards. This showed that one can assume that the extant records are fairly complete, and that there is no substantial loss in the Criminalia.271 My own investigation gave no reason to think differently. For the period before 1680, however, there are more issues. A contemporary register that allows for cross-referencing is not available. However, there is the possibility to compare the Criminalia with the entries of the book of punishment (Strafenbuch) which recorded all corporal and capital punishments and has survived for the years 1562-1696, thus covering the period before the contemporary indexation of the criminal investigation records. This comparison shows that for

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268 HSG Frankfurt am Main, Repertorium 249 Index über die Criminalia 1680-1732, 1.
269 Criminalia 7256 (1756), folio 248; HSG Frankfurt am Main, Repertorium 251 Index über die Criminalia 1750-1800, 153.
270 Criminalia 2254 (1700).
271 Eibach, Frankfurter Verhöre, 30, 91.
approximately one-third of the cases in the Strafenbuch, there is no corresponding criminal investigation record.\textsuperscript{272}

This does not necessarily mean that one-third of the Criminalia for this period have been lost. After all, the criminal justice system in Frankfurt was multi-layered. Only the city council had the authority to impose penal punishments recorded in the Strafenbuch. The Verböramt functioned as a court of inquiry for the city council. Thus, ideally there should be a record in the criminal investigation office (i.e. the Criminalia) of all penal sanctions recorded in the Strafenbuch. But this was not the case. It is not unlikely that particularly in the early stages of development of Frankfurt’s criminal justice system, penal sentences recorded in the Strafenbuch had been investigated by other judicial institutions than the Verböramt and thus left no traces in the Criminalia.

Although surviving records before the 1680s are scattered, it is still valuable to apply a quantitative analysis for this period as well. While the comparison between the Strafenbuch and the Criminalia has shown that it is very likely that there is a loss ratio that needs to be taken into account for this period, they also show that this loss did not lead to a distortion of the patterns observed in the Criminalia. Both with regard to the development of the types of crimes committed, as well as the percentage of male and female offenders there are no considerable differences between the two sources. Thus, although it is not possible, for example, to provide a crime rate per 100,000 inhabitants for the period before 1680, it is possible to make statements about the nature of criminality and the contribution of women to crime.

Thus, it can be established that the Criminalia offer a fairly complete and reliable source to reconstruct the level of female involvement in prosecuted crime for early modern Frankfurt. The calculations are not based on the 11,000 individual records but depend on the early modern registers and the modern index provided by the archive (figure 1).\textsuperscript{273} Based on these sources it was possible to collect information on the types of crimes as well as the number and gender of suspects for each investigation record. This made it possible to reconstruct basic crime statistics for the entire period (1600-1806). More detailed information about individual offenders, such as their age, profession, marital status and origin, can only be collected from the individual Criminalia.

The contemporary early modern registers were not intended for statistical purposes but were more or less used as an archive register, composed to find the records when needed. In the majority of cases they list the names of the main persons involved and a short description of the case. However, it would not have been possible to reconstruct the share of men and women among

\textsuperscript{272} Based on a cross reference of the Criminalia and the crimes recorded in the Strafenbuch for the first six years of every decade. IfSG Frankfurt am Main, Strafenbuch 1562-1696.

recorded offenders based on the contemporary registers alone because they do not systematically differentiate between victims, offenders and/or witnesses. Thus, it often remains unclear who should be counted as an offender and who should not, especially in assault cases and fights.\textsuperscript{274} Quantifications based on the early modern register therefore only allow for calculations relating to the number of cases rather than the number of offenders, which makes it impossible to calculate the gender ratio.

\textbf{Figure 4 Index Criminalia}

Source: IfSG, Repertorium Acta Criminalia 249.

\textsuperscript{274} Eibach, \textit{Frankfurter Verhöre}, 92.
The modern index provided by the archive, on the other hand, does systematically distinguish the victims from the offenders and therefore allows for quantifications based on the number of offenders as well. At the time Joachim Eibach conducted his research on criminality in eighteenth-century Frankfurt, the modern index was not yet complete. He therefore had to rely for the long-term analysis on the contemporary registers, which are based on the number of cases instead of offenders. In addition to this he also provided statistics about offenders who committed violent and property crimes, which he collected based on the consultation of the individual criminal records for selected sample years. Thus, some limited statistics about the involvement of women in selected crime categories for a shorter period were already available for Frankfurt.

At the same time, there are several issues with the modern index that also need to be considered. First, the modern index is based on the criminal investigation files as they are preserved in the archive. In the case of recidivists, the investigators of the Verhöramt had the habit of collecting all previous records into one dossier, which is usually how they survived in the archive. This means that in the modern index such a file is only registered as one dossier, while in the contemporary registers each individual entry relating to that offender can be traced. This could obviously cause minor distortions, considering that an offender that appeared before the court in four separate years has to be counted four times, instead of just once. In such cases, the modern index has been ‘corrected’ with the help of the contemporary registers. A second issue is that the modern index of course translated contemporary terms into modern German. Already in the early modern period, the scribes were not consistent in their terminology and used a variety of terms to describe a single offence, rather than using the legal definitions. For accuracy the modern translation has always been checked with the corpus delicti mentioned in the contemporary registers.

Finally, the principles on which calculations were made have to be accounted for. After all, since the Criminalia represent investigation records, they could refer to multiple offenders and/or multiple offences. This means that the following options are possible: Criminalia with a single offender and single offence; Criminalia with multiple offenders and single offence (for example robbery; fights); Criminalia with a single offender and multiple offences (for example prostitution and theft); Criminalia with multiple offenders and multiple offences; Criminalia with unknown offender(s) and multiple/single offences. This makes it possible to provide calculations based on the number of cases as well as on the number of offenders, and both methods are applied in this thesis.

When looking at the gender gap in overall registered crime in Frankfurt, men and women who

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275 Eibach, Frankfurter Verhör, 92.
were prosecuted for multiple offences simultaneously were only counted as a single offender. When looking at the relative weight of each crime category to the overall criminal pattern, each category of crime per offender has been counted separately.

The *Verhöramt* primarily dealt with serious offences, and only prosecuted property offences and violence from a certain level upwards. All the offences investigated by the criminal investigation office have been categorised in five main categories of crime: property offences; violent offences; offences against the authorities and public order; moral and religious offences; other records that could not be subjected to any of the previous categories. Table 1 provides an overview of the different types of crimes that were investigated by the *Verhöramt* according to each category.

**Table 2 Types of offences by category of crime**

<table>
<thead>
<tr>
<th>Category</th>
<th>Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property offending</strong></td>
<td>Theft; burglary; robbery; being suspected of belonging to a band of robbers/thieves; receiving stolen goods; fraud; bankruptcy; damage to private property; extortion and blackmail; poaching</td>
</tr>
<tr>
<td><strong>Violence</strong></td>
<td>Murder; manslaughter; infanticide; abortion; assault; fighting; verbal violence; suicide; child abandonment; kidnapping; accidents resulting in injury</td>
</tr>
<tr>
<td><strong>Against authorities and public order</strong></td>
<td>Seditious words/insults against the city council/urban officials; assaulting ‘police officers’ in the execution of their duties; perverting justice (including prison escapes and perjury, breaking banishment, etc.); rioting; disruption of public order; begging and vagrancy (including prosecutions of those labelled as gypsies); war-related offences (espionage; desertion; illegal recruitment); tax offences; malfeasance in office; illegal lodging; gambling; counterfeiting; falsification of documents, etc.</td>
</tr>
<tr>
<td><strong>Moral and religious offences</strong></td>
<td>Moral/sexual offences including: adultery; fornication; bigamy; extra-marital pregnancies; lewdness; brothel-keeping/procuring; sodomy; rape. Religious offences including: heresy; blasphemy; performing ‘magic’; conversions, etc.</td>
</tr>
<tr>
<td><strong>Rest</strong></td>
<td>Administrative records; uncertain cases, etc.</td>
</tr>
</tbody>
</table>

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277 See previous chapter.
The calculations are based on the types of offences committed, rather than single cases. The reason for this is that in cases of property offences, for example, suspects could be investigated for multiple thefts without the registers specifying the total number but simply referring to ‘mehrere Diebstähle’ — multiple thefts. At the same time, distinguishing between various subcategories could be problematic. For example: within the category of moral and religious offences the description of a single case could state that an offender was investigated for ‘Unzucht, Ehebruch und Schwängung’ — fornication, adultery and illegitimate pregnancy. Although distinguishing between these various categories is relevant when investigating moral offences, for the general analysis they should be counted as one case, as the authorities considered this as one case and not three.

Development of crime in early modern Frankfurt

The quantifications in this chapter are based on the Criminalia, the records compiled in the course of investigations by the Verhöramt. This means that what follows is not a reflection of conviction rates, but of prosecution patterns. Some remarks about the general character of crime in Frankfurt during the early modern period are necessary to be able to contextualise women’s offending. Based on a quantification of the number and types of cases listed in the contemporary registers, Joachim Eibach established the characteristics of the crime pattern in eighteenth-century Frankfurt. After a period of increasing prosecutions towards the middle of the century, a period of both absolute and relative decline set in (see figure 2). The population of the city grew within this period from around 24,800 inhabitants in 1705 to 40,485 in 1810. The number of cases handled by the investigation office, however, followed a contrasting development. In the first half of the 1740s (when the number of cases was at its highest), the Verhöramt investigated 114 cases on average per year, but by the beginning of the nineteenth century this had declined to only 59 cases. Moreover, specific events, such as the fire in the Judengasse in 1721 or the election and coronation of the Holy Roman Emperor could cause periodic spikes or lows.

The increased prosecution efforts of the authorities towards the middle of the eighteenth century were fostered by the social developments in this period. It was a time during which many people became uprooted, which the authorities perceived as a threat to the existing social order. Ordinances against begging, vagrancy and all kinds of ‘masterless’ people characterised the period, not only in Frankfurt, but in the neighbouring territories as well. These anxieties about social

278 Roth, Stadt und Bürgertum, 47.
279 Eibach, Frankfurter Verhör, 93-95.
disorder and crime went hand in hand with efforts to improve policing and exclude outsiders from the community.

The eighteenth century not only witnessed a change in the number of prosecuted crimes, but also in the types of prosecuted offences. Although the seventeenth and eighteenth centuries are usually characterised by historians as a period of continuous decline in violence, in particular of murder and homicide, Joachim Eibach found that there was no linear pattern in Frankfurt. Rather, the number of violent cases (murder/manslaughter, and fights/assaults) actually increased towards the middle of the eighteenth century (compared to the early eighteenth century) but then dropped considerably (and more intensely than other offences). In the long run, Eibach witnesses a decline of the ritualised use of violence as a way of defending (male) honour.\(^{281}\) Overall, however, criminality in this period was dominated by property offences, and the criminalisation of the lower classes, in particular the mobile poor. The upper class, and increasingly the middle class as well, retreated from the sources as suspects.\(^{282}\)

**Figure 5 Number of cases investigated by the Verhöramt per decade 1600-1806**

![Graph showing the number of cases investigated by the Verhöramt per decade 1600-1806](image)

Source: IfSG, Criminalia 1600-1806.

\(^{281}\) Eibach, *Frankfurter Verhörten*, 102-104, 430.

\(^{282}\) Eibach, *Frankfurter Verhörten*, 431.
The dominance of property crimes among recorded criminality in Frankfurt was not a novelty of the eighteenth century. Analysis of the *Criminalia* shows that already in the seventeenth century, thefts, burglaries and occasional robberies ranked highest among the offences investigated by the *Verhöramt*: they made up between ca. 30 and 44% of all prosecuted offences.\(^{283}\) This pattern is confirmed by the penal punishments imposed by the city council in this period.\(^{284}\) One of the main differences between the seventeenth and eighteenth centuries was that in the former the relative share of moral offences among recorded criminality was more significant: whereas in the eighteenth century it never reached above 10%, in the seventeenth century it fluctuated between ca. 10 and 27%. This decline cannot be attributed to changing behavioural patterns (as rising illegitimacy rates in the course of the eighteenth century indicate) but was due to changing prosecution interests of the authorities. Similar developments are visible in other regions in Germany during this period and show that the prosecution of sexual offences was particularly connected to the confessionalisation period.\(^{285}\) Overall, criminality in the seventeenth century was more evenly distributed among all different types of offences as compared to the eighteenth century.

In the seventeenth century as well, the city was characterised by fluctuating prosecution patterns. Whereas in the first twenty years at least more than 200 criminal investigations were

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\(^{283}\) IfSG, Criminalia 1600-1806.


conducted each decade (a number which – which taking a 1/3 loss ratio into account for this period may have been even higher) the number declined considerably towards the middle of the century. In the 1640s and 1650s less than half of the number cases were investigated.286 A similar pattern emerges from the book of punishments: between 1600-1605 and 1610-1615 the city council imposed punishments on 85 and 73 offenders respectively. Between 1640-1645 and 1650-1655, however, the number declined to 10 and 12.287 The obvious explanation for this decline was the impact of the Thirty Year’s War and its aftermath on the prosecution capacities of the authorities – a general pattern which is witnessed throughout the Holy Roman Empire.288 This decline, however, differed according to the types of offences: investigations based on requests from other rulers almost came to a halt completely and property offences declined more intensely, while the number of prosecutions for violence remained relatively the same. Thus, the city’s authorities were selective when it came to which types of offences could be ignored due their declining prosecution capacities and which could not. It was not until the 1680s that the number of investigations exceeded pre-war levels again.

More specific explanations for certain developments will be discussed in more detail below, but for now it suffices to say that prosecution patterns fluctuated throughout the period, both in terms of numbers and types of crimes (see figures 2 and 3). The majority of individuals that had to defend themselves before the authorities had to do so for ‘everyday’ offences, notably theft, burglary, fighting. How does the female crime pattern compare to these general developments?

Gendered Patterns of Crime

In the seventeenth and eighteenth centuries, women accounted for 22% of all the suspects investigated by the criminal investigation office in Frankfurt. This share was not constant but fluctuated over time (which will be discussed in more detail below) and differed for each category of crime (see table 3). An overview of the share of women for each crime category shows that while women made up more than half of defendants for moral offences (53%) and represented over a quarter of property offences (27%), their share among violent crimes and crimes against public order was below their overall average among recorded crime, at 13% and 17% respectively.289

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286 HSG, Criminalia 1600-1806.
287 HSG Frankfurt am Main, Strafenbuch 1562-1696.
289 For a more detailed table with developments through time, see appendix Figure 1.
Table 3 Share of men and women among prosecuted offences, Frankfurt 1600-1806

<table>
<thead>
<tr>
<th>Category</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total offenders</td>
<td>8,427</td>
<td>2,382</td>
</tr>
<tr>
<td>Moral</td>
<td>401</td>
<td>445</td>
</tr>
<tr>
<td>Property</td>
<td>3,457</td>
<td>1,285</td>
</tr>
<tr>
<td>Against authorities and public order</td>
<td>1,755</td>
<td>355</td>
</tr>
<tr>
<td>Violence</td>
<td>2,945</td>
<td>433</td>
</tr>
<tr>
<td>Misc.</td>
<td>165</td>
<td>32</td>
</tr>
</tbody>
</table>

Source: IfSG, Criminalia 1600-1806.

In earlier studies that mentioned female criminality these differences often led to a stereotypical portrayal of women’s offending in the early modern period. It was often reduced to distinctively female offences such as infanticide, fornication, prostitution, etc. This reaffirmed older notions about gender and crime in which women’s transgressions were related to their sexuality and body, a sign of the weak character of the female nature which was driven by desire rather than reason.

Women’s behaviour was characterised as more law-abiding, passive and peaceful, and contrasted to ‘male’ assertiveness and aggressiveness. Looking only at the relative weight of women among each category of crime leads to a distorted image about what female criminality actually characterised in the early modern period. It was not the offences in which women featured disproportionately that made up the bulk of the crimes they were prosecuted for, but rather more ‘mundane’ offences like theft (table 4).

Table 4 Types of prosecuted crimes by gender, Frankfurt 1600-1806

<table>
<thead>
<tr>
<th>Category</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>3,457</td>
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<td>355</td>
</tr>
<tr>
<td>Misc.</td>
<td>165</td>
<td>32</td>
</tr>
</tbody>
</table>

Source: IfSG, Criminalia 1600-1806.

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290 As some offenders were prosecuted for more than one offence at the same time, the total number of offenders is lower than the sum of offenders of the single crime categories.
294 For more detailed figures of the development through time, see figures 5 and 6 below.
A closer look at the types of crimes men and women were prosecuted for reveals that there were both striking similarities as well as differences. For both sexes, the majority of the *Criminalia* dealt with property offences, although this was more significant for women than for men (50% vs 40% respectively). The relative weight of violent and public order offences was considerably less for women than for men, whereas sexual offences were relatively more prevalent among female defendants than among males. It was not uncommon for offenders to be prosecuted for several offences at the same time, and sometimes it is hard to distinguish the primary reason why they were investigated in the first place. Men and women who had to defend themselves for infraction of banishment, for example, often had to defend themselves with regard to other crimes. And in cases where people were arrested as vagrants, or for acting ‘suspiciously’, there was often the assumption (or at least insinuation) that they had committed theft, or were members of a gang of thieves. They could be investigated for suspected theft, even if there were hardly any indications of such an offence having taken place. Ultimately, lacking evidence to convict them of a crime, the authorities often banished them as vagabonds or unwanted foreigners.\(^{295}\)

Women were investigated slightly more often for more than one category of offence than men: this was the case for 6.5% of the women compared to 3.5% for men at that time.\(^{296}\) This is related to the fact that women were prosecuted relatively more often for offences related to survival strategies, for example the combination of theft and prostitution or infraction of banishment and theft. Prosecutions for violence, on the other hand, were hardly ever accompanied by other types of crimes. Considering that these crimes made up such a significant part of prosecuted male criminality, explains the difference in prosecutions for single or multiple offences. Overall, however, the majority of offenders were prosecuted for a single type of offence at the same time.

The *Criminalia* shows that women’s offending in Frankfurt fits the common gendered pattern of registered crimes in early modern Europe.\(^{297}\) It is difficult to establish exactly to what extent these gendered patterns reflected behavioural differences between men and women (connected to for example biological, economic, and socio-cultural differences), and how far they can be attributed to gendered prosecution efforts by the authorities. It is, therefore, necessary to take the character of the criminal justice system in Frankfurt into account.

The previous chapter demonstrated that the *Verböramt* only investigated offences from a certain level upwards: violence, for example, was only handled by the criminal investigation office

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\(^{295}\) See chapter 6.

\(^{296}\) HSG, *Criminalia* 1600-1806.

if it involved serious physical injuries or was considered a danger to public order. Women only accounted for approximately 13% of all suspects of violence, and a high proportion of these (47%) were related to ‘typical’ female crimes like infanticide, child abandonment and abortion. If such cases were excluded from the calculations, the share of women would drop considerably, to 7%. Women also made up a minority of violent offences, ranging between 6% and 16%, in other regions in early modern Europe as well.298

These and other examples have often led scholars to conclude that women were more subordinate, law-abiding and peaceful than men, thereby reinforcing both contemporary as well as historical notions of gendered behaviour. Female violence, it was often assumed, only manifested itself as verbal violence. When Pieter Spierenburg asked the question ‘How violent were women’ in a 1997 article, he concluded that they were not fighters, and that the few women that did defy cultural stereotypes were imitating male aggression.299 More recent research has offered nuances to this picture and argued that our image of female violence was largely distorted by the sources we study. Studies on petty violence before lower courts in London and Rotterdam, for example, show that the share of women was much higher there.300 In a recent article on violence and masculinity, Joachim Eibach argued that male violence was more likely to be perceived as dangerous and a breach of public order than similar behaviour by women. He stated that it was ‘the interplay of social perceptions, crime reporting, and prosecution that produced male delinquency’.301 Thus, gendered notions on what is perceived as troublesome behaviour played a role in the prosecution of violence.

In Frankfurt, petty violence was usually transferred to the Oberster Richter, which did not leave any written records, or settled through civil adjudication. This means that much of the everyday fighting and scolding is not incorporated in the criminal statistics that have been reconstructed based on the Criminalia. Cases in which women were prosecuted for violence often resulted from conflicts in an economic setting (fights among market women, etc.) and within the neighbourhood and the family.302 Disciplining domestics is usually associated with the master of


299 Spierenburg, ‘How violent were women’, 26.


302 Criminalia 3945 (1731); Criminalia 7262 (1756); Criminalia 7723 (1761); Criminalia 7861 (1762); Criminalia 6080 (1748).
the household, but the sources show that mistresses also played a crucial part in the disciplining of household members. Moreover, Joachim Eibach showed that in Frankfurt social control in the neighbourhood was to a large extent dominated by women, and could in addition include the use of violence in various forms. In many of the neighbourhood conflicts husband and wife acted as a team against their opponents. There was no gender division in these fights, in the sense that a woman would only act as accomplice to their husband’s fights. On the contrary: not only did men and women act as equal parties in violent neighbourhood conflicts, women were often the instigators of such quarrels. Moreover, a quantitative assessment of the Criminalia reveals that in 58% of violent offences (excl. infanticide, abortion, child abandonment and suicide) women were either investigated alone or together with another woman.

Similar gendered selection mechanisms in the prosecution practices of the authorities are also visible in the category of crimes against authority and public order. This category contains the most heterogeneous offences among all the different categories, ranging from anything between insulting the city council or other governmental and public officials, resisting arrest, coining offences and arson, to begging, vagabondage and infradiction of banishment, to riots and public disturbance, violations of police ordinances, and military offences such as desertion and illegal recruitment. Overall, women made up 17% of offenders, but their share varied considerably between the different offences within this category. Women were rarely prosecuted for insulting authorities, hindering arrest or disrupting public order. That does not mean, however, that women were not part of such offences, rather, their behaviour was judged differently by the authorities and considered as less of a threat or insult. An example of this double standard is revealed in an altercation at the Eschenheimer Gate. Control at the city gates often gave rise to conflict between travellers or burghers and the gate guards. Johann Kling, one of the gatekeepers, came to the Verhöramt in order to report Herr Echzeller, member of the third bench of the city council, and his son-in-law, beer brewer Jäger. They insulted gate clerk (Einlassschreiber) Trapp and assaulted the gatekeeper’s daughter when they were told to wait at the gates until another carriage had exited the city. Echzeller and Jäger were accompanied by their daughter and wife, who was not indicted by the gate keeper. It was not until the gate-keeper’s daughter was heard as a witness that it became clear that Jäger’s wife also insulted the guards. Neither the gate keeper, nor the guards considered

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303 Criminalia 4823 (1738); Criminalia 6048 (1748); Criminalia 9804 (1788).
305 IfSG, Criminalia 1600-1806.
306 Criminalia 4030 (1732); Criminalia 5155 (1740); Criminalia 7951 (1763); Criminalia 8888 (1776).
307 Criminalia 9184 (1780).
this worth reporting. Apparently for them, it was not as serious an infraction of their authority and honour as the insults by the two men.

Although women were rarely investigated for offences that were seen as an insult or threat to political stability and authority, they were prosecuted much more often for offences such as infraction of banishment (51% of defendants), begging and vagrancy (24% of defendants), or ‘acting suspiciously’ (34% of defendants). The majority of such ‘mobility offences’ were dealt with by the city beadles, *Wöltliche Richter* and the poor house without the intervention of - and thus registration - by the *Verhöramt*. The language employed by the authorities in ordinances against begging etc. labelled male mobility specifically as a threat to public order. This framing influenced the policing patterns considerably, as we will see in chapter 6.

Double standards also played a role in the prosecution of sexual offences, where women formed the majority of suspects. The *Verhöramt* was not the primary institution to investigate crimes like fornication, prostitution and adultery as they belonged to the jurisdiction of the city’s moral courts (see chapter 5). The sexual offences prosecuted by the *Verhöramt* therefore only represent the tip of the iceberg. Even though women represented the majority of suspects, the weight of moral offences hardly impacted the total share of women among recorded offences. Excluding all sexual offences actually increased the percentage of female offenders by 1%.

More importantly, qualitative analysis of the sources shows that a large part of women’s interactions with the judicial apparatus are excluded from the sources of the *Verhöramt*. For many women, their first encounter with the law was through the moral court. A good example is the case of Maria Elisabetha Heßlerin from Mainz. Her first encounters with the law in Frankfurt date back to 1730, when she was arrested on several occasions for prostitution and sanctioned by the *Konsistorium* with dragging the scavenger’s cart (a typical sentence for loose women – see figure 4) and expulsion. It was not until she was arrested for breaking her banishment for the third time that she was investigated by the *Verhöramt*.³⁰⁸ Maria Elisabetha’s case is not unique: there are repeated references made in the sources to female offenders, especially young, independent and mobile women, who had previously been punished by the consistory on multiple occasions before they were finally investigated by the *Verhöramt*.³⁰⁹ For men, on the other hand, the moral courts appeared to be much less of a ‘gateway’ to future encounters with the law and investigation by the *Verhöramt*.

Finally, an important characteristic of female offending in Frankfurt was that the majority of prosecutions were aimed at a single offender. In 51.2% of the cases women were investigated alone without other suspects. For men, this figure was slightly lower, at 49.9%. When women were

³⁰⁸ Criminalia 3850 (1730).
³⁰⁹ Criminalia 5004 (1739); Criminalia 5471 (1743) Criminalia 5745 (1744); Criminalia 5882 (1746); 8645 (1772). Also chapter 6.
prosecuted together with others, they were more likely to have operated in mixed gender groups, than together with other women (31.2% vs 17.6% respectively). For men, this was the exact opposite: they were more often investigated with other men (40.4%) than with other women (10.1%).

The majority of women, therefore, committed their crimes independently, and not (as has long been suggested) only as accomplices of men. That women were less likely than men to commit offences with partners of their own gender is primarily related to the different crimes they were prosecuted for. Fights often involved multiple offenders, and thus men were likely to be prosecuted with other men.

Figure 7 Prostitutes punished to clean the streets (Bern)

![Image of prostitutes cleaning streets](image)


Fluctuations over time

Women’s involvement among recorded offences not only differed per type of crime, but also fluctuated over time. There are no significant judicial changes in the period that could account for the differences: no specific offences were removed or added to the jurisdiction of the *Verhöramt* that could alter the gender composition of the defendants. As mentioned earlier, the number of

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310 IfSG, *Criminalia* 1600-1806.
311 Ulbricht, "Einleitung", 19
prosecutions in Frankfurt increased towards the middle of the eighteenth century, a process fostered by anxieties about wandering vagrants and other (perceived) threats to the social order in the city. Periods of war, social unrest and economic decline have often been linked to growing percentages of female offenders. It is considered that such factors often led to a weakening of paternalistic structures, making the position of women more precarious and making them more likely to turn to crime as a – complementary - strategy for survival. The following paragraph investigates the relationship between these factors and the level of female crime in early modern Frankfurt. Was there indeed a relationship between social unrest and economic decline and a high level of female crime?

Figure 4 demonstrates that women’s involvement in recorded criminality fluctuated between ca. 14% at the lowest and 30% at the highest per decade. Women made up a considerable share of the offenders during the first half of the seventeenth century, and their share grew again as prosecution intensified during the middle of the eighteenth century, only to decrease slightly again after the 1750s, with a short-term increase in the 1780s. The trends in absolute numbers for male and female suspects show that for most of the period they followed the same pattern. Overall fluctuations in the number of investigated offences affected men and women to the same degree in the sense that (at first glance) there do not appear to be clear, intensified prosecution peaks aimed at one sex in particular (figures 5 and 6). Thus, both genders were affected equally by the intensified prosecution efforts of the authorities towards the middle of the eighteenth century. For women the growth in the number of prosecutions was first and foremost related to property offences, whereas for men this was more evenly distributed across all different types of crime (figures 5 and 6).

Figure 8 Male and female suspects in early modern Frankfurt by decade, 1600-1806

Source: Source: IfSG, Criminalia 1600-1806.\textsuperscript{313}

Figure 9 Types of prosecuted offences by women by decade, 1600-1806

Source: IfSG, Criminalia 1600-1806.

\textsuperscript{313} This figure only includes cases from Frankfurt and excludes any cases about which we are informed in the Criminalia through correspondence with foreign rulers.
Changes in the number of prosecutions of women thus seem to be primarily related to their property offending, at least in the eighteenth century. Historians generally assume that there is a link between periods of economic decline or impoverishment and a growing share of female delinquency, in particular in relation to property offences. Otto Ulbricht considered it to be very possible that the link between difficult socio-economic conditions and criminality was stronger for women than it was for men. According to Peter Wettmann-Jungblut, the growing share of women prosecuted in eighteenth-century Freiburg was a sign that theft became an increasingly common crime during this period. Like others, he pointed out that women had a more precarious economic position than men: their share among recipients of poor relief was disproportionately high and they had fewer employment opportunities than men, which often left them depending on poorly paid, low- or unskilled, and often seasonal, labour. Economic fluctuations were, therefore, more severe for women than men. Others suggested that the increased share of female offenders also resulted from weakening patriarchal control as a result of economic difficulties. According to Joachim Eibach, the relatively high share of women among property offenders as well as among vagrants in the second half of the eighteenth century was a sign of the fact that the traditional

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economy centred around the house (‘die traditionelle, auf das Haus zentrierte Ökonomie’) no longer provided sufficient support for women, neither financially nor socially.\(^{317}\)

The eighteenth century is generally considered as period of increasing impoverishment of the lower classes and a decline in real wages. Historians witnessed a growth in the ‘army’ of unsettled mobile poor during this period, to which unskilled labourers and impoverished journeymen contributed increasingly. Estimates about the share of mobile people among the population during this period varied from 2-10% or even 10-20%, although the latter is often dismissed as too high.\(^{318}\) Apart from this mobile ‘underclass’, a large part of the settled population - some 60-80% - lived just at subsistence level, meaning that they were able to support themselves during normal times, but did not have any surplus income which they could save for times of need. This made them particularly vulnerable to short-term economic fluctuations.\(^{319}\)

Unfortunately for early modern Frankfurt, there are hardly any sources that enable an assessment of the development of the economic position and possible pauperisation of the city’s inhabitants since the tax registers (Schatzungslisten) and other serial data that would allow for an analysis of income or wealth have been burnt. Based on an evaluation of the city’s trading fairs, wholesale trading companies, and developing banking industry, Frankfurt’s economy was characterised by increasing growth after the period of the Thirty Years’ War.\(^{320}\) However, the city’s wealthy mercantile elite made up only a minority of the burgher community, and there are indications that suggest that the situation for the city’s artisans, who formed the largest group among the population, was different.

In 1761, during the French occupation of the city, street lightning was introduced, which was financed through taxation on real estate. Based on the documentation resulting from this measure, Ralf Roth has been able to provide information about the social-economic composition the city’s burgher population (2,295 home owners and their families) in the second half of the eighteenth century, who comprised about half of the city’s total population. Two-thirds of the city’s burghers worked as craftsmen and only 15% belong to the mercantile class (kaufmännische Bürgertum).\(^{321}\) These domestic property tax registers showed that merchants (mostly wholesale traders) were disproportionally represented in the highest and wealthiest tax classes, while artisans

\(^{317}\) Eibach, Frankfurter Verhör, 294. Also: Beattie, Policing and Punishment, 65 and 70-71.


\(^{319}\) Rheinheimer, Arme, Bettler und Vaganten, 15; Hippel, Armut, Unterschichten, Randgruppen, 15.


\(^{321}\) Roth, Stadt und Bürgertum, 131.
were disproportionally represented in the lower classes. During the eighteenth century, the artisan class experienced economic impoverishment, which mostly affected the dependent journeymen whose opportunities to make a career and gain an independent livelihood declined. The tax registers also show that 18% of the houses were owned by women, 90% of whom were widows, mostly of artisans. More than two-thirds of them (67%) belonged to the lowest tax categories, inhabiting the most humble dwellings. Information about the socio-economic status of resident aliens is even scarcer. An overview of the occupational groups of resident aliens for the year 1714 is provided by Gerald Soliday. It shows that the majority worked in lower occupational groups in the clothing and transport industries, and many were simply listed as day labourers. Occupational data on the city’s migrants is completely absent.

Available data indicate that throughout the second half of the seventeenth century, and towards the early eighteenth century poor relief expenditures from the communal poor chest per thousand inhabitants rose in early modern Frankfurt. Unfortunately, only scattered references about the number of recipients are available for the later period. In 1784 the communal poor chest distributed assistance in the form of bread or money to 697 burghers, and an additional 921 received assistance in the form of clothing. In 1787 the number of recipients of bread or alms was 739 and 830 were assisted with clothing. The city’s population during these years was approximately 36,000, of which half belonged to the burgher community. This means that between 8-9% of the burghers received some form of assistance, on which probably a much larger part depended (if we consider that their families are not included in these calculations). Daniela Heinisch estimated that between 1770 and 1809 about half of all requests for long-term relief to the city council were made by women. Unfortunately there are no figures available about the gender of recipients of the communal poor chest during the eighteenth century. Figures for other cities in the Holy Roman Empire have shown that women figured disproportionately among recipients of relief, which was also the case elsewhere in Western Europe.

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324 Soliday, *Community in Conflict*, 58.
326 J.A. Moritz, *Versuch einer Einleitung in die Staatsverfassung derer Oberherrnischen Reichsstaedte, Zweyter Theil: Reichsstadt Frankfurt am Main 1786* 209.
327 J.H. Faber, *Topographische, politische und historische Beschreibung der Reichs- Wahl- und Handelsstadt Frankfurt am Main. Erster Band* (Frankfurt am Main 1788) 141-142.
The city’s poorhouse was primarily meant to provide relief to those who could not apply for relief from the communal poor chest (the Almosenkasten) or the Hospital zum Heiligen Geist, and therefore was intended particularly for the city’s Beisassen or transient aliens. In practice, however, it also catered for burghers. The number of people that were provided with assistance in the form of bread or a small sum of money by the poorhouse increased during the eighteenth century. As we can see in the table below, there is a certain correspondence with the years of a growing number of recipients of relief, and the high levels of prosecuted property offences. François Dreyfus estimated that in total about 21.5% of Frankfurt’s population depended on poor relief in the late eighteenth century.330

Table 5 Recipients of bread and alms from the poorhouse, 1700-1800

<table>
<thead>
<tr>
<th>Year</th>
<th>Recipients of bread and/or alms</th>
<th>Year</th>
<th>Recipients of bread and/or alms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1700</td>
<td>447</td>
<td>1760</td>
<td>1,452</td>
</tr>
<tr>
<td>1705</td>
<td>756</td>
<td>1770</td>
<td>1,309</td>
</tr>
<tr>
<td>1710</td>
<td>865</td>
<td>1780</td>
<td>1,007</td>
</tr>
<tr>
<td>1715</td>
<td>612</td>
<td>1784</td>
<td>940</td>
</tr>
<tr>
<td>1720</td>
<td>795</td>
<td>1785</td>
<td>935</td>
</tr>
<tr>
<td>1730</td>
<td>1,545</td>
<td>1786</td>
<td>332</td>
</tr>
<tr>
<td>1735</td>
<td>1,425</td>
<td>1787</td>
<td>310</td>
</tr>
<tr>
<td>1740</td>
<td>1,877</td>
<td>1790</td>
<td>319</td>
</tr>
<tr>
<td>1750</td>
<td>1,355</td>
<td>1800</td>
<td>431</td>
</tr>
</tbody>
</table>

Sources: Hess, Frankfurter Armen-, Waisen- und Arbeitshaus, appendix 4; Moritz, Versuch, vol. 2, 217; Faber, Faber, Beschreibung, vol. 1, 146-147.

A traditional methodology that is used by historians to study the relationship between offending and economic fluctuations to see how the number of offences related to grain and/or bread prices. These studies have shown contradictory results. John Beattie found a general relationship between indictments for property offences and price indexes, both over the long term and in year-to-year changes.331 Gerd Schwerhoff, on the other hand, found no relationship at all between the price for


rye and property offences in 16th-century Cologne. Most recently, Anne-Marie Kilday, in a study on eighteenth-century Oxfordshire, concluded that ‘attempts at establishing a link between poverty and crime are extremely problematic’. Rather, she argued, ‘[i]ndictment levels can be more indicative of attitudes towards criminal behaviour […], than the ‘true incidence of illegality itself’.

Joachim Eibach has demonstrated that in eighteenth-century Frankfurt the number of property offences was only marginally related to changing bread prices, albeit much stronger than violent offences. There were years in which fluctuations in the number of property offences corresponded with changing bread prices, whereas in other years there was only a delayed effect or no effect at all. One of the most severe subsistence crises was in the years 1770-1774 and, indeed, there appears to be a relationship between the crises and the prosecuted offences in this case: during this period, the share of impoverished journeymen and day labourers among offenders was relatively high. At the same time, as Joachim Eibach demonstrated, there was no significant increase in the number of prosecutions for domestic theft, suggesting that incorporation in a household provided at least some form of social support during times of need.

The link between economic fluctuations and the proportion of women offenders proves to be difficult to establish as well. Between 1725 and 1755, more than 30% of the suspects in property offences were women. This largely coincides with the period in which the number of recipients of poor relief was high (table 5). At other times, however, the link is less straightforward. During the subsistence crisis in 1770-1774, for example, the share of women fluctuated considerably as they made up between 19% and 45% of the suspects. Other periods of short-term crises also reveal that periods of economic distress did not necessarily correspond with a steady increase in female involvement. Between 1691 and 1693, another period of famine due to bad harvests, the share of women among property offences varied between 22 and 29%, while in the years before the famine (1687-1689) it had reached above 40%.

Apart from looking at poverty in general, historians have also pointed out that changes in women’s economic situation as a result of war could impact their prosecution levels. Peter King and John Beattie both found that periods of war in early modern England coincided with a rising percentage of female offenders. Usually this rise was not absolute but resulted from a declining

334 Eibach, Frankfurter Verhörb., 93-99.
335 Eibach, Frankfurter Verhörb., 305.
336 Eibach, Frankfurter Verhörb., 350.
337 HSG, Criminalia 1600-1806.
number of prosecuted men, many of whom were employed in the military during such periods. The absence of men during war had a double effect. On the one hand, there were fewer men present to be prosecuted. On the other hand, women faced more difficulties in providing for their families, which increased their vulnerability, but also their independence.\footnote{King, Crime and law, 212-214; Beattie, Policing and punishment, 65.}

The patterns for early modern Frankfurt show that the effect of war on criminality was not unilateral. In Frankfurt, the percentage of female offenders was at its highest during the tumultuous years of the Thirty Years’ War and the subsequent decade. Here as well, this was not caused by an increase in female offenders, but by a declining number of prosecuted men. The absolute number of women remained rather stable. The declining number of men was not distributed evenly across all crimes, but particularly affected property offences, while the number of violent offences remained relatively stable.\footnote{Similar patterns are found elsewhere in early modern Germany: B. Rüdiger, ‘Kriminalität während des Dreißigjährigen Krieges in Leipzig. Ein Sonderfall innerstädtischer Kommunikation’ in: H. Bräuer und E. Schlenkrich eds., Die Stadt als Kommunikationsraum. Beiträge zur Stadtgeschichte vom Mittelalter bis ins 20. Jahrhundert (Leipzig 2001) 609-632.} It is very likely that such patterns resulted from the withdrawal of many young men from the urban population, taking up service in one of the many armies recruiting during this period. After all, (mercenary) armies were often comprised of men most vulnerable to prosecution for property offences.\footnote{King, Crime and law, 212.}

The link is less clear during other periods of conflict experienced by the city. At the time of the French occupation (1759-1763) as part of the Seven Years’ War the share of women was on average 29%, but it fluctuated substantially within these years varying between 13% and 39%. This variation was the result of fluctuations in the absolute number of both male and female suspects. Later, during the political upheavals following the French Revolution, including several short-term occupations by the French, the number of men and women prosecuted also varied considerably, not showing a clear trend of a decreasing absolute number of male offenders and an increasing share of women as a result of this.

More importantly, it has to be remembered that war and the vicinity of war also created anxieties that influenced prosecution policies, which may have been different on the continent than they were in England which was confronted far less with fighting on their own ground. In 1689, when the nearby city of Mainz was besieged by the French, several men were arrested on suspicion of spying for the French army.\footnote{See f.e. Criminalia 1788-1791 (1689). Similar cases: Criminalia 1911 (1692) Criminalia 2492-2493 (1707).} As a recruiting city for several large armies (most dominantly the Prussian and the Imperial army), prosecutions for desertion and illegal recruitment peaked during

\begin{flushleft}
\textit{CRIME, GENDER AND SOCIAL CONTROL}
\end{flushleft}
times of war. Moreover, fears about roaming soldiers and former soldiers intensified security policies and discrimination against wandering groups. Thus, war could also increase the prosecution of typical male offences, such as desertion, which evened out their decline in other spheres of offending.

Short-term events like war and subsistence crises evidently influenced prosecution patterns, although they did not always have the same effect. Rather than being related to short-term crises, crime patterns in Frankfurt were the result of the endemic poverty of large sections of the population. The majority of offenders belonged to the lower classes of society and lived a mobile lifestyle, either temporarily or permanently. In particular those individuals who were poorly incorporated into the settled community, and thus did not have access to formal and informal relief networks, were vulnerable to prosecution for such offences as theft, vagrancy, etc. Being excluded from the controlling structures of belonging to a sedentary household (whether voluntarily or not) heightened the chances of attracting suspicion by the authorities, and entering the city and trying to settle independently became increasingly difficult.

A typical example of how social anxieties could influence the prosecution patterns of the authorities can be found in the reactions to illegitimacy and lewdness. Investigations into these offences peaked in the 1750s. This trend was not the result of a real increase in extra-marital pregnancies, which were in fact at a low point during this decade. By that time, the prosecution of sexual offences was driven more by financial than moral concerns. Foreign women who were pregnant out of wedlock, and whose illegitimate children were seen as a potential burden on the city’s poor relief system, became the primary target of the authority’s moral policies in this period. In the 1750s the city council issued or re-issued an ordinance, demanding all foreign lapsae (i.e. fallen women) to be expelled from the city.

More than half of the cases investigated by the Verhöramt during this period were related to women who had given birth out of wedlock at least twice. In 1752 Christina Ludwig from Frankfurt was investigated for her third illegitimate child. This time, she stated, the father of the child was a local soldier who had since deserted. Anna Margaretha Mauerin, another local woman, was investigated a year later in a similar case. She too denounced a local soldier, Johann Michael Vogt,
as the father of her third illegitimate child.\textsuperscript{348} Both women were expelled from the city for their transgressions.\textsuperscript{349} Women were sanctioned with expulsion for having multiple children out of wedlock in earlier and later periods as well, but these cases were usually handled by the lower moral court, and not the criminal investigation office. The fact that in the 1750s these cases were transferred to the \textit{Verhöramt}, suggests that there was decreasing tolerance towards such recidivism. During the same period of increased focus on illegitimacy by the \textit{Verhöramt}, there was a broader concern about the city’s finances and pressure on the poor relief system from people who should not be eligible to receive relief.\textsuperscript{350} This anxiety seemed to have encouraged authorities to intensify the prosecution of illegitimacy and for the consistory to transfer more cases to the \textit{Verhöramt}.

Towards the end of the eighteenth century, the share of women offenders declined. It is impossible to determine to what extent this was a long-term trend or simply a short-term decline. Due to a reorganisation of the archives, all criminal cases after 1806 except for the political offences have been destroyed. The number of women declined more drastically than the number of men. With regard to female property offenders, Joachim Eibach found that this decline was primarily caused by the disappearance of local burgher women from the sample (1801-1805). He considered this to be connected to changing gender roles, and the emergence of an ideology of domesticity in which burgher women could participate but other women could not.\textsuperscript{351}

Explanations for this pattern have to remain tentative, as the sources are lacking. Evidence for other regions suggests that there was a period of long-term stability with regard to the share of female offenders in the nineteenth century rather than a sharp decline. Rebekka Habermas’ work on theft in the nineteenth century shows that in Marburg women still made up a considerable share of property offenders (26.7\%), the majority of whom were actually married.\textsuperscript{352} Marriage, therefore, was not a guarantor for the withdrawal of women from the public sphere, nor from criminality. Gerd Schwerhoff pointed out that available figures for nineteenth-century Prussia showed that the share of women among offenders remained relatively stable at around 20\% throughout the period, while female employment rates increased sharply towards the end of the period.\textsuperscript{353}

\textsuperscript{348} Criminalia 6760 (1753).
\textsuperscript{349} For similar cases, see: 6398 (1750) Philippina Dorothea Koch is investigated and expelled for her fifth illegitimate child; Criminalia 6605 (1752) Katharina Hesselbach is interrogated for her three illegitimate children; Criminalia 6763 (1753) Anna Sophia Ilsnerin is interrogated for her third illegitimate child; Criminalia 6914 (1754) Susanna Elisabetha Schmidt: three illegitimate children; Criminalia 6916 (1754) Anna Catharina Sattlerin: three illegitimate children; Criminalia 6959 (1754) Anna Sara Stollin: two illegitimate children; Criminalia 6986 (1754) Susanna Elisabetha Geiderin: two illegitimate children.
\textsuperscript{350} See the extensive city council records and administrative notes of senator Senckenberg in: Criminalia 12880 (1756).
\textsuperscript{351} Eibach, \textit{Frankfurter Verhör}, 295.
It is not unlikely that the changing gender patterns in Frankfurt during the two final decades of the period under research resulted from the political upheavals from the Revolutionary Wars, which ended with the occupation by the French and loss of the city’s independence in 1806. The period between 1789 and 1803 was a characterised by social unrest, with riots, social protests and hunger revolts. Local - frequently poor - burgher women played active roles in these massive public gatherings and were not at all relegated to the domestic sphere. With their legitimacy at risk, the authorities were hesitant to quash disturbances with full force in this period, and rather opted for a strategy of conflict control, which explains why so few people received criminal sentences for riots in this period.\(^{354}\)

In sum, the fluctuations in female crime patterns in early modern Frankfurt cannot be explained by mono-causal factors. Overall, they were shaped by social crises and poverty, as well as by the prosecution practices of the authorities fostered by their anxieties towards unsettled and ‘masterless’ people.

**Conclusion**

The level of women among recorded offences varied considerably throughout early modern Europe. This chapter argued that the different socio-economic and demographic characteristics of the various cities contributed at least in part to this variation. Crime historians argue that the urban context had a considerable influence on the involvement of women in crime, and their chances of being prosecuted. In cities, women (especially those from migratory backgrounds) led relatively independent and public lives and were less incorporated in traditional networks of social control. Scholars found that this combination of independence and vulnerability is of key importance in explaining the extraordinarily high levels of recorded female criminality in cities like Leiden, Amsterdam, London and Glasgow (where women accounted for 30 to 50% of all prosecuted offenders). In Frankfurt, however, the share of women among prosecuted offenders was much lower: they accounted for ca. 22% of all defendants before the *Verhöramt* in the seventeenth and eighteenth centuries.

The chapter has shown that the prosecution practices of the authorities were partially fostered by the socio-economic developments of the period. It was a time in which many people became uprooted, which the authorities perceived as a threat to the existing social order. The level of female involvement in registered crime was characterised both by long-term stability and short-term changes. There was no linear development of decline or increase, as has been suggested for

other places. Rising percentages of female defendants among the recorded offences of the *Verhöramt* were mostly related to property offences, at least in the eighteenth century. The chapter has shown that short-term events like war and subsistence crises evidently influenced prosecution patterns. But their effect was not always the same. Rather than related to short-term crises, crime patterns in Frankfurt were the result of the endemic poverty of large sections of the population. The female crime patterns in early modern Frankfurt were therefore shaped by social crises, poverty and anxieties on the part of the authorities towards unsettled and ‘masterless’ people.

This chapter argued that the dynamics of the precariousness and anonymity of urban life and its effects on female crime varied greatly throughout Europe. The connection between the ‘urban factor’ and high levels of female offending was particularly prevalent in cities where the proportion of single women living independently was high. In Frankfurt, on the other hand, the opportunities for women to settle independently were more restricted. This created a distinct urban crime pattern with relatively low levels of female offending. At the same time, women’s crime patterns in Frankfurt fit the common characteristics found across early modern Europe. For both sexes, the majority of the *Criminalia* dealt with property offences, although for women this was more significant than for men (50% vs 40% respectively). The gender gap was smallest in the category of moral offences and most significant among violent offences. The chapter has argued that the different level at which men and women appeared as defendants before the *Verhöramt* was partially related to the organisational structures of the criminal justice system and gendered notions of what was perceived as troublesome behaviour. Women did not refrain from fighting or assaulting urban officials but were less likely seen as a threat to public order and were therefore not prosecuted by the *Verhöramt*. The following chapters will investigate how the pattern in Frankfurt was shaped by both formal and informal social control.