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Understanding spatial meaning through criminal transgressions in early modern Germany

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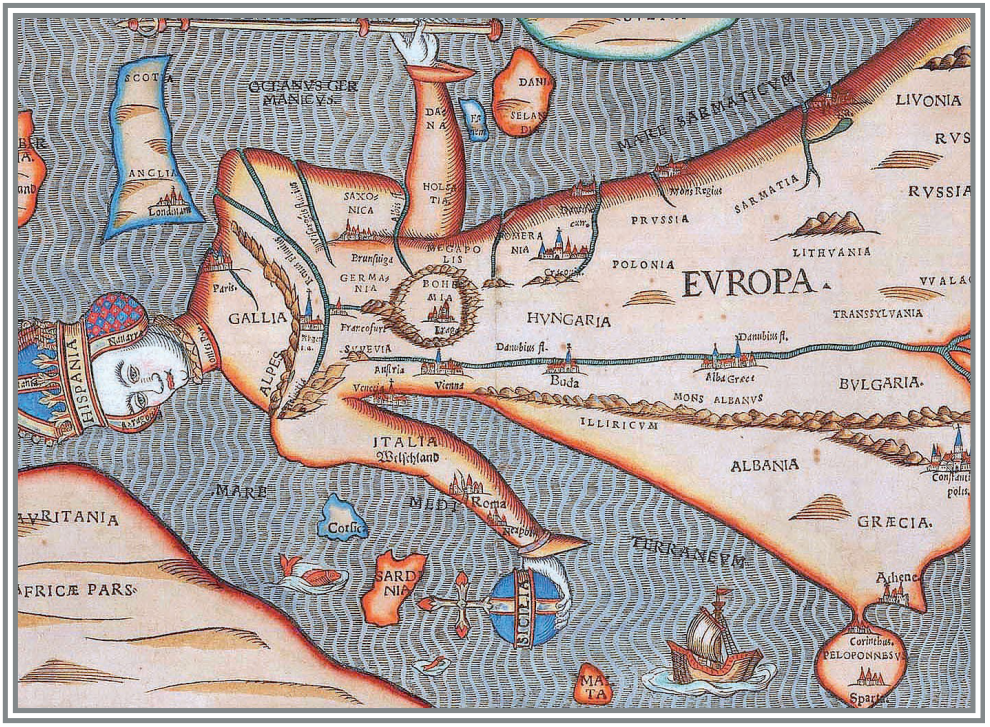
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Understanding Spatial Meaning through Criminal Transgressions in Early Modern Germany

ABBY GIBBONS

For eight days straight in 1528 Nördlingen, a group of neighbors experienced the same loud noises that awoke them from their slumber between eleven and twelve o'clock at night. The disgruntled individuals complained to the city about the behavior. The witnesses described the sounds as "knocks," "singing," "screaming," "hitting the house door," and "hummed tunes."[1] Five of the eight witnesses claimed that the noise came from the alley in front of the Hebammen house. Sebastian Maier identified the four men responsible for the noise as Michel Kapp, Simon Umbhenre, Hans Eysste, and "young Hans Springinklee."[2] His wife, Margret, confirmed these events and did not hear anything further. Night in the sixteenth century meant near total darkness without streetlamps or candles. Craig Koslofsky points to the seventeenth century for the first street lighting, which was "candles or oil-lamps in glass-paned lanterns."[3] While anyone out on the streets at night were instructed to carry lanterns, the case did not indicate whether the men had them or not. Given the darkness and minimal light emanating from the lanterns, the recognition of voices and awareness of which neighbors were around provides insight into the communal workings of a neighborhood, the distance the sound traveled, and who was affected by the noise. In short, people knew one another. All of the neighbors who testified pointed to the men being around the Hebammen house, demonstrated a degree of spatial awareness and orientation.

The explicit discussion of the senses, particularly sound, indicated the significant role it played in the case. While this observation may seem obvious considering the nature of the case, it opens questions of which spaces were involved and where the borders of those spaces ended. The neighbors each remained in their own homes, distinct places in Nördlingen, and yet these witnesses joined together for eight days in the space created by the four men, who made transgressive noises in the street. Here, the boundaries of spatial inclusion did not mean the homes or the street, but rather the affection by sound and awareness of disruptions to the peace that was expected in the streets at that hour of night.

My project centrally asks: how do criminal transgressions transform spaces and social networks in sixteenth- and seventeenth-century Germany? I use criminal

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[1] StadtANö, R25 F7 Nr. 6, K.A. 1528: "klopft," "gesungen," "geschreien," "in Hofthor geschlagen," and "geprumelt weist". "Zeugen aussagen wegen eines in verubten Lärmens".
[2] StadtANö, R25 F7 Nr. 6, K.A. 1528.
[3] Koslofsky, Evening's Empire, 16.

court cases, tax records, city council minutes, and legal codes in Augsburg and Nördlingen for my research. For this article, I will address some of my preliminary findings as it relates to the question of space and criminal transgressions. I define space as a manifestation of social interactions and physical place created through discourse and actions in which emotional, personal, and sensory perceptions form a meaning that varies by individual and by time. While physical place is important to space creation and the longevity of spatial meaning, its borders do not have to be contained by four walls. What I mean by this is that people who heard, smelled, and saw criminal transgressions and testified as witnesses were often unintentionally brought into a given space due to their line of vision or how far the sounds of the incident carried.

To view this phenomenon in the early modern period, I have selected two case studies to illustrate how space is both fluid and socially defined. Each example focuses on a different crime to illustrate space creation in different contexts. I use examples from Augsburg and Nördlingen, because both cities maintain incredibly rich collections of sixteenth- and seventeenth-century court records. It is also worth noting that no case featured here is the same crime, and in doing so, I hope to showcase how varied the cases could be that link to conceptions of space in the early modern world.

Spatial meaning is not passively or inherently given. Social interaction in conjunction with a physical place builds this meaning that is not static. Different individuals hold different perceptions about certain spaces, and deconstructing spatial meanings leads the historian to multiple possibilities. Space is both an abstract and concrete concept that conveys information about those operating within it but also showcases the ways in which the people themselves defined it according to socio-cultural norms of their time and place. Space, while a social construction, is lived through people and social interactions. Michel de Certeau conceptualizes space as a "practiced place," existing within a narrative along a series of vectors which convey time, orientation, situation, and function[4].
I use this definition to emphasize the *practice* contingent upon human relationships and interactions. Without this element, spaces would simply be places.

Literature on space has increased over the last ten years and definitions and theories of it are just as varied. Paul Stock defines space as the "emplacement, distribution, and connection, of entities, actions, and ideas," and asserts that space is not unbound, but rather "constructed by specific circumstances and perspectives."[5]

People provide perspectives, conjure ideas, and perform actions that lead to specific sets of circumstances. As will be discussed in this article, the law and legal codes generated spatial meaning that lay dormant until the laws were transgressed upon and represented an ever-constant layer of meaning.

[4] Certeau, The Practice of Everyday Life, 117.

[5] Stock, History and the Uses of Space, 1, 6.

On a macro- and a micro-level of analysis, the discussion of space remains consistent. More recent scholarship on the early modern world has begun emphasizing the porosity of spatial borders and boundaries in conjunction with political movements. Luca Scholz, for instance, argues that politics of mobility and the channeling of people, goods, and ideas through specific paths and safe conduct policies demonstrates that the narrative of state-formation is anachronistic as it is traditionally told. Borders do not possess the same meaning in the early modern world as they do for modernity.[6] Looking at borders within cities, towns, and communities, the public versus private spaces debate is perhaps one of the most significant for spatial history. The endeavor to understand what constituted public space and what constituted private space in the early modern period transcends fields and applies to gender, economic, social, cultural, and political history, to name a few. Scholars have begun proposing alternative ways to view space, such as Stephen Mileson who suggests the concept of open and closed spaces as a way to show fluidity, particularly with regard to streets.[7] Increasingly, the dichotomy of public and private disintegrates under contextualized scrutiny.[8] Similar to the recent destabilization of borders in the context of state-formation, historians point to the intermediary spaces of social interaction, such as household gates, doorways, thresholds, and balconies, that problematized the previously stark border between public and private space.[9] I take this one step further and use the concept of concealment and seeming-concealment to understand how people moved and operated within the early modern world, rather than rely on the language of the traditional binary at all. In doing so, I emphasize the porosity of spatial borders contingent upon sensory awareness and perception, rather than an all-encompassing theory of defined spatial borders.

If space is the intersection of social interactions and place, then we must define what constitutes a *place*. Riccardo Bavaj argues that place may take three different meanings. First, it could refer to a specific point, defined by longitude and latitude, and "usually conceived of in relation to other locations." Second, it may indicate a "locale as a setting of social interaction which is historically and culturally conditioned." In the context of the sixteenth and seventeenth centuries, taverns, markets, and churches were not merely sites connected to a set of geographic points, but ones that were imbued with socio-cultural rituals and interactions. Third, place might relate to the internal "memories, emotions, symbolic meanings, and a sense of belonging."[10] The second and third definitions that Bavaj provides are tightly interwoven with society and the social, legal, cultural, political,

[6] Scholz, Borders and Freedom of Movement in the Holy Roman Empire, 4f.
[7] Mileson, Openness and Closure in the Later Medieval Village, 14.
[8] Although, literature discussing private spaces and privacy has maintained the interest of scholars. See for example Green, Spaces of Privacy in Early Modern Dutch Egodocuments, 17–40 and Jütte, The Strait Gate.
[9] See Laitinen, Order, Materiality, and Urban Space in the Early Modern Kingdom of Sweden; Canepari, Common Places, 464–479.
[10] Bavaj, Introduction: Spatial History. An Expansive Field, 16.

religious, and economical assignment of meanings. I define place along the longitudinal and latitudinal lines, while also acknowledging that space creation must consider bureaucratic and socio-cultural codes as well as personal perceptions that were influenced by those codes.

Augsburg's authorities monitored evening activities, commenting on them both in the legal codes and in the punishment books and official records of the city's judicial offices. According to the 1537 police ordinance, "no innkeeper of a wine, mead or beer tavern shall keep a guest in their taproom at night after the bell has struck nine and later, neither on holidays nor working days, nor shall they serve him."[11] This applied throughout the sixteenth- and seventeenth century. In 1612, for example, Hieronymus Kelner was fined one gulden for having a beer after 9 o'clock at night.[12] This was not an uncommon occurrence in the records and serves as just one example of the enforcement of nightly procedure in the early modern period. Darkness did not predetermine legality. The City Council determined when street life of Augsburg became illegal and the times in which certain activities became illicit.

In 1610, Agatha Rüff was accused of infanticide following her arrival in Augsburg from Ulm. In her first interrogation, the interrogators asked questions pertaining to her pregnancy and whether she held her child with her own hands. She testified that on 3 April, she sought refuge at the pilgrim's house in Augsburg, which became a small hospital after its purchase by Martin Zobel in 1578. By 1586, the building contained seventy beds.[13] Agatha, thus, was not alone in the house. When she entered the poor relief house on the 3rd of April, Agatha had "dropsy and [was] very swollen, also laden with fever and sickness," and she remained in the house for "five weeks."[14] In her first interrogation, Agatha claimed that she did not know she was pregnant. She later confessed to having the child on the 4th of May, and had "last night thrown my child into the closet," where it "cried out three times."[15] A mason, who recovered the child, took the body to be examined. No external wounds were present, and the child was deemed to have suffocated to death.[16] An unnamed maid served as a witness to Agatha's crime that night and testified that she also heard the three cries. The maid claimed that Agatha killed the child between the hours of four and five o'clock in the morning. In the midst

[11] Ains Erbern Rats, der Stat Augspurg, Zucht- und Pollicey Ordnung, 14. Aug. 1537, fol. av r: "das kain Wein/ Meth oder Pierschenck/ weder an Feyr / noch Wercktägen / bey nächtlicher weil / wann die Glock Neün geschlagen hat / vnd darnach / in iren Wirtsheüsern / ainichen Gast mer halten / setzen / noch ime zutrincken auftragen sollen."
[12] StadtAA, Stadtgericht und Strafamt / Amtsbücher, Nr. 200 (1612), 61.
[13] Clasen, Armenfürsorge in Augsburg, 81.
[14] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII: "welche selbiger Zeit gar wasser süchtig und sehr geshwollen gewesen, auch mit der hizigen kranckheit beladen, diese Magd seie bei 5. woch[en] Pilgerhauß gelegen."
[15] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII: "hab gestern nachts mein kind (mit ehren zu melden) gleich ins heimlich gemach geworffen" und "drey schrei gethon."
[16] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII.

of the piling evidence, including a doctor's testimony, Agatha came forward, stating she "wants to tell the truth."[17] In her testimonies, she expressed the severe effects of her sickness, and even to the question of the three screams, she claimed that she "did not know at all", particularly, "whether [the child] was alive and whether it cried and what she did thereby".[18] When asked why she did not tell the authorities this before, she responded that "she did not know what she said, only what was thereafter said by the maid."[19] Her awareness of the maid's presence as a witness, while also maintaining innocence up until this point, demonstrated an attempt to conceal her actions, which also included her use of the nighttime darkness. A place constructed for healing transformed into a site of death, encompassing a wider range of places than just the room the baby was killed in. The sounds of crying conveyed by multiple witnesses, thereby widening the spatial parameters to those who heard the cries.

The consistency with which the three cries were used as evidence of the baby's existence testified to the significance of the senses to the understanding of space. For those who witnessed the crime and heard about the incident within its walls, the space that encompassed the pilgrim's house took on a new meaning. The people inside, even if witnesses could not see the child, knew that it was there. Knowledge about the event circulated and resulted in a case with witness statements and understandings of the events that changed the meaning of where the crime took place. The night, while it may have shielded the child from sight, did not conceal its cries. The awareness of the child's presence and the longevity with which Agatha remained at the house altered the meaning given to the space as she became familiar to those around her. Furthermore, those who heard the child's cries were briefly, aurally, and unintentionally brought into Agatha's violent space. How long Agatha had remained at the pilgrim's house and when she entered it were two details that did not go unnoticed by witnesses, because of the nature of the institution. Consequently, the addition of Agatha to the occupants of the pilgrim's house began changing the spatial makeup – defined through social interactions – and transforming its meanings, even prior to the infanticide, especially considering her illness and from where she had come. Infanticide was especially heavily prosecuted following the 1532 *Constitutio Criminalis Carolina*, in which women who committed either infanticide or abortion faced capital punishment.[20] To evade this, many women concealed their crime or attempted to conceal their crime through using cover, such as night or seclusion. When we look at those failed attempts evidenced by the extant court records, the places those killings occurred do not necessarily explain how people came to know about it. Only when we

[17] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII: "Sy wölle die warheit sagen."
[18] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII: "Sie wiß ob gar nit" und „ob es lebendig gewesen sye? Und ob es geschreyen hab? Und was sy dabey gethon?"
[19] Agatha Rüff, in: StadtAA, K 157, 1610 7.VII: "Was sie gesagt wiß sie nicht, als was sie darnach von den mägdt gehört."
[20] Lewis, Infanticide and Abortion in Early Modern Germany, 1.

expand spatial borders and recognize their porosity can we see the extent to which sound carried with it not only cries from a baby, but awareness of its existence.

Similarly, in Nördlingen, sound carried with it knowledge of transgressions, and spaces expanded from the physical place of a transgression to where that sound traveled and was later recalled in testimonies. Visibility cannot always be considered, and the creation of different perspectives contributes to the idea of varied spatial meanings. For example, on a cold December evening in 1541, Hans Weiler walked home after negotiating with a cloth sheerer and handworker in Nördlingen. On the way, he bought a bottle of wine, which he decided to drink while he walked. At the "seventh hour of the night," Joachim Haselbeck held a banquet. Passing by his house, Weiler discovered what he thought was a "felt hat" lying on the ground in front of Haselbeck's house. However, upon picking it up, it was a chamber pot "full of human feces."[21] Weiler "let out quite a few evil, scolding words and said other things."[22] Someone in Haselbeck's house screamed after hearing such insults, and thus, the investigation began. This narrative was Weiler's account. He pleaded that he did not direct the insults towards Haselbeck's house and that he felt sorry. The historian turning the page following Weiler's testimony comes across a series of eight testimonies for the case.

The reason that the category of insult (*Beleidigung*) was applied became more apparent with the later witnesses. Of the eight testimonies pertaining to Weiler's actions, four men said that they knew nothing of the incident. The other witnesses, however, gave mixed accounts of Weiler's insults. Barbara Seidenneher acknowledged the role of alcohol, but Weiler, according to her account, did not act solely out of drunken surprise. He "screamed evil scolding words" on a Sunday night.[23] Particularly, Barbara claimed that he "hit a pious woman."[24] While Barbara never gave this woman's name in her testimony, another woman by the name of Maren Mair came forward to say that he "cursed at her" specifically and called her a "diaper thief."[25] Joachim Haselbeck confirmed that he invited guests, particularly his siblings, to his house on Sunday night. After they finished eating, Hans Weiler appeared in front of Joachim Haselbeck's wife and called her a "thief and betrayer."[26] Barbara testified that the insult occurred at Teuener's house where

[21] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541: "vilzhut" and "ein scherben vollen menschen kot gefunden."
[22] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541: "Vff sollichs hab er laider etliche böse sheltwort verlauff lassen, und andern gesagt."
[23] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541:"unnd hab hinauf in des Teueners haus talda seinen etlich personen in ainer Gastung beyainand versamelt gewest etlich böse scheltwort geschrien."
[24] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541: "ain fromen Frauen geschlagen."
[25] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541:"Er hab ine viast geflucht, mitnamen genennt, und Ine ainen Windel dieb gescholt."
[26] Hans Weiller wegen Beleidigung, in: StadtANö, R25 F8 Nr. 3, K.A. 1541:"als Ime solchs sein weib angezaigt" and "ir dieb und verräter".

Weiler stood on the roof of the house and where women called up to them in an argument. In none of the other testimonies did mention of Teuener's house appear. Barbara's perception of the crime could be exaggerated or others did not find it relevant to mention. Whatever the case, her mention of this other location built her understanding of the space around her enough to mention to authorities. The key spatial discrepancies in this testimony and Weiler's revolve around which house, where Weiler stood, and what his intentions were. The last testimony came from Lienhart Plaich, who claimed that he was lying in bed at the time, and while he heard Weiler's insulting words, he did not see whether they were directed at Haselbeck's house. What Weiler described as a relatively straight forward case of insult became complicated through an amalgamation of testimonies.

The creation of spatial meaning in these testimonies is rooted in the perceptions of the individuals who witnessed or heard the insult. From Weiler's point of view, he was alone. From the perspective of the women in the house, Weiler sought to verbally wound them because of his drunkenness. From Leinhart Plaich's perspective, he was sleeping and unintentionally was made aware of the events happening in the street enough to testify to what he heard. His involvement was not based on sight, but on sound. He was neither in Haselbeck's house nor in the street, and his sensory awareness of the insult woke him from sleep and briefly brought him into the conflict through knowledge of it. Considering this, the boundaries of space cannot be solely defined by the physical place in which the insult occurred, but must be extended to the range of sensory perceptions. Indeed, if we limit space to the physical place in which the crime took place, do the borders stop at the street? Inside Haselbeck's house? I argue that the localization of spatial meaning in the experiences and testimonies of those that were involved in or witnessed transgressions better illustrates how spaces were constructed in the early modern period. The result is a porosity and ambiguity in spatial borders. In doing so, it illustrates how people functioned during transgressions and how people became aware of the event. All the witnesses, accused, and victims created the space of the crime, even if this space consisted of multiple physical places. Furthermore, participation – whether voluntarily or involuntarily – in the events of that night created a new web of individuals bound together as a result of legal proceedings and the consequences of one man breaking the law. Space, in this sense, contained multiple meanings and layers depending on the perspective of the individual and the legal codes which governed the cities.

In conclusion, spatial boundaries cannot be beholden solely to physical places. One must also consider the social interactions required to give space its meaning and who, therefore, interacted with a given space. The transmission of knowledge through the senses, such as sight and sound, demonstrate that people, who were not necessarily in the same physical place in which the transgression occurred, still experienced the transgression to a degree that allowed them to testify their knowledge and to provide a different definition of the transgressed space rooted in their perceptions. Because of the multiplicity of those spatial perceptions, it is not

possible to assign one, uniform meaning to any given space due to the number of actors – legal and personal – perceptive at the time of a transgression.

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