Prostitution and subjectivity in late mediaeval Germany and Switzerland

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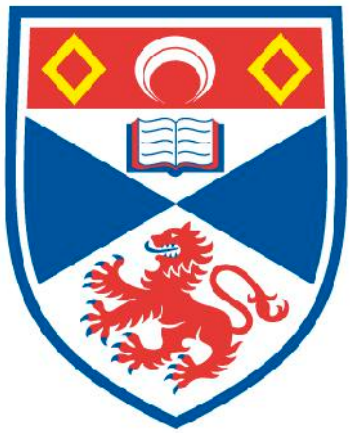

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Dedicated to Dorothy Morrison

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Abstract

This thesis is a study of the problem of subjectivity and prostitution in the Middle Ages. Three legal case studies of unpublished archival material and one chapter focussing on fictional texts from late mediaeval Germany and Switzerland are used to investigate the conditions of prostitutes' subjectification in law and literature. The thesis takes impetus from Ruth Karras's recent articulation of the problem of prostitution and sexuality, seeking to engage critically with her notion of "prostitute" as a medieval sexual identity that might be applied to any woman who had extra-marital sex. In dealing with trial records, it also aims to make a methodological contribution to the study of crime and the problem of locating the individual.

Chapters I-III examine the records of criminal cases featuring the testimony of prostitutes, or women who risked such categorisation, to consider the available subject positions both within and outwith the context of municipal regulation. Whilst acknowledging the force of normative ideas about prostitutes as lustful women, these chapters argue that prostitutes' subject positions in legal cases were adopted according to local conditions, and depended upon the immediate circumstances of the women involved. They also consider trial records as a form of masculine discourse, arguing that an anxious masculine subject can be seen to emerge in response to the phenomenon of prostitution. Chapter IV expands this discussion by drawing on literary texts showing how prostitutes prompted concern on the part of male poets and audiences, for whom their sexual agency was a threat which belied their theoretical status as sexual objects.

Note: Transcriptions of the legal cases making up chapters I-III are provided in Appendices A, B, and C.

Abbreviations

Stadtarchiv Augsburg:	StaA
-Urgichtensammlung:	StaA U
Stadtarchiv Nördlingen:	StaN
-Akte Frauenhaus:	StaN AF
Staatsarchiv Zürich:	StaZH

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Maps

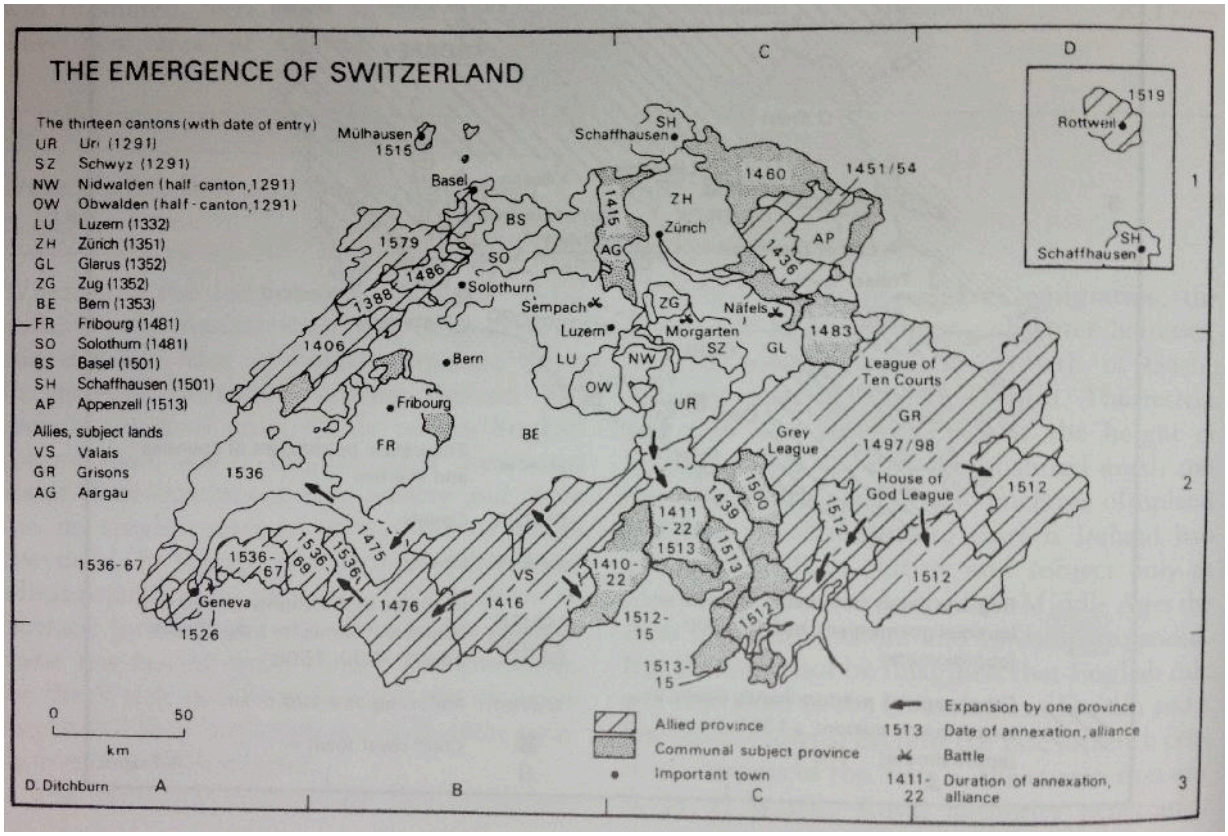

Fig 1: Mediaeval Swizterland

Atlas of Medieval Europe **ed. David Ditchburn, Simon MacLean, and Angus Mackay (2nd edition, Abingdon and New York NY) p. 212**

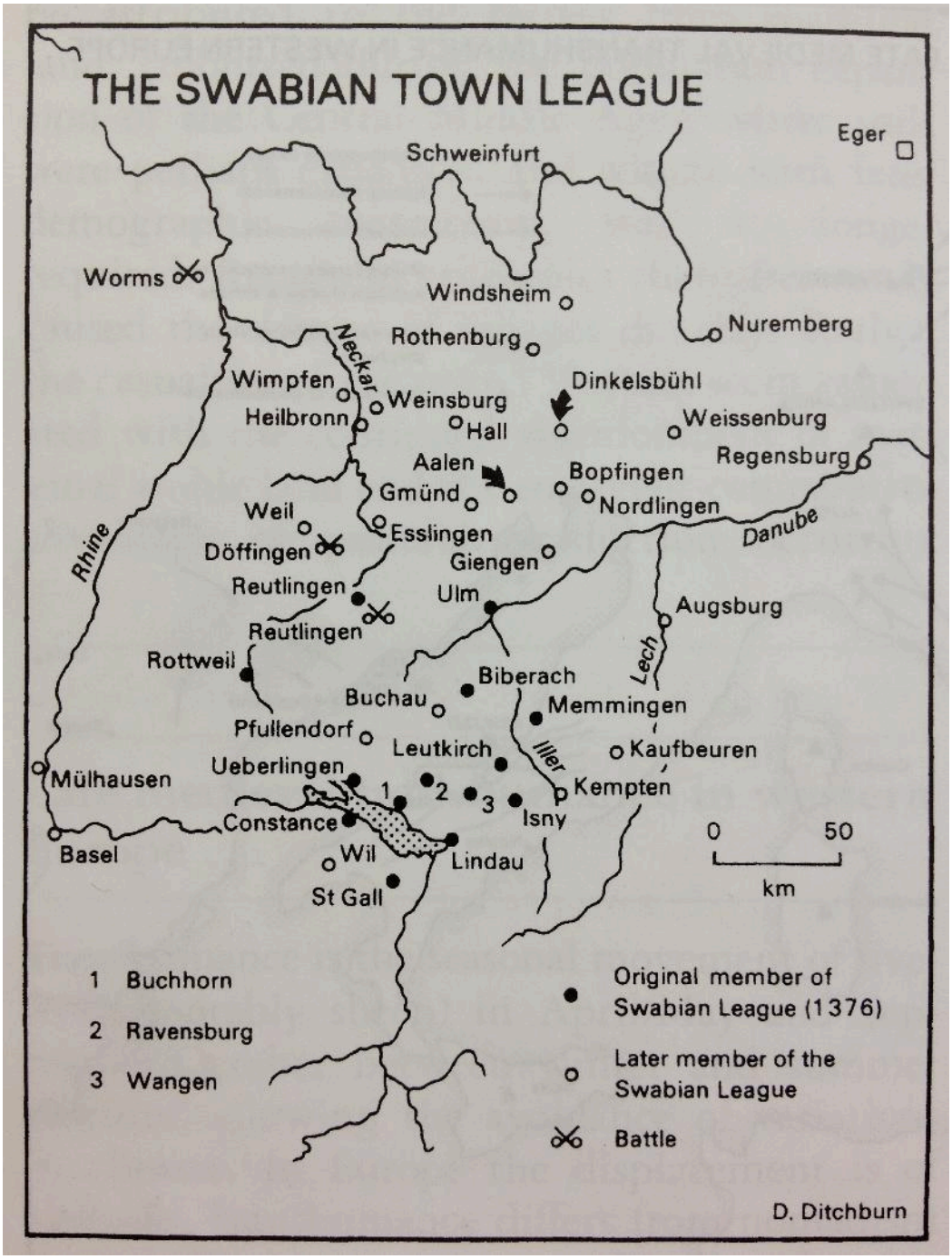

Fig. 2: South-west Germany (The Swabian Town League)

Atlas of Medieval Europe **ed. David Ditchburn, Simon MacLean, and Angus Mackay (2nd edition, Abingdon and New York NY) p. 250**

Introduction

Prostitution and subjectivity in the Middle Ages

The prostitute was a woman both "superficially marginal" and "imaginatively (and hence ideologically) central" to the Middle Ages.[1] Although prostitutes' activities were condemned in religious and secular writing throughout the period, the prostitute was a vital placeholder in mediaeval discourses of gender as the epitome of the archetypal female sin of lust.[2] The overwhelming majority of previous work on prostitution in the Middle Ages has been concerned with unpicking these discourses, and upon reconstructing the historical conditions under which prostitutes lived and worked. Due to a lack of subjective evidence for prostitution in the period, however, the experiences of individual prostitutes have remained largely obscure; as Ruth Karras has said, "we simply do not have the sources through which to hear subjects' voices."[3] In rare instances where individuals do come to light in the archives, legal records have been important sources with which to assess the experience of prostitutes.[4] This thesis makes use of a series of previously unpublished case studies from late mediaeval Germany and Switzerland from the late fourteenth to fifteenth centuries in which prostitutes – or women who appear to have been prostitutes – appear as witnesses or suspects of crime. This material is contextualised by fictional texts which were produced and circulated during the same period featuring prostitutes or sexually-active single women.

Subjectivity

The key term underpinning this thesis is subjectivity, which shapes the analysis of each chapter in different ways. The original impetus for this approach is the recent work of

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[1] The phrase is Dyan Elliott's, though does not refer specifically to prostitution; see *Fallen Bodies: Pollution, Sexuality and Demonology in the Middle Ages* (Philadelphia PA, 1999), p. 11. Evidence of male prostitution in the period does exist (see Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* [New York, 1996]), though this thesis concentrates exclusively on the phenomenon of female heterosexual prostitution.

[2] Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford, 1996), p. 65.

[3] Ruth Mazo Karras, "Prostitution and the Question of Sexual Identity in Medieval Europe," in *Journal of Women's History* 11:2 (Summer 1999), 159-177, here 161.

[4] Jacques Rossiaud, *Medieval Prostitution*, trans. Lydia G. Cochrane (Oxford, 1988), pp. 44-45. On the problems of documenting historical individuals in the context of prostitution, see Timothy J. Gilfoyle, "Prostitutes in the Archives: Problems and Possibilities in Documenting the History of Sexuality," in *The American Archivist* 57: 3 (Summer, 1994), 514-527.

John H. Arnold on the late mediaeval Inquisition in Languedoc.[5] Arnold's *Inquisition and Power* draws upon the theories of Michel Foucault to present what he dubs "reading strategies" for mediaeval Inquisition records.[6] Foucault's vastly influential theoretical work of the late twentieth century has supplied a number of important analytical models to the social sciences, amongst them his notions of discourse, power, and subjectivity. One of his most significant contributions has been his articulation of the discursive constitution of the subject. Foucault offers two definitions of the term "subject": "subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power that subjugates and makes subject to."[7] Building upon earlier "decenterings" of the subject in psychoanalysis, linguistics, and anthropology, Foucault was concerned to do away with the notion of the subject as a free, creative agent, and to replace it with one that regarded it as "a complex and variable function of discourse."[8] Louis Montrose provides a helpful definition of the process of subjectification, describing it as a process of "shaping individuals as loci of consciousness and initiators of action – endowing them with *subjectivity* and the capacity for agency; and, on the other hand, positioning, motivating, and constraining them within – *subjecting them to* – social networks and cultural codes that ultimately exceed their comprehension or control."[9]

Drawing on Foucault's conceptual language, Arnold examines the discursive constitution of the subject in the inquisitorial register of Jacques Fournier, his principal source, to analyse the function of inquisitorial power. He argues for the recognition of the Inquisition itself as a generator of discourse, defining the latter term, via Foucault, as "a particular set of language and practices, that presents itself as a unity, constructs and distributes different identities and subject positions, and that claims to produce 'the truth' within its procedures."[10] Within inquisitional discourse, his work is concerned to examine

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[5] John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia PA, 2001).
[6] Ibid., p. 76.
[7] Michel Foucault, "The Subject and Power," in *Michel Foucault. Power. Essential Works of Foucault 1954-1984 Volume 3* ed. James D. Faubion (Harmondsworth, 2002), pp. 326, 331.
[8] Michel Foucault, "What is an author?" in *Michel Foucault. Language, Counter-Memory, Practice. Selected Essays and Interviews* ed. trans. Donald F. Bouchard and Sherry Simon (Oxford, 1977), p. 138.
[9] Louis A. Montrose, "Professing the Renaissance: The Poetics and Politics of Culture," *The New Historicism* ed. H. Aram Veeser (London and New York NY, 1989), pp. 20-21. In her more recent work Judith Butler has characterised the Foucauldian process of subjectification as the experience of being made to "give an account of oneself"; see *Giving an Account of Oneself* (New York NY, 2005).
[10] Arnold, *Inquisition and Power*, p. 11.

the production of what he terms the "confessing subject."[11] To Arnold, the subjects legible in inquisitorial records thus reflect "operations of power" by which individuals were compelled to assume confessing subjectivities.[12] In this account, subjectivity does not originate prior to the record, but is constructed during its creation; the record therefore shows not filtered speech of an individual, but rather the production of particular subjectivities within the discourse of inquisition.

Beyond the mediaeval inquisition, the methodological contribution made by Arnold's "reading strategies" can be placed in a much broader context of scholarship on pre-modern trial records. Within this tradition, his use of Foucauldian theory marks a departure from previous work on the problem of locating the individual in legal documents, much of which has been concerned with the issue of judicial mediation. This "source-critical" tradition, as Arnold terms it, has often operated under the assumption that the record somehow masks the "true" speech of the deponent.[13] Building upon Arnold's model of legally-constituted subjectivity in the context of the inquisition, this thesis operates under a Foucauldian notion of the subject as a product of discursive practices in order to explore several problems of subjectivity in the context of prostitution in late mediaeval Germany and Switzerland.

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In English-language scholarship, the terms of the debate on prostitutes' identity in the Middle Ages have been set largely by Ruth Karras, whose groundbreaking *Common Women: Prostitution and Sexuality in Medieval England* was the first full-length study of mediaeval prostitution to place the phenomenon in the context of the history of sexuality.[14] Two fundamental arguments underpin Karras's work on prostitution. Firstly, she argues that "prostitute" can be understood as a mediaeval sexual orientation in much the same way that the identity of gay men – to pick a single example – might be understood today. In a well-known though somewhat disputed article on "Prostitution and the Question of Sexual Identity," Karras makes a forceful case for the recognition of "prostitute" as a sexual identity within the context of the Foucauldian debate on sexual

[11] Ibid., See Ch. 3, "The Construction of the Confessing Subject," pp. 74-110.
[12] The phrase "operations of power" recurs throughout Arnold's book; see ibid., pp. 12, 50, 78, 90, 99, 110, 226.
[13] Ibid., p. 7.
[14] See n. 2 above.

acts and sexual identities.[15] Elsewhere, she expands her position based on her contention that because prostitutes were understood in the period to be lustful women, the individual prostitute "was seen as a certain type of person rather than a person who did certain things," making prostitution "an important component of personal identity."[16] For Karras, the prostitute's identity was based upon her membership of a group of marginalised women; she claims that "…we cannot identify a 'typical' prostitute among the wide range of practices, but the efforts of authorities to demarcate and stigmatize prostitutes gave them a collective identity, one that was on the fringes of the socially acceptable but that was nonetheless integral to society's functioning."[17]

Secondly, Karras argues that the identity category of prostitute might be assigned to any woman who acted in a sexually transgressive manner. The prostitute was thus a kind of default identity for any woman whose sexual behaviour was not circumscribed by an acceptable role. Karras thus equates prostitution with the broader concept of whoredom, arguing that there was no crucial difference between the two, and that any sexually sinful woman ran the risk of being equated with the commercial prostitute.[18] Karras offers a model of identity in which, "if not a wife, virgin, widow or concubine, a woman was a prostitute; there was no other category."[19] Here, she draws on a classificatory scheme with mediaeval precedents in Humbert of Romans's (1180-90 – 1277) *De Eruditione Praedicatorum* in which, on the subject of sermons for women, women are grouped firstly into nuns and laywomen, and the latter further subcategorised into nobles ladies, weathly bourgeoises, poor country women, servant girls, and whores. Another less well-known example was the *Livre de Manières* of Etienne Fougères (1178), in which he considered the appropriate conduct for virgins, wives and widows.[20]

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[15] Karras, "Prostitution and Sexual Identity". See also the critical responses in the same issue: Theo van der Meer, "Medieval Prostitution and the case of a (Mistaken?) Sexual Identity," 178-185, and Carla Freccero, "Acts, Identities, and Sexuality's (Pre)Modern Regimes," 186-192, as well as Karras's own response, "Response: Identity, Sexuality and History," 193-198.

[16] Ruth Mazo Karras and David Lorenzo Boyd, ""*Ut cum muliere*" A Male Transvestite Prostitute in Fourteenth-Century London," in *Premodern Sexualities* ed. Louise Fradenberg and Carla Freccero (New York NY, 1996), pp. 99-116, here p. 104.

[17] Karras, *Common Women*, p. 66.

[18] Ibid., p. 131. See also p. 30: "Anyone accused of being a whore – anyone whose sexual behavior was offensive to her neighbours, especially female ones – could be placed by her neighbours' insults or by court action in the same category as the commercial prostitute."

[19] See Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (New York NY, 2005), p. 104.

[20] See Shulamith Shahar, *The Fourth Estate. A History of Women in the Middle Ages* trans. Chaya Galai (London and New York NY, 1983), pp. 2-3. Peter Schuster also refers to the tripartite scheme of female identity in the Middle Ages, in which "a woman was either a virgin, a wife, or a whore" ("eine Frau war entweder Jungfrau, Ehefrau, oder Hure") – see Peter Schuster, "Hinaus oder ins Frauenhaus. Weibliche Sexualität und gesellschaftliche Kontrolle an der Wende vom Mittelalter zur Neuzeit," in *Mit den Waffen der Justiz. Zur*

Despite the force of Karras's argument on prostitution, which she has re-stated in her more recent years in her work on sexuality, it is also worth noting that her stance on mediaeval singlewomen (defined as a woman who had never married) appears to suggest that categorisation itself could function more flexibly. In her essay "Sex and the Singlewoman," she states "in medieval Europe with its strict classification of women as virgins, wives, and widows, any woman who did not fit into one of these three categories *risked* [my italics] being equated with members of the only identifiable, demarcated group that did not fit: prostitutes."[21] Karras claims here that there was undoubtedly "cultural space" for the sexual activity of singlewomen which was not prostitution, though makes no suggestions for positive identity categories which might apply to such women. Carol Lansing's work on prostitutes and concubines in mediaeval Bologna addresses this gap by pointing to the evidence in legal records of other identities which might be attached to sexually-active single women other than "prostitute".[22] Karras's scheme of female identity has also been challenged more directly by Cordelia Beattie, who, in the fourteenth-century Middle English treatise *Jacob's Well*, explores how the single woman who had been sexually active might have formed a useful category in penetential discourse without necessarily being considered a whore.[23] The work of Beattie and Karras illustrates the difficulty of bridging the gap between theoretical and practical practices of classification. As Karras also readily acknowledges, the late mediaeval English source base from which she makes her principal arguments mostly lacks the evidence of subjective experience on the part of individual prostitutes.[24]

By contrast, the German and Swiss legal and literary case studies which make up this thesis provide a base of evidence with which to examine categorisation in practice. These sources originate nevertheless from a context significantly different to that in which

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Kriminalitätsgeschichte des späten Mittelalters und der Frühen Neuzeit ed. Andreas Blauert and Gerd Schwerhoff (Frankfurt am Main, 1993), pp. 17-31, here p. 23.

[21] Ruth Mazo Karras, "Sex and the Singlewoman," in *Singlewomen in the European Past, 1250-1800* ed. Judith M. Bennett and Amy M. Froide (Philadelphia PA), pp. 127-145, here p. 127.

[22] Carol Lansing, "Concubines, Lovers, Prostitutes. Infamy and Female Identity in Medieval Bologna," in *Beyond Florence. The Contours of Medieval and Early Modern Italy* ed. Paula Findlen, Michelle M. Fontaine, and Duane J. Osheim (Stanford CA, 2003), pp. 85-100. See also below, pp. 52-53.

[23] Cordelia Beattie, *Medieval Single Women*: *The Politics of Social Classification in Late Medieval England* (Oxford, 2007); see esp. pp. 40-41, 48-49.

[24] The exception is a single legal case from fourteenth-century London featuring John/Eleanor Rykener, a male transvestite prostitute; see n. 16 above. Cordelia Beattie also discusses Rykener in "Gender and femininity in medieval England," in *Writing Medieval History: Theory and Practice for the Post-Traditional Middle Ages* ed. Nancy Partner (London, 2005), pp. 153-70.

Karras works, providing a different set of conditions in which subjectivities took shape.[25] Chapter I examines a case of suspected abortion featuring a sexually-active single woman from fourteenth-century Zurich, whose multiple partners imply that she may have been working as a prostitute. The lack of overt labelling in the case record, and the manner in which she is described by the witnesses from her peer group, nevertheless suggest that she may not have been viewed in this way. This chapter thus supports Karras's comments, made in the context of singlewomen, on the possibilities of "cultural space" for women outside the categories of virgin, wife, widow, and prostitute.

Chapter II examines another, unpublished case of abortion from the late fifteenth century which centres upon the municipal brothel of the Imperial Free City of Nördlingen, in south-west Germany [see fig. 2]. The documents, which contain the testimony of every woman working in the brothel at the time, can lay claim to being one of the most detailed sources for municipal prostitution in the Middle Ages, and show the extent to which prostitutes were able to assume subject positions and exert agency within the context of regulation. The case demonstrates that far from there having been a uniform identity category of "prostitute" in the Middle Ages, working within the regulations offered an individual woman the opportunity to assume subject positions wholly unavailable to a woman operating as a clandestine prostitute.

Chapter III analyses the trial record of a woman suspected of clandestine prostitution in late fifteenth-century Augsburg. This chapter demonstrates the change in the historical conditions under which women were able to assume subject positions in the context of prostitution between the fourteenth and later fifteenth centuries. By the late 1400s century, municipal authorities in German-speaking regions had begun to exert a greater degree of pressure on sexually-active single women, coercing many into brothels or relocating them in red-light distincts. The subject position which the woman at the centre of this case was made to assume reflects this pressure, showing an intolerance on the part of her interrogators for female sexual agency.

Chapter IV aims to contextualise this legal material with fictional depictions of brothels and prostitutes, both to draw out parallels in the manner by which prostitutes assumed subject positions in the judicial context, and to bring together the threads of a recurrent

[25] On brothels in England, see Karras, *Common Women*, Ch. 2: "Brothels, Licit and Illicit," pp. 32-47.

concern throughout the legal case studies, namely the emergence of a masculine subject in response to the figure of the prostitute. This subject may be characterised by the key attribute of anxiety, caused chiefly by the danger of female sexual agency. Female agency can be seen to threaten masculine sexual dominance, and is at its most concentrated in the prostitute, understood in the period (as Karras makes clear) to be lustful women.

Working in a German-speaking context, this thesis aims firstly to complicate the broad picture offered by Karras by showing how subjectivities were negotiated by individuals in the milieu of prostitution according to local discursive practices, and secondly to chart the emergence in the sources of an anxious masculine subjectivity as a response to the phenomenon of prostitution. In order to lay the ground for the legal and literary case studies which follow, the remainder of this introduction outlines the historical context of prostitution in late mediaeval Germany and Switzerland and discusses the recent German historiography on mediaeval prostitution. It then moves on to outline recent the historiography of pre-modern trial records, whose influence shapes the readings of the sources offered in chapters I-III, before discussing the development of inquisitional trial procedure in the region, a key methodological consideration with regard to the treatment of subjectivity.

Mediaeval concepts of prostitution

Various criteria could be used in the Middle Ages to define a woman as a prostitute. In contrast to a modern view in which economic exchange is considered to be a primary element, two of the most significant legal definitions of prostitution in the pre-modern West rested upon promiscuity. In Roman law, as noted by Thomas McGinn, Justinian's *Corpus iuris civilis* (529-534) reflected the position of the second-century jurist Ulpian, who said that a prostitute was a woman one who had sex *sine dilectu*, "without discrimination".[26] In canon law, as Brundage makes clear, promiscuity was also crucial to prostitution, Gratian's *Decretum* repeating St Jerome's statement that "a whore is one who is available for the lust of many men."[27] Some canonists also debated the exact number

[26] Thomas A. J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (New York NY and Oxford, 1998), p. 128. See also Iwan Bloch, *Handbuch der Gesamten Sexualwissenschaft in Einzeldarstellungen* 3 Vols., Vol. I: *Die Prostitution* (Berlin, 1912-25), p. 15.
[27] James A. Brundage, "Prostitution in the Medieval Canon Law," in *Signs* 1:4 (Summer, 1976), 825-845, here 827. See also idem, *Law, Sex and Christian Society in Medieval Europe* (Chicago IL, 1987), pp. 248-9 and 464-6.

of lovers a woman was required to have to be classed as such; in the writings of Johannes Teutonicus (ca. 1180-1252), this could be anything between 60 and 23 000.[28] The term for a prostitute used in canon law was the Roman one, *meretrix*, though by the early Middle Ages it had taken on the more general meaning of a woman of loose sexual morals.[29] By the twelfth century, urban jurists in southern France had found it necessary to use *meretrix publica* to specify a prostitute.[30] The idea of the prostitute as a "public" woman also found support in religious writing in this period, Thomas of Chobham (1158/68 – 1233/36) stating that in order for a woman to be classed as a whore, her sin had to be public. Similarly, Thomas Aquinas (1225-1274) classed the prostitute as "a publicly available private person."[31] These legal definitions inform Karras's work on the identity of the prostitute in late mediaeval England, in which she demonstrates the prevalence in legal and literary sources of the idea of the prostitute as a lustful woman. This informs her translation of *meretrix*, the most common Latin term for prostitutes in mediaeval English legal discourse, as "whore," and underpins her notion of the prostitute as a "common woman".[32]

Municipal brothels and the institutionalisation of prostitution

Municipal authorities across western Europe began to regulate prostitution in the thirteenth and fourteenth centuries, applying a range of measures ranging from the creation of red-light districts or streets to imposition of clothing ordinances and the establishment of civic brothels. Institutionalisation created a dichotomy between licit and illicit prostitution, whereby the status of an individual woman depended upon whether or not her activities took place within the structures of regulation.[33] As each chapter of this thesis argues, this could have a significant effect upon the question of subjectivity, whereby different contexts produced different possibilities of subjectification for individual women.

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[28] Ibid., p. 390.
[29] For prostitution in the early and high Middle Ages, see Annette Lömker-Schlögell, "Prostituierte – 'umb vermeydung willen merers übels in der cristenhait,' in *Randgruppen der spätmittelalterlichen Gesellschaft* ed. Bernd-Ulrich Hergemöller (Warendorf, 1994), pp. 56-89, here pp. 58-59.
[30] Lydia Leah Otis, *Prostitution in Medieval Society. The History of an Urban Institution in Languedoc* (Chicago IL, 1985), p. 15. For prostitution in the Roman and Patristic eras, see pp. 12-14.
[31] Rossiaud, *Medieval Prostitution*, p. 82, and Karras, *Common Women*, p. 27.
[32] Karras, *Common Women*, pp. 11-12.
[33] Otis, *Prostitution in Medieval Society*, p. 89. See also Rossiaud, *Medieval Prostitution*, pp. 7-8.

One of the most visible of these forms of regulation was the use of clothing ordinances., which required prostitutes to distinguish themselves from other women by wearing markers of their profession. Ordinances of this type began to be introduced in cities across western Europe from the twelfth century, and varied in the type of clothing they required women to wear.[34] Some ordinances were extended to include women of ill repute, though without making clear whether they were considered to be prostitutes; a 1399 ordinance from Lüneburg forbade such women from wearing jewelry, while in Wismar in the same period, *mulieres infamata* were forbidden from wearing "honourable" clothing or jewelry which might lead to their being mistaken for wives or virgins rather than prostitutes, whilst a Hamburg ordinance specified the same for women who had had children out of wedlock.[35] In the context of German-speaking cities, Beate Schuster has argued that whilst clothing ordinances set prostitutes apart from other women, they also demonstrated the protection extended to them by the municipal authorities.[36] The requirement in many cities for prostitutes to wear red might also make clear their protected status through the use of an official colour associated with town councils.[37]

In addition to clothing ordinances, many municipal councils in western Europe established brothels in which licensed prostitutes lived and worked. This process began in France and in German-speaking cities in the mid- to late fourteenth century.[38] Lydia Leah Otis characterises the changes which accompanied institutionalisation as a transformation from "a mobile, free-lance affair with the prostitute the principal actress, barred from respectable neighbourhoods and from streets where she tarried too long, to a stable, spatially defined business, with the brothel as its fundamental structure and brothel farmer as its principal figure." [39] A notable exeption to this pattern was England, where, but for a few examples in London, institutionalized brothels did not form part of the urban landscape. In this context there was no technical term to distinguish prostitutes

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[34] For clothing ordinances in Languedoc, see Otis, *Prostitution in Medieval Society*, p. 80. For clothing ordinances in France more generally, see Rossiaud, *Medieval Prostitution*, p. 57. For the same in German-speaking regions, see Peter Schuster, *Das Frauenhaus: städtische Bordelle in Deutschland (1350-1600)* (Paderborn, 1992), pp. 147-150. For Italy, see James A. Brundage, "Sumptuary laws and prostitution in late medieval Italy," in *Journal of Medieval History* 13:4 (1987), 343-355.
[35] Peter Schuster, "Hinaus oder ins Frauenhaus," pp. 23-24.
[36] Beate Schuster, *Die freien Frauen*: *Dirnen und Frauenhäuser im 15. und 16. Jahrhundert* (Frankfurt am Main, 1995), p. 83.
[37] Beate Schuster, "Wer gehört ins Frauenhaus? Rügebräuche und städtische Sittlichkeitspolitik im 15. und 16. Jahrhundert," in *Institution und Ereignis. Über historische Praktiken und Vorstellungen gesellschaftlichen Ordnens* ed. Reinhard Blänkner and Bernhard Jussen (Göttingen, 1998), pp. 185-252, here pp. 203-204.
[38] On the institutionalisation of brothels in France, see Rossiaud, *Medieval Prostitution*, pp. 59-61; for Languedoc, see Otis, *Prostitution in Medieval Society*, pp. 25-39.
[39] Otis, *Prostitution in Medieval Society*, p. 51.

from promiscuous women or those suspected of illicit sexual activity, all of whom could be labelled "whores" in legal records.[40] Municipal authorities sometimes justified their administration of a brothel with the religious argument that by offering sexual services to unmarried men, prostitutes provided an outlet for lust which might otherwise endanger honourable women. This rationale had its basis in Augustine's *De Ordine*, in which he stated "if you remove harlots from society, you will disrupt everything because of lust."[41] Theologians writing in the later period made similar analogies, Thomas Aquinas equating brothels in society to the sewer in a palace, and Ptolemy of Lucca (1236-1327) comparing prostitutes to a sewer or a bilge-pump in a ship.[42] Otis records the use of the "greater evil" argument to justify the establishment of municipal brothels in Languedoc, whilst Jacques Rossiaud argues that brothels in France were aimed principally at the urban youth, partially as a response to the problem of gang rape. [43] In Florence, Richard Trexler has argued that the authorities regarded brothels primarily as a means to dissuade young men from homosexuality, rather than a measure for women's protection.[44]

The early historiography of prostitution in mediaeval Germany is dominated by the first volume of Iwan Bloch's monumental *Handbuch der Gesamten Sexualwissenschaft* on prostitution.[45] More recently, Peter Schuster's 1992 monograph *Das Frauenhaus: städtische Bordelle in Deutschland (1350-1600)* is the first comprehensive survey of archival material on prostitution in mediaeval and early modern German-speaking regions, with a particular focus on the phenomenon of municipal brothels.[46] Schuster suggests several reasons for the wave of institutionalisation that took place across German and Swiss cities from the fourteenth century. From one perspective, he argues that the establishment of brothels can be seen as an official response to the Black Death, whereby authorities responded to the perception of divine punishment by taking greater control

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[40] Karras, *Common Women*, pp. 30-31.
[41] Augustine, *De Ordine* 2.4.12: "Aufer meretrices de rebus humanis, turbaveris omnia libidinibus: constitue matronarum loco, labe ac dedecore dehonestaveris," quoted from Brundage, *Law, Sex and Christian Society*, p. 106.
[42] Thomas Aquinas, *De regimine principium ad regem Cypri*, in *Opera Omnia* Vol. 16 (Parma, 1864), p. 281, quoted in Ruth Mazo Karras, "Prostitution in Medieval Europe," in *Handbook of Medieval Sexuality* ed. Vern L. Bullough and James A. Brundage (New York NY, 1996), pp. 243-260, here p. 245, and Ptolemy of Lucca, *On the Government of Rulers: De Regimine Principium*, 4:14:6 trans. James M. Blythe (Philadelphia PA, 1997), p. 254, quoted in Karras, *Sexuality in Medieval Europe*, p. 106. On Aquinas's view of prostitution, see Vincent M. Dever, "Aquinas on the Practice of Prostitution," in *Essays in Medieval Studies* 13, 39-46.
[43] Otis, *Prostitution in Medieval Society*, p. 103, and Rossiaud, *Medieval Prostitution*, pp. 42-44; for prostitutes as a provision for the urban youth, see also p. 48.
[44] Richard C. Trexler, "La prostitution florentine au XV siècle: patronages et clientèles," in *Annales: èconomies, sociétés, civilisations* 36 (1981), 983-1015, here 984.
[45] See n. 26 above.
[46] See n. 34 above.

over the moral behaviour of their citizens.[47] Schuster also sees the establishment of brothels as a measure of *Realpolitik* on behalf of town councils, for whom prostitutes were an inevitable presence.[48] Thirdly, Schuster suggests that the establishment of brothels facilitated the public control of women, following the logic that the rest of society would take note of their shameful example and avoid the same behaviour.[49] He also attaches particular importance to the fifteenth century as the "century of the brothel" (*Jahrhundert der Bordelle*), which saw both a concentration of new foundations and an increasingly aggressive municipal policy towards single women and unlicensed prostitutes at the end of the 1400s.[50]

Following closely in the wake of Peter Schuster's *Das Frauenhaus*, Beate Schuster's 1995 monograph, *Die freien Frauen: Dirnen und Frauenhäuser im 15. und 16. Jahrhundert* also examines the phenomenon of municipal brothels in German-speaking regions, though with a more focussed study of the city of Constance. Although more restricted in its range of archival material, Beate Schuster's work offers more in-depth arguments to explain the phenomenon of institutionalisation, and gives lengthy consideration to the topics of sexuality and gender, drawing additionally on literary evidence.[51] She argues that municipal councils initially established brothels partly in order to fulfil their obligations to protect prostitutes within their jurisdictions from violence and abuse.[52] She sees this policy as an extension of the obligation of councils to keep the peace within the city walls, and traces a process of gradual inclusion of prostitutes within the civic hierarchy throughout the fourteenth and early fifteenth centuries. Prior to this period, municipal authorities commonly made efforts to expel and exclude prostitutes from urban life. In the fourteenth century, councils began to permit prostitutes to remain in towns and placed them under the supervision of particular officials (often executioners) responsible for their protection. [53] By the end of the 1300s, councils had begun to designate particular properties brothels, and to appoint brothel-keepers to manage them. Once councils had ceased to expel prositutes as a matter of course, Beate Schuster sees their greater inclusion as a self-evident move to control itinerant women in cities.[54] Brothels, she

[47] P. Schuster, *Das Frauenhaus*, pp. 49-50.
[48] P. Schuster, "Hinaus oder ins Frauenhaus," pp. 18, 19.
[49] Ibid., pp. 21-22.
[50] P. Schuster, *Das Frauenhaus,* p. 57.
[51] See n. 36 above.
[52] B. Schuster, *Die freien Frauen*, p. 187.
[53] Ibid., pp. 65-71.
[54] Ibid., p. 102.

notes, could also be seen to share in the ideals of an orderly household under male supervision, with the brothel-keeper its head (*Hausherr*).[55]

Both Beate and Peter Schuster concur nevertheless in their description of an increasingly aggressive municipal policy towards unofficial prostitutes and sexually active single women, beginning in the second half of the fifteenth century, which translated into efforts to drive them into brothels or out of towns regardless of whether they had caused complaint or attracted attention to themselves.[56] Some towns also permitted brothel-keepers (with permission from the council) to force women into brothels.[57] In keeping with the idea of the brothel as an orderly household, Beate Schuster places these changes in the context of what she calls the "new morality" (*neue Sittlichkeit*) of the late fifteenth and early sixteenth centuries, by which municipal authority was cast in increasingly moralising terms, and marriage was seen as a fundamental component of social order.[58] She claims additionally that the definition of prostition changed throughout the late Middle Ages and Early Modern period in relation to the growing importance of marriage as the sole form of acceptable cohabitation. [59] By the sixteenth century, she argues, prostitution and marriage were diametrically opposed, meaning that all extra-marital sexual activity could be designated whoredom. [60] At the same time, brothels might be seen by this point as a key part of municipal policy to uphold the social order, "an affirmation in concrete form of the idea of municipal order on the part of the council."[61]

The later Middle Ages also saw changes in the status of prostitutes which affected their access to justice. It has sometimes been assumed that prostitutes were automatically barred from giving testimony throughout the Middle Ages due to the ban on their appearing as witnesses in legal cases stipulated by the Roman jurist Ulpian, a ban carried over by mediaeval jurists and canon lawyers in the twelfth century.[62] Whilst there is no clear evidence for a ban of this kind in German-speaking towns, prostitutes did face a number of obstacles throughout the period to their access to justice and to their

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[55] Ibid., pp. 178-187.
[56] B. Schuster, "Wer gehört ins Frauenhaus?", p. 229.
[57] P. Schuster, "Hinaus oder ins Frauenhaus," p. 28.
[58] B. Schuster, *Die freien Frauen*, pp. 330-331. On marriage, the household and social order in the sixteenth century, see Lyndal Roper, *The Holy Household. Women and Morals in Reformation Augsburg* (Oxford, 1989).
[59] B. Schuster, *Die freien Frauen*, pp. 330-331.
[60] Ibid., p. 405.
[61] Ibid., p. 409: "Das Frauenhaus war, wie die Statuten, ein Bekenntnis zu einer Vorstellung von städtischer Ordnung durch den Rat, das eine konkrete Gestalt angenommen hatte."
[62] Otis, *Prostitution in Medieval Society*, pp. 15-16, and Brundage, "Prostitution in Canon Law," 839.

participation in legal cases.[63] In the early and high Middle Ages, the diminished legal status of prostitutes made their acting as witnesses problematic. The dishonourable nature of their profession meant that prostitutes were also denied the ability to swear oaths which bound together the legal communities of towns in the twelfth and thirteenth centuries, a status which did not exclude them wholly from the community, but denied them the ability to testify.[64] By the later Middle Ages, municipal prostitutes experienced the same obstacles as women more generally in gaining recognition for their cases in municipal courts, though for them the difficulty was accentuated by the fact that they had no male householder to act as a sponsor for their complaints. Prostitutes also had no ability to make a complaint against a citizen, and in some towns citizens could chastise or discipline prostitutes if they thought it necessary.[65] Some situations might nevertheless call specifically for the testimony of prostitutes. Where crimes had been committed in brothels or brothel-keepers were accused of absusing their role (the precise scenario explored in chapter II), prostitutes became vital witnesses.[66] The Nuremberg chronicler Heinrich Deichsler records an incident from 15 October 1498, in which seven municipal prostitutes testified before the council against a man who had blasphemed in the brothel.[67] Beate Schuster suggests that these women were only able to testify as a group representing a municipal institution, since without a male sponsor they had no ability on their own to bear testimony.[68] In his study of prostitution in late mediaeval Lucerne, Mark Wüst shows numerous examples of prostitutes testifying in the municipal court.[69] In an English context, P. J. P. Goldberg also presents evidence that the sexual expertise of prostitutes might be called for in the judicial sphere, citing a piece of matrimonial litigation from York from 1432 in which a number of prostitutes examined the penis of a man for signs of impotence.[70]

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[63] Otis makes a similar point for Languedoc, where she notes that by the fifteenth century there were no practical limits on the ability of prostitutes to testify, make wills, or engage in other common actions at law; see ibid., pp. 67-68.
[64] See Werner Danckert, *Unehrliche Leute. Die verfemten Berufe* (Bern, 1979), pp. 9-12, and Franz Irsigler and Arnold Lasotta, *Bettler und Gaukler, Dirnen und Henker. Randgruppen und Außenseiter in Köln 1300-1600* (Cologne, 1984), p. 32.
[65] B. Schuster, *Die freien Frauen*, pp. 57-59.
[66] Ibid., pp. 64-65. Rossiaud makes a similar point for French cities; see *Medieval Prostitution*, pp. 43-44.
[67] *Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert* 37 Vols (Leipzig, 1862-1968), Vol. 11 (Nürnberg 5), p. 600.
[68] B. Schuster, *Die freien Frauen*, p. 160.
[69] Mark Wüst, *Prostitution in Luzern vom 14. bis zum 16. Jahrhundert* (Undergraduate thesis, University of Zurich, 1994), pp. 105-107.
[70] P. J. P. Goldberg, "Gender and Matrimonial Litigation in the Church Courts in the Later Middle Ages: The Evidence of the Court of York," in *Gender & History* 19:1 (April, 2007), 43-59; here 49. For the case itself, see P.J.P.Goldberg (ed., trans), *Women in England 1275-1524: Documentary Sources* (Manchester and New York NY, 1995), pp. 219-222.

In German-speaking regions, another important development in the status of prostitutes by the later Middle Agres century was the creation in a number of cities of brothel ordinances (*Frauenhausordnungen*) containing regulations for the working conditions of municipal prostitutes and house rules for clients. Beate Schuster sees the adoption of *Frauenhausordnungen* as a move by which municipal councils to redress the balance of authority within brothels, which had seen many brothel-keepers able virtually to enslave the women working for them through punitive debts which restricted their freedom of movement. A common provision in these documents was that municipal prostitutes should not be indebted to the extent that they were prevented from leaving their employment, since any prostitute was theoretically entitled to leave her sinful life when she wished.[71] The first of the *Frauenhausordnungen* was adopted in Nuremberg in 1470, followed shortly by that of Nördlingen in 1472.[72] Others survive from Munich, Konstanz, Strasbourg, Überlingen, and Ludwigsburg.[73] In Nördlingen, a strong connection can be made between the events described in the case study discussed in chapter II and the adoption of the *Frauenhausordnung*, providing further support for Beate Schuster's argument that these ordinances represented a check upon the power of brothel-keepers.[74]

Municipal prostitutes as "public" women

The common term for a brothel in late mediaeval German-speaking cities was *Frauenhaus*, a word whose literal meaning is "house of/for women". Today the same term is more commonly used to refer to a women's domestic assault shelter, though it was sufficiently general even in the mediaeval period to invite ambiguity over its meaning, when the connotations of a lodging house for single women might also denote a female monastery or beguinage.[75] Prostitutes who worked in municipal brothels might be referred to in various ways. The language of civic ordinances sometimes referred to them as *arme tochter*

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[71] B. Schuster, *Die freien Frauen*, p. 156.
[72] Ibid., p. 141. For the unpublished Nördlingen brothel ordinance, see StaN AF.
[73] On the *Frauenhausordnungen,* see also Brigitte Rath, "Prostitution und spätmittelalterliche Gesellschaft im österreich-süddeutschen Raum," in *Frau und spätmittelalterlicher Alltag. Internationaler Kongress Krems an der Donau, 2.-5. Oktober 1984* ed. Harry Kühnel (Vienna, 1986), pp. 553-571, here pp. 563-565. The Nuremberg ordinance of 1470 has been published in Ann Marie Rasmussen and Sarah Westphal-Wihl (eds.), *Ladies, Whores, and Holy Women: A Sourcebook in Courtly, Religious, and Urban Cultures of Late Medieval Germany*, (Kalamazoo MI, 2010) pp. 143-155.
[74] See below, pp. 101-2.
[75] B. Schuster, "Wer gehört ins Frauenhaus?", p. 204.

("poor daughters"), *schöne frawen* ("beautiful women"), or *hübsche froulein* ("pretty girls") to emphasize poverty or beauty, sometimes in reference to aristocratic culture or the ideals of courtly love.[76] As Lyndal Roper notes, the use of such diminutives might could also have the effect of infantilising prostitutes and of presenting municipal prostitution as a free act of pleasure and love.[77] Another common term was *dirn*, a word which might also refer to a female servant, as well as the ubiquitous *hure*, "whore," though the latter had a much broader application as a generalised insult for a female adversary.[78] Terms used in the later Middle Ages to denote prostitutes and brothels might also carry an additional verbal qualifier such as "free" (*fry*), "open" (*offen*), or "public" (*gemein*) to denote the availability of the women, demonstrating the continuing importance of earlier mediaeval notions of the prostitute as promiscuous.[79] Around 1314, the town council of Zurich forbade the opening of a brothel close to the Dominican convent of Oetenbach, using the term *offen hurhus* ("public whorehouse").[80] In a clothing ordinance enacted in the city in the same period, prostitutes are referred to as girls "who sit in public houses" (*die in offen husern sitzent*).[81] Sibylle Malamud has also noted that houses known to belong to promiscuous women might also be termed *offen*.[82] The *Frauenhausordnungen* also made use of such language; the 1470 Nuremberg ordinance refers to prostitutes as *gemeine weiber*, "public women", whilst that of Nördlingen refers to them as "free daughters" (*fryen töchtren*), "free" here denoting availability.[83] By the end of the fifteenth century, Beate Schuster notes that decreasing tolerance of unlicensed prostitution led to a more expansive use of the term "whore" (*hure*) by municipal authorities, so that it could encompass any woman who engaged in sexual activity outside marriage.[84] Literary descriptions of prostitutes reflect the range of terms described here; in the texts examined in chapter IV, prostitutes are described variously as living "the free life" (*die lüff*

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[76] Ibid., pp. 201-202.
[77] Lyndal Roper, "Mothers of Debauchery: Procuresses in Reformation Augsburg," in *German History* 6:1 (1988), 3-4.
[78] For examples of how these terms were used in practice, see chapters I (p. 48-9 for *hur*), II (p. 78 for *dirn*) and III (p. 111 for *dieren*, p. 116 for *huerlin*)
[79] On the gendered meanings of *gemein* in the sixteenth century, see Lyndal Roper, "'The Common Man', 'The Common Good', 'Common Women': Gender and Meaning in the German Reformation Commune," in *Social History* 12:1 (January, 1987), 1-21.
[80] H. Zeller-Werdmüller and Hans Nabholz (eds.), *Die Zürcher Stadtbücher des XIV. und XV. Jahrhunderts*, 3 Vols. (Leipzig, 1899-1906), Vol. I, p. 3.
[81] Ibid., p. 17.
[82] Sibylle Malamud, *Die Ächtung des "Bösen". Frauen vor dem Zürcher Ratsgericht im späten Mittelalter (1400-1500)* (Zurich, 2003), pp. 245-246.
[83] Rasmussen and Westphal-Wihl, *Ladies, Whores, and Holy Women* p. 148, and StaN AF, Frauenhausordnung.
[84] B. Schuster, "Wer gehört ins Frauenhaus?", pp. 223-224. See also P. Schuster, "Hinaus, oder ins Frauenhaus," p. 23. See pp. 48-49 below on the insult "whore" (*hir*).

in dem offen leben), as "the pretty women," (*hüpsche*[*n*] *frauen*), and as *diernen*, whilst the brothel is termed *dz gemein frauenhauß*.[85] As discussed in chapter IV, a degree of continuity between legal and literary language is also evident in the context of procuresses.[86]

The "public" status of prostitutes who worked in municipal brothels can be understood in various ways. Firstly, in terms of their availability, municipal prostitutes provided a resource to the unmarried, Christian male population of a town which was theoretically available as long as the brothel itself was open (it being common for brothels to close on holy days, and sometimes overnight) and a customer was able to pay. The *Frauenhausordnungen* also required prostitutes to reside in brothels in order to guarantee their availability.[87] Some of these documents also forbade prostitutes from having private relationships to prevent them favouring a particular man, and thus becoming less available to others.[88] The 1472 text of the Nördlingen *Frauenhausordnung* specified that "no free woman should have a dear [ie preferred] man in the free house, but rather every woman in the brothel should be free, so that she should stand to one [man] as to another."[89] In this way, fifteenth-century brothel ordinances enshrined in a regulatory context the earlier mediaeval notion of the prostitute as a sexually available woman, objectifying them by denying them the opportunity to exert sexual agency in the selection of partners.

Beate Schuster also notes that brothels could play a role in the performance of gender, whereby young men visited them not only to have sex, but to socialise and demonstrate their masculinity.[90] She postulates the existence of a mediaeval *Frauenhauskultur* concerned with "physicality, revelry, and pleasure in a broad sense".[91] The literary evidence explored in chapter IV suggests that brothels may nonetheless have provoked

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[85] See respectively "Die Sünderin" [l. 3], in Hanns Fischer (ed.), *Eine Schweizer Kleinepiksammlung aus dem 15. Jahrhundert* (Tübingen, 1965), p. 89, "Liebesabenteuer in Konstanz" [l. 36], in Hanns Fischer (ed.), *Die deutschen Märendichtung des 15. Jahrhunderts* (Munich, 1966), p. 385, and Heinrich Steinhöwel, *Apollonius*, http://www.hs-augsburg.de/~harsch/germanica/Chronologie/15Jh/Steinhoewel/ste_apol.html, ff. 118v and 117r. These texts and their editions are discussed more fully in chapter IV.

[86] See below, p. 145.

[87] B. Schuster, *Die freien Frauen*, p. 415.

[88] Lömker-Schlögell, "Prostituierte," p. 57.

[89] StaN AF, Frauenhausordnung: "Wir wöllen auch nit dulden noch hab[e]n das einich frÿe fraw kainen lieben man in dem fryen haws hab, sonder ain yede fraw in dem haws sol fry sein also das sy ainem als dem andern sten sol". On the same regulation in the Nuremberg ordinance of 1470, see Lömker-Schlögell, "Prostituierte," p. 57.

[90] B. Schuster, *Die freien Frauen*, p. 13.

[91] Ibid., p. 253: "Im 15. Jahrhundert war sie als Teil von Körperlichkeit, von Festlichkeit, als Vergnügen im unfassenden Sinn verstanden worden." ("In the fifteenth century, it [prostitution] was understood in a broad sense to be a part of physicality, of revelry, and of pleasure.")

anxiety in the masculine imagination, whereby the spectre of prostitute's sexual agency threw into doubt the extent to which brothels truly guaranteed sexual access to women, and questioned men's own ability to assume the dominant sexual subjectivity demanded of them by the positioning of women as sexual objects. Literary depictions of the brothel show how, far from celebrating masculinity, it could also become a place of danger for men in which they risked humiliation at the hands of women. In a historical context, chapter II also examines the concern of the municipal council of Nördlingen for the orderly running of the brothel, suggesting that the authorities also placed significant value on the efficacy of brothels in upholding the social order.

The "public" status of municipal prostitutes meant that in some towns, they were also included in civic events such as dances, feasts and processions in recognition of their place in the urban hierarchy.[92] In Nuremberg, prostitutes were permitted to appear at dances in front of the town hall until the year 1496, and in 1529 prostitutes also appeared at the annual celebratory feast of the town council of Frankfurt.[93] In the mid-fifteenth century prostitutes in Nördlingen took part in the annual *Scharlachrennen*, a race held outside the city walls.[94] Peter Schuster notes that prostitutes might also be invited to unofficial events like weddings, suggesting that whilst they provided a disreputable service, they were not "true" pariahs, and thus not excluded to the same extent as those who performed other dishonourable work such as executioners, or the Jewish populations of towns.[95] Prostitutes were sometimes also to be seen at the entry processions of rulers to towns. In Vienna in 1438, prostitutes were sent in sumptuous clothing to greet the emperor Albert II before the city gates, while in Nuremberg in 1471, prostitutes processed around the town with Frederick III, before "capturing" him with a golden chain and receiving a one *gulden* ransom payment.[96] The fact that prostitutes sometimes took part in public events like these has led some historians to suggest that working in a municipal brothel could, to quote Otis, confer upon individuals "a certain degree of respectability".[97] Rossiaud paints an optimistic picture for the fourteenth and fifteenth centuries for the prospects of prostitutes who had finished work

[92] For such displays in Languedoc, see Otis, *Prostitution in Medieval Society*, pp. 10, 71. For France more generally, see Rossiaud, *Medieval Prostitution*, pp. 68-69. For Germany, see Lömker-Schlögell, "Prostituierte," p. 74.
[93] Carl von Posern-Klett, "Frauenhäuser und Freie Frauen in Sachsen," in *Archiv für die sächsische Geschichte* 12 (1874), 63-89, here 80.
[94] Gustav Wulz, *Vom Nördlinger Frauenhaus* (Stadtarchiv Nördlingen, undated, ca. 1960), pp. 27-28.
[95] P. Schuster, *Das Frauenhaus*, pp. 137-138.
[96] B. Schuster, "Wer gehört ins Frauenhaus?", p. 207.
[97] Otis, *Prostitution in Medieval Society*, p. 50.

in the municipal brothel, claiming that such women were not permanently excluded from society, and could integrate with relative ease by marrying.[98] Mary Perry has characterised the position of prostitutes in early modern Spain as one of "deviant insiders," a description which nonetheless hints at the ambiguity of their status.[99] Beate Schuster notes that by the end of the fifteenth century, in some towns prostitutes had even come to attain a de facto status as citizens in the eyes of municipal councils, notably those of Frankfurt, Nuremberg, and Strasbourg.[100]

The "public" status of municipal prostitutes also provided them with a measure of protection from the authorities that was not afforded to women working clandestinely, as well as a degree of stability that came from working in a brothel. Beate Schuster argues for a tradition of official protection of prostitutes (*obrigkeitlicher Dirnenschutz*) in German-speaking regions from the fourteenth century until the large-scale abolition of brothels around the time of the Reformation, claiming that town councils could demonstrate their ability to secure city peace (*Stadtfrieden*) by extending protection to prostitutes, who were among the most defenceless marginal groups. She notes that the language of town statues could reflect the conception of prostitutes as poor, defenceless women in need of protection from violence and injustice, and that whosoever did so demonstrated Christian morality.[101] Because municipal prostitutes were regarded as employees of the city, they were able to make a complaint against an individual who assaulted them with the support of two legally-recognised people to prove that they had been attacked without reason. Some town councils also took the role of the complainant if a prostitute had been attacked or killed.[102] Schuster notes nevertheless that councils' protection of prostitutes only tended to extend only as far as guaranteeing city peace, meaning that brothel-keepers who beat prostitutes were unlikely to face sanctions if peace were otherwise maintained in the brothel.[103] Generally, she suggests, councils only became involved in investigating crime in brothels when a breach of the peace had taken place, and generally ignored violations of brothel regulations where legitimate visitors were involved, with the exception of Jews.[104] Simone Bleuler has shown through a study of

[98] Rossiaud, *Medieval Prostitution*, pp. 32-37.
[99] See Mary Elizabeth Perry, "Deviant Insiders: Legalized Prostitutes and a Consciousness of Women in Early Modern Seville," in *Comparative Studies in Society and History* 27:1 (January, 1985), 138-158.
[100] B. Schuster, *Die freien Frauen*, p. 63.
[101] B. Schuster, "Wer gehört ins Frauenhaus?", pp. 199-201.
[102] Ibid., pp. 59-60.
[103] Ibid., p. 206.
[104] Ibid., p. 205.

legal cases from Zurich between 1450-59 that the municipal brothel did not see a greater number of crimes on average than other establishments, bearing in mind the caveat that fewer crimes taking place in the brothel may have been reported.[105] Municipal prostitutes might also make appeals to municipal councils on the basis of mistreatment by brothel-keepers. Chapter II discussed this scenario in depth in a legal case from Nördlingen. Another, smaller surviving example of prostitutes appealing against their mistreatment can be found from Nördlingen in the form of an undated note written by or on behalf of prostitutes working in the brothel there. In this document, the women state that the brothel-keeper had "drawn his dagger" (*zuckt den tegen*), and said that they were "never sure when he has the key to the house" (*un*[*d*] *sÿen nenen sicher wen er hat deie schlißel za dem hauß*), suggesting that their freedom of movement had also been restricted.[106]

The recognised status of municipal prostitutes within cities made possible two other forms of agency which have left documentary traces, and which might be seen as evidence of their assumption of subject positions. Firstly, urban chroniclers record in numerous cities the enactment of so-called "admonishment customs" (*Rügebräuche*), which took the form of public, and sometimes violent shaming of clandestine prostitutes or sexually-active single women by those who worked in municipal brothels. [107] Actions of this kind could take various forms. In Landshut, prostitutes in 1404 carried a woman through the town who was believed to have been practising prostitution secretly and tore off her clothes in public.[108] The fifteenth-century town law of Ofen (in modern Hungary) records an incident in which prostitutes caught a woman selling sex privately, and dressed her in new clothes before forcing her to dance with the town executioner in the marketplace.[109] In another well-known example cited by Peter Schuster, Heinrich Deichsler's chronicle of Nuremberg describes an incident in 1501 in which a woman whose partner took her to a brothel to spend the night was brought out the following

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[105] Simone Bleuler, *Delinquenz und Raum. Untersuchung der Deliktorte in Zürich 1450-1459* (Undergraduate thesis, University of Zurich, 1997), p. 140.
[106] StaN AF, undated note. Whilst it is possible that this note is associated with the case discussed in chapter II, the lack of a date means that no solid basis exists on which to make this connection.
[107] B. Schuster, *Die freien Frauen*, p. 161, and eadem, "Wer gehört ins Frauenhaus?", p. 247. Lynn Marie Laufenberg describes a similar practice in Florence, whereby official brothel prostitutes would knock off the headgear of clandestine prostitutes; see "More than Words: Gender, Gesture, Insult, and Assault in Medieval Florence," in *Virginia Social Science Journal* 42 (2007), 64-97, here 72.
[108] B. Schuster, "Wer gehört ins Frauenhaus?", p. 213, citing Gottfried Lammert, *Zur Geschichte des bürgerlichen Lebens und der öffentlichen Gesundheitspflege usw. in Süddeutschland* (Regensburg, 1880), p. 82. Schuster reproduces a passage of text cited by Lammert describing this action, but does not make clear the original source.
[109] B. Schuster, "Wer gehört ins Frauenhaus?", p. 214, citing *Das Ofner Stadtrecht. Eine deutschsprachige Rechtssammlung des 15. Jahrhunderts aus Ungarn* ed. Karl Mollay (Weimar, 1959), p. 155.

morning by the prostitutes working there, who set a straw crown upon her head and told her that they wanted to initiate her into the prostitutes' guild (an institution which did not in fact exist).[110] By the late fifteenth century, some town councils began to sanction prostitutes' actions against private competition. In Augsburg, prostitutes were permitted to take women who travelled at night on foot without a light back to the brothel on the assumption that they were clandestine prostitutes.[111] In Zurich the brothel-keeper was also permitted to take into the brothel women who approached men at night.[112] Evidence from Zurich's municipal court shows that women travelling at night might also be approached by men who assumed they were prostitutes. In 1468, Greth Gullerin complained to the court that a man named Hanns, a certain Cunrat Scher from Schaffhausen, and a third man named Appentzeller had approached her and her daughter Elsy in the street after dark, and had tried to drag Elsy into the brothel, calling them both "priests' whores".[113] In Nördlingen, the oath sworn by brothel-keepers from 1478 allowed them to take into the brothel itinerant prostitutes who stayed longer than three days in a tavern.[114] In Lucerne, Mark Wüst notes the existence of ordnances from the late 1400s which permitted brothel prostitutes to draw private prostitutes into the brothel.[115] In Zerbst in 1463, a maid from nearby Magdeburg was forced into the brothel by existing municipal prostitutes who believed her to be operating privately.[116] In another report from Deichsler's chronicle of Nuremberg, in 1505 eight prostitutes from the municipal brothel approached the council to obtain permission to attack a clandestine brothel operating in the so-called Kolben house, which, following the council's sanction, they duly did.[117]

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110 *Die Chroniken der deutschen Städte* 11 (Nürnberg 5), p. 645. The episode is also described in P. Schuster, *Das Frauenhaus*, p. 70.

111 Adolf Buff, "Verbrechen und Verbrecher zu Augsburg in der zweiten Hälfte des 14. Jahrhunderts," in *Zeitschrift des Historischen Vereins für Schwaben und Neuburg* 4:1 (1877), 160-231, here 187.

112 B. Schuster, "Wer gehört ins Frauenhaus?," p. 231, citing Conrad Meyer-Ahrens, "Geschichtliche Notizen über das erste Auftreten der Lustseuche in der Schweiz und die gegen die weitere Verbreitung der Krankheit namentlich im Canton Zürich getroffenen Maßregeln, nebst einigen Notizen über den Aussatz," in *Schweizerische Zeitschrift für Natur- und Heilkunde* 6 (N.F.3) (1843), 222-241, here 283 (the latter page reference suggests an error in Schuster's citatin).

113 StaZH BVI 226, f. 35r: "syent inen die obgenan[ten] dry komen und habint welle die genan[te] Elsinen ir tocht[er] in das frowen huß ziehen, und geredt sy und ir tocht[er] syent beid recht pfaffen hüren".

114 B. Schuster, "Wer gehört ins Frauenhaus?," p. 231, citing Karl Obser, "Zur Geschichte des Frauenhauses in Überlingen," in *Zeitschrift für die Geschichte des Oberrheins* 70 (N. F. 31) (1916), 631-644, here 643, and P. Schuster, "Hinaus oder ins Frauenhaus," p. 28.

115 Wüst, *Prostitution in Luzern*, p. 59.

116 P. Schuster, "Hinaus oder ins Frauenhaus," pp. 17-31, here p. 27, citing *Urkundenbuch der Stadt Magdeburg II* ed. Gustav Hertel (1894), p. 772.

117 *Chroniken der deutschen Städte* 11 (Nürnberg 5), p. 696.

Secondly, a small number of petitions to town councils complaining of private competition or poor working conditions survive from the fifteenth and sixteenth centuries from several cities. Cities for which petitions are recorded or from which they have survived include Frankfurt for the years 1456, 1470, and 1505, Nuremberg for 1492, Cologne from 1494, 1530, and 1565, and Regensburg, Esslingen, and Zurich from the year 1512.[118] By identifying and condemning the activities of clandestine prostitutes, those who worked in municipal brothels were able to point to the legitimacy of their own position, one which permitted them to appeal directly to town councils to protect their rights. Some of these petitions also emphasised the damage to the earnings of municipal prostitutes, which Beate Schuster suggests may have been a rhetorical strategy to prompt intervention from town councils, who were obliged to assist the poor. [119] Petitions from municipal prostitutes might also suggest a degree of pride in their work, which was to be contrasted with those who operated privately.[120] In the words of a 1492 petition from Nuremberg prostitutes, clandestine prostitutes in the city did things "much more roughly than we in the public brothel" (*viel gröbes dann wirs halten in dem gemeinen Tochter-Hauß*).[121]

The evidence of prostitutes' action against private competition comes largely from the mid- to late fifteenth century, contributing to the picture described by Peter and Beate Schuster of increased official pressure on unlicensed prostitutes and sexually-active single women. To this extent, later mediaeval German-speaking cities resemble the model offered by Karras in England, where unlicensed (ie almost all) prostitutes faced disciplining from the authorities. In a German-speaking context, records of municipal prostitutes' petitions and admonishment customs show the very limited sphere within which they were able to exert agency. Their agency was only acceptable and likely to win recognition from the authorities when it was directed against unofficial prostitutes or sexually active single women, who were practically the only group over whom they could

[118] See B. Schuster, *Die freien Frauen*, pp. 167-168, and eadem, "Wer gehört ins Frauenhaus?," p. 218. For petitions of this kind from Frankfurt, see Georg Ludwig Kriegk, *Deutsches Bürgerthum im Mittelalter* (Frankfurt am Main, 1871), pp. 305 and 389. For a Nuremberg petition from 1492, see "Actenmäßige Nachrichten von den ehemaligen Frauenhäusern in Ansbach und Nürnberg," in *Ansbachische Monatsschrift* 3 (1794), 106-121. For Cologne, see Friedrich Lau (ed.) *Das Buch Weinsberg. Mit dem Kölner Stadtplan v. J. 1571* (Bonn, 1898), Vol. 4, p. 194. For Regensburg, see Karl Theodor Gemeiner (ed.), *Chronik der Stadt Regensburg von Jahre 1430 bis zum Jahre 1496* (Regensburg, 1816) Vol. 3, p. 377. For Esslingen am Neckar, see Karl Pfaff, *Geschichte der Reichsstadt Eßlingen* (Esslingen-am-Neckar, 1840), p. 167.
[119] B. Schuster, *Die freien Frauen*, p. 168.
[120] B. Schuster, "Wer gehört ins Frauenhaus?", p. 219.
[121] "Actenmäßige Nachrichten," p. 113.

claim superiority.[122] The availability of subject positions to women in municipal brothels was thus heavily circumscribed by the context of regulation. Chapter II, which examines a legal case featuring prostitutes living in the municipal brothel of Nördlingen, explores how these women were able to bring grievances about their working conditions to the attention of the council within a framework of rights guaranteed by their status as employees of the city. Whilst these rights enabled them to assume subject positions, their subjectivity could nevertheless only signify within the context of regulation.

Clandestine prostitution

If working in a municipal brothel provided some women with a degree of stability and a recognisable status as "public" women, by the later Middle Ages almost the opposite was true for those who operated outside the regulations. As described above, unlicensed prostitutes benefitted from none of the protection from violence and exploitation available to those who worked in municipal brothels (though municipal prostitutes were certainly not always protected from abuse, as chapter II makes very clear) and might face aggression or violence from neighbours and clients. As Susanne Burghartz has shown, in fourteenth-century Zurich such women might also expect to be punished by the courts more harshly than other citizens if convicted of a crime.[123] By the late fifteenth century, unmarried women and private prostitutes also came under increasing pressure from municipal authorities, for whom the sole acceptable place for laywomen was the household or the brothel, which in either case meant living under male authority.[124] Detailed evidence of clandestine prostitution is nonetheless difficult to find, and makes the question of identity especially ambiguous. Private prostitutes appear in the historical record most frequently in instances where action was taken against them by municipal authorities or by other inhabitants of towns, such as the admonishment customs described above.[125] Town councils might also threaten to make public the names of

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[122] See Beate Schuster's comments: "Während der Rat die Frauen der Unterschicht in die städtische Gemeinschaft integrieren wollte und sich dazu des Beispiels der Dirnen bediente, waren die in ungeregelten Beziehungen lebenden Frauen für die Dirnen die einzigen, von denen sie sich positiv absetzen konnten, ohne Widerstand zu befürchten."("Whilst the council wished to integrate women of the lower classes into the urban community and made use of the example of prostitutes to do so, women living in unregulated relationships made up the sole group against which prostitutes could demarcate themselves positively, and without fear of resistance."). See also eadem, "Wer gehört ins Frauenhaus?", p. 248.
[123] Susanna Burghartz, *Leib Ehre und Gut. Delinquenz in Zürich Ende des 14. Jahrhunderts* (Zurich, 1990), p. 104.
[124] B. Schuster, *Die freien Frauen*, p. 417; see also P. Schuster, "Hinaus oder ins Frauenhaus," p. 26.
[125] P. Schuster, "Hinaus oder ins Frauenhaus," p. 28. For the persecution of private prostitution in Languedoc, see Otis, *Prostitution in Medieval Society*, pp. 89-99.

clandestine prostitutes and women with dubious reputations.[126] One of the more conspicuous examples of this type of threat was the so-called *Haushurensteuer* of Constance, a tax which the municipal council threatened repeatedly to levy upon illegal brothels throughout the later Middle Ages, and which came into effect for all single women living alone in the town after 1481.[127]

Due to the danger of aggression from neighbours, the authorities, and licensed prostitutes, by the later Middle Ages private prostitutes may have been less likely to advertise themselves openly. The secrecy in which such women may have operated is reflected in contemporary terms such as the "secret women" (*die heymlichen frauwen*) mentioned in a 1455 entry to the Frankfurt *Bürgerbuch*.[128] In a book of council records from Leipzig, a 1477 note refers also to "secret whores" (*heimliche huren*).[129] The term has been carried over into the historiography of prostitution, the nineteenth-century historians Adolf Buff and Carl von Posern-Klett respectively, who describe unlicensed prostitutes in Augsburg and Saxony as "heimlich".[130] For France, Jacques Rossiaud refers to late mediaeval statutes of Avignon which describe prostitutes who operated outside the official brothels as *filles secrètes*.[131] There is virtually no evidence to suggest how private prostitutes viewed themselves in relation to notions of secrecy during the Middle Ages, though a fifteenth-century ordinance from Strasbourg which names prostitutes active in the city offers a clue about how secrecy may have been beneficial to some women. Amongst the list of prostitutes is a subcategory of women for whom the ordinance states that they "do not want to be public whores" (*wellent nit offen huren sein*).[132] Whilst it is not clear what being "public" (*offen*) meant in this context, the women's desire to avoid this status suggests that it put them at a disadvantage, perhaps because of an increased risk of aggression from their neighbours. Nor is it clear whether these women thought of themselves as whores, or whether the term reflected the council's view of them. This touches upon a larger problem with regard to the identity of clandestine prostitutes;

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126 B. Schuster, "Wer gehört ins Frauenhaus?", p. 219.
127 Ibid., p. 217. Schuster does not make explicit whether this tax was ever collected.
128 Kriegk, *Deutsches Bürgerthum*, pp. 384-385. For *filles secrètes* in French towns, see Rossiaud, *Medieval Prostitution*, p. 7. Other German examples include the "heimliche Huren" described in the Leipzig *Ratsbuch* (see von Posern-Klett, "Frauenhäuser und Freie Frauen," p. 67), and the "heimliche Frauen" described in a 1438 clothing ordinance for prostitutes in Augsburg (see Buff, "Verbrechen und Verbrecher," p. 187).
129 von Posern-Klett, "Frauenhäuser und Freie Frauen," p. 67.
130 See Buff, "Verbrechen und Verbrecher," p. 187, and von Posern-Klett, "Frauenhäuser und Freie Frauen," pp. 65-67.
131 Rossiaud, *Medieval Prostitution*, p. 7.
132 J. Brucker & G. Wethly (eds.), *Strassburger Zunft- und Polizei-Verordnungen des 14. und 15. Jahrhunderts* (Strasbourg, 1889), p. 457.

because they had no official status, the extent to which they "were" prostitutes might depend on how their behaviour was labelled. As Karras notes, "…it is often extraordinarily difficult to tell when a medieval text is referring to a woman who took money for sex and when it is simply referring to a heterosexually active single woman."[133]

Legal records

Three of the four chapters of this thesis present legal case studies which feature prostitutes (or women who might have been though of as such) from either side of the regulatory divide. The approaches pursued in these chapters draw on a large body of scholarship on mediaeval and early modern trial records. As discussed above, whilst John Arnold's influence is uppermost, Arnold's own work can also be placed in this broader context, particularly in its presentation of the problem of locating the individual and of dealing with the records of subaltern speech. One of the earlier and most well-known exponents of the idea of trial documents as repositories of "original" speech distorted by judicial filtration is Emmanuel Le Roy Ladurie's *Montaillou*.[134] Le Roy Ladurie's conversion of the speech of deponents who feature in Jacques Fournier's inqusitorial register from the third into the first person makes clear his commitment to the project of "recovering" subaltern voices, but has drawn strident criticism, perhaps most prominently from Leonard Boyle.[135] Boyle's call for a methodology more attuned to the influence of judicial context has subsequently been answered by more recent work on the inquisition, including James Given's *Inquisition and Medieval Society* and Mark Gregory Pegg's *The Corruption of Angels*.[136] Most recently, Caterina Bruschi's *The Wandering Heretics of Languedoc* addresses the methodological issues attending the study of trial records, which she characterises as "perhaps one of the few types of sources which allow us to hear people's voices."[137] Despite claiming that her methodology "does not involve us in striving to discover a 'truth' after stripping away all the 'filters'," she nevertheless refers to the existence of "genuine and authentic pieces of the original deposition."[138]

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133 Karras, *Sexuality in Medieval Europe,* p. 104.
134 Emmanuel Le Roy Ladurie, *Montaillou: Cathars and Catholics in a French village, 1294-1324* trans. Barbara Bray (London, 1978).
135 Leonard Boyle, "Montaillou revisited: Mentalité and Methodology," in *Pathways to Medieval Peasants* ed. J.A. Raftis (Toronto, 1981).
136 See James B. Given, *Inquisition and Medieval Society. Power, Discipline and Resistance in Languedoc* (Ithaca NY, 1997) and Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245-1246* (Princeton NJ, 2001).
137 Caterina Bruschi, *The Wandering Heretics of Languedoc* (Cambridge, 2009), p. 11.
138 Ibid., p. 14.

"Authenticity" thus represents not the neutral core of the record which may be reached through sufficient analytical rigour, but is rather a projection onto the record of the historian's own desire.

Outwith the context of the Inquisition into heresy in Languedoc, recent scholarship on crime has made use of trial records to pose questions about the societies in which these sources were produced.[139] Taking a cultural-historical approach, Edward Muir and Guido Ruggiero note the potential for trial documents to observe "the social and cultural system defining itself".[140] More recently, Michael Goodich's edited collection *Voices from the Bench* presents the work of a number of historians on pre-modern witness testimony.[141] Referring to the precedents set by the *Annalistes*, Goodich argues in his introduction for records of legal practice as important cultural-historical documents.[142] Several of the contributions to his volume are also marked by a concern for the "caveats" of judicial mediation, revealing an assumption underlying Ladurie's earlier work that the "true" speech of the record can be uncovered through a sufficiently thorough examination.[143] One of the sources of mediation which has received comparatively little attention in this context is the role of legal professionals in the shaping of trial records. Goodich refers to the notaries and scribes who recorded witness testimony as the "hidden puppeteers" behind the sources.[144]

An arguably more nuanced approach to the problem of the individual can be seen in the work of scholars pursuing what R. Schofield refers to as a "processual" approach.[145] He comments upon the differences between a processual view, which sees the expectation and strategies of the parties involved in a legal case to be of most importance, and an institutional view, which treats legal cases as the implementation of rules from above,

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139 Edward Muir and Guido Ruggiero (eds.), *History from Crime* trans. Corrada Biazzo Curry, Margaret A. Gallucci and Mary M. Gallucci (Baltimore MD, 1994), p. 226.
140 Muir and Ruggiero, "Afterword: Crime and the Writing of History," in *History from Crime*, p. 227.
141 Michael Goodich (ed.), *Voices from the Bench: The Narratives of Lesser Folk in Mediaeval Trials* (Basingstoke, 2006).
142 Goodich, "Introduction", in *Voices from the Bench*, p. 1
143 See for instance Robert N. Swanson, ""…Et Examinatus Dixit…": Oral and Personal History in the Records of English Ecclesiastical Courts," in *Voices from the Bench*, p. 209.
144 Goodich, "Introduction", in *Voices from the Bench*, p. 3. See also David Foote, "How the Past becomes a Rumor: The Notarialization of Historical Consciousness in Medieval Orvieto," in *Speculum* 75:4 (2000), 794-815.
145 R. Schofield, "Peasants and the manor court: gossip and litigation in a Suffolk village at the close of the thirteenth century," in *Past and Present* 159 (May, 1998), 3-42. See also Stephen Robertson, "What's Law Got to Do with It? Legal Records and Sexual Histories," in *Journal of the History of Sexuality. Special Issue: Studying the History of Sexuality: Theory, Methods, Praxis* 14: 1/2, (January-April, 2005), 161-185.

with little or no regard to the interests of the parties.[146] The processual approach is perhaps best exemplified in recent work by Chris Wickham's *Courts and Conflict in Twelfth-Century Tuscany* and Daniel Lord Smail's *The Consumption of Justice*.[147] In the latter, Smail examines the motivations behind litigation in late mediaeval Marseille, giving particular prominence to hatred as a social institution.[148] Sibylle Malamud has also noted the importance of individuals' interaction with judicial process in the production of witness testimony. She notes with reference to municipal court cases from fifteenth-century Zurich that where torture is threatened or used, the individual under interrogation is generally more likely to reflect the picture projected onto them by the court, whereas in accusatory cases, personal strategies of credibility and plausibility tend to come to the fore, as do instincts of self-preservation.[149] Arguing from the opposite perspective, Caterina Bruschi has also noted that in some instances, particular cases can demonstrate the manipulation of judicial authorities by a skilful deponent.[150]

Other methodological contributions to the study of premodern trial records with regard to the individual can be found in work by Natalie Zemon Davis and Lyndal Roper, both of whom make clear the importance of gender. In her *Fiction in the Archives* (1987), Davis is also concerned with the problem of the "truth" content of the sources, but sees the fictionality of the sources as the key to the latter. She analyses the manner in which individuals presented narratives of supplication to the French crown in the sixteenth century to demonstrate the use of storytelling techniques in shaping convincing – and therefore "truthful" – accounts.[151] In her work on witchcraft trials, Lyndal Roper also considers the problem of authenticity in fantastic narratives of seduction by the devil, magic, and in the visions of women suspected of witchcraft in early modern Germany.[152] Rather than distinguishing between fantasy and reality in her sources, however, Roper actively engages with their imaginative elements within a psychoanalytic framework,

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146 Schofield, "Peasants and the manor court," 2-3.
147 Chris Wickham, *Courts and Conflict in Twelfth-Century Tuscany* (Oxford, 2003), and Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (New York NY, 2003).
148 See also Daniel Lord Smail, "Hatred as a Social Institution in Late-Medieval Society," in *Speculum* 76:1 (January, 2001), 90-126.
149 Malamud, *Ächtung des "Bösen,"* p. 51.
150 Bruschi, *Wandering Heretics*, p. 7; also pp. 45-46.
151 Natalie Zemon Davis, *Fiction in the Archives. Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford CA, 1987).
152 See Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London, 1994), in particular Ch. 9, "Witchcraft and Fantasy in Early Modern Germany," pp. 200-227, and Ch. 10, "Oedipus and the Devil," pp. 228-250. See also eadem, *Witch Craze. Terror and Fantasy in Baroque Germany* (Bury St Edmunds, 2004).

operating under the assumption that the documents represent "organised products of the mind".[153] For her, the "reality" of the sources consists in the evidence of belief about witchcraft and the supernatural, and in the techniques of coercion used to prompt the narratives of suspected witches.

German legal historiography has begun only recently to address the evidence of trial records from the mediaeval and early modern periods on a significant scale, having been largely concerned with the study of prescriptive legal sources until the 1990s. Largely spurred on by the pioneering efforts of Gerd Schwerhoff and Andreas Blauert, who drew on the French and Anglo-American tradition to call for German scholars to exploit their own rich judicial archives, scholars have subsequently produced a boom in historical writing on the evidence of legal practice in Germany and Switzerland in the Middle Ages and Early Modern periods.[154] In the mid-1990s Schwerhoff and Blauert founded the *Arbeitskreis für die Historische Kriminalitätsforschung* (Working Group for the Historical Research of Crime), a collective of scholars whose aim was to break from the traditional focus of legal history on normative sources in order to address the potential for social histories of crime.[155] Previous work was criticised for assuming that legal practice followed prescriptive law, a notion rejected by Schwerhoff, who saw a more complex relationship between the law and everyday life. [156] Over the last two decades historians have responded to this call with a number of regional studies focussing on cities such as Cologne, Constance, and Zurich.[157] This work has been shaped predominantly by criminological and sociological frames of reference in which deviance and social norms are central concerns. These urban studies have also been supplemented by several important volumes of essays edited by Blauert and Schwerhoff themselves,

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153 Roper, *Oedipus and the Devil*, p. 202.
154 For the influence of French work (particularly from the *Annales* school) upon the German historiography of crime, especially that of Benoît Garnot, see Peter Schuster, *Eine Stadt vor Gericht. Recht und Alltag im spätmittelalterlichen Konstanz* (Constance, 2000), p. 9. See also Gerd Schwerhoff, *Aktenkundig und gerichtsnotorisch: Einführung in die historische Kriminalitätsforschung* (Tübingen, 1999), pp. 17-20.
155 On the historiography and major methodological developments in the field, see Schwerhoff, *Aktenkundig und Gerichtsnotorisch*, and more recently idem, *Historische Kriminalitätsforschung* (Frankfurt am Main, 2011). For a survey of work in the 1990s, see also Robert Jütte, "Geschlechtsspezifische Kriminalität im Späten Mittelalter und in der Frühen Neuzeit," in *Zeitschrift der Savigny Stiftung für Rechtsgeschichte, Germanistische Abteilung* 108 (1991), 86-116.
156 Gerd Schwerhoff, "Die frühmoderne Justiz zwischen Staat und Gesellschaft. Eine Tagungsnachlese," in Marco Barbarella, Gerd Schwerhoff, and Andrea Zorzi (eds.), *Criminalità e giustizia in Germania e in Italia.*
157 For Constance, see Peter Schuster, *Eine Stadt vor Gericht.* See especially Ch. 2, "Plädoyer für eine Sozialgeschichte des Rechts," pp. 10-17, in which Schuster makes the case for social history of crime. For Cologne, see Gerd Schwerhoff, *Köln im Kreuzverhör - Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt* (Bonn and Berlin, 1991). For Zurich, see Susanna Burghartz, *Leib Ehre und Gut.*

whose work has been joined by that of other scholars working primarily on the early modern period, notably Winfried Schulze.[158]

Gender has formed a significant focus of inquiry from an early stage in German historiography of crime, led initially by Susanna Burghartz's pioneering study of delinquency in fourteenth-century Zurich.[159] Criminal trial records have been recognised as invaluable sources for historians seeking to reconstruct female experience as one of the few types of source to feature the speech of non-elite women.[160] As Burghartz demonstrated, municipal courts were, moreover, places in which socially significant conflicts were enacted, particularly those related to gender and sexuality.[161] Her work also shows the extent to which deviance itself was constructed in gendered terms. [162] As Otto Ulbricht notes, women tend only to appear in trial records when they committed female-specific crimes (such as prostitution or abortion), or when they transgressed by committing crimes normally perpetrated by men.[163] The poorer sections of society were also at a greater risk of being criminalised as the mobility, poverty and uncertain circumstances that characterised their lives made them more likely to fall foul of the law.[164] As well as gender, Nadja Bennewitz has also isolated faith, occupation, and citizenship status as key factors which determined an individual's treatment in court, whereby women might also be subject to a variety of behavioural expectations if they fell into one or more of these categories.[165]

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158 Blauert and Schwerhoff (eds.), *Mit den Waffen der Justiz,* and idem, *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne* (Constance, 2000). See also Winfried Schulze and Ralf Peter Fuchs (eds.), *Wahrheit, Wissen, Erinnerung. Zeugenverhörprotokolle als Quellen für soziale Wissensbestände in der Frühen Neuzeit* (Münster, 2002), and Thomas Wetzstein and Susanne Lepsius (eds.), *Als die Welt in die Akten kam. Prozeßschriftgut im europäischen Mittelalter* (Frankfurt am Main, 2008).

159 See especially Susanna Burghartz, "Kein Ort für Frauen? Städtische Gerichte im Spätmittelalter," in *Auf der Suche nach der Frau im Mittelalter* ed. Bea Lundt, (Munich, 1991), pp. 49-64, Susanne Burghartz, ""Geschlecht" und "Kriminalität" – ein "fruchtbares" Verhältnis?" in *weiblich – männlich. Geschlechterverhältnisse in der Schweiz. Rechtsprechung, Diskurs, Praktiken* ed. Rudolf Jaun and Brigitte Studer (Zurich, 1995), pp. 23-31, and Nadja Bennewitz, "Frauen im Konflikt mit dem Strafrecht im spätmittelalterlichen und frühneuzeitlichen Nürnberg. Weibliche Kriminalität als schichtenspezifisches Problem", in *Jahrbuch für fränkische Landesforschung* 59 (1999), 129-66.

160 Malamud, *Ächtung des "Bösen,"* p. 31. See also Katharina Simon-Muscheid, "Gerichtsquellen und Alltagsgeschichte," in *Medium Aevum Quotidianum* 30 (1994), 28-43, and Otto Ulbricht (ed.), *Von Huren und Rabenmüttern: weibliche Kriminalität in der frühen Neuzeit* (Cologne, 1995), pp. 8-9.

161 See Burghartz, ""Kriminalität" und "Geschlecht," pp. 28-29, and eadem, "Kein Ort für Frauen?", p. 63. See also Helmut Puff, "Female Sodomy: The Trial of Katherina Hetzeldorfer (1477)," in *Journal of Medieval and Early Modern Studies* 30:1 (Winter, 2000), 41-62, here 42: "Situated at the intersection of moral, legal, and sexual discourse, trial documents provide important insights into premodern constructions of sexuality."

162 Burghartz, ""Kriminalität" und "Geschlecht,"" p. 27.

163 Ulbricht (ed.)*, Von Huren und Rabenmüttern*, pp. 5-6.

164 Nadja Bennewitz, "Frauen im Konflikt mit dem Strafrecht," 134-35.

165 Ibid., p. 129.

Burghartz also notes that it was difficult for women to bring their conflicts before the municipal courts in Zurich, which were set up to adjudicate conflicts according to masculine norms.[166] She gives a figure of between 7-20% female involvement in criminal cases for 1376-85 in Zurich, a lower estimate than the 20% offered by Ulbricht as a general figure for the period.[167] The courts also considered it the duty of husbands and male householders to discipline women under their authority, making them less likely to pursue incidents of violence against them.[168] In practice, this meant that women appear seldom in investigations begun *ex officio*, and more often in accusatorial cases; for the years 1376-85, Burghartz notes that for the former, women made up 3% of the accused and 14% of the victims.[169] In response to data showing lower conviction rates for women in comparison to men, some German scholars suggested initially that the knightly ethos and courtly restraint of the noble class who staffed the courts led to judges punishing women less severely (the so-called *Ritterlichkeitsthese*, "chivalry thesis").[170] Peter Schuster also suggests that women, like youths, were punished in general less severely since they were considered to be less responsible for their deeds, being of lesser understanding than men.[171] Sibylle Malamud's data for fifteenth-century Zurich, which has one of the best-preserved archives of criminal trial records, nevertheless fails to reflect a pattern of milder treatment for women. Whilst gender was a factor in practices of prosecution and punishment, she argues, its effect was much more nuanced than this, demanding further investigation in the archives.[172] Commenting generally upon female experience in the municipal courts of Zurich, Burghartz concludes that "the court was no place – or at least, not a preferential place – for women."[173]

Inquisition and criminal law in German-speaking cities

The development of criminal law in German-speaking cities can be traced to the Peace of God movements of the eleventh century, which in turn influenced the subsequent

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166 Burghartz, "Kein Ort für Frauen?", p. 63.
167 See Burghartz, ""Kriminalität" und "Geschlecht," p. 25, and Ulbricht, *Von Huren und Rabenmüttern*, p. 18.
168 Susanne Pohl, ""She was killed wretchedly and without a cause": Social status and the language of violence in Zürcher homicide trials of the fifteenth century," in *Acta Histriae* 10 (2002), 247-264, here 253-254.
169 Burghartz, *Leib, Ehre und Gut*, p. 69.
170 Malamud, *Ächtung des "Bösen*," p. 305.
171 Ibid., p. 306.
172 Ibid., pp. 326-327.
173 Burghartz, "Kein Ort für Frauen?", p. 60: "Der Zürcher Ratsgericht war also kein (oder doch kein bevorzugter) Ort für Frauen."

Landesfrieden (territorial peace) movements of the High Middle Ages. Around the turn of the twelfth century these texts began to incorporate punishments for small-scale offences such as theft, and expanded by the mid-thirteenth century to provide the basis for a rudimentary criminal law code covering more serious matters such as rape, wounding, and homicide, as well as more "urban" offences such as burglary.[174] Some *Landfrieden*, such as that of Saxony in 1223 and the Imperial *Landfrieden* of 1224 were substantial enough to comprise a criminal law code in their own right.[175] The *Landrecht* also provided some formal judicial structures (such as the duel, the ordeal, and the oath) which served as legal process. [176] During this period, oaths specified by the *Landfrieden* provided the basis of law in the countryside and in some towns, whereby criminal liability was incurred when individuals became oath-breakers by committing an offence.[177] A change in the practice of punishment also accompanied these developments, where the earlier model of material restitution was replaced by forms of corporal and capital punishment designed to bring satisfaction to the individual and to act as a deterrent to potential offenders. [178]

By the later Middle Ages, developments in criminal law in German-speaking regions were concentrated in towns and cities.[179] Many of these enjoyed a high degree of autonomy as imperial free cities (*freie Reichsstädte*), a status which enabled town councils to administrate justice under their own town law (*Stadtrecht*). [180] The receipt of a law code secured automony for the town in question, but also granted the status of legal subjects to its inhabitants.[181] Gerhard Dilcher refers to Max Weber's description of the effects of

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[174] John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (2nd edition, Clark NJ, 2005), p. 144.
[175] Eberhard Schmidt, "Inquisitionsprozess und Rezeption. Studien zur Geschichte des Strafverfahrens in Deutschland vom 13. bis 16. Jahrhundert," in *Leipziger rechtswissenschaftliche Studien* 124 (1940), 1-85, here 12. Quotation from Hans Hirsch, *Die hohe Gerichtsbarkeit im deutschen Mittelalter* (Reichenberg, 1922), p. 155.
[176] Gerhard Dilcher, ""Hell, verständigt, für die Gegenwart sorgend, die Zukunft bedeckend". Zur Stellung und Rolle der mittelalterlichen Stadtrechte in einer europäischen Rechtsgeschichte," in *Zeitschrift für Rechtsgeschichte. Germanistische Abteilung* 106 (1989), 12-45, here 32-33.
[177] Wolfgang Leiser, "Straftrechtspflege in Schwaben vom Mittelalter zur Neuzeit," in *Zeitschrift für Württemburgische Landesgeschichte* 45 (1986), 9-23, here 16.
[178] Ibid., p. 17.
[179] The standard work on cities mediaeval German-speaking regions is Eberhard Isenmann, *Die deutsche Stadt im Spätmittelalter 1250-1500. Stadtgestalt, Recht, Stadtregiment, Kirche, Gemeinschaft, Wirtschaft* (Stuttgart, 1988). For a recent survey of German historiography on the growth of towns, see Gerhard Dilcher, "Historiographische Traditionen, Sachprobleme und Fragestellungen der Erforschung der mittelalterlichen Stadt," in *Stadt und Recht im Mittelalter. La ville et le droit au Moyen Âge* ed. Pierre Monnet and Otto Gerhard Oexle (Göttingen, 2003), pp. 73-95.
[180] On mediaeval German town laws, see Dilcher, "Stadtrechte," 12-24. On the judicial role of town councils, see Hermann Conrad, *Deutsche Rechtsgeschichte, Band. I: Frühzeit und Mittelalter* (Karlsruhe, 1962), p. 33.
[181] Dilcher, "Stadtrechte," p. 23.

urbanisation upon the individual, characterising the urban legal framework of the later Middle Ages as "a new structure of individualisation and objectification" ("eine neue Struktur der Individualisierung und Objektivierung").[182] From the perspective of municipal authorities, older, formal types of judicial process had become an inadequete means of investigating crime.[183] The reception of Roman law and inquisitional procedure in German-speaking regions was, however, a slow and fragmentary process, partly a result of the political fragmentation of the Empire.[184] The first comprehensive criminal law code to incorporate Roman law, the *Constitutio Criminalis Carolina* of Charles V, was introduced only in 1532.

It is clear nonetheless that many towns were using forms of inquisition before the reception of the *Carolina*.[185] The reception of inquisition into German-speaking regions was a major point of debate in German legal historiography of the early twentieth century. A key question was the extent to which the *Carolina* introduced a Romanised form of inquisition to German-speaking regions, or whether it was largely adapted from earlier forms of procedure already in use. Before the 1930s, no serious consideration was given to the latter position.[186] The subsequent revision was largely a consequence of the work of Eberhard Schmidt, whose *Inquisitionprozess und Rezeption* (1940) demonstrated the use of "native" forms of inquisition long before 1532.[187] Schmidt showed that two key elements of inquisition, namely the prosecution of crime by secular authority (the *Offizialprinzip*) and the use of "rational" modes of proof (the *Instruktionsmaxime*) as opposed to prior forms such as the oath or the ordeal, had already become features of criminal process in particular regions of Germany before the sixteenth century.[188] In

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182 Ibid., p. 29.
183 Schmidt, "Inquisitionsprozess," 21.
184 Langbein, *Prosecuting Crime*, p. 145.
185 On inquisition as a form of procedure, see Edward Peters, *Inquisition* (Berkley, 1989), Henry Ansgar Kelly, *Inquisition and Other Trial Procedures in the Medieval West* (Aldershot and Burlington VT, 2001), and Adalbert Erler and Ekkehard Kaufmann (eds.) with Ruth Schmidt-Wiegand, Wolfgang Stammler, and Dieter Werkmüller (gen. ed.), *Handwörterbuch zur Deutschen Rechtsgeschichte* (1st edition, Berlin, 1978), Vol. II, pp. 378-381: "Inquisitionsprozeß."
186 Langbein, *Prosecuting Crime*, pp. 140-141-2.
187 Schmidt, "Inquisitionsprozess," 53-61.
188 Ibid. For Schmidt's definitons of these terms, see p. 13: "das Offizialprinzip, also der Gedanke, daß die Obrigkeit ihre eigene Initiative bei der Verbrechensverfolgung entfalten und eigene Machtmittel hierzu bereitstellen und einsetzen müsse, und sodann die Instruktionsmaxime, also der Gedanke, daß das Erkenntnisstreben auf die materielle Wahrheit gerichtet sein müsse." ("…the *Offizialprinzip*, that is to say, the notion that a magistracy must use its initiative as well as both making available and deploying its own means of power in the pursuit of crime, and furthermore the *Instruktionsmaxime*, the notion that the search for a verdict must be oriented towards material reality.") On the development of inquisition in German-speaking regions, see also Langbein, *Prosecuting Crime*, pp. 146- 149, and Leiser, "Straftrechtspflege". For a

some regions, these co-existed with older forms such as the ordeal and the oath until much later than other parts of western Europe. Robert Bartlett cites law codes from Hanover and Lorsch (the former drawing on the *Sachsenspiegel*) specifying forms of the ordeal as acceptable modes of proof in the early fifteenth century. [189]

By the fourteenth century, Schmidt states, inquisition was to be found in use throughout German-speaking regions, and by the fifteenth century was common practice. [190] As Helmut Puff notes, a general lack of legal training on the part of municipal officials contributed to the variance of judicial practice between towns.[191] The adoption of inquisition was tied closely to the increasing autonomy of towns, which began from the thirteenth century to take responsibility for criminal justice into their own hands using codes of penal law that evolved from the Peace of God and *Landfrieden*. The confession of the individual as a feature of legal process began to take on a much more important role as towns tried to target and restrict dangerous elements within town walls.[192] The change in the notion of proof – by which responsibility for revealing the deeds of a crime lay with the judges, rather than with God – also meant that individuals involved in legal cases were placed under scrutiny in a wholly new manner to that which had previously been the case. As legal subjects, individuals involved in inquisitional trials were made to account for themselves and their actions, the results of which were recorded for the first time in written form.

Prostitution and the masculine subject

The legal and literary case studies which make up chapters I-IV attempt to show the range of subject positions available to women in the context of prostitution. A parallel aim is to chart the emegence of a corresponding masculine subject in response to the

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discussion of the "rationality" of modes of proof, see Kenneth Pennington, *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkley CA, 1993), pp. 132-135.
[189] Robert Bartlett, *Trial by Fire and Water. The Medieval Judicial Ordeal* (Oxford, 1986), p. 131.
[190] Schmidt, "Inquisitionsprozess," 56: "Im 14. Jahrhundert ist der Inquisitionsprozeß eine häufig nachweisebare Erscheinung; im 15. Jahrhundert ist er gang und gebe." ("For the fourteenth century inquisition is a frequently observable phenomenon; for the fifteenth century it is common practice.")
[191] Puff, "Female Sodomy," 41-62.
[192] Schmidt, "Inquisitionsprozess," 53-54.

phenomenon of prostitution. Whilst this concern is addressed in parts of each chapter, it is explored most explicitly in chapter IV as an attempt to contextualise the historical legal material. This is in part an attempt to show how the problems of subjectivity explored in each case study might be more widely relevant – operating on the assumption that fiction can be seen as a broad indicator of what was comprehensible in a given society, and what was to be desired and feared – but also to suggest that literature played a specific role in channelling the responses of masculine authors to prostitution and prostitutes.[193] In describing these responses, this thesis concentrates in particular on masculine anxiety over female sexual agency as an especially problematic area.

As Isabel Davis notes, anxiety has become something of a watchword in men's studies.[194] The manner in which the figure of the prostitute prompts judicial scrutiny in the legal material examined here is nonetheless conspicuous, as is the problematic depiction of prostitute characters in the literary texts examined in chapter IV. In their commodification and objectification of women, systems of regulated prostitution can be seen to enforce patriarchal dominance in a particularly exaggerated manner. The prostitute – whether this refers to an individual working within regulations, or a woman labelled as such for her sexual behaviour – perhaps represents one of the most pronounced forms of patriarchal control. In the context of the renaissance, Mark Breitenburg makes clear the link between patriarchy and anxiety, noting that the latter "is an inevitable product of patriarchy at the same time as it contributes to the reproduction of patriarchy."[195] The mediaeval notion of prostitutes as lustful women placed a high ideological value on the municipal brothel as a control mechanism for women, whose objectification as prostitutes implied masculine mastery of women's sexual agency. In this way, the act of objectification can be seen as a performance of masculinity, revealing power relations and anxieties that result from performances of this kind.[196] Reflecting on his own work, Foucault also comments upon the manner in which the act of objectification can have a subjectifying effect of its own:

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[193] On context and the problem of historical case studies, see Elizabeth A. Clark, *History, Theory, Text. Historians and the Linguistic Turn* (London and Cambridge MA, 2004), pp. 77-78.
[194] Isabel Davis, *Writing masculinity in the later Middle Ages* (Cambridge, 2007), p. 6. See also Helmut Puff, "The Reform of Masculinities in Sixteenth-Century Switzerland. A Case Study," in *Masculinity in the Reformation Era* ed. Scott H. Hendrix and Susan C. Karant-Nunn (Kirksville MO, 2008), p. 23.
[195] Mark Breitenburg, *Anxious Masculinity in Early Modern England* (Cambridge, 1996), p. 3.
[196] Jeffrey Jerome Cohen and Bonnie Wheeler (eds.), "Introduction: Becoming and Unbecoming," in *Becoming Male in the Middle Ages* (London and New York NY, 1997), p. xii.

> "Everything I've been concerned with up to now has to do basically with the way men in Western societies have produced these experiences – fundamental ones, no doubt – which consist in engagement in a process of acquiring knowledge of a domain of objects, while at the same time they are constituting themselves as subjects with a fixed and determinate status. For example, knowing madness while constituting oneself as a rational subject; knowing illness while constituting oneself as a living subject; or the economy, while constituting oneself as a labouring subject; or as an individual knowing oneself in a certain relationship with the law". [197]

Operating within this theoretical context, this thesis can be thought of as an attempt, in Joan Scott's words, to "make visible the assignment of subject-positions" in texts dealing with mediaeval prostitution, where the process of assignment is understood to refer not just to prostitutes themselves, but to male authors behind the production of those same texts.[198]

[197] Michel Foucault, "Interview with Michel Foucault," in *Power*, pp. 256-257.
[198] Joan Scott, "The Evidence of Experience," in *Critical Inquiry* 17: 4 (Summer, 1991), 773-797, here 792.

Chapter I

Clandestine prostitution and the question of tolerance in fourteenth-century Zurich

This chapter examines the record of a judicial investigation of abortion from late fourteenth-century Zurich as a case study of clandestine prostitution. The record comes from the registers of the town council court (*Ratsgericht*), and focusses upon an unmarried woman named Repplin who, before proceedings were halted by her death in custody, was revealed to have had a number of recent sexual partners. Writing about the problem of identity in the context of prostitution, Ruth Karras has argued forcefully for a schema of female identification in the Middle Ages in which there was no category for a sexually-active single woman other than prostitute.[1] At the risk of contradiction, Karras has elsewhere made a case for the existence of "cultural space" for the sexual activity of unmarried women who were not prostitutes, stating that "people would have been able to say who were practicing commercial prostitutes and who were not, and there were practical if not theoretical consequences to the distinction."[2] Whilst the evidence of Repplin's extra-marital sexual activity places her squarely within the category of prostitute according to Karras's model first model, the question of identity is complicated in this instance by the fact that the record itself does not make reference to her as a prostitute or a whore.

This chapter explores this ambiguous territory by arguing that whilst Repplin fulfilled the criterion of extra-marital sex which might lead to a woman being identified as a prostitute in this period, identification within her social group may not have followed the logic suggested by Karras's model, by which sexually active single women were automatically placed in the category of prostitutes. The case record suggests that many of Repplin's peers both knew about and tolerated her sexual activity, but also shows her vulnerability to bad *fama*, a possible consequence of a reputation for transgressive sexuality. The judicial context of abortion also plays a key role by bringing to the surface detailed testimony about Repplin's sexual activity and her body, details which also speak indirectly on the matter of prostitution.

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[1] Karras, *Sexuality in Medieval Europe,* p. 104: "If not a wife, virgin, widow or concubine, a woman was a prostitute; there was no other category."
[2] Karras, "Sex and the Singlewoman," pp. 127, 130.

The first part of the chapter begins with a description of the main events of the case assembled from the communal narrative of the witnesses, before describing the judicial context of the record and the court which dealt with it. It then moves on to sketch a rough portrait of Repplin and those she knew, drawing on the sparse information in the case record and on separate archival traces left by some of the witnesses. Setting Repplin's sexual activity against the context of prostitution in late-fourteenth century Zurich, the chapter then presents evidence for toleration on the part of her peers, arguing that this may have depended upon her own discretion and the selection of sexual partners from outside her immediate social circle. The second part of the chapter discusses the period immediately before her incarceration, during which Repplin was exposed to pejorative *fama* which prompted action from the council. It argues that the mediaeval legal understanding of abortion as a covert crime, committed using secretive bodily knowledge, made possible a portrayal of Repplin as a deceptive woman.[3] This portrayal may in turn have rested upon knowledge of her sexual activity, which required a degree of secrecy in order to maintain discretion; in this way, the same strategy which enabled her to survive also made her vulnerable. Whilst Repplin's own identity ultimately remains ambiguous, her case suggests how the perception of women in her position may have been structured by a dichotomy between openness and secrecy which made them vulnerable to negative gossip. Although the lack of clear labelling in the case record makes it impossible to make either a positive or a negative case for Repplin's identity as a prostitute, the case might be thought typical of "secret" prostitution in the period, even as it renders the category problematic.

I

The events which led to Repplin's imprisonment and death can be partly reconstructed from the perspective of twelve of her peers who testified before the council in the first half of 1392. Their communal narrative begins at a point when, earlier in the same year, the body of a baby was found in Rennweg, the north-western quarter of the city [see figs. 3-4]. Upon hearing of the discovery, the city council summoned a number of individuals who lived in the area to say what they knew about the matter. Amongst this group was

[3] See Wolfgang P. *Müller*, *Die Abtreibung*: *Anfänge der Kriminalisierung, 1140–1650* (Cologne, 2000), p. 321.

Repplin, who was also known to have been pregnant around the same time. After swearing that she knew nothing about the dead child, and with the investigation still ongoing, Repplin then vanished from the city. When she returned six weeks later, she told her neighbours that she had gone away to have her baby in Glarus, some seventy kilometres south-east of Zurich [see fig. 1], and had given the boy the name Peterman. She had then entrusted him into the care of his godfather for a small sum of money. Despite telling her story to a number of people in Zurich after her return, Repplin soon found herself confronted with ugly rumours that the dead child found in Rennweg had been hers, with some even claiming that she had tied a sack around her belly to fake pregnancy when she had first sworn her innocence in the matter. In the face of these new rumours Repplin was quickly brought back to face the council. When she was unable to produce her new baby, and then claimed suddenly that she had never been pregnant in the first place, the investigation moved swiftly into a second phase, a murder case in which Repplin was suspected of abortion. The council summoned twelve witnesses from her community to testify, amongst them neighbours, acquaintances, and four men who claimed to have had sex with her recently. Each witness was questioned about Repplin's pregnancy, about her movements to and from Zurich over the previous few months, and about the gossip circulating through the neighbourhood linking her to the Rennweg baby. Three of them also told the council about a dramatic incident that had taken place before Repplin had left the city. At Christmas, a man named Süss claiming to be the father of her unborn child had confronted her at a property known as the Selnauer house, where he witnessed her in the embrace of another man named Swab, one of those who had had sex with her. Süss had accused Repplin of planning to abort the baby she was carrying, and warned her not to blame him for the deed, an intention she had angrily denied.

Repplin's early death brought the investigation to an abrupt close, while no record of her own testimony survives in the archive other than the initial claim that she had never been pregnant, made whilst she was in prison in the so-called "tower," a prison stronghold used by the Zurich city council to incarcerate the suspects of judicial investigations.[4] Her death also occurred after the testimony of the witnesses, and is recorded in a separate

[4] On the use of the "tower" (*turm*) for incarcerating suspects of criminal investigations see Albert Rosenberger, "Die Zürcher Blutgerichtsordnung des XV. Jahrhunderts," in *Zürcher Taschenbucher* 47 (1927), 185-195, here 189.

Fig. 3: Map of Zurich based on fifteenth-century tax lists with corresponding house numbers Staatsarchiv Zürich, Karten und Pläne. C 52 – Plan der Stadt Zürich für die Steuerbücher des 15. Jahrhunderts

Fig. 4: Rennweg showing the Selnauer house (124)
Staatsarchiv Zürich, Karten und Pläne. C 52 – Plan der Stadt Zürich für die Steuerbücher des 15. Jahrhunderts

investigation which states that another woman had vandalised her grave.[5] In procedural terms Repplin's case has the outward appearance of a form of inquisition known as a *Nachgang* (from *nachgehen*, "to pursue"). It makes clear that the crime under investigation was abortion, referring to the discovery of "an unborn child, found dead and murdered" (*ein unborn kind…tod und ermurdet funden*). Although records of the prosecution of abortion are rare for German-speaking cities in this period, Repplin's case suggests that the council judges of Zurich were familiar with the procedure used in the *ius commune*. Here, secular authorities usually relied upon the Roman legal classification of abortion as a variety of *homicidium*, and often conflated it with infanticide.[6] In canon law, abortion was equated with murder if it took place after quickening, the position staked out in the canon *Aliquando* within Gratian's *Decretum*, and in the *Decretals* of Gregory IX.[7] Wolfgang Müller notes that where suspected cases were not passed to the ecclesiastical courts, as frequently happened, judges usually opened an investigation only where there were good prospects of a conviction, and normally required the discovery of a body or evidence of a

[5] Discussed below, p. 62.
[6] Gerd Dähn, "Zur Geschichte des Abtreibungsverbots," in *Das Abtreibungsverbot des § 218 StGB. Eine Vorschrift, die mehr schadet als nützt* ed. Jürgen Baumann (Neuwied-Berlin, 1971), pp. 329-339, here p. 333.
[7] Ibid., pp. 13-17, 319. For a summary on the Church's stance on abortion throughout history, see John T. Noonan, "An Almost Absolute Value in History," in *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan (Cambridge MA, 1970), pp. 1–59.

concealed pregnancy.[8] Once a case had begun, a key concern for judges was whether ensoulment had taken place within the unborn child, understood to be the stage at which the foetus's limbs had formed.[9]

The statements given by the witnesses in Repplin's case makes clear that the council questioned them along these lines. As a putative murder enquiry, the case may nonetheless have fallen outwith the within the jurisdiction of the *Ratsgericht* at this point, which acquired the competence to deal with capital crimes only after 1400.[10] Several anomalies in the case record prompt questions about its original storage in the register, raising the possibility that it was irregularly filed alongside routine cases handled by the *Ratsgericht* at the time. The case heading lacks the standard legal formula *man soll nachgehen und richten* ("one shall investigate and judge") which was normaly used to denote the opening of an investigation, whilst the record simply terminates without a resolution and without being struck through, the normal means of showing that a case had been dropped. One possible explanation for these omissions is that Repplin's case was not in fact a regular *Nachgang*, but rather was part of a pre-investigation for a case being conducted within the court of the imperial steward (*Vogtgericht*), a function sometimes performed by the Zurich city councillors.[11] Records from the *Vogtgericht* were not normally stored within the register, though in Repplin's case, her early death may have meant that the case was simply never passed up to the higher court following the council's interrogation of the witnesses, and was thereafter retained within the regular records of the *Ratsgericht*, perhaps as the result of an oversight or as an item of special interest.

A single, late-fourteenth century entry in the so-called *Verrufbuch* (roughly, "Book of Disrepute") a list of criminals banished from the city, provides evidence of the council dealing with other cases of abortion from around the same time. This records that a certain Löblin von Tüngen was expelled from Zurich for providing an abortion for another, unnamed woman from nearby Bülach who had buried the baby's body under the floor of her chamber. It is not clear which court in Zurich dealt with this case,

[8] Müller, *Die Abtreibung*, p. 321.
[9] John M. Riddle, *Eve's Herbs: A History of Contraception and Abortion in the West* (Cambridge MA, 1997), pp. 94–95.
[10] On procedural forms used within the Zurich town council court, see Susanna Burghartz, "Disziplinierung oder Konfliktregelung? Zur Funktion städtischer Gerichte im Mittelalter: das Zürcher Ratsgericht," in *Zeitschrift für Historische Forschung* 16:4 (1989), 385-407, here 389.
[11] Burghartz, *Leib, Ehre und Gut*, pp. 35, 38.

however, nor how the act itsef was classified, since the record refers only to a "great crime" (*michelles frewehl*).[12] If abortion was not prosecuted in the *Ratsgericht* before 1400, there is nevertheless some evidence that the council investigated rumours of it. In 1391, a Jew named Visli was fined after several witnesses claimed that he had examined the urine of certain women, and had also offered to procure abortions for them for the sum of twenty *gulden*.[13] This case may not be a reliable indication that the council routinely pursued rumours of abortion, however, since Zurich's Jewish community of the city faced a greater degree of legal scrutiny from the council than its Christian inhabitants, and were perhaps more vulnerable in general to malicious rumours and gossip.[14] According to Sibylle Malamud, abortion was prosecuted by the Ratsgericht once it began to deal with capital crimes only after 1400, though the council did not pursue the crime systematically.[15] Whilst she also cites several fifteenth-century cases, Malamud does not give an indication of how often it was prosecuted. Due in part to its apparently irregular appearance in the register, Repplin's case can thus be seen as the earliest procedural evidence of the prosecution of abortion in Zurich, not to mention one of the earliest surviving cases in German-speaking regions.

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The evidence in the record of Repplin's sexual activity provides a good basis from which to argue that she was operating as a prostitute during the events leading up to her imprisonment, though the judicial context of abortion makes the construction of a positive case problematic. Although it is possible that both the council and Repplin's peers considered her a prostitute, the document itself contains no evidence that she was labelled in this way. In lieu of a positive label, a rough social profile can nonetheless be sketched from the small amount of biographical data in the record and from circumstantial detail supplied by the witnesses. Repplin's designation by the scribe as "die Repplin," the female inflection of the surname Reppli, indicates firstly that she was single. Women in the judicial registers of the *Ratsgericht* were commonly referred to as the

[12] StaZH BVI 279a, f. 2r.
[13] StaZH BVI 194, f. 244v: "...und rett och der Visli zu luten die frowen die die sach engieng wolten si im xx guldin geben so wolt er dz kind von dien frowen bringen und vertriben dz do kein kint wurden".
[14] Susanna Burghartz notes that Jews were over-represented in the records of the *Ratsgericht* between 1376-85, and finds evidence that they faced stereotypical accusations of poisoning water sources; see Leib*, Ehre und Gut*, pp. 183 and 186-7. In another case from 1392, the council opened an investigation into the death of a ten year-old child in which the Jew Mossli was implicated, one of the witnesses claiming to have heard a child's cry of "help me God!" from his house; see StaZH BVI 195, ff. 51v-52v and 56r/v.
[15] Malamud*, Ächtung des Bösen,* pp. 273-276.

wife or daughter of a certain man. No such man is evident in Repplin's case, nor does the record make clear whether she had ever been married. The only concrete reference to a family member in the case record is to a son, mentioned in the testimony of Uli Würfler and Pflügampel. Whilst Pflügampel's reference to him as "her boy" (*ir knab*) indicates that he was relatively young, he was evidently old enough to hold a conversation reported by Würfler. Surviving tax lists which run parallel to the city's judicial registers provide another resource from which to document individuals and families, though a gap for the years 1376-1401 makes it impossible to verify whether Repplin had more senior family connections in Zurich at the time of the case. Whilst a number of individuals with the name Reppli do appear in lists from 1357-76 and 1401-1450, none of those mentioned falls close enough to 1392 to constitute a plausible match with Repplin herself.[16] The lack of tax data for the years around the case also makes it impossible to know exactly where Repplin resided, though several of the witnesses commented that she lived in Rennweg, the north-western quarter of the city [see figs. 3-4]. This being the case, it may be likely that she also occupied the property in which the baby's body was discovered, the so-called "Selnauer house".[17] This house appears in the 1357-76 tax lists at Kuttelgasse 3, close to the western wall, typically housing between four and eight tenants at a time, often including single women.[18] One of the female witnesses, Catherin Swebin, is described in the record as being "in Repplin's house (*in der Repplin hus*), suggesting that

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[16] See Hans Nabholz, Friedrich Hegi, E. Hauser, and W. Schnyder (eds.), *Die Steuerbücher von Stadt und Landschaft Zürich des 14. und 15. Jahrhunderts* 7 Vols (Zurich 1918-1952), Vol. 1, p. 616 (index of persons). In the following, bracketed place names and numbers refer to the city quarter and house number for the residence of each individual named, as well as the years in which they lived there. These details can be cross-referenced with the maps shown in figs. 3-4: "Rebli, Rebbli, Repli, Reppli, Reblli, Raebli": Claus (1370-76): p. 158 (Linden, 89), p. 299 (Rennweg, 1), p. 325 (Rennweg, 1), p. 362 (Rennweg, 1), p. 416 (Rennweg, 1), p. 457 (Rennweg, 1), p. 509 (Rennweg, 1), p. 519 (Rennweg, 1, plus a daughter, Katrina). Elli and her sister (1370-75): p. 250 (Auf Dorf, 72), p. 374 (Auf Dorf, 72), p. 427 (Auf Dorf, 72). Elsi (1376): p. 472 (Auf Dorf, 115). H. and his son (1357): p. 37 (Niederdorf, 117). Jo (1358): p. 74 (Niederdorf, 117). Kathrina (1370, 1375): pp. 255, 429 (Auf Dorf, 103). Rued. (1357-1369): p. 4 (Auf Dorf, 72), p. 100 (Auf Dorf, 72), p. 144 (Auf Dorf, 72), p. 205 (Auf Dorf, 72), his wife (1369): p. 205 (Auf Dorf 72). Ruedi (1358): p. 95 (Rennweg, 164). Repplin (1358): p. 55 (Rennweg, 128), p. 92 (Rennweg, 135).

[17] The name of this house does not make its ownership entirely clear, though as Pascale Sutter notes, in this period houses in Zurich often carried names with no obvious connection to their owners or occupants; see *Von guten und bösen Nachbarn. Nachbarschaft als Beziehungsform im spätmittelalterlichen Zürich* (Zurich, 2002), pp. 82-83.

[18] For the occupancy of the Selnauer house in Rennweg between 1357-76 see Nabholz, Hegi and Schnyder, *Steuerbücher* Vol. 1, pp. 54, 93, 136, 197, 242, 304, 330, 367, 420, 461-462, 514, 523. Two of the single women who appear, Schacherin and Stromeigrin, show up in the lists in place of two male tenants, Johannes Schacher and Stromeyer, from the years 1369-1371 and 1371-1376, suggesting that these women may have been widows who continued to occupy the house after the deaths of their husbands. Other single women with no obvious family connections show up in the list for shorter periods of time, such as Ann Vikin in 1358, and Goichin and Rapperswilin in 1366, both of whom occupied the lowest tax band in the city. Tax records from 1357-1376 note the existence of two other "Selnauer houses" outside Rennweg, one outside the gate to Niederdorf and one outside the city wall; see ibid., p. 678.

she was a co-tenant, though no further information on Catherin survives to shed further light on Repplin's living circumstances. If Repplin were not a native Zürcher, a plausible origin may have been Glarus, where she claimed to have gone to give birth and to have found a godfather for her baby.[19]

Although Repplin herself leaves no other traces in the registers outside the 1392 case, a significant number of the witnesses who appeared at her case can be found giving testimony in other cases, or appearing as defendants and plaintiffs themselves. A smaller number can also be traced in tax records for the years 1357-76 and from 1401, indicating where they lived. The appearance of many of these individuals as witnesses in the same cases or supporting each other's testimony suggests that they belonged to a coherent social group based in or near to Rennweg, one in which Repplin may also have been well-known. As well as Repplin's co-tenant Catherin Swebin, Heiny Dietrich and his wife may have lived close to her, the latter reporting in her testimony a conversation with Repplin outside her cottage. H. Bosshart and Peter von Baden have perhaps the best-documented connection to Rennweg. Bosshart is recorded living there in 1401-1408, whilst Peter is listed in Rennweg tax data for 1412 owing an outstanding sum of 4 shilling and 6 pence; both men may have lived in Rennweg at the time of the case, though the gap in tax records makes this impossible to verify.[20] The pair also seem to have known each other well, and appear together as witnesses in a number of legal cases throughout the early 1390s and early 1400s, cases which also involve at various points Heiny Dietrich, Boc (mentioned in Repplin's case by C. Jrmig, but who did not testify) and Pflügampel, with whom they also appear to have been well acquainted.[21] In 1391, when Pflügampel was found guilty of taking five *plappart* from another man at the fish market, Peter and Bosshart appeared alongside five others to pledge the amount of the fine

[19] On women's urban migration in the later Middle Ages, see Grethe Jacobsen, "Female Migration and the Late Medieval Town," in *Migration in der Feudalgesellschaft* ed. Gerhard Jaritz and Albert Müller (Frankfurt am Main and New York NY, 1988), pp. 43-55.
[20] Nabholz, Hegi and Schnyder, *Steuerbücher* Vol. II, Part 1, pp. 90, 176, and pp. 72, 308, 349.
[21] Peter von Baden and Bosshart also appear together in a number of cases vouchsafing the testimony of the other, and on other occasions as witnesses and defendants in the same case, suggesting that they spent a significant amount of time together. In 1393, Peter vouchsafed Bosshart's testimony when he complained to the council of slander, and the pair both appeared as witnesses to a manslaughter investigation in 1394 (StaZH BVI 195, f. 183r, and BVI 195, f. 258v). In 1413, they appear again as witnesses to an armed brawl between a number of girdlers' servants at the fish market, and once again in the same year as witnesses to an assault which took place following a board game, suggesting that they had been socialising together (StaZH BVI 201, ff. 243r-244r, BVI 201, ff. 274v-275r). As individuals, both men were also investigated by the council for blasphemy, Bosshart in 1393 and Peter in 1395; while Peter's case was dropped without a resolution, Bosshart was less lucky and was imprisoned until he had paid a fine (StaZH BVI 195, f. 152v, BVI 196, f. 7r).

imposed upon him.[22] In 1392, following Repplin's case, both Peter von Baden and Bosshart also appeared as witnesses for Pflügampel when he was convicted of stabbing a labourer named Keiser, for which he was fined once again.[23] Whilst most of these appearances in court were in connection with minor incidents, in 1396 Bosshart and von Baden were involved in a much more serious matter when they were found guilty alongside one other man of having assaulted and robbed two servants and a boy on Mount Zurich, for which both were fined.[24] Neither was involved as a defendant in any extant court case after this point, while they evidently remained friends for a long time subsequently, being recorded living together in 1412 in Neumarkt, on the eastern bank of the Limmat.[25] The occupations of only a few of the individuals who appear in the case record are listed, those that do appear coming mostly from the middling to lower end of the economic spectrum. These include the priest Tregel, the carpenter Swab, and the baker Peter Meyer. Süss, the putative father of Repplin's child, was a carpenter's assistant.[26] H. Bosshart is also recorded in a separate case from 1391 working as a cart driver.[27]

Repplin's place within this group is difficult to estimate. In view of her status as a single woman and her lack of a listed occupation, the fact that she had had sex with nearly half of the twelve men mentioned in the case suggests that she had been supporting herself through prostitution, perhaps alongside other types of low-paid, casual labour. No procedural ordinance survives with which to determine how the judges interrogated each witness, though if the case did use the *Nachgang* procedure, it is likely that each appeared alone, and would not been able to benefit from the assistance of an advocate, legal professionals not yet being active in the Zurich municipal court system.[28] Reading

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[22] StaZH BVI 194 f. 233v. On *plappart* as a unit of currency see Friedrich von Schrötter (ed.), *Wörterbuch der Münzkunde* (Berlin, 1930), p. 76.
[23] StaZH BVI 195, f. 59. In 1402, Peter vouchsafed Heiny Dietrich's testimony when the latter complained to the court of an assault, and in 1406 Bosshart did the same for Peter when he also complained about an assault. The latter the case record lists Boc as a witness, though the he did not testify (StaZH BVI 197, f. 314r, BVI 199, ff. 29r-30r).
[24] StaZH BVI 196, f. 152v.
[25] Nabholz, Hegi and Schnyder, *Steuerbücher* Vol. 2, p. 308.
[26] Heini Swab von Tuebendorf appears in Linden in 1412 and in 1417; see ibid, pp. 302, 380. "Peter Mayer" and a large number of variants feature at numerous points in the 1357-76 and 1401-50 tax lists, though the commonness of the name makes it impossible to isolate the individual who appeared at Repplin's case. In the *Rats und Richtbücher*, a certain"Peter Meyer the baker" appears as a witness in a slander case in 1389 (StaZH BVI 194, f. 57v) and again in the same year as a defendant in a case of assault (BVI 194, f. 60r). Another "Peter Meyer," who may be the same individual, appears in another case from 1379 (BVI 190, f. 241r).
[27] StaZH BVI 194, f. 234v.
[28] Malamud, *Ächtung des "Bösen,"* pp. 126-7, 141.

between the lines of the witness statements shows that the council was primarily concerned to determine whether Repplin had been pregnant before the discovery of the Rennweg baby, ostensibly to discover whether she had tried to conceal the pregnancy at any point. With Repplin's sexual partners, the council also asked if they had been able to feel the baby moving inside her, evidently attempting to discern whether its limbs had been formed, and so whether for the purposes of the investigation the child could be considered a human being. The council judges appear to have had little interest in Repplin's sexual activity outside the issue of abortion, however, the witness' statements showing no evidence that they had been asked about the nature of her sexual partnerships. What little information the four of Repplin's partners who testified did provide suggests that these associations were not long-term, though the statements given by these men does suggest that their relationships with her were not uniform. Peter Meyer said that he had had sex with her for three weeks, Hans Treyer for four nights around St John's Day, whilst Peter von Baden said he had done so three weeks previously, also around St John's Day. Swab was less exact, saying simply that he and Repplin had had sex "often and a lot" (*dik und vil*). Hans Treyer and Peter Meyer both gave sparse accounts which suggest they did not know Repplin well, simply confirming that they had had sex with her, that she had been pregnant at the time, and how they knew this to be true. Peter Meyer in particular seems not to have found these encounters memorable, saying that although Repplin had told him she was carrying a child, he was unable to remember whether he noticed this himself.[29]

Both Swab and Peter von Baden spoke at greater length, suggesting that they may have known Repplin better. In contrast to Treyer and Meyer, Repplin appears significantly to have hidden her pregnancy from Swab. Swab said that "as he was lying with her, he realised that she was carrying [a baby], and that the child was moving inside her body, but she had wanted to conceal it from him, for which he beat her." He said that in response, Repplin had claimed that she had been afraid of his noticing her pregnancy, and that "if I told you about it, you would beat [it] from me".[30] Peter von Baden's testimony reveals a contrasting picture in turn. The length of his statement – the largest in the case – suggests that out of all her partners he may have known Repplin best. Whilst his

[29] StaZH BVI 195, f. 16v: "dz er bi drin wuchen bi der Repplin gelegen ist und dz si im seit si trûge er känn aber nit wissen ob si trûg ald nut er wurde öch nût gewar".
[30] StaZH BVI 195, f. 17r: "so er bi ir lag do wart er wol gewar dz si trûg und dz sich dz kind in ir lip Rûrt si wolt es aber vor im haben verseit und dz er si dar umb slûg do sprach si ich wand nût dz er [illegible] jnnan könde werden wan ich forcht alweg seit ich dir es du slügest von mir".

conviction for violent robbery paints him in an unsavoury light, Peter's statement implies that his relationship with Repplin was far less antagonistic than that between her and Swab, and that he may have played a supportive role during the events surrounding her disappearance from the city. His statement contains the most information about the events surrounding her disappearance from the city, and is marked throughout by a tendency towards subjective detail and descriptions of Repplin's emotional state. In the first of a series of significant conversations either side of her absence from the city, Peter said that having discovered that Repplin was pregnant when having sex with her, he asked her when she would give birth. She had replied that "she did not know, and she was very worried, and it did not let her sleep." [31] Peter also said that he spoke to Repplin immediately before her departure from the city, when he described her in a state of distress. He told the council that "after the dead child was found in Rennweg, he went to Rennweg, down the small lane to her house, and there the door was open, and he went inside and found her sitting on her bed and leaning on her elbows. She had a skirt, a pelt, and a coat on, and he thought that she was very sick. He asked her how she was, and she said that she was in pain. Then he said to her, 'if you're in pain you should see that you do right by yourself.'"[32]

On the evidence of the 1392 case record alone it is also impossible to know whether these were the only such short-term sexual relationships in which Repplin engaged, and whether or not the majority of her sexual activity followed the same pattern. Whilst there is no clear indication that Repplin took money from her partners, it is also plausible that they provided her with financial or material support. Following the scheme of female identity put forward by Karras, the mere fact that Repplin had sex outside of marriage would have put her at risk of being classified a whore, and possibly of being conflated with commercial prostitutes.[33] This may have been less of a risk in late fourteenth-century Zurich than in the English context to which Karras refers, however; as Beate Schuster has shown, civic authorities in German-speaking regions did not begin to pressure sexually-active single women into living in brothels until the later fifteenth

[31] StaZH BVI 195, f. 17v: "do sprach er zû iro Repplin wann wilt genesen do sprach si sy enwuste es tete ir als vil ze leid und liesse si nien[er] geslaffen".
[32] StaZH BVI 195, f. 17v-18r: "do gieng er an dem Renweg dz klein gessli uff ze ir hus do voz ir tur klein offenn do gieng er hin in do fand er si uff ir bett sitzent und hat sich erleinet mit der elenbogen und hat an ein rokk ein beltz un[d] ein mantel umb und dûcht jnn si w[er] vast krank und er sprach zû iro wie si möhte do sprach si ir wer we do rett aber er dir ist gar we du solt lûgen dz dir recht sy".
[33] See Karras, *Common Women*, p. 30: "Anyone accused of being a whore – anyone whose sexual behavior was offensive to her neighbours, especially female ones – could be placed by her neighbours' insults or by court action in the same category as the commercial prostitute."

century, whilst the council in Zurich did not itself establish a municipal brothel until 1455.[34] As Sibylle Malamud has noted, during the fourteenth century the authorities in Zurich were more concerned with maintaining the town peace (*Stadtfrieden*) than with sanctioning immoral behaviour, and began consistently to punish sexual transgressions (under the general label of *Unzucht*) only from around the mid-1400s.[35] Before this point, private brothels are known to have existed in the city at least from 1314, when the council forbade the running of one near the Dominican convent of Oetenbach in Rennweg. This followed the requirement of the nuns selling a house on the same piece of land in 1306 that "no common or wicked woman should remain there".[36] Several more brothels are known to have operated in the fourteenth century in Niederdorf, and by the main bridge next to the town hall, and close to Lindenhof. Another was to be found in 1357 by the town wall in Auf Dorf. At the beginning of the fifteenth century (ca. 1408-1412), tax records also show that several others were to be found in central locations in the Augustinergasse, by Lindenhof, and in Niederdorf.[37] Prostitutes in Zurich might also be expected to identify themselves by wearing a red cap; a clothing ordinance of 1319 made this a requirement of women residing "in public houses" (*in offen husern*).[38]

Whilst the council clearly saw a need to regulate prostitution before the fifteenth century, they may have seen the sexual activity of individual women in this period as less of a problem. The records of the Zurich *Ratsgericht* do not show the council investigating prostitution in the fourteenth century, which may instead have been dealt with by the church courts. For citizens of Zurich, this meant the *Offiziat* in Constance.[39] Case evidence from the registers nevertheless shows that prostitutes were a familiar presence in the city, and that people might take a negative view of their activity. In 1385, a woman named Du von Biel complained to the council about an insult she had suffered at the

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[34] Schuster, *Das Frauenhaus*, p. 39. For prostitution in Zurich, see Eberhard Brecht, "Von der Prostitution im früheren Zürich," in *Zürcher Taschenbuch* 89 (1969), 64-83, and Hans-Jörg Gilomen, "Innere Verhältnisse der Stadt Zürich 1300-1500," in *Geschichte des Kantons Zürich Band 1: Frühzeit bis Spätmittelalter* ed. Niklas Flüeler and Marianne Flüeler-Grauwiler (Egg, 1995), pp. 336-389, here pp. 352-353.

[35] Malamud, *Ächtung des "Bösen,"* pp. 286-287. See also Burghartz, *Leib, Ehre und Gut*, p. 181: "Eine Kontrolle der Prostitution erfolgte Ende des 14. Jahrhunderts durch das Zürcher Ratsgericht nicht." "The Zurich *Ratsgericht* did not practice surveillance of prostitution around the end of the fourteenth century."

[36] Zeller-Werdmüller, *Zürcher Stadtbücher* Vol. I, pp. 3-4.

[37] Gilomen, "Innere Verhältnisse der Stadt Zürich," pp. 352-353.

[38] Zeller-Werdmüller, *Zürcher Stadtbücher* Vol. I, pp. 17-18, "Dirnentracht."

[39] For a summary of the various jurisdictions of mediaeval Zurich see Wilhelm Heinrich Ruoff, *Die Zürcher Räte als Strafgericht und ihr Verfahren bei Freveln im 15. und 16. Jahrhundert* (Zurich, 1941), pp. 12-29, Burghartz, *Leib, Ehre und Gut*, pp. 39-40, and Gilomen, "Innere Verhältnisse der Stadt Zürich," p. 377.

hands of Felix Goetfrid's wife. She claimed that this woman had said to her, "you're a more wicked whore than one from the Kratz, and whatever you have, you have it with great dishonour!" [40] The Kratz was one of the poorest parts of the city, a dead end of the Münsterhof quarter that was known to be frequented by outsiders, petty criminals, and prostitutes.[41] Gossip about the notoriety of the prostitutes operating in this part of town may well have formed a local trope, making the insult suffered by Du von Biel meaningful without the need for further explanation in the record. Other cases show how accusations of whoredom might be used to insult women. In 1397 Claus an der Silen's wife complained that C. Bronen had called her "A right wicked woman… a cock, bleeding whore and a fucking cock thief," and that he "wanted to prove it."[42] In a similar case from 1398, Elsi Fryman complained that Staldiner the weaver had torn at her hair and said that he "wanted to show that she was a right wicked whore".[43] Sometimes women might also be able to respond to the insult by challenging their attacker to prove the accusation; in 1386, Elsi Hagen claimed that Meder's wife had called her "a wicked priests' whore," to which she replied, "I was never the whore of any man, and you must prove where I was a whore."[44] Most often, however, insult cases merely record the fact of the insult without describing the context in which it arose. Because the term was used as a general term of abuse for a female adversary it is impossible to tell where individual cases may refer to genuine prostitutes (or even to actual sexual transgressions), though the power of the insult was clearly sufficient to compel many women to seek redress from the council.[45]

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[40] StaZH BVI 192, f. 264r: "Es klaget Du von Biel [...] Jo Drijer uf Felix Goetfrit und Goetfriden dz si zu ir sprach frevenlich und schalklich…du bis ein boser hurr den eini im kratz und was du hest dz hest mit grossen uneren". The word "Kratz," mentioned as a quarter of the city for the first time in 1334, itself means "dead-end." See *Schweizerisches Idiotikon* Vol. III, p. 928 (http://www.idiotikon.ch/).

[41] Gilomen, "Innere Verhältnisse der Stadt Zürich," p. 344.

[42] StaZH BVI 196, f. 263v, "...do sprach er frefenlich zu iro si wer der recht bosen frawen eine und wer ein zers blutende hur und ein verhite zers diebin und wolt och dz wisen".

[43] StaZH BVI 196a, f. 77v: "...dz er si frefenlich slug un[d] haret un[d] sprach zu iro schalklich we wolt bewisen dz si ein recht bosi hur wer."

[44] StaZH BVI 193, f. 78V: "...do kam des Meders wib und sprach frevenlich und schalklich zu ir du bosi pfaffenhur do sprach Els Haginin ich wart nie kein[e]s mans hurr und du must bewisen wo ich ein hurr sy".

[45] Karras, *Common Women*, p. 29. On mediaeval insult cases in Germany, including those involving the term "whore," see Michael Toch, "Schimpfwörter im Dorf des Spätmittelalters," in *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 101:1, 311-327, here 320-321. For England, see J. A. Sharpe, "Defamation and Sexual Slander in Early Modern England: The Church Courts at York," *Borthwick Papers* 58 (1980), pp. 15-16. For Italy, see Trevor Dean, "Gender and Insult in an Italian City: Bologna in the later Middle Ages," in *Social History*, 29:2 (May, 2004), 217-231, here 219, and Lynn Marie Laufenberg, "More than Words: Gender, Gesture, Insult, and Assault in Medieval Florence," in *Virginia Social Science Journal* 42 (2007), 64-97, here 69. For France, see M. Greenshields, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587-1664* (University Park PA, 1994), p. 233.

The regulatory context of prostitution in late-fourteenth Zurich, and the evidence shown here of the opprobrium attached to the insult "whore," suggest an environment which demanded of women the effort to maintain sexual honour amongst their peers. The lack of interest on the part of the council in punishing prostitution itself through the courts, however, also suggests that women may not have faced significant censure from the authorities for engaging in extra-marital sexual activity. Although prostitutes in Zurich might be expected to identify themselves by living in brothels or wearing a red cap, women who accepted money or material support for sex on a more casual basis may not have faced pressure to do so. In this scenario, social disciplining may have exerted a greater influence upon clandestine prostitutes than official sanctions. This may have provided room for the "cultural space" posited by Karras in her work on single women for unmarried, sexually women outside prostitution. Repplin may have benefitted from the existence of such space in her own immediate environment, though discretion is also likely to have been key to maintaining a status quo by which she was able to subsist. Beate Schuster also suggests that that for women who had multiple sexual partners but did not work in a brothel or wear clothing which identified them as a prostitute, the kind of label an individual might attract could depend on the extent to which she was able to keep her sexual activity hidden, or whether her neighbours accepted her behaviour.[46]

Whilst the evidence is sketchy, there are indications in the case record of a strategy on Repplin's part to separate her sexual partners from social contacts she may have seen more frequently within Rennweg. Only one of the men in the case who reported sleeping with her had a clear connection to Rennweg and knew some of the other witnesses for certain: Peter von Baden, whose testimony implies that he also supported Repplin throughout the events surrounding her disappearance from the city. Of the other four men known to have had sex with Repplin, there are suggestions that none of these men had close connections to Rennweg or to the other witnesses. Swab appears to have been conspicuously ignorant of her pregnancy considering it had been common knowledge amongst most of the other witnesses, implying that he was not well-connected to networks of gossip by which the others had heard about her baby. Two of those who had witnessed Repplin's confrontation at Christmas with Süss, with whom she had also had sex and who reacted angrily to the sight of her in an embrace with Swab, said that this episode had taken place at a property called the Schiterbergin house. This house lay

[46] B. Schuster, *Die freien Frauen*, p. 191. For a similar comment in an English context see also Karras, *Common Women*, p. 138.

outside Rennweg; if it were Swab's own residence, or if he frequented it, this may constitute further evidence that he was only loosely connected to Repplin's social group. Süss also seems not to have been well-known to many of the witnesses. Bosshart and Peter von Baden described him in terms which suggest unfamiliarity, Bosshart referring to him as "a carpenter's assistant called Süss," whilst Peter said simply that he was "a servant called Süss".[47] Assuming that the council would have valued his testimony, the fact that Süss did not appear at the investigation adds to the impression that he was more difficult to locate than the other witnesses, perhaps because he was less easy to track down if few people could say where he lived. The impression that emerges from the statements of Hans Treyer and Peter Meyer is that neither knew Repplin well, perhaps because they did not belong to her social circle. Neither had much to say about her beyond their responses to the council's questions about whether they had slept with her and whether she had been pregnant at the time. Peter Meyer in particular seems not to have found his encounters with Repplin especially memorable, being unable to recall – or so he claimed – whether she had actually been pregnant when they had had sex.[48]

Whilst Repplin may deliberately have selected partners who came mostly from outside her immediate social circle, the fact that the council was able to uncover five of them to testify suggests that her promiscuity was not unknown. The fact that she seems to have discussed her pregnancy openly and in spite of the lack of a husband or a fixed partner implies that she felt no need to pretend not to be sexually active. A number of the witnesses said that they knew Repplin was pregnant from common knowledge. Tregel the priest said that he knew "from hearsay, and from what Süss said, that the child Repplin was carrying was his".[49] Swab said that "Repplin herself had also told certain people, as he heard it, that she would give birth around Whitsun."[50] Bosshart said that Repplin had even invited him and "other men" [andn gesellen] to touch her stomach, saying to him "feel, I know well that I'm carrying a son, and he's moving."[51] There may also have been other benefits for Repplin in discussing her pregnancy openly, such as the

[47] StaZH BVI 195, 16v, 18r: Bosshart: "ein wandknecht heisset der Süss," Peter von Baden: "ein knecht heisset der Süss".
[48] StaZH BVI 195 f. 16v: "dz er bi drin wuchen bi der Repplin gelegen ist und dz si im seit si trûge er känn aber nit wissen ob si trûg ald nut er wurde öch nût gewar".
[49] StaZH BVI 195, f. 17v/r: "pfaff Tregel d. von hörsagen und dz der süss sprach dz kind dz die Repplin trûg dz wer sin".
[50] StaZH BVI 195, f. 17r: "die Räpplin het öch selber geseit etlihen lûten dz er es hort si sölte ze pfingsten genesen".
[51] StaZH BVI 195, f. 16v: "do sach öch der ~~Bosshart~~ der selb gezug wol dz si trûg dar nach etwedik do sprach die repplin zû im und and[ere]n gesellen griff ich weis wol dz ich einen sun trag und rüret sich".

opportunity to maintain social contacts, particularly amongst other women. While only two women testified at the investigation, both reported talking to Repplin about her pregnancy. Heiny Dietrich's wife reported a conversation about it outside her cottage after her return to Zurich, in which Repplin told her that the boy was still sick following the birth.[52] Catherin Swebin also reported discussing the practicalities of the upcoming birth before Repplin left the city, and said "that she [Catherin] could help her when the time came."[53]

Whilst the case record contains little information with which to make a positive argument about Repplin's identity, it suggests that she had been able to maintain both social contacts and a series of perhaps more covert sexual partnerships. It is also plausible that Repplin received some kind of financial or material support from these men in order to support herself; particularly if she were single and pregnant, providing sexual services may have enabled her to survive. The lack of labelling in the record makes it impossible to know whether Repplin's circumstances meant that her peers considered her a prostitute. In a late mediaeval English context, P.J.P Goldberg identifies one Isabella Wakefield as a prostitute on the basis of (admittedly stronger) circumstancial evidence in the church court records of York, coming to the conclusion that her multiple presentments for fornication and adultery between 1403-1432 made her a prostitute in spite of the absence of the term *meretrix* in the record.[54] For Repplin, whether not she was identified in this manner, a strategy of discretion may have enabled her to avoid at least some of the material consenques of pejorative labelling and allowed her to co-exist with others in her community. Repplin may also have occupied a position similar to poor women described by Carol Lansing in thirteenth-century Bologna who offered sexual services to men, but who appeared in court documents under the label *amaxia* or *amica* rather than *meretrix* because they did not make themselves available indiscriminately as prostitutes were expected to do. In this context, as Lansing describes,

> "a poor woman who had no prospect of marriage might establish a relationship with a man (or men) who visited her for services in

[52] StaZH BVI 195, f. 17r: "dz die Repplin vor ir gaden rett bi acht tagen dz sy ein kindli getragen hett und des wer si öch genesen ab wesen und hiesse petermanly und were ein klein kindlin were öch noch krank wan es wer nit lang dz sin genese".
[53] StaZH BVI 195, f. 17r: "und sprach si könd ir selben wol gehelffen wenn es zît wurde".
[54] P. J. P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c. 1300-1520* (Oxford, 1992), p. 155. Goldberg's labelling of Wakefield as a prostitute in the absence of the term *meretrix* is also discussed in Karras, "Sex and the Singlewoman," p. 139.

> exchange for "expenses," which meant a supplement to income…It is entirely credible that despite the obvious drawbacks – including pregnancy as well as the question of fama – a woman might choose to supplement a desperately meager income in this way without becoming a prostitute in the sense of being a woman sexually available to all men."[55]

Karras has also suggested that amongst people who did not consider fornication or adultery by married men with unmarried women to be a severe transgression, prostitutes might be regarded as a simply another kind of service worker and might be integrated – if not actively embraced – within their communities.[56] For married women, or those hoping to marry, avoiding the suspicion of independent sexual activity would have been important; for single women without the aspiration to marry there may have been less at stake. Repplin's neighbours may have found it easier to tolerate her sexual actitivity if her partners were mostly men unfamiliar to Rennweg and if she met them outwith the immmediate vicinity of where she lived. Cultural space for women's extra-marital sex was thus not a given, but depended upon individual negotiation.

II

The second part of this chapter examines the rupture between the status quo by which Repplin had been able to subsist, and the circumstances leading up to her imprisonment and death in custody. The key parts of the record here are the descriptions of the events surrounding her disappearance and reappearance in the city following the arrival of her baby, though the exact circumstances in which the latter took place are unknowable. Repplin's openness about her pregnancy before this point makes it seem unlikely that aborting or killing her child was part of a long-term strategy; rather, her demonstrativeness suggests that she intended to have the baby and before continuing to support herself. This may not have been an unreasonable proposition given that she had

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[55] Carol Lansing, "Concubines, Lovers, Prostitutes. Infamy and Female Identity in Medieval Bologna," in *Beyond Florence. The Contours of Medieval and Early Modern Italy* ed. Paula Findlen, Michelle M. Fontaine, and Duane J. Osheim (Stanford CA, 2003), pp. 85-100; here p. 97. Goldberg also argues for a greater flexibility in labelling in the context of prostitution in late mediaeval York; see "Pigs and Prostitutes: Streetwalking in Comparative Perspective," in *Young Medieval Women* ed. Katherine J. Lewis, Noël James Menuge, and Kim M. Phillips (Stroud, 1999), pp. 172-193, here pp. 174-180.
[56] Karras, *Sexuality in Medieval Europe,* p. 107.

presumably brought up her son already, and may have had more children who are not mentioned in the case record. One particular episode which occurred before Repplin left the city may have played a key role in generating the negative rumours which accompanied her return, and which ultimately prompted intervention from the council. This was her confrontation at Christmas with Süss, described in the testimony of three of the witnesses, in which Süss publicly claimed paternity of Repplin's child and warned her not to abort it. This incident showed Süss accusing her of planning to commit the crime for which she was later investigated by the council, meaning that it was also a crucial piece of evidence in the case. Looking closely at the witnesses' descriptions of the episode also provides other indications of how Repplin was perceived within her community. Whilst there is no positive evidence of the way she was labelled by her peers, the reports of this confrontation show how her identity may have been structured by a dichotomy between openness and secrecy, in which the duplicity required to maintain covert sexual partnerships also made her vulnerable to negative gossip that she had killed her child. Although these descriptions were reported in the judicial context of abortion, the close focus upon the body also brings out information relevant to the question of prostitution.

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The episode itself is described in the testimony of Uli Würfler, Peter von Baden, and Bosshart, though there is some confusion in the record about exactly where it took place. As with Repplin, Süss himself leaves no clear traces in tax data or in the records of the register outside the 1392 case. The document lists his occupation as a carpenter's assistant (*wandknecht*), inviting the possibility that he either knew or worked with Swab, who was a carpenter. These passages contain little information about Süss's relationship with Repplin apart from the fact that they had had sex at least once, prompting his claim that he was the father of her child. Süss's claim of paternity brings a different dimension to his relationship with Repplin in comparison to those with her other sexual partners. Perhaps because he appears to have been unaware that she had slept with other men, Süss appears to have been concerned about his paternity, and to have gone to some effort to make knowledge of it public. Bosshart reported that Süss "had spoken seriously about the baby that Repplin was carrying being his, and that he wanted to swear ten

oaths to it as well as one".[57] He also appears to have been worried about the possibility of harm coming to the unborn child, Swab telling the council that after he had had sex with Repplin, Süss had come to him to tell him that he was the father of her unborn baby, asking Swab not to hit her in case he harmed it, since "he did not want to have a worse time of it after having conceived the child."[58] The reasons for Süss's concern are never made clear by the document; there are no indications that he wished to marry Repplin, nor does it seem likely that he would have been under pressure to take responsibility for the baby if her family did not reside in the city. Discovering Repplin in the embrace of Swab may have caused Süss to realise her promiscuity, whilst the prospect of her aborting his baby may also have been a humiliating one, especially since Repplin had had sex with Swab, a man Süss evidently knew and for whom he may have worked.

Peter von Baden and Boshart said that the confrontation had taken place in a property called the Schiterbergin house, which appears in tax records for both Linden and Münsterhof.[59] Uli Würfler, who gave the most detailed account, said that the episode had taken place at Repplin's house; whether this means that Repplin in fact lived at the Schiterbergin house, or whether both von Baden and Bosshart were mistaken is nevertheless unclear. In his description, Würfler said initially that Süss had come to the house and had seen Repplin draped around Swab's neck. Süss had then said to her, "you're carrying a child, make sure it's born and don't you kill it!" According to Würfler, Süss then said to Repplin "Don't you do that, for you should know that, break me on a thousand wheels, if you make this known before the town I'll mutilate you!"[60] Würfler said that Repplin had then retorted, "If I'm carrying it, then I'll bring it!"[61] The exact meaning behind Süss's warning to Repplin not to "make this known before the town" (*kunst du mir vor der Statt*) is also not wholly clear: "the town" may have stood metonymically for the town population or the town council, whilst *kunnen* appears to

[57] StaZH BVI 195, f. 16v: "der Süss ernstlich rett dz kind wer sin dz die Repplin trûg und wöllte öch dar umb zechen eid swren als wol als einen".
[58] StaZH BVI 195, f. 17r: "öch enbutte im der Süss bi gesellen er wiste wol dz kind wer sin, und dz er die Repplin nût slûg dz die frucht nût v[er]derbe won er wölte dest[er] wirser zit han dz er dz kind erzuge".
[59] Nabholz, Hegi and Schnyder, *Steuerbücher* Vol. 2, pp. 41, 121, 214, 291, 369, 449, and 158, 248, 410.
[60] StaZH BVI 195, f. 17v: "und sprach zü ir du treist ein frucht und[er] dinem herczen da lûg dz si ze sine[n] komen und si nût verderbest testest du es aber daruber nût so solt wissen und sölt ich uf tusent reder gesetzet werden kunst du mir vor der statt ich stûmbel dich".
[61] StaZH BVI 195, f. 17v: "do sprach si trag ich so bring ich öch".

derive from the Middle High German *künden*, "to announce" or "to declare".[62] The phrase may thus have meant "telling people that I did this," or "reporting me to the council"; in either case, Süss appears to have been concerned about the likelihood of Repplin aborting her baby and blaming him for killing the child. Peter von Baden may also have been referring to Süss's fear of being blamed when he said that "he had threatened her greatly, that she would do him an injustice".[63] Peter von Baden gave a more condensed account of this scene which the court scribe recorded in the third person, implying that it may not have been a first-person account, but was based instead upon hearsay. He said that Süss had been in the Schiterbergin house at Christmas, and had said that Repplin's child was his, and that he was afraid that she might kill it. He also said that Süss had threatened Repplin, saying that "if she told the council [about him] she would do him an injustice, and he wanted to mutilate her". In Bosshart's account, the briefest of the three, he said only that Süss had come to Repplin when she was in the Schiterbergin house the previous year, where he had said to her, "you wicked woman, see that you don't kill the child you're carrying beside your heart, since I know that it's mine".[64]

Süss's primary motivation in this episode may have been to protect himself from the suspicion of having killed Repplin's child. Some cases from the registers of the *Ratsgericht* suggest that the council took an interest in the protection of pregnant women, which may have made Süss particularly concerned at the prospect of Repplin blaming him for harming her baby. In 1393, Heini Minnen complained to the council that a woman named Tegerscherin had come into his house and threatened to kick his heavily pregnant wife, and, when at a later date she was taking a drink at a stream, wanted to hit her in the head with a stone.[65] In 1395, the council investigated an alleged attack by Jegli Schank on a pregnant woman which caused her to give birth, after which she died.[66] Süss's request

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[62] *Mittelhochdeutsches Handwörterbuch von Matthias Lexer* (http://woerterbuchnetz.de/Lexer/), Vol. 1, Sp. 1772-1773.
[63] StaZH BVI 195, f. 18r: "und tröwet ir öch vast dete si da mit unrecht".
[64] StaZH BVI 195, f. 16v: "do rett er mit der Räpplin du bösi frôw lûg dz du dz kind dz du bi dinem herczen treist nit verderbest wan ich weis dz es min ist".
[65] StaZH BVI 195, f. 187r: "...gieng si ab[er] in sin hus und rett schalklich mit sinem wib und dz si ir fus frefenlich uf hub und sin wib an den buch wolt gestossen han do si gross ze einem kind gieng wan dz ir ein frow ze halff kam und dz och sin wib eines mals ze unser frowen brunnen gieng und do si do trinke[n] wolt dz do die Teg[er]sch[er]in frefenlich kam gegangen und ein stein ufhub und sin wib in dz hopt wolt han geschlagen dann dz ir die landoltin das werte".
[66] BVI 196, f. 5r: "Man sol nach gan und richten als Jegli Schank ein arm frowen die gross eines kindes gieng geslagen und gestossen hat als vast dz si ein kindli mit grossem jamer bracht het und dz si dar umb nach gestorben wz".

to Swab not to beat Repplin suggests that he feared the blame for something similar happening. The actual likelihood of Repplin being able to pin blame onto Süss is difficult to assess. Discussing cases of abortion by assault (her own term) in late mediaeval England, Sara M. Butler suggests that juries in fact struggled to prove the link between an attack upon a woman and a subsequent miscarriage. [67] In Zurich, Susanne Pohl-Zucker has also shown that violence against women was commonly disregarded by the council because their protection was assumed to be the responsibility of a husband or male relative. [68] The cases involving Schank and Tegerscherin mentioned above may be seen to reflect these tendencies – both both dropped before they had reached a conclusion, though the fact that the council accepted them at all suggest that the men who brought them had a reasonable expectation of success. For Repplin, her chance of making a successful complaint in the absence of a male relative is also uncertain.

Whilst the danger of being made responsible for killing Repplin's child may not therefore have been great, Süss's attempt to protect himself might be seen to rest on an assumed link between promiscuity and deception, perhaps suggesting that Repplin was thought to be a prostitute, or to be of sufficiently bad repute to try to blame him falsely. As Wolfgang Müller has shown, mediaeval judicial notions of abortion considered it to be a covert crime committed by women using secretive bodily knowledge, often involving the concealment of concealing and disposal of the dead child.[69] Repplin's maintenance of covert sexual partnerships also required a degree of duplicity, which may have become apparent to Süss only when he found her in Swab's embrace. By accusing Repplin of the intent to kill the child and blame him, Süss may also have been able to exploit an assumption that promiscuous women or were more likely to abort or kill their babies. Luke Demaitre has identified the stereotype of prostitutes as habitual abortionists in Latin and vernacular versions of Pseudo-Albertus Magnus's *De Secretis Mulierum*, which identify "prostitutes and other women" (*meretrices et alia mulieres*) as those most likely to abort foetuses, expressing their immorality with labels like "quade wijf", "posen frauen", and "mauvesses fammes".[70] For Süss, accusing her in this way in the presence of witnesses may have been a way for him to protect himself by appealing to this stereotype.

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[67] See Sara M. Butler, "Abortion by Assault. Violence against Pregnant Women in Thirteenth- and Fourteenth-Century England," in *Journal of Women's History* 17:4 (2005), 9-31, here 18-20. The article title is slightly misleading, since a number of fifteenth-century cases are also discussed.
[68] Pohl, "Social status and the language of violence," in *Acta Histriae* 10 (2002), 254-255.
[69] Müller, *Die Abtreibung*, p. 321.
[70] Luke Demaitre, "Domesticity in Middle Dutch 'Secrets of Men and Women,'" in *Social History of Medicine* 14 (2001), 1-26, here 17.

On Repplin's part, her retort of "If I'm carrying it, then I'll bring it!" might be read as her rebuttal of the same assumption, refuting what for her may have been a dangerous link between her sexual activity and the suspicion that she might kill her child. Süss's subsequent threat to mutilate Repplin can also be seen to resonate in the context of bodily deception, and of the female body in particular as "the domain of trickery, of seeming, of lies".[71] Writing in the context of early modern London, Laura Gowing has noted the tendency for insults reported in slander cases to play provocatively on the boundary between public and private.[72] Süss's threat to mutilate Repplin's body can be seen to do so in the context of abortion and sexuality, both of which were shaped by masculine fears of deception. The association of mutilation with judicial punishments such as branding, blinding, or the removal of facial features made this an effective counter to Repplin's perceived deception. By making her body an object of public knowledge through disfigurement, Süss can be seen attempting to confound her intent to mislead others through her body, in addition to the propensity of the female body itself to deceive the observer. As well as a means to protect himself, Süss's threat to mutilate might also be read as a threat to expose Repplin's secretive sexual activity to public scrutiny.

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Repplin left the city at some point after this incident where, according to several of the witnesses who spoke to her after her return, she went to give birth in Glarus. After her return to Zurich Repplin may have hoped to be able to resume her life, relying on the credibility of her claim of having given birth in Glarus and having passed the baby into the care of his godfather. As John Boswell has shown, giving children away, and even abandonment (to be distinguished from infanticide), could be recognised as an important means of limiting family size which did not necessarily imply cruelty, so that Repplin may have considered this a viable claim amongst her neighbours.[73] Having been so demonstrative of her pregnancy before leaving the city, she may well have foreseen the

[71] Marie-Christie Pouchelle, *The Body and Surgery in the Middle Ages*, trans. Rosemary Morris, (Cambridge, 1990) p. 191. See also Karma Lochrie's discussion of the female body in the context of medical secrecy in *Covert Operations*: *The Medival Uses of Secrecy* (Philadelphia PA, 1999), esp. Ch. 3, "Men's Ways of Knowing: The *Secret of Secrets* and *The Secrets of Women*," pp. 93-134, and Monica Green, "From "Diseases of Women" to "Secrets of Women": The Transformation of Gynecological Literature in the Later Middle Ages," in *Journal of Medieval and Early Modern Studies* 30:1 (Winter, 2000), 5-40.
[72] Laura Gowing, *Domestic Dangers. Women, Words, and Sex in Early Modern London* (Oxford, 1996), p. 72.
[73] See John Boswell, *The Kindness of Strangers. The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York NY and Toronto, 1988), pp. 410-11, 429.

danger of coming back to Zurich without her child. There is some evidence that she attempted on her return to spread her story of having given birth legitimately outside the city. Bosshart and Peter von Baden, who spoke to her upon her return, said that as well as telling them what her baby was named and where he had been born, Repplin also mentioned that he had a black birthmark on one of his hands.[74] In what may have been the same story, Uli Würfler also told the council that Repplin had said to him that she had "hit [the child] on the arm with her hand, and the child got a bruise".[75] Bosshart's testimony refers to the birthmark as *ein warczeichen*, a legal term whose literal translation is "a true sign" (Latin: *verum indicium*).[76] This may reflect Repplin's or Bosshart's own assessment of the birthmark as a guarantee of the baby's birth, or may show that the council scribe gave credence to Repplin's claim that she had had the child. Describing physical details of the baby in this way may have been a strategy on Repplin's part to bolster the credibility of her story about having given birth in Glarus by affixing an image of the child in the minds of those she told. In this way, her conversations with her peers about her baby resemble the strategic speech of early modern supplicants to the French crown described by Natalie Zemon Davis, for whom "the mention of precise persons, places, movements, and gestures was intended...to give concreteness and credibility to the story, what Barthes would call the 'reality effect,' details that guarantee that the event really happened."[77]

Repplin may also have benefitted from the fact that she had told her story about having given birth in Glarus to her existing son, who had passed on the story to others. Uli Würfler described speaking to the boy, who told him that his mother had said "'when will you ask if I've brought you a brother or a sister?'", to which Würfler said that the boy had replied, "'mother, have you had a baby?'," at which point Repplin told him she had recently given birth to a boy called Peterman.[78] Both female witnesses also reported asking her about her baby when they saw her. Catherin Swebin said that she had

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[74] StaZH BVI 195, f. 16v: "do fragt si der ~~Bosshart~~ egen[annten] zûg wo si kindet hette do sprach sy ze hinderst in Glarus und ist ein knab und heisset pet[er]man und ze warczeichen so het er ein swarzen flekken uff der rechten hand", and f. 18r: "do sprach si si hette kindet ze swanden ob Glarus und hiessi dz kind pet[er]man und hette einen swarzen flekken uff der hand".
[75] StaZH BVI 195, f. 17v: "si slûg ir hand uber den arm und dz kind hette da von ain anmäl gewunen".
[76] Mark Chinca, "The body in some Middle High German Mären," in *Framing Medieval Bodies* ed. Sarah Kay and Miri Rubin (Manchester and New York NY, 1994), pp. 187-210, here p. 188 n. 6. For the German term and Latin translation, see *Deutsches Wörterbuch von Jacob und Wilhelm Grimm* (Leipzig 1854-1961) (http://dwb.uni-trier.de/de/), Vol. 27, Sp. 1016-1031.
[77] Davis, *Fiction in the Archives*, p. 45.
[78] StaZH BVI 195, f. 17v: "do sprach si zü im wenn fragest mich ob ich dir einen brûder ald ein swest[er] bracht hab do sprach er mîn mût[er] hest kindet do sprach sy ja und ist ein knab und heisset pet[er]man".

welcomed Repplin back and asked about her baby, to which she said that "she had had the baby five miles from the town, [an apparent contradiction to her story of having given birth in Glarus] that it was a boy named Peterman".[79] Heiny Dietrich's wife described a more detailed conversation. She said that she had spoken to Repplin outside her cottage, where she had told her that "she had had a baby eight days previously, and had recovered from the birth, and its name was Peterman. It was a small baby and still sick from the birth, and she wanted to leave her house, which she gladly allowed her, and she [Repplin] was upset that somebody knew that she had recovered so soon".[80] The comments of Heiny Dietrich's wife that she had "gladly allowed" for the fact that Repplin had left her house after the birth – in other words, that she had not disagreed with this course of action – imply that the council had asked her specifically what she thought of Repplin's reappearance in Zurich so quickly after apparently giving birth. Here, they may have been seeking a woman's opinion on the matter to determine the likelihood that Repplin had not actually had her baby a week before coming back to the city.

In spite of her efforts to present her story of having had her baby outside Zurich, Repplin was nevertheless unable to halt the spread of negative gossip after her return. Peter von Baden, who spoke to her soon after her return, told the council how after asking after her child, he had warned her that "rumours are going round about you and the child found dead in Rennweg, you should see that you bring your child home, though if you're guilty you should leave." A slander case from 1385 indicates how rumours arising from the death of a child might have a pejorative impact. Here, Katherina, the daughter of Jo Schurmeyer, complained to the court that Trubin the tailor's wife had claimed that she "was a wicked woman and had brought a dead child to/at Selnau," (a central district of the city) for which the later was fined.[81] Whilst the context of this case is not clear, Trubin's wife may have used the word *bracht* (brought) to claim that Katherina had given birth to a stillborn child, or that she had carried a baby's body to Selnau. Repplin herself is also reported to have used the word *bringen* to refer to giving

[79] StaZH BVI 195, f. 17r: "do si nu kam do hiesse si gatwilkome[n] sin und fragte si umb ir kind do sprach sy si win sin genesen fûnf mil weges von d[er] stat und wer ein knab hiesse peterman".
[80] StaZH BVI 195, 17v: "dz die Repplin vor ir gaden rett bi acht tagen dz sy ein kindli getragen hett und des wer si öch genesen ab wesen und hiesse petermanly und were ein klein kindlin were öch noch krank wan es wer nit lang dz sin genese und wölte iro ir hûsli vergan dz laste sy gern und were öch ir leid dz jeman wuste dz sy dar an nach als jung wer".
[81] StaZH BVI 192, f. 307v: "dz si frevenlich und schalklich zu ir sprach si wer ein bos wib und hetti ein tot kint bracht an Seldnow".

birth in refuting Süss's accusation thas she intended to abort her baby.[82] In either sense, whilst the slander against Katherina Schurmeyer contained no direct accusation of having killed a child, it was enough to endanger her reputation and to demand a legal response. In Repplin's case, Peter appears to have been largely ambivalent about the possibility that she had killed her child, and to tried to support her. In what may have been a crucial piece of evidence, he told the council that Repplin had said to him, "I know what I should do, it was a small child, if it's dead then how should I bring it?" This passage appears to show Repplin telling Peter in private that her baby had died, ostensibly of natural causes; this being the case, her subsequent flight to Glarus would have been a ruse, though she would have been innocent of aborting or killing the child deliberately. Whilst this may be a true report from Peter von Baden, his apparent closeness to Repplin may have motivated him to protect her in court by portraying her in a blameless light. He concluded his description of this scene by saying that he had responded by advising her either to bring the baby's godfather or the man to whom she said she had given him, at which point, he said, she left him.[83]

The adverse gossip linking Repplin to the Rennweg baby circulating at this time was concentrated in one particularly devastating rumour which Pflügampel related to the council, and which may have had its roots in Süss's portrayal of her as a deceptive woman. Describing his conversation with Repplin after her return to Zurich, Pflügampel reported to the council that he had told her "that people were saying that when she swore in front of our lords [the council] she had tied a sack around herself," evidently to make herself appear pregnant.[84] When Repplin heard this, Pflügampel said that she "became wretched, and said that she wanted to exonerate herself before our lords" (ie the council).[85] This rumour may have been particularly damaging because it was predicated upon an accusation of bodily deception. In this, it drew on earlier negative *fama* arising from Repplin's confrontation at Christmas with Süss, when he accused her of an intent to abort her baby and blame him, and from Swab's earlier anger at her concealing her pregnancy from him. This may have been the point at which the boundaries between Repplin's outward social presence and her more covert sexual

[82] See above, p. 55.
[83] StaZH BVI 195, f. 18r: "do sprach aber er zû iro der lûmd gat uber dich gar vast von des kindes wegen dz tod am Rennweg funden wart du sollest lûgen dz du din kind brechtest hetest deheims werest aber schuldig so soltest enweg gan do sprach si ich weis wie ich tûn sol es wz ein klein kindli ist es tod wie sol îch es dann bringen do rett er aber zû iro so bring den göttin ald den man dem du es enpfolhen hast do gieng si von im".
[84] StaZH BVI 195, f. 18r: "man seite von iro do si vor uns[ere]n h[er]ren swûr dz sy do ein sak umb si gûrted hette".
[85] StaZH BVI 195, f. 18r: "do wurde gar jemerlich und sprach si wölte sich sin entreden vor uns[ere]n h[er]ren".

activity began to collapse. Whilst it is impossible to know whether this rumour was based upon reality, its emergence may indicate the extent to which Süss's portrayal of Repplin as a deceptive woman had gained traction within her community after her disappearance.

The final record of Repplin in the archive, the investigation into the vandalism of her grave, reflects the ambiguous position which she may have occupied while alive. Stating simply that "Elli Zenderin made a hole in Repplin's grave, and put on it so that it [or she] says nobody," the case record also makes it unclear whether Zenderin had erased Repplin's name, or written the word "nobody" over the top of it.[86] The fact that she was buried one of the city's cemeteries suggests that Repplin was not marginalised in the eyes of the council or that she had killed herself in prison; having died before the conclusion of the case, she had not been convicted of any crime, whilst the possibility that she was a prostitute seems not to have stood in the way of a Christian burial.[87] The attack upon her grave nevertheless indicates that bad *fama* within her community continued to afflict her after her death. The identity of the Elli Zenderin who committed the act is not clear. Her name occurs (as Zechender) in only one other case from 1387 in which she accused Jeckli Bendlen of calling her a whore, for which he was fined, though there is no clear evidence that this insult had any basis in fact.[88] It is also unclear whether the attack upon Repplin's grave was a response to the rumours of abortion, to her promiscuity, or was a more general reaction to a bad reputation arising from a combination of these factors. As an act of erasure, Zenderin's vandalism might be seen to parallel Süss's threat of mutilation. Where Süss threatened to mark Repplin's physical self, the defacement of her grave represented an attack upon the the site of her body, and the only trace of her left in her community. Attacking Repplin in this way may have been the only means of retaliation from those who maintained a grievance against her, particularly as through her early death she had escaped any form of bodily punishment or shaming as a result of the investigation.

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The picture which emerges of Repplin in her case record – a single woman, with no obvious family connections, and with multiple sexual partners – suggests outwardly that

[86] StaZH BVI 195, f. 19v: "Man sol nach gan und richten als Elli Zenderin ein loch in der Repplin grab machet und dar uff lag dar uber dz si es nieman hies."
[87] On cemeteries and burial in mediaeval Zurich, see Martin Illi, *Wohin die Toten Gingen. Begräbnis und Kirchhof in der vorindustriellen Stadt* (Zurich, 1992), pp. 37-64.
[88] StaZH BVI 193, f. 204r.

sex may have been a means for her to support herself and possibly also her son. This chapter has argued that, prior to the events leading immediately to her disappearance from the city, Repplin was not marginalised within her community, and was able to benefit from tolerance of her sexual activity by pursuing a strategy of discretion which involved the selection of partners from outside her immediate locale. In this way, she may have been able to maintain a status quo which allowed her to subsist until she was forced into desperate circumstances with the arrival of her baby. The evidence of toleration may be read as evidence of the kind of "cultural space" for sexually-active single women outside prostitution which is posited by Karras. Repplin's case shows nevertheless that the negotiation of such space may have been dependent upon individual agency. This agency was also legible in Repplin's attempts to promulgate the story of having given birth in Glarus after her return to Zurich.

Alternately, although there is no evidence that Repplin's peers attached to her a positive identity category, the case might also be read as an example of "secret" prostitution. Even in the absence of a clear label, the evidence relating to the body which is brought to the surface by the judicial context of abortion – in particular, the suspicions of deception which hovered Süss's portrayal of Repplin – suggest the kind of assumptions which might have been attached to a promiscuous woman. The ambiguity over the question of Repplin's identity might even be characteristic of the phenomenon of clandestine prostitution in this period, before municipal authorities became more concerned to regulate prostitution within their jurisdictions. For Repplin herself, far more than any overt identity category, it may have been the insidious associations between promiscuity and deception which exerted the greatest influence upon the final events of her life.

Chapter II

Subjectivity and agency in the context of municipal prostitution: the case of Nördlingen

At around Whitsun 1471, rumours reached the town council of Nördlingen that a kitchen maid working in the municipal brothel named Els von Eichstätt had become pregnant after being coerced into prostitution, and had subsequently been forced by one of the brothel-keepers, Barbara Tarschenfeindin, into having an abortion. The discovery, made during a routine visit to the building of two minor council officials (*Ratsknechte*), resulted in a lengthy judicial investigation and a case record of over thirty pages. The record describes how Barbara had discovered Els von Eichstätt's pregnancy and forced her to take a drink that had caused the miscarriage of her baby. Just days later, Barbara had made Els resume seeing clients, whilst she herself began to suppress talk of the deed amongst the other women working in the brothel. When gossip between the prostitutes about what had happened failed to die down after several weeks, Barbara and Lienhart tried to buy Els's silence by cancelling the debt she owed them, eventually allowing her to leave the brothel on the condition that she never tell anybody about the abortion. Els thus left Nördlingen and found her way to nearby Weissenburg [see fig. 2], though the brothel-keepers' attempted cover-up nevertheless came too late to prevent the council discovering what had happened. When the Nördlingen city councillors began to investigate the events later that year, they evidently considered the rumours of abortion so serious that they also opened a parallel investigation into the working conditions of the prostitutes, led by the town's second mayor (*Unterbürgermeister*), Peter Spengler, with the assistance of two subordinate officials of the court (*Einunger*), Hans Hofman and Hans von Reutlingen. At the conclusion of the council's investigations, Lienhart was banished from the town for violating the terms of his contract as brothel-keeper, whilst Barbara, having been found guilty of aborting Els von Eichstätt's child, was sentenced to be put in the pillory, branded across the forehead, and banished.

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The Nördlingen town council's investigation into Els von Eichstätt's abortion and the working conditions of the women in the municipal brothel took place during a time of significant change in the regulation of prostitution in German-speaking cities. Beate

Schuster argues that towards the end of the fifteenth century, municipal authorities in German-speaking regions had come to see brothels as one part of a more general effort to uphold moral behaviour, part of which involved ensuring that brothels themselves were run as orderly households. By this later period, the status of prostitutes in towns had also evolved from a point in the thirteenth and fourteenth centuries, when they had been regarded as wards in need of municipal protection, to the stage at which they were recognised in many towns as citizens, or performed civic duties required of citizens.[1] One of the most tangible consequences of the authorities' concern for civic order with regard to prostitution was the adoption from 1470 in cities across the region of so-called *Frauenhausordnungen*, ordinances regulating the working conditions of women in municipal brothels, which also reduced the authority of brothel-keepers in favour of town councils.[2] The adoption in Nördlingen of a *Frauenhausordnung* in 1472 in the immediate aftermath of the council's investigations into Els von Eichstätt's abortion and the women's working conditions – only the second such document that survives from German-speaking regions after the first to created in Nuremberg in 1470 – points strongly to the probability of the case having had a direct influence upon civic policy.

The council's thoroughness in conducting the investigation means that the case is also one of the richest surviving sources for life in a municipal brothel from the Middle Ages, and is unique for German-speaking regions in its concentration of a large quantity of spoken testimony of municipal prostitutes. This is particularly significant for the wider history of prostitution in the Middle Ages, for which Ruth Karras has claimed that "we simply do not have the sources through which to hear subjects' voices."[3] The overwhelming majority of the surviving sources relating to mediaeval prostitution might be described as normative, and consist largely of municipal statutes, records of court appearances and sentences (though largely without transcriptions of witness testimony), administrative records of municipal brothels (with the exception of most of mediaeval England, where municipal brothels were not the norm), and chronicle accounts of prostitutes' participation in public events. In German-speaking regions, a small number of petitions from municipal prostitutes and brothel-keepers to town councils concerning working conditions and illegal private competition also survive.[4] Whilst some of these

[1] B. Schuster, *Die freien Frauen*, pp. 63-65.
[2] Ibid., pp. 180.
[3] Karras, "Prostitution and Sexual Identity," p. 161.
[4] See Introduction above, pp. 20-22.

petitions contain limited examples of the voices of prostitutes, they can be seen to be heavily circumscribed by their supplicatory context. The source base from which to address the question of the subjectivity of mediaeval prostitutes is therefore very thin. The extent to which normative ideas about prostitutes might have contributed to the way actual prostitutes thought of and presented themselves is extremely difficult to assess – how individual prostitutes reacted to the assumption that they were inherently more lustful than other women, for instance, or the notion enshrined in municipal regulation of the body of the prostitute as common to all men. As Karras expresses the problem, it is thus hard to know whether such women internalized the degradation of contemporary discourse on them, or whether they saw what they did as "just another job".[5]

The wealth of prostitutes' voices represented in the Nördlingen material therefore offers a rare opportunity to examine the problem of subjectivity in the context of municipal prostitution. The case is mentioned in a small number of scholarly discussions of prostitution and abortion, though it is not clear in any of these that the full extent of the case record has been considered, nor has it yet been published in a complete edited form. The case documents themselves, which are uncatalogued individually, are archived in a file of fifteenth- and sixteenth-century material relating to the municipal brothel in Nördlingen which carries the simple designation "Akte Frauenhaus" (*brothel file*). Aside from the case record, this file also contains correspondence relating to the brothel, administrative records, several transcriptions of testimony from later legal cases, the Nördlingen brothel ordinance (*Frauenhausordnung*) of 1472, and copies of several unpublished studies of material in the file. Most of the witness testimony from the 1471/2 case is contained within a booklet of loose leaves dated 1472 and labelled "Concerning the misdeeds of the brothel-keeper, and his confession relating to he acted contrary to his contract in the brothel" (*Des frawenwirttz untatthalb und urgicht wie er das im frawenhaws wider sin v*[*er*]*schribung getan hat*). Most of the original events described in the case record appear to have taken place around Whitsun 1471, whilst the earliest evidence of the council investigating the matter can be seen in correspondence dated 13 December and 27 December 1471 from the town council of Weissenburg, who co-operated with the interrogation of Els von Eichstätt. The main case heading itself is dated *monntag nach sant Ennders tag* 1472, referring to St Enoder, giving a date of 4 May, or possibly to St Ennodius, giving a date of 20 July. The earliest discussion of the case appears to be an

[5] Karras, "Prostitution in Medieval Europe," p. 254.

unpublished dissertation on the content of the Akte Frauenhaus file by Gustav Wulz, former municipal archivist of Nördlingen active ca. 1960. [6] Alfons Felber makes reference to the sentencing record for Barbara Tarschenfeindin in a 1961 dissertation on the legal treatment of abortion and sexual crimes (*Unzucht*) in Nördlingen between the fifteenth and nineteenth centuries, but makes no reference to the witness testimony.[7] Peter Schuster's *Das Frauenhaus* (1992) quotes sections of several of the witness statements to describe the working conditions of municipal prostitutes, though does not describe the full extent of the record.[8] On the subject of contraception and abortion, Britte-Juliane Kruse's studies of gynaecology in the Middle Ages mention Els von Eichstätt's use of an abortifacient, though with no significant discussion of the broader context of the case or the role others beyond Els herself.[9] Wolfgang Müller, references Felber in a very brief discussion of the case in the context of its legal treatment of by secular courts in his recent volume on the criminalisation of abortion.[10] Most recently, Dagmar H. M. Hemmie's study of commercial sex in Hanseatic cities of the Middle Ages cites Peter Schuster's mention of the case in a discussion of prostitutes' contraceptive practices.[11]

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One of the primary considerations determining the approach to the case record is its dual structure. The council divided its questioning of the witnesses along two distinct lines, the first addressing the women's working conditions and the management of the brothel, the second dealing with the abortion. The sentencing records for Barbara and Lienhart indicate that both faced criminal punishments in the form of banishment and, for Barbara, branding, though as a putative act of murder Barbara's involvement in the abortion is likely to have been seen in a more serious light than Lienhart's mismanagement of the brothel. The case record also contains a list of interrogation articles which shows the questions put to the women about their working conditions and

[6] See above, p. 17 n. 94.
[7] Alfons Felber, *Unzucht und Kindsmord in der Rechtsprechung der freien Reichsstadt Nördlingen vom 15. bis 19. Jahrhundert* (University of Bonn, 1961), pp. 95-96.
[8] Schuster quotes a large section of the first statement given by Anna von Ulm (headed Anna von Ulm (i) in Appendix B) in a discussion of the working conditions of prostitutes; see *Das Frauenhaus,* pp. 11-12.
[9] Britte-Juliane Kruse, *Verborgene Heilkünste: Geschichte der Frauenmedizin im Spätmittelalter* (Berlin and New York NY, 1996), p. 181, and eadem, *Die Arznei ist Goldes Wert: Mittelalterliche Frauenrezepte* (Berlin, 1999), p. 159.
[10] Müller, *Die Abtreibung*, p. 230.
[11] Dagmar H. M. Hemmie, *Ungeordnete Unzucht: Prostitution im Hanseraum, 12.-16. Jahrhundert. Lübeck, Bergen, Helsingør* (Cologne, 2007), p. 206.

the abuses they had suffered, though no similar list of questions concerning the abortion survives. As a result, the testimony for the brothel investigation is largely schematic, taking the form of lists of abuses recounted by each of the prostitutes. With regard to the abortion, the women appear to have been prompted to narrate more freely what they knew about the events leading up to it, resulting in the production of a much larger degree of narrative evidence. Whilst the brothel investigation therefore contains a large concentration of factual information about how the brothel was run, the women's testimony about the abortion delivers greater insight into the community and the interactions of the prostitutes and brothel-keepers working in the building.

The two sides of the investigation also produce different evidence of the subjectivity of the women in the brothel in Nördlingen, and of the kind of agency this enabled in the brothel and in the judicial sphere. The survival of interrogation articles for the brothel investigation makes it possible to gain a sense of how the encounter between the women and the council played out, and of how the women assumed judicial subject positions in in the presentation of their grievances. Comparing the women's testimony with the questions put to them by the council shows how their own priorities differed, and how the women perceived their labour and their roles in the municipal brothel. The abortion investigation focuses on the events leading up to the judicial encounter, and shows how the abortion itself provided a point of resistance around which the women were able to congregate in order to make knowledge of the abuses they had suffered public.

This chapter makes three principal arguments. Firstly, it examines the brothel investigation to suggest that the women's testimony shows the outlines of a subject position based upon their labour and their status as municipal prostitutes. The evidence of the investigation instead shows that the women had a strong sense of the rights and material benefits which came from working in a municipal brothel, and of the agency which this enabled. This agency was expressed in the courtroom, where the prostitutes made recourse to the rights enabled by their status as municipal employees to highlight the abuses perpetrated against them by the brothel-keepers in Nördlingen. This form of agency is also comparable to that demonstrated within other surviving records of prostitutes' contact with municipal authorities, such as petitions against private competition, though the Nördlingen case record offers a far more detailed picture than these sources. The second part of the chapter moves on to explore the embodied

dimension of the Nördlingen prostitutes' subjectivity. This section explores the women's descriptions of the violence perpetrated against their bodies by both brothel-keepers, as well as the violation of Els von Eichstätt's individual body through the forced abortion of her child. As prostitutes, the body was a critical element of the subject positions which they assumed through their work; violence and abortion thus constituted violations not just of their bodies, but of their subjectivities. The final parts of the chapter move on to argue that, combined with the objectifying effect inherent to the process of inquisition, the assumption of subject positions by the women in the investigation produced tension at the heart of the case record. This tension becomes legible in the concern of the council interrogators about the prostitutes' agency. As municipal prostitutes, the women's bodies were constructed as objects common to all men, a construction undermined by the evidence of agency demonstrated in the case record. As this section shows, the council's questioning of the women about their private communication within the brothel suggests that they found this problematic on some level. Karma Lochrie has also demonstrated the close connections between the body and gendered modes of secret communication in the Middle Ages, and shown how female secrecy could generate anxiety on the part of masculine authorities. Whilst municipal prostitution thus provided an ostensible solution to a problem of masculine sexuality, as subjects themselves, prostitutes can be seen to generate anxiety in the masculine imagination.

I

Most of the twelve women who testified between 1471-2 about Els von Eichstätt's abortion and the working conditions in the brothel in Nördlingen had been working there at the time of the original events, though the process of locating individuals to testify may have been complex, since at least four of those who witnessed these had left the town by the time the case began. The names of those who were interrogated in Nördlingen indicate that the majority came from towns close by [see fig. 2]. These were, in order of testifying, Anna von Ulm, Adelhait von Sindelfingen, Chündlin von Augsburg, Els von Nürnberg, Wÿchselbrun von Ulm, Enndlin von Schaffhausen, and Cathrin von Nürnberg. Another, Cristina von der Etsch (Etsch referring to the river Adige in South Tyrol), claimed to have been brought over the Alps from Italy to

Nuremberg by *ain hub* (a knave) before finding herself in Nördlingen.[12] Of those no longer in Nördlingen, Els von Eichstätt, who had had the alleged abortion, was the most important witness. Having left the brothel as part of Barbara's plan to cover up knowledge of the deed, she had been traced (though it is unclear how) to Weissenburg, some thirty miles north-east of Nördlingen, whose town council questioned her twice and sent transcripts of her testimony to the Nördlingen judges. Correspondence from Weissenburg archived with the case record reveals that Els had been questioned for a second time after the Nördlingen councillors found the first interrogation record to be insufficiently detailed.[13] Els's statement also indicates that another of the prostitutes who had witnessed the original events, Barbel von Esslingen, had gone to work in the municipal brothel in Ulm, though there is no evidence that she testified in the case. A third woman, Ursel von Konstanz, had gone to Nuremberg and had been questioned there. A letter from the Nuremberg city council accompanying her testimony indicates that it had also been asked by the Nördlingen councilors to question a second woman named Margrette von Biberach who had gone there, though in the interim Margrette evidently returned to Nördlingen to be interrogated, the transcript of her statement appearing in the same hand as used for the majority of the other women.[14]

Whilst the council's attention was first brought to the state of affairs in the brothel by the rumours of Els von Eichstätt's abortion, the heading of the opening page of the case record indicates that they decided to begin with the more general investigation of the women's working conditions and the abuses they had suffered under the management of Lienhart and Barbara. Although the abortion was a much more serious incident than the majority of the grievances raised by the women, the decision to investigate the latter first suggests that the council saw the abortion as having taken place in a wider context of abuse. The list of interrogation articles the women's working conditions also implies that the council may have carried out preliminary inquiries to determine how the women were being abused by the brothel-keepers, but also that they were largely unfamiliar with the manner in which the brothel had been run during the previous two years of Lienhart's

[12] Two different statements, one by each scribe at the case, were produced under different names for what appears to have been the same individual: Cristina von der Etsch may have been Cristina Dirnbergrin by a different moniker, the latter having the appearance of a nickname perhaps based on the composite elements of *dirn* (prostitute) and *berg* (mountain). A note added in a later hand to the statement of Cristina Dirnbergrin speculates that they may have been the same woman.
[13] See Appendix B, Weissenburg correspondence (ii), p. 195.
[14] StaN AF, Nuremberg correspondence: "Und die andrn diern genant Greth von Bibrach oder das Biberlin haben wir in unns[e]r statt senide nit erfragen mugen".

management. The articles also make reference to what may have been an earlier set of brothel regulations (*Saztung*). Both the council and the prostitutes themselves seem to have had an awareness of its content, the articles asking whether the women were treated in accordance with it. Barbara's sentencing record notes, however, that she also had lied to the women about its stipulations, suggesting that they had had no direct knowledge of its content.[15]

The questions stated by the interrogation articles reflect a mixture of broader municipal notions about prostitution as well as specific abuses which the council may have suspected were taking place in Nördlingen. A note appended to the end of the questions indicates what appears to have been a primary concern, stating simply "[nobody] should lend on any woman, but leave them free" (*sol uff kain frawen leih*[*e*]*n sond sy frey lassen*).[16] Whilst the precise meaning of this statement is unclear – it not being obvious what "lending on" a prostitute might entail – the requirement that the women be left free implies that the council was addressing the issue of their debt, which had been increased for each of the women by Lienhart's and Barbara's exploitative financial practices. This may reflect a concern that prostitutes only enter the profession of their own free will, and be allowed to leave brothels when they wished to renounce their sinful lives, an impossibility for the Nördlingen women given the amount of money owed by each of them.[17] The main body of the articles stated that each woman was firstly to be asked where she had come from, who had brought her to the brothel, and whether she had belonged previously to a religious order or was married at the time. These questions again reflect the wider municipal treatment of prostitutes in the region, which required that they be single women, and were not to work in the same towns from which they and their families came.[18] By asking who had brought each woman to the brothel, the council may also have been attempting to discern whether any of the women had been trafficked.[19] The women were then to be asked how long each had been in the brothel in Nördlingen and how much they owed the brothel-keeper. A number of the questions which followed concerned financial matters, such as how much the women were charged

[15] StaN AF, Blutbuch, fol. 40: "sy den frawen angelogt hatt was und wie das ist in dem urschbrieff den d[er] frawenwirtt hat ub[er] sich geben hat augenlicher begriffen".
[16] StaN AF, Interrogation articles.
[17] See Introduction above, p. 14 n. 71.
[18] Roper, "Mothers of Debauchery," p. 2.
[19] On trafficking see Beate Schuster, "Frauenhandel und Frauenhäuser im 15. und 16. Jahrhundert," in *Vierteljahrsshrift für Sozial- und Wirtschaftsgeschichte* 78 (1991), 172-190, and Roper, "Mothers of Debauchery". For a 1480 case of trafficking in Augsburg, see Stadtarchiv Augsburg, Reichststadt Schätze 41, Urgicht Peter Scheffner.

for food and drink within the brothel, whether they had been made to make gifts to the brothel-keeper, and how the money for the prostitutes' bath money was calculated, questions evidently intended to aid the council in discerning how the women had become so heavily indebted. Another note was inserted at the end of the articles setting out the prices of visits to the brothel and the cost of wine and beer in the building, allowing the council to determine how much money the women might be expected to spend and to make through their work. This stated that a woman was to pay the brothel-keeper three *pfennig* for a customer who stayed overnight in the brothel, such men known as *schlaf gesellen* ("sleeping mate/comrade").[20] The note also specified a sum of five *pfennig* for a drink and ten for wine, though whether these sums were also inclusive of sexual services is not clear.

The schematic nature of the interrogation articles is reflected in the flat language of the women's testimony prompted by them, which comes in the form of a series of responses worked up into a basic narrative by the court scribe. Whilst the women seem to have had little room for manoeuvre in this part of the investigation, their description of a number of grievances which do not appear in the interrogation articles suggest that some of them took the initiative in telling the council about extra abuses of which it was unaware. The first of the women to face questioning was Anna von Ulm. Unlike most of those interrogated in Nördlingen, Anna gave separate statements on the abuses in the brothel and on the abortion, whilst her statements also comprise the longest and most detailed in the case record. It unclear whether Anna or any of the other women were aware of the questions to be asked before testifying. The earliest criminal procedural ordinance for the town survives from 1488, though this gives no indication that witnesses might have access to interrogation articles before giving statements.[21] Anna's appearance as the first witness may indicate that she had a senior (if informal) role amongst the women in the brothel, and perhaps wished to testify first, or was selected to be first by the council. The only other woman to testify at such length about the conditions in the brothel was Margrette von Biberach, who had been sent with Anna by Barbara to purchase the ingredients for Els von Eichstätt's abortifacient. Both women also described supporting Els in the aftermath of the abortion. When news of what had happened broke within the

[20] Grimm's dictionary offers the Latin *concubinus* as a translation of *schlafgeselle*; whilst Grimm reflects a later usage, this may also indicate that the term had an overt sexual meaning in the case record; *Deutsches Wörterbuch von Jacob und Wilhelm Grimm* Vol. 15, Sp. 296 – 297.
[21] Karl Otto Müller (ed.), *Nördlinger Stadtrechte des Mittelalters* (Munich 1933), p. 344.

brothel, some of the women also describe Anna intervening to defend Els from Lienhart's violence. Anna's testimony also appears to have provided the basis for questioning for some of the other women, the statement of Cristina Dirnbergrin noting that she had spoken "in the following matter, which was done in front of her and the other women, to a good degree the same as Anna von Ulm".[22] The reasonable quality of two scribal hands evident in the case record also suggest that some time was taken to prepare the transcription [see figs. 5 and 6]. Whilst one scribe used what appears to be a more rapid duct, with a larger number of corrections and crossings-out as a result [see fig. 6], neither appears to have been written immediately whilst each witness was speaking, suggesting that these were not the original drafts produced in the courtroom.

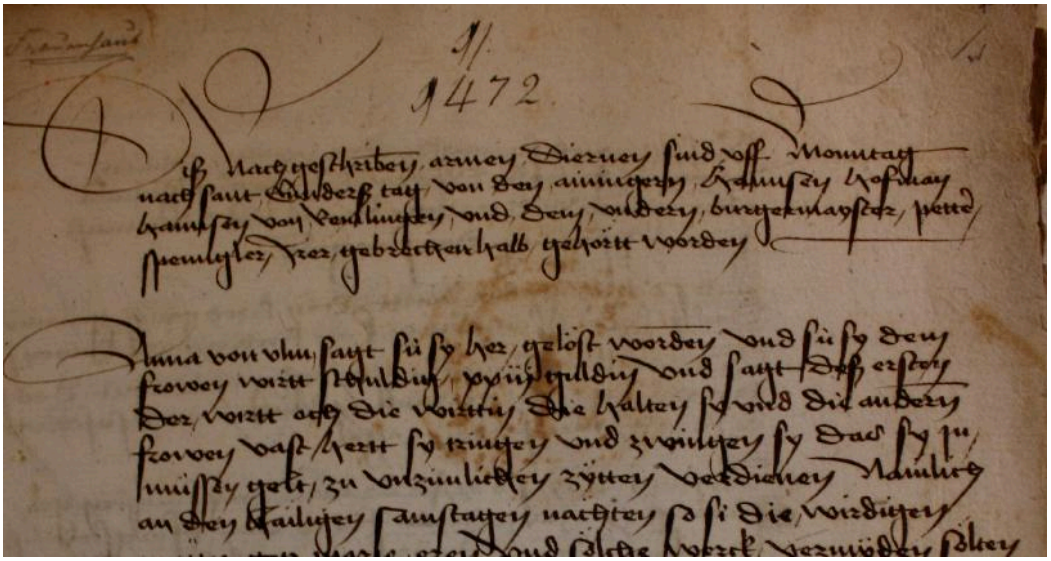

Fig. 5: Stadtarchiv Nördlingen, Akte Frauenhaus, case heading and testimony of Anna von Ulm

The case heading to Anna's statement refers at the outset to the women as "the following poor prostitutes" (*Diß nachgeschriben armen Diernen*). The women's testimony was couched in a rhetorical form reflecting the municipal attitude towards prostitutes as poor women in need of protection, reflecting the municipal positition towards prostitutes posited by Beate Schuster.[23] Showing close adherence to the order of questioning

[22] StaN AF, Cristina Dirnbergrin: "und hat sust den nach volgend[en] handel der vor ir und den and[ere]n frowe[n] gehandelt ist gütt[er] mass auch gesagt als anna von ulm".
[23] See Introduction, p. 18 n. 101. The heading might also be seen to question the women's victimhood by noting that they were testifying "about their crimes" (*irer gebrechen halb*), though the fact that no serious suspicion appears to have lain upon those interrogated in Nördlingen suggests that this is a notarial formula.

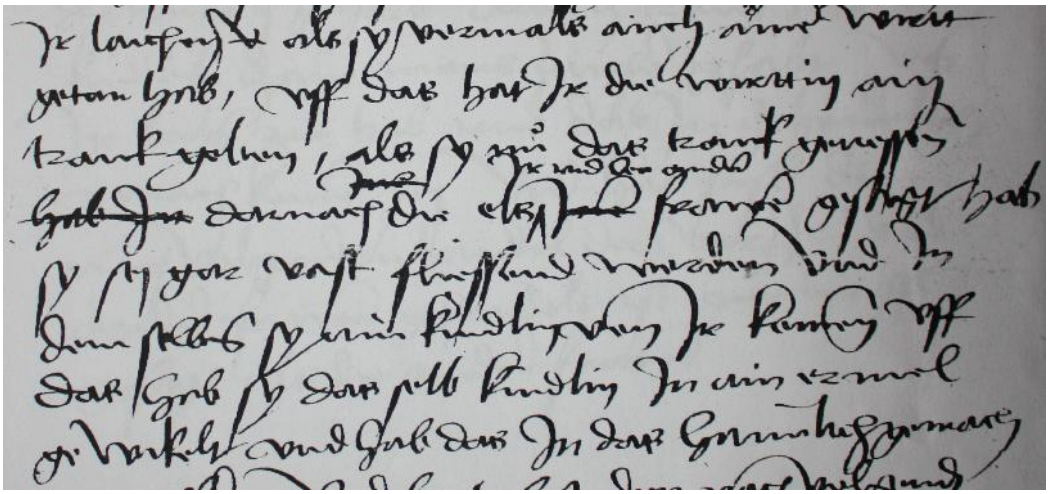

Fig. 6: Stadtarchiv Nördlingen, Akte Frauenhaus statement of Cristina Dirnbergrin showing crossings-out and corrections

specified by the document, Anna then began by answering the preliminary questions stipulated by the interrogation articles about where she had come from and how much she owed the brothel-keeper, which for her was a sum of thirteen *gulden*. She then opened the main part of her testimony with the general assertion that "the brothel-keepers treat her and the others very harshly," and that "they [the brothel-keepers] compel and force the women to earn money at inappropriate times, namely on holy Saturday nights when they should honour Mary, the worthy mother of God, and should avoid such work."[24] Given that this complaint does not feature in the interrogation articles, the references in the first part of Anna's statements to the women's working hours may have been her own grievance, and shows a strong awareness of the conditions attached to her labour as a prostitute. The prominent initial reference to Mary also implies that regular worship was important to the Nördlingen women. For them, religious devotion might not only be combined with working in a brothel, but regular churchgoing and the avoidance of work on holy days may also have increased their own sense of the legitimacy of their labour.[25]

[24] StaN AF, Anna von Ulm (i): "der wirtt och die wirttin die halten sy und die andern frowen vast hertt sy tringen und zwingen sy das sy in müssen gelt zu unzimlichen zytten verdienen namlich an den hailigen samstagen nächten so si die wirdigen mütter gotz marie eren und söliche werck vermyden solten".
[25] The evidence of religiosity in the case record might find a parallel in the well-known, thirteenth-century example of the prostitutes of Paris, whose offer to finance the installation of a stained-glass window in the cathedral of Notre Dame was rebuffed by the bishop due to the sinful nature of the earnings which had supplied the donation. John Baldwin discusses this episode as reported by Peter the Chanter, Robert of Courson, and Thomas of Chobham; see John W. Baldwin, *The Language of Sex: Five Voices from Northern France around 1200* (Chicago, 1994), pp. 81-82.

The phrase "such work" – if it were Anna's – also suggests an understanding on her part of the prostitutes' labour as an entity separate to its practitioners, and to which particular expectations were attached. Prostitution was constructed in this context as a form of work which an individual might perform, rather than an extension of that individual's nature, running contrary to the normative idea of the prostitute as a sinful woman.[26] Subsequent lines of Anna's statement go on to show what may have been her most basic expectation with regard to her own labour and how this had been violated by Barbara and Lienhart. Anna said that as well as being treated harshly, Barbara and Lienhart "forced the women to let men come to them, and when they do not want to they are beaten". These passages describing how the women were made to work against their will mark perhaps the clearest points of tension in the record between an objectifying discourse that held the prostitute's body to be common to all, denying the prostitute herself any influence over the selection of partners, and her own subjectivity as an individual in possession of her own body. In a similar vein, Anna said that "when the women have their womanly sickness [are menstruating] they are compelled and forced by him [Lienhart] and by her [Barbara] to earn them money and to let men come to them, which does not happen in other brothels."[27] This complaint appears to have been taken particularly seriously by the councillors, and was noted in the sentencing record for Barbara, implying that this offence had also contributed directly to the punishments of branding and banishment from the town.[28]

Following these opening remarks, Anna's statement goes on to list her answers to a series of questions put to her by the council about her work, beginning with the matter of debt. The prominence of debt in the women's statements suggests that this was prioritised by the council; in accordance with the interrogation articles, almost all of the women stated how much they owed the brothel, whilst the questions which followed show the council attempting to understand how the women's debts had arisen. The interrogation articles suggest which of Lienhart's practices the council knew about, or considered primarily responsible for the women's indebtedness. These included overcharging them for food and drink and forcing them to make him gifts of money, though most of the women were able to expand this picture substantially. In response to the council's first question

[26] See Karras, "Prostitution and Sexual Identity," p. 162.
[27] StaN AF, Anna von Ulm (i): "so sy ir fröwlichen kanckhait [sic] haben so werden sy aber getrungen und gezwunngen von im und ir das sy in müssen gelt gewinnen und die mann zu in laussen dz sy aber in andern husern nit".
[28] StaN, Blutbuch 1415-1515, fol. 40: "besunder so die frawen in ir frowlich krankheitt gewest sein".

concerning enforced gifts, Anna said that each of them had to give him thirteen *groschen* between Whitsun and Christmas for their Christmas meal, and that each also had also to give him thirteen Bohemian *groschen* between Christmas and Whitsun.[29] The council also asked how much each woman was required to spin during a working day. Brothel-keepers in some towns were permitted to demand supplementary labour in the form of spinning, though, as Lienhart's own testimony indicates, this was not the case in Nördlingen. Defending himself, Lienhart said that "with regard to spinning, he did not force them, but rather thinks that it states in his contract that they do this, though he should not force them to spin wool at home, which he did not do".[30] Contrary to Lienhart's claims, Anna said that the women were made either to produce two large spindles per day, or to pay him four *pfennig*.[31]

Whilst Anna clearly resented these practices, she also went further in outlining how the council deprived her and the others of the chance to earn. She seems to have been particularly aggrieved at the manner in which Lienhart was able to subvert the basic working arrangement of the brothel which theoretically allowed the prostitutes to make money from their work. According to the model common in municipal brothels across the region, a prostitute paid the brothel-keeper for the use of a room by putting the money she received from a customer into a communal strong-box, which was then counted out weekly. She was also permitted to keep a small quantity of the money she was paid by him, plus anything extra he might want to give.[32] In Nördlingen, by contrast, Anna said that the women were made not only to pay Lienhart the basic rate for the use of a room, but to hand over any extra cash they had been given by a customer, which could be as much as twelve *pfennig*.[33] As well as denying them the chance to earn from their regular wages, Anna told the council that Lienhart exploited the women in a number of other ways. These include his practice of selling goods to them at grossly inflated prices, so that "when he had something to sell to them, whether cloth or other

[29] StaN AF, Anna von Ulm (i): "si sagt auch so er in dz mal zu pfingsten geb so müß im yede fraw von pfingsten biß wÿhennächten drÿzehen groß schencken so er in dann dz mal zu wÿhennächten geb so müß im aber yede von wÿhennächten biß pfingsten vierzehen behmisch schencken". On varieties of *groschen*, see von Schrötter, *Wörterbuch der Münzkunde*, pp. 240-241.
[30] StaN AF, Lienhart Fryermut: "des spinnens halb dar zu hab er sy nit genött sonde[rn] er maint eß stand in seim patt brief das sy es tun aber er soll sy nit zwynngen dohaim woll zu spinnen das hab er och nit getan".
[31] StaN AF, Anna von Ulm (i): "si sagt ouch si müssen der wirrtin spinnen namlich ir yede des tags zwo groß spinnla oder apprach und welche dz nit tüe die müß ir vier pfennig dar fur geb[e]n".
[32] Merry E. Wiesner, *Working Women in Renaissance Germany* (New Brunswick NJ, 1986), p. 98.
[33] StaN AF, Anna von Ulm (i): "mer sagt si wenn ain gutt gesell ir aine[n] me[r] denn zwen pfennig geb, eß sÿ dry vier funff sechs ächt zehen oder zwölff und wenn eß gerad sy so müssen sy das gelt alles instossen".

things that were worth half a *gulden* or one *gulden*, he sold it to them for two, three or four."[34] She also said that the women were made to exchange whatever "even" pennies they had for uneven ones of a presumably lesser value, and also that Lienhart had taken several items of clothing from her and pawned them to Jews.[35]

Anna's testimony suggests that whilst her debt was clearly a burden, she was less concerned than the council about the theoretical restrictions this placed upon her freedom of movement than she was about the practical impossibility of being able to earn money from her work in the brothel. The conditions imposed by Lienhart upon the women meant that they were denied a meaningful economic existence, and were not only unable to earn anything, but were rendered significantly worse off by living and working in the brothel. As Anna said towards the end of her statement, Lienhart's exploitative regime meant that "they are poor prostitutes and cannot save anything, and the debt grows for each one although they do not know how, and they cannot pay off anything".[36] The term "poor prostitutes" (*arm diernen*) used in this passage echoes the language of the case heading, suggesting that the scribe may have used it to summarise the effects of Anna's complaints, or, if she had used it herself, implying that she had adopted the council's own language in presenting her grievances in a supplicatory tone of victimhood. Whilst pointing to her poverty may have been an effective means of prompting action from the council because of the restriction it placed upon the women's freedom of movement, there is also a clear sense from Anna's testimony of an expectation that she, like the other women, be able to support herself through her work. This sense of expectation becomes legible in the latter parts of Anna's statement, in which she describes further aspects of Lienhart's management which had contributed to the women's poor quality of life. With regard to the extra rations of food the women were supposed to be given whilst menstruating, Anna said that they were not provided with this *als in zügehöre* ("as belongs to them") and were not given bread and meat during the

[34] StaN AF, Anna von Ulm (i): "si sagt ouch wenn inen der wirtt ettwas zu koffen geb es sy gewand oder anndeß das ains halben guldin oder ains guldins wertt sey so geb, er inen das umb zwen dry oder vier guldin".
[35] StaN AF, Anna von Ulm (i): "so müssen sy das gelt alles instossen so ist eß aber ungerad so tu ir aine nun den unkraden pfenning davon nemen… mer sagt si sy hab der wirttin ettliche hemder gelihen die hab ir die wirttin under die juden".
[36] StaN AF, Anna von Ulm (i): "so syen si arm diernen und können nutz erubrigen und wachß also schuld uff ir yede das sy selb nit wissen wie und konnen nutz abbezalen".

week *als man tün sölt* ("as one should do").[37] Although it is again impossible to be sure whether this was Anna's own language, these passages record a sense of entitlement on her part to the material benefits which accompanied work in the municipal brothel. Concerning their freedom of movement, Anna also told the council that Lienhart had "taken their churchgoing from them," invoking the loss of a practice which had been allowed previously. She also said that he did not let them leave the brothel, with the consequence that they were "unable to earn their food."[38] As well as indicating that the women may not have been given enough to eat from day to day, this latter grievance implies that Anna saw the freedom to leave the brothel as a practical concern which interfered with her ability to subsist, rather than a theoretical right, as the council perceived it.

As an apparently senior figure amongst the women in the brothel, and perhaps one who had been there longer than many of the others, Anna may have been one of the most vociferous exponents of these rights. When the remaining women in the brothel came to testify, their statements echoed the resentment shown by Anna at Lienhart's subversion of the basic working model of the brothel, and expanded the picture of Lienhart and Barbara's exploitation still further. Their complaints appear to show that one of Lienhart's favoured targets were men who stayed overnight in the brothel, the *schlafgesellen*, who paid for this service with a fee known as *schlafgeld* ("sleep money").[39] Enndlin von Schaffhausen told the council that at times she had been made to pay double the normal *schlafgeld* for the use of a room overnight, while Margrette von Biberach said that when she informed the brothel-keeper in advance that she had an overnight customer who then failed to turn up, she was still made to pay the full amount for the room.[40]

The other prostitutes went on to confirm what Anna said about some of Lienhart's more creative means of extracting money from them. In larger towns, some brothels had a communal area in which the prostitutes working there were able to socialize with

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[37] StaN AF, Anna von Ulm (i): "zu den selben zytten werden sÿ auch mit spys und tranck nit gehalten als in zügehöre sonnder man geb in zu essen glych wie sust so geb man in ellenklich und ubel zu essen man geb inen dz brattens auch dz bachens in der wochen nit als man tün sölt".
[38] StaN AF, Anna von Ulm (i): "auch so hab in der wirtt den kirch gang genomen das si sy der pfingsten in kain kirchen nie komen sein so woll er si nit laussen uß gen damit das sy ir narung nit gewinnen können".
[39] See also P. Schuster, *Das Frauenhaus*, p. 113.
[40] StaN AF, Enndlin von Schaffhausen: "auch ir aine deß nachts ain man by ir hab so müß si acht pfennig zu schlauff gelt geb[e]n doch werd ir dasselb halbs"; Margrette von Biberach: "zu zÿtten wenn ir aine zu nachts sagte si hette ain man und wenn er dann nit käm so must si dennocht das schlauffgelt geben".

customers with food and drink and, more importantly, negotiate prices for the sexual services they provided. Several of the women mentioned that the brothel in Nördlingen had a kitchen, whilst it was also clearly also large enough to employ Els von Eichstätt as a maid.[41] Wÿchselbrunn von Ulm said that Lienhart overcharged the women for food and drink, providing them with meals for thirteen *pfennig* when the same was available elsewhere in town for twelve, whilst Chündlin von Augsburg said that wine was sold to the women for a penny more inside the brothel than outside it.[42] Others also echoed what Anna von Ulm told the council about the confiscation of their property, which for most of the women extended only to their clothes. Els von Nürnberg complained that when she first entered the brothel she had given Lienhart a veil with a value of two *gulden* for safe keeping, which she said he "wanted to have gifted from her". She also told the council that, "for the skirt which she wears, she has to give him money".[43] Enndlin von Schaffhausen and Adelhait von Sindelfingen both said that they had had their clothes confiscated by Lienhart, who then pawned them to Jews. According to Enndlin, this happened "whenever one of the women has good clothes."[44]

Like Anna, some also told the council about being forced into supplementary labour. Enndlin von Schaffhausen said that the women were made to spin in addition to seeing clients in the brothel, while Chündlin von Augsburg said that when she did not have enough money for a bath on a Saturday (a weekly bath being a common provision for municipal prostitutes) Barbara put her to work in the garden.[45] In spite of the women's clear resentment of these practices, many of them may in fact have been commonplace in brothels throughout the region; as noted above, some towns did permit brothel-keepers to have the women spin for them when not seeing clients, whilst both Peter and Beate Schuster note that it was not unusual for food and drink to be sold at inflated

[41] Beate Schuster notes that usually only brothels in larger towns were able to employ cooks or servants; see *Die freien Frauen*, p. 114.
[42] StaN AF, Wÿchselbrun von Ulm: "so sy herkomen und in de[r] wirtt dz mal zu essen geb, so koch er in ain mal um xxiii pfennig das man sust in de[r] statt umb xii dn gäb"; Chündlin von Augsburg: "wenn in auch de[r] wirt win hin ein lauß holen so müssen sy allwegen ains pfennigs me[r] umb ain maß wins geb[e]n, dann si in de[r] stat".
[43] StaN AF, Els von Nürnberg: "denn deß me[r] ain schlaye[r] sy wol zwaÿe[r] guldin wertt, hab si de[r] wirttin zu behalten geb[e]n den wölt die wirttin nun von ir geschenckt hab[e]n vom rock den si antrag, müss si dem wirtt gelt gebn".
[44] StaN AF, Adelhait von Sindelfingen: "ire klaide[r] hab man ir an die juden versetzt"; Enndlin von Schaffhausen: "wenn ir aine gutte klaide[r] hab, so setz mans inen under die juden".
[45] StaN AF, Enndlin von Schaffhausen: "Enndlin von Schauffhusen sagt gutter maß wie die erst das ir yede deß nachts deß tags zwo spindla die groß von garn sein spinnen müß und welche dz nit tüe die müß vier pfennig darfur gebn"; Chündlin von Augsburg: "eß kam auch offt das ir aine am sampstag nit ain bad gelt hab so lych ir dann die wirttin uff gertten hawen". On prostitutes' baths, see Wiesner, *Working Women*, p. 98.

prices within brothels. Nor was the practice of confiscating and pawning prostitutes' clothes forbidden in itself unless the resulting debt inhibited individuals' freedom of movement.[46] This may have been the factor which most concerned the council in Nördlingen about Lienhart's confiscations, though Anna von Ulm pointed out what may have been a more immediate practical consequence for the women, namely that the loss of most of her clothes forced her "to go about miserably and almost naked, having no more than a skirt and no undershirt".[47] As a result, Anna said that "she can hardly cover herself, and is unwilling to go out amongst honourable people".[48] Heavy debts were also likely to have been a common experience for municipal prostitutes around this time. Prior to the adoption of ordinances for brothels (*Frauenhausordnungen*) from 1470, Beate Schuster suggests that brothel-keepers may have deliberately indebted prostitutes to reduce their mobility, a practice common amongst the masters of craft workshops in the region.[49] Several of the women said that Lienhart did not allow them outside, meaning that they had not been to church since Whitsun.[50] Whist the women may, perhaps like Anna von Ulm, have wished to attend church for reasons of personal devotion, the council may have been more concerned about the fact that denying them this right affected their theoretical right to renounce their sinful occupation. Wÿchselbrunn von Ulm's statement implies that Lienhart explicitly justified these restrictions of movement on the basis of the women's debts, though as she told the council, she herself was allowed to go outside because she had initially entered the brothel of her own volition.[51] Some of the women also told the council about overtly fraudulent ways in which Lienhart deprived them of their wages. Catherin von Nürnberg said that when the money from the strong-box was counted out, she had suspicions that the amount contributed by several of them was more than seemed to be there, while Margrette von Biberach told the council that she had sometimes seen Barbara deliberately undercount the amount of

[46] See P. Schuster, *Das Frauenhaus*, pp. 65-66, and B. Schuster, *Die freien Frauen*, pp. 112-113. On the confiscation of prostitutes' clothes, see Isenmann, *Die Deutsche Stadt*, p. 158, and Wiesner, *Working Women*, p. 98.
[47] StaN AF, Anna von Ulm (i): "nun gang si ellenklich und schier bloß und hab nit mer den ain röcklin si hab och so tur kain under hemett an".
[48] StaN AF, Anna von Ulm: "deßhalb si sich schier kain bedecken mug och nit fur erber lut gen".
[49] B. Schuster, *Die freien Frauen*, pp. 149, 156.
[50] StaN AF, Adelhait von Sindelfingen: "denn er lauß sy nit uß gen syde[m] pfingsten syen si in nie kain kirchen komen" Wychselbrünn von Ulm: "syd pfingsten syen sy in kein kirchen komen".
[51] StaN AF, Wÿchselbrun von Ulm: "si sy dem wirtt sechs guldin schuldig und si sy selbs hin ein gangen und de[r] wirtt lauß sy uß gen abe[r] die andern nit".

money contributed by a particular woman, so that Lienhart would become angry and tell the woman in question that "he has no use for her, and they earn him nothing".[52]

The women's ability to object to or resist these exploitative practices may also have been severely curtailed by Lienhart's intimidatory tactics. According to most of the women, these frequently took a violent form. Several reported that beatings from both brothel-keepers were frequent, and were often brought on when Lienhart claimed that the women had earned less than they should have.[53] Margrette von Biberach also told the court that these might be arbitrary, since he "hit them more for innocence than for guilt".[54] At times the violence appears to have a sadistic edge. Many of the women said that Lienhart used a bullwhip to beat them, while Wychselbrünn von Ulm said that he also used a rod and a belt, Margrette also saying that Lienhart had dragged Els von Eichstätt around by her hair.[55] Some of these assaults also resulted in severe injury, Chündlin von Augsburg sayig that a beating from Lienhart with his bullwhip had broken the skin on her arm.[56] Whilst frequent physical mistreatment was undoubtedly a major contributory factor to the poor quality of life of the women in the brothel, Adelhait von Sindelfingen also pointed to the economic impact of Lienhart's violence. She told the council that sometimes he even attacked their customers, "so that they cannot earn", suggesting that even here, the women were aggrieved at the manner in which Lienhart's behaviour prevented them from supporting themselves.[57]

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[52] StaN AF, Cathrin von Nürnberg: "so sy das gelt die gantzen wochen in die lad legen und so yr yede wän si soll vil dar inn hab[e]n, so mans denn uff tüe so sy nit als vil dar inn und wann denn nit vil dar inn ist"; StaN AF, Margrette von Biberach: "ye zu zÿtten so die frawen im hus bÿ der wirttin am sampstag ode[r] am montag an de[r] rechnung sässen und so ir aine wunde si solt vil geltz in der lad hab[e]n so hab inen die wirttin offt das gelt angesicht ir augen unde[r]geschlagen wenn denn aine lützel geltz in der lad hette so versagte sy denn die wirttin die gen dem wirtt also er hatte ir kain nutz und sy gewinnen im nutz".
[53] StaN AF, Catherin von Nürnberg: "wann denn nit vil dar inn ist so schlach sy de[r] wirtt und handel sy ubel deß glich die wirttin und sy haben sy usß de[r] massen hertt und drow inen wan sy im nit gelt gewinnen".
[54] StaN AF, Margrette von Biberach: "si sagt de[r] wirtt hab die frawen me[r] umb unschuld dann umb schuld geschlagen".
[55] StaN AF, Adelhait von Sindelfingen: "auch schlach sy de[r] wirtt mit dem farren zagel"; Anna von Ulm: auch so schlach er sy mit ain farren zagel"; Enndlin von Schaffhausen: "er hab si auch herrt und schlach sy mit ain farren zagel"; Wÿchselbrunn von Ulm: "man schlach sy mit stecken gertten und mit ain farren zagel"; Margrette von Biberach: "zuge sy o[c]h bym har".
[56] StaN AF, Chündlin von Augsburg: "der wirtt schlug sy auch uff ain mit dem farren zagel das si uff den armen uff bräch".
[57] StaN AF, Adelhait von Sindelfingen: "so halt man die gesellen ubel im hus dar umb so konnen sy nutz gewinnen".

The accounts of the Nördlingen women of life in the brothel run counter to the illusion, rightly dismissed by Lyndal Roper, of the mediaeval municipal brothel as an ideal form of prostitution "where force and compulsion is at a minimum," and in which the sex between prostitutes and clients is mutually pleasurable.[58] Several of the women who testified revealed that they had also worked in other brothels, and gave the impression that the conditions in Nördlingen were in fact exceptionally bad. Wÿchselbrunn von Ulm told the council that "the women are not kept here are they are elsewhere," whilst Chündlin von Augsburg said that "she has been in other brothels before, but has never seen women kept more harshly or despicably than here".[59] Although these sentiments may imply a rhetorical stance aimed at prompting the council into action, they appear to be based upon a shared perception of unfair treatment and upon a sense of basic expectations of working in the brothel which had been denied. Catherin von Nürnberg also seemed to have in mind a normative standard of treatment which she felt Lienhart had failed to live up to, describing the manner in which he kept the women in the brothel as *usß de*[*r*] *massen hertt* ("exceedingly harsh").[60]

Judging by the council's response to the women's testimony, it appears to have ascribed to it a high degree of credibility, and to have had little difficulty in holding Lienhart responsible for the majority of the abuses described by them. By the time Lienhart himself testified, the council had assembled a list of abuses which they used to question him. His primary strategy appears to have been to deny any knowledge of Els von Eichstätt's pregnancy and her abortion, for which the council did not appear to hold him responsible, whilst also denying or justifying the other abuses reported by the women.[61] He claimed in response to a question about making the women spin that he was permitted to do under the terms of his contract, whilst with regard to the women's freedom of movement, he had his own, somewhat convoluted excuse for not permitting them to go to church.[62] He said that rather than him denying them this freedom, "it was the custom of the women that when Friday came, one of them lay in bed while the

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[58] Roper, "Mothers of Debauchery," pp. 3-5. See also eadem, *The Holy Household*, pp. 94-97.
[59] StAN AF, Chündlin von Augspurg: "si sy vor auch in andern hüsern gewesen si hab abe[r] in kain hus nie gesehen da man die frowen hertte[r] und schnöder halt, dann hie"; Wÿchselbrunn von Ulm: "man halt sy hie nit als man anderswa tüe".
[60] StAN AF, Cathrin von Nürnberg.
[61] StaN AF, Lienhart Fryermut: "er hab nit gewest das Els von Aÿstett mit ainem kind gangen oder dz ir ain trank von seiner wirttin geben worden oder dz si dz trank genossen".
[62] Lienhart referred in his statement to his *patt brief*, "contract," which was connected to the oath he swore as brothel-keeper at the beginnig of his employment. For the text of this oath, dated 1469, see StaN, Urkunden U 4887.

others got up early, and when one of them encouraged them [to go to church], one was missing either a shoe or other things, so that one of them did not want to go without the others." He then said that, having missed the Franciscans' mass, as many as four, six or more of the women had in fact gone to a different church.[63]

Lienhart's dismissal is recorded in a judicial oath, known as an *Urfehde*, by which he was banished from the town after having acknowledged breaking the terms of his contract as brothel-keeper. Many of the abuses mentioned by the women were also repeated in the text of the oath. These included forcing them to work whilst menstruating and during holy days, beating them when they were unable to do so, forcing them to spin and to give him gifts, denying them access to church, selling them overpriced wine, pawning their clothes to Jews, selling them clothes at twice the regular value, and indebting them. [64] Lienhart's interrogation reveals little about his motives in treating the prostitutes working for him so poorly, though the extent of his financial exploitation of them is likely to have been a consequence of his own debts. The scale of these is partially revealed in a list, archived alongside the case record, of ten individuals in the town of Biberach to whom Lienhart owed money, the sums ranging from four *pfund haller* to four *gulden*. This list was accompanied by a letter from the town council who had written to their counterparts in Nördlingen to pursue the debts, the letter also stating that Lienhart was a sworn citizen of Biberach. As Peter Schuster notes, the opportunity to make money quickly may have attracted individuals to brothel-keeping, though many brothel-keepers were employed only for a short time, and any financial advantage had to be balanced against the maligned status of the occupation.[65] Lienhart may thus have hoped to pay off – or escape – his creditors by becoming brothel-keeper in Nördlingen.

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The testimony of the women working in the Nördlingen brothel provides evidence of subject positions in the context of prostitution on several levels. It is clear, firstly, that whilst earning money fulfilled a basic economic necessity, the women's repeated

[63] StaN AF, Lienhart Fryermut: "deßhalb der bruch an den frowen gewest dann so der frytag kam so lag aine lang so stünd die ande[ren] frue uff wenn sich denn aine anmächte so gebräst yetz ainer schüch ode[r] andre[n] ding so wolt denn aine on die andern nit gen mit dem so wären denn die messen zun barfüßen geschehen so säch er denn das iro vier sachs ode[r] als vil ir wälten mit ain ande[r] gen kirchen giengen".
[64] The oath is archived under StaN, Urkunden, Urfehden U 3944. The majority of the text is transcribed in P. Schuster, "Hinaus oder ins Frauenhaus," p. 20.
[65] P. Schuster, *Das Frauenhaus*, p. 112.

complaints about the manner in which they were prevented from doing so implies that they were also aggrieved at the diminishment in the objective value of their labour. Here, the trial record shows how the priorities of the council differed from those of the prostitutes working in the municipal brothel. Whilst the former appears to have been concerned about the extent to which the continual escalation of the women's debts impinged upon their freedom of movement, the women themselves appear to have been more perturbed about the way their debt made their work effectively meaningless. The case record demonstrates how prostitutes' subjectivities were based upon their labour, whose legitimacy was enshrined by the perceived necessity of prostitution in the maintenance of social order. For Anna von Ulm, the shame in going out amongst honourable people in scanty clothing implies not that she was ashamed of being a prostitute per se, but that she was humiliated by her inability to support herself sufficiently to be able to dress decently in public. For her and for the other women, it is clear that working in the municipal brothel did not mean laying oneself open to exploitation, but rather provided them with a legitimate means of subsistence. Being a municipal prostitute brought – at least theoretically – the right to particular material benefits such as accommodation, food, and a wage, which may have been key to the women's sense of the value of their work. Secondly, the case record shows how the women were able to assume positions as legal subjects during the council's investigation from which they were able to exert agency. The case record can be compared in this way to other sources documenting the interaction of prostitutes with municipal authorities, such as petitions against private competition, which how they were able to assume subject positions enabled by the context of regulation. The agency shown by the Nördlingen women in the courtroom constrasts sharply with their position under the violent and exploitative regime imposed by Barbara and Lienhart in the brothel. In this context, the effect of Lienhart's proprietorial view of them was to deny them subjectivity, objectifying them instead as a purely financial resource.

This part of the case record thus suggests evidence of the subjectivity of prostitutes based upon the context of municipal regulation, in which the women's perceptions of their rights as prostitutes provided the foundation of identity. These identities do not, however, equate to the category "prostitute" which Karras claims was pervasive throughout the Middle Ages. Rather, the subjectivities of the Nördlingen women were the products of a set of local regulations, whose emergence was enabled by these

women's own knowledge of the rights attached to their labour and the manifold ways in which these had been violated. Our reading of these subjectivities is also heavily – and inescapably – circumscribed by the judicial context in which these women were prompted to speak.

II

The following section of this chapter continues the discussion of subjectivity by exploring its embodied dimension in the context of Els von Eichstätt's abortion, and by showing how the abortion and the habitual violence which characterised life in the brothel provided the women with the means to exert agency in the form of resistance. The approach of the council interrogators to the abortion differed to their investigation of the mismanagement of the brothel. No interrogation articles for this part of the investigation survive, and, rather than assembling a list of issues to investigate prior to the women's interrogations, the council judges appear instead to have prompted them to narrate what they knew more freely. This allowed the council to reconstruct events and conversations from multiple perspectives over a period of time, and produced a large quantity of narrative concerning the community amongst the prostitutes, their relationships with one another, and the manner in which they communicated amongst themselves.

Although Els von Eichstätt's abortion was a single abuse which took place in the context of many others, it provided a gathering point from which the women were able to resist the violence and exploitation to which they had been exposed. As Peter Schuster notes, the normal practice for pregnant prostitutes may have been to allow them to work as long as possible before putting them out of the brothel, though there are some documented examples of the children of prostitutes being born in and continuing to live in brothels.[66] Barbara's treatment of Els may therefore have been seen as a particularly grievous violation. In enacting resistance, the women drew on what may have been one of the only resources available to them: the medium of speech. Chris Wickham has demonstrated how gossip and talk could function as a form of resistance for the

[66] P. Schuster, *Das Frauenhaus*, p. 93.

subaltern in mediaeval society.[67] In a legal context, Thelma Fenster and Daniel Smail have also noted that "people talked a great deal about selected facts, the ones they wanted known, and those facts, having been exposed to a validating procedure by talk, were then clearly more worthy of credence at law." [68] In the Nördlingen case, the point at which the women came to speak before the council in the courtroom is traceable back through the events surrounding Els von Eichstätt's abortion in a series of conversations detailed in the case record, showing how they passed information amongst themselves and to visitors to the brothel about what had happened, whilst resisting Barbara and Lienhart's efforts to suppress the dissemination of this knowledge. The reports of these speech acts also reveal how the women's subjectivity had an embodied dimension which was intimately connected to their work as prostitutes, and which they perceived to be spectacularly violated by the act of abortion.

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The abortion investigation was made complex by the fact that several of the women were interrogated by municipal councils outside Nördlingen, having left the town between the events prompting the council's intervention and the case itself beginning. This part of the investigation involved the co-operation of the authorities in Weissenburg and Nuremberg, correspondence from whom is attached to the women's testimony and retained in the archive with the case record. The most detailed testimony on the abortion comes once again from Anna von Ulm and Margrette von Biberach, both of who appear to have played a supportive role to Els throughout the events described. The earliest point in these events was nonetheless described by Ursel von Konstanz, who told her interrogators in Nuremberg that Els had gone to speak to the brothel-keeper Barbara complaining of abdominal pain, having also missing her period.[69] In her own testimony, Els claimed that she told Barbara that she thought she might be pregnant at this point, but that Barbara, refusing to believe her, had accused her of trying to trick her "as [she] had done to the brothel-keeper of Augsburg and Ulm," apparently making reference to

[67] See Chris Wickham, "Gossip and Resistance Among the Medieval Peasantry," in *Past and Present* 160:1 (1998), 2-24.
[68] Thelma Fenster and Daniel Lord Smail (eds.), "Introduction," in idem, *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca NY, 2003), pp. 1-11, here p. 3.
[69] StaN AF, Ursel von Konstanz: "Bey ainem jar hab sich die genant Els von Eystett die dann im fraw[e]nhaws zu Nördling ain kochmaid geweßt sey erclagt wie ir im leyb nit wol wer und ir fraw[e]n zeÿt nit hett".

previous brothels in which Els had worked.[70] Els then said that Barbara had told her that she was merely suffering menstrual retention, and that she would prepare a drink "to make you fluid".[71] Barbara had then asked Anna von Ulm and Margrette von Biberach to visit a woman called Gilsserin to fetch certain herbs. Anna and Margrette said that they had been asked to fetch periwinkle and pennyroyal (*singrün und paley*), though Margrette also said that Barbara had asked her to buy "pennyroyal water" (*palay wasser*) if she could, suggesting that Gilsserin may have made medicines herself. Once they had returned to the brothel, Els said that Barbara took the ingredients and mixed them together with laurel, cloves, and "other things, which she does not know, but the brothel-keeper [Barbara] does".[72] Ursel von Konstanz said that she had also seen Barbara put carrot into the mixture to make a "pennyroyal drink" (*polayen tranck*), suggesting that she saw pennyroyal as the primary ingredient.[73]

When Barbara had all of the ingredients together, she mixed them in a draught of strong wine, which she simmered for some time and then allowed to cool.[74] At this point, Anna said that Els became nervous about the possible effects of the drink. Taking Anna aside, Els showed her that her breasts were producing milk and told her that she thought she was bearing a child.[75] By this point, Els's pregnancy had evidently become visible to others in the brothel before she took the drink, Cristina von der Etsch saying that she "had been so big that she had sprayed some men with milk".[76] Anna told her that she should pour the drink away and tell Barbara that she had taken it, whilst Els said that she was also warned by the other women in the brothel not to drink it if she really were pregnant.[77] When the drink was ready, Els described how she protested to Barbara that she did not know what it was, at which Barbara became angry and again accused her of

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[70] StaN AF, Els von Eichstätt: "ich merck wol du wilt mich umb das mein leich[e]n in mass[e]n du dem frauen wirt zu Augspurg und Ulm hast gethün".
[71] StaN AF, Els von Eichstätt: "ich will dir ein tranck mach[e]n davon wirst flussig".
[72] StaN AF, Els von Eichstätt: "und anders davon ir nit ab[er] der frauenwirtin wol wissn".
[73] StaN, AF, Ursel von Konstanz: "Und hab ir als bald singrün, karotten lorber und negelin durch ainander gestossn". "Karotten" may have been Queen Anne's Lace (*daucus carota*), a herb whose abortifacient properties have been known in the West since Antiquity. See John M. Riddle, "Contraception and Early Abortion in the Middle Ages," in *Handbook of Medieval Sexuality*, pp. 261-77, here p. 264.
[74] StaN AF, Els von Eichstätt: "das gesoten darnach in ein kand[e]ln gegoss[e]n und das lass[e]n erkalt[e]n"; Ursel von Konstanz: "…durch ainander gestossn und in wein gesotte[n]".
[75] StaN AF, Anna von Ulm (ii): "und nam Anna von Ulm zu ir uff in die kuchin uff den herd und zaigt ir die brüst das sy milch gëb und sprach zü ir lieb Anna von Ulm ich besorg ich gang mit aine[m] kind".
[76] StaN AF, Cristina Dirnbergrin: "Cristina dirnbergrin sagt das Els von Eystet ain kind getragen hab und so gross worden sy das sy die gesellen mit der milch gesprentzt hab".
[77] StaN AF, Anna von Ulm (ii): "do hab sy ir gepaitte[n] sy söll d[as] wasser od[er] trank nit trinken und söll gege[n] d[ie] wirrttin sag[en] sy hab das trank und söll das hin schante[n]"; Els von Eichstätt: "Do sprech[e]n die andern frawen Imhawß gemeingklich zu ir, liebe Els du solt des drancks nit drinck[e]n wan du geest mit einem kinde".

trying to trick her, before taking a rod and forcing her to swallow it.[78] In her own testimony, Els said that having had the drink, which she described as being "bitter as bile," she almost immediately felt terrible pain and sickness and became "very fluid". Anna von Ulm said that Els was in agony for four days afterwards, and "went about the brothel crying out, 'God, it was pouring [from her],' during which time "she became so fluid that she had to be washed".[79] Anna also said that Els began to experience a heavy flow after taking the mixture and came to see her, asking to borrow a slip and a sleeve, both of which she gave her.[80] Soon after this point, Els said that she retired to a bed prepared for her in the parlour by Barbara. Here, approximately four days after taking the drink, she miscarried a child.[81]

Before long, news of what had happened began to filter through the brothel. The first person other than Els or Barbara to witness evidence of the abortion was Barbel von Esslingen, one of the other prostitutes, who left the brothel before the investigation began. Els said that Barbel had brought a pail of water into the room where she had miscarried, and had then gone straight back to the other women, telling them she had seen "something heartbreaking," though without saying much more.[82] In the meantime, Els said that she was forced to return to work within six days, "and was made to go with many men into the chamber [ie bedroom], to whom she bemoaned her weakness in letting the thing happen."[83] Things then remained quiet in the brothel until around the time of the Whitsun market, a period likely to have been busier than usual for the women. At this point, Els said that Barbel began "to speak openly about the matter," whilst she herself seems to have reached a point at which she no longer felt able to keep to herself what had happened.[84] Anna von Ulm said that around this time, Els took her aside and revealed to her that the sleeve she had borrowed from her had been used to

[78] StaN AF, Els von Eichstätt: "dorauf sie die Els ich wil des nit trink[e]n ich was nit was der trank ist ich besorg ich gee mit eine[m] kind und mocht mir nit wol bekomen do sprech die frauenwirtin ich merck wol du wilt mich umb das mein beschaiss[e]n du müst das drincken und stund mit eine steck[e]n über sie und nötet sie den trank zu drink[e]n".
[79] StaN AF, Anna von Ulm (ii): "dornach ist ir vier nächt gar mercklich[e]n wee word[en] das sy im haws umbgange[n] sy und Clagt gott ir giess… und sy so vast fliessend worden das ma[n] sy gesprett hab".
[80] StaN AF, Anna von Ulm (ii): "umb ain underrok dz sy ir den wölt lyhan gebette[n] den hab sy ir gelihen und ist dabi gelege[n] ain linin ermel undin bett".
[81] StaN AF, Els von Eichstätt, "der wer pitter wie ein gall … zustund würde ir so we das sie chein Rüe habn möcht und ser fliessend und so kranck das ir die frauenwirtin ein pett in die stub[e]n ließ mach[e]n und daran leget do kam das kind von ir".
[82] StaN AF, Els von Eichstätt: "dieselb Barbel wer hinab zu den frauen komen und zu den gesproch[e]n O lieb[e]n frauen was herzen leydes han ich geseh[e]n".
[83] StaN AF, Els von Eichstätt: "und müßt mit manichen gesell[e]n in die camer gien den sie ir swaheit claget die sie der ding erliess[e]n".
[84] StaN AF, Els von Eichstätt: "do wurde die Barbel ytz güt offennlich von den ding[e]n sag[e]n".

wrap the baby's body before it was thrown away, a detail confirmed by Ursel von Konstanz. Anna said that this conversation was overheard by the other women sitting nearby, who began to "talk together and to weep about it".[85]

In the midst of these communal conversations, Els disclosed in a private conversation Anna von Ulm her intention to make known Barbara's mistreatment of her. Anna said that Els took her aside and said to her, "the brothel-keeper [Barbara] mistreats me and doesn't do to me what belongs to me, and has not treated me decently but has instead killed my flesh and blood, and I'm going to complain about her!"[86] Here, Anna reported that Els used the word *clagen*, a term which can refer to a legal complaint, suggesting showing an early resolve on Els's part to bring what had happened to the council's attention. In the meantime, Barbara began to make efforts to suppress discussion amongst the women, firstly by sending Barbel von Essling, the first of the prostitutes besides Els herself to witness the abortion, to work for the brothel-keeper in Ulm. By this stage, as Margrette von Biberach and Ursel von Konstanz noted, Els had already told at least one of her clients about the abortion, Margrette speculating that "perhaps this was how things got out".[87] Gossip about what happened had also reached other customers in the brothel, some of whom, according to Ursel, began to wonder "how it came about that Els was so small, when she had been so big".[88] The crucial link between the knowledge of the abortion in the brothel and the council getting word of it was made when two minor council officials (*Ratsknechte*) named Stählin and Bernhart made a visit to the brothel. Ursel von Konstanz mentioned this visit to her interrogators in Nuremberg, whilst in Nördlingen Margrette von Biberach said that after they had come into the building, Els took her aside and told her that "those two have to hear about it".[89]

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[85] StaN AF, Anna von Ulm (ii): "do spräch sy gen ir liebe Anna von Ulm wo mainstn das din ermel hinkome[n] sey den du vor als an mich geford[er]t hast do sprach Anna von Ulm liebe Els ich weiß nicht darub[er] du sprichst du habst mir den nit genome[n] da laß ich es hy belib[en] do sagt Els von Eystet lieb anna das kind das waismir kome[n] ist dar inn gewickelt und ist in das huslin geworffen worden die wortt haben sy und and[ere] dirne[n] die dabi gesess[e]n sein wol gehörtt do haben sy alle gewaint und zusomme[n] gesproche[n]".

[86] StaN AF, Anna von Ulm (ii): "do sagt Els von Eystett min wirttin handelt mich ub[er] tag ubel und tüt mir nit dz mir zü gehörtt und hat nit fromklich an mir gefaren sond[er] hat mir min blütt und fleisch v[er]derbt das clag ich ub[er] sÿ".

[87] StaN AF, Margrette von Biberach: "Dar nach lecht uber drÿ wochen käm ain güt gesell in das hus zü de[r] Elsen als di[e] ding halb red umb gen wurden und redte mit ir von den dingen villicht wie die ding uskamen waren"; Ursel von Konstanz: "So hett auch die Els irem liebenman in mitler zeÿt die ding wie si ain tranck getrunk[e]ndas ir das kindlin v[er]triben hett eröffent deshalb die ding lautprecht wurd[e]n".

[88] StaN AF, Ursel von Konstanz: "Darnach hette etwienil gesellen in das hawss geende geanndet wie es käm das die Els so klain und doch wie so groß geweßn wer".

[89] StaN AF, Margrette von Biberach: "Margrett ich waiß wol das du es nit sagst und dar umb so wil ich dise sagen und die zwen müssend och hören maint si den stählin und den bernhart".

Anna said that when Els had told them what had happened, they advised her to stay silent on the matter until she had recovered, at which point they would take the matter to the council themselves.[90] Els and the others may well have known these men fairly well; in some towns, *Ratsknechte* provided a link between the council and the municipal brothel and assisted in its oversight.[91] Beate Schuster has also speculated that in some towns, prostitutes and *Ratsknechte* may have pursued a co-operative arrangement whereby the prostitutes gained a measure of protection and assistance in driving out private competition outside the brothel.[92]

At some point soon after this visit, Els said that two servants of the council – perhaps the same Stählin and Bernhart – came to the brothel to speak to her, telling her that "talk had been going around" about what had happened, and that she, Barbara, and the other women would be summoned before the council to explain the matter.[93] This prompted a dramatic stand-off between Els and Lienhart witnessed by several of the women. Els said that after Lienhart had heard about the council's intervention, he came into the kitchen with a stick, intending to beat her. Els said that she had shouted at him, "don't hit me, it will never do you good!"[94] Margrette said that Lienhart had dragged Els around by the hair, demanding to know what Barbara had given her to drink, cursing her by calling her a "damned flesh-thief" and claiming she wanted to deprive them of their livelihood.[95] Anna von Ulm said that she intervened as Lienhart was beating Els, saying "Don't do that, if the prostitutes report you for this, it won't bring you women!" [96] Despite being

[90] StaN AF, Anna von Ulm (ii): "do haben bed knecht geg[e]n den frowe[n] gesagt sy söll[e]n d[em] ding geschwige[n] bis nach der kindelbett so wüd[e]ln sy das selbs für bringe[n]". *Kindbett* (childbed) was thought to last around 6 weeks in late mediaeval gynaecological practice, but could last twice as long. See Britta-Kruse, *Arznei*, pp. 180-181.
[91] On the role of council officials as overseers of municipal brothels, see von Posern-Klett, "Frauenhäuser und Freie Frauen," p. 81. For the broader role of such officials in municipal government in the region see Isenmann, *Deutsche Stadt im Spätmittelalter*, pp. 136-146.
[92] B. Schuster, "Wer gehört ins Frauenhaus?", pp. 213 and 221.
[93] StaN AF, Els von Eichstätt: "Els es giend Rede umb man wirt dich die frawenwirtin und die ander[e]n frawen nü bis mo[n]tag fur ein Rat fordern".
[94] StaN AF, Els von Eichstätt: "do saget die frauenwirtin dem frauenwirt wie Els von Eystet von ir aufgeb und clag sie sull ir mit eine[m] tranck ein kind abgetrib[e]n hab[e]n deshalb[e]n man sie furforder[e]n wölle also kam der frauenwirt mit eim steck[e]n über sie in die küch[e]n und wöltsie geslag[e]n hab[e]n zu dem sie sprech laß mich ungeslag[e]n slechstu mich es thut dir nym[er] gut".
[95] StaN AF, Margrette von Biberach: "Also nam de[r] wirdt ain stecken und gieng in das hus und säch z zü d[er] Elsen du verhÿtte flaisch diebin was hant dir min barbel zu trincken geb[e]n und schlug sy mit dem steckn in de[r] kuchin den stecken an ir ab zuge sy o[c]h bym har umb und sach si brächte in und sin wirttin gern umb lyb und umb güt".
[96] StaN AF, Anna von Ulm (ii): "do nom in Ana von Ulm von dem schlahe[n] und sprach vart das tünd nit clagt die dir[n] das um euch es wirtt euch kain frowe[n] bringe[n]".

beaten by Lienhart, Ursel said that Els "did not want to remain silent," and defiantly told him that "he would have to hack off all four [of her limbs]" to keep her quiet.[97]

The immediate effect of this confrontation was to generate even more talk in the brothel about what had happened, and as matters slid further out of the control of Barbara and Lienhart, Margrette said they began "to worry about the matter getting out."[98] Their response was to make a final attempt to silence Els by giving her the sum of her debt as a gift and allowing her leave the brothel, in exchange for her agreement that she would never tell anybody about the abortion. Anna von Ulm and Margrette von Biberach told the council that Els had then revealed Barbara's plan to stage a mock escape, whereby she would leave the back door to the brothel open while the women were eating, and tell them that Els had run away once she had left.[99] Els nevertheless thwarted the attempted deception by coming to the women beforehand to tell them what was to happen, "in order that they saw the injustice and the audacity of it," as Anna put it.[100] When the time came for Els to make her escape, Margrette described how Barbara came in to see the women while they were eating, and said "truly, Els is gone!" At Barbara's behest the remaining women then got up to search the building for her, though as Margrette said, "all of them already knew how things really were."[101]

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Accessing the council directly to make their grievances known is likely to have been difficult for the women due to the restrictions placed upon their movement by Lienhart, necessitating other forms of agency within the brothel. From Els von Eichstätt's initial, private converstions with Anna von Ulm and with Margrette von Biberach, to the more open discussions of the matter amongst the women and with their customers, to the visit of the council servants to the brothel, the case record shows how knowledge of Els's abortion crossed a series of thresholds before eventually reaching senior members of the

[97] StaN AF, Ursel von Konstanz, "Da wid[er] aber die Els saget si wölt nit sweigen und solt ir der wirt darumb alle viere abslah[e]n".
[98] StaN AF, Margrette von Bibrach: "Dar nach als nun d[i]e ding halb me[r] red umb gen wurden und villicht d[e]r wirt und die wirttin besorgten die ding wolten uff komen".
[99] StaN AF, Els von Eichstätt: "und morg[e]n so du die milch anrichten wilt so gee hinden zu d[er] tür hin auß die wil ich dir offenn und steig über die zewn hinwegk so wil ich den frauen sag[e]n du seyst mir endlaff[e]n".
[100] StaN AF, Anna von Ulm (ii): "damit das sy die dreistikeit und ungrechtikeit erkante".
[101] StaN AF, Margrette von Bibrach: "also liesse sy alle in dem hus umb und suchten sÿ westen ale[n] vor wol wie die ding zugericht waren".

council. Alongside the evidence of these speech acts, the mock search for Els after her escape can be seen as another expression of the ambiguity of the women's position. Searching for Els in the prior knowledge of her escape, the women outwardly obeyed Barbara's command, demonstrating the degree of dominance and coercion under which they lived. At the same time, however, they also enacted resistance by co-operating amongst themselves in a staged, collective pretence. Open resistance was difficult in the face of violence, leaving secretive speech and ironic performance as some of the only avenues of insubordination open to the women.

The passages describing this confrontation also show most clearly the tension between the women's subjectivity as prostitutes and their objectification by both brothel-keepers. If the habitual violence which characterised life in the brothel can be seen to objectify the women's bodies almost unconsciously, the proprietorial view of them taken by Lienhart and Barbara emerges explicitly in the insults reportedly used against Els. By calling her *flaisch diebin, flaisch schälkin* ("flesh thief, flesh rogue"), Barbara reduced Els's selfhood to her body (*flaisch*), whilst simultaneously claiming ownership over her through the accusations of theft and deceit.[102] In this way, Barbara implied that Els was no more than her body, at the same time divorcing her from any kind of control or agency over it. The sense that the prostitutes' bodies were no more than a financial resource can also be seen in the accusation made against Els by Lienhart that she wanted "to do me and her [Barbara] out of life and property," a construction which suggests that he saw Els herself as property (*gut*).[103]

By contrast, Els's private conversations with Anna von Ulm about the forced termination of her pregnancy suggest a deep-rooted sense of the connection between her own body and her labour, and of the critical combination of both to her subjectivity. Her description to Anna of the abortion as the killing of her flesh and blood (*mir min blütt und fleisch v*[*er*]*derbt*) refers on one level to her aborted child, though the verb *verderben* also suggests a more general sense of physical degradation. Whilst *verderben* can refer narrowly to death or killing, its wider meanings encompass corruption and destruction. In this way, this passage contains a powerful image of bodily violation which went beyond the immediate matter of the abortion. For Els, whose body was critical to her work, the

[102] StaN AF, Margrette von Biberach: "da säch die wirttin abe[r] zu de[r] Elssen du flaisch diebin flaisch schälkin du woltest mich umb das min beschÿssen".
[103] StaN AF, Els von Eichstätt: "mich un[d] sie damit umb leib und gut zubring[en]".

sense of violation may have extended to her sense of self. The full account of this conversation shows how she revealed her intention to report Barbara to the council for aborting her child, saying "she doesn't do to me what belongs to me". In its use of the word "belongs" (*gehörtt*), Els's language resembles that of the other women in their earlier complaints of abuse in the brothel investigation. This passage thus suggests that Els perceived a close connection between her body and the regulatory context from which she and the other women derived their subjectivity as prostitutes. Where Lienhart and Barbara conceived of the their bodies as a material resource, these passages suggest that for the women themselves, their bodies were integral to their subjectivity and critical to their own agency. Anna's comment that beating Els would prevent Lienhart from recruiting more prostitutes to the brothel can be seen both as a threat to publicise his brutality, and as a reference to the prostitutes' recourse to the council as a source of support. More powerfully, Els's reply in the face of Lienhart's aggression that to keep her quiet he would have to dismember her can be seen to inflate to an extreme degree his violent mistreatment of the women, disempowering his control over her body through parodic exaggeration. If the violence suffered by the women in the Nördlingen brothel can be understood as a form of objectification, one which has its basis in broader mediaeval discourses of prostitution which constructed the prostitute as a woman whose body was common to all, Els's use of bodily imagery in this passage can be read as a refutation of the object status imposed upon her and the other prostitutes, and as a powerful statement of her own embodied subjectivity.

III

The final section of this chapter argues that the evidence of prostitutes' agency may have provoked anxiety on the part of the men who conducted the investigation. The case record shows that the interrogators displayed a clear interest in the manner in which the women communicated amongst themselves prior to the knowledge of the abortion becoming public. At the same time, the detailed evidence of the body and reproductive knowledge contained in their testimony may have made the case record itself a repository of dangerous and transgressive knowledge. In her work on mediaeval secrecy, Karma Lochrie has charted the connections between women's bodies and female modes of communication in masculine discourse, arguing that male writers neutralised the threat of

female sexual agency by constructing women as secrets to be discovered and circulated by men.[104] A similar act of objectification can be seen to have taken place in the creation of the Nördlingen case record. The case record can also be seen as a form of masculine discourse, whose transgressive content may have resulted in its separate retention from the regular judicial production of the town council.

The Nördlingen council judges asked a number of questions of Anna von Ulm and Margrette von Biberach about how knowledge of the abortion had become public outside the brothel, whilst the testimony of Ursel von Konstanz and Els von Eichstätt, sent from Nuremberg and Weissenburg respectively, indicates that their interrogators demonstrated a similar interest in the matter. This line of questioning can be seen on one level as an attempt to assess the credibility of the evidence given by the women. Because the evidence for the case rested largely upon oral testimony, it was important for the council to weigh the evidence of *fama* supplied by the witnesses, which demanded that they scrutinise not just its content, but how information about the abortion was passed between individuals until it reached them. At the same time, the opportunity to access what was normally a closed community of women may have exerted its own fascination for the judges.

The council appears to have show a particular interest in the private conversations of Anna von Ulm and Margrette von Biberach with Els von Eichstätt. In Anna's statement, having told the council about the effects of the drink, her interrogators brought her back to an earlier point to narrate what had happened immediately before Els had taken it. Anna told them that Els had taken her aside in the kitchen, where she "desired her advice" (*do begert irs ratz*), whereupon Anna told her not to take the drink, but to throw it away.[105] Later, when Els was suffering from the traumatic experience of the abortion, Anna said that she saw that Els "was weeping and wailing, and she [Anna] wanted to know what was wrong. Then Els said to her in trust, so that she [Anna] would tell nobody, and she [Anna] wanted to give her her word, until Els also said it".[106] These passages are conspicuous in their concern not just with what the women discussed, but with how they constructed the secrecy of what was to be discussed. Having established in

[104] See p. 58 n. 71.
[105] StaN AF, Anna von Ulm (ii).
[106] StaN AF, Anna von Ulm (ii): "und waintt und clagt do wolt Anna von Ul[m] wisse[n] was ir anleg uff das hub sy ir das in triuwe[n] gesagt also dz sy dz niema[n] sage[n] und ir ir triw dorumb gebn wolt bis die Els von Eystet dz auch sagt".

the interrogation that Anna had given Els her word, the council appears to have asked her to clarify what this meant, to which Anna explained that this meant that "she would tell nobody" – in other words, that it was a secret. The council then seems to have asked whether Anna wanted to give her word, which she confirmed, acknowledging her own desire to become party to the secret.

A similar interest in secrecy can be seen in the council's questioning of Margrette von Biberach, whose statement contains a similar scene in which Els confided in her after the abortion. Margrette said that Els had come to her and thrown her arms around her neck, saying "O dear Margrette, I would like to tell you something". When Margrette asked her what this was, Els said "Dear Margrette, I know well you won't say anything about it, which is why I want to tell you".[107] Margrette said that Els then added, "and those two have to hear about it, meaning Stählin and Bernhart," before going on to tell her that the drink had caused her to have a miscarriage. Once again, the statement records the terms of secrecy established between the two women – that Margrette "[would not] say anything about it" – prior to the communication of the secret knowledge of the abortion itself. In noting that Els had said, "I want to tell you something" immediately before the disclosure of this knowledge, the record might even be seen to heighten the suspense attached to the secret knowledge to be imparted. Although this might reflect an addition of circumstantial detail by Margrette to make her account more convincing, the fact that the scribe recorded it suggests that it played some role in the council's understanding of the women's communication.

At this stage, the potentially transgressive nature of the women's talk may have lain primarily in its secrecy. At some point, knowledge of what had happened to Els ceased to be secret and began to be discussed amongst the women in the brothel. Several of the statements taken in Nördlingen refer to "talk going round," Margrette von Biberach reporting that three weeks after Els had taken the drink from Barbara, a man (most likely a customer) came to see Els, "as talk was going around about the matter, and [he] spoke to Els about it." In Lienhart's statement, he claimed that he only discovered what had happened between Els and Barbara three weeks after the abortion, "when talk about the

[107] StaN AF, Margrette von Biberach: "und säch o liebe Margret ich wölt dir gern naißwas sagen danach si wz das war da säch Els zu ir liebe Margrett ich waiß wol das du es nit sagst und dar umb so wil ich dise sagen und die zwen müssend och hören maint si den stählin und den bernhart".

matter was going around".[108] Els herself told her interrogators in Weissenburg that "common talk" had "gone around" soon after her miscarriage, whilst Margrette noted that Els had been afraid that the matter would "get out".[109] She also said that Barbara and Lienhart became worried about the level of talk inside the brothel, noting that "perhaps the brothel-keepers were worried that the matter would come out".[110] In Nuremberg, the threshold at which talk "got out" also formed part of Ursel von Konstanz's interrogation, her statement noting that Els had told one of her clients about the abortion, and "that's how it became known".[111]

For the Nördlingen city councillors investigating the events in the brothel, the discovery of disorder and mismanagement at the heart of an important municipal institution may have been disturbing enough, though the manner in which it became known to them – women's speech – may have charged the episode with an extra degree of danger. Karma Lochrie's *Covert Operations* examines discourses of secrecy in a variety of Latin and Middle English textual genres, including *fabliaux*, medical and scientific treatises, and confessional literature.[112] She illustrates the ways in which gossip, which she defines as "women's language that thrives in secrecy," constituted a strategy of resistance for mediaeval women as a marginalised group, awakening anxiety in male writers who regarded it as highly transgressive.[113] One of the most threatening aspects of gossip was its tendency to cross boundaries of public and private, coupled with the fact that it was "always roving".[114] Although the Nördlingen councillors were reliant upon the agency of the women in the brothel to bring to their attention abuses being committed in the brothel, such agency may also have been troubling. As marginal women, prostitutes may have been seen as particularly transgressive speakers. Laying out the gendered nature of gossip, Lochrie characterises it as "a kind of residual masculine speech that circulates men's secrets". As she goes on to elaborate,

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[108] StaN AF, Lienhart Fryermut: "als der dinghalb red umb gangen seÿ".
[109] StaN AF, Els von Eichstätt: "davon ein gemeine rede umbgeen"; Margrette von Biberach: "Dar nach lecht uber drÿ wochen käm ain güt gesell in das hus zü de[r] Elsen als di[e] ding halb red umb gen wurden und redte mit ir von den dingen villicht wie die ding uskamen waren also käm Els zu ir und säch liebe Margrett ich furcht die ding wollen uf komen".
[110] StaN AF, Margrette von Bibrach: "Dar nach als nun d[i]e ding halb me[r] red umb gen wurden und villicht d[e]r wirt und die wirttin besorgten die ding wolten uff komen".
[111] StaN AF, Ursel von Konstanz: "So hett auch die Els irem liebenman in mitler zeÿt die ding …eröffent deshalb die ding lautprecht wurd[e]n".
[112] Lochrie, *Covert Operations*, p. 4.
[113] Ibid., pp. 60, 93-94.
[114] Ibid., pp. 58, 63.

> Unlike other forms of discourse, gossip is not associated with its sources, institutions, or moral principles; its primary distinguishing feature is exchange. It is no coincidence that the economy of gossip resembles gender economics as well. Women, who are themselves marked and desired in terms of their exchangeability and use value, are the chief purveyors of gossip…The difference is that instead of women being the exchanged goods according to the patriarchal economy, they are the exchangers of gossip…As such it parodies the commodification of women.[115]

Another contributory factor to the unsettling potential of the case was its close concern with the female body. Several of the women's statements contained details about Els von Eichstätt's physical condition and the effects of the drink upon her. Describing how Els's pregnancy first came to Barbara's attention, Anna von Ulm reported that Barbara had said to Els "that it was nothing more than that something was retained in her, she wanted to make her a drink so that when she drank it she would become like another woman again."[116] After taking the drink, Anna said that Els "was in considerable pain for four nights, so that she went about in the brothel and complained, God, it was pouring from her".[117] The council also sought further clarification from Anna on this point, evident in a marginal note which states that Els became "so fluid that she had to be washed down," and became "smaller and smaller" from the fourth day afterwards.[118] Margrette von Biberach also described Els's condition, saying that "Els drank the mixture and at night she cried out and was very sick, and bore herself miserably, and went about in the house and could get no rest."[119] Soon after this point, Margrette said that she lay in a bed made for her by Barbara, where "she was very sick, and had a flow".[120] Although Anna von Schaffhausen had not had such direct contact with Els

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115 Ibid., p. 65.
116 StaN AF, Anna von Ulm (ii), "do hab die wirrttin gesagt es sy nichtz denn das ettwas by ir beliben sy sy well ir ain trank mache[n] das sy das trink so werd ir wider als ainer andn frowe[n]".
117 StaZH, Anna von Ulm (ii): "dornach ist ir vier nächt gar mercklich[e]n wee word[en] das sy im haws umbgange[n] sy und Clagt gott ir giess".
118 StaZH, Anna von Ulm (ii), "und sy so vast fliessend worden das ma[n] sy gesprett hab was sy gange[n] sÿ deshalb sy sie und sy nach dem viert tag von stund an von tag zü tag ye leg[en] und ye clainer worden".
119 StaZH Anna von Ulm (ii): "do nun die Els das tranck getruncken hett und zü nacht schrwe si und gehüb sich vast ubel und gieng im hus umb und kunde kain rüw haben".
120 StaZH AF, Margrette von Biberach: "also läg sy und wär fast kranck si hette auch ain fluß".

throughout this episode, she said that she had heard from her afterwards that "the drink had driven from her a child and a menses".[121]

Barbara's own interrogation record also contained details of Els's physical condition. Her strategy was to deny that Els had ever been pregnant, claiming instead that she had merely been suffering from painful menstrual retention, and that the drink she had prepared was not an abortifacient but an emmenagogue. When asked to describe the physical effects of this concoction, Barbara told the council that only "a little black stuff had come from Els, as much as in an eggshell, nothing else."[122] Barbara may have hoped to convince the council that Els had fabricated her pregnancy, and may have been helped in this by her own accusations, reported by a number of the women, that Els was trying to deceive her and Lienhart by pretending to be pregnant. Despite her attempt to present Els as a deceptive woman, this strategy ultimately failed to prevent Barbara's conviction for aborting Els's child.

A sense of both the danger and the attraction exerted by such material can be gained with reference to the popularity in this period of medical and scientific literature on the female body and the topics of sexuality and reproduction.[123] Monica Green notes that there was a particular market in southern Germany throughout the fifteenth century for texts on gynaecological theory among medical practitioners, clergy, and for municipal authorities eager to regulate midwifery. Whilst compendiums of medical literature might in this way have a practical, professional use, they also had a value to members of the patrician and noble classes similar to that of lawbooks.[124] In south-western Germany, two of the most widely-circulated texts on women's medicine were the fourteenth-century

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[121] StaZH AF, Anna von Schaffhausen: "sy hab auch von d[er] Elsen von Eystett dornach gehörtt das dz trank ain kindlin & ain mans zaiche[n] gehabt von ir trib hab".

[122] StaZH AF, Barbara Tarschinfeindin: "zaigte ir die Els ain wenig schwartz dings war von ir gangen wär villicht sovil als in ain aÿer schelsen gen möcht nichts anderß sach si". "Eggshell" may have been a common unit of measurement in medical practice; see Britte-Juliane Kruse, ""Das ain fraw snell genes" – Frauenmedizin im Spätmittelalter," in *Lustgarten und Dämonenpein. Konzepte von Weiblichkeit in Mittelalter und früher Neuzeit* ed. Annette Kuhn and Bea Lundt (Dortmund, 1997), pp. 134-141, here p. 144.

[123] Monica H. Green provides a thorough survey of medical literature circulating in later mediaeval Germany in "The Sources of Eucharius Rösslin's 'Rosegarden for Pregnant Women and Midwives' (1513)," in *Medical History* 53 (2009), 167-192. See also eadem, "From "Diseases of Women" to "Secrets of Women"".

[124] Green, "Rosegarden," p. 175. See also Kruse, ""Das ain fraw snell genes,"" p. 131; Johannes G. Mayer, "Das "Arzneibuch" Ortolfs von Baierland in medizinischen Kompendien des 15. Jahrhunderts. Beobachtungen und Überlegungen zur Werketypologie medizinischer Kompendien und Kompilationen," in *"ein teutsch puech machen" Untersuchungen zur landessprachlichen Vermittlung medizinischen Wissens* ed. Gundolf Keil (Wiesbaden, 1993), pp. 39-61, here p. 60.

Arzneibuch of Ortolf von Baierland and the *Bartholomäus*, while in the fourteenth and fifteenth centuries, Pseudo-Albertus Magnus's *De Secretis Mulierum* became especially popular.[125] Commenting on the interest value of such material, Joan Cadden has noted that *De Secretis Mulierum* in particular "illustrates the authenticity of late medieval curiosity within and beyond universities about sexuality and sex difference," topics that were nonetheless "fraught with danger" for men.[126] Some of the details of Els's condition described by the Nördlingen women may even have resonated with particular ideas promulgated by these texts. *De Secretis Mulierum* provides a biological explanation for physical processes such as menstruation which rested upon the assumption of women's inherent coldness and wetness. Women's relative moistness also explained their supposedly greater sexual appetite – a characteristic sometimes assumed of prostitutes – which led to their desiring the dryness and warmth of men's bodies.[127] The descriptions of Els's loss of blood during her miscarriage may thus have been echoed by the accounts of menstruation in popular medical literature, which constructed this knowledge in terms of secrecy and emphasized its dangerous nature.

One of the most prominent features of medical texts like these, as with the masculine discourses of secrecy more broadly identified by Lochrie, is the tendency of male authors and narrators to construct an exchange with other men to share their supposedly secret content for mutual benefit.[128] As Lochrie notes,

> …masculine interrogation renders women and their discourse open secrets to masculine knowledge. Its effect is, once again, to create an intimate masculine exchange through the pretence of

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125 Bettina Bildhauer, *Medieval Blood* (Cardiff, 2006), p. 22.
126 Joan Cadden, *Meanings of Sex Difference in the Middle Ages* (Cambridge, 1993), p. 116.
127 Helen Rodnite Lemay, *Women's Secrets: A Translation of Pseudo-Albertus Magnus's De Secretis Mulierum with Commentaries* (New York NY, 1992), p. 51.
128 The *Secrets of Women* appeared in new versions in the fifteenth century in Paris, Saxony, Vienna, Budapest, and was translated in south-west Germany in two versions. The first of these was produced by Johann Hartlieb, court physician to Duke Albert III of Bavaria-Munich and his son Sigmund between 1460-65, and was written to give its intended readers, thought to be the high nobility, a comprehensive review of the "state of science" pertaining to the nature of women. The second version, an anonymous southern German translation accompanied by two commentaries, appeared in the third quarter of the fifteenth century and survives in fourteen manuscript copies; see Margaret Rose Schleissner, *Pseudo-Albertus Magnus: Secreta Mulierum Cum Commento, Deutsch. Critical Text and Commentary* (Doctoral thesis, University of Princeton, 1987), pp. 42, 46. On the role of masculine authority in women's medicine in the Middle Ages see also Monica H. Green, *Making Women's Medicine Masculine: the Rise of Male Authority in Pre-modern Gynaecology* (Oxford, 2008).

> exchanging and discovering women's secrets…The unintended and ironic effect is, of course, masculine gossip.[129]

Evidence of such "masculine gossip" might be seen in the two letters sent by the town councillors of Weissenburg who interrogated Els von Eichstätt. Asking in their second letter for written details of any information concerning Els which their Nördlingen counterparts thought "necessary to know," the Weissenburg councillors hinted at the possibility of future judicial action against her, in which "such evil which we may find in Els would meet its punishment".[130] Barbara's accusation of bodily deception, reported by Els in her own statement, may have made her a suspicious figure in their eyes, prompting this request for further information. The record gives no clue as to Els's activities in Weissenburg, though she may have continued to work there as a prostitute after her flight from Nördlingen. In any case, the attempt by the council to extend their participation in the investigation may have been based upon the attractions of an exchange of secret information like those described in a literary context by Lochrie. Rüdiger Schnell has noted the tendency for inquisitional forms of procedure to produce "an ever-more intensive discourse of the secret" in comparison to earlier forms of justice. [131] Much like the medical texts and popular literature Lochrie examines, the Nördlingen case record might be seen in this light as a form of masculine discourse which constructed textual operations of secrecy to contain the perceived threat of female agency.

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Following the dismissal of Barbara and Lienhart as brothel-keepers, a secondary consequence of the Nördlingen city council's investigation was the adoption in 1472 of an ordinance of brothel regulations (*Frauenhausordnung*), the second of its kind known to have been in use in German-speaking regions after that of Nuremberg, drawn up two years previously. The connection between the events in the brothel and the adoption of

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[129] Lochrie, *Covert Operations*, p. 79.

[130] StaN AF, Weissenburg correspondence (i): "Das wir euch nit wolt[e]n verhalt[e]n in ewr[e]m gen der frawe wirtin furnemen darnoch wiss[e]n zu richt[e]n und was euch der hanndlungshalb[e]n weyt furselt euch bedencht und not zu wiss[e]n were Ew[e]r ersame freuntschafft bitten, uns soliche in geschrifft zu füg[e]n gen der gemelt[e]n Elsen dornach in ferner hanndlung mög[e]n geachten damit solich übel sein stroff gewynne des wir wo anders das an der gedacht[e]n Els[e]n wirt erfind[e]n".

[131] See Rüdiger Schnell, "Die 'Offenbarung' der Geheimnisse Gottes und die 'Verheimlichung' der Geheimnisse der Menschen. Zum Prozesshaften Charakter des Öffentlichen und Privaten," in *Das Öffentliche und Private in der Vormoderne* ed. Gert Melville and Peter von Moos (Cologne, Weimar and Vienna, 1998), p. 375: "einen immer intensiveren Diskurs über dieses Geheime".

the new ordinance is evident in a passage within it which notes that the council had appointed one of the prostitutes to report to the mayor or council "anything impertinant or damaging she notices, views or sees," ostensibly as a safeguard against further abuses like those described in the case.[132] The document also reflects the concern of the council for the freedom of movement of the prostitutes in the brothel, specifying that "the women should be free, so that they are not forced by their debt or by any other cause to remain in or be drawn into the brothel".[133] The adoption of the ordinance in Nördlingen outwardly supports the broader picture constructed by Beate Schuster of municipal prostitution in the later fifteenth century, in which town councils took steps to reduce the authority of brothel-keepers over prostitutes, and handed increased freedom to the latter.[134] The evidence in the Nördlingen case record of an anxious masculine subject and the concern over prostitutes' agency offers a different perspective on this move, however. Rather than granting more freedom to the prostitutes, the council's reliance upon the women's efforts to make them aware of the abuses taking place in the brothel may have prompted a move towards greater control. In this way, the ordinance can be seen to bind their agency more tightly to the council's control, reducing the transgressive potential of female speech to overspill institutional boundaries. Although female speech had provided a useful means to highlight the disfunctional management of the brothel, the council's reliance upon it thus also emerges as deeply ambivalent.

[132] StaN AF, Frauenhausordnung: "Wie hernach geschriben ist, das wir sölich frawen haws ainer beschaidnen frawen dar inn befolhen haben die ir triw geb[e]n und gelopt hat was sy unfügs oder schädlichs merck brüff oder sehe, das sy das alles unnerzogenlich offenbaren wölle einem Burgermaÿster oder Ratt zu Nördling".
[133] StaN AF, Frauenhausordnung: "die selben töchtren so ye zu zÿtten dar ein komen söllen fry sein der maß das sy weder ir schuld halb noch sust von kainer ursach dar inn zu belyben nit genött noch angezogen werden".
[134] B. Schuster, *Die freien Frauen*, p. 156.

Chapter III

"And as a result of her poverty and hardship she came into this miserable, reviled life". Sex and subjectification in late mediaeval Augsburg

This chapter examines the interrogation record of Gerdrut Birckin, a woman questioned by the town council of Augsburg 17 June and on 15 July 1497. Gerdrut had recently arrived in the city in possession of a small collection of goods and money taken from her previous employer, the executioner of nearby Kaufbeuren [see fig. 1]. The records of her two interrogations describe how, having served him as a maid for seven years, she had fled after a long period of mistreatment. When asked how she had reached Augsburg, Gerdrut told the council that she had met a man in Kaufbeuren named Hans Schlosser, who had assisted her escape by allowing her to accompany him on a waggon bound for the city. Gerdrut's testimony shows how, having focussed at the outset of the interrogation on the matter of her theft, the council judges quickly became concerned about her relationship with Schlosser. Their initial questions suggest that they suspected him of persuading her to leave Kaufbeuren, asking her directly whether he had "incited her" (*sy…auffwegig gemacht*) to come to Augsburg. The period between Gerdrut's first and second interrogations saw a dramatic reversal, however, after which the judges suddenly demanded to know what Gerdrut had done to cause Schlosser's attraction to her. After repeatedly denying that she had done anything to provoke him, the interrogation concluded with Gerdrut's acknowledgement that poverty and hardship had brought her into a "miserable, reviled life" (*ellennd verschmecht leben*).

The circumstances in which Gerdrut was arrested and appeared in court are not described in her testimony, though her appearance in the city in possession of suspected stolen goods and money may have been what brought her to the council's attention. No further documentation of Gerdrut's case or sentencing record survives to indicate what happened to her afterwards, nor is the crime of which she was suspected ever made explicit in her testimony. The judges' focus upon her relationship with Hans Schlosser shows nonetheless how illicit sex came to overshadow theft as the primary concern, suggesting that they suspected her of clandestine prostitution. Before the sixteenth century, there is no clear evidence that prostitutes operating outside municipal brothels

faced criminal prosecution for their activities in German-speaking regions.[1] From the mid-fifteenth century onwards, however, both Peter Schuster and Beate Schuster suggest that prostitutes and sexually active single women came under increasing pressure from municipal authorities and were more likely to be coerced into entering brothels.[2] In cities such as Cologne, Basel, and Hamburg, prostitutes might also be rounded up and relocated in red light districts.[3] The circumstances of Gerdrut Birckin's encounter with the authorities thus differed to those faced by Repplin a century earlier in Zurich. Whereas both women appear to have found themselves in court in connection with matters other than prostitution, for Repplin the question of illicit sex seems not to have been a concern to her interrogators, whereas for Gerdrut it came quickly to dominate the case.

Gerdrut's case provides valuable evidence of possible subject positions available to women in the context of late mediaeval prostitution. This chapter aims to show that Gerdrut was steered by her interrogators into assuming a position which reflects the decreasing toleration of independent prostitution in the late fifteenth century, as well as a more deeply-rooted concern with the sexual agency of independent women. Whilst regulated brothels could be seen to deal with such women by confining them to an institution, women who were sexually active outside them posed a different kind of danger because they were not under masculine control. From this perspective, the process of subjectification undergone by Gerdrut, by which she was steered into adopting a position of powerlessness, can be seen as a way of making safe the threat she posed as a putative independent prostitute. Despite the council's scrutiny of Gerdrut's relationship with Schlosser, sex itself nevertheless remains ambiguous in the record. A concern for sexual agency is, however, clear in oblique references to the possibility that Schlosser had "incited" Gerdrut and, in the second interrogation, that she had provoked Schlosser "so that he loves her" (*das er sy lieb hab*). Over the course of her two interrogations, the record shows how sexual agency was transferred from Schlosser to Gerdrut, a manoeuvre which also removed masculine responsibility for illicit sexual activity.

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[1] Wiesner, *Working* Women, p. 87.
[2] See P. Schuster, *Das Frauenhaus*, Ch. V, "Frauenhaus, Prostitution und Gesellschaft seit dem späten 15. Jahrhundert. Phänomene der Marginalisierung," pp. 155-179, and "Hinaus oder ins Frauenhaus," p. 22. See also B. Schuster, "Wer gehört ins Frauenhaus?", p. 229.
[3] B. Schuster, *Die freien Frauen*, pp. 76-77.

The notion of judicial interrogation as a process of subjectification which underpins this chapter is drawn from John Arnold's work on the Inquisition in late mediaeval Languedoc.[4] Whilst Gerdrut Birckin's case was produced in a different judicial context to that explored by Arnold, her interrogators shared with the Inquisition the aim of bringing an individual to confession. Although no evidence of the procedure used by the council judges to conduct the interrogation survives, its confessional purpose is made clear in the labelling of the record as an *Urgicht* ("confession") and by the document heading, which describes the testimony as that "which [she] said and confessed."[5] The early stages of Gerdrut's interrogation show her own attempt to shape a personal narrative which would allow her to evade punishment by presenting herself as a victim of abuse and unfair treatment from the executioner. When the council's questioning turned to her relationship with Schlosser, however, the pejorative connotations of independent female sexuality meant that denial and disassociation became her only options. This meant that, once the council judges had begun to question her about Schlosser, Gerdrut's ability to assume a legitimate subject position was dramatically reduced, leaving her powerless to resist the her interrogators' construction of her as a sexual agent and suspected prostitute.

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Although Gerdrut Birckin's case is the earliest surviving criminal court record from Augsburg to deal even indirectly with prostitution, legislation had regulated prostitutes in the city for over two hundred years. The earliest legal reference to prostitutes in Augsburg can be found in the town law of 1276, which stated that they were to be supervised by the executioner, who was to "take care of" (*phlaegen*) prostitutes, as well as "to drive out all wandering girls [prostitutes] from the city, so that by day or night they may not commit any wickedness in the city with unchastity".[6] In 1369, like many other cities in the region, the council founded a municipal brothel, and owing to the size of the

[4] See Introduction above, pp. 1-3.
[5] StaA U, Gerdrut Birckin 1497: "hat Gerdrut Birckin von Reychartzried gesagt unnd bekannt als h[er]nach steet". For "Urgicht," see *Deutsches Wörterbuch*, Vol. 24, Sp. 2425-2427: "mhd. urgiht...*aussage, bekenntnis*".
[6] Christian Mayer (ed.), *Das Stadtbuch von Augsburg, insbesondere das Stadtrecht von 1276* (Augsburg, 1872), pp. 70, 72: "er sol auch aller varnden freulin phlaegen…Er sol auch elliu varnden freulin uz der stat triben, daz si tages oder nahtes keine boshait in der stat tun mit unchusche". On the role of the Augsburg executioner see also Kathy Stuart, *Defiled Trades and Social Outcasts. Honor and Ritual Pollution in Early Modern Germany* (Cambridge, 1999), pp. 27-28. For a general discussion of prostitution in Augsburg in the Middle Ages, see Buff, "Verbrechen und Verbrecher," 182-192, Roper, *The Holy Household*, pp. 89-102, and P. Schuster, "Hinaus oder ins Frauenhaus," pp. 25-26.

population, had established a second some time before the 1530s. From 1438 the council also began to enforce a clothing ordinance requiring prostitutes to identify themselves with a shawl bearing a green stripe of two fingers' width.[7] Another later custom relating to prostitutes was their annual expulsion alongside other undesirables just after St Gall's Day (16 October), a practice which is documented in the *Strafbücher* (lists of judicial punishments) from 1509, and which stopped in 1534.[8]

Although as a general rule records of legal practice from secular courts in German-speaking regions are rare, in cities where records of practice do survive, there are indications that by the fifteenth century municipal authorities were taking greater interest in the moral behaviour of their citizens. The extensive records of the Zurich *Ratsgericht* show that the council began to intervene more regularly in cases of adultery or "immorality" (*Unzucht*) in the 1400s.[9] Helmut Puff also discusses a case of sex between two women investigated by the council of Speyer in 1477, though the case record, like that of Nördlingen discussed in chapter II, appears to be an isolated survival in a collection of miscellaneous documents rather than one part of a coherent series.[10] In her studies of judicial confessions (*Urgichten*) from late fifteenth and early sixteenth-century Augsburg, Lyndal Roper shows that prosecutions of prostitutes and procuresses began to happen regularly from around the 1520s onward.[11] Gerdrut Birckin's case may therefore be seen as an early example of the criminal prosecution of prostitution in a German-speaking city, and as evidence of increasing municipal pressure upon prostitution more generally in the period. This pressure was to culimate in the large-scale closure of brothels across southern Germany in the first half of the sixteenth century, a step taken in Augsburg in 1532 when both brothels were shut down at the instigation of Lutheran preachers, as recorded by the Benedictine chronicler Clemens Sender.[12] Before the sixteenth century, other factors may also have prevented cases like Gerdrut's from reaching municipal courts; as Beate Schuster notes, the dishonourable status of prostitutes meant that some councils employed minor officials to keep "shameful" matters away from the courtroom, as was the case in Friedberg in 1387 and in Tübingen

[7] Buff, "Verbrechen und Verbrecher," p. 187.
[8] Roper, *The Holy Household*, p. 97.
[9] Malamud, *Ächtung des "Bösen,"* pp. 286-287.
[10] Puff, "Female Sodomy". Puff discusses the archiving of the document on p. 57.
[11] See Roper, *The Holy Household* Ch. 3, "Prostitution and the Moral Order," pp. 89-131, and eadem, "Mothers of Debauchery".
[12] See P. Schuster, *Das Frauenhaus*, p. 36; Roper, *The Holy Household*, p. 89, and *Chroniken der deutschen Städte* 23 (Augsburg 4), p. 337: "Hie zu Augspurg hat ain rat abthan die offnen gemeinen zwei frauenhäuser aus angeben der lutherischen predigern."

in 1493.[13] A parallel might be made here with the involvement of the bailiffs Stählin and Bernhart in the brothel in Nördlingen, who are described by Anna von Ulm offering to mediate between the women and the council before more senior council members decided to intervene.[14]

Gerdrut's case record covers three sides of an unbound paper booklet, archived in a collection of cases handled by the town council which survive from 1496 and run into the modern period, increasing greatly in volume from the mid-sixteenth century. The case is mentioned briefly by Peter Schuster, who identifies Gerdrut as a prostitute, though without discussing her testimony in depth.[15] Whilst Schuster's description of the case is short, some apparent transcription errors lead to several false or questionable conclusions. In addition to misspelling Gerdrut Birckin's name as "Gertrud," he states that the executioner of Kaufbeuren had confiscated her possessions, rather than her having stolen from him, an apparent misreading of the pronoun *im* as *ir* in the line, "und hab im genomen die h[er]nachfolgend stucke" ("and [she] took from him the following items") [see fig 7].

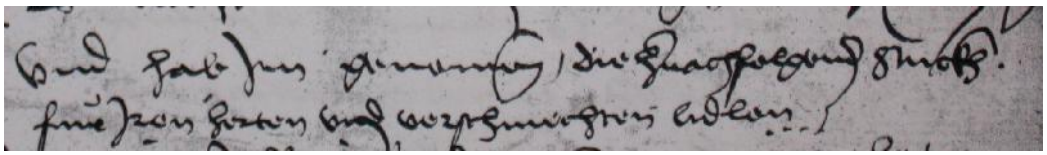

Fig 7: Urgicht Gerdrut Birckin

Schuster also states that Gerdrut was put to work in a brothel by the executioner, though as discussed below, the question of whether she was actually employed as a prostitute is more ambiguous.[16] Schuster also dates the document 17 December, contradicting the date of 8 July added to the first page of the record by an archival hand, though this date also appears to be the result of an error. Firstly, although it appears on the first page of the document, 8 July seems to refer to the date of the second interrogation, which begins on the third page. Secondly, the dating of 8 July appears also to have arisen from a misreading of the heading to the second interrogation as the Saturday before St

[13] B. Schuster, *Die freien Frauen*, pp. 38, 66.
[14] See above, pp. 90-91.
[15] P. Schuster, *Das Frauenhaus*, p. 79.
[16] See below, pp. 119-120.

Margaret's Day (8 July) when in fact the document is dated the Saturday after (*uff Sambstag nach Margrethe*, 15 July).

Gerdrut's questioning took place over two interrogations. A number of crossings-out, corrections, marginal and superscript notes show the working process of the scribe, and suggest that the archived document is either that produced in the interrogation room itself, or a version made up shortly afterwards. The presence of marginal notes on the first and third pages of the record suggests that this may have been the original produced in the interrogation chamber, though the relative sparsity of cases from the late fifteenth century in comparison to the middle decades of the sixteenth makes it difficult to ascertain whether the court scribes produced cleaner copies of their documents which incorporated some or all of their additions and corrections [see fig. 8].

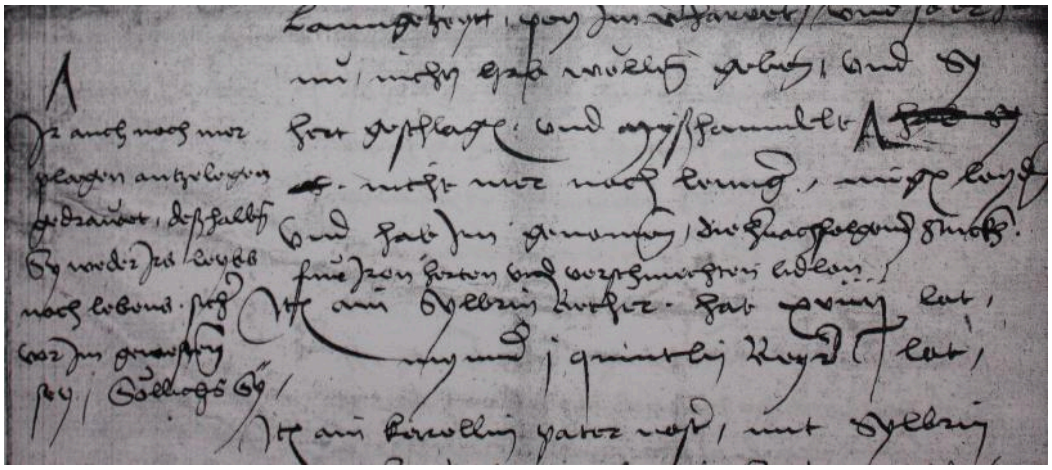

Fig 8: Urgicht Gerdrut Birckin, marginal notes

The marginal notes in Gerdrut's case suggests nonetheless that her interrogation was a time-consuming process, during which the judges sought clarification on particular matters or returned to expand earlier points. The scribe also took the time to produce an itemised list of the goods Gerdrut admitted to stealing, indenting this in the main body of the text. The document itself is recorded in the third person, though some sections give clear indications of phrases reportedly used by Gerdrut in response to the council's questions. The questions themselves are not noted in the transcript of each interrogation, but can be reconstructed in some instances from the record of Gerdrut's answers. More difficult to assess is the question of how much of Gerdrut's speech may have been omitted or revised in the transcription of the interrogations. Whilst she was evidently put

under increasing pressure during the course of the two interrogations, the case record makes no mention of the application of torture, the first recorded instance in the archive coming in 1505.[17]

The document itself does not make explicit the reason for Gerdrut's arrest and interrogation. She presumably remained in custody throughout the time of her interrogations (Lyndal Roper implies that this was the usual procedure in her discussion of some cases from the same archive from the 1530s), though there is no indication about how long she had been in prison before being questioned.[18] Whilst the document does not state clearly that she had been engaging in prostitution in Augsburg before her arrest, or had done so in the past, her circumstances may have led the council to suspect that this was the case. In this regard, Gerdrut's disclosure that she had worked for the executioner in Kaufbeuren may have made her particularly suspicious. It was not uncommon in the period for prostitutes to live in the house of municipal executioners, or for executioners themselves to live in brothels.[19] Suspicion in Gerdrut's case may have been compounded by the fact that she arrived in the city with Hans Schlosser, for whom no wife or family is mentioned in the record. The council may have considered the possibility that he was trying to entice her to break her contract with the executioner in favour of a better offer of employment in Augsburg, a practice legislated against by some town councils in the sixteenth century, and which may have been a concern in this instance.[20] Although sex is not explicitly mentioned, the references to "incitement" on Schlosser's part may also indicate from the outset that the council suspected a sexual motive to their association, perhaps that he was intending to pimp her, or had facilitated her escape from the the municipal brothel in Kaufbeuren.

Gerdrut's testimony suggests that the council spent the early parts of the first interrogation gathering information about her circumstances and about how she had arrived in Augsburg, coming to her relationship with Hans Schlosser only towards the end of the encounter. This may initially have allowed her a larger degree of freedom to shape her own account of herself, and to persuade the council that she had commited no crime and had no illicit intent by coming to the city. The document heading notes that

[17] StaA U, Hans Behen (1505, IX 9).
[18] Roper, "Mothers of Debauchery," 1.
[19] B. Schuster, *Die freien Frauen*, pp. 67.
[20] Wiesner, *Working* Women, p. 87 n. 48, citing the statutes of Strasbourg from 1557.

her home town was Reichartsried, some 20 kilometres from Kaufbeuren. Having come to Kaufbeuren at some point, she told the council that she had *gedienet* (served) the executioner there for seven years, the record referring to him as her *maister* (master), and to her as his *dieren*, which could mean either "maid" or "prostitute". Gerdrut disclosed some details of what may have been a contract of service, saying that he had promised at the beginning of the year to give her five *pfund haller*.[21] Servants in this period were commonly paid in lump sums, and sometimes only when leaving the employment of a master.[22] If the five *pfund haller* mentioned by Gerdrut was part of a contractual agreement, her leaving the executioner probably indicates that he failed to keep his side of it. A more pressing reason for her flight may have been the abuse she reported to the council, saying that she had been "kept harshly, beaten, and mistreated," and had reached a tipping point after he had "threatened to give her more to worry about."[23] Having reached this point, she ran away from him with a number of stolen goods and money. The items listed in the document include a silver rake, a paternoster with silver buttons, six pieces of cloth Gerdrut had made herself, four *pfund haller*, a small bowl, a tablecloth, and her own clothes.[24]

Associating with the executioner may have been sufficient grounds to raise doubts about Gerdrut's sexual integrity from the outset of the interrogation. Even if she had only served the executioner as a maid (*diern*), it may not have been unlikely that she also lived with him as a concubine, the dishonourable status of executioners in this period perhaps making marriage difficult.[25] The executioner of Augsburg is also recorded in tax lists living with a maid close to the cathedral in 1497.[26] Though such records give no direct information about these relationships, a conjugal element may have been common in addition to domestic duties. A more problematic aspect to Gerdrut's connection to the executioner of Kaufbeuren may have been his role in the administration of the brothel there. Before the widespread foundation of civic brothels in the fourteenth century, executioners might supervise brothels and private prostitutes working outside them; in

[21] *Haller* refers to a coin first struck in the thirteenth century in Schwäbisch-Hall in south-west Germany. See von Schrötter, *Wörterbuch der Münzkunde*, pp. 259-261.
[22] Wiesner, *Working Women*, p. 90.
[23] StaA U, Gerdrut Birckin 1497: "hert geschlage[n] und myßhanndelt...Ir auch noch mer plagen antzelegen gedrawet".
[24] StaA U, Gerdrut Birckin 1497: "ain Sylbrin Recher…karollin pater nost[er] mit sylbrin…vi leylach[e] die hab sy selbs gesponn[e]n unnd machen lass[e]n…iiii pfund haller**…**ain budbeckelin…ain tischtuch…unnd dartzu ire klayd[er]".
[25] Stuart, *Defiled Trades*, p. 28.
[26] StaA, Rats- und Ämterwesen, Gemeiner Pfennig 1497, Vol. 7, p. 23.

Kaufbeuren, although little information survives about the municipal brotel there, the executioner might have continued to play a role in running it into the late fifteenth century.[27] Gerdrut admitted in the second part of her investigation that both she and the executioner had been in the brothel at certain times, though she did not say explicitly that she herself had worked in it. Even if she had not been a prostitute in Kaufbeuren, any kind of connection to the brothel may nevertheless have been sufficient to taint her with dishonour and make her suspect in the eyes of the council.

Although Gerdrut's relationship with the executioner was a source of suspicion for the Augsburg council judges, it was nonetheless crucial for her own strategy in the early stages of her interrogation in allowing her to present herself as a victim. Claiming such a position may initially have allowed her to appeal to the council's responsibility to protect the poor, though as an outsider to the city, she may have had little hope of gaining support in this way. She was nonetheless able to exert a greater degree of agency in the first part of her questioning as the council sought to understand her circumstances, this agency reflected in a greater sense of her own narrative at this point in the case record. Her primary concern may at first have been to justify her actions in stealing and running away from her employer, perhaps being aware that this was the most conspicuous aspect of her appearance in Augsburg. The first part of her testimony emphasizes several times the mistreatment she had suffered from the executioner, mentioning twice that she had run away from him four times previously, and giving the impression of having finally reached the stage at which "she did not want to suffer these things any more".[28] Her description of her flight from Kaufbeuren is expanded in a marginal note showing that the council asked for more clarification on this point, suggesting that they were initially unconvinced at her explanation. In response, Gerdrut gave an emphatic response that the executioner had "threatened to lay more troubles on her," at which she began to fear for her life.[29]

Gerdrut appears also to have emphasized the injustice of her position by contrasting the executioner's abuse of her with the money he owed her, saying that "he promised at the start of the year to give her five *pfund haller*, but he gave her nothing and instead kept her

[27] See above, p. 106. See also P. Schuster, *Das Frauenhaus*, pp. 26-28.
[28] StaA U, Gerdrut Birckin 1497: "sy hab selbs nichtmer wollen pleyb[e]n denn sy die ding nichtmer erleyden mugen hab".
[29] StaA U, Gerdrut Birckin 1497: "ir auch noch mer plagen antzelegen gedrawet deßhalb[e]n sy weder irs leybs noch lebens sich vor im gewesen sey".

harshly, beat her, and mistreated her".[30] She additionally emphasized her own loyalty in the face of this mistreatment, saying that despite his abuses, "she still remained with him for such a long time."[31] Doing so allowed her to claim that coming to Augsburg was not a decision she had taken entirely of her own volition, but was her response to the dishonest and unfair treatment of her previous employer. In an attempt to lend credibility to her claims she also appealed to the evidence of *fama,* saying of his mistreatment of her, that "it was well known" (*das wisse man wol*). Unlike their counterparts in Nördlingen, there is no evidence that the Augsburg councillors made any attempt to verify this evidence by writing to the council of Kaufbeuren.[32] Gerdrut's claim that the executioner's mistreatment of her was well known might also have been a strategy to give the impression that her course of action was likely to have found recognition and acceptance amongst her peers. In this way, she may have tried to present herself as somebody who would have been able to count on the support of others, rather than as one who had a poor reputation, and was thus unlikely to attract assistance.

By presenting her theft as the consequence of her poverty and by emphasizing her mistreatment by the executioner, Gerdrut may initially have been successful in shaping a subject position of victimhood. Within the bounds of a story about an exploitative service relationship, she attempted to present her agency in coming to Augsburg as being motivated by injustice, and by her right to a wage as the proper reward for her labour. Her own position was thus staked out almost entirely upon the terms of her former employment under the executioner of Kaufbeuren. By justifying her arrival in Augsburg as the desire to escape, rather than as the result of any other more concrete goal, she may also have tried to shake off any suspicion of illicit sexual intentions. The language of the document suggests that Gerdrut had some initial success in persuading the council of her version of events. The record of her testimony at this stage appears to acknowledge that she had been owed money, referring to the list of stolen goods as *iren herten und verschmechten eidlon* (her hard, reviled wage), and saying moreover that she had *genomen* (taken), rather than stolen any of them. The fact that the document records this list as her "wage" suggests that the scribe and perhaps also the council saw some legitimacy in her actions in taking the executioner's goods in lieu of payment for her work. To this

[30] StaA, U, Gerdrut Birckin 1497: "hab er ir anfanngklich des jars zugesagt ze geben v pfunnd h[a]l[e]r hab ir aber nichtz geben sonnder sy hert gehallt[en] & geschlagen unnd mißhanndelt".
[31] StaA U, Gerdrut Birckin 1497: "noch hab sy also so lannge zeytt pey im v[er]harret".
[32] See Ch. II above, p. 71.

extent, the council's initial willingness to accept the idea that she had been treated unfairly by her previous employer allowed her to stake out a more favourable subject position based on victimhood.

The latter stages of Gerdrut's first interrogation nevertheless turned to a more dangerous line of questioning – namely her relationship with Hans Schlosser. Schlosser was not referred to by his full name at first, and is simply described as "Hans, who came with her" (*der Hanns so mit ir h*[*er*]*komen sey*), whilst the lack of a geographical origin accompanying his name suggests that did not come from outside Augsburg. No testimony from him survives alongside Gerdrut's statement, though an unmarried individual bearing the same name appears in tax records for Augsburg throughout the years 1480-1501.[33] Initially, the council seems to have been interested in finding out how Gerdrut knew Schlosser, to which she gave the innocuous answer that she had asked him to help her travel from Kaufbeuren to Augsburg. Immediately upon mentioning him, the record notes that "he had not advised her nor helped her in the matters, nor incited her."[34] Gerdrut then said that "she had asked him through God's will to let her come with him, she understood that he wanted to come to Augsburg, and as he was there [in Kaufbeuren] she came up to him on the way and called to him, and asked him to let her come with him, and gave him some money to order a cart for her".[35]

Gerdrut may have recognised the danger of her connection to Schlosser, the record showing evidence that she attempted to mitigate suspicion over their relationship. Her claim that "she had asked him through God's will to let her come with him" emphasized the innocent nature of their contact. By claiming to have secured Schlosser's help publicly, and when he was already on his way to Augsburg, Gerdrut may also have tried to emphasise the spontaneity of their meeting and so deflect suspicion that she and Schlosser had planned in advance to leave Kaufbeuren. This may not have been an unreasonable suspicion, since as the second interrogation revealed, the pair had already met each other prior to this encounter. This passage was also accompanied by a rapid

[33] StaA, Steueramt, Steuerbücher: 1480, f. 18d; 1486, f. 19d; 1488, 23b; 1489, f. 21a; 1492, f. 19c; 1494, f. 26c; 1495, f. 14a; 1496, f. 26c; 1497, f. 24a; 1498, 28d; 1501, f. 32c.
[34] StaA U, Gerdrut Birckin 1497: "hab ir inn den dinge[n] wed[e]r gerat[en] noch geholffe[n] sy auch nit auffwegig gemacht".
[35] StaA U, Gerdrut Birckin 1497: ""sy hab im durch gotz willen gebetten sy mit im zelassen denn sy hab v[er]stannd daß er her gen Augspurg wollt und als er hin geweßt sey sy erst darnach uff dem weg zu im komen und in angeruff und gebetten sy mit im zelassen und im ettlich gellt geben ir ain karren zubestellen".

series of denials that he had either "incited" her (*sy aufwegig gemacht*) or had "steered her to take anything or to carry anything here".[36] The meaning of "incited" in these passages is not made clear, though oblique references to "the matters" and "such things" suggests that sex may have been the intended meaning. The reluctance to record sexual matters may indicate an unwillingness on Gerdrut's part to engage with the accusation of having had a sexual relationship with Schlosser, or else may suggest that the council deliberately omitted sexual details. This contrasts with the manner of recording sexual encounters in cases discussed by Lyndal Roper from the mid-sixteenth century, which she sees as being characterised by "a fascination with prostitutes and the details of women's sexual experience."[37]

In the Gerdrut's first interrogation, the council may still have been undecided over Gerdrut's position, and in fact may have seen Schlosser as the more likely to have illicit intentions. At this stage, the record constructs him as the active party in his relationship with Gerdrut, reflected in his position as the subject of the verbs "advised" (*geraten*), "helped" (*geholffen*), and "steered" (*gestewrt*). Gerdrut also said that Schlosser "had also not incited her" (*sy auch nit auffwegig gemacht*), the record placing her in a passive position relative to him. Whilst it is unclear whether Gerdrut or the council scribe initiated this language, the fact that the scribe chose to position her in this way suggests that the council may have been considering the possibility that Schlosser was conducting an illicit sexual relationship with Gerdrut in which he was the chief agent, or that he had intended to pimp her after their arrival together in Augsburg. There appears also to have been little serious pressure upon Gerdrut at this stage to prove the innocence of their connection. This state of affairs was to undergo a wholesale reversal in the month between her first and second interrogations. When Gerdrut was questioned for a second time, her relationship with Schlosser had become the sole object of the council's attention. It is unclear whether or not he had also been traced and interrogated, though the swift change in the council's approach to questioning Gerdrut makes the prospect not unlikely. Had he been questioned about a suspected sexual relationship with her, he may have been able to convince the council that she had been the one to seduce him, perhaps denying that he had taken her virginity.

[36] StaA U, Gerdrut Birckin 1497: "er hab sy aber nit uffwegig gemacht sy auch darauff nit gestewrt iechts zenemen noch hin ze tragen".
[37] Roper, "Mothers of Debauchery," 2.

Although no testimony from Schlosser survives, other cases handled by the council at this time suggest suggest how male defendants might deal with the accusations of taking a woman's virginity, an act for which they might face prosecution. These cases show how the accused defended themselves by claiming that the women in quesiton had not been virgins, thus implying that they had exerted some agency in the encounter and were equally – if not more – to blame. In October 1497, the joiners Conrat Scheyfelin and Hans Rocklinger were interrogated about their sexual dealings with an unnamed girl (*medlin*). Whilst both said that they had had sex with her, they also claimed that they had not taken her honour – in other words, that she had not been a virgin. In this instance, the council tried to determine whether they had raped her, Scheyfelin denying that he had done so by claiming that "the girl opened her legs herself, and never screamed".[38] Rocklinger said that "he does not know [ie does not acknowledge] that he took her virginity," and tried to defend his actions by claiming that the girl had been a "little whore" (*huerlin*) and a "shameful girl" (*schamperß medlin*) before they had had sex.[39] Five years later, in another case from February 1502 Sebastian Brobst was interrogated about his sexual dealings with another, also anonymous girl, and defended himself by saying that although he had visited her and had sex with her, he was "not [intent] on dishonour" (*nit auff uneer*).[40] For him, having sex with a woman who had already lost her honour was unproblematic, allowing him to be open about the fact in court.

Whilst neither Scheyfelin's and Rocklinger's or Brobst's case records the council's judgement, the men involved clearly felt able to rely on a defence strategy by which a woman who had already had sex was assumed to have been an active partner in a sexual encounter, perhaps pointing to a wider assumption about women who were sexually active outside of marriage. Scheyfelin and Rocklinger in particular were able to make use of what may have been a recognisable identity of whore as the basis of a testifying strategy, evident in their use of terms like *huerlin* which they projected onto the girl they had had sex with. The emergence of this identity may have become more prevalent in the later fifteenth century as town councils expanded the notion of whoredom (*Hurerei*) to

[38] StaA U, Conrat Scheyfelin 1497: "so hab das medlin die pain selbs von ainander gethan und es hab nye geschrien". Roper notes that an absence of screaming might be used as a defence for those accused of rape; see "Mothers of Debauchery," 8.
[39] StaA U, Conrat Scheyfelin 1497: "unnd wiß nit, das er im die Junckfrawschafft genomen hab".
[40] StaA U, Sebastian Brobst, 1502.

include all women who had extra-marital sex.[41] These cases suggest that women who had retained their honour by remaining virgins were less likely to be seen as sexual agents. By contrast, a woman who had lost her virginity outside marriage, and was thus liable to be thought of as a whore, could be more easily imagined to seduce a man. Where such women had sexual relationships with men, regardless of how the relationship actually functioned, their previous experience might be thought to reduce the responsibility of their male partner. For Gerdrut, this may have made a crucial difference in the council's understanding of where sexual agency lay in her association with Schlosser. If they believed she had not had sex before becoming involved with him, they may have been more likely to see him as the active party. If he had also been questioned between 17 June and 15 July and had managed to convince his interrogators that he had not taken her virginity, they may have been more likely to assume that Gerdrut had been the one to seduce him.

This appears to have been the assumption under which Gerdrut's second interrogation began. Perhaps after conducting further inquiries after the first interrogation, the record now noted explicitly that Gerdrut had arrived in the city with Schlosser, describing him as "Schlosser, [who] she had on [=with] her" (*so sy an ir gehebt hab*). In contrast to the first interrogation, in which Gerdrut was described as arriving "with" Schlosser, this construction now almost suggested that she had been the one to bring him to Augsburg. The council then began its second round of questioning in earnest by demanding at the outset to know what Gerdrut had done "that he love or become fond of her" (*das er sy lieb hab odr gewynne*), at a stroke transferring agency from Schlosser to Gerdrut, making her the responsible party in their relationship. The contrast of her position with the first interrogation is reflected in the grammar of this part of the record, in which Gerdrut was made the subject of the verb "to do" in her denial of the accusation (*sy hab*…[*nichts*]…*gethan*). Whilst this passage denotes attraction, it nevertheless stops short of acknowledging explicitly that Gerdrut had had sex with Schlosser. It is possible that *lieb haben* may have been used to mean sex, though the council's equivocation between this term and *lieb gewynnen* suggests that they were still uncertain that this had been the case. The judges may nevertheless have settled for the more ambiguous term in *lieb*

[41] B. Schuster, "Wer gehört ins Frauenhaus?", pp. 223-224, and Introduction, pp. 12, 15. Municipal court records show that *hure* was a very common term of abuse for women amongst non-elites throughout the period; see pp. 48-49.

gewynnen, Gerdrut going on to say that "he became fond of her anyway, and she does not herself know how".[42]

Regardless of whether the council had decided that Schlosser had had sex with Gerdrut, his "fondness" clearly carried dangerous implications for her, the assumption that she had somehow attracted him setting the parameters of the remainder of her interrogation. Having had some room to outline her own position in her first round of questioning, the second was constructed as a straight contest of sexual agency in which the impetus lay upon her to refute the charge of provoking him. Having been constructed as an object in the record of the first interrogation, in which the council questioned whether Schlosser had "incited" her (*sy aufwegig gemacht*), Gerdrut exchanged positions with Schlosser to become the agent in the council's understanding of their relationship. In response to the council's demands for explanation of Schlosser's attraction, Gerdrut began by saying that she "had given him neither food nor drink, nor done anything else to make him love her or become fond of her," and that besides the payment for her transport to Augsburg, "she had not given him any money or anything else, other than a measure of wine from time to time."[43] Whilst the council seems to have investigated the possibility that Schlosser's attraction to her was based on material goods, the ambiguous reference to 'anything else' hints again at sexual acts. The suggestion of sex is once more present in the ambiguous terms "anything else," "nothing else"(*sunst nichts*), "other things" (*noch anderes*), and "such things" (*sollichs*). Although the possibility of seduction is never fully articulated, Gerdrut tried to deflect the imputation of sexual agency with a vehement response that "he became fond of her anyway, she does not know how herself, and she knows nothing particular about that, neither cow shit nor anything else."[44] This part of Gerdrut's testimony has the appearance of a direct transcription of her speech, and implies her distress at the constriction of her options under the pressure of the council's questioning. Her apparent desperation in this passage contrasts sharply with the earlier stages of the interrogation, in which she seems to have had greater license to shape her own narrative.

[42] StaA U, Gerdrut Birckin 1497: "Er hab sy sunst also lieb gewonnen sy wiss selbs nit wie."
[43] StaA U, Gerdrut Birckin 1497: "sy hab dem Hannsen Schlosser so sy an ir gehebt hab ~~nichtz~~ wedr zu essen noch zutrincken geben auch sunst nichts gethan das er sy lieb hab oder gewynne".
[44] StaA U Gerdrut Birckin 1497: "er hab sy sunst also lieb gewonnen sy wiss selbs nit wie sy könnd auch nichtz sonndrs dartzu weder kumist noch annders".

In response to the suggestion that she had had sex with Schlosser, she was able to do little more than deny that this had been the case; there was simply no other way for her to position herself with regard to illicit sex other than rejecting it, leaving her no room in which to outline another subject position of her own. What thus emerges in the second interrogation is a subject position into which she was placed, by which she was the object of attraction, but was also held entirely responsible for provoking it in Schlosser, making her simultaneously the subject and object of problematic desire. Although she was the passive party in the construction *das er sy lieb hab* ("that he loves her"), the judges attributed agency to Gerdrut, rendering Schlosser's own desire invisible. This may well have followed from the council's belief that Gerdrut was not a virgin, and have had roots in the broader mediaeval stereotype of women as more lustful than men. This understanding of sexual agency also prefigures Lyndal Roper's descriptions of the way male demand for prostitution was ignored by the courts in Augsburg prior to the Reformation, when judges began to prosecute for adultery men who had sex with prostitutes.[45]

By the latter stages of her second interrogation there are indications that the Augsburg councillors' notions of Gerdrut as a sexual agent had hardened into the suspicion that she was not only not a virgin, but a prostitute. The clearest evidence of this is a line of questioning about the brothel in Kaufbeuren, in which they may have suspected that she had worked.[46] In response to the council's questions, whose exact format can only be guessed at, Gerdrut said that "the executioner of Kaufbeuren was up in the brothel," and that "from time to time she went down to the brothel madam, Schlosser went into the brothel, and so they came after each other, and she hardly knows how".[47] The simplest explanation for Gerdrut's presence in the brothel was that she was working in it as a prostitute, though she may have had other reasons to enter the building from time to time if the executioner had a role in its administration. She appears in any case to have struggled to present a legitimate reason for her connection to the brothel. Her statement suggests that the council was particularly concerned to determine whether she and Schlosser had gone to the brothel together, which she appears to have denied, though

[45] Roper, "Mothers of Debauchery," 2.
[46] The foundation date of the municipal brothel in Kaufbeuren is not known, though in line with regional trends, this is likely to have been some time between the fourteenth and mid-fifteenth century, before it was eventually closed in 1543. See P. Schuster, *Das Frauenhaus* pp. 36-39, 182.
[47] StaA U, Gerdrut Birckin 1497: "der nachrichter zu kawffbewren sey oben uff dem frawenhawß inn seye sy ye zu zeytten zu ~~zu ir herab gannge[n]~~ der frawen wirtin herab gannge[n] sey der Schlosser hinein inn das hawß gannge[n] unnd seyen also hinder ain annder komen sy wisse selbs käm wie".

this part of her statement seems to admit that the two of them had occupied the building at the same time. The council may have viewed this as problematic, even if they did not suspect that she had been a prostitute there. The Nuremberg chronicler Heinrich Deichsler recorded an incident in 1501 in which a young man brought a female companion to a municipal brothel to spend the night. The following morning, the chronicle describes the prostitutes who lived there there taking hold of his companion and humiliating her by setting a straw crown on her head and claiming them for her own.[48] The episode suggests that even stepping inside a brothel may have defamed individual women, regardless of whether or not they were prostitutes. In Schlosser's case, he may well have been visiting the brothel in Kaufbeuren as a customer regardless of Gerdrut's presence there – indeed, this may have been where Gerdrut first made contact with him before asking for his help in getting to Augsburg – though she evidently struggled to convince the council that their simultaneous presence in the brothel had been coincidental.

The final lines of Gerdrut's second interrogation show a firmer indication that the council suspected her of prostitution, where she is recorded acknowledging herself as having "come into this miserable, reviled life" (*inn diß ellennd verschmecht leben komen*). The term *verschmecht* might be associated with the shame and dishonour that was attached to prostitutes, as shown in correspondence sent by a citizen of Augsburg to the town council of Esslingen in the year following Gerdrut's case. In her letter, Dorothea Beschin asked the councillors not to accept her husband's application to become brothel-keeper in the town, because it was a "reviled office" (*verschmechten ampt*).[49] The construction in which the term *verschmecht* appears in Gerdrut's case also signifies a particular subject position to which she was brought by the end of her interrogation, one which incorporates a strong degree of renunciation. By referring to her life as "reviled," a term incorporating disassociation, the language of Gerdrut's statement effectively disavows her own agency. At the same time, this denial of self is paralleled by her linguistic positioning by the council within a broader narrative of a shameful "life". Together these

[48] *Chroniken der deutschen Städte* 11 (Nürnberg 5) pp. 645-6. For the full text of the chronicle entry, see B. Schuster, "Wer gehört im Frauenhaus?", p. 220.
[49] Stadtarchiv Esslingen, F72 Frauenhaus, Letter of Dorothea Beschin, 1498: "…nach dem unnd ich verstanden und vernumen hab wie das mein eelich man Hanns Posch das offenn hawß zu Esslingen well beston und ain offner frawenwirt werden well dar umb so pitt ich einen ersamen Ratt umb gottes willen ime das nit verwilligen und günstlich wellent sein…so pitt ich ewr weißheit im nit hilfflich sein zü dem verschmechten ampt". Peter Schuster also cites Beschin's letter in a discussion of the marginalised status of brothel-keepers in the period; see *Das Frauenhaus*, p. 110.

steps reveal a subject position adopted under the assumption that Gerdrut had been the one to attract Schlosser, but which was clothed in the language of victimhood and renounced the possibility of agency. The subject position to which Gerdrut was brought by the end of her interrogation was a particularly pernicious one, because it incorporated both an object status and responsibility for provoking sexual attraction. The construction "miserable, reviled life" separated her as a subject from her own life, on whose shame and dishonour she was made to speculate, objectifying herself in the process. Gerdrut was made both the agent and the object of attraction, removing any responsibility from Schlosser. Most of Gerdrut's testimony in her second interrogation was also taken up with denial or claims of ignorance, leaving her no opportunity to resist. As a subject, Gerdrut was thus prompted to account for her own status as the object of Schlosser's desire, leaving no room for her to outline a positive subjectivity of her own.

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The concluding phrase in Gerdrut's testimony can be seen in this way as the final stage in a process of subjectification enacted by the council interrogators. By means of an operation comparable to those described by Arnold in the context of the Inquisition, Gerdrut Birckin was made to recognise herself – or was at least recorded to have done so – in a subject position by which she took responsibility for the seduction of Hans Schlosser. The position she assumed also can also be seen to deal with the threat of women's sexual agency by making it safe through an act of renunciation. The process of subjectification orchestrated by the council judges might be seen from this perspective in performative terms, as an act by which masculine anxieties about female sexuality, concentrated in the figure of the prostitute, were neutralised.

Gerdrut's case can also be placed in the context of increasing municipal pressure on clandestine prostitution towards the end of the Middle Ages described by Beate Schuster and Peter Schuster.[50] Whilst very few records of the prosecution of prostitutes survive from before the sixteenth century, the Augsburg city council's interest in interrogating Gerdrut might be seen as an early expression of the decreasing tolerance of prostitution which was to result in the closure of brothels across German-speaking regions around the time of the Reformation. The marked ambiguity over sex in Gerdrut's case might

[50] See above, p. 12.

also be indicative of the reluctance with which municipal courts dealt with female sexuality at this stage, though as Lyndal Roper has shown, in later decades the authorities in Augsburg were to become much more willing to engage in a more direct fashion with the issue of sex.[51]

Comparing Gerdrut's case with that of Repplin in chapter I also shows up a contrast in the manner in which women were categorised as a result of their sexual activity in the period of change between the fifteenth and sixteenth centuries. Around the turn of the 1400s, before many towns had established brothels, prostitutes might be exposed more often to disciplining and exclusion from their peers than from town councils. The relative lack of interest on the part of municipal authorities in making such women the focus of criminal proceedings may have resulted in more fluid possibilities of subjectification, perhaps allowing individual women to negotiate subjectivity more easily. By the turn of the sixteenth century, councils had begun to exert greater pressure on single women, who might expect to be moved forcibly into brothels if discovered to be sexually active, and began soon after this point to prosecute women for prostitution. These differing contexts may have meant that, whilst the council judges of the Zurich *Ratsgericht* appear to have been largely unconcerned to categorise Repplin as a result of her independent sexual activity, the possibility of illicit sex came quickly to dominate Gerdrut's encounter with the court in Augsburg. In her case, the suspicion that she was a prostitute resulted in her being coerced into a position by which she acknowledged a position as both sexual agent and victim, accepting agency and renouncing it in the same instant. In this way, the process of subjectification evident in Gerdrut's case can also be seen to mimic the objectifying effect of other municipal regulations of prostitution, such as clothing ordinances and licensed brothels. These structures provided a means to objectify supposedly lustful women, whose shame and dishonour was made plain by their physical occupancy of the brothel or their wearing of visible markers of their profession. By making Gerdrut acknowledge herself as the subject of a "miserable, reviled life," her interrogators brought her to the point at which she accepted a similarly shameful identity.

[51] See above, p. 115.

Chapter IV

Prostitution and the anxious masculine subject in mediaeval German literature

This chapter turns to the evidence of literary texts to map the emergence of a masculine subject in response to the perceived threat of female sexuality, concentrated in the figure of the prostitute. Building on recent work by Derek Neal and James Schultz on masculinity in courtly literature from mediaeval England and Germany, the chapter suggests that stories featuring prostitutes may have provided male audiences with a means to explore the anxieties generated by female sexual agency, and may also have been intended to serve a didactic purpose for women. Similarly to the manner in which the Nördlingen and Augsburg cases were shown to deal with the problem of female agency by means of a process of objectification, fictional depictions of prostitutes may have been another way for male writers and audiences to neutralise the same threat. This chapter explores a small selection of Middle High German texts which either feature prostitutes or brothels or which deal with the theme of women's independent sexual activity. All of the texts discussed here have a late mediaeval German or Swiss provenance, and an urban focus in terms of composition and manuscript circulation. These stories were mostly consumed by the patrician and wealthy mercantile classes whose members also staffed the judiciaries which handled the legal material discussed in Chapters I-III. They therefore provide a literary context with which to explore the anxieties and desires of the masculine subjects who themselves shaped the conditions of subjectification for the prostitutes who appear in these cases.

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Discussion of prostitutes and brothels in mediaeval fiction has thus far been mostly limited to brief surveys of texts in which prostitutes appear as literary characters, whilst little work has been done to explore the relationship between fictional and historical representations of prostitution. For French and Middle English literature, Ruth Karras examines prostitution and the commodification of sexuality in various *fabliaux*, and discusses some some well-known depictions of prostitutes in Chaucer's *Canterbury Tales*

as well as *Piers Plowman's* Janet of the Stews.[1] Working on French literature, Marie-Thérèse Lorcin examines the position of prostitutes in *fabliaux*, focussing in particular on their marginal social status.[2] John Baldwin also refers to a tale by Jean Bodel known as *Richeut*, a precursor of the French *fabliaux* written down around 1159-98, in which the eponymous Richeut abandons her vocation as a nun to become a prostitute.[3] More recently, Gertrud Blaschitz has provided a survey of literary depictions of prostitution in Middle and New High German texts, ranging from longer epic and lyric forms to *Mären* (short comic verse tales, similar to the French *fabliaux*) and Shrovetide plays (*Fastnachtspiele*) in which prostitutes or brothels are depicted.[4] Blaschitz's discussion proceeds from an uncomplicated understanding of the relationship between historical and fictional material, in which literary texts are presented as a mirror to the "reality" of historical conditions.[5] By contrast, Beate Schuster's *Die freien Frauen* presents a more nuanced exploration of the place of sexuality, and particularly of prostitutes, in late mediaeval and early modern Shrovetide plays and *Mären* in German-speaking cities.[6] Schuster argues that these fictional representation of prostitutes and brothels show the perspective of economically vulnerable classes of male labourers and apprentices, for whom access to brothels and prostitutes provided a means to offset anxieties resulting from the instability of their position.[7] She argues that brothels also imitated aristocratic culture in their provision of access to women, allowing lower-class men in the city to imitate their social superiors.[8]

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[1] See Karras, *Common Women*, p. 35.

[2] Marie-Thérèse Lorcin, "La prostituee des fabliaux: est-elle integree ou exclue?" *Senefiance: Cahiers du Centre univer- sitaire d'etudes et de recherches lnedievales d'Aix-en-Provence* I (1977), 106-17.

[3] Baldwin, *The Language of Sex*, pp. 36-37.

[4] Gertrud Blaschitz, "Das Freudenhaus im Mittelalter: *In der stat was gesessen / ain unrainer pulian*…", in *Sexuality in the Middle Ages and Early Modern Times. New Approaches to a Fundamental Cultural-Historical and Literary-Anthropological Theme* ed. Albrecht Classen (Berlin, 2008), pp. 715-50. Although antiquated, the term "Freudenhaus" is sometimes used in modern German to refer to a brothel.

[5] Blaschitz, "Das Freudenhaus," pp. 717-718: "Mittelhochdeutsche und frühneuhochdeutsche Literatur spielt bislang in der Erforschung von Prostitution und Freudenhäusern kaum eine Rolle, dennoch erlauben literarische Quellen wie Epik, Lyrik, Autobiografie und didaktische Werke, bunte Einsichten in die Materie zu gewinnen, das Bild abzurunden und neue Aspekte zu erschließen." ("Thus far, Middle and Early New High German literature has played hardly any role in research on prostitution and brothels, though literary sources such as epics, lyrics, and autobiographical and didactic works allow one to develop colourful insight into the topic, to flesh out the picture, and to open up new aspects of it."). On the issue of context and the relationship between history and fiction, see Robert M. Stein, "Literary criticism and the evidence for history," in *Writing Medieval History*, pp. 67-87.

[6] B. Schuster, *Die freien Frauen*, esp. Ch. 5, "Die Frauenhäuser und das Verständnis männlicher Sexualität," pp. 224-255.

[7] Ibid., p. 244.

[8] Ibid., p. 240. See also p. 233: "Mit der Verfügbarkeit von Dirnen in der Stadt grenzten sich die Städte, die sich in ihrer äußerlichen Gestalt zunächst nur wenig von Dörfen unterschieden, vom bäuerlichen Umland ab und näherten sich der höfischen Kultur an." ("The availability of prostitutes in cities, which in their

Rather than seeking to locate the 'real' in either historical or literary texts, this chapter examines how texts reflect and shape the emergence of subjectivities, exploring what Stephen Greenblatt calls the "conditions of representation".[9] According to this understanding, fictional texts show the emplotment of subject and object positions by an author, suggesting how individuals understood the possibilities of identification and agency. As Janet Halley and Sheila Fisher point out, fictional subjectivities demonstrate the possibilities of subjectification in the society in which the text originates, providing insight into the ways in which women – in this case, prostitutes – experienced selfhood.[10] They can also be seen to reflect desires or anxieties of an author and an intended audience. The authorship of the texts discussed here is universally male, and all feature female characters in various roles, or claim in various ways to be "about" women. Most of the texts discussed here construct a masculine audience more or less explicitly, though some also indicate a didactic aim with regard to women by presenting the negative consequences of female sexual agency. Fisher and Halley point to the fundamentally homotexual nature of male-authored literature about women in the Middle Ages: "…for a male author to write women in these periods was to refer not to women, but to men – to desire not relationship with women, but relationship to the traditions of male textual activity..." Such literature "responded to, manipulated, and projected desire upon other men and other men's writings as much, if not more, than they claimed to represent the extraliterary world and the women in it."[11] This chapter suggests that these texts make an appeal to a masculine audience in order to mitigate anxieties over female sexual agency, which took on a particularly threatening form in the figure of the prostitute.

Two recent studies of mediaeval literature and masculinity have also shaped the approach of this chapter to the problem of subjectivity and the relationship between the fictional and the historical. James Schultz's *Courtly Love, the Love of Courtliness, and the History of Sexuality* examines texts from the classical canon of Middle High German

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outer appearance differed only a little from villages, allowed them to distinguish themselves from their agricultural surroudings and brought them closer to courtly culture.").

[9] Stephen Greenblatt, "Fiction and Friction," in *Reconstructing Individualism. Autonomy, Individuality, and the Self in Western Thought* (Stanford CA, 1986) ed. Thomas C. Heller, Morton Sosna, and David E. Wellbery, pp. 30-52, here p. 46.

[10] Sheila Fisher and Janet E. Halley, "Introduction," in *Seeking the Woman in Late Medieval and Renaissance Writings. Essays in Feminist Contextual Criticism* ed. eadem (Knoxville TN, 1989), p. 6.

[11] Ibid., p. 4.

romance to propose that Arthurian literature provided the "consolations of fiction" to noble men of the twelfth and thirteenth centuries. Schultz suggests that one of the most striking features of these stories, the positions of servitude and humiliation endured by their knightly protagonists, reflects historical anxieties about the ever-increasing restrictions upon the abilities of aristocratic men to conduct private warfare and to gain access to women in the courtly culture of early thirteenth-century Germany.[12] Although chivalric literature placed its protagonists in scenarios entirely unlike those likely to be faced by its audience, in doing so it provided a way for the men who consumed it to explore the anxieties generated by the historical context in which they lived. Secondly, Derek G. Neal's *The Masculine Self in Late Medieval England* draws on both fictional and historical material in order to map out the contours of masculine subjectivity in the later Middle Ages. In the final chapter of his work, Neal presents psychoanalytic readings of several Middle English romances, arguing for these as historical evidence of masculine subjectivity. Neal bridges the gap between the fictional and the historical by means of what he refers to as the "literary subject," defined as "the referential entity in which all the action of the story takes place."[13] The text itself is thus the articulation of a masculine subjectivity, whose own narrative positioning of subjects and objects within itself marks out its boundaries.

Schultz and Neal make distinct arguments that literary texts performed the function of channeling anxieties faced by men in particular historical periods. This chapter argues that stories about brothels and prostitutes may have performed a similar, though more specific role in a late mediaeval urban context. Whereas Beate Schuster sees evidence in literature and drama for masculine anxieties over prostitution as the result of economic vulnerability on the part of lower classes of labourers and artisans, this chapter examines fictional texts from the perspective of the mercantile and patrician groups who consumed popular literature, or maintained private compilations of manuscripts. The texts examined here explore two main lines of evidence. Firstly, in their presentation of subject and object positions featuring prostitutes, they demonstrate some of the possibilities of subjectification for prostitutes in the society in which they were produced and consumed. The masculine imagination within which these stories were comprehensible was also that which guided the process by which women assumed

[12] James Schultz, *Courtly Love, The Love of Courtliness, and the History of Sexuality* (Chicago IL, 2006), pp. 173-174, 187.
[13] Derek G. Neal, *The Masculine Self in Late Medieval England* (London and Chicago IL, 2008), pp. 189-190.

subject positions in the legal case studies examined earlier, forming a bridge between historical and fictional realms. Secondly, in the manner suggested by Neal, these texts show the outlines of a masculine subjectivity which emerges in response to the phenomena of prostitution. In comparison to the legal material explored in chapters I-III, fiction can also be seen to give freer rein to that subject's anxieties, leading to more pronounced acts of objectification of prostitutes than is evident in a legal context.

The texts discussed here have been selected predominantly from edited collections of short Middle High German verse fiction and lyrics. Passages from one longer text, Heinrich von Neustadt's *Apollonius von Tyrland*, also feature.[14] Most come from the genre of *Mären* or *Minnerede* (discourses on love). [15] The majority of surviving *Mären* can be found in compilation manuscripts of short fictional works, whose provenance was amongst the urban nobility and mercantile classes.[16] All of those discussed here were produced and circulated in southern German-speaking regions in the later Middle Ages. Other than pointing to those who owned compilations of *Mären*, there is little surviving evidence with which to reconstruct the context in which they were consumed or performed. An older notion that they represent a popular counterpart to more respectable forms of courtly literature has now been dispensed with, though no more concrete thesis has taken its place.[17] Stories were usually performed by a mediating "Sprecher" (speaker), who was free to adapt texts by shortening, embellishing, or emphasizing certain sections.[18] They can be seen to represent an 'urban' literature on the basis that several well-known authors of *Mären* have been documented living in cities such as Augsburg and Nuremberg, whilst manuscript evidence shows that this was also where they predominantly circulated.[19] Many examples of the genre also take place

[14] All refereces to manuscripts are taken from the online "Handschriftencensus" (*http://www.handschriftencensus.de),* compiled by Rudolf Gamper (St. Gallen), Christine Glaßner (Vienna), Bettina Wagner (Munich), Jürgen Wolf (Marburg) and Karin Zimmermann (Heidelberg), with additional assistance from Astrid Breith (Berlin), Nathanael Busch (Marburg), Karl Heinz Keller (Vienna), Klaus Klein (Marburg), and Daniel Könitz (Marburg). The *Handschriftencensus* is a database of codicological data and information on current library and archival holdings of German-language manuscripts from the mediaeval and early modern periods. Individual texts discussed in this chapter are cited with their census webpage and a list of surviving manuscripts. Where known, the following information from the census is also provided for each manuscript: current location, callsign, dialect, date of compilation, information about authors, name(s) of the census contributor(s), and the date this information was supplied to the census.

[15] On questions of genre and classification of *Mären,* see Hanns Fischer, *Studien zur deutschen Märendichtung* (2nd edition) ed. Johannes Janota (Tübingen, 1983), pp. 29-34.

[16] Fischer, *Studien zur deutschen Märendichtung*, p. 32.

[17] Ibid., 220-221.

[18] Ibid., pp. 256-267.

[19] See below, pp. 129, 142, 147, 152.

explicitly in cities, some even naming an exact location, such as the tale entitled "The Woodcarver of Würzburg" (*Der Bildschnitzer von Würzburg*) discussed below.

Section I selects two texts which depict brothels and feature prostitutes as primary characters. The longer and more detailed of these consists of an episode from Heinrich von Neustadt's *Apollonius von Tyrland* (*Apollonius of Tyre*) which is discussed alongside *Die Sünderin* ("The Sinner"), a short religious narrative with a Swiss provenance. Both display a deep-seated ambivalence about prostitutes' sexual agency, with a result that the subjectivity of the prostitute character in each signals in a highly ambiguous fashion which is geared towards renunciation and self-denial. Part II continues with the theme of brothels, examining a fifteenth-century *Märe* entitled *Liebesabenteuer in Konstanz* ("Amorous Adventures in Constance"), and Oswald von Wolkenstein's (1376/8 – 1445) lyric *Wer seines Leids ergetzt well sein* ("Whoever Wants to Forget his Troubles"), both of which recount individual men's interactions with prostitutes in the city of Constance. This section argues that the brothels in these stories represent sites of danger for male characters by exposing them to the risk of objectification by prostitutes, thus calling into question the efficacy of brothels in serving men's perceived sexual needs.

Part III explores a set of texts which depict women, some of them prostitutes, exerting sexual agency with mostly adverse consequences for male characters. *Fünfzig Gulden Minnelohn* ("Fifty Gulden in Love Pay") by the Augsburg poet Claus Spaun and *Der Bildschnitzer von Würzburg* ("The Woodcarver of Würzburg") by Hans Rosenplüt of Nuremberg, are both decidedly urban in their setting and circulation, and show female characters negotiating the status of their honour under male supervision in the context of adultery. Honour was a key element of social classification in the late mediaeval city, where women's sexual behaviour held the key to their social identity. This section contextualises the literary material with evidence of court records from late mediaeval Zurich which show how honour was connected to reputation as a form of knowing. Literary authors can also be seen to construct honour as a problem of knowledge, by which male characters deal with the problem of discovering and monitoring female sexual transgression. In this way, these texts can also be seen to channel masculine anxieties about clandestine prostitutes. Whilst brothels made the status of women who worked in them very clear, as chapter I demonstrates, for prostitutes who operated outside them the connection between sexual activity and identity could be much more

ambiguous. This also created a problem for men who were unsure of the sexual status of female family members under their supervision, whose sexual transgressions could have shameful consequences.

This section concludes by examining three further texts, the anonymous *Frau und Magd* ("Lady and Maidservant"), *Stiefmutter und Tochter* ("Stepmother and Daughter") and *Der Spalt in der Wand* ("The Crack in the Wall"). These stories are told from the standpoint of an eavesdropping male narrator who secretly listens to women's conversations about sexual topics and their efforts to deceive men, whilst also retaining their honour. Ann Marie Rasmussen has identified a specific subgenre of such "eavesdropping" tales in mediaeval German literature, and demonstrated that they enjoyed an unusally high circulation in southern German-speaking cities throughout the later Middle Ages. Here, these texts are discussed in terms of the process of objectification they depict, by which women are constucted as objects of knowledge to be discovered by a male narrator and shared with an implied masculine audience. In several of these stories, Rasmussen reads the female speakers as prostitutes, in which an older and more experienced woman passes on secret knowledge about deceiving men to a younger counterpart.[20] The "ways of knowing" depicted in these stories bear a strong parallel to masculine discourses of secrecy identified by Karma Lochrie and discussed in chapter II, and as such can be seen as further evidence of an anxious masculine subject for which objectification provides a means to neutralise the the threat of female sexual agency.

I – Prostitutes and ambiguous subjectivity

Apollonius von Tyrland and *Die Sünderin*

The municipal brothel of the later Middle Ages served several purposes. From the perspective of municipal councils which established and administered them, brothels could be seen both as a source of income and as a civic resource which catered to the

[20] Ann Marie Rasmussen, "Gendered Knowledge and Eavesdropping in the Late-Medieval Minnerede," in *Speculum* 77:4 (October, 2002), 1168-1194. For the origins of the "Eavesdropping male narrator" subgenre, see Hermina Joldersma, "The Eavesdropping Male: "Gespielinnengesprächslieder" from Neidhart to the Present," in *Euphorion* 78:1 (1984), 199-219. For the motif of eavesdropping and voyeurism in mediaeval literature at large, see A. C. Spearing, *The Medieval Poet as Voyeur. Looking and Listening in Medieval Love Narratives* (Cambridge, 1993).

sexual needs of the unmarried male populace of a town.[21] Brothels might also be seen as a means of containing the sexual activity of clandestine prostitutes, or as a repository for lustful women whose activity might otherwise lead to scandal. The sexual objectification of women in brothels thereby fulfilled an ideological function because of universalizing discourses on prostitution in the Middle Ages which insisted that all women were in danger of becoming whores.[22] Whilst they supposedly served a simple need, brothels could therefore also be charged with gendered significance. The object status of prostitutes themselves presented difficulties, however. Whilst municipal prostitutes were not in theory supposed to reject a customer, as individuals they were embued with the capacity for agency. As a consequence, their subjectivity in literary texts can be seen to signify ambiguously.

The story of Apollonius of Tyre, whose original Greek version does not survive, is thought to have been translated into Latin between the fifth and sixth centuries, and subsequently into a number of vernacular languages throughout the Middle Ages.[23] The story was one of the most widely-circulated of the mediaeval period, and remained popular into the early modern era whilst registering hardly any changes to its basic plot. The earliest surviving Middle High German version was written by the Viennese doctor Heinrich von Neustadt around 1300. The Latin *Historia Apolloni regis Tyrii* furnished him with material for around a quarter of his own *Apollonius von Tyrland*, whose entirety comprises 20645 lines. Heinrich von Neustadt's text survives in five complete manuscripts and in a fragment from the fifteenth century, some of which are illustrated.[24] The story also appeared in three independent Middle High German versions. Two of these were prose translation from the Latin made in the fifteenth century: the

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[21] See above, p. 10.

[22] See Karras, "Prostitution and Sexual Identity," 67.

[23] On the Latin manuscript tradition see G. A. A. Kortekaas, *The Story of Apollonius, King of Tyre. A Study of its Greek Origin and an Edition of the Two Oldest Latin Recensions* (Leiden, 2004). On the circulation of Latin and vernacular versions in the Middle Ages and Renaissance, see Elizabeth Archibald, *Apollonius of Tyre. Medieval and Renaissance Themes and Variations* (Woodbridge, 1991), pp. 45-51. For the Middle High German manuscript transmission, see Wolfgang Achnitz, "Ein neuer Textzeuge zu Heinrichs von Neustadt 'Apollonius von Tyrland'," in *Zeitschrift für deutsches Altertum und deutsche Literatur* 32:4 (2003), 453-459.

[24] Manuscripts: http://www.handschriftencensus.de/werke/859: (i) Amorbach, Fürstl. Leiningensches Archiv; no callsign (fragment); circa 1400-1420. Dialect: Bavarian [Wolfgang Achnitz (Oldenburg/Münster), May, 2012] (ii) Gotha, Forschungsbibl., Cod. Chart. A 689; circa 1465. Dialect: Bavarian [Wolfgang Achnitz (Oldenburg / Münster), May, 2012] (iii) Strasbourg, National- und Universitätsbibl., ms. 2334 (previously L germ. 359.2°); 1341. Dialect: Bavarian [Wolfgang Achnitz (Oldenburg/Münster)/Gisela Kornrumpf (Munich), May, 2012] (iv) Vienna, Österr. Nationalbibl., Cod. 2879; 1461. Dialect: Bavarian [Wolfgang Achnitz (Oldenburg/Münster), May 2012 (v) Vienna, Österr. Nationalbibl., Cod. 2886; 1467. Dialect: Bavarian-Austrian]. Written according to a partially-damaged scribal note (Bl. 120vb) for a female member of the noble family of Uttendorf, based in Bavaria, Salzburg, and Lower Austria [Wolfgang Achnitz (Oldenburg/Münster), May, 2012].

anonymous so-called *Leipziger Apollonius*, and Heinrich Steinhöwel's *Apollonius von Tyrland*, adapted from Godfrey of Viterbo's version of the text in his *Pantheon.*[25] A third version written in the mid-fifteenth century in an East Middle German, the *Breslauer Apollonius*, was destroyed during the second world war.[26]

The overarching narrative of the story follows the fate of Apollonius and his journeys around the Mediterranean, beginning when he solves a riddle to win the hand of the daughter of King Antiochus, and, discovering their incestuous relationship, is forced to flee. The latter stages of Heinrich von Neustadt's version present an episode largely set within and around a brothel, whose basic narrative runs as follows: Apollonius gives his daughter Tarsia over to the care of a married couple from Tarsus, where she grows into a beautiful girl of fifteen, receiving a good education in the liberal arts. Soon afterwards, she is kidnapped by pirates and brought to the city of Mytilene (in modern Greece) where she is sold to a brothel-keeper who outbids the lord of the town, Athanagoras, to win her. The brothel-keeper takes Tarsia to the brothel and tries to put her to work. A series of clients come to see her, to whom she explains her circumstances. She persuades each of them to pay her without having sex, allowing her to make money for the brothel-keeper whilst retaining her virginity. Eventually the brothel-keeper sends one of his servants to rape Tarsia in order her to break her will, though once again she wins the man over, persuading him to allow her to give a public demonstration of her skill with the harp in the marketplace to earn money. Despite making a significant sum of money from the performance she does not manage to buy her freedom. At this point, however, Apollonius lands in the harbour, leading to a joyful reunion of father and daughter. The brothel-keeper is then condemned to be burned to death on a pyre as Tarsia leaves with her virginity intact, later to be married to Athanagoras.

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[25] For the *Leipziger Apollonius* see http://www.handschriftencensus.de/5348: (i) Leipzig, Universitätsbibliothek, Ms. 1279; 1400-1450. Dialect: Ostmitteldeutsch (Eastern Middle German) [Jürgen Wolf, February, 2013]. For Steinhöwel's *Apollonius*, see http://www.handschriftencensus.de/werke/3181: (i) Karlsruhe, Landesbibliothek, Cod. Donaueschingen 86; ca. 1470-80. Dialect: Swabian/lower Alemanian [Heinrich Niewöhner (1936), March, 2013] (ii) Karlsruhe, Landesbibl., Cod. Donaueschingen 150; 1486. Dialect: West Swabian [Heinrich Niewöhner (1936), February 2013] (iii) Nürnberg, Germanisches Nationalmuseum, Hs. Merkel 2° 966; 1524-26. Written by Valentin Holl in Augsburg [Walter Kofler / Michael Krug (Erlangen), November, 2012] (iv) Trient, Stadtbibl., Cod. 1951; 1488. Dialect: Bavarian/Austrian. Written in Schloss Rocken for the Count of Thun in Switzerland [contributor unlisted, July 2009] (v) Wien, Österr. Nationalbibl., Cod. 4119; 1450-1500. Dialect: Bavarian-Austrian. Written by Benedictine monk Johannes Hauser in Mondsee, close to Salzburg [Gisela Kornrumpf (Munich) / Christine Glaßner (Vienna), August, 2012] (vi) Wolfenbüttel, Herzog August Bibl., Cod. 75.10 Aug. 2°; 1468. Dialect: East Swabian [Gisela Kornrumpf, June, 2012].

[26] Manuscripts: http://www.handschriftencensus.de/7412 (i) Breslau / Wrocław, Stadtbibl., Cod. R 304; 1465. Dialect: East Middle German [Jürgen Wolf (Berlin) / Ralf G. Päsler (Marburg), August, 2012].

The brothel episode creates drama from the danger to the happy reunion of Tarsia with her father, Apollonius, and to her eventual marriage to Athanagoras. Despite the fact that she is sold into a brothel and spends some time there, there is little real sense in which Tarsia can be thought of as a prostitute – indeed, in this part of the text her most distinctive trait is her resistance to becoming one. In an appeal to God to deliver her from her predicament, Tarsia identifies herself as both a poor *dirnelein*, [l. 15691] a word which could be used to mean both a maidservant or a prostitute, and as a "pure maiden" (*ain raine magt*) [l. 15680].[27] Whilst she may appear to outsiders to be a prostitute by residing in the brothel, the latter term is a more accurate expression of her subjectivity, which is grounded upon her refusal to give up her virginity. The implications for her of having sex are made clear by the brothel-keeper, who purchases her and states that not only would she be forced to stay in the brothel if she did so, but would even remain willingly: "If she is made a woman / she will gladly stay here with me" (*Wirt ain weyb gemachet sy / So peleybet sy gerne pey mir hie* [ll. 15810-11]). Having sex would thus entail a process of resubjectification and a rerouting of Tarsia's agency. Tarsia herself makes clear the implications of losing her virginity by stating that she would prefer to die than have sex in the brothel, and so renounce entirely her subjectivity and the possibility of further agency:

Herre, nu tue mir dein hilffe schein
Und lose mich von sender not
Oder sende mir den grymen dot!
Mein hertze leydet grossen sturm:
Nu wollte Got, wär ich ain wurm!
So verpurg ich mich doch
Etswa in ain claines loch
Untz das mich der tod mich neme,
Das ich von schanden kame
Und von poshait verjagt:
So sturb ich doch ain raine magt

[27] See Introduction above, p. 15.

Lord, now send me your help
And release me from this misery
Or send me grim death!
My heart is suffering a great battle:
If God only wished, I would be a worm
Then I would hide myself
Somewhere in a little hole
And would death take me
So that I could escape shame.
And driven out from wickedness
Thus would I die a pure maiden.

[ll. 15681-91]

The transformation conceived of in these passages, by which Tarsia is threatened with the loss of her subjectivity and the assumption of a new, subservient position in the brothel, can also be seen to resemble that discussed in Chapter III on the part of Gerdrut Birckin. In both instances, women's loss of their virginity is assumed by men to lead to a fundamental transformation which engenders further sexual desire.[28] Whilst the subjectivity of Gerdrut and Tarsia is generated in different contexts, neither woman is able to occupy a subject position which incorporates both sexual activity and narrative agency. Their subjectivities can be seen to operate according to a similar logic to that of the paradox of virginity described in the western tradition of courtly literature by R. Howard Bloch. Bloch describes how the virgin must remain "unseen, unspoken, and even unthought" in order to remain a virgin, and thus retain her subjectivity.[29] For Tarsia, it is clear that in the narrative context she occupies, sex would result in a similar destruction of her subjectivity.

Tarsia's position can also be seen to be reflected in illustrations which accompany the brothel passages in two fifteenth-century versions of the text. Vienna, Österreichische Nationalbibliothek Cod. 2886, a version of Heinrich von Neustadt's *Apollonius von Tyrland* written in 1467, contains several drawings of the brothel episode. One of these [see fig. 9] depicts Tarsia in the brothel, praying alone in a separate chamber whilst a client grasps

[28] See above, p. 117.
[29] R. Howard Bloch, *Medieval Misogyny and the Invention of Western Romantic Love* (Chicago IL, 1991), p. 156.

the door handle outside, passing another man apparently on his way out. Elsewhere in the brothel, two prostitutes look out onto the street, where a well-dressed man wearing a sword embraces a woman, whilst a fourth woman observes them at street level. The image seems to encapsulate several passages from the text, showing both Tarsia's appeal to God and the unsuccessful attempts of brothel clients to take her virginity. Although little is known about the layout of historical brothels, the image seems to make no clear attempt at a realistic depiction, so that the building merely frames the figures within it. The image can be seen reflect Tarsia's subject position in the text in several respects. She is shown occupying a separate room in the deepest part of the building, and is entirely enclosed by the walls of her chamber. Her virginity is thus closely linked to enclosure in a manner comparable to that of female religious, for whom virginity was the basis of their identity.[30] The menace posed to Tarsia's subjectivity by the men outside the chamber may have been one of the most compelling aspects of the brothel episode, one thought worthy of illustration.

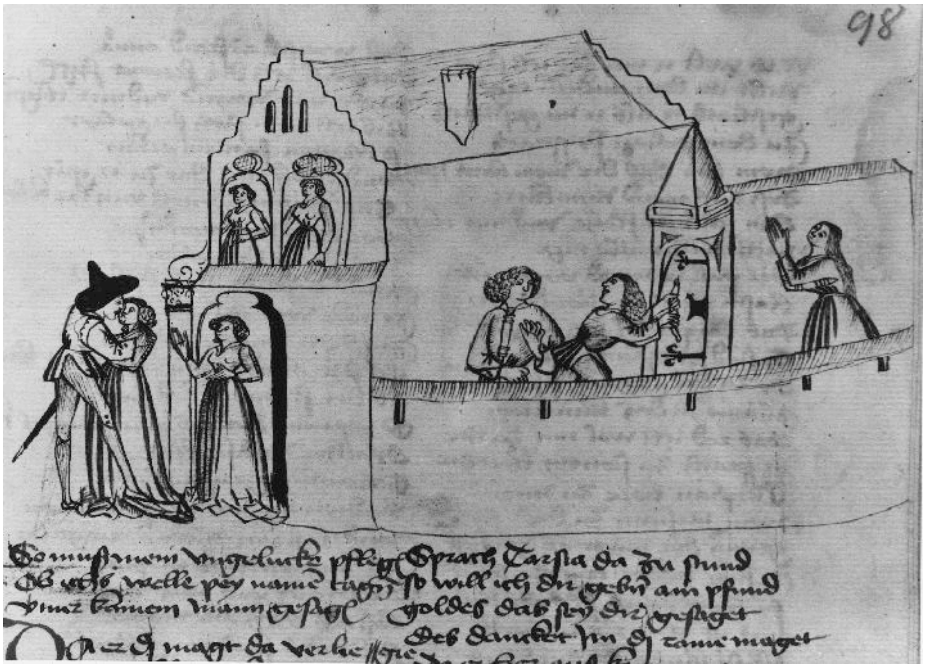

Fig 9: Vienna, Österreichische Nationalbibliothek Cod. 2886 f. 98r (1467) – Tarsia in the brothel (I)

[30] See Sarah Salih, *Versions of Virginity in Late Medieval England* (Cambridge, 2001), p. 118: "Female-specific monastic practices such as the stricter enclosure demanded of nuns are therefore grounded in the valuation of nuns' virginity."

A similar scene is depicted in a woodcut from Johannes Bämler's 1476 Augsburg print of Heinrich Steinhöwel's *Apollonius* [see fig. 10]. Here, Tarsia is once again depicted occupying a chamber in the brothel as a brothel client approaches, spurred on by the brothel-keeper. In this image she shares the chamber with a woman who tends to her, whose headdress suggests that she may also be a brothel-keeper. A caption below reads "How the brothel-keeper calls a peasant to shame Tarsia, and [how] he left her pure" (*Wie der frauen wirt ein pauren berůffet tarsiam zů schmehen und er sÿ auch rain ließ*). The image once again places Tarsia in a separate space to that occupied by a man who hopes to have sex with her, though in this case the degree of enclosure is lessened by the open doorway. By showing the separation, the image nonetheless suggests that Tarsia is never truly subsumed within the brothel. The caption makes clear the danger of Tarsia being shamed (*schmehen*) through sex, indicating that Tarsia's retention of her separate subject position is dependent upon sexual honour.

Wie der frauen wirt ein pauren berůffet tarsiam zů schmehen.
und er sÿ auch rain ließ

Fig 10: Heinrich Steinhöwel, *Apollonius von Tyrland* f. 121r. Print by Johannes Bämler (Augsburg, 1476). Tarsia in the brothel (II)

The narrative logic of *Apollonius von Tyrland* thus suggests that in the context of prostitution, the only positive form of female subjectivity is one based upon refusal and

denial. Ultimately, this model of subjectivity can be seen to rest upon a deep-seated anxiety about the sexual agency of prostitutes. The brothel episode of *Apollonius von Tyrland* can be seen to deal with this fear by presenting a female character for whom becoming a prostitute constitutes a renunciation of subjectivity and the possibility of agency. Having resisted subumption into the brothel, Tarsia is eventually married, at which point her sexuality may be expressed within the only appropriate outlet. The brothel, by contrast, is constructed as a repository of "lost" women. This aspect of the text may have been intended as a didactic message for a female audience. Whilst the audiences for the various versions of *Apollonius von Tyrland* are largely unknown, its popularity would have ensured a significant number of women would have known the story. Vienna Codex 2886, containing illustration shown in fig. 9, is also known to have been produced in 1467 for a female member of the noble family of Uttendorf, based in south-western Germany and Austria.

A comparable literary construction of female subjectivity in the context of prostitution can be observed in a second, much shorter text featuring a prostitute character. *Die Sünderin* ("The Sinner") is a short verse tale whose sole surviving manuscript is part of a collection of short stories and historical material compiled between the fifteenth and sixteenth centuries.[31] The codex containing the story belonged at one stage to the collection of Aegid Tschudi (1505-1572), a Swiss historian and diplomat from the town of Glarus, suggesting that the story circulated primarily amongst a patrician audience.[32] The narrative is based upon the well-known trope of the repentant prostitute, whose most significant representation, Mary Magdalene, is one of several well-known prostitute saints who populated Scripture and Patristic texts, as well as a body of mediaeval sermons and *exempla*.[33] The protagonist of the story is a monk whose sister works in a brothel. Concerned for her spiritual welfare, he urges her to renounce her sinful life; she quickly agrees and leaves the brothel. Together the pair journey through a forest, but are separated for a short while when the monk overhears a group of people talking nearby. Fearing that they might suspect them of having a sexual relationship, he tells his sister to

[31] Parts of the codex St. Gallen, Stiftsbibliothek, Cod. 643 containing the text have been edited by Hanns Fischer and published as *Eine Schweizer Kleinepiksammlung des 15. Jahrhunderts* (see above, p. 16 n 85).
[32] On Tschudi's collection of books and its disposal, see Johannes Duft, "Aegid Tschudis Handschriften in der Stiftsbibliothek St. Gallen," in *Zeitschrift für Schweizerische Kirchengeschichte* 53 (1959), 125-137.
[33] On the Magdalene tradition, see Katherine Ludwig Jansen, *The Making of the Magdalen. Preaching and Popular Devotion in the Later Middle Ages* (Princeton NJ, 2001). On prostitute saints, see Ruth Mazo Karras, "Holy Harlots: Prostitute Saints in Medieval Legend," in *Journal of the History of Sexuality* 1:1 (July 1990), 3-32. For *exempla* featuring prostitutes, see the index heading "harlot" in Frederic C. Tubach (ed.), "Index Exemplorum. A Handbook of Medieval Religious Tales," *Folklore Fellows* LXXXVI 204 (Helsinki, 1969).

hide, but she dies before he can return to find her. In a state of distress he returns to his monastery to ask his fellow monks whether she had been saved; at that moment an angel appears and informs him that, having renounced her sins, his sister is now with God in heaven.

Whilst the unnamed prostitute of *Die Sünderin* is a significantly less well-developed character than Tarsia of *Apollonius von Tyrland*, both women play a similar role in each narrative with regard to brothels. Just as Tarsia's agency is geared towards resisting subsumption within the brothel, the prostitute character of *Die Sünderin* exerts agency only in the act of leaving it. She is virtually a flat character in that, despite rejecting her status as a prostitute, there is little sense in which she undergoes any significant development. She possesses agency only within the narrative structure which propels her towards renunciation. Her first words in the text express her desire to leave the brothel, responding to her brother's urging by saying, "Oh, tell me dear brother, if God wished to forgive my sin, I would soon go on with you" (*ach, sag mir lieber bruoder min, wölte mir got noch min süd vergeben, so wölt ich mit dir gar balde streben*) [ll. 22-24].[34] Even where the unnamed woman of *Die Sünderin* does act, she is heavily shepherded by her brother, and does nothing of her own volition. When she dies, she passes from his supervision directly to that of God, becoming "God's child" (*gottes kinde*) [l. 74], once again re-accommodated under patriarchal authority. Her death is given no immediate explanation, though on the narrative level it is clear that, having repented, she has no further scope for agency. To the extent that the she can be said to be a subject, her subjectivity geared entirely towards its own renunciation; once this is achieved, her physical presence in the tale simply evaporates.

In neither *Die Sünderin* nor *Apollonius* does the text countenance sexual agency within the context of prostitution – in other words, the women in them do not signify *as prostitutes*. Moreover, the brothel of *Die Sünderin* is presented once again as a critical threshold beyond which women may not return. When entreated to leave the brothel by her brother at the outset of the tale, the unnamed woman tells him that "if I came back into that house, perhaps I would hardly come out again" (*käm ich wider in das hus, so käm ich vilicht kum wider herus*) [ll. 33-34]. Whilst, unlike Tarsia, she is already a prostitute, it is clear that there remains some risk of her being "lost" by remaining in the brothel itself. As

[34] Fischer, *Schweizer Kleinepiksammlung*, p. 90.

well as being understood to protect society by containing the dangerous sexual agency of lustful women, significant value may also have been attached to the idea of the brothel as a closed environment which was difficult for women to escape.

II – The danger of the brothel

The anonymous *Märe*, *Liebesabenteuer in Konstanz* ("Amorous Adventures in Constance") and Oswald von Wolkenstein's lyric *Wer seines Leids ergetzt well sein* ("Whoever wants to forget his troubles"), were both written in the fifteenth century, and are set in brothels in the southern German city of Constance. Whereas Heinrich von Neustadt's *Apollonius* was written before the large-scale institutionalisation of prostitution, both texts depict the municipal brothel as a familiar urban institution. Constance was may also have been particularly associated with prostitution in this period after the enormous influx of prostitutes which supposedly accompanied the ecumenical council of 1414-1418. The chronicler Ulrich von Richeltal estimated the number of "official" prostitutes who came to the city to be seven hundred, in addition to a further unknowable number of "secret" women.[35] Both *Liebesabenteuer* and *Wer seines Laids* show a visit to a brothel going wrong, in which the expected outcome – sex with a prostitute – fails to take place. Dramatic effect is generated by the creation of anxiety about the efficacy of brothels in meeting the perceived sexual needs of customers. Rather than being passive objects, prostitutes in these stories are shown exercising choice between customers (an action known to be against the rules in some brothels), exercising sexual agency at the expense of men.[36]

In *Wer seines Laids ergetzt well sein*, Oswald describes his interactions with several woman in a brothel in Constance, a city he may have known well, having served in the retinue of King Sigismund at the council. Coming from a noble background in south Tirol, Oswald is one of the most well-documented literary figures of the Middle Ages.[37] His 130 surviving songs were written down in two collections he produced himself in 1424 and 1433. Only a small number of his songs were written on commission or intended to be performed to a courtly audience; many were produced during periods of isolation from

[35] Ulrich von Richental, *Chronik des Constanzer Concils 1414-1418* ed. Michael Buck (Tübingen, 1882), p. 215.
[36] See Introduction above, p. 16.
[37] See Dirk Joschko, *Oswald von Wolkenstein. Eine Monographie zu Person, Werk, und Forschungsgeschichte* (Göppingen, 1985), pp. 60-63. On Oswald's life and his literary production, see Thomas Cramer, *Geschichte der deutschen Literatur im Spätmittelalter* (Munich, 1990), pp. 61-66.

the royal court, and have been described as being oriented towards an urban audience.[38] *Wer seines Laids* is laced with irony and self-parody, whilst Oswald complains throughout of the high prices of the services offered there and of the greed of the brothel-keeper. The lyric records how during the course of his visit he is rebuffed by three prostitutes and criticised by them for his arrogant behaviour. One of them punches him on the ear, another rejects him as a dance partner, and the third turns him away while she waits for more noble customers to come along. He leaves the brothel with an ironic promise to tell everyone he meets about the good prices in the brothels of Constance.

Liebesabenteuer in Konstanz ("Amorous adventures in Constance") survives as part of the so-called Holl manuscript, a large collection of *Mären* and other longer works of mediaeval fiction written down between 1524 and 1526 by the Augsburg scribe Valentin Holl, apparently for personal use.[39] The tale begins with the narrator meeting three men in a tavern, to whom he relates his experiences of a recent visit to a brothel in the city, and the "false love" he experienced there. He starts by describing his approach to the brothel where, having been enticed into the building by a finely-dressed woman at the door, he lays down his money and is served a cup of wine. As he begins to relax, the woman who lured him in begins to seduce him, offering him her body. Just as he believes they are about to have sex, she leaves him to answer a knock at the door, before vanishing to spend the night at a priest's house. The narrator immediately realises what has happened and curses himself for a fool for losing his money, slinking away naked and ashamed with his shirt on his arm.

Whereas the brothels of *Apollonius von Tyrland* and *Die Sünderin* threaten to subsume female subjects, in *Wer seines Laids* and *Liebesabenteuer* the brothel is primarily dangerous for men, who risk becoming the objects of prostitutes' sexual choice by entering. Instead of guaranteeing access to women, these stories throw open to question the efficacy of brothels in fulfilling masculine sexual needs, whilst also casting men's own sexual agency into doubt. The prostitutes who inhabit the brothels in these stories are constructed as subjects who freely exert sexual agency at men's expense, and whose own desire –

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[38] Cramer, *Geschichte der deutschen Literatur*, p. 65.

[39] Manuscripts: http://www.handschriftencensus.de/werke/4274: 1524-1526: Nürnberg, Germanisches Nationalmuseum, Hs. Merkel 2° 966 [Walter Kofler / Michael Krug (Erlangen), November, 2012]. On Holl's literary collection, see Dieter H. Meyer, "Literarische Hausbücher des 16. Jahrhunderts. Die Sammlungen des Ulrich Mostl, des Valentin Holl und des Simprecht Kröll," in *Würzburger Beiträge zur deutschen Philologie* 2, 1/2 (Würzburg, 1989), 134-270. On Holl, see also Fischer, *Studien zur deutschen Märendichtung*, p. 238.

whether for sex or money – threatens the male narrator.[40] Both texts deal initially with this threat in a similar way. At the outset, both construct a sympathetic masculine audience in order to mitigate the danger of the brothel and generate solidarity with the narrator. *Der seines Leids* does so in its opening lines with the ironic invitation, "Whoever wants to forget their troubles / and to be shaved dry / should go to Constance on the Rhine / if the journey should so suit him" (*Der seines laids ergeczt well sein / und ungeneczt beschoren vein / der ziech gen Costnitz an den Rein / ob im die rais wol füge* [1-4]), and in the complaints about the expense of the brothel with which Oswald closes.[41] *Liebesabenteuer* also constructs a community of masculine listeners in the tavern scene with which the story begins, the narrator describing his drinking companions engaging in "strange gossip" (*seltsam stempenei* [6]) and asking him "what can you say about loving? Do you have any new stories? We like hearing about love and loving" (*was sagst uns von der bulschaft her? / haust niendert etwan neue meer? / von lieb und bulschaft hört wir gern* [13-15]).[42]

By portraying men's failure to have sex with prostitutes in brothels, these stories can be seen to explore anxieties about the ability of men to act out their part as sexual agents within a system designed to accommodate them, but one which demanded that they take up a subject position of dominant masculinity. Failing to fulfil this role leads men to assume the position normally assigned to prostitutes – objects of sexual choice – making brothels a place of danger rather than a solution to a perceived sexual need. Together, the key aspects of the four texts discussed thus far – denial of prostitutes' sexual agency, and the failure of men to assume dominant subject positions in brothels – can be seen to express the anxieties of a masculine subject with regard to brothels and the prostitutes who worked in them. These stories might be seen to provide the "consolation of fiction," to return to James Schultz's phrase, to an urban, masculine audience for whom brothels were a familiar institution.

[40] See Beate Schuster's discussion of the text in *Die freien Frauen*, pp. 243-4.
[41] Kurt Karl Klein (ed.), *Die Lieder Oswalds von Wolkenstein* (Tübingen, 1962), p. 310.
[42] Fischer, *Märendichtung des 15. Jahrhundert,* p. 384.

III – Independent female sexual agency

Fünfzig Gulden Minnelohn and *Der Bildschnitzer von Würzburg*

This section examines masculine anxieties about female sexual agency in two further *Mären*, looking in particular at the issues of honour and social classification. *Fünfzig Gulden Minnelohn* ("Fifty Gulden's Love Wage") and *Der Bildschnitzer von Würzburg* ("The Woodcarver of Würzburg") deal in differing ways with adultery, a favourite topic of *Mären*.[43] For women in the Middle Ages, honour was constructed predominantly in sexual terms, meaning that those who committed sexual transgression might expect to be identified in public through the damage to their honour. Court records produced around the same time that these stories were written down make clear the extent to which honour depended upon knowledge, and how honour, like reputation, could be understood as a form of social knowledge. J. A. Sharpe identifies a pattern in slander cases from early modern York whereby individuals complaining about insults claimed that that their antagonist had said that they "wanted to prove" something injurious about them.[44] Insult cases from Zurich featuring accusations of whoredom show how aggrieved parties might also make claims of this kind. In a case from 1397, Claus an der Silen's wife said that when she asked C. Bronen about a goose she had lost, he called her "a very wicked woman, a whore and a thief," and said that he "wanted to show" that she was these things.[45] Similarly, in 1398 Elsi Fryman complained to the court that a man named Staldiner had hit her and tore at her hair, claiming that "he wanted to prove that she was a very wicked whore."[46] In a comparable manner, Trevor Dean has identified patterns of insults in late mediaeval Bologna whereby men claim sexual knowledge of their victims in order to shame them.[47]

The two texts discussed in this section explore the consequences of women's engagement in illicit sex, revealing a deep-rooted masculine ambiguity towards female sexual agency. These texts deal with problems of knowledge, showing male authors

[43] Cramer, *Geschichte der deutschen Literatur*, p. 282.
[44] Sharpe, "Defamation and Sexual Slander," p. 16.
[45] StaZH BVI, 196, f. 263v: "Es klaget Claus and der Silen wib…Jacob Refel uff C. Bronen dz si ir gens verlor den fragt si nach do sprach er frefenlich zu ir si wer der recht bosen frawen eine und wer ein zers blutende hur und ein verhite zers diebin und wolt och dz wisen".
[46] StaZH BVI, 196a f. 77v: "Es klaget Elsi Frymanin…Spenli Pfist[er] uff den Staldiner Weber dz er si frevenlich slug un[d] haret un[d] sprach zu iro schalklich er wolt bewisen dz si ein recht bosi hur wer".
[47] Dean, "Gender and Insult," p. 221.

grappling with the consequences of female sexual transgression becoming public. *Fünfzig Gulden Minnelohn*, firstly, survives in a single copy in Valentin Holl's compilation. It was authored by the Augsburg merchant and poet Claus Spaun, who was active between 1500-1520.[48] Spaun's narrative follows four main characters – a student, a wealthy burgher, his wife, and her older maid, the latter playing the role of procuress by persuading the wife to commit adultery. The story begins with the student, whose father sends him away to the city with fifty *gulden* to pay for his studies in order that he can become a famous scholar. The student arrives at an unnamed university town where he catches sight of the burgher's wife as she walks past him with her maid. The maid overhears the student loudly proclaim that he would gladly give up his fifty *gulden* to sleep with her mistress for a single night; without delay, the maid tells her mistress about the student's statement and urges her to meet with him. When the student arrives that night, he is led secretly to a room beside the privy and told to wait. Feigning abdominal pain, the wife makes her excuse to leave, and hurries to the student. Having offerered to accompany her, the husband stands outside the door singing loudly while she and the student have sex, a ruse she repeats twice more in the same evening.

In the light of day the student realises how foolish he has been by wasting his money, and goes around the town loudly declaring his misfortune, when he is overheard by a sympathetic bystander. This turns out to be the cuckolded husband. Having realised his wife's deception, the husband enlists the student's help to teach his wife a lesson and recover the money. The husband then invites the student to dinner, ordering his wife to prepare their meal and to entertain their guest. Having eaten, the husband reveals his knowledge of the previous night's events, and demands that his wife bring out the fifty *gulden* earned the previous night. He then sets about making financial restitutions. Firstly, he subtracts a small sum to pay the maid for her services as a procuress in arranging the sexual encounter between his wife and the student. Then, taking a few pennies, he instructs the student to pay his wife, citing the custom of the town to pay a woman with whom one has had sex two pennies' wages (a sum comparable to those mentioned by Anna von Ulm in her testimony before the Nördlingen town council). Finally, he takes a sum for himself to pay for the musical entertainment he provided while the pair were

[48] Manuscript: http://www.handschriftencensus.de/werke/4274: 1524-1526: Nürnberg, Germanisches Nationalmuseum, Hs. Merkel 2° 966 [Walter Kofler / Michael Krug (Erlangen), November, 2012]. On Claus Spaun, see Rolf Max Kully, "Spaun, Claus," in *Die deutsche Literatur des Mittelalters. Verfasserlexikon* Vol. 9, ed. Burghart Wachinger, Gundolf Keil, Kurt Ruh, Werner Schröder, and Franz Josef Worstbrock (Berlin, 1995), columns 32-35.

having sex, returning the remaining money to the student with a warning to be an upstanding and decent young man from then on. The tale ends by noting that the husband punished his wife, who from that point forward behaved honourably, while the narrator also curses the actions of the maid as a procuress, stating that but for her, the whole story would never have taken place.

Fünfzig Gulden Minnelohn presents a series of events – a husband's cuckolding and deception by his wife and a servant – which to any man in the real world would have been deeply shameful. In a similar manner to Oswald von Wolkenstein's *Wer seines Laids*, the story deals with the anxiety prompted by this scenario by making a joke of the woman's deception, and by creating a sense of masculine solidarity in the subsequent co-operation of the two male characters in disciplining the wife. The husband's own scheme of inviting the student to dinner and forcing his wife to entertain them restores his authority in the domestic sphere, ensuring that the wife is able to keep her honour, as does he by keeping secret her adultery. The epilogue makes clear the full consequences of the husband's disciplining of his wife, by which she is made subservient to his will once again:

Der burger straft sein frauen allain
und kam an si in sölcher maß,
das si in treulich bat umb das,
er sölt ir das ietzmals vergeben,
si wölt allweg in seim willen leben,
und es auch fürbaß nimmer tet,
plib allzeit an iren eren steet [49]

The burgher punished his wife alone
and came to her in such a way,
that she faithfully asked him,
that he forgive her for now,
she wanted always to live by his will,
and did it never again,
and stayed always firmly by her honour
[376-382]

[49] Fischer, *Märendichtung des 15. Jahrhunderts*, p. 361.

The husband's punishment neutralises the wife's sexual agency and makes her subservient to his will, lending the text the appearance of a masculine fantasy of control by which female sexual agency is shown to fail. Critically, the husband also succeeds in preventing the knowledge of his cuckolding becoming public; because of this, the wife's betrayal is ultimately harmless because it remains unknown. The epilogue also reveals a more general sense of ambiguity over female sexual desire. The narrator makes clear at the end of the tale that responsibility for the wife's betrayal ultimately lies with the maid, commenting "for she [the wife] may not have thought of this / had not the maid brought her to it" (*wann si des villeicht nit hett gedacht / hett si die maid nit darzu pracht* [383-384]). [50] The language in which her role is described, where she "makes available" the wife to the student, uses the same phrase (*zuwegen bringen* [l. 69]) as that found in court records which describe the activities of procuresses.[51] Projecting responsibility for adultery elsewhere can also be seen as another way of dealing with the threat of female sexual agency by displacing it from the wife, effectively denying that she has agency or responsibility.

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Der Bildschnitzer von Würzburg survives in six manuscripts, and was written by the Nuremberg poet Hans Rosenplüt.[52] Rosenplüt was a brass-founder, was appointed master of an armoury workshop in 1427, and worked as an armourer in the service of the city until some time between the 1450s an 1460s.[53] Most of his work survives in manuscripts dating from the second half of the fifteenth century.[54] *Der Bildschnitzer von Würzburg* begins in a similar manner to *Fünfzig Gulden Minnelohn*, though it deals differently with the threat of female sexuality by subordinating the female character's sexual agency to the will of her husband from the outset. The tale opens by describing a member of the city watch offering money to have sex with the wife of a woodcarver.

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[50] Ibid.
[51] Ibid., p. 353. See Roper, "Mothers of Debauchery," 9.
[52] Manuscripts: http://www.handschriftencensus.de/werke/1224: (i) Dresden, Landesbibl., Mscr. M 50; 1460-1462. Dialect: North Bavaria, east Franconian [Werner J. Hoffmann (Leipzig), November, 2012] (ii) Gießen, Universitätsbibl., Hs. 1264; ca. 1480 [November, 2012; contributor unlisted] (iii) Leipzig, Universitätsbibl., Ms. 1590; undated [November, 2012; contributor unlisted] (iv) München, Staatsbibl., Cgm 713; 1460-80. Dialect: North Bavarian [Jürgen Wolf, November, 2012] (v) Nürnberg, Germanisches Nationalmuseum, Hs. 5339a; 1471-73. Dialect: Bavarian [February, 2013; contributor unlisted] (vi) Nürnberg, Germanisches Nationalmuseum, Hs. Merkel 2° 966; 1524-1526 [Walter Kofler / Michael Krug (Erlangen), November, 2012].
[53] Fischer, *Studien zur deutschen Märendichtung*, p. 158.
[54] Ibid., p. 157.

Rather than deceiving her husband, the wife immediately informs him of the offer, allowing the pair to concoct a plan to shame her suitor. The wife invites the man to dinner at their house, whereupon the meal is interrupted by husband's knocking on the door. The wife disguises the man by painting him, instructing him to blend in with a carving against a wall of the house. When the husband comes in, he pretends to admire the remarkable likeness of one of the carved figures – really the would-be lover – but instructs his wife to fetch a hatchet in order to cut off the man's penis, which he says is indecent for women. The man flees in terror; he is then pursued to his home by the woodcarver, who demands money for the loss of one of his carvings. The man pays him, and the artist takes the money back to his wife.

Although the female character of this story behaves in an opposite manner to the wife of *Fünfzig Gulden Minnelohn*, her co-operation with her husband may also be interpreted as a narrative strategy to deal with the threat of adultery. Here, the wife needs no disciplining to neutralise her sexual agency, but instead rejects the chance to engage in independent sexual activity. Following the watchman's proposition, the wife does not outwardly refuse him, but instead defers immediately to her husband; rather than defying male will, the text shows a female character who willingly surrenders her will to male authority. She thus already occupies a subject position by which she serves masculine needs by rejecting the chance to cuckold her husband. This text can also be seen as a fantasy of control, though one in which masculine dominance has already been established and there is no need to discipline female sexual agency. The story concludes by reassuring the audience that following her co-operation with her husband, "the wife still retained her honour" (*noch plaib die frau bei iren eren* [130]), shoring up the role of masculine authority in determining women's sexual reputations. [55]

Both *Fünfzig Gulden Minnelohn* and *Der Bildschnitzer von Würzburg* make safe the threat of female sexual agency by reassuring men that women who subvert masculine authority may be disciplined, or may themselves renounce agency by choosing to obey men. Each text reassures the audience that its female character retained her honour, constructing honour as a problem of knowledge whose retention depends upon preventing public discovery of sexual transgression. Labels like "whore" which might be attached to a dishonoured woman provided a means of social control, making their transgressive

[55] Fischer, *Märendichtung des 15. Jahrhunderts*, pp. 142-143.

sexual status clear. From this perspective, labelling was helpful to men insofar as it allowed them to identify sexually transgressive women, though it also ran the risk of shaming men if they were responsible for the women in question.[56]

The eavesdropping male narrator: *Frau und Magd, Die Drei Wäscherinnen, Der Spalt in der Wand,* and *Stiefmutter und Tochter*

The final four texts discussed in this section continue with the theme of knowledge and female sexual agency. Rather than intervening directly to deal with the threat of women's agency, men in these texts rely on the tactic of secret observation via the narrative strategy of eavesdropping. "Eavesdropping" stories of this type have been identified by Ann Marie Rasmussen as a distinct subgenre within Middle High German literature. Her research into their manuscript circulation also shows that they were disproportionately popular in southern German-speaking cities, particularly Augsburg and Nuremberg, where they circulated amongst the aristocracy and wealthier patrician and professional classes.[57] From the perspective of a male narrator who covertly watches one or more female characters, these stories show women discussing sexual matters, often with a distinct aim to deceive and exploit men. For the audience, the texts solve the problem of knowing the sexual status of women who otherwise evade masculine discipline.

In their creation of separate textual realms of public and private and the use of a male narrator, eavesdropping stories also create gendered knowledge and gendered ways of knowing and telling. As Rasmussen points out, the male eavesdropper rarely breaks the threshold between himself and those he observes, creating the women's world as "a separate sphere of knowledge, a place where women are shown to have secrets about their sexual behavior and sexual lives that they normally conceal from men." [58] The texts generate a public, masculine realm of knowledge which is shared by the narrator and his audience, and a private, feminine realm which is "*heimlich*…secret, familiar, hidden," a "feminized realm of oral discourse that has no access on its own to public space." [59]

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[56] On the shameful consequences for men of women's sexual transgression see Heath Dillard, "Women in Reconquest Castile: The Fueros of Sepúldeva and Curnca," in *Women in Medieval Society* ed. Brenda M. Bolton and Susan Mosher Stuard (Philadelphia PA, 1976), pp. 71-94, here p. 85; Karras, *Sexuality in Medieval Europe*, p. 87, and Burghartz, "Kein Ort für Frauen?", p. 59.
[57] Rasmussen, "Gendered Knowledge," 1172-1174. See also 1175: "…the motif of eavesdropping occupies an inordinately large part of the imaginary realm inhabited by the genre of the Minnerede."
[58] Ibid., 1181.
[59] Ibid., 1179-1180

Women are constructed within this textual world as secret conspirators, while men play the role of investigators who obtain this dangerous information and pass it on to other men. In Rasmussen's words again, "oral communities are staged that are feminized and constructed as being private and concealed, at best hospitable to men, at worst communities of stigmatized and dangerously uncontrollable oral exchange-gossip-between women, while communities of writing are constructed as being authoritative in a larger, public or semipublic realm and as being masculine." [60]

Frau und Magd ("Lady and Maid) presents a typical example of the genre. The tale survives in a single version in the Holl manuscript, and recounts a conversation between a woman and her maid overheard by a male narrator on his way home from the tavern.[61] The woman accuses her servant of encouraging male attention in front of the house, risking suspicion that she herself encourages male visitors. The maid repudiates the accusation, telling her mistress not to "talk on my honour" (*reden mir nit vil an mein eer*) [l. 32], a phrase which also occurs in legal records of insult cases.[62] The maid claims to have seen evidence of her mistress's own furtive sexual encounters, on one occasion protecting the older woman's honour by ejecting from the house a lover who had snuck in to see her. Having discovered this, the older woman is grateful to her for keeping quiet and thereby preserving her marriage. At the end of the tale she thanks the maid for protecting her honour and for keeping the secret from her husband (*du haust bewart die ere min / und hettestus meinem man geseit / so hett ichs nimmermer verdeut*) [ll. 92-94] [63]

This story displays some continuity with *Fünfzig Gulden Minnelohn* and *Der Bildschnitzer von Würzburg*. In thematic terms, *Frau und Magd* also deals with women's sexual deception of men. The women here are also concerned with their honour, though only in terms of avoiding detection of their adulterous behaviour. The obedience of the woodcarver's wife in *Der Bildschnitzer* contrasts sharply with the attitude of the lady in *Frau und Magd*, whose cynical assertion that "a faithful marriage is worth its weight in gold" (*ein treuer eehalt ist golds wert*) [l. 96] shows her commitment to deceive and exploit her husband.[64]

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[60] Ibid., 1171.
[61] Manuscript: http://www.handschriftencensus.de/werke/4274: 1524-1526: Nürnberg, Germanisches Nationalmuseum, Hs. Merkel 2° 966 [Walter Kofler / Michael Krug (Erlangen), November, 2012].
[62] Fischer, *Märendichtung*, p. 366. In a case from 1385 in Zurich, Katherina Blasenkuechelin accused Anne Steinimur's daughter of saying that she was a thief, noting that "she thus speaks greatly on her honour" (*und red ir als vast an ir er*); see StaZH BVI, 192 f. 323r.
[63] Fischer, *Märendichtung des 15. Jahrhunderts*. p. 367.
[64] Ibid. p. 367.

Like *Der Bildschnitzer* and *Fünfzig Gulden*, though much more explicitly, *Frau und Magd* constructs a masculine audience with whom it purports to share the tale. It can also be seen to construct honour as a form of knowledge – whereby honour consists of what is *known* about the characters – though the act of eavesdropping places a much higher value on this knowledge by claiming that it represents the truth, spoken from the mouths of women who do not know they are being observed.[65]

The discourse of truth created by the act of eavesdropping demonstrates another means by which male authors deal with the threat of female sexual agency. A second "eavesdropping" text, *Die Drei Wäscherinnen* ("The Three Washerwomen"), engages with the problem of honour from another standpoint, featuring female characters who discuss in retrospect the loss of their virginity. Under the guise of presenting authentic female voices, the story presents a deeply ambiguous picture of female sexual agency, which can be seen as a strategy both to undermine the threat of women's independent sexual activity and to bolster masculine sexual dominance. *Die Drei Wäscherinnen* survives in two late fifteenth-century manuscripts which preserve two closely-related versions of the same original text, whose language suggests a north Bavarian provenance.[66] The narrator once again constructs a masculine audience from the outset of the tale by asking "If you want to hear, so I want to tell / here in these summer days / an adventure happened to me" (*Wölt ir hören, so ich will sagen / heur in disen somertagen / ein obenteur mir geschach*) [ll. 1-3].[67] The first of the three women to speak deploys a series of contradictory statements about how she lost her virginity. In version I, she describes how she once got up early to milk her cow, "though I met the wrong path / and came into the bed of our servant" (*und traf den wek unrecht / und kam ins pet zu unserm knecht*) ll. 29-32]. She says that she "did not want to flee from him / and let myself be drawn into the bed" (*ich wolt im nit fliehen / ich ließ mich in das pet ziehen*) [ll. 33-34], and adds that "he was much stronger than me" (*der was vil sterker dann ich*) [l. 35]. She then claims to have "suffered as she should" while he had his will with her, (*er tet mir, was er wolt / da led ich, was ich solt*) [ll. 37-38] and says that had she tried to defend herself, she thought she would have been martyred (*ob ich mich, wol hett sein enwert / ich gedacht, mir wer die marter beschert*) [ll. 39-40]. While this passage certainly bears an element of coercion, the washerwoman's own willingness in the

[65] Ann Marie Rasmussen, *Mothers & Daughters in Medieval German Literature* (New York NY, 1997), p. 207.
[66] Manuscript: http://www.handschriftencensus.de/werke/1421: (i) München, Staatsbibl., Cgm 713; 1460-80. Dialect: North Bavarian [Jürgen Wolf, November, 2012] (ii) Nürnberg, Germanisches Nationalmuseum, Hs. 5339a; 1471-73. Dialect: Bavarian [contributor unlisted; February, 2013].
[67] Fischer, *Märendichtung des 15. Jahrhunderts*, p. 250.

encounter is implied in her initial lack of resistance and the unclear circumstances in which she found her way to the servant's bed. The same passage in version II of the text dilutes her agency, as, rather than finding her way to his bed, she comes across the servant standing naked while on her way to the cow (*do solt ich melken ein ku / do sach ich vor mir slecht / nackend sten den hausknecht*)[ll. 30-32]. Again, however, in this version she claims not to want to flee him, and allows herself to be drawn into his bed (*vor dem wolt ich nit vliehen / und ließ mich in sein pet ziehen*) [33-34].

In contrast to the first washerwoman's account, the second gives little indication of desire or agency, and narrates her experience starkly as a case of rape. In both versions she describes going out into a meadow, where she is spotted by a passing man. In version I the man is named as the servant Kunrat, who has been pursuing her for some time, while in version II he is an unnamed nobleman who spots her while riding past. In each version the man in question approaches her, throws her into the grass, and has sex with her, and in both cases she makes a statement similar to the first woman about the futility of defending herself as "there was nobody close by" to hear her scream. (*ich gedacht, 'was hilft mich, das ich schrei? / wann nimant was dapei, / der mir zu hilf möcht kumen*I) [ll. 55-57]. This passage reflects the difficulty women had in persuading a court to accept an accusation of rape in later mediaeval Germany, where a woman's testimony had to be accompanied by that of several witnesses claiming to have heard loud screams.[68] The third washerwoman's account reinstates the ambiguity of female desire in the sexual encounter. In version I of the text, she begins by stating that although she lost her honour by losing her virginity, it did not make her angry for long (*"hört, wie ich mein ere han verlorn. / doch e stet mir nie tag zorn*) [ll. 67-68]. Describing how it happened, she says initially that she does not know which devil told her to leave her chamber open (*ich weiß nicht, welcher teufel mich das hieß, / das ich mein kamer offen ließ*) [ll. 69-70], but that she lost her virginity to the most handsome servant she had ever seen (*da geschach mir gar zumal recht / von dem allerschönsten knecht, / den mein augen nie haben gesehen*) [ll. 71-73]. As he snuck into her chamber, knowing where to find her bed (*und west wol, wo er mein pet vant*) [l. 76], she went to sleep, thinking that he would not come any closer. Despite this, she says, he had sex with her as she slept, though while this went on she dreamt that her hands were covered with red gold, that she had all she could want, and lay in bodily bliss as he made her into a woman (*do traumt mir also süeß, / wie das mein hand und füß / weren bedeckt mit*

[68] See Madeline H Caviness and Charles G. Nelson, "Silent Witnesses, Absent Women, and the Law Courts in Medieval Germany," in *Fama*, p. 68.

rotem gold. / do hett ich alles, das ich wold. / in freuden lag aller mein leib, / piß er mich macht zu einem weib) [ll. 85-90]. Version II of her account omits the dream sequence, and thus the question over her enjoyment of the encounter, instead simply having the servant sneak into her bed and have sex with her in her sleep.

The picture of the women's agency which emerges through the narrator is thus deeply conflicted, at various points attributing responsibility for sex both to each woman and to the man with whom she first had sex. Although it presents the three washerwomen as threatening figures in their willingness to deceive men, in claiming to tell the "truth" about women's sexual desire through secret observation, the text seems reluctant to portray women as sexual agents. This may be read as another narrative strategy by which the danger of female sexual agency is neutralised. The "authentic" picture of women's sexual activity offered in *Die Drei Wäscherinnen* shows that whilst women may wish to deceive and manipulate men using sex, they are not in fact sexually dominant. After all three have spoken about their experiences, an old woman appears and tells them how to restore their maidenhood by means of a complex potion, closing the text with the assumption that women are willing to deceive men. Similarly to the role of the procuress in *Fünfzig Gulden Minnelohn*, the involvement of the old woman here can be seen to disavow agency on the part of the female characters who are sexually active. Whilst they are eager to go along with her plan, the washerwomen are not shown to possess the agency to enact deception on their own.

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The final two texts examined here of the eavesdropping genre present a similar scenario of an old woman overheard advising a younger counterpart on various means of deceiving and exploiting men through sex for economic gain. Whilst *Der Spalt in der Wand* ("The Gap in the Wall") and *Stiefmutter und Tochter* ("Stepmother and Daughter") both make use of the eavesdropping male narrator, they can also be seen to fall into the wider genre of so-called Mother-Daughter stories, also mapped out by Rasmussen.[69] *Der Spalt in der Wand* survives in five manuscripts, mostly from the fifteenth century and with a

[69] On the transmission and popularity of Mother-Daughter stories in southern Germany see Ann Marie Rasmussen, *Mothers & Daughters*, p. 191. Ruth Karras also notes the popularity in *fabliaux* and collections of exempla of the motif of the old woman who initiates a younger counterpart into sexual sin; see Karras, *Common Women*, p. 62.

southern German provenance.[70] In this text, the characters overheard by the narrator are his wife and an older, unnamed woman. The eavesdropping scene is preceded by a lengthy preamble in which the narrator bemoans his lowly economic status. When he then comes across the eponymous gap in the wall which allows him to observe his wife and her interlocutor, much of the older woman's advice concerns material and economic gain, in which she explicitly criticises the poet's low standing. She urges the younger woman to use her beauty in order to attract men and exploit them for money. The young wife is explicitly contrasted by the narrator to the older woman in terms of her innocence and her "childlike" (*kintlich*) nature [l. 154].[71] The older woman describes her youth and beauty as a financial asset, urging her to sell what she has before age reduces her value [ll. 165-170].[72] The story ends as the narrator breaks off his observance, hoping that his wife will disregard the "malicious, wrong counsel" (*arg valsch ler*) [l. 322] of the older woman.[73]

Stiefmutter und Tochter survives in twelve manuscripts, all of which circulated in southern German cities, with a particular concentration on Augsburg and Nuremberg.[74] The text begins in a similar manner to *Der Spalt in der Wand* with the narrator's discovery of two women engaged in what they think is a private conversation, though in this case the narrator has no direct connection to either. The conversation once again concerns sex, as

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[70] Manuscripts: http://www.handschriftencensus.de/werke/1304: (i) Heidelberg, Universitätsbibl., Cpg 313; 1470-1490. Dialect: North Alemannian/South Franconian [contributor unlisted; November, 2012] (ii) Karlsruhe, Landesbibl., Cod. Donaueschingen 104; 1430s. Dialect: Alemannian; written in Constance [Manuel Bauer / Joachim Heinzle, February, 2013] (iii) München, Staatsbibl., Cgm 270; 1464. Dialect: East Swabian [contributor unlisted; January, 2013] (iv) München, Staatsbibl., Cgm 379; 1454 Dialect: East Swabian; "Augsburger Liederbuch". [contributor unlisted; November, 2012] (v) Salzburg, Stiftsbibl. St. Peter, Cod. b IV 3; undated [contributor unlisted; November, 2012]. The text is printed in Joseph von Laßberg (ed.), *Lieder-Saal, das ist: Sammelung altteutscher Gedichte, aus ungedruckten Quellen* 3 Vols., Vol. 3, (Eppishausen, 1825) pp. 539-47.

[71] von Laßberg, *Lieder-Saal*, p. 543.

[72] Ibid., p. 543.

[73] Ibid., p. 547.

[74] Manuscripts: http://www.handschriftencensus.de/werke/1404: (i) Bamberg, Bibl. des Histor. Vereins in der Staatsbibl., H. V. Msc. 569 (Nr. 1789); mid-C.15th. [contributor unlisted; November, 2012] (ii) Dresden, Landesbibl., Mscr. M 50; 1460-1462. Dialect: North Bavarian/East Franconian. [Werner J. Hoffmann (Leipzig), November, 2012] (iii) Leipzig, Universitätsbibl., Ms. 1590; undated. [contributor unlisted; November, 2012] (iv) London, British Libr., MS Add. 24946; 1450-1500. [Reinhard Berron (Tübingen), November, 2012] (v) München, Staatsbibl., Cgm 270; ca. 1464. Dialect: East Swabian. [contributor unlisted; November, 2012] (vi) München, Staatsbibl., Cgm 379; ca. 1454. Dialect: East Swabian. [contributor unlisted; November, 2012] (vii) München, Staatsbibl., Cgm 5919; early 1500s. [contributor unlisted; November, 2012] (viii) Prag, Nationalmuseum, Cod. X A 12; 1470/71. Written in Augsburg by Klara Hätzlerin. [contributor unlisted; November, 2012] (ix) Sterzing, Stadtarchiv, no callsign; 1500-1510. [contributor unlisted; November, 2012] (x) Weimar, Herzogin Anna Amalia Bibl., Cod. Quart 564; 1500-1525 [contributor unlisted; November, 2012] (xi) Weimar, Herzogin Anna Amalia Bibl., Cod. Oct. 145; 1480-1500. Dialect: East Swabian [contributor unlisted; November, 2012] (xii) Private ownership of August Gottlieb Meißner; date/location unknown] [contributor unlisted; November, 2012]. The text is printed in Karl Haltaus (ed.), *Das Liederbuch der Clara Hätzlerin* (Quedlinburg and Leipzig, 1840); two versions are also printed in Rasmussen and Westphal-Wihl, *Ladies, Whores, and Holy Women*, pp. 111-141.

the mother recounts from personal experience a number of strategies for tricking and exploiting lovers for money. Her most spectacular success, as she relates to her younger partner, constitutes a paternity scam involving seven children borne to seven fathers, each of whom she was able to blackmail with the threat of disgrace by revealing their relationship. Despite the extra level of detail in comparison to *Der Spalt in der Wand*, the general tone of the older woman's advice is similar: that the younger woman should exploit her youth and beauty as economic wares through which men may be deceived and squeezed for money. The story nevertheless ends on a different note, with the younger woman clearly more obviously enamored of her mother's advice, and promising in the closing lines of the eavedropping scene to follow her example.

Stiefmutter und Tochter and *Der Spalt in der Wand* express a now familiar ambiguity with regard to female sexual agency. Both displace the agency of the younger female character onto a third party, in this case the two older women playing the role of the teacher. In *Der Spalt in der Wand,* the older woman is show to be resentful that her age no longer allows her to exploit men, telling the younger woman that the time will come when no-one desires her, and that age makes women worthless (*das du wirst das din niemant gert / Daz alter machet uns unwert*) [ll. 123-4].[75] Similarly, the mother of *Stiefmutter und Tochter* encourages her daughter to begin finding men to exploit while still young, because "you'll get nothing for it in old age" (*Tuo dich umb, du bist noch Jungk / Ym alter gibt man nichtz darumb*) [198-199].[76]

In their secretive plots to exploit men through sex, Rasmussen has suggested that these characters resembled clandestine prostitutes who retain their honour outwardly whilst covertly engaging in sex work.[77] This reading is supported by the financial element of the women's sexual activity, where both older women pass on tips to their younger counterparts. In *Stiefmutter und Tochter*, the mother advises her daughter that "one should give away such love cheaply, like sour beer" (*Sölich mynn und saures pier / Sol man geben ringlich von hanndt*) [ll. 192-193], whereas the old woman of *Der Spalt in der Wand* tells her younger counterpart to "bargain like a fisherman" to extract money from men in return for sex (*tu aines vischers ab schlag*) [194].[78] Rasmussen's identification of these women as

[75] von Laßberg, *Lieder-Saal*, p. 452.
[76] Rasmussen and Westphal-Wihl, *Ladies, Whores, and Holy Women*, p. 126.
[77] Rasmussen, *Mothers & Daughter*s, pp. 202-3.
[78] von Laßberg, *Lieder-Saal*, p. 544.

prostitutes follows to a similar logic to that deployed by Karras, whereby women's extra-marital sexual activity leads automatically to their classification as whores. Whilst the financial aspect of the relationships pursued by the women of *Stiefmutter und Tochter* and *Der Spalt in der Wand* strengthens the case for their being seen as prostitutes, they are not explicitly labelled as such by the text itself. Where Rasmussen translates the title of one version of the text as "How a Mother Teaches Her Daughter Whoring, (*Wie ain můter ir dochter lernet půlen*), the word *půlen* does not unambiguously connotate prostitution, but can also mean "loving" or having sex in a more general sense.[79] The women might thus be seen to occupy an ambiguous position with regard to identity, much like that of Repplin examined in chapter I. Where these texts arguably differ from Repplin's case is in the attitude towards each woman of the masculine authority behind the creation of the text. Chapter I argues for the possibility of "cultural space" in which individual women might be able to negotiate tolerance for their independent sexual activity. For the female characters of eavesdropping stories, the cultural space they occupy is wholly different, and is defined instead by intense scrutiny of their sexual agency. This scrutiny can be seen to be particularly concentrated in *Der Spalt in der Wand* and *Stiefmutter und Tochter*, both of which view the action through a highly focused narrative perspective. In both texts, the women under observation are confined to a room (referred to in one version of *Stiefmutter und Tochter* as "love's chamber" [*liebes kemenat*] [l. 2]), concentrating the narrative focus. In *Der Spalt in der Wand*, the force of the narrative gaze is also strengthened by the fact that the observation takes place through a crack in the wall. Both texts are also heavily circumscribed by a moralising narrator, who passes judgment on the female characters at the end of the text (though in some versions it is the mother's voice which closes *Stiefmutter und Tochter*).

As Rasmussen notes, drawing also on Karma Lochrie's work on secrecy, eavesdropping texts in Middle High German literature can be seen to participate in masculine discourses of knowledge which objectify women in order to neutralise the threat posed by their sexuality by sharing their "secrets" with other men. It is conspicuous that the female characters within this genre who provoke the most pronounced acts of objectification are also those who resemble clandestine prostitutes most closely, or, in Rasmussen's reading, can be identified positively as such. Prostitutes may have provoked this kind of narrative response because out of all women, they in theory embodied sexual agency most clearly.

[79] See Rasmussen, *Mothers & Daughters*, p. 194.

Returning to Lochrie's notion of women's gossip as "a kind of residual masculine speech that circulates men's secrets," prostitutes' intimate experience of male sexuality may have meant that they were ideally suited to depict the literary motif of secretive female knowledge exchange.[80] From this perspective, the masculine fascination with discovering the "feminized oral communities" depicted in eavesdropping tales might also be compared to the interest exhibited by the Nördlingen council judges in accessing the closed world of the brothel as discussed in chapter II.

The masculine subject

All of the texts discussed in this chapter can be said to display a fundamental ambiguity with regard to female sexual agency, which, concentrated in the figure of the prostitute, threatens masculine sexual dominance, risks exposing men to shame through the behaviour of their female family members, and can result in men's exploitation and deception by women. This threat is dealt with in these stories by a number of narrative strategies. In the case of the brothel prostitutes depicted in *Apollonius von Tyrland* and *Die Sünderin*, the texts present prostitute characters in subject positions from which they either deny or renounce their status. These narratives make no room for the women to signify positively as prostitutes; rather, their subjectivity is contingent upon their rejection of the brothel, which is constructed as an abject space occupied by "lost" women. Other literary depictions of brothel prostitutes take a different approach. *Liebesabenteuer in Konstanz* and Oswald von Wolkenstein's *Wer seines Laids ergetzt well sein* explore the consequences of humiliation at the hands of prostitutes who exercise agency by choosing to reject them in favour of other men. Whilst these texts openly depict the dangers of female sexual agency, they mitigate the anxiety resulting from each scenario, in Oswald's case by the use of irony, and in *Liebesabenteuer* by appealing to masculine solidarity and warning other men of the dangers which await in the brothel.

A masculine community can also be seen to be constructed in *Fünfzig Gulden Minnelohn* and *Der Bildschnitzer von Würzburg*, both of which explore the scenario of female adultery from a masculine perspective, presenting differing responses on the part of female characters who either conform to or attempt to evade men's authority. These texts show how honour functions as a problem of knowledge, whereby women's sexual status

[80] Lochrie, *Covert Operations*, p. 65.

depends upon what is "known" about them in public, to the extent that sexual transgression is effectively meaningless unless it becomes public knowledge. The problem of knowledge is treated more intensively in the final group of texts discussed, all of which come from the subgenre of eavesdropping stories. These texts can be seen to participate actively in a masculine discourse of knowledge whose purpose is to discover and defuse the danger of female sexual agency by sharing women's secrets with other men for mutual benefit. As women in whom sexual agency was particularly concentrated, clandestine prostitutes – or women who resemble them – can be seen as archetypal objects of knowledge within this genre.

The narrative strategies described here can be seen as the product of a masculine subject whose emergence is prompted by the anxiety created by prostitutes, and by the problem of knowledge they generated. Theorists of narrative, particularly Hayden White, have shown how narrative itself is deeply implicated in fantasies of discovering the truth.[81] On the premise that women's honour was a form of knowing, the masculine subject which emerges in these texts might be characterised by its epistemophilia, by the desire to *know*.[82] More broadly, the regulation of prostitution in this period can be seen from this perspective as a solution to this problem by its marking of individual women with visible signs. Prostitutes in this position theoretically occupied the position of objects, explaining the problematic depiction of brothel prostitutes' agency which characterises these texts. More problematic for men, however, were clandestine prostitutes, whose status was more ambiguous and thus more difficult to discern. Whilst these texts offer no clear solutions to these problems, and no clear criteria by which prostitutes might be identified, they may nonetheless have provided some of the "consolations of fiction," to return to James Schultz's phrase, to men for whom prostitutes provoked anxiety.

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[81] Hayden White, "The Value of Narrativity in the Representation of Reality," in *The Content of the Form. Narrative Discourse and Historical Representation* (London and Baltimore MD, 1987), p. 10.
[82] Jonathan Culler, *Literary Theory: A Very Short Introduction* (Gosport, 1997), p. 91: "The pleasure of narrative is linked to desire. Plots tell of desire and what befalls it, but the movement of narrative itself is driven by desire in the form of 'epistemophilia', a desire to know: we want to discover secrets, to know the end, to find the truth. If what drives narrative is the 'masculine' urge to mastery, the desire to unveil the truth (the 'naked truth'), then what of the knowledge that narrative offers us to satisfy that wish? Is knowledge itself an effect of desire?"

Conclusion

This thesis presents three primary conclusions arising from the legal and literary material examined in the previous chapters. The first constitutes a response to the claims made by Karras regarding the question of identity in the context of mediaeval prostitution. Secondly, this thesis seeks to ground the interpretations of subjectivity outlined in each chapter in the historical context of the regulation of prostitution in German-speaking regions between the fourteenth and fifteenth centuries. Lastly, the thesis argues for the emergence in response to the phenomenon of prostitution of an anxious masculine subject, characterised by a deep ambivalence towards female sexual agency.

Ruth Karras puts forward two primary theses on prostitution in the Middle Ages: that "prostitute" can be seen as a coherent category of identity, and that this was the only category available to classify women who engaged in extra-marital sex.[1] Elsewhere, her work on single women in the Middle Ages also suggests some room for flexibility in categorisation, and that there may have been "cultural space" in the period for sexually-active single women who were not prostitutes.[2] Karras's claims are grounded in the fact that mediaeval understandings of prostitution considered its key element to be promiscuity. This understanding was shaped by Patristic notions of the prostitute as a lustful woman, which were later repeated in religious writing and in English judicial discourse of the Middle Ages. Whilst Karras is correct in identifying promiscuity as a normative characteristic of prostitutes, and argues convincingly for the prevalence of this norm in late mediaeval England, her conclusions sit less comfortably in a German-speaking context. Germany and Switzerland, like many areas of western Europe, differed from England in their approach to the regulation of prostitution. The most conspicuous difference was the institutionalisation of municipal brothels from the fourteenth century, resulting in the creation of licit forms of prostitution in towns throughout much of the later Middle Ages. The three legal cases and the small collection of literary texts examined here do not provide a substantial body of evidence with which to test Karras's theses comprehensively, though in providing evidence of practice rather than prescriptive norms from the context of prostitution, they suggest that there may have been differences in the formation of identities between German- and English-speaking regions.

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[1] See Introduction above, pp. 3-4.
[2] Karras, "Sex and the Singlewoman," p. 127.

The 1392 case of Repplin which makes up chapter I argues that, prior to the fifteenth century and the large-scale institutionalisation of brothels across German-speaking regions, women who had sex outside of marriage may have been more able to negotiate tolerance for their activities in their immediate social context. In Repplin's case, outlines of her subjectivity can only be traced through the testimony of her peers, who spoke about her sexual activity indirectly in the context of abortion. The wider context of Zurich, legible in the evidence of other cases handled by the municipal court, makes it clear that prostitutes and sexually-active single women might attract condemnation. Within this environment, the evidence for tolerance of Repplin's sexual activity suggests that she was able to survive without overt stigma. Here, Karras's work on single women provides a more useful model of interpretation than her schema of female identity which relegates to the status of "prostitute" any woman who was not a virgin, wife, or widow. Moreover, Repplin may provide an example of the kind of "cultural space" postulated by Karras for women outside this schema.[3] Whilst there is no evidence in the case for a positive identity category in which her peers may have placed her, neither does it seem inevitable that the only possible identity for Repplin as a sexually-active single woman was "prostitute". Parts of Repplin's case record suggest nonetheless that her identity may have been shaped by associations between her promiscuity and the deception needed to maintain covert sexual partnerships and to commit the murder of which she was suspected. These associations nevertheless fail to crystallise into a clear identity category at any point in the record, leaving her subjectivity indistinct. It may be the case that, in parts of Europe where prostitution was regulated and licit prostitutes were a more familiar sight, the identities of those who operated clandestinely were characterised predominantly by their ambiguity.

For the prostitutes who testified before the town council of Nördlingen in 1471-2 examined in chapter II, subjectivity was intimately bound up with the regulatory context in which they worked. Their official status and the ability to appeal to the authorities to preserve their rights distinguished municipal prostitutes from those who worked outside brothels, whilst the evidence of petitions against private competition also suggests that this difference could be meaningful to prostitutes themselves.[4] Whilst no other comparable cases to that of Nördlingen are known, the structure of regulation which stretched across the region in the later Middle Ages may have allowed women across a

[3] Ibid.
[4] See Introduction above, p. 21.

wide area to assume subject positions similar to those shown in the case record. This subjectivity may therefore be the closest thing in a German-speaking context to a mediaeval prostitute identity of the kind proposed by Karras. The women who feature in this case can also be contrasted with Repplin by the clarity of their subject positions, and by the fact that for them, being identified as prostitutes brought with it particular advantages.

Secondly, in arguing that the case represents a process by which the subjectivities of prostitutes become legible, chapter II argues for the simultaneous generation of a masculine subject in response to the phenomenon of prostitution. This subject arises in the judicial context of inquisition, and manifests a concern for female agency in the women's communication within the brothel, particularly with regard to the body and sexuality. Karma Lochrie has identified the nexus which connects these concerns in masculine discourses of secrecy which purport to neutralise the danger of female sexuality.[5] From this perspective, beneath the surface of concerns for abortion and the mismanagement of the brothel, the judges involved in the investigation and the creation of the case record can also be seen to participate in discursive operations which perform a similar act of "making safe" the threat of female agency.

The case of Gerdrut Birckin from 1497 examined in chapter III demonstrates a process of subjectification at an important period in the history of prostitution, during which municipal pressure began to be exerted more forcefully upon upon sexually-active single women who lived outside brothels. Of the three legal case studies in this thesis, the approach pursued in chapter III draws most heavily on John Arnold's notion of inquisitorial process as a form of subjectification, arguing that Gerdrut's case represents the coerced assumption by an individual of a particular subject position at the hands of a judicial authority – that of a prostitute.[6] Although the document is conspicuously ambiguous with regard to sex, it can be seen to operate under the assumption that women who were not virgins might become sexual agents. The Augsburg council judges can thus be seen to be working within a model of female sexual identity similar to that proposed by Karras, which prompted them to place Gerdrut into the category of prostitute as a result of her assumed sexual transgression. The difference between the attitude of the judges in this case and that involving Repplin may suggest nevertheless that Karras's

[5] See Ch. 2 above, pp. 97-98, 100-101.
[6] See Introduction above, pp. 2-3.

model became applicable in German-speaking regions only in the later Middle Ages. By this stage, the authorities were moving towards an almost total ban on prostitution, much like that which prevailed in England. A single case cannot provide sufficient evidence with which to test this notion, however, making further research in this area necessary.

In Foucauldian terms, the historical context of regulation can thus be said to have provided the conditions for the emergence of particular subject positions in the context of prostitution. It is, nonetheless, difficult to know how prostitites' subjectivities might have been shaped outwith the immediate context of these sources. Without the judicial apparatus which produced these records there is virtually no way to access the speech of prostitutes. It is also impossible to escape the fact that these women did not speak freely, but were prompted by a judicial authority which inscribed their words within masculine discourse. Masculine discourse is also the source of another form of subjectivity examined in this thesis. By charting the manner in which male authors emplotted subject positions for prostitutes and sexually-active women, chapter IV argues for the existence of a masculine subject which emerges in response to the phenomenon of prostitution, whose chief characteristic is anxiety. As discussed in the introduction, the frequency with which anxiety is attributed to historical masculinities almost makes pointing to it banal; despite this, the point is worth making especially strongly in the context of prostitution, because its objectification of women makes it a particularly explicit expression of patriarchal dominance and – as Karras has noted – a central node in the construction of mediaeval gender.[7] The emergence of this subject was bound up inextricably in the textual operations by which subject positions were assigned to women, and was based upon a deep-seated ambivalence towards female sexual agency, concentrated in the figure of the prostitute as the archetypal lustful female. Female sexual agency challenged the sexual dominance of men. In their role as containers of lustful women, municipal brothels acknowledged the status of prostitutes as sexual agents, but simultaneously constructed them as objects by making them available to all men. At the same time, the municipal justification of brothels as an outlet for hydraulic male sexuality put men in the position of sexual agents, demanding of them a dominant sexual subjectivity which clashed with that of prostitutes themselves. Where institutionalised brothels were the norm in mediaeval Europe, the anxious masculine subject may thus have been the most significant consequence of the "solution" proposed by prostitution.

[7] See Introduction above, p. 33. On prostitution and the control of women, see P. Schuster, "Hinaus, oder ins Frauenhaus," p. 21-22, and Karras, *Common Women*, pp. 19-20.

Appendices

Editing conventions

Abbreviations in manuscript sources have been expanded in transcription with the use of square brackets. Punctuation marks in manuscript sources have been disregarded with the exception of full stops where a break in the text is evident.

Superscript additions are incorporated into the main text. Marginal notes are displayed in transcriptions to reflect their position in the manuscript. Crossed out sections of the manuscript are shown struck through, and illegible sections are indicated with square brackets as […].

In Appendix A, folio numbers for the manuscript have been incorporated into the transcription.

Line numbers have been added for each transcription. In Appendix A, these correspond to each new manuscript leaf; in Appendix B these correspond to each individual's testimony.

In Appendix B, transcriptions of witness statements in StaN AF are laid out in the order of testifying.

Appendix A

Staatsarchiv Zürich B VI 195 ff. 16v-18v

[16v]

[1] als die Repplin in den turm geleit ist von des kindes wegen
[2] dz an dem Rennweg in Seldnôw[er] hus tod und ermûrdet funden
[3] ist, und dz ein ûnborn kind gewesen ist, und dz do einem rat fûr
[4] komen ist dz die Repplin ein kindly trûg und dz nieman weiß wo
[5] dz kindli ist und aber nu die Repplin spricht si habe nie kint
[6] getragen.

H. Bosshart. d.

[7] dz ein wandknecht heisset der Süss hûr zû
[8] dem jngandem jar hie Zûrich in der Schichterb[er]gin
[9] hus wer do rett er mit der Räpplin du bösi frôw
[10] lûg dz du dz kind dz du bi dinem herczen treist nit
[11] verderbest wan ich weis dz es min ist do sach öch
[12] der ~~Bosshart~~ der selb gezug wol dz si trûg dar nach etwedik
[13] do sprach die Repplin zû im und and[ere]n gesellen
[14] griff ich weis wol dz ich einen sun trag und
[15] rüret sich. do aber dar nach wart do fragt si
[16] der ~~Bosshart~~ egen[annten] zûg wo si kindet hette do sprach sy ze
[17] hinderst in Glarus und ist ein knab und heisset
[18] Pet[er]man und ze warczeichen so het er ein swarzen
[19] flekken uff der rechten hand und het öch geseit
[20] dz der Süss ernstlich rett dz kind wer sin dz die
[21] Repplin trûg und wöllte öch dar umb zechen eid
[22] swren als wol als einen

C. Jrmig. d.

[23] dz der Boc schüler im und and[ere]n gesellen seit dz er mit
[24] der Räpplinen rett repplin man het dich in zig du
[25] habest dz kind ermûrdet hast öch dz getan so gang
[26] enweg, hest du es aber nût getan so nim ein bid[er]man
[27] zû dir und entred dich sin vor uns[ere]n h[er]ren do spreche
[28] sy ob dann dz kind tod ist wie sol ich es bringen und
[29] dar nach stiesse si ir blund[en] in ir sak und wölte enweg

Pet[er] Mey[er] pfiss[ter]. d.

[30] dz er bi drin wuchen bi der Repplin gelegen ist und
[31] dz si im seit si trûge er känn aber nit wissen ob si
[32] trûg ald nut er wurde öch nût gewar

Als die Repplin in den turn geleit ist von des kindes wegen
dz jm dem Rennweg in Bellmönd hus tod und ermürdet funden
ist und dz ein ungeborn kind gewesen ist und dz do einen tag für
kamen ist dz die Repplin ein kindli trüg und dz nieman weiss wo
dz kindli ist und aber inn die Repplin spricht si habe nie kein
getragen

H. Bosshart . d. dz ein wandknecht heisset der Büss hiev zü
dem ingendem jar hie zürich in der Schiterschin
hus wer. do rett er mit der Repplin du bösi frow
lüg dz du dz kind dz du bi dinem hertzen treist nit
verderbest wen ich weis dz es min ist. do sich och
der ~~Bosshart~~ zur sülle gesell wol dz si trüg dar nach etwedik
do sprach die Repplin zü im und andern gesellen
gwiss ich weis wol dz ich einen Sun trag und
rüret sich. do aber dar nach wart do fragt si
der ~~Bosshart~~ [illegible] wo si kinder hette do sprach si ze
hinderst im Glarus und ist ein knab und heisset
[illegible] Jhman und ze wortzeichen so het er ein swarzen
flecken uff der rechten hand und het öch gesehen
dz der Büss ernstlich rett dz kind wer sin dz die
Repplin trüg und wolte öch dar umb zechen und
floren als wol als einen

C. Jung . d. dz der [illegible] schüler im und andern gesellen seit dz er mit
der Räpplinen rett Repplin man het dich in zig du
habest dz kind ermürdet hast öch dz getan so gang
enweg. hest du es aber nit getan so nim ein bidman
zü dir und entred dich sin vor [illegible] drey do spreche
sy ob dann dz kind tod ist wie sol ich es bringen und
dar nach stiess si ir slund in ir sak und wolte ein

pet. Meyenpfiff . d. dz er bi drin wochen bi der Repplin gelegen ist und
dz si im seit si trüge er kam aber nit wissen ob si
trüg als nit er wurde öch nit gewar

[17r]

H. Swab zimb[er]man.. d.

[1] dz er dik und vil bi der Räpplin gelegen ist und
[2] so er bi ir lag do wart er wol gewar dz si trûg
[3] und dz sich dz kind in ir lip rûrt si wolt es aber
[4] vor im haben verseit und dz er si dar umb slûg
[5] do sprach si ich wand nût dz er […] jnnan könde
[6] werden wan ich forcht alweg seit ich dir es du
[7] slügest von mir die Räpplin het öch selber
[8] geseit etlihen lûten dz er es hort si sölte ze
[9] pfingsten genesen. öch enbutte im der Süss
[10] bi gesellen er wiste wol dz kind wer sin, und dz
[11] er die Repplin nût slûg dz die frucht nût v[er]derbe
[12] won er wölte dest[er] wirser zit han dz er dz kind
[13] erzuge

Heiny Dietr[ich] wîp. d.

[14] dz die Repplin vor ir gaden rett bi acht tagen dz sy
[15] ein kindli getragen hett und des wer si öch genesen
[16] ab wesen und hiesse petermanly und were ein klein
[17] kindlin were öch noch krank wan es wer nit lang
[18] dz sin genese und wölte iro ir hûsli vergan dz
[19] laste sy gern und were öch ir leid dz jeman wuste
[20] dz sy dar an nach als jung wer

Heiny Dietr[ich]. d.

[21] als sin wîp.

Catherin Swebin
in d[er] Repplin hus. d.

[22] dz si wol anderhalb jar bi ir gesin ist
[23] und si nût anders weis wan dz si trûg
[24] und do si und öch die Repplin von des ~~einen~~
[25] kindes wegen swûren dz do am Rennweg
[26] tot funden wart dz die Replin ir buch
[27] als gros wz als andermal ob si in aber
[28] mit ludren bewunden habtt ald nût des
[29] könde si nît wissen der Repplin keme öch
[30] ir zît schier eins ganzen jares nût
[31] und seit öch dz die Repplin inrent drîn tage
[32] nach dem als si umb dz kind gesworn hatten
[33] enweg gieng und nam ein scher windlen
[34] und nadlen und vaden und sprach si könd
[35] ir selben wol gehelffen wenn es zît wurde
[36] und ist sechs wuchen enweg gesin und
[37] do si nu ~~jungst~~ kam do hiesse si gatwilkome[n]
[38] sin und fragte si umb ir kind do sprach sy
[39] si win sin genesen fûnf mil weges von d[er]
[40] stat und wer ein knab hiesse Peterman

H. Strub zum Kiburnen · d · dz er dick und vil bi der Rüpplin gelegen ist und
so er bi ir lag do ward er wol gewar dz si trüg
und dz sich dz kind in ir lip rürt si wolt es aber
vor im halten verseit und dz er si dar umb slüg
do sprach si ich wurd nit dz er [illegible] kind
werden wan ich forcht allweg seit ich dir es du
slügest von mir die Rüpplin het öch selber
geseit etlichen lüten dz ir es hort si sölte ze
pfingsten genesen · öch erbütte im der Büss
bi gesellen er wiste wol dz kind wer sin und dz
er die Repplin nit slüg dz die frucht nit verdarb
won er wolte des kindes ze han dz er dz kind
erzuge

Henny Dietrichs wip · d · dz die Repplin vor ir gaden vert bi acht tagen dz si
ein kindli getragen hett und des wer si öch genesen
als wesen · und hiesse petermann und were ein klein
kindlin und were öch nach krank wan es wer nit lang
dz sin genese und wolte ins ir hüsli bergen dz
hete si gern und were öch ir leid dz jeman wiste
dz si dar an nach als jung wer

Henny Dietrich · d · als sin wip

Catherin Swebin in der Repplin hus · d · dz si wol anderhalb jar bi ir gesin ist
und si nit anders weis wan dz si trüg
und do si und öch die Repplin von des ~~[illegible]~~
kindes wegen swüren dz da den kennwey
tot funden ware dz die Repplin ir buch
als gross were als andermal als si an aber
mit lüten bewanden habe alt mit des
künde si nit wissen · der Repplin kome öch
ir zit schier eins ganzen jares nit
und seit öch dz die Repplin mitten dem tag
nach dem als si wol dz kind geswören hatten
enweg gieng und nam ein scher sundlen
und nadlen und vaden und sprach si künde
ir selben wol gehelffen wenn es zit wurde
und ist sider lange enweg gesin und
do si im ~~[illegible]~~ kam do hiesse si [illegible] willkome
sin kind fraget si wie ir were die sprach si
si wen sin genesen [illegible]
hat und wer ein knab hiesse peterman

[17v]

Uli Wûrfler. d.

[1] do die Replin gesworn hatt von des kindes wegen dz an
[2] dem Rennweg tot funden wart dz si dar nach an dem dritten
[3] tag enweg gieng und kam an der sechsten wuchen herwider
[4] umb do fragt er si wo dz kind wer dz si getragen hett do
[5] sprach si es wer ob glarus do hette si es verdinget und
[6] hiesse Pet[er]man und si hette ze Rappreswile ein[e]s ales gessen
[7] und käme neiswer und si slûg ir hand uber den arm und
[8] dz kind hette da von ain anmäl gewunen öch seit er
[9] dz der Süss hûr ze wiennechten kam in d[er] Replin hus
[10] do hat si den swab an si gehenket und sprach zü ir du
[11] treist ein frucht und[er] dinem herczen da lûg dz si ze sine[n]
[12] komen und si nût verderbest testest du es aber daruber
[13] nût so solt wissen und sölt ich uf tusent reder gesetzet
[14] werden kunst du mir vor der statt ich stûmbel dich
[15] do sprach si trag ich so bring ich öch öch so hat im der
[16] Repplinen sun geseit als si enweg wz dz er do einen
[17] biderman schaffen hût und gieng si wol dry wuchen
[18] von im und so si zü im kunt do sprach si zü im wenn
[19] fragest mich ob ich dir einen brûder ald ein swest[er] bracht
[20] hab do sprach er mîn mût[er] hest kindet do sprach sy ja
[21] und ist ein knab und heisset Pet[er]man und ist ze Swanden
[22] bi einem man der het ein tocht[er] du gît milch dî sögt
[23] jnn und hette iro öch der selb man bi xxx plaphart
[24] gelichen

pfaff Tregel . d.

[25] von hörsagen und dz der süss sprach dz kind dz die
[26] Repplin trûg dz wer sin

Pet[er] von Baden. d.

[27] dz er bi d[er] Repplin lag tages vor sant Joh[anne]s tag ze sûngicht
[28] wol dryer wuchen und dz er si minte und do greif er ir an
[29] den buch do rûrte sich dz kind in iro do sprach er zû iro
[30] Repplin wann wilt genesen do sprach si sy enwuste es tete ir
[31] als vil ze leid und liesse si nien[er] geslaffen und hies in öch den
[32] buch griffen, dar nach do dz kind an dem Rennweg
[33] funden wart do gieng er an dem Renweg dz klein gessli
[34] uff ze ir hus do voz ir tur klein offenn do gieng er hin
[35] in do fand er si uff îr bett sitzent und hat sich erleinet
[36] mit der elenbogen und hat an ein rokk ein beltz un[d]
[37] ein mantel umb und dûcht jnn si w[er] vast krank und
[38] er sprach zû iro wie si möhte do sprach si ir wer
[39] we do rett aber er dir ist gar we du solt lûgen

[18r]

[1] dz dir recht sy und nach dem do gieng si enweg und wz wol
[2] sechs wuchen und do si wider kam do hies er si wilkomen sin und
[3] fragt si ob si kindet hette do sprach si si hette kindet ze Swanden
[4] ob Glarus und hiessi dz kind Pet[er]man und hette einen swarzen flekken
[5] uff der hand und hette es eine~~mr man~~ fröwe[n] verdinget dero gebe si fûnf
[6] schilling und zwei pfunt da von ze lon do sprach aber er zû iro
[7] der lûmd gat uber dich gar vast von des kindes wegen dz tod am
[8] Rennweg funden wart du sollest lûgen dz du din kind brechtest
[9] hetest deheims werest aber schuldig so soltest enweg gan do sprach
[10] si ich weis wie ich tûn sol es wz ein klein kindli ist es tod wie sol îch
[11] es dann bringen do rett er aber zû iro so bring den göttin ald
[12] den man dem du es enpfolhen ~~ist~~ hast do gieng si von im öch
[13] het er geseit dz ein knecht heisset der Süss hûr ze weinnechten
[14] hie wz in der Schît[er]bergin hus und dz der Rett dz kind dz die
[15] Repplin trûg dz wer sin und er förchte si verdarbte es und liesse
[16] es nût ze sunen komen und rett öch dz iro und[er] ogen und tröwet
[17] ir öch vast dete si da mît unrecht si wurde im niend[er]t vor d[er] statt
[18] er wölte si dar umb stûmbeln und sprach öch die Repplin des kindes
[19] götte hette iro xxx plapht gelichen und im v plapht in gebunde[n]

Pflûgampel. d.

[20] als Pet[er] von Baden au[ch] dz dz er si nût g[e]mûnte hette
[21] und îr öch an den buch nût griffen hette öch seit er
[22] dz er mît der Repplin rett man seite von iro do si vor
[23] uns[ere]n h[er]ren swûr dz sy do ein sak umb si gûrted
[24] hette do wurde gar jemerlich und sprach si wölte
[25] sich sin entreden vor uns[ere]n h[er]ren und so er erst von
[26] îr kunt so stiget si hinnan uber den hof ab und wolt
[27] enweg sin und ir knab mit jro

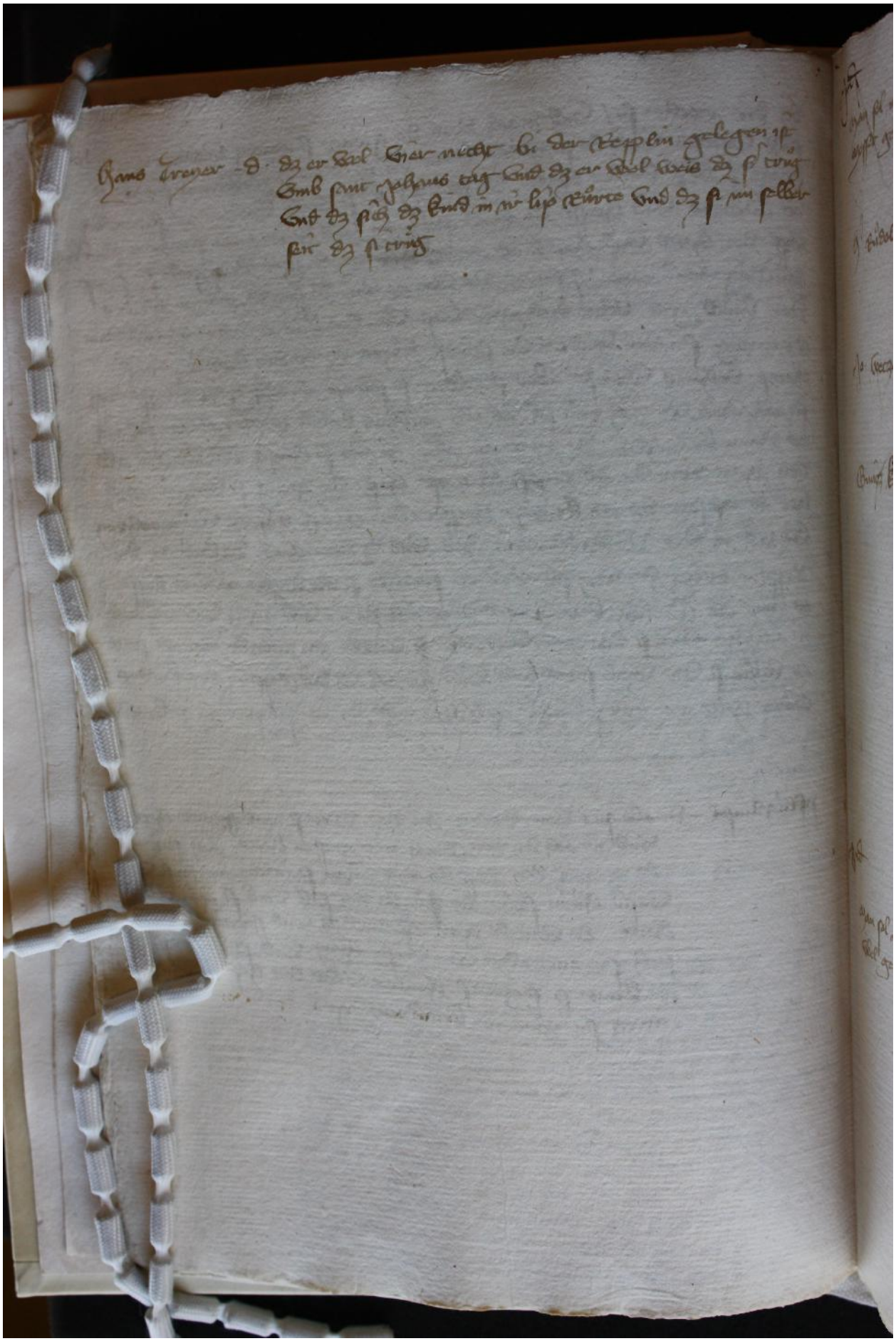
dz dir recht si / Und nach dem do gieng si enweg bi dry wol 18
acht wuchen · Und do si wider kam do hies er si willkomen sin Und
fragt si ob si kinder hette / do sprach si · si hette kinder ze Swanden
ob Glarus und hiess dz kind Jacklin und hette einen swarzen flecken
uff der hand und hett es einer ~~versdinget~~ verdinget dem gebe si funf
schilling und zwei plappart da von ze lon / do sprach aber er zu iro
der tuvel gat über dich gen hat von des kindes wegen dz wol dem
vormaly funden ware / du soltest lugen dz du din kind brechtest
hett dehains werest aber schuldig si solest enweg gan do sprach
si ich wais wo ich tun sol es lit ein klein kindli ist es tod wo sol ich
es dann bringen do rett er aber zu iro si bring den hatten als
den man dem du es enpfolhen ist hast do gieng si von im / ouch
het er geseit dz ein knecht heisset der Gruss tun ze Winmachten
hie was in der Schiltbergin hus und dz der rett dz kind dz die
Kepplin trug dz wer sin und er forchte si verdurbet es und hiess
es mit ze bringen komen und rett ouch dz iro und ogen und trüwet
iro ouch was dett si dz mit unrecht si wurde im nien der von dem statt
er taile si die wib frundlich und sprach ouch die Kepplin des kindes
botte hette iro xxx plapphart geliehen und im v guldin ingebunden

Pflugdumpf - D · als pet von Baden · dz · dz er si nit gemint hette
und iro ouch an den Buch nit griffen hette ouch seit er
dz er mit der Kepplin etwe manigen schimpf von iro do si war
unsinnig worden etwie dz si do ein sole umb si gewurken
hette do wurde gar jemerlich und sprach si wolte
sich ein entweden oder unsinnig werden · Und si er erst von
iro komt si stiget si hinan über den hof ab und wolt
enweg sin und iro knab mit iro

[18v]

Hans Treyer. d.

[1] dz er wol vier necht bi der Repplin gelegen ist
[2] umb sant johans tag und dz er wol weis dz si trûg
[3] und dz sich dz kind in ir lip rûrte und dz si im selber
[4] seit dz si trûg



Appendix B

Stadtarchiv Nördlingen, Akte Frauenhaus

Interrogation articles

Ite[m] ain yeed zü frage[n] das her
nachstett

[**1**] Ite[m] von wannen sy sey wer sy
[**2**] herpracht hab ob sy gaistlich ge
[**3**] wesen oder ain ee fraw sey

[**4**] Ite[m] wie vil man uff sy ge
[**5**] lichen hab wie lang sy hie
[**6**] gewesen und wie vil sy dem
[**7**] wirt schuldig sey

[**8**] Ite[m] was sy über ain trincken
[**9**] mal deßglich über ain wein
[**10**] oder pier mal geb[e]n

[**11**] Ite[m] wie man sy in de[r] satzing
[**12**] halt ob man vortailgegen in
[**13**] suech und wer es thü

[**14**] Ite[m] warumb man sy nit
[**15**] zu kirch[e]n und straß laß gan

[**16**] Ite[m] ob man schenck von ir
[**17**] genomen hab und zü welch[er]
[**18**] zit und was die selb
[**19**] schenck sey

[**20**] Ite[m] wie vil sy des werch
[**21**] tags spinnen müssen

[**22**] Ite[m] so man in wein holt
[**23**] was sy für die holung
[**24**] geb

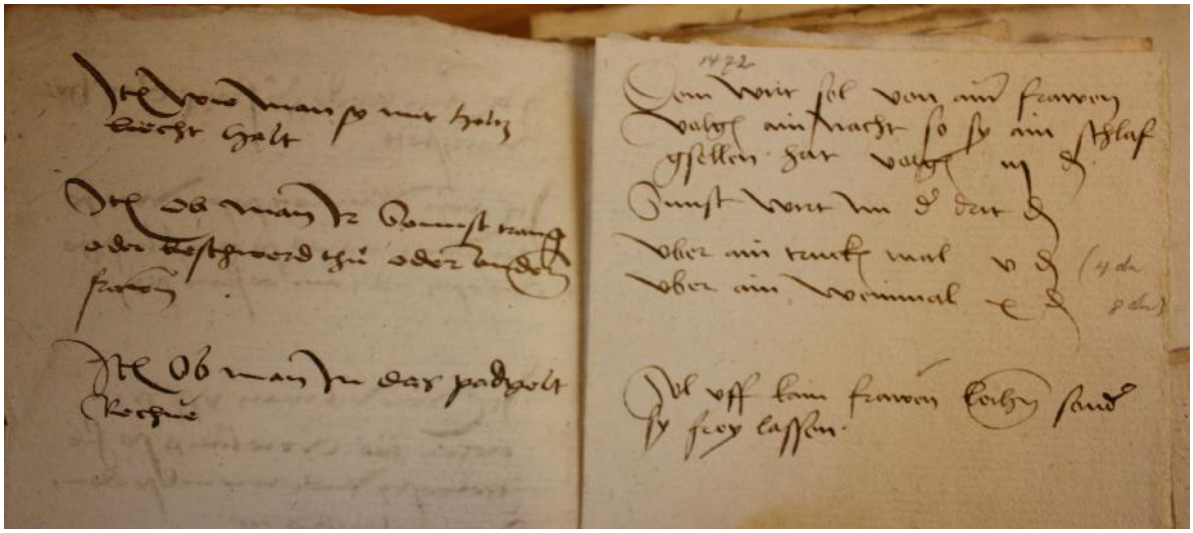
1472

[**1**] Ite[m] wie man sy mit holtz
[**2**] liecht halt
[**3**] Ite[m] ob man ir sonnst trang
[**4**] oder beschwerd thü oder ander
[**5**] sw[e]ren

[**6**] Ite[m] ob man in das padgelt
[**7**] rechne

[**1**] Dem wirt sol von ain[er] frawen
[**2**] volg[en] ain nacht so sy ain schlaf
[**3**] gesellen hat volg[en] iii d
[**4**] sunst wirt im d dat d
[**5**] uber ain trinck[en] mal v d
[**6**] uber ain weinmal x d

[**7**] sol uff kain frawen leih[e]n sond[er]
[**8**] sy frey lassen



Anna von Ulm (i)

1472

[1] Diß nachgeschriben armen Diernen sind uff Monntag
[2] nach sant Ennderß tag von den ainingern Hannsen Hofman
[3] Hannsen von Reutlingen und dem undern burgermayster, pette[r]
[4] spenngler, irer gebrechen halb gehörtt worden

[5] Anna von Ulm, sagt si sy her gelöst worden und si sy dem
[6] frowen wirtt schuldig xxiii guldin und sagt deß ersten
[7] der wirtt och die wirttin die halten sy und die andern
[8] frowen vast hertt sy tringen und zwingen sy das sy in
[9] müssen gelt zu unzimlichen zÿtten verdienen namlich
[10] an den hailigen samstagen nächten so si die wirdigen
[11] mütter gotz marie eren und söliche werck vermÿden solten
[12] so tring und zwing sy der wirtt auch die wirttin das
[13] sy die mann zu inen laussen müssen und wenn sy das
[14] nit tun wöllen so werden sy ubel gehandelt
[15] deß glÿchen so sy ir fröwlichen kanckhait [sic] haben so
[16] werden sy aber getrungen und gezwunngen von im
[17] und ir das sy in müssen gelt gewinnen und die
[18] mann zu in laussen dz sy aber in andern husern nit
[19] zu den selben zytten werden sÿ auch mit spys und
[20] tranck nit gehalten als in zügehöre sonnder man geb
[21] in zu essen glych wie sust so geb man in ellenklich
und ubel **[22]** zu essen man geb inen dz brattens auch dz bachens
[23] in der wochen nit als man tün sölt die kost die
[24] man inen geb die sy nichts geschmaltz got sonnder
[25] füg sich dick das man in ainer wochen kam ain
[26] pfand schmalz mit in bruch und ain sampstag
[27] so müssen sy schwiny schmalz essen
[28] si sagt ouch wenn inen der wirtt ettwas zu koffen
[29] geb es sy gewand oder anndeß das ains halben guldin
[30] oder ains guldins wertt sey so geb, er inen das umb
[31] zwen dry oder vier guldin

Frauenhaus

1/
1472

Dis nachgeschriben armen dierneu sind uff Montag nach sant Endrers tag, von den ainungern, Hannsen Hofman Hannsen von Reutlingen, und den andern burgermaister, Peter Spenngler, irer gebrechen halb gehört worden

Anna von Ulm, sagt sü sy her gelöst worden und süs sy den frowen wirtt schuldig xviij guldin und sagt dz ersten der wirtt och die wirttin die halten sy und die andern frowen vast hert sy tringen und zwingen sy das sy jn müssen gelt, zu unzimlichen zytten verdienen nämlich an den hailigen samstagen nachten so si die wirdigen mutter gotz marie eren, und solche werck vermyden solten so tring und zwing sy der wirtt auch die wirttin das sy die mann zu jnen lassen müssen und wenn sy das nit tun wollen so werden sy übel gehandelt

Des glychen so sy jr frowlichen kranckhait haben so werden sy aber getrungen und gezwungen von jm und jr, das sy jn müssen gelt, gewinnen und die mann zu jn lassen dz sy aber jn andern husern nit

Zu den selben zytten, werden sy, auch, mit spys und tranck, nit gehalten, als jn zugehöre sunder man geb jn zu essen glych wie sust So geb man jn ellencklich und übel zu essen, man geb jnen dz brattens, auch dz bachens jn der wochen nit als man tün solt Die kost die man jnen geb die sy nichts geschmalzgot sunder fur sich dick das man jn ainer wochen kam ain pfund schmalz mit jn brucht und an samsstag müssen sy schwinin schmaltz essen,

Sü sagt ouch wenn jnen der wirtt etwas zu koffen geb es sy gewand, oder anders das ains halben guldin oder ains guldins wert sy so geb er jnen das umb zwen, dry oder vier, guldin

[1] si sagt ouch si müssen der wirrtin spinnen
[2] namlich ir yede des tags zwo groß spinnla
[3] oder apprach und welche dz nit tüe die müß
[4] ir vier pfennig dar fur geb[e]n.
[5] auch so hab in der wirtt den kirch gang genomen
[6] das si sy der pfingsten in kain kirchen nie komen sein
[7] so woll er si nit laussen uß gen damit das sy
[8] ir narung nit gewinnen können auch so schlach
[9] er sy mit ain farren zagel
[10] si sagt auch so er in dz mal zu pfingsten geb
[11] so müß im yede fraw von pfingsten biß
[12] wÿhennächten drÿzehen groß schencken
[13] so er in dann dz mal zu wÿhennächten geb
[14] so müß im aber yede von wÿhennächten biß
[15] pfingsten vierzehen behmisch schencken
[16] mer sagt si wenn ain gutt gesell ir aine[n] me[r] denn
[17] zwen pfennig geb, eß sÿ dry vier funff sechs
[18] ächt zehen oder zwölff und wenn eß gerad sy
[19] so müssen sy das gelt alles instossen so ist eß
[20] aber ungerad so tu ir aine nun den unkraden
[21] pfenning davon nemen und von dem selben
[22] unkraden pfennig, so müß sich denn ir yede
[23] beschüche[n] auch bad und wäsch gelt und anderß
[24] davon haben damit so syen si arm diernen
[25] und können nutz erubrigen und wachß also schuld
[26] uff ir yede das sy selb nit wissen wie und
[27] konnen nutz abbezalen
[28] mer sagt si sy hab der wirttin ettliche hemder
[29] gelihen die hab ir die wirttin under die juden
[30] gesetzt die mugen ir nun numer wider werden
[31] nun gang si ellenklich und schier bloß und
[32] hab nit mer den ain röcklin si hab och so tur
[33] kain under hemett an so wöll ir die wirttin
[34] kains geben weder durch got noch umb gelt
[35] deßhalb si sich schier kain bedecken mug och
[36] nit fur erber lut gen tur

Sü sagt auch si müssen der wirttin simmen
kapüllen, jr yede, dess tags, zwo groß simula,
oder afftracht vnd welche dz nit tue die müß
jr vier pfenning dar für geben

auch so hab in der wirtt den kirchgang genomen
das si syder pfingsten in kain kirchen nit komen sein
So woll er si nit lassen, eß gang damit das sy
jr narung nit gewunnen kündn, auch so schlach
er sy mit ainn sarken zagel,

Sü sagt auch, so er in dz mal, zu pfingsten geb,
so müß, jm yede frow von pfingsten biß
weyhenächten, dreyzehen groß schencken
so er in dann dz mal, zu weyhenächten geb,
so müß jm aber, yede von weyhenächten biß
pfingsten vierzehen behmisch schencken

Mer sagt si wenn ain gutt gesell jr aine mit denn
zwen pfenning geb, eß sy, drey, vier, funff sechs
acht, zehen oder zwolff vnd wenn eß gerad, sy
so müssen sy das gelt alles, in stossen, Ist eß
aber vngerad, so türr aine, Aiun den vngeraden
pfenning daruon nemen vnd von den selben
vngeraden pfenning, so müß sich dann, jr yede
beschücken, auch bad vnd wäschgelt, vnd anders
dauon haben damit so syen si arm dierne
vnd künnen nitz erobrisen vnd wierth, also schuld
vff jr yede, das sy selb nit wissen wie lang
kunnen nitz abbezalen

Mer sagt, si, sy hab, der wirttin gelihen, die hab jr die wirttin etlich hemder
versetzt, die müssen, jr, nun, nimmen, wider werden
Nun gang, si ellenklich vnd schier bloß vnd
hab nit mer, denn ain röcklin, si hab auch
kain vnderhemet, an so woll jr die wirttin
kains geben weder durch got noch vmb gelt
deßhalb sü sich schier, kaum bedecken müg, auch
nit für ander lut gan tür

Adelhait von Sindelfingen

[1] Adelhait von Sindelfingen hant gesagt si sy dem
[2] wirtt xxiii guldin schuldig si sy von eßlingen
[3] gen augspurg zum sailer und von augspurg her
[4] gefürt worden do si von augspurg uß gieng
[5] war si nit me[r] denn xvi, guldin schuldig
[6] das ande[re] sy uff sy ~~ges~~ sydhe[r] gewachsen
[7] ire klaide[r] hab man ir an die juden versetzt mit name[n]
[8] ain hemett dar umb hab sy dem wirtt zu eßlingen
[9] sechs guldin geben mussen sy kam zwaÿer wortt
[10] und sagt die gantzen wochen konnen sy hie nit
[11] ve[r]dienen das sy am sampstag das essen bezalen
[12] deß sy die wochen gebrucht hab[e]n denn er lauß sy
[13] nit uß gen syde[m] pfingsten syen si in nie kain kirchen
[14] komen
[15] zu wyhennächten müssen sy der wirttin schencken
[16] ir yede drÿzechten groß
[17] zwo richten gab man inen ube[r] dz mal, so sölt man
[18] in zwy musten dry geben
[19] Wenn sy denn nit gelt gewinnen an sampstagen
[20] nächten und so sy kranck sein so schlach man sy und
[21] fluch und handel sy übel und sonde[r] die wirttin
[22] sy syen sock und hintta und trow in auch ain
[23] sampstag so sy kain gelt habn er wolls ve[r]füren
[24] de[r] wirtin haben sy ain schuztzbeltz schencken
[25] müssen als si uß der kintbett gangen ist
[26] der umb hab si iren rock fur ain andre
[27] setzen müssen
[28] Die wirttin haben sy aine[n] unde[n], in dryssig pfenig
zu Rittschad **[29]** gelihen dar uff, so gang me[r] geltz denn stünd
[30] si dar umb an aim Juden
[31] so de[r] wirtt aine[r] ain rock, biß ir aine ab aine[r],
[32] hochzyt kompt anlÿcht so muß sy im vier
[33] pfenng davon geb[e]n
[34] ~~Das gelt so inen ye von dem hern zu~~
[35] ~~wyhennechten und sust geschenckt wirtt~~

[1] so ir aine kranck sy so geb man ir nit bessers
[2] denn den andren
[3] so halt man die gesellen ubel im hus
[4] dar umb so konnen sy nutz gewinnen
[5] auch schlach sy de[r] wirtt mit dem farren
[6] zagel
[7] was man inen auch wyß brats uff
[8] den hochzytten geb das nem in die wirttin
[9] und geb in ruggiß dar fur die kost und den
[10] win lauß si inen.
[11] mit dem gelt in stossen und mit dem
[12] ungeraden pfennig sage si glich wie
[13] die andern
[14] den inden syen sy vil schuldig

Chündlin von Augspurg

[1] Chündlin von Augspurg sagt si sy dem wirtt
[2] vierzehen guldin schuldig und si hab uberal
[3] nichts von klaidern denn ain hemett de[r] wirtt
[4] wöll ir kains geb[e]n de[r] andern stuckhalb alle
[5] sagt si auch glich wie die andern, und deß mer
[6] si sy vor auch in andern hüsern gewesen si hab abe[r]
[7] in kain hus nie gesehen ~~d~~[….] da man die
[8] frowen hertte[r] und […] schnöder halt, dann
[9] hie
[10] eß kam auch offt das ir aine am sampstag nit
[11] ain bad gelt hab so lych ir dann die wirttin
[12] uff gertten hawen
[13] wenn in auch de[r] wirt win hin ein lauß holen
[14] so müssen sy allwegen ains pfennigs me[r] umb
[15] ain maß wins geb[e]n, dann si in de[r] stat Vast
[16] wenn inen by wÿlen gelt von den herren
[17] geschenckt werd das müssen sy de[r] wirttin
[18] schencken

[1] si hab uff ain zÿtt ain gesellen lieb gehapt
[2] wann dann de[r] selb zu ir gieng, und er
[3] ir ettwas schanckte dz möcht de[r] wirtt
[4] auch die wirttin nit […] lyden der wirtt
[5] schlug sy auch uff ain mit dem farren
[6] zagel das si uff den armen uff bräch
[7] de[r] wirtt hab och uff ain zytt aine geschlagen
[8] das si zwen tag im bett gelegen sy

Els von Nürnberg

[1] Els von Nüremberg sagt si sÿ sechs guldin
[2] dem wirtt schuldig dar umb sy si zu
[3] Nüremberg uß gelöst worden si sy kain
[4] vierzehen tag hie geewst
[5] de[r] andern stuckhalb sagt si auch gutt
[6] maß wie die andern
[7] denn deß me[r] ain schlaye[r] sy wol zwaÿe[r]
[8] guldin wertt, hab si de[r] wirttin zu behalten
[9] geb[e]n den wölt die wirttin nun von ir geschenckt
[10] hab[e]n
[11] vom rock den si antrag, müss si dem
[12] wirtt gelt gebn

Wÿchselbrun von Ulm

[1] Wÿchselbrun von Ulm sagt si sy dem wirtt
[2] sechs guldin schuldig und si sy selbs hin
[3] ein gangen und de[r] wirtt lauß sy uß gen
[4] abe[r] die andern nit
[5] de[r] andern stuckhalb sagt si och gutt[er] maß
[6] als die andern dann deß me[r] als si in dz
[7] hus hie käm und drÿ wochen dar inn wär
[8] da wurd si xii guldin schuldig, die sechs
[9] hab si abzalt
[10] so sy herkomen und in de[r] wirtt dz mal zu
[11] essen geb, so koch er in ain mal umb xxiii
[12] pfennig das man sust in de[r] statt
[13] umb xii dn gäb
[14] man schlach sy mit stecken gertten und
[15] mit ain farren zagel
[16] man halt sy hie nit als man anderswa tüe
[17] die wirttin hab ir ain hemett und ain struppen
[18] an die juden gesetzt die mugen ir numer werden
[19] wenn ain gutt gesell ir aine[n] ain barschuch
[20] bezal das mug die wirttin nit lyden
[21] wenn eß nit durch sy far so verbiett
[22] si den gesellen dz hus dar umb so mug
[23] ir keine nichts v erubrigen
[24] syd pfingsten syen sy in kein kirchen komen
[25] Dry schenckin müssen sy im tun zu wyennächte[n]
[26] xiii groß welche das nit tüe so setzt man
[27] ir ain guldin dar fur ein

Enndlin von Schaffhausen

[1] Enndlin von Schauffhusen sagt gutter maß wie
[2] die erst das ir yede deß nachts deß tags zwo spindla die
[3] groß von garn sein spinnen müß und welche dz
[4] nit tüe die müß vier pfennig darfur gebn
[5] auch geb man inen vast ubel zu essen und de[r] wirtt
[6] zwing und tring sÿ auch die wirttin
[7] an sampstagen nächten auch so sy in ir kranckhait
[8] sein so müssen sy die mann zu in laussen und welche dz
[9] nit tün well die schlach man und handel sy
[10] ubel
[11] auch lauß er kaine uß gen wenn auch ir aine
[12] deß nachts ain man by ir hab so müß si acht
[13] pfennig zu schlauff gelt geb[e]n doch werd ir dasselb
[14] halbs
[15] si sagt si sy zwölff guldin schuldig doch wisß
[16] si nit wie dz gelt uff komen sy
[17] der wirttin als si uß der kintbett gangen ißt hab[e]n
[18] sy ir ain struppeltz schencken müssen dar an hab
[19] si xxx dn gebn müssen zu wyennächten müß
[20] ir yede de[r] wirttin acht groß oder me[r] schencken
[21] si sagt och wenn ir aine gutte klaide[r] hab, so
[22] setz mans inen under die juden und vergangen
[23] in also und wenn der wirtt ir aine[n] am frytag
[24] ain rock an lych so müß si im ain groß davon geb[e]n
[25] er hab si auch herrt und schlach sy mit ain
[26] farren zagel

Endlin von schauff husen, sagt, yetlicher mag, wie
die erst, das ir yede, des tags zwo spindla, die
gras von garn spin sinnen müß, und welche dz
nit tüe, die müß vier pfennig dar für geben
auch geb man inen vast übel zu essen, und der wirtt
zwang und triug sy, auch die wirttin

am samstagen nachten auch so sy in ir kranckhait
sind müssen wäschen sy, die mann zu entladen, und welche dz
nit tun wöll, die schlach man, und handel sy
übel,
auch laß er kaine ußgon, wann auch ir aine
deß nachts, ain man, lieber hab, so müß si acht
pfennig zu schlaffgelt geben, dar werd ir daßselb
halbes,
Sü sagt, sü sy zwölff guldin schuldig, darumb wiss
sü nit wie dz gelt uff sy kamen sy
Der wirttin als sü uß der kindbett gangen ist, haben
sy ir ain stauffelin schencken müssen, dar an hab
sü zwen ..., geben müssen, zu wyhennächten müß
ir yede, der wirttin ettwas geben, oder me schencken,
Sü sagt auch, wenn ir aine guttekland hab, so
zerr man inen under, die siden und sortzanfflen
hinaß, und wenn der wirtt, ir aine an fyrtag
ain nacht anhebt, so müß si im ain groß dannan geben
er hab si auch hertt, und schlahe sy mit ainer
farwen zagel,

Cathrin von Nürnberg

[1] Cathrin von Nüremberg sagt ~~auch~~ […]
[2] si sy von Nüremberg her umb sechs guldin
[3] ~~verfurt~~ gelöst worden die sy si schuldig ain guldin
[4] muß si dem wirtt von eine[r] kame[r], und von
[5] bösem gelige[n] geben der andern stuckhalb
[6] aller sagt si glych wie die andern zwo,
[7] und deß me[r] so sy das gelt die gantzen
[8] wochen in die lad legen und so yr yede
[9] wän si soll vil dar inn hab[e]n, so mans denn
[10] uff ~~und nit~~ tüe so sy nit als vil dar inn
[11] und wann denn nit vil dar inn ist
[12] so schlach sy de[r] wirtt und handel sy ubel
[13] deß glich die wirttin und sy haben sy
[14] usß de[r] massen hertt und drow inen wan
[15] sy im nit gelt gewinnen er woll sy v[er]füren
[16] ~~und~~ er gab inen auch vast ubel zu essen
[17] dennocht so sy der wirtt besser dann die wirttin

Cristin von der Etsch

[1] Cristin von der Etsch sagt si sy dem wirtt
[2] xvii guldin schuldig dry hab man uff sy
[3] gerechnett her zu füren und ettlich zerrung
[4] denn ain bub hab sy von der Etsch gen Nüremberg
[5] gefürtt si sy auch nit lang hie gewest
[6] und sagt dem wirtt und de[r] wirttin müß
[7] ir yede järlich drÿ schanckung tun
[8] umb ain gefräuß hab sÿ uff dar fur hab man
[9] ir ain guldin verrechnett
[10] wenn auch ir aine im hus vom wirtt
[11] zwen tröpff und an gefrauß mit ain bartten
[12] haben woll müß si im by zwain guldin
[13] dar umb geb[e]n
[14] der andern stuckhalb wie hart sy gehalten
[15] werden das sy an sampstagen nachten und
[16] so sy kranck sein man zu inen laussen und im gelt
[17] verdienen mussen sagt si gutte[r] maß als die
[18] andern

Cathrin von Nüremberg sagt, ~~[...]~~ hab sechs guldin
sie sy von Nüremberg her,
~~gelöst~~ worden. Die sy sie schuldig, ain guldin
muß sie dem wirtt von ainer kamd, und von
bessern gelichs geben. Der andern stuckhalb,
aber sagt sie gehore, wie, Die andern zwo
und daß sie ... so sy das gelt, die gantzen
wachen jn die badstuben, und so jr gode,
wan sie soll, vil das jm habent, so mand dann
uff nie, ~~und nit~~ so sy nit als vil das jm
und wann denn nit vil, das jm ist,
beschlagen sy des wirtt, und, handel sy übel
~~[...]~~ gegen die wirttin, und sy haben sy
uff das massen hertt, und drauß jnen, wann
sy jm nit galt, gewinnen er woll sy uffüren
~~[...]~~ er hab jnen auch vast übel, zu essen
dennocht so sy der wirtt besser, dann die wirttin

Cristin von der etsch sagt, sie sy dem wirtt
xviij guldin schuldig, Das hab man uff sy
gerechnett, her zu füren, und, etlich zerung,
Dann ain bub habe sy von der etsch gen Nüremberg
gefürtt, sie sy auch nit lang hie gewest
und sagt, dem wirtt, und der wirttin muß
sie gode, tägliche den schauchung ...,
~~[...]~~ umb ain gefänß habe sy uff,
jr, ain guldin ... verrechnett, dar fur hab man
wann auch sie ame jm hus, dem wirtt
zwen köpff, und ain gefanß mit ainem baettem
haben wölle, muß sie jtz bey zwain guldin
Dar umb geben
Der andern stuckhalb, wie hortt sy gehalten
worden, das sy am sampstagen nachten und
so sy kranck sein, man zu jnen lauffen und jm gelt
verdienen müssen sagt sie glicher maß als die,
andern

Margrett von Biberach

[1] † Im anfang ~~hatt si~~ dem hofman ir triw geb[e]n und daruff
[2] ain ayd zu got und den hailigen geworn In d[er]
[3] he[r] nach gemelten sach ain warhait zu sagen
[4] meinen zu lieb ~~zu~~ noch zu laid und dar uff also

[5] Margrett von Bibrach hant † gesagt uff ain zÿtt als si

[6] hie im frawen hus gewesen sÿ kam die wirttin zu ir

[7] und bätt sy das sy ir ain dienst tätt sagte si liebe

[8] mütt[er] wz ist das da säch die wirttin zu ir gang

[9] mir hin du de[r] gilsserin und hol mir umb ain pfenig

[10] palay und umb ain pfennig sigrien hab si abe[r]

[11] palaÿ wasser so bring dasselb ist mir liebe also

[12] wären si und ann von ulm zu de[r] gilssern gangen

[13] ~~und hetten ir die palay und sigrien gebracht~~ hett in palay und sigrien geb[e]n und fragte sy auch nit[1]

[14] also do sy das de[r] wirttin brachten do nam die[2]

[15] wirttin nagelach lorber palaÿ sigrien und

[16] sust alle[r]laÿ andre ~~kriwt~~ ding d[i]e namen si abe[r] nit

[17] wiss und stüss das unde[r] ain ande[r] und

[18] sutte das in ain wyn und machte ain tranck

[19] dar uß und morgens gäb si das de[r] elsen

[20] zu trinken doch tranck die Els das tranck

[21] nit gern si bätt ach die wirttin nit dar umb

[22] abe[r] die wirttin stünd mit ain stecken ube[r]

[23] die Elsen ~~das~~ und trung und zwung sy

[24] das sy das tranck müßt trincken si und

[25] die andern frawen sächen ob das ~~si dar~~

[26] die Els das tranck müßt trincken si westen

[27] abe[r] nit was trank es wär

[28] do nun die Els das tranck getruncken

[29] hett und zü nacht schrwe si und gehüb

[30] sich vast ubel und gieng im hus umb

[31] und kunde kain rüw haben morgens

[32] wär si vast kranck also machten sy ir ain

[1] A note connected to this line in the left margin is partly cut off by the photograph taken of the manuscript; visible parts of the line read "[..]ch si zu / [wi]rttin wz / wölt sach / [wi]rttin wz / [..]gi[..]ug".
[2] A second marginal note also cut off reads "[…]n sy dz / […]ten".

Im anfang ~~[illegible]~~ sü den hofman jrius gebin vnd daruff
ain Eyd zu gott vnd den hailigen geschworn jn dem
(1) Er nach gehalten hat ain wolderait zu sagen
warumb sü was ~~[illegible]~~ zu laid, vnd daruff also

Margrett von bibrach, hatt gesagt, Vff ain zytt als sü
hie jn frawen hus, gewesen, sy kam die wirtin zu jr,
vnd batt sy das sü jr ain dienst tatt, sagte sü, liebe
mütt, wz ist, das, da sagt die wirtin zu jr, gang
mir hin zu der, gilfferin vnd hol mir vmb ain pfenning
ob sü zu / bolan vnd, vmb ain pfenning, sigrien, hab sü aber
wirtin wz / bolan wasser, so bring dasselb, ist mir liebd also,
wirtin wz / waren sü vnd ain von vns zu der gilfferin gangen
die hett jn bolan vnd sigrien geben vnd ...
~~[illegible]~~
also, da sy das "der wirtin" brachten Do nam die
wirtin, waysalare, lorber, bolan, sigrien vnd
sust, allerlay andre ~~[illegible]~~ ding, der nam sü aber ain
hayss vnd süss das, vnder ain ander vnd
sutt das, jn ain wyn vnd machte, ain tranck
daruss vnd morgens, gab sü das, der elsen
zu trincken dasselb tranck, die bess das tranck
nit gern sü batt aber die wirtin nit daran
aber die wirtin stund mit ain stecken über
die elsen ~~und~~ vnd trang, vnd zwang sy
das sü das tranck, must trincken, Si vnd
die andern frawen sahen, ob das ~~sü der~~
die elss das tranck, must trincken, sy wessen
aber nit, wz das tranck gewesen wär,
Do nun die elss das tranck, getruncken
hett, vnd zu nacht starb sü vnd geschach
jr vast übel vnd gieng jr hus vnd vmb
vnd kunde, kain rüw haben Morgens
wär sü vast kranck, also machten sy jr ain

[1] bett in die stuben zum ofen also läg sy und
[2] wär fast kranck si hette auch ain fluß
[3] do si nun also läg hüb die wirttin an und
[4] säch gegen der elsen si wölt sy umb das
[5] ir beschÿßen und ir tün als si andern wirtten
[6] vor och getan hett abe[r] es gieng ir nit
[7] und säch dar uff si solt hin gan und tün
[8] als die andern
[9] also säch die Els si kunde nit tün si wölt
[10] sy auch umb das ir nit hinanfüren
[11] und gehübe sich vast ubel und säch zu ir
[12] egenante[n] margretten ~~an der Elsen~~ o liebe
[13] Margrett wol ist mir so we do säch zu
[14] ir liebe Els schwÿo es es wirtt schier besse[r] also
[15] gehüb sich die Els so ubel das sy und die
[16] andern frawen alle mit ir waintten
[17] dar nach uber ain ode[r] zwen tag wurd
[18] es besse[r] umb die Elsen da säch ~~si eß we~~
[19] die Els zu ir es wär yetz güt si besorgte
[20] abe[r] es wurd hernach böser da säch die
[21] ~~dar nach aber~~ wirttin abe[r] zu de[r] Elssen
[22] du flaisch diebin flaisch schälkin
[23] du woltest mich umb das min beschÿssen
[24] darnach lecht ube[r] vierzehen tag kämen
[25] de[r] stähelin und de[r] bernhart in das
[26] hus also käm Els zü ir und viel ir umb
[27] den hals und säch o liebe ~~Els~~ Margret ich wölt
[28] dir gern naißwas sagen danach si wz
[29] das war da säch Els zu ir liebe

(2) bett zu dir stuben kam sy alßo lag sy vnd
wair fast kranck, sü hette lang zeit kain
Do sü kam alßo lag, klüb, die warttin ayn andern
Jach gegen der, deßen sü wolt sy vmb das
ze bestayßen vnd ze tun als sü andern warttern
war, acht getan hatt, aber es gennug ze, nit
vnd Jach dar vff sü solt hin gan vnd tun
als die andern,
alßo Jach die, es sü kinder nit tun sü wolt
sy auch vmb, das ze, nit, kumaysüstey
vnd gelaube sich vast, übel ~~als~~ vnd Jach zu ze,
~~i~~ egenante Margretten ~~[illegible]~~ O liebe,
Margrett, wol ist mir so we, Da Jach sü zu
ze liebe es, schwanger es wirt schier, besser, als
gehüb sich die es so übel, das sü vnd die
andern frawen alle, mit ze wainten
Dar nach, über ain, oder zwen, tag, ward
es besser, vmb die ersten da Jach ~~[illegible]~~
Die es zu ze, es wair gar gut, sü besorgte,
aber es ward, hernach böser, da Jach die
~~Dar nach aber~~ warttin aber, Zu der ersten
Du flaisch diebin du flaisch schalkin
Du waktosmire, vmb das mich beschaißen
Dar nach lecht, aber, vierzehen tag kamen
Der schalckin, vnd der, bezulkastt in das
haus, alßo kam, es, zü, ze, vnd, viel ze vmb
den hals vnd Jach, o liebe ~~es~~ Margret wolt
Dir gott naißwas sagen da kaig sü wz
das wair, da Jach es Zu ze, liebe,

[1] Margrett ich waiß wol das du es nit

[2] sagst und dar umb so wil ich dise

[3] sagen und die zwen müssend och hören

[4] maint si den stählin und den bernhart

[5] also sagte ir die Els es wär ain kindlin

[6] von ir komen und hett ir gezaigt wie lang

[7] es war gewesen und ~~wie man~~ si hette ~~dz~~

[8] d[er] Annen von Ulm ain ermel genomen

[9] dar ain hette sy dz kind gewinckelt[3]

[10] da säche si zu de[r] Elsen liebe Els du hanst

[11] torlich getan das du das tranck hanst

[12] getrunken da säch Els zu ir Du sichts

[13] und hörst wol das ich ich es han tün

[14] müssen

[15] Dar nach lecht uber drÿ wochen käm

[16] ain güt gesell in das hus zü de[r] Elsen

[17] als di[e] ding halb red umb gen wurden

[18] und redte mit ir von den dingen villicht

[19] wie die ding uskamen ~~wurden~~ waren also käm

[20] Els zu ir und säch liebe Margrett ich furcht

[21] ~~solten~~ die ding wollen uf komen ~~als ich dann~~

[22] ~~besorg das villicht dem wirtt~~

[23] wirtt ettwas dar durch wide[r]faren[4]

[24] ~~mächt solt nun das beschehen~~ war

[25] wir sint halb nit lieb und batt si die

[26] ding dem wirtt fur zü legen und zü sage[n]

[27] also gieng si und de[r] wurstlin zum

[28] wirtt und legten im die ding fur

[3] A note connected to this line in the left margin is partly cut off by the photograph taken of the manuscript; visible parts of the line read "min hemet / hatt man / clagt".
[4] Another note partly cut off reads "dann […]m".

Margreth, Ich waiß wol, das du es nit
sagst, und darumb, so will ich dises
sagen, und die zway missethater[?] all hören[?]
machet, sie den [illegible] ald den [illegible],
Also, sagte, sie dise als es, wär ain kindlin
von ir komen, und hett ir gezaigt, Wie lang
es wär gewesen und, ~~wie lang~~ sie hette de
der ainen von ihm ain ermel[?], genomen
[im hemmet hett man sagt][?] Dar ain hatte sie dz Kind gewickelt.
Darauf sie zu der alten hete als du hanst
tötlich geton, das du das kranckh, haupt
gemacht, Da säer[?] es zu ir du weist
und waist wol, das, ich[?] [illegible]
müssen,

Darnach legt über[?] dem, wortten kain
ain gut gesell in das kue[?] zu der alten
als der dingt halb, red, umb gen wenden[?]
und redte mit ir von den dingen [illegible].
Wie die, ding, es kamen ~~wenden~~ waren, also kain
es zu ir, und säe, hete Margreth Ich [illegible]
~~sitten~~ die ding // wöllen es kamen ~~als [illegible]~~
~~[illegible], das, [illegible], [illegible]~~
[margin: [illegible]] Wirtt etwas, das durch maidelfasen[?]
~~[illegible]~~ wär
mir sint halb, nit lieb, und bat si die
ding, dem wirtt fur, zu legen, und zu sagen
Also giengen sie und die maistlin zum
wirtt und legten im die ding fur,

[1] also nam de[r] wirdt ain stecken und gieng
[2] in das hus und säch z zü d[er] Elsen
[3] du verhÿtte flaisch diebin was hant dir
[4] min barbel zu trincken geb[e]n und schlug sy
[5] mit dem steckn in de[r] kuchin den stecken an ir ab
[6] zuge sy o[c]h bym har umb und sach si
[7] brächte in und sin wirttin gern umb lyb
[8] und umb güt
[9] Dar nach als nun d[i]e ding halb me[r]
[10] red umb gen wurden und villicht
[11] d[e]r wirt und die wirttin besorgten
[12] die ding wolten uff komen namen sy
[13] die Elsen uff ain mäl haimlich an
[14] ain ortt und sagten ir schuld wolten
[15] sy ir schancken und si wurde im
[16] v[e]rhaissen nimme[r] me[r] kain mentschen
[17] nichts davon zu sagen und wolten sy
[18] also hin gehen laussen solchs sagen
[19] nun die Els ir auch den andern frawe[n]
[20] dar nach in kurie an ain frytag sassen si
[21] und die andern frawen ob tisch gieng die Els
[22] he[r] us als ob sy in die milch an richten wölt
[23] also wär si nun so lang us do säch si
[24] egenante Margrett wil als nit talatt
[25] komen söll wir ynie[r] Järlatt trncken
[26] brett essen also sach die wirttin zü ir si
[27] war allweg schuabel schnolle[n] denn ande
[28] lut und zu lest gieng die wirttin
[29] hin uss und kam wide[r] hin in und
[30] sagte worlich die Els ist hin weg
[31] also liesse sy alle in dem hus umb
[32] und suchten sÿ westen ale[n] vor wol
[33] wie die ding zugericht waren

[1] also käm si hin weg

[2] si sagt auch si hab nit gewist

[3] das els mit ain kind gangen sy

[4] also si sagt si und de[r] wurstlin haben

[5] gesehen dz milch von de[r] elsen gangen sy

[6] de[r] andern sachhalb wie de[r] wirtt und die

[7] wirttin die frawen im hus so hartt gehalten

[8] hab[e]n sagt si alle[n] stuckhalb gutt[er] maß als

[9] die andern denn sovil me[r]

[10] ~~ye zy~~

[11] ye zu zÿtten so die frawen im hus bÿ der

[12] wirttin am sampstag ode[r] am montag an de[r]

[13] rechnung sässen und so ir aine wunde si solt

[14] vil geltz in der lad hab[e]n so hab inen die

[15] wirttin offt das gelt angesicht ir ~~auch~~ augen

[16] ~~vor~~ unde[r]geschlagen wenn denn aine lützel

[17] geltz in der lad hette so versagte sy denn die

[18] wirttin die gen dem wirtt also er hatte

[19] ir kain nutz und sy gewinnen im nutz so

[20] schlüg er denn mit rutten und mit nessen

[21] wurtzen

[22] und am montag so aine nit vil geltz

[23] hatt gewonnen und so si sach ir kranckhait

[24] hette so schlüg er sy

[25] Item wenn aine ain aigen kame[r] hab[e]n wölt

[26] so must sy ain guldin davon gebn den schrib

[27] man ir in die tafel

[28] Item si sagt de[r] wirtt hab die frawen

[29] me[r] umb unschuld dann umb schuld geschlagen

[1] Item si sagt wenn ir aine nit vil geltz
[2] hett gewunnen so setzt man sy unden
[3] an tisch und gäb ir nit me[r] dann ain richt
[4] so man den andern zwo ode[r] dry gäb
[5] es hab sich auch dick gebn das ir aine vor
[6] de[r] wirttin nit frölich dörst ain bratt umb
[7] ir aigen gelt koffen sonnde[r] wenns die wirttin
[8] säch so sach si zu de[r] selben si solt sparen
[9] an die schenckin
[10] si sagt de[r] wirtt hab ir ain ~~bader~~ bad
[11] hemett umb vier guldin gebn das sy kom
[12] ains guldin wertt gewesen.
[13] die wirttin laitte in hur ~~um~~ im saine[n] dz
[14] flaisch deß halb sy schier in funff wochen
[15] kain flaisch ässen
[16] si sagt die frowen haben müssen die
[17] man an sampstagen nächten an zwolff
[18] betten nächten kain nacht uß genamen by
[19] in laussen ligen
[20] Item in de[r] karwochen am grünendonstag
[21] zu nacht und an de[r] ~~gutten~~ mittwochen
[22] davor so sÿen luit der inn gelegen
[23] Item zu zÿtten wenn ir aine zu nachts sagte
[24] si hette ain man und wenn er dann nit
[25] käm so must si dennocht das schlauffgelt
[25] geben
[26] Ite[m] si sagt eß haben och ettlich frawen
[27] der wirttin ye zu zytten acht pfenng fur
[28] das spinnen mussen geben und uff ain
[29] zytt aine zwölff pfenng die selbs sy
[30] yetz zu Nuremberg.
[31] und so sy ye in de[r] karwochen bychtigen wenn
[32] denn aine zu lang bychten wolt, so setzte ir die
[33] wirttin ain guldin in die tafel

Anna von Ulm (ii)

[1] Anna von Ulm sagt uff ir truw das sy dorumb geb[en] het war vasnacht nehstu[n]schine[n]
[2] Els von Eystet In dem haws gewest und so gross
[3] worden sey das die wirttin gege[n] ir gesagt
[4] hab wie ir sey do hub els gesagt sy wuss nit
[5] wie ir sey sy villicht bi acht od[er] zehen woche[n]
[6] nit krank gewest do hab die wirrttin gesagt
[7] es sy nichtz denn das ettwas by ir beliben sy
[8] sy well ir ain trank mache[n] das sy das trink
[9] so werd ir wider als ainer andn frowe[n]
[10] in dem hab die wirrttin sy und noch ain frowe[n]
[11] ge[nan]nt biberlin zü der Gilsserin geschikt und
[12] hab in der Gilsserin geben yngrin und buloÿ
[13] und sy wiss nit aigenlich ob sy in anfang
[14] wasser geben hab od[er] nicht das trügen
[15] sÿ heim und geben das d[er] wirrttin do hab
[16] die wirrttin doheim ain trank davo[n] gemacht
[17] und hab das der elsen geben zü trinken, do
[18] ist nu d[er] Else[n] vast wee von dem wasser
[19] worden und als ir so we was worde[n]
[20] bedächt sy sich und nam Anna von Ulm
[21] zu ir uff in die kuchin uff den herd und
[21] zaigt ir die brüst das sy milch gëb und
[22] sprach zü ir lieb Anna von Ulm ich besorg
[23] ich gang mit aine[m] kind und beg[er]t irs
[24] ratz und sagt dabi ich sorg ich gang mit
[25] aine[m] kind trink ich dann dz wasser so besorg

[1] ich es trib mir […] do hab sy ir gepaitte[n]

[2] sy söll d[as] wasser od[er] trank nit trinken und

[3] söll gege[n] d[ie] wirrttin sag[en] sy hab das trank

[4] und söll das hin schante[n] do hab els von

[5] eystet gesagt liebe mütt[er] mir ist bitt lich

[6] wee do hab die wirrtiin gesagt so du dz

[7] nit trink[en] wilt so wilt du dir selbs nit

[8] helffe[n] do hab els gesagt liebe mütt[er]

[9] mir geschicht so wee davo[n] das ich es nit

[10] mer trinke[n] wil do hat die wirrttin dorumb

[11] gesproche[n] es ist nichtz den speisserÿ du

[12] hast d[en] wirtt vier od[er] funff beschissen

[13] also wilt du mich auch beschissen do

[14] hub die els ire bösse wirtt nit wellen

[15] von ir usrueme[n] und hab deshalb

[16] das wasser trunke[n] dornach ist ir vier

[17] nächt gar mercklich[e]n wee word[en] das

[18] sy im haws umbgange[n] sy und Clagt

[19] gott ir giess wee und not und rüffte

[20] gott und die junckfrawe[n] maria an

[21] umb hilff[5] ~~und bätt sy~~ umb ain underrok dz

[22] sy ir den wölt lyhan gebette[n] den hab sy ir gelihen und

[23] ist dabi gelege[n] ain linin ermel undin bett[6]

[24] also sen die ding in still beliben bis nach ost[e]n

[25] und nahend zü d[er] meß do hab sy mer

[26] heimlichent zü d[er] Els von Eystet

[5] und sy so vast fliessend / worden das ma[n] sy / gesprett hab / was sy gange[n] / sÿ deshalb sy sie
[6] und sy nach dem viert tag von stund an von tag zü tag ye leg[en] und ye / clainer worden

(2)

Ich es tub mir [illegible], da hab sy ir gespawt
sy sill speysse vnd trank mit trincken vnd
sill gros [illegible] vorcht in ghept, sy hab dass trunck
vnd sill dass hin geschuttet. Da hab ele [illegible]
Cristum gesagt liebe mund wie ist [illegible]
[illegible], Da hab dir vorcht gesagt, so du [illegible]
nit trincken wolt so wollen dir selbs nit
helffen, Da hab ele gesagt liebe mund [illegible]
mir geist hilfft so wil [illegible] dass ich es nit
mir trincke wol da hat dir vorcht darauff
geantwort [illegible] es ist nichs dan [illegible] da
hast [illegible] vorcht [illegible] [illegible]
also wolt du mich auch beschissen, Da
hab dir ele [illegible] [illegible] bis [illegible]
das ir [illegible] vnd hab ~~[illegible]~~ des halb
das wasser trunck, darnach ist ir [illegible]
nicht gar [illegible] wer [illegible] dass
sy im [illegible] [illegible] [illegible] C. legt
gar [illegible] were vnd nit vnd kusse
gar vnd die junckfrawen maria [illegible]
vnd helff ~~Und bitt~~ sy vmb ain vnderricht
sy ir den wolt [illegible] hab sy ir gelichen vnd
ist daby gelicht ain [illegible] vnd [illegible]
[illegible] du ding In still beliben bis [illegible]
vnd nahend zu [illegible] da hab sy [illegible]
[illegible] zu [illegible] Cristum

Item sy so vast flussend / [illegible] sy / gesprochen hab / was sy gerung / ij deshalb sy so

Vnd sy nach den drey tag [illegible] von tag zu tag [illegible]
[illegible] [illegible]

[1] gehabt denn and[eren] frowe[n] und die Els ersusszget

[2] offt wenn sy Anna von Ulm ansah und

[3] waintt und clagt do wolt Anna von Ul[m]

[4] wisse[n] was ir anleg uff das hub sy ir

[5] das in triuwe[n] gesagt also dz sy dz niema[n] sage[n]

[6] und ir ir triw dorumb gebn wolt bis

[7] die Els von Eystet dz auch sagt und spräch

[8] lieb Anna wenn ich die wirrttin ansich so

[9] ist mir min hertz betrübt das ich sy

[10] mir sol sehen gee[n] denn sy hat mir min

[11] blütt und fleisch v[e]rderbt und hat mich

[12] umb min kind gebracht do sy die sach

[13] v[er]schwige[n] beliben bis nach d[er] meß also

[14] nach der meß hab sich begeben das die wirtt &

[15] u[n]d Els von ~~Ulm~~ Eystet sich mit ain and[er] zertrag[en] haben

[16] do sagt Els von Eystett min wirttin handelt mich ub[er] tag

[17] ubel und tüt mir nit dz mir zü gehörtt

[18] und hat nit fromklich an mir gefaren

[19] sond[er] hat mir min blütt und fleisch

[20] v[er]derbt das clag ich ub[er] sÿ, do spräch sy

[21] gen ir liebe Anna von Ulm wo mainstn

[22] das din ermel hinkome[n] sey den du vor als

[23] an mich geford[er]t hast do sprach Anna

[24] von Ulm liebe Els ich weiß nicht darub[er]

[25] du sprichst du habst mir den nit genome[n]

[26] da laß ich es hy belib[en] do sagt Els von

[1] Eystet lieb anna das kind das ~~ich d~~

[2] waismir kome[n] ist dar inn gewickelt

[3] ~~wurd~~ und ist in das huslin geworffen

[4] worden die wortt haben sy und and[ere]

[5] dirne[n] die dabi gesess[e]n sein wol gehörtt

[6] do haben sy alle gewaint und zusomme[n]

[7] gesproche[n] nün müss es es gott erbarme[n]

[8] das ma[n] soliche[n] jame[r] laid sol und das

[9] sölich mord gescheht und wir das nit

[10] clage[n] söllen [7] als nü d[er] wirstlin und

[11] der kornhaus die wortt gehörtt haben

[12] die haben sy das dem wirtt gesagt in

[13] dem gieng die wirttin züm Leonhart und

[14] löget vast und lent den ungehinfss uff

[15] die Els[e]n von Eystett und heizet den an

[16] das er die Els[e]n schlüg do nom in Ana

[17] von Ulm von dem schlahe[n] und sprach

[18] vart das tünd nit clagt die dir[n]

[19] das um euch es wirtt euch kain frowe[n]

[20] bringe[n] also liesser von dem slahen

[21] do gieng die wirttin zü den dirne[n]

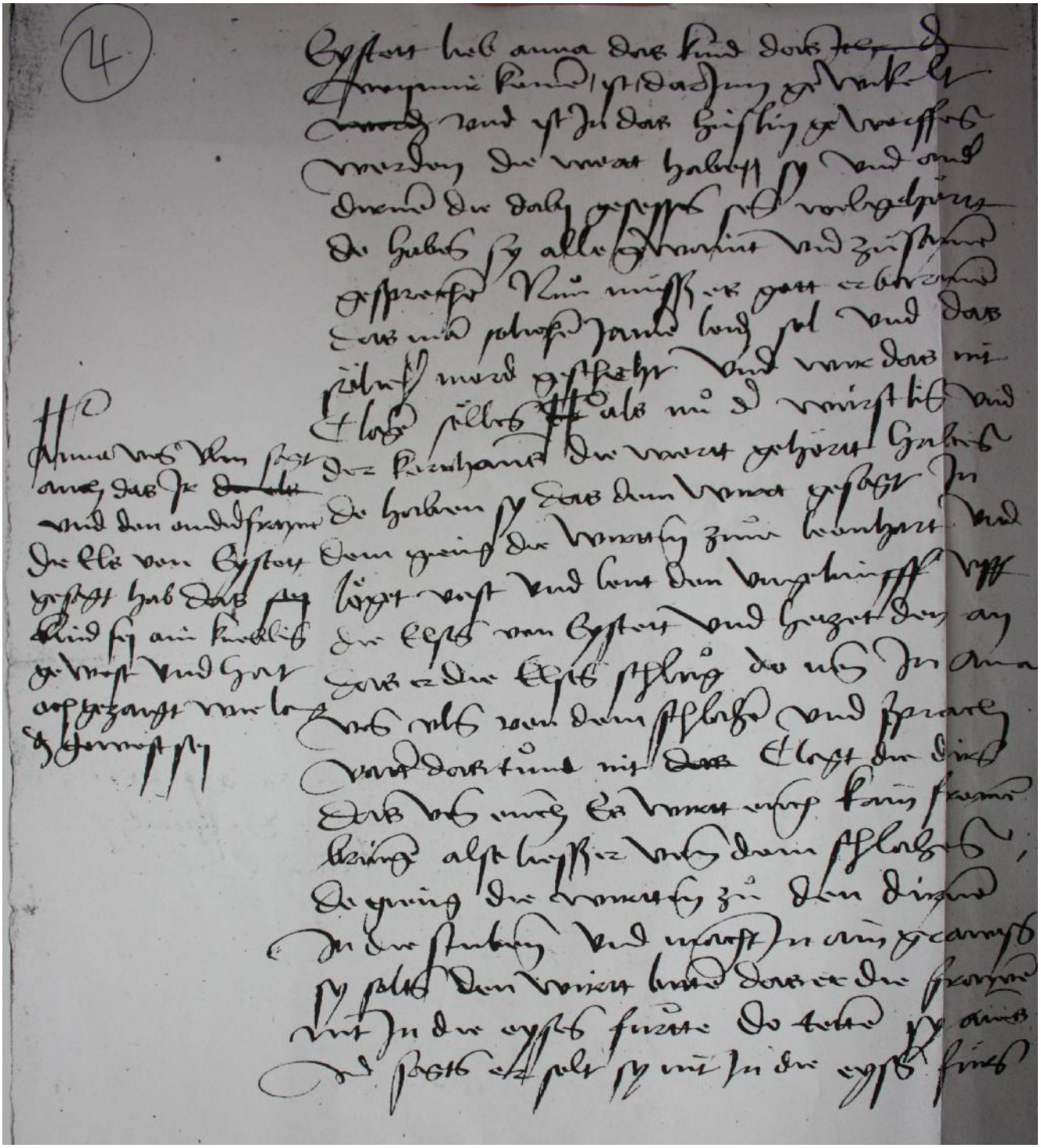
[22] in die stuben und macht in ain grawas[en]

[23] sy solt[e]n den wirtt bitte[n] das er die frowe[n]

[24] nit in der eysen fürtte do tette sy ains

[25] und sagt[e]n er solt sy nit in die eyes[e]n für[en]

[7] Anna von Ulm sagt / auch das ir ~~das Els~~ / und den and[ern] frawe / die Els von Eystet / gesagt hab das / das kind sey ain kneblin / gewest und hat / auch gezaigt wie lang / dz gewest sey



[1] und im haws lass[en] do valgt er irss darnach

[2] als d[er] wirt uß dem haws kam do gieng die

[3] wirttin mit d[er] Els[e]n von Eystet an ain ort

[4] und sprach zü der Els[e]n du wirst mir v[e]rheisse[n]

[5] und gelob[e]n nichtz mer uss den sache[n] ze

[6] red[en] und niemant nichtz dav[o]n ze sage[n]

[7] & wil ich dir din geltschuld schenken und

[8] wil dich more[n] wenn du den frawen die

[9] lets[e]n richt die milch solt anrichte[n] hin weg

[10] schik[e]n und dir zerung geb[e]n und wil geg[e]n

[11] den frawe[n] sag[e]n du siest mir hingeloffe[n]

[12] das hab die Els den frawe[n] alle im

[13] haws gesagt damit das sy die dreistikeit

[14] und ungrechtikeit erkante ~~das hab sy den~~ und hub in des nachtz

[15] ~~frowen~~ ob dem tisch gesagt morge[n] wen die glogg zehne

[16] schlecht so wird ich ub[er] die zewen ussluge[n]

[17] uff das ~~d~~ sei auch die fraw hinkome[n]

[18] It[em] anna von Ulm gesagt die Els von Eystet

[19] hab das dem stählin auch gesagt It[em] es

[20] si auch dem Bernhartt gesagt in d[em] lanstgeri[ict]

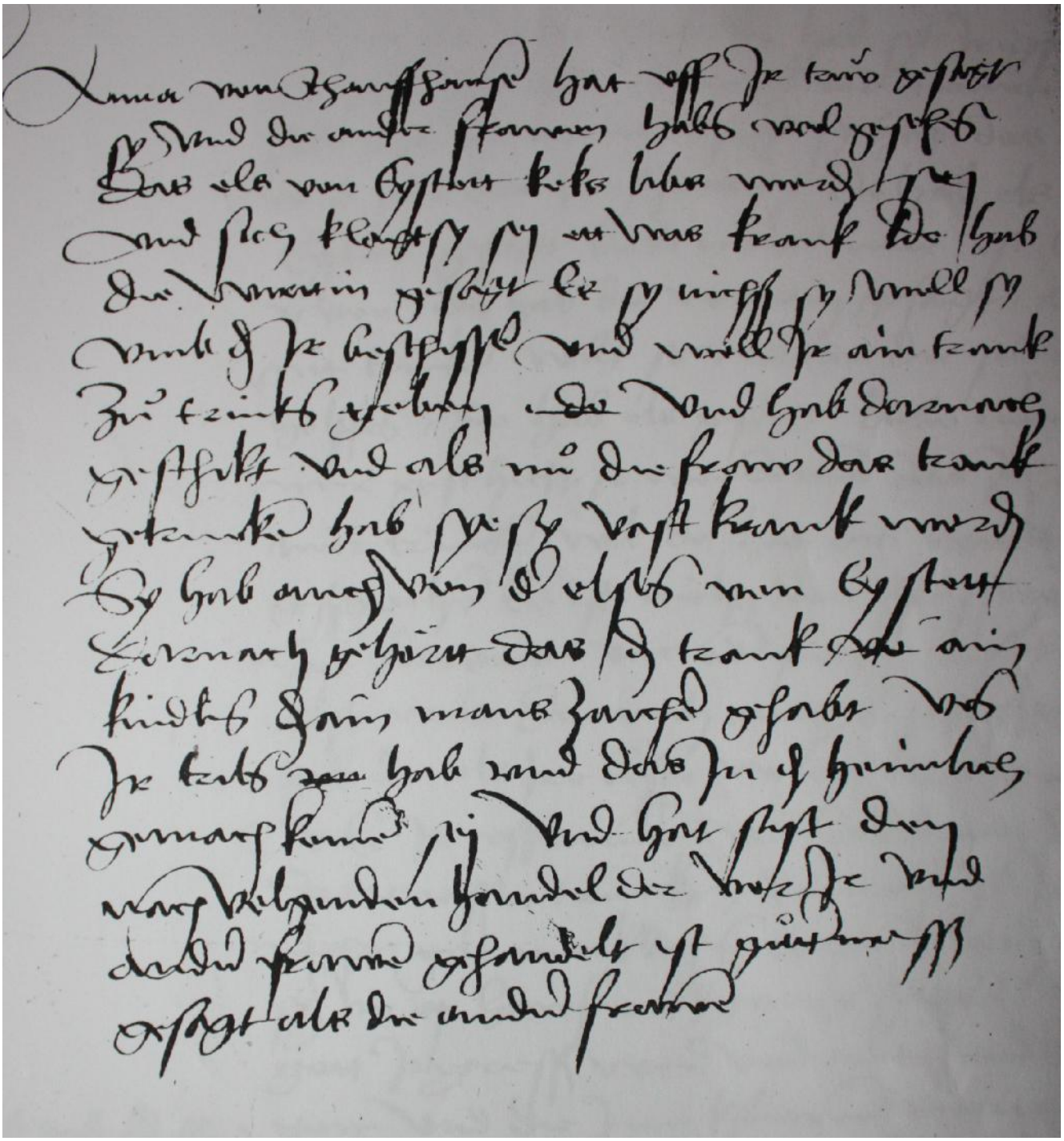
[21] kamer do haben bed knecht geg[e]n den frowe[n]

[22] gesagt sy söll[e]n d[em] ding geschwige[n] bis nach der

[23] kindelbett so wüd[e]ln sy das selbs für bringe[n]

Anna von Schaffhausen

[1] Anna von Schauffhause[n] hat uff ir triw gesagt
[2] sy und die ander frowen hab[e]n wol gesehe[n]
[3] das Els von Eystet keks libs wurd sey
[4] und sich klagt sy sey ettwas krank do hab
[5] die wirttin gesagt es sy nichß sy woll sy
[6] umb dz ir beschisse[n] und woll ir ain trank
[7] zü trink[e]n geben und hab dornach
[8] geschikt und als nü die frow das trank
[9] getrunke[n] hab sye sy vast krank word[en]
[10] sy hab auch von d[er] Elsen von Eystett
[11] dornach gehörtt das dz trank ain
[12] kindlin & ain mans zaiche[n] gehabt von
[13] ir trib hab und das in dz haimlich
[14] gemach kome[n] sei und hat sust den
[15] nachvolgenden handel der vor ir und
[16] and[er]n frowe[n] gehandelt ist gütt mass
[17] gesagt als die and[er]n frowe[n]



Cristina Dirnbergrin

[1] Cristina dirnbergrin sagt das Els von Eystett
[2] ain kind getrage[n] hab und so gross worden sei das
[3] sy die gesellen mit der milch gesprentzt hab und
[4] als es ain das kom[e]n ist das ir wee züm kind
[5] worden und im haws umb geloffen ist do
[6] hab die wirttin zu ir gesproche[n] wie sy tü sy
[7] well sy umb das ir laichen sy woll ir ain
[8] trank geben ob sy das messen wölt do hab
[9] sy gesagt sy wiss nit wie es ain gestalt
[10] umb das trank hab do hab die wirttin
[11] ab[er] gesprochen sÿ schwol sy woll sy umb dz
[12] ir laich[n] als sy vormals auch aine[m] wirtt
[13] getan hab uff das hat ir die wirttin ain
[14] trank geben als sy nü das trank genessen
[15] ~~hab in~~ dornach ~~irs~~ die Els ir und den and[ere]n frowe[n] gesagt hab
[16] sy sei gar vast fliessend worden und in
[17] dem selb[e]n sy ain kindlin von ir komen uff
[18] das hab sy das selb kindlin in ain ermel
[19] gewiklt und hab das in das haimlichgemach
[20] geworffe[n] und hat sust den nach volgend[en]
[21] handel der vor ir und den and[ere]n frowe[n]
[22] gehandelt ist gütt[er] mass auch gesagt als
[23] anna von ulm

Wÿchselbrunn von Ulm

[24] Wachselbran hat ir sag auch getan in mass
[25] als Cristina dirnbergrin

Crastina Dienbergerin sagt das Els von Kyster
ain kind getragen hab und so gross worden sy das
sy die gespitten mit der milch gesprenzt hab und
als es an das kame yst, das jr wer zum kind
worden und jr harns verschlossen yst do,
hab die wirttin zu jr geschickt wann sy [illegible] sy
well gesund das jr kainden sy wolle jr ain
trank geben ob sy das miessen nicht do hab
sy gesagt wer sy waiss nit wer es ain gestalt
umb das trank hab, do hab die wirttin
alle gesprengt sy [illegible] wol sy well sy well jr
jr [illegible] als sy vormals auch ainer weib
getan hab, uff das hat jr die wirttin ain
trank geben, als sy nu das trank genossen
~~hab jr~~ darnach die elst frawe gesagt hab (interlinear: jr und der andern)
sy sy gar vast schlaffend worden und jn
dem schlaff sy ain kindlin von jr kumen uff
das hab sy das selb kindlin jn ain zwehel
gewickelt und hab das jn das haimlichgemach
geworffen, und hat sust den nachvolgenden
handel der weyse jr und den andern frawen
gehandelt yst jnnmass auch gesagt als
anna [illegible]

Margrett Braun hat jr sag auch getan jnmass
als Crastina Dienbergerin,

Nuremberg correspondence

[1] Unnser freüntlich willig dienste züvor ersamen und weisen besonndern gütten freünde auff ewer schreyben einer un

[2] tatthalb der töchtern wirt und wirtin bei eüch antreffent haben wir die Ursel v[o]n Costenz der dinghalb zu

[3] reden lassen halten die auf ir pflicht gesagt hat wie der zettel irer sag hier inne verslossen das zu erkennen

[4] gibt Und die andrn diern genant Greth von Bibrach oder das Biberlin haben wir in unns[e]r statt

[5] senide nit erfragen mugen das wir ewer lieb zuverkünden nicht haben v[er]halten wöllen denne womit

[6] wir ewer weyßhait dienstlich freüntschafft erzaigen mugen sein wir willig geben am Sambstag nach

[7] Lucie Anno rc lxxi

Burgermeistere und
Rate zu Nurmberg

Vnnser freuntlich willig dienste zuuor Ersamen vnd weisen Besondern guten freunde. Auff ewer schreyben Einer vn
mithalb der forchten wirt vnd wirtin bey euch antreffent · Haben wir die Vesel vn Costentz · der dingshalb zu
reden lassen hatte · die auff ir pflicht gesagt hat · wie der Zettel hier sagt · hierinne verslossen das zu erkennen
gibt · Vnd die andern dreien · genant Grett von Biberach oder das Biberlin · Habe wir in vnnser Statt
sende mit erfarn mussen · Das wir ewer lieb zuuerkunden nicht haben verhalten wollen · Denne damit
wie ewer weysheit dienstlich freuntschafft erzaigen mugen sein wir willig. Geben am Sambstag nach
Lucie Anno etc xvj°

Burgermeistere vnd
Rate zu Nurmberg

Ursel von Konstanz

[1] Sagt auff ir glübd und eÿde deßhalb ge-
[2] laistet Die sach darumb man si
[3] zu reden halt sich zwisch[e]n der fraw[e]n
[4] wirtin von Nördling und ainer diern
[5] Els von Eystett genant. Hab sich also
[6] begeben Bey ainem jar hab sich
[7] die genant Els von Eystett die dann
[8] im fraw[e]nhaws zu Nördling ain
[9] kochmaid geweßt sey erclagt wie ir
[10] im leyb nit wol wer und ir fraw[e]n
[11] zeÿt nit hett. Und als bald ein po-
[12] layen tranck in v[er]traw[e]n Ir fraw[e]n
[13] kranckhait solt ir davon komen und
[14] ir ding besser werden gedrancken aber
[15] nach dem die Els von Eystet swang[er]
[16] geweßt sey hab si das nit geholff[e]n
[17] sunder sich aller erßt veßter clagt
[18] ir In ainer seydt[e] vaßt wee sein hab
[19] der fraw[e]n wirtin das gesagt die
[20] der Elsen von Eystett nit hab glaub[e]n
[21] wöllen das si swannger wer sond[er]
[22] gesagt si trib mutwillen und buberei
[23] und wölt si umb das ir bescheÿssen
[24] und si wölt ir wol ain tranck mach[e]n
[25] das ir ir kranckhait precht Und
[26] hab ir als bald singrün, karotten
[27] lorber und negelin durch ainander
[28] gestossn und in wein gesotte[n] der
[29] Elsen das zu trincken geb[e]n darauff
[30] si Ursel von Costentz und die and[ere]n
[31] fraw[e]n der Elsen sagte[n] si solt das
*nit **[32]** tranck * trincken Sonder hindter die
[33] Betstatt schütte[l]n bis si sach ob si
[34] mit aym kind gieng oder nit Aber
[35] Els hab in nit gefolgt Sond das
[36] tranck getruncken Sej drej tag kranck
[37] gelege[n] und in darnach gesagt wie
[38] das ein kindlin von ir komen wer hett
[39] si in irem ermel gehapt und mit loub

Vrsel von Costenz zu
Nürmberg Im töchter haus

Sagt auff ir glübd vnd Eyde deßhalb ge-
laistet · Die sach darumb man si
zu reden halt · sich zwischen der frawen
wirtin von Nördling · Vnd ainer diern
Els von Eystett genant · hab sich also
begeben · Bej ainem Jar / hab sich
die genant Els von Eystett · die dann
Im frawenhaus zu Nördling · ain
kochmaid gewest sey / erclagt / wie ir
Im leyb nit wol wer / Vnd ir frawen
zeyt nit hett · Vnd als bald / ain po-
layen tranck / zu wenden ir frawen
kranckhait / solt ir davon komen · Vnd
Ir ding besser werden / gedruncken Aber
nach dem die Els von Eystet swanger
gewest sey / hab si das nit geholffen /
Sunder sich aller erst wester clagt
Ir · In ainer seydt wast wee sein / hab
der frawen wirtin das gesagt / die
der Elsen von Eystett nit hab glauben
wöllen · das si swanger wer Vnd
gesagt · Si treib mutwillen vnd buberej
vnd wolt si · vmb das ir beschayssen /
Vnd si wolt Ir wol ain tranck machen
das ir · ir kranckhait precht · Vnd
hab ir als bald Sinngrün / Kranwitten /
Lorber · vnd Neppelin durch ainander
gestossen · Vnd In wein gesotten / der
Elsen · das · zu trincken geben / Darauff
Si vrsel von Costenz · Vnd die andern
frawen / der Elsen sagte Si solt das
nit // tranck // trincken · Sunder hindter die
Betstatt schütten · bis si sech / ob si
mit aym kind gieng oder nit / Aber
Els hab In nit gefolgt · Vnd das
tranck getruncken / Sej drej tag kranck
gelegen · vnd In darnach gesagt Wie
das ain kindlin von ir komen wer / hett
si · In Irem Semel gehapt · Vnd nit lenb

[1] in ain haymlich gemach geworff[e]n.
[2] Darnach hette etwienil gesellen in
[3] das hawss geende geanndet wie es
[4] käm das die Els so klain und doch
[4] wie so groß geweßn wer fragend
[5] wie es deßhalb ain gestallt hett und
[6] w[a]r[e]n der dinghalb allerlai red umb
[7] ganngen und sonndlich hett[e]n des
[8] Schulthaissen knecht den dingen
[9] nachgefragt So hett auch die Els
[10] irem liebenman in mitler zeÿt die
[11] ding wie si ain tranck getrunk[e]n
[12] das ir das kindlin v[er]triben hett er-
[13] öffent Deshalb die ding lautprecht
[14] wurd[e]n Der fraw[e]n wirt die Elsen
[15] darumb zu reden gehalte[n] geslag[e]n
[16] und ir v[er]potten hett die ding auff
[17] sein wirtin nit auß zu geb[e]n Da
[18] wid[er] aber die Els saget si wölt
[19] nit sweigen und solt ir der wirt
[20] darumb alle viere abslah[e]n Dar-
[21] nach si und die and[e]r[e]n frawen
[22] der frawen wirtin und Elsen sagt[e]n
[23] si wölten die ding nit alß lig[e]n
[24] lassen Auff das hab die wirtin
[25] zu der Elsen gesagt si wölt si
[26] so die fraw[e]n essen hintten zum
[27] Türlin hinawss weg lassen
[28] und denn den fraw[e]n sag[e]n si wer
[29] entlauffen Und darumb wölt si
[30] ir schencken was si ir schuldig wer
[31] Das hab die Els getan und sey
[32] also weg komen

In ain haymlich gemach geworffen
Darnach hett etwievil gesellen in
das hawss geende gefunden / wie es
kem / das die Els so klain / und doch
wie / so groß gewesen wer / fragend
wie es deßhalb ain gestalt hett / und
wurd der dinghalb allerlay red umb -
gangen · und sunderlich hetten des
Schultheissen knecht den dingen
nachgefragt · So hett auch die Els
irem liebermman · In mitler zeyt die
ding / wie si ain tranck getrunken /
das ir das kindlin vertriben hett / er -
öffent · Deßhalb die ding lautprecht
worden / Der frawen wirt die Elsen
darumb zu reden gehalten geslagen /
und ir gespotten hett · die ding auff
sein wirtin nit anß zu geben / Da -
wid aber die Els saget · Si wölt
nit swaigen / und solt ir der wirt
darumb alle viere abslahen Dar -
nach si / und die andern frawen -
der frawen wirtin / und Elsen sagten /
Si wölten die ding nit also ligen
lassen / Auff das hab die wirtin
zu der Elsen gesagt / Si wölt si /
So die frawen essen · hinten zum
türlin hinauss weg lassen /
und denn den frawen sagen Si wer
entlauffen · Und darumb wölt si
ir schencken / was si ir schuldig wer /
Das hab die Els getan / und sey
also weg komen /

Weissenburg correspondence (i) and (ii)

[1] Unns[er] willig freuntlich dienßt und was wir liebs und gutz vermög[e]n berait voran fursichtigen ersamen
[2] und weisen sunderlieb[e]n und gute freund[e] wir haben ewrm schreib[e]n nach der swer[e]n untathalb[e]n
[3] so die frawenwirtin bei euch und Els von Eystett mit abtreeybüng eins kindes verhanndelt dieselb[e]n
[4] Elsen zustunden zu gewarsam genomen und sie auf das v[or]beiffugst des handels erfragt die
[5] sagt, als sie zu Nordling im frawenhawß gewes[e]n do wer sie der frawenwirtin zehen guld[e]n
[6] schuldig und eins kinds swanger word[e]n und das bei zwaintzig woch[e]n getrag[e]n und wie
[7] wol sie der frauen wirtin saget sie wer swanger dennoch wolt sie ir des nit glaub[e]n und sprech
[8] sie trüg den tewfel und beraitet ir ein tranck und stünd mit eine scheÿt uber sie und nottet die
[9] das sie das müst trincken und würede alczehant so kranck das sie lege und sich nichtz verwest
[10] indem wer das kind von ir komen und als ir die ander[e]n ir gespil[e]n gesagt so het die frauenwirtin
[11] das kind in das heymlich gemach geworff[e]n, und do sie wider aufkäme wern die frauenwirtin und
[12] sie der hanndlung zu unrede und mit einander auf das rathauß fur ain rat komen also die untat
[13] gesagt und anbracht do schuffe der rate mit der frauenwirtin das die sie müst geen lass[e]n und
[14] hab[e]n auf ditzmol an ir nit mer erfar[e]n. Das wir euch nit wolt[e]n verhalt[e]n in ewr[e]m gen der frawe
[15] wirtin furnemen darnoch wiss[e]n zu richt[e]n und was euch der hanndlungshalb[e]n weyt furselt euch
[16] bedencht und not zu wiss[e]n were Ew[e]r ersame freuntschafft bitten, uns soliche in geschrifft zu füg[e]n
[17] gen der gemelt[e]n Elsen dornach in ferner hanndlung mög[e]n geachten damit solich übel sein
[18] stroff gewynne des wir wo anders das an der gedacht[e]n Els[e]n wirt erfind[e]n der gothoh[e]n gerechtigket
[19] zulieb zuthünde geneygt und euch freuntliche dinsperkeit zu beweiß[e]n willig sein Geb[e]n
[20] an sand Lucie tag anno dm etc lxxpmo

Burgermeister und
rate zu Weissenburg

[1] Unnser willig freuntlich dinßt und was wir liebs und gutz vermag mit vleis berait voran fursichtigen
[2] ersamen weis[e]n lieben freunde wir hab[e]n an ewr[e]m schreib[e]n ewr[e]n angewent[e]n hohen fleis
[3] in sachen die frawenwirtin bei euch und die Elspet[e]n bei uns berwende wol v[er]nomen dorauf
[4] ernstlich erfrag[e]n an die Els[e]n von Eystet gelegt und auß der sach[e]n ir hirinnen besloss[e]n findet
[5] ergichtigt und sie der sach[e]n zu ander erclerung dan[n] vermols erlaut gebracht in hoffnung
[6] ir werud euch des hanndels dorauß g[e]nungsame erkund[e]n. Ew[e]r ersamkeit freuntlich bitt[e]n
[7] ob euch icht worlich[e]s dowider geoffnet wurde uns der Elsen halb[e]n zuwiss[e]n not sein würde
[8] das wollet uns nit verhald[en] in dem wollen wir uns dem recht[e]n zulieb gepurlich
[9] erczaig[e]n dan ew[e]r ersamkeit freuntlich[e]n will[e]n zu beweis[e]n tetten wir ye gern dat[u]m
[10] an sand Iohanns tag in weinacht feyr[e]n anno d[omi]ni lxxi do

Burgermeister und
rat zu Weissenburg

1471

Dez. 13

Vnns willig freuntlich dinst vnd was wir liebs vnd gutz vermugen bevor voran, fursichtigen, ersamen
vnd weisen sunderlieben vnd gute freundt wir haben ewern schreiben inhalt, der Stoffel, vnterhalben
so die frauenwirtin bey euch, vnd Els von Tystett mit abtreybung eins kindes verhandelt, dieselben
Elsen zustunden zu gewarsam genomen, vnd sie auf den verlauff des handels erfragt, die
sagt, als sie zu Nördling in frawenhauss gewesen, da were sie der frauenwirtin zehen gulden
schuldig, vnd eins kinds swanger worden, vnd das der frawentag ... getragen, vnd wie
wol sie der frauenwirtin sagt sie were swanger, dennoch wolt sie ir des nit glauben, vnd sprach
sie trug den teufel, vnd beraiter ir ein tranck, vnd stund mit einem schwert vber sie, vnd nottet sie
das sie das must trincken, vnd würde alzehant so kranck, das sie lege vnd sich nichts vermocht
indem were das kind von ir komen, vnd als ir die andern ir gespilen gesagt, so het die frauenwirtin
das kind in das heimlich gemach geworffen, vnd do sie wider aufkome, were die frauenwirtin vnd
sie der handlung zu vrede, vnd mit einander auf das Rathauss, fur ein Rat komen, also die worte
gesagt vnd anbracht, do schuffe der Rate mit der frauenwirtin, das die, sie must geen lassen, vnd
haben auf dizmal, an ir nit mer erfarn. Das wir euch nit wolten verhalten, in erwegung von der frawe-
wirtin fruntschaft dennoch wissen zu tragen, vnd was euch der handlung halben weyter furzehalten
bedeucht, vns not zu wissen were, hett ersame freuntschafft. Bitten, vns solichs angeschrift zu fugen
gen der gemelten Elsen, darnach in sicherer handlung mögen gerichten. Damit solich vbel, sein
straff genomme, des wir, wo anders das an der gedachten Elsen wirt erfunden, der gotlichen gerechtigkeit
zu lieb zu tunde geneygt, vnd euch freuntlich dinstperkeit zu beweisen willig sein. Geben
an sand lucie tag Anno dm etc. lxxi^mo

Burgermeister vnd
Rate zu weissenburg

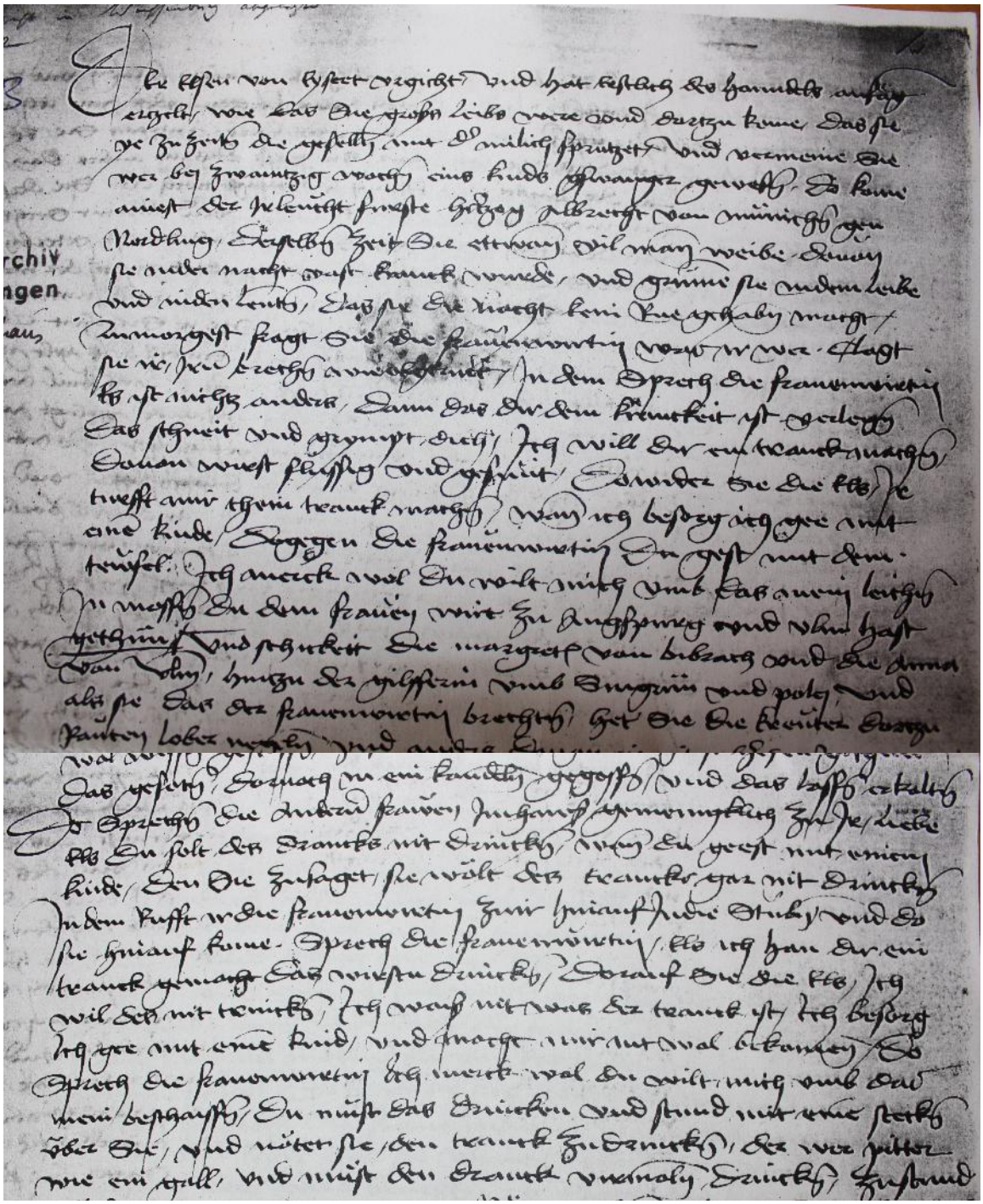
Dez. 27

Vnnser willig freuntlich dinst vnd was wir liebs vnd gutz vermag mit vleis bevor voran, fursichtigen
ersamen weysen lieben freunde. wir haben an ewerm schreiben, ewern angewandten fleis
in sachen die frauenwirtin bey euch vnd die Elsen bey vns benennt wol vernomen. Darauf
ernstlich erfragt an die Elsen von Tystet gelegt vnd auf der sachen in sunderheit beslossen sunder
ergrundigt vnd sie der sachen zu ander erklerung, dann vormals erlaut, gebracht, in hoffnung
ir werdet euch des handels darauf grundtlicher erkunden. Ewr Ersamkeit freuntlich bitten,
ob euch icht welichs darinne gefallet würde, vns des Elsen halben zu wissen not sein wirde
das wollet vns nit verhalten in dem wollen wir vns dem rechten zu lieb gezimlich
ertzeigen. Der ewr Ersamkeit freuntlichen willen zu beweysen betten wir ye gern. Datum
an sand Johanns tag in weinacht feyren Anno dm etc. lxxi^mo

Burgermeister vnd
Rat zu weyssenburg

Els von Eichstätt

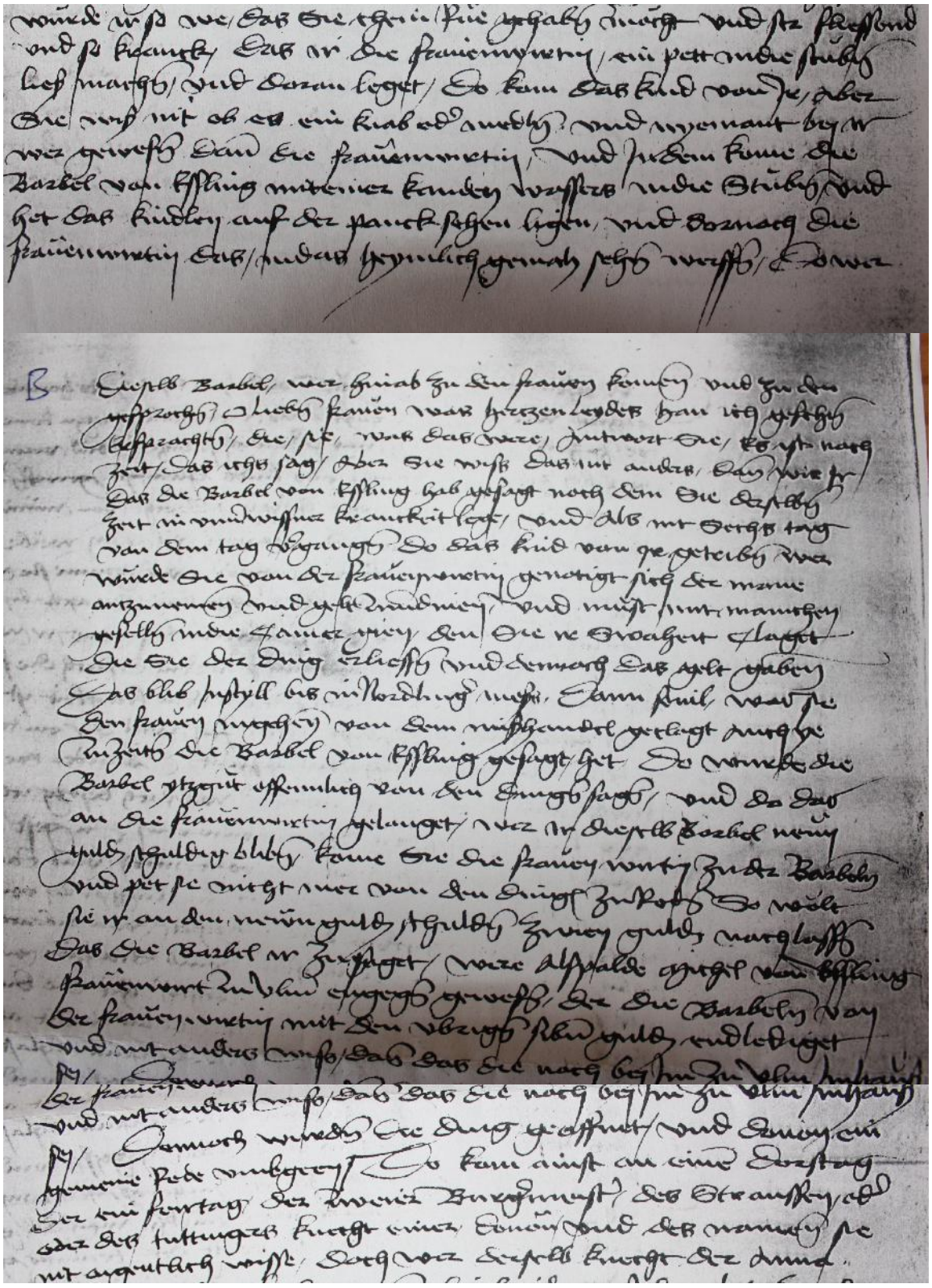
[1] Der Elsen von Eystet urgicht und hat erstlich des hanndels anfa[n]g
[2] erczelt wie das sie grose Leibs were und dartzu kame das sie
[3] ye zu zeit[e]n die gesell[e]n mit d[er] milich sprutzet und vermeine sie
[4] wer bei zwaintzig woch[e]n eins kinds g[e]swangr gewesn Do kome
[5] ainest der irleücht leücht furste hetzog Albrecht von Münich[e]n gen
[6] Nordling derselb[e]n zeit sie ettwan vil man weibe davon
[7] sie in der nacht vaßst kranck wurde und grüme sie indem leibe
[8] und inden lent[e]n das sie die nacht kein rue gehabn mocht
[9] zumorgest fragt sie die frauenwirtin was ir wer clagt
[10] sie ir iren brech[e]n wie ob gernot in dem sprech die frauenwirtin
[11] es ist nichtz anders dann dir dein krenckeit ist verleg[e]n
[12] das schneit und grympyt dich ich will dir ein tranck mach[e]n
[13] davon wirst flussig und gefruit do wider sie sie die Els ir
[14] muesst mir chein tranck machen wan ich besorg ich gee mit
[15] eine[m] kind Dogegen die frauenwirtin du gest mit dem
[16] tewfel Ich merck wol du wilt mich umb das mein leich[e]n
[17] in mass[e]n du dem frauen wirt zu Augspurg und Ulm hast
[18] gethün Und schickett die Margret[e] von Bibrach und die Anna
[19] von Ulm hinczu der Gilsserin umb singrün und poley und
[20] als sie das der frauenwirtin brecht[e]n het sie die kreüter dartzu
[21] kämen lober negeln und anders davon ir nit ab[er] der frauenwirtin
[22] wol wissn gestossn zusammen in ein […] […] gethun
[23] das gesoten darnach in ein kand[e]ln gegoss[e]n und das lass[e]n erkalt[e]n
[24] Do sprech[e]n die andern frawen Imhawß gemeingklich zu ir, liebe
[25] Els du solt des drancks nit drinck[e]n wan du geest mit einem
[26] kinde den sie zusaget sie wölt des tranks gar nit drink[e]n
[27] In dem rufft ir die frauenwirtin zuir hinauf in die stubn und do
[28] sie hinauf kame sprech die frawenwirtin Els ich han die ein
[29] tranck gemacht das wirstu drink[e]n dorauf sie die Els ich
[30] wil des nit trink[e]n ich was nit was der trank ist ich besorg
[31] ich gee mit eine[m] kind und mocht mir nit wol bekomen do
[32] sprech die frauenwirtin ich merck wol du wilt mich umb das
[33] mein beschaiss[e]n du müst das drincken und stund mit eine steck[e]n
[34] über sie und nötet sie den trank zu drink[e]n der wer pitter
[35] wie ein gall und müßt den dranck virmol[e]n drink[e]n zustund



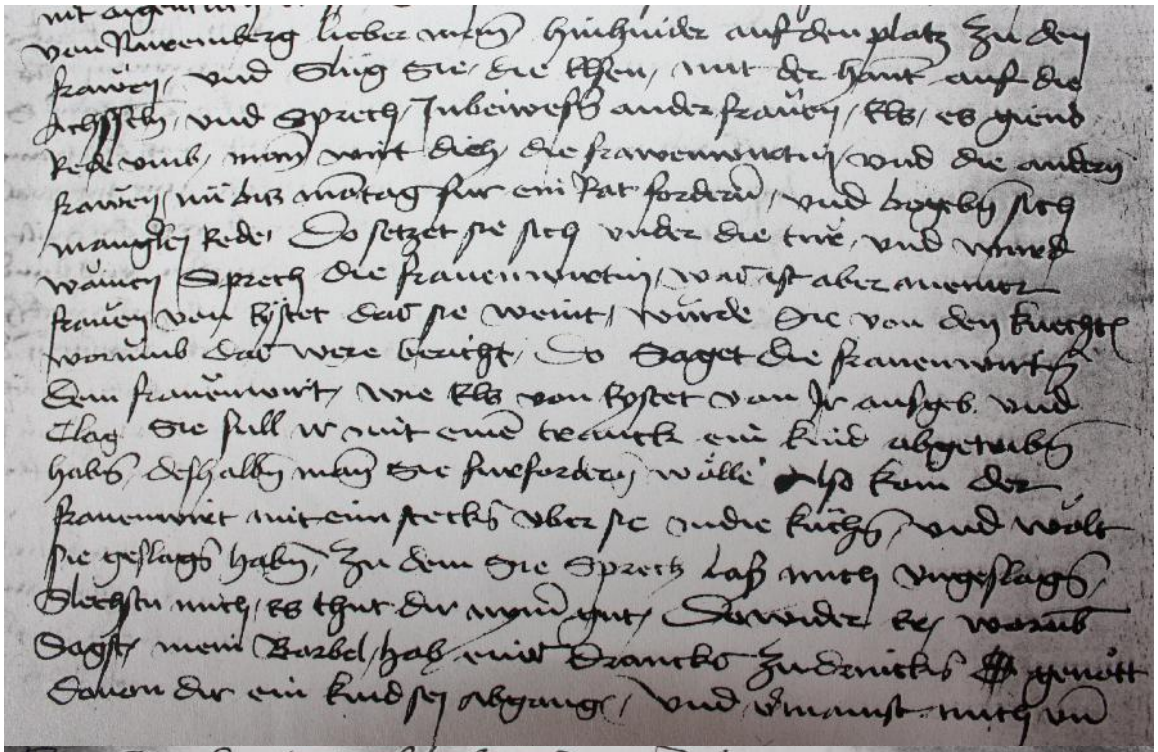
Note: due to an error in photographing the document line 22 is missing in these images

[36] würde ir so we das sie chein Rüe habn möcht und ser fliessend
[37] und so kranck das ir die frauenwirtin ein pett in die stub[e]n
[38] ließ mach[e]n und daran leget do kam das kind von ir aber
[39] sie wiß nit ob es ein knab od[er] medl[i]n und nyemant bei ir
[40] wer gewes[e]n dan die frauenwirtin und in dem kame die
[41] Barbel von Essling miteiner kanden wassers in die stüb[e]n und
[42] het das kindlen auf der panck sehen ligen und darnach die
[43] frauenwirtin das in das heymlich gemah seh[e]n werff[e]n do wer

[1] dieselb Barbel wer hinab zu den frauen komen und zu den
[2] gesproch[e]n O lieb[e]n frauen was herzen leydes han ich geseh[e]n
[3] erspracht[e]n die sie was das were antwort sie es ist noch
[4] zeit das ichs sag aber sie wiße das nit anders dan[n] wie ir
[5] das die Barbel von Essling hab gesagt nach dem sie derselb[e]n
[6] zeit in unn[er]wissner kranckeit lege und als nit sechs tag
[7] von dem tag v[er]gang[e]n do das kind von ir getrib[e]n wer
[8] würde sie von der frauenwirtin genotigt sich der mane
[9] antzunemen und gelt zu v[er]dien[e]n und müßt mit manichen
[10] gesell[e]n in die camer gien den sie ir swaheit claget
[11] die sie der ding erliess[e]n und dernach das gelt gaben
[12] das blib Instyll bis in Nordling[en] meße dann sovil war sie
[13] den frauen migehen von dem mißhandel geclagt auch ye
[14] zu zeit[e]n die Barbel von Essling gesagt het do wurde die
[15] Barbel ytz güt offennlich von den ding[e]n sag[e]n und do das
[16] an die frawenwirtin gelanget wer ir die selb Barbel neun
[17] guld[en] schuldig blib[e]n kame sie die frauenwirtin zu der Barbeln
[18] und pet sie nicht mer von den ding[e]n zu red[e]n so wölt
[19] sie ir an dem newn guld[e] schuld[e]n zwien guld[en] nachlass[e]n
[20] das die Barbel ir zusaget were alsbalde Michel von Essling
[21] frauenwirt zu Ulm engeg[e]n geweß[e]n, der die Barbeln von
[22] der frauenwirtin mit den ubrig[e]n sib[e]n guld[en] endlediget
[23] und nit anders wiße da[n]n das die noch bei im zu Ulm im hauß
[24] sei dennoch wurd[e]n die ding geoffnet und davon ein
[25] gemeine rede umbgeen do kam ainßt an eine[m] dorstag
[26] der ein feirtag der zweier burg[er]meißt[er] des straussen od[er]
[27] oder des tuttingers knecht einer davon und des namen sie
[28] nit aigentlich wisse doch wer derselb knecht der Anna



[29] von Nuremberg lieber man[n] hinhind[e]r auf den platz zu den
[30] frawen und slüg sie die Elsen mit der hant auf die
[31] achsseln und sprech ubeiweß[e]n ander frauen Els es giend
[32] Rede umb man wirt dich die frawenwirtin und die ander[e]n
[33] frawen nü bis mo[n]tag fur ein Rat fordern und begeb[e]n sich
[34] mangley rede do setzet sie sich under die tür und wurd
[35] wainen sprech die frauenwirtin was ist aber niemer
[36] frauen von Eÿstet das sie weint wurde sie von den knechte[n]
[37] worumb das were bericht do saget die frauenwirtin
[38] dem frauenwirt wie Els von Eystet von ir aufgeb und
[39] clag sie sull ir mit eine[m] tranck ein kind abgetrib[e]n
[40] hab[e]n deshalb[e]n man sie furforder[e]n wölle also kam der
[41] frauenwirt mit eim steck[e]n über sie in die küch[e]n und wölt
[42] sie geslag[e]n hab[e]n zu dem sie sprech laß mich ungeslag[e]n
[43] slechstu mich es thut dir nym[er] gut do wider er worub[er]
[44] sagst mein Barbel hab eines dranks zu drinck[e]n genött
[45] davon dir ein kind sei abgang[e]n, und v[er]mainst mich un[d]
[1] sie damit umb leib und gut zubring[en] dorauf sie
[2] die Els ich clagee und sags wan[n] es ist war sie
[3] hat mich sein genöt dogeg[e]n der frauen wirt das
[4] wern pöse ding und gieng zu der frauen wirtin und
[5] würd[e]n zu rat das die frauenwirtin zu ir kame und
[6] sprech liebe Els glob mir das du der ding wolleßt
[7] sweig[e]n so wil ich die die zehen guld[e]n dein schulde
[8] nachlass[e]n und morg[e]n so du die milch anrichten
[9] wilt so gee hinden zu d[er] tür hin auß die wil ich
[10] dir offenn und steig über die zewn hinwegk so
[11] wil ich den frauen sag[e]n du seyst mir endlaff[e]n das
[12] sie mit ir auf doch do sie zu den frauen kame
[13] saget sie den wie sie die frauenwirtin ir schulde
[14] het erlass[e]n und wurd morge[n] als sie ine die milich
[15] anricht[e] solt davon gien und die wirtin sprech[e]n
[16] sie sejiir endloff[e]n
[17] umb all dise sach und henndel sei des frauen wirt[e]n
[18] bed[e] knechte[n] nemlich dem Wurstlin und Kosenhause[n]
[19] auch all[e]n ander[e]n frauen bei ir im hawß wonend[e]n
[20] wol kunt und wiss[e]n



B

Barbara Tarschenfeindin

[1] Barbara die frowenwirtin
[2] hant uff sant anthonien tag
[3] zu nacht uff ir leste hinfartt
[4] und als hoch si dz hant mugen
[5] nemen gesagt si hab nit gewißt
[6] das Els von Aÿstet mit aim
[7] kind gangen sy oder dz si milch
[8] geben hab
[9] wol als ir die Els clagt hab
[10] wie ir im lyb we sÿ da hab
[11] si gemaint der Elsen sy ir
[12] frowen kranckhait bÿ ir verlegen.
[13] da hab si ir ain tranck
[14] gemacht deß lagen si nit
[15] uß palaÿ lorber und nägelach
[16] das hab si under ain ander
[17] geschnitzett hab auch das
[18] nit haimlich ~~sonnd els~~
[19] sonderlich offennclich getan
[20] hab abe[r] nit gewißt das
[21] si ain kind tragen hab
[22] Als si auch der Elsen das
[23] tranck geb[e]n hett also käm
[24] si ain morgen zu der Elsen
[25] in die kamer und fragte
[26] sy wie si macht und
[27] was von ir gangen wär
[28] zaigte ir die Els ain wenig
[29] schwartz dings war von
[30] ir gangen wär villicht
[31] sovil ~~ain~~ als in ain aÿer
[32] schelsen gen möcht nichts
[33] anderß sach si
[34] si säche auch nichts das
[35] von der Elsen gangen wär
[36] das anderß von ainer frowe[n]
[37] die ain kind tragen hett
[38] gen sölt

Barbara, die frowenwirttin
kam, vff sant anthonien tag
zu nacht, voff jr leste hinfart
vnd als hatte sü dz kaut mügen
nemen gesagt, sü hab, nit gewisst
das elß von, aynstatt, mit kim
kind gangen sy oder dz sü milch
geben hab,

Wol, als jr die elß clagt hab,
wie jr jn bob wie sy, da hab
sü gemaint der elßen sy jr
frawen kranckhait by jr verlegen
Da hab sü jr ain tranck
gemacht, deß laßen sü nit
oß polay, lorber vnd nägelach
Das hab, sü vnder, ain ander,
geschmirzett, hab auch das
nit haimlich ~~[illegible]~~
sunderlich, offenlich geton
hab aber nit gewisst das,
sü ain kind tragen hab,

Als sü auch der elßen das
tranck geben hatt, laß kam
sü ain morgen zu der elßen
in die kamer, vnd fragte
sy wie sü macht vnd
was von jr gangen wär,
zaigte jr die elß ain wenig,
schwartz dings, wär von
jr gangen wär villicht
souil als zu ain ayer
schelfen gon macht, nichts
anders sach sü,

Sü sagte auch nichts das
von der elßen gangen wär,
das anders von ainer frawen
die ain kind tragen hett
gon solt

[1] si wil ouch nit bekennen
[2] das si die Annen von
[3] Ulm und die Margretten
[4] von Bibrach zu der Gilsserin
[5] nach palayen und sigrien
[6] geschickt hab ir das zu bringen.
[7] Si hant auch gesagt
[8] si hab der Elsen kain bett
[9] in die stuben gemacht

Sü wil auch nit bekennen
das sü die annen von
ulm und die margretten
von bibrach zu der hilffen
nach palangen und sügen
geschickt hab ir das zu bringen

Sü haut auch gesagt
sü hab der elsen klain bett
in die stuben gemacht

Lienhart Fryermut

[1] ~~Hainnrich~~ Lienhart der frowenwirtt hant uff sant
[2] anthonien tag anbut nach dem und der ernst
[3] gegen im ankertt worden ist gesagt uff
[4] sein leste hinfarrt und so hoh es dz hant
[5] mugen sagen er hab nit gewest das
[6] Els von Aÿstett mit ainem kind gangen
[7] oder dz ir ain trank von seiner wirttin
[8] geben worden oder dz si dz trank genossen
[9] wol erst darnach uber dry wochen
[10] als der dinghalb red umb gangen seÿ
[11] da hab er gemaint si tüe seiner wirttin des
tranckshalb **[12]** unrecht da käm er zu der Elsen und
[13] handelte sy warumb si sölich ding
[14] us gäb dann wann man es von
[15] ir innen wurd so ertrankte man er
[16] schlüge sy auch damals gäb ir aber nit
† mit aim stecken **[17]** mer denn zwen straich † da sähe
[18] si si wär mit kain kind gangen dann
[19] si hette ve[r]gessen si wär erst in der
[20] nächsten wochen krank gewesen
[21] der andern stuckhalb so man in fur
[22] gehalten hant
[23] des ersten sagt er des spinnens
[24] halb dar zu hab er sy nit genött sonde[rn]
[25] er maint eß stand in seim patt brief

Lienhart
~~Hainrich~~ der frowenwirtt hatt uff sant
Anthonien aubent nach dem und der krust
gegen im ankertt worden ist, gesagt uff
sein leste hinfartt und solhs er dz halt
hingen sagen, Er hab nit gewist, das
else dort dißtett, mit ainem kind gangen,
oder dz ir din tranck von siner, wirttin
geben worden, oder dz ain kind von ir
gangen sÿ, oder dz si dz tranck genossen
hab, wol erst darnach über drÿ wochen
als der dingshalb red umb gangen, sÿ
Da hab er gemaint si tüe, siner, wirttin deß
trancks halb unrecht, Da kam er zu der elsen und
handelte so warumb si solich ding
uß gäb, Dann wann man eß von
ir sinnen wurd, so ertranckte, man ser,
so schlüge sy auch Damals gäb ir aber nit
mer, denn zwey straich, so Da jahe
mit ainem stecken si, si wär mit kaim kind gangen dann
si hette vergessen si wär erst, In der
nachsten wochen kranck gewesen

Der andern stuckhalb, so man im fur
gehalten hatt,

Des ersten satt er, des simmens
halb darzu hab er sein gnatt dunde
er maint eß stand in sein. spatt brieff

[1] das sy es tun aber er soll sy nit
[2] zwynngen dohaim woll zu spinnen
[3] das hab er och nit getan

[4] des kirchgangs halb sagt er sovil er
[5] hab in den nit gewertt sonder so sy
[6] deßhalb der bruch an den frowen gewest
[7] dann so der frytag kam so lag aine
[8] lang so stünd die ande[ren] frue uff wenn
[9] sich denn aine anmächte so gebräst
[10] yetz ainer schüch ode[r] andre[n] ding
[11] so wolt denn aine on die andern nit
[12] gen mit dem so wären denn die
[13] messen zun barfüßen geschehen so säch
[14] er denn das iro vier sachs ode[r]
[15] als vil ir wälten mit ain ande[r] gen
[16] kirchen giengen

das sy es tun/ aber er sol sy nit
zwingen/ dorumb wöll zu/ stimmen
das hab er och nit gethon

Der kirchgangs halb/ sagt er Simil/ er
hab jr den nit gewert/ anders so sy
deßhalb der bruch an den frawen gewest/
dann so der fyrtag/ kam so lag aine
lang/ so stund die and[er] frü/ uff/ wenn
sich dann aine/ anmachte/ so gebrast
Ietz ainer/ schäwe/ oder andre ding
so wolt dann aine on die anderen nit
gan mit dem so wären dann die
messen zum barfüßen gestrecket so sait
er dann das sy kriegen [illegible] oder
als vil sy wolten mit kain and[er] gen
kirchen giengen/

Blutbuch 1415-1515 fol. 40

[1] Barbel tarschenfeindin von Nüremb[er]g die frowen wirttin
[2] hie gewest ist in gefencknuss kome[n] darumb das Else[n]
[3] von Eystet die ain kochmaid im frawenhaws hie
[4] gewest ist ain kind abgetriben ist des Barbel tarschen
[5] feindin durch die elsen geschuldigt ist worden sy hab das
[6] durch ain trank getan das aber die Barbel nit be-
[7] kenntlich sein will & sy gewisst hab, das sy mit aine[m]
[8] kind gange[n] sy wol hat sy ye ain trank geben dass
[9] ir frowlich kranckheitt kome[n] söll darumb und d[as]
[10] sy die frowe[n] im haws beschwertt hat das sy anden
[11] heiligen sambstag und heilige[n] fyrnachten, auch in der
[12] karwochen und besunder so die frawen in ir frowlich
[13] krankheitt gewest sein haben die man zü in lassen muss[en]
[14] geltz ze v[er]dienen und sein das durch sy und den frawen wirtt
[15] gemüssigt was und sust and beswerd die sy den frawen
[16] angelogt hatt was und wie das ist in dem urschbrieff
[17] den d[er] frawenwirtt hat ub[er] sich geben hat augenlicher
[18] begriffen uff das ist sy in den branger gestellt und
[19] durch die stirn gebrennt und ir die statt ewiklich
[20] one alle gnad verboten und das sy uber rein sol uff
[21] das hat sy ain urfeh geschworen, das und was an ir
[22] gehandelt ist sy noch neimant von irt wage[n] hinfuro
[23] zu rache[n] weder mit od[er] one recht actum uff montag
[24] vor unser lieben frawen tag zu lechtmess anno d[omi]ni
[25] ze miiii lxxii

Barbel Wurstherfraindin von Nuremberg die frawen verweserin
im gewest ist, in gefencknuss kome, darumb, das Elß
von Eysteit, die ain kuchmaid Im frawenhaus hie
gewest ist, ain kind abgetriben ist, deß Barbel wurstheran=
findin darzu die elsen geschuldigt ist worden sy hab der
durch ain tranck getan, deß aber die Barbel nit be=
kanntlich sein wollen, sy gewisst hab, das sy mit ainem
kind gange, sy wol hab sy Jr ain tranck geben, dann
Jr frawlichen kranckheit, kome soll darumb und dz
sy die frawen Im hauß beschwert hat das sy an den
heiligen Suntag und heiligen feyrnachten, auch In der
karwochen und besonder so die frawen In Jr frawlichen
kranckheit gewest sein haben die man zu In gelassen mussen
gestatten und sein dadurch sy und den frawen weiter
gemusst und sust und beswerd die sy den frawen
aufgelegt hat wann und wie das ist In dem urfehbrieff
den der frawen weiter hat [illegible] geben hat eigentlicher
begriffen, Uff das ist sy In den branger gestellt und
durch die stirn gebrennt und Jr die Statt ewiklich
one alle gnad verbotten und das sy weder kein sol uff
das hat sy ain urfeh geschworen, das und was auße
gehandelt ist sy noch niemant von Iret wegen hinfuro
zu Rechen und nit [illegible] one Recht Actum uff Montag
nach unser lieben frawen tag zu liechtmeß Anno dm
[illegible] xxxij

Appendix C

Stadtarchiv Augsburg, Urgichtensammlung
Urgicht Gerdrut Birckin 1497

Uff Sambstag vor Sannt Joh[a]nn tag
Anno xxxxvii hat Gerdrut
Birckin von Reychartzried gesagt
unnd bekannt als h[er]nach steet

[1] Ite[m] Gerdrut Birckin hat gesagt und bekannt
[2] sy hab bey vii jaren bey irem maister dem
[3] nachricht[er] yetzo zu Kauffbewren gedienet
[4] unnd sey sein dieren gewest, hab er ir
[5] anfanngklich des jars zugesagt ze geben
[6] v pfunnd h[a]l[e]r hab ir aber nichtz geben
[7] sonnder sy hert gehallt[en] & geschlagen
[8] unnd mißhanndelt noch hab sy also so
[9] lannge zeytt pey im v[er]harret und so er ir
[10] nu nichtz hab woll[e]n geben und sy
[11] hert geschlage[n] und myßhanndelt ^ ~~hab sy~~
[12] nicht mer noch leng[er] mug[en] leyd[e]n
[13] und hab im genomen die h[er]nachfolgend stucke
[14] fur iren herten und verschmechten eidlon
[15] Ite[m] ain Sylbrin Recher hab xviiii lat
[16] my und […] Reyd lat
[17] Ite[m] karollin pater nost[er] mit sylbrin
[18] knöpffen und vier klaine Sylbrin
[19] knöpfflon hand bey ainem lat
[20] Ite[m] vi leylach[e] die hab sy selbs gesponn[e]n
[21] unnd machen lass[e]n

^ ir auch noch mer plagen antzelegen gedrawet deßhalb[e]n sy weder irs leybs noch lebens sich vor im gewesen sey solliches sÿ

[illegible]hanns vrgicht, 1497 VII 8

Uff Sambstag vor Sannt Kilianstag. Anno domini lxxxxvij, hat Gerdrut Brückin, von [illegible], gesagt, vnnd bekannt, als hernach stet,

Item Gerdrut Brückin, hat gesagt vnnd bekannt, Sy hab bey vij Jaren, bey Jeronimus Maister, dem Nachrichter, yetzo zu Kauffbeuren, gedienet, vnnd sey sein dirnn gewesen, hab er Jr anfengklich, das Jar zugesagt, zegeben, x pfund hlr, hab Jr aber nichts geben, Sonnder Sy hert gehallten, geschlagen, vnnd mißhanndelt, noch hab Sy allso so lanng zeyt, bey Jm beharret, vnnd so er Jr nu nichts hab wöllen geben, vnnd Sy hert geschlage(n), vnnd mißhanndelt ~~[illegible]~~ [Randnachtrag: Jr auch noch mer plagen antzelegen getrawet, deßhalb Sy vor jr jres lybs noch lebens sicher vor Jm gewesen sy, [illegible] Sy,] ~~[illegible]~~ nicht mer noch lennger, mügen beleyben, vnnd hab Jm genomen, die hernachuolgend stuck. Für Jren Lon vnd verdynungen [illegible]

Item ain Sylbrin becher, hat xxviij lot, vnnd j quintlin wygt [illegible] lot,

Item ain korallin pater noster, mit sylbrin knöpffen, vnnd vier klaine sylbrin knöpflen, hand bey ainem lot,

Item vj leylach, die hab Sy selbs gespunnen vnnd machen lassen.

[1] Ite[m] iiii pfund haller
[2] Ite[m] ain budbeckelin
[3] Ite[m] ain tischtuch
[4] Ite[m] unnd dartzu ire klayd[er]

[5] Ite[m] sy sagt auch sy hab das genomen
[6] an Irem verschmechten herten unnd
[7] ellennden eidlon sy sey auch vor
[8] bey vier maln von im gelauffe[n]
[9] als hert hab er sy gehallte[n] das
[10] wisse man wol

[11] Ite[m] sy sagt auch der Hanns so mit ir h[er]komen
[12] sey hab ir inn den dinge[n] wed[e]r gerat[en]
[13] noch geholffe[n] sy auch nit auffwegig
[14] gemacht sonnder sy hab im durch
[15] gotz willen gebetten sy mit im zelassen
[16] ~~als~~ denn sy hab v[er]stannd daß er
[17] her gen Augspurg wollt und als er hin
[18] geweßt sey sy erst darnach uff dem weg zu im
[19] komen und in angeruff und gebetten sy mit
[20] im zelassen und im ettlich gellt geben ir ain
[21] karren zubestellen hab er gethan ~~und~~ er
[22] hab sy aber nit uffwegig gemacht sy auch
[23] darauff nit gestewrt iechts zenemen noch hin ze
[24] tragen sonnder sy hab selbs nichtmer wollen pleyb[e]n
[25] denn sy die ding nichtmer erleyden mugen hab.

Item iiij pfund haller .

Item ain Badbeckelin,

Item ain Tischtuech,

Item und darzu der klaider.

Item Sy sagt auch . Sy hab das . so ir mann an dem verschinen herbst, hosen und bekannten leuten, Sy sey auch dar ~~mehr~~ . bey vier malen / kain im gelauffe als hert hab er Sy gehalten . das waisse man wol.

Item Sy sagt auch . der Hanns . so mit ir khlainer sey . hab ir . Inn den dinge weder rate noch gehulffe . Sy auch nit auffrewig gemacht, sonnder Sy hab . In auch gar willen gebetten, Sy mit Im zelassen ~~nit~~, dann Sy hab verstannden . das er her gen Augspurg . wolle, und als er hin gewest sey Sy ye darnach uff dem weg zu Im komen, und In angeruefft . und gebetten . Sy mit Im zelassen . und Im etlich gelt geben . Ir ain karren . zubestellen . hab er gethan . ~~und~~ Er hab Sy aber nit uffrewig gemacht . Sy auch darauff nit gesteurt, Ichts zunemen . nach hin zu tragen, sonnder Sy hab selbs mitgenomen wollen [illegible], dann Sy die ding, mitgenomen erloyst mussen hab,

Uff sambstag nach Margrethe
Anno etc lxxxxvii hat Gerdrut
Birckin gesagt und bekannt

[1] Ite[m] sy sagt sy hab dem Hannsen Schlosser
[2] so sy an ir gehebt ~~nichtz~~ hab wedr zu
[3] essen noch zutrincken geben auch
[4] sunst nichts gethan das er sy lieb hab
[5] oder gewynne sy hab im auch weder
[6] gellt noch annd[eres] geb[e]n denn ye zu zeyt[e]n
[7] ain maß weins # er hab sy sunst also
[8] lieb gewonnen sy wiss selbs nit
[9] wie sy könnd auch nichtz sonndrs dartzu
[10] weder kumist noch annders. sy hab all ir
[11] tag sollichs nye gewonet der nachrichter
[12] zu kawffbewren sey oben uff dem frawenhawß
[13] inn seye sy ye zu zeytten ~~zu ir herab gannge[n]~~
[14] zu der frawen wirtin herab gannge[n] sey
[15] der Schlosser hinein inn das hawß gannge[n]
[16] unnd seyen also hinder ain annder komen sy
[17] wisse selbs käm wie sy sey auch syben
[18] jar bey dem nachricht[er] gewesen und hab im ge-
[19] dienet und also ir armut und arbaitseligkait
[20] halben inn der v[er]gannge thewrin inn dises
[21] ellennd v[er]schmecht leben komen

und yetzo am Jungsten
das gellt als sy dan vor gesagt hat

Vff Sambstag nach Margrethe /
Anno dc lxxxxvij · hat Bernhart
Brückhs / gesagt vnnd bekannt

Jch sey sagt, sy hab dem Hannsen Schlosser
so sy an jr gehebt hab, ~~[illegible]~~ weder zu
essen noch zutrincken geben, auch
sunst nichts gethan, das er sy lieb hab,
oder gewynne, sy hab jm auch · weder
gelt noch annders geben, denn · so zu zeyten
ain maß weins # er hab sy sunst, also
lieb gewonnen, sy weiß selbs nit
wie, sy kunde auch nichts sunnders · darzu
weder kunst noch annders. sy hab · alle
tag · selichs nye gelernt, der nachrichter
zu Kauffbeuren · sey oben · vff dem frauenhauß
jnn, sage sy ye zu zeytten. ~~[illegible]~~
zu der frauen wirtin herab ganngen, bey
der Schlosser · hinein jnn das hauß ganngen
vnnd seyen also hinder ainannder kommen, sy
weiß selbs kain wie, sy sey auch · sybend
Jar · bey dem Nachrichter gewesen, vnd hab jm gedienet, vnd also jr armut, vnd arbaitseligkait
halben, jnn der gefanngknuß, jnn disem
ellennd schmechen leben kommen,

vnd gebe · am jungsten, das gelt · als sy dan vorgesagt hab.

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