

CHAPTER SEVEN

THE ABUSE OF AUTHORITY

In the preceding four chapters, I have argued that the witch-suspects' comments about their denouncers and their descriptions of sabbaths, diabolical seductions and malevolent witchcraft suggest strongly that they maintained good relationships with their neighbours and that both the town of Eichstätt and the villages in its immediate vicinity were characterized by the neighbourliness of established and well-integrated communities. As I have also shown, this general picture of social harmony did not preclude the occurrence of significant episodes of social or personal conflict. There was, however, one context, the jail, in which gender and class conflict were institutionalized during the Eichstätt witch persecutions. In this chapter I will discuss the investigation into the treatment of one witch-suspect, Maria Mayr, by her warders; it began in November 1618. Very early in this investigation, the witch commissioners also uncovered the systematic physical abuse of other female prisoners and servants who worked in the town hall.

On the face of it these abuses would seem to have been facilitated by a highly rigid patriarchal structure in which the female prisoner was isolated from the protection of her kin and female gossips and lay at the mercy of her warders, especially the bedwatchers assigned to look after the prisoners at night. The later interrogation of the prison-watcher Matthes Prenner who was accused of maltreating the suspect Anna Erb in 1626 testifies to the persistence of this abuse.¹ The warders did not treat their male charges in the same way. Yet, the conditions of Mayr's custody, although grim, seem to have been more favourable than those of other prisoners and witch-suspects in early modern jails. She may have been treated better than other prisoners because she was well-connected through both her own family and that of her husband to men who dominated the secular structures of authority in the town of Eichstätt, and because her kin maintained good relations with the staff of the town hall. Whilst their gender certainly made women in

¹ StAN, Hexenakten 43 (M. Prenner). This investigation is dated 14 March 1626.

the male-dominated world of the town hall easier targets for abuse, it seems the warders were mindful of other contingencies in their attitude toward each individual in their charge. The female prisoner's vulnerability to abuse lay in a combination of gender, class and the degree to which she had been marginalized in the community, if at all, *before* her arrest.

The investigation

Maria Mayr was born into the urban elite of Eichstätt in about 1591.² Her father, Thoma Nagelmayr, was a member of the *Hofrat*, witnessed the marriages of his council colleagues and served as godparent to their children.³ When she was about seventeen Maria married Georg Mayr, a member of an extensive family of senior councillors who dominated local secular politics throughout the early modern period. Georg's cousins and in-laws related him to the other powerful Eichstätt families of Bonschab, Mosner, Mittner, Rehel and Richel.⁴ Whether they liked or even loved each other, Maria and Georg would have known each other well through their family connections and the social and cultural life of the town. The newly-wed Mayrs established their household in the Vordere Marktgasse;⁵ and in the first year of their marriage they had their only son, Hans Georg, who was ten when his mother was arrested in 1618.⁶ From their front door they could have looked down their short street into the market square where Maria or her maid would have done some of their shopping and their gossiping, and across that to the town hall where Georg worked as the court scribe.

The town hall was the central building of secular political life in the town. It was in the town hall that some council business and all

² Mayr was twenty-seven at the time of her arrest, StAN, Hexenakten 48 (M. Mayr), 23 June 1618 (p.m.).

³ Nagelmayr was witness, for example, to Martin Höning's second marriage to Anna Heim. In 1615, his own wife Maria was chosen as godmother to the sixth child by Höning's third wife and future witch Barbara, Buchner, "Eichstätter Familienbuch", p. 167.

⁴ These relationships are very complex, but can be reconstructed from *ibid.*, pp. 72–5, 222–6, 237–41, 268–9, and 272 (among others).

⁵ This would have made them near neighbours of Hans Baur (Hochenschildt's 'good neighbour') who also lived in this street, StAN, Hexenakten 48 (B. Ruoser), 29 December 1617 (p.m.).

⁶ StAN, Hexenakten 48 (M. Mayr), 23 June 1618 (p.m.).

the local administration was attended to, although the most important issues involving the *Hofrat* and the prince-bishop would have been discussed at Willibaldsburg, the bishop's residence. Petty criminals from the administrative district of Eichstätt and perpetrators of capital crime from much of the rest of the principality were detained and interrogated in the town hall;⁷ and from here the councillors advised their local administrators distributed around the prince-bishopric about the conduct of criminal interrogations.⁸ Everyone would have known what type of people were incarcerated in this building and no doubt their crimes would have dominated gossip at the market which stood both in the shadow of the town hall and on the journey made by inhabitants of the Western Quarter to and from the cathedral and other churches situated in the centre of the town. No doubt too that the prisoners in custody would have heard some of this talk through the walls of their quarters as well as the other familiar sounds of municipal life from which they had been taken, and through which many of them would have to pass on their way to their punishment. Of particular relevance in the case of the investigation into the treatment of Maria Mayr, it was in the town hall that Georg would have worked alongside councillors, the witch commissioners and their staff, the executioner, and the *Oberamtsknecht*, his wife and their staff, including the prison watchers. Apart from his familial relationships with some of these people, Georg would have known most of them well on a professional basis, and Maria probably either also knew them before her marriage or came to know them through her husband.

When Maria was arrested between ten and eleven o'clock on the evening of the 21 June 1618, therefore, she knew intimately the route to her place of imprisonment and the individuals whose tasks it would be to look after her in custody, interrogate and torture her and, if she were to confess, condemn and execute her.⁹ About her interrogation, however, we know very little. It was certainly a protracted one. The transcript of her interrogation is incomplete and consists of two fragments. The first of these fragments covers a period of almost five months

⁷ Hans Drüncklein, for example, was sent from the district of Arberg to be tried for nine counts of theft, DiöAE, "Urfehdebuch", ff. 60v–62v.

⁸ Such instructions form the bulk of the material in StAN, Hochstift Eichstätt Literalien 59, "Kopialbuch, die unter Bischof Martin und seinen Nachfolgen erlassenen Generalbefehle und Ausschreibungen enthaltend. 1457–1626".

⁹ StAN, Hexenakten 48 (M. Mayr), 21 June 1618 (p.m.).

from the date of her arrest to 16 November 1618, much longer than the average period of custody for a suspect in this last phase of witch persecution.¹⁰ During this time, Mayr endured two sets of confrontations with her fellow witch-suspects and repeated torture;¹¹ she had also been ignored by the witch commissioners for two months from 17 August.¹² Despite these torments, Mayr had consistently maintained her innocence, perhaps aware from her husband's knowledge of the law that this stance should have secured her freedom.

The second fragment continues from 20 November 1618 and leaves off on 10 December.¹³ This section of Mayr's interrogation was concerned primarily with her treatment in custody, but throughout she was asked constantly whether she was a witch to which question she always replied that she was not.¹⁴ Between December 1618 and spring 1619, however, Mayr had succumbed to the witch commissioners' persistent interrogations and confessed to forty acts of malevolent witchcraft. Both the document listing the extracted details of her harmful activities and the record of the witnesses' statements survive;¹⁵ the latter is dated 2 May 1619.¹⁶ Of the twenty-two witnesses called to testify, none specifically named either Mayr as a witch or witchcraft as the cause of the misfortune they described. We do not know to what else Maria Mayr confessed after December 1618. Nor is it possible to state what happened to her. Her name does not appear in the "Urfehdebuch", although this does not mean that she was not executed as the later

¹⁰ Ibid., 21 June 1618 (p.m.) to 16 November 1618 (p.m.).

¹¹ Ibid., 23 June 1618 (p.m.), when she was confronted with Margretha Geiger, Anna Harding, Valün Lanng and Hans Wagner, and 17 August 1618 (p.m.), when she was confronted with the Eichstätt Anna Widman (the Bilerin). Torture was consistently threatened or applied in most sessions of the interrogation.

¹² The first period of the trial was conducted under the direction of vom Stein and Freisinger (named in *ibid.*, 21 June 1618 (p.m.)) and written up by the witch commissioners' scribe Balthasar Rinck. When the interrogation was resumed on 16 November 1618, the interrogators were given as the town judge and Dr Leythün. The hand was that of Rinck's colleague Lorenz Breinlein, *ibid.*, 16 November 1618 (p.m.).

¹³ StAN, Hexenakten 48 (M. Mayr—investigation), 20 November 1618 to 10 December 1618 (p.m.).

¹⁴ Thus in the final extant transcript of her interrogation, Breinlein recorded that Mayr 'says she was no witch, it goes with her as God wants, and although several testified against her and died for it that they had seen her at the dances, she could not however say that she was at other dances than at weddings once in her life', *ibid.*, 10 December 1618 (p.m.).

¹⁵ StAN, Hexenakten 48 (M. Mayr—*malefacta*) and (M. Mayr—*inquisition*).

¹⁶ StAN, Hexenakten 48 (M. Mayr—*inquisition*), f. 6v.

case of Margretha Bittelmayr, the wife of the town scribe, shows.¹⁷ Neither of the witch-suspects who were released, however, had begun to make a confession, and the list of forty malevolent crimes was probably extracted over many sessions of interrogation during which Mayr would have had to have repeated that she was indeed a witch. It seems probable therefore that she was executed.

If it is not possible to state much about Mayr's experiences under interrogation, the Eichstätt witch-trial documentation does reveal a lot about her experiences, and those of her fellow suspects, in custody. The investigation into Mayr's treatment in the town hall was prefaced by her report on the afternoon of 20 November 1618 that one of the watchers, the Schneider, went into the quarters of Kunigunda Pronner who had since been executed. This event happened during the night, but Mayr did not know for what reason. She 'nevertheless thought that it was not proper for the watcher to go at night to the imprisoned women'.¹⁸ The telling of this episode allowed her to fulfil a promise made to Kunigunda that when she was called in to the commissioners she should report to them that they did an injustice to her, Kunigunda, that 'the doctor tortured her so hard that she had to confess that which she had not committed'.¹⁹ During her next session of interrogation on the morning of 23 November, Mayr claimed to have gotten pregnant.²⁰ In conjunction with the earlier allusion to the Schneider's irregular relations with Pronner in the town hall, this claim seems to have precipitated the subsequent investigation into malpractice by the prison warders.

Mayr's claim to pregnancy would, on the face of it, seem to have been a clever strategy. If she was pregnant she would have been spared torture for the remainder of her interrogation, and the execution would have been postponed in the event of a conviction until the birth of the child. A stay of execution might also have ended in a pardon or an acquittal. In order to retain the image of innocence she had thus far successfully projected, however, she had to convince her interrogators that she had become pregnant by her husband; in order for the strategy to work, she

¹⁷ Although neither case was recorded in the "Urfehdebuch", only Bittelmayr's omission was noted by Buchta, "Die Urgichten im Urfehdebuch des Stadtgerichts Eichstätt", p. 246. The *Hexensonderkommando* did, however, create a file for Mayr, BundesA ASt Frankfurt, FSg.2/1-F 13 669 Eichstätt L-Z, frame 24 (M. Mayr).

¹⁸ StAN, Hexenakten 48 (M. Mayr—investigation), 20 November 1618.

¹⁹ *Ibid.*, 20 November 1618.

²⁰ *Ibid.*, 23 November 1618 (a.m.).

had really to be pregnant when she made the claim. Maria Mayr clearly believed that she was pregnant, and I do not think we should doubt her statement that she had taken this precaution either against further harsh treatment in the torture chamber or, as the interrogators were later to suggest to her, in an attempt to get them to ‘spare her on account of forgiveness for her supposed pregnancy’.²¹ Her announcement does not seem to have been spontaneous, but calculated to fit a narrative which could be corroborated by other witnesses if the interrogators were to investigate the claim. She had made it without any apparent prompting immediately after responding to the standard opening questions of any session of interrogation for witchcraft with the characteristic statement that she was no witch and had never renounced God.²² It was then that Mayr stated that she was pregnant. Naturally the commissioners wanted to know by whom as the only men she should have had any unsupervised access to were the prison watchers, and they may have had in mind the suggestion of sexual activity between the Schneider and Kunigunda made in Mayr’s previous session of interrogation two days before.²³ Mayr answered that her husband, Georg, had got her pregnant. Asked when and where Georg had been with her, Mayr answered twelve weeks ago in the prison. With the knowledge of the wife of the former *Oberamtsknecht*, Barbel Halm, he brought her wine and two birds; the commissioners, she was careful to add, should ask her brother-in-law Mathes Mayr about it because he knew of this too.²⁴ Mathes was a member of the *Hofrat* and his status should, in normal circumstances, have given extra weight to any witness deposition he might make. The key to understanding her motive and the timing of the announcement lies in the twelve week interval between coitus and revelation of the pregnancy. This period gave Maria Mayr time in which to confirm to herself, probably through the cessation of the menstrual cycle, that she was expecting a child (even if quickening, generally held to occur at sixteen weeks, had not been felt). In her own mind therefore she was probably certain that she was pregnant and perhaps that a midwife or other competent person would be able to confirm this when the interrogators decided to investigate her claim.

²¹ *Ibid.*, 23 November 1618 (p.m.).

²² *Ibid.*, 23 November 1618 (a.m.).

²³ As I discussed in the last chapter, Pronner seems once to have supported herself through sexual activity as a prostitute or mistress, and the interrogators may have had these episodes in mind here.

²⁴ StAN, Hexenakten 48 (M. Mayr—investigation), 23 November 1618 (a.m.).

The morning session of interrogation on 23 November then continued with questions about the details of the alleged visit by Georg Mayr: it occurred after the annual market when Barbel Halm fetched him at about seven in the evening.²⁵ When Maria returned to the interrogation chamber for the afternoon session, however, she was faced with a physical inspection on the command of the *Landvogt*, Georg's former employer, who sat in on some of the sessions of the investigation into Maria's treatment in custody, in order to confirm the pregnancy.²⁶ This inspection was undertaken by Walburga, the wife of the new *Oberamtsknecht*. Walburga was unable to discover any indication that Mayr was pregnant.²⁷ That is not to say that Maria had not been expecting. Walburga may have had her own motives for failing to find physical evidence of the pregnancy, or she may have been too inexperienced or incompetent to identify less than obvious signs of conception. Mayr may also have miscarried because of the poor and stressful conditions in which she found herself. The issue of the pregnancy, however, then receded as the interrogators began to investigate the probable corruption, if not diabolical inspiration, that underlay Mayr's claim.

Immediately after Walburga confirmed that there was no sign that Mayr was pregnant, the interrogators accused the suspect of lying about it.²⁸ This time she said that they should ask her watcher Hans about it.²⁹ Later during this session, Mayr was asked 'which devil had told her to submit that she was pregnant'. She replied, 'none but her husband'.³⁰ The fact of the pregnancy was not brought up again until the very end of the next session of interrogation on the afternoon of 24 November. This had been the most intense session encountered by Mayr thus far during her custody and the interrogators concerned themselves with her relations with her keepers and her sexual continence. The witch commissioners concluded by asking if she was pregnant; Mayr answered that she 'did not know it for certain, but she was doubtful of it' before again stating that she was 'no witch'.³¹ Mayr was then

²⁵ *Ibid.*, 23 November 1618 (a.m.).

²⁶ *Ibid.*, 23 November 1618 (p.m.). The *Landvogt* was the bishop's representative and therefore one of the most senior secular officials in the principality. He also sat on a later session of this investigation, *ibid.*, [no date] December 1618 (p.m.). The next session was dated 10 December 1618.

²⁷ *Ibid.*, 23 November 1618 (p.m.).

²⁸ *Ibid.*, 23 November 1618 (p.m.).

²⁹ *Ibid.*, 23 November 1618 (p.m.).

³⁰ *Ibid.*, 23 November 1618 (p.m.).

³¹ *Ibid.*, 24 November 1618 (p.m.).

brought before the witch commissioners on Wednesday 28 November, in the afternoon, for a short session of questioning about what items had been sent to her whilst she had been in custody. At the end of her testimony on that day Mayr was asked if she still thought she was pregnant: she 'does not know, she has an illness'.³² During the final two sessions of interrogation for which the transcripts exist, the pregnancy is not mentioned at all.³³

At a procedural level, the dismissal of Mayr's claim to be pregnant was an easy, if diverting and time-consuming, obstacle to overcome, but the interrogators were then able to turn the unsubstantiated claim to their advantage. Throughout her interrogation, some five months from her arrest to the inspection by the *Oberamtsknecht's* wife, Mayr had maintained that she was innocent of witchcraft and that she was pious. Walburga's confirmation that Mayr showed no indication of pregnancy put the suspect in a weak position. The interrogators were able to suggest that she was in the first place a liar, that she had known that she was not pregnant. They then attempted to link Mayr's testimony to her character as a suspected witch by asking her about the Devil's role in her story, but dropped these lines of interrogation in order to pursue the possibility that she was a 'whore'.³⁴ Assuming that she had planned to get pregnant, Mayr would have needed to have had sex with a man. Mayr could claim that she had had sex with her husband, but she had to convince the interrogators that their servants, the town hall staff, had permitted illicit conjugal visits and had not had sex with her themselves. By getting Mayr to confess that she had indeed had sex with a warder, the interrogators would have undermined her strategy of projecting an image of herself as innocent, both of the crime of witchcraft and spiritually. They could then demonstrate that her narrative had, to this point, been a fabrication. They could not, however, dismiss the claim that her husband had gone up to her in custody if she persisted in it. They had to investigate it further to see if it was true, and if it was they then had to address the abuse of office committed by some or all of the town hall staff who had allowed this, and perhaps other, visits to happen. If Georg Mayr had had sex with Maria in the town hall then he would have had to rely on pre-existing

³² Ibid., 28 November 1618 (p.m.).

³³ Ibid., [no date] December 1618 (p.m.) and 10 December 1618 (p.m.).

³⁴ Ibid., 24 November 1618 (p.m.).

relationships with and perhaps bribery of some or all of the warders in order to secure a visit. These lines of investigation—into Mayr's sexual conduct, the reality of Georg's visit and the warders' abuses of their positions—were pursued simultaneously and became entwined. The various relationships which emerge from the testimonies given by those who are known to have been interrogated about these issues are best examined by looking at the three main strands of the investigation discretely, beginning with Georg's visit.

Georg Mayr's visit

There were several potential witnesses to the visit paid by Georg Mayr to his wife Maria apart from the couple themselves. In her testimony of the morning of 23 November, Maria herself stated that Barbel Halm had allowed Georg to bring her wine and poultry; Mathes Mayr, Georg's brother knew of this. Towards the end of the same session of interrogation, she further stated that Barbel had fetched Georg at seven in the evening, and that her bedwatcher, Hans, had known of that. The one other person who ought to have known what was going on, although he need not have taken part in the arrangements of the visit, was Jacob Halm, then the *Oberamtsknecht*, husband of Barbel and Hans' supervisor. Of these individuals the most pertinent witness, Georg Mayr, and the most reliable because of his status, Mathes Mayr, were at the time of this inquiry visiting Burghausen and they do not seem to have been called to testify by the witch commissioners.³⁵

Unfortunately, we cannot know if it was coincidence that the investigation began when the Mayr brothers were out of town. The commissioners may have chosen to interrogate Maria when she was unable to call on the protection of her husband and his male kin; or the men may have left Eichstätt when they heard that the inquiry was to take place (or had already begun) in order to distance themselves from the testimony that Maria and her jailers were bound to give. Whatever the reasons for their absence, Georg seems to have been in contact with individuals (the confessor to the witch-suspects, Father Michael, and the wife of one of the witch commissioners' scribes) associated with Maria's case throughout her interrogation and may have been informed

³⁵ Ibid., 23 November 1618 (p.m.).

by them that the witch commissioners were about to postpone the trial and investigate the circumstances surrounding the alleged pregnancy.³⁶ He would also have heard through his family or friends that the remaining three witnesses to his meeting with Maria had been sacked from their jobs, detained and interrogations begun. The bedwatcher Hans was first questioned on the afternoon of 23 November, during which session he was confronted with Maria Mayr, and for a fifth time on the morning of 5 December;³⁷ the interrogation of Barbel Halm began on 26 November, in the morning, and continued on the morning of 28 November and sometime during 5 December;³⁸ Jacob Halm was interviewed on 27 November (in the morning), 5 December and 11 December (in the afternoon).³⁹

In their testimonies, deposited independently of each other, Barbel and Hans agreed that they had conspired together to allow Georg into the town hall to see his wife.⁴⁰ They both also implied that neither Jacob nor the other warders knew of their actions. When asked, Hans stated that his assistant, the eighty-year-old Anderle, had not been present when he had taken Georg to the upper chambers where Maria was incarcerated.⁴¹ Barbel twice testified that her husband Jacob had not been there either.⁴² Anderle was not asked about the visit during his first five sessions of questioning;⁴³ whether the episode was raised during the remainder of his interrogation cannot be determined because the transcript is incomplete. The first question put to Jacob, on the other hand, was whether he knew of Georg and Maria's meeting. He confirmed that Mayr had told him that her husband had visited her when he had been at the *Kirchweih* (the annual celebration of the con-

³⁶ Mayr was the source for the information that the scribe's wife and Father Michael were supplying information to her husband about her conditions in custody and her suffering under torture, *ibid.*, 23 November 1618 (a.m. and p.m.).

³⁷ StAN, Hexenakten 48 (Hans), 23 November 1618 (p.m.) and 5 December 1618 (a.m.).

³⁸ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.), 28 November 1618 (a.m.), and 5 December 1618.

³⁹ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (a.m.), 5 December 1618, and 11 December 1618 (p.m.).

⁴⁰ StAN, Hexenakten 48 (Hans), 23 November 1618 (p.m.) and 24 November 1618 (a.m.), and (B. Halm), 26 November 1618 (a.m.).

⁴¹ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.).

⁴² StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.) and 28 November 1618 (a.m.).

⁴³ StAN, Hexenakten 48 (Anderle), 27 November 1618 (p.m.) to 4 December 1618 (p.m.).

secration of a church) in Pollenfeld. Jacob added that Mayr had also reported to him, on the same occasion, that she had gotten pregnant. When he had asked who it was that had made her pregnant, Maria had given the enigmatic answer, 'he who made one made the other'.⁴⁴ Presumably she was referring here to her son Hans Georg. She told Jacob further that his wife and Hans had let Georg up to her. Jacob then proceeded to elaborate on the background to the meeting between the Mayrs. When he had gone to Pollenfeld, he had entrusted his key to Barbel, but he had not thought that she would abuse this trust. He did add, however, that Barbel had taken stockings up to Mayr without his permission and once, when he had been drunk with wine, his wife and Hans had allowed the wife of the butcher Raffeli up into Mayr's quarters. The Raffelin and Maria had drunk about a measure of wine together. When he found out about this, Jacob had beaten both Barbel and Hans.⁴⁵ Jacob seems to have been telling of the beating here to demonstrate his control of the town hall staff and, perhaps, to imply that his wife was not trustworthy, which would contradict his previous suggestion that he had, at least until his journey to Pollenfeld, thought that he could rely on her as a deputy.

Jacob's testimony also reveals that Maria had once pleaded with him to allow Georg to be brought up to her.⁴⁶ Possibly it was Maria therefore who had initiated the negotiations with Hans and Barbel in order to secure the clandestine meeting with her husband. She had, by her own admission, also asked Jacob to allow her brother to see her;⁴⁷ and Hans testified that Mayr had begged him to help her get out of custody, although in Mayr's narrative it was Hans who had offered to aid her.⁴⁸ Other individuals too were said to have pestered the town hall staff for permission to see Maria. Barbel claimed that she had allowed the Raffelin to visit Mayr only after she had been persuaded to do so when the butcher's wife came to see her in her kitchen in order to settle the meat account (which could not be done because Jacob was not in the town hall).⁴⁹ Both Barbel and Jacob also testified that Anna Wunder

⁴⁴ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (p.m.).

⁴⁵ *Ibid.*, 27 November 1618 (p.m.).

⁴⁶ *Ibid.*, 27 November 1618 (p.m.).

⁴⁷ StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

⁴⁸ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.), and (M. Mayr—investigation), [no date] December 1618 (p.m.).

⁴⁹ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.).

had sought permission to visit Mayr, but they had both refused.⁵⁰ It could be therefore that it had been Georg who had arranged the visit with his former colleagues in the town hall.

In addition to confirming that Georg had indeed visited his wife, the testimonies of Maria, Barbel and Hans also reveal that Barbel had received a thaler from Georg for her help and that Hans had been promised an ‘honorarium’, which Mayr had testified had been fifteen Kreuzer and Barbel thought was considerably more at a thaler, but which had not been paid—Mayr confessed that she had forgotten about it.⁵¹ Other details of the visit are less clear. Georg had certainly arrived in the evening, but the witnesses did not agree about the date or how long he had stayed. Mayr stated that the meeting had taken place after the annual market,⁵² Barbel implied that it had occurred a fortnight before this occasion.⁵³ Whether the *Kirchweih* in Pollenfeld, the date of the visit implied by Jacob in his testimony, had occurred before or after the Eichstätt market, I have not been able to determine.⁵⁴ The witch commissioners, it should be noted, did not concern themselves with this discrepancy. Whenever this visit actually took place, Mayr thought that Barbel had fetched Georg, but she did not state how long he had stayed.⁵⁵ From the testimony elicited from Barbel and Hans, however, it seems that Georg had arrived by himself, that Barbel had let him in, and that Hans had escorted him up to Maria’s quarters, through a back way and without lights in order to avoid other staff resident in the town hall.⁵⁶ During the first session of his interrogation on 23 November, Hans also testified that Georg had stayed for two or three hours.⁵⁷ Barbel was to testify three days later, on 26 November, that he had remained with his wife for a similar length of time, about three hours.⁵⁸ In between, however, at the very beginning of the second

⁵⁰ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (p.m.), and (B. Halm), 28 November 1618 (a.m.).

⁵¹ StAN, Hexenakten 48 (M. Mayr—investigation), 23 November 1618 (a.m.), (Hans), 24 November 1618 (a.m.), and (B. Halm), 26 November 1618 (a.m.). Hans also received a drink of the wine brought by Georg Mayr.

⁵² StAN, Hexenakten 48 (M. Mayr—investigation), 23 November 1618 (a.m.).

⁵³ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.).

⁵⁴ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (p.m.).

⁵⁵ StAN, Hexenakten 48 (M. Mayr—investigation), 23 November 1618 (a.m.).

⁵⁶ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.), and (B. Halm), 26 November 1618 (a.m.).

⁵⁷ StAN, Hexenakten 48 (Hans), 23 November 1618 (p.m.).

⁵⁸ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.). Although earlier in

session of interrogation on the morning of 24 November, Hans contradicted himself by stating that Georg had stayed with Maria until four or five the next morning, which would mean that the visit may have lasted up to ten hours.⁵⁹ Again, the witch commissioners do not seem to have been troubled by these slight differences in the testimony.

Despite these minor discrepancies, the suspect's and witnesses' statements seem to be sufficiently consistent for one to conclude that the alleged meeting between Georg and Maria did actually take place. Unfortunately, without Georg's explanation of his participation in this episode one only has Maria's word that the aim of the meeting was for her to get pregnant. Hans did not comment on the purpose of the clandestine visit and Barbel claimed that she did not know what had happened between Georg and Maria.⁶⁰ Hans did, however, add an interesting observation to his testimony at the end of his last session under interrogation on 28 November which may allude to his knowledge of Maria's intentions for the meeting. The witch commissioners concluded their questioning of Maria's bedwatcher by asking him directly if he thought that Mayr was pregnant. This was the only time the subject of the pregnancy was discussed explicitly in Hans' sessions of the inquiry. He did not give a direct answer, preferring to observe that Maria was no longer able to keep food down since Georg's visit.⁶¹ Hans may have been describing Maria's condition as it had developed over the previous twelve weeks or he may have been recycling his knowledge of an illness which she had been suffering from at the beginning of August 1618, about a month before the Mayrs' meeting. As she was being taken to bed at about nine in the evening of 1 August 'she fell under her bench and lay there as if she was already dead'; the *Amtsknecht* (probably Jacob Halm), suspecting illness, had fetched the witch commissioners.⁶² The cause of this illness was not stated, but excessive pain during the interrogation does not seem to have been directly to blame. Maria had not been interrogated on that day, nor, in fact, since 27 July, and the last time she had been tortured was on 19 July.⁶³ During the night of

this session of interrogation she had said that Georg had met his wife at six o'clock in the evening and that Hans had led Georg out in the morning which might imply that he had stayed longer than three hours.

⁵⁹ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.).

⁶⁰ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.).

⁶¹ StAN, Hexenakten 48 (Hans), 28 November 1618 (a.m.).

⁶² StAN, Hexenakten 48 (M. Mayr), 2 August 1618 (a.m.).

⁶³ *Ibid.*, 19 July 1618 (a.m.) and 27 July 1618 (p.m.).

5 August, the interrogators were again called to visit Maria, presumably because she was ill, although this is not stated in the record.⁶⁴ Whether or not Hans was conflating this episode with the meeting between the Mayrs, the context supplied by the question put to Hans (pregnancy) and the inclusion of Georg's visit at this point suggest strongly that his answer was a reference to morning sickness or similar condition rather than the unspecified illness which Maria was to suggest that she was suffering from later on the same day.⁶⁵

This story of a conspiracy to enable Georg and Maria to meet illicitly reveals the quality of relationships between two very different married couples. The sources for the history of early modern marriage consist of court records and prescriptive literature complemented by pictorial representations and personal writings (diaries, letters and autobiographies). Although the contents of these latter often reveal the warmth and affection which the married state could support and nurture, they do not alter radically the impression given by the more numerous judicial cases and writings of theologians, jurists and other commentators that marriage reflected the values of a patriarchal society in which the wife was subordinated, often by force rather than voluntarily, to her husband and later, in widowhood, to her male children or other relatives. Despite moral strictures designed to delimit the lawful power of the husband and the duties of the wife, abuse of male authority within marriage seems to have been tolerated until it disrupted the household in its functions as an economic or political unit. Female resistance to such practices as brutal physical punishment was generally regarded as seditious and a wife who resorted to this course could expect punishment rather than relief for her situation.⁶⁶ The problem with this depiction of marriage is that it is not possible to estimate the proportion of marriages which were characterized by this seemingly endemic tension. The extent to which early modern patriarchal norms and court cases reflect the realities of daily life in the conjugal unit is difficult to determine: the former were largely articulated in the artificial context

⁶⁴ *Ibid.*, 6 August 1618 (a.m.).

⁶⁵ StAN, Hexenakten 48 (M. Mayr—investigation), 28 November 1618 (p.m.).

⁶⁶ This was the case with, for example, Marguerite Vallée who had killed her husband after years of systematic physical abuse. She sought remission of her punishment with the help of neighbours. In the letter, the latter (with whom Vallée had sought sanctuary) continued to distance themselves from the breakdown of the household by urging Vallée to return to her husband for the sake of her children. Her letter of remission is reprinted in Davis, *Fiction in the Archives*, pp. 131–4.

of treatises written by men who had a substantial economic and political interest in promoting the values of patriarchy;⁶⁷ the latter emerged when marital friction could no longer be addressed and the partners reconciled within the household or wider kinship, guild or neighbourhood networks. Whether wives regarded themselves as disenfranchised in the conjugal unit rather than recognising the contemporary practical benefits of such an institution for themselves, their husbands and their children is, I think, also a matter for debate. As the Eichstätt witchcraft cases show, everyday life was generally circumscribed not by normative values, but by bonds such as neighbourhood and friendship which could, but did not always, cut across the artificial gender and class divisions within the local community and the household.

These bonds do not seem to have done so, however, in the household of Jacob and Barbel Halm. Their relationship seems to have been characterized by duplicity and distrust, drunkenness and violence. It was the very deceitfulness of Barbel's dealings that allowed her to undermine her husband's authority and help facilitate the Mayrs' meeting. Barbel and Jacob both testified that she had not informed him of Georg's visit, either before or after it had happened, and indeed she and Hans may have conspired to wait until Jacob had gone to the *Kirchweih* in Pollenfeld before they acted. Whilst Barbel appeared to be candid about her actions without attributing any motive or moral significance to them, Jacob presented the whole episode, particularly the misuse of the keys left in her care when Barbel stood in as his deputy, as a breach of his trust in her.⁶⁸ This was not the only occasion on which Barbel seems to have abused her position as wife of the *Oberamtsknecht* in order to aid Mayr, and Jacob's retelling of his wife's misdemeanours suggests that he may have had reason to doubt her fidelity to his office and authority even before he had become aware that she had committed such a serious misdeed.

Jacob had only recently discovered, he claimed, that Barbel had once taken the suspect a pair of stockings.⁶⁹ This was hardly a significant

⁶⁷ Examples of English prescriptive literature on marriage can be found in Joan Larsen Klein (ed.), *Daughters, Wives and Widows: Writings by Men about Women and Marriage in England, 1500–1640* (Urbana: University of Illinois Press, 1992). These should be read in conjunction with informal writings on marriage by women, such as those collected in Patricia Crawford and Laura Gowing (eds.), *Women's Worlds in Seventeenth-Century England: A Sourcebook* (London: Routledge, 2000), pp. 163–86.

⁶⁸ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (p.m.).

⁶⁹ *Ibid.*, 27 November 1618 (p.m.).

infringement of the duties to which Barbel seems to have been bound by her marriage to Jacob as *Oberamtsknecht*, but it did serve to promote the image that Jacob was trying to give of her as duplicitous and untrustworthy. This representation of Barbel was further reinforced by the story that she and Hans had also allowed the Raffelin up to visit Mayr without notifying her husband or any of the other warders. When he had found out about this unauthorized meeting, Jacob had beaten both wife and watcher, a punishment he was able to impose as the patriarchal head of his household and the senior *Amts-knecht*. He may also have incorporated the beating into his narrative to enhance his credentials as a diligent servant of the local authorities and to distance himself from the actions of Barbel and Hans. What is clear from Jacob's testimony, however, is his apparent unwillingness to stand by Barbel as her husband or to take responsibility for her actions as her supervisor. He did not, for example, try to mitigate any prospective punishment by testifying to her general good behaviour and her qualities as his spouse and deputy. Instead, he resorted to a denigration of Barbel's character as a means to protect his own position. It is not clear if Jacob's and Barbel's testimonies reflected the real state of their marriage or if they were concocted to pass blame on to Barbel in order to limit the punishment which they perhaps expected to receive if they had both been party to the conspiracy. In either case a contemporary image of disharmony within marriage, of the 'woman on top' (see Ill. 4), and the limits of patriarchal power emerge from their narratives.

Jacob's admission that he had been drunk when the Raffelin's visit had occurred was not investigated further by the interrogators either, although its place in the story suggests that it may not have been unusual for Jacob to be in that state.⁷⁰ He reported it as fact rather than as an excuse for unwittingly providing the occasion for Barbel to allow the Raffelin up to see Maria. In his narrative, and also in his wife's testimony, Barbel as the disobedient wife and employee was to blame for this transgression of his authority; had she been a good wife, Jacob seems to have been saying, she would not have taken advantage of his inability to supervise her. This may give us an indication of the quality of the Halms' marriage if Jacob was regularly drunk, especially when considered in conjunction with the beating he admitted giving Barbel. Neither drunkenness nor violence, for example, characterize the

⁷⁰ Ibid., 27 November 1618 (p.m.).



Ill. 4. 'Aristotle and Phyllis', section from Peter Flötner, 'The Power of Womanhood', early sixteenth century, woodcut. Kunstsammlungen der Veste Coburg [Geisberg Nr. 818, Inv. No. XV/1, 168–171]. Reproduced with kind permission.

marriages of any of the other couples whose names and relationships were mentioned by suspects and witnesses during the course of the witch persecutions in Eichstätt. One should note, however, that drunkenness has been interpreted as an accepted element of masculinity in the early modern period, at least in a secular cultural context, and we should not, I think, be surprised that Jacob placed the blame for his poor stewardship of the jail on to his wife.⁷¹

In contrast, Barbel did not mention Jacob's drunken state in her version of this story, but did claim to have taken the opportunity of Jacob's absence from the town hall to let the Raffelin visit Mayr.⁷² The witch commissioners seem to have been more interested in this absence and in Halm's visit to Pollenfeld than in his self-confessed drunkenness. They questioned him specifically about how regularly he was present in the town hall when they interrogated him on 5 December. He testified then that he was not always able to remain at home because of the work he had to do for the *Rentmeister* and the town judge; in fact, he did not often have time to eat soup because of his duties.⁷³ Jacob was attempting here to impress upon his interrogators that his absences were legitimate, although a holiday in Pollenfeld was unlikely to have been among his duties as *Oberamtsknecht*. The implication which the interrogators may actually have drawn from this short piece of testimony was that Jacob had frequently left his keys with his wife, thus facilitating other abuses of her office of which he was not aware.

The quality of the marital relationship between Georg and Maria Mayr is not represented in the witnesses' testimonies as unambiguously as that between Jacob and Barbel. What is clear, however, is that where Jacob was attempting to distance himself from his wife's unprofessional actions, Georg did not disown Maria after her arrest for witchcraft. The Mayrs actively tried to maintain contact with each other, at least until the investigation into the prison warders' treatment of the women in custody had begun, despite the physical obstacles and Jacob's reluctance which stood in their way. Jacob reported that Georg had once asked him to pass his greetings on to Maria.⁷⁴ This means of contact seems to have been permitted as Jacob was to testify too that Maria and

⁷¹ On drunkenness as an acceptable part of male culture, see, for example, Roper, "Blood and Codpieces", pp. 111–13.

⁷² StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.).

⁷³ StAN, Hexenakten 48 (J. Halm), 5 December 1618.

⁷⁴ *Ibid.*, 27 November 1618 (p.m.).

her brother had also exchanged greetings through his good offices.⁷⁵ That Georg took the trouble to contact Maria shows that he had not abandoned his wife, even though there was only a slight chance that she would eventually be acquitted and released. In addition, however, Georg was also, according to Maria's testimony, receiving information about her welfare from the commissioners' scribe's wife and Father Michael, both of whom were in a position to report to him in detail about Maria's interrogation and her spiritual or psychological state. If it was routine practice to update the family of a suspect's interrogation and custody, it would not have been necessary for the interrogators to ask Maria twice about how Georg knew about her conditions in jail.⁷⁶ The secrecy inherent in the processes of the interrogation, for example the elimination of significant details of the confession from the public records of each case of witchcraft, indicates that it was unlikely that information on a suspect was available even to close relatives. It seems therefore that Georg had instigated the submission of reports on Maria's welfare from his former colleagues in the town hall, or that they knew that he would like to hear about her, perhaps because Maria herself had persuaded them to inform him about the progress of her interrogation. In either case Georg was being kept abreast of events in the town hall.

That Georg was sending greetings to his wife and was probably kept informed about her condition and testimony indicates that he wanted to stand by her. The clandestine visit confirms his attitude. Whatever payments Barbel and Hans received, the meeting was fraught with possible dangers for those who decided to involve themselves in it. Indeed, when the visit finally came to light it cost the jobs not only Jacob, Barbel and Hans, but of several, if not all, of the other town hall employees. Unfortunately, it has not been possible to trace their subsequent careers, but they do not seem to have been re-employed by the council; nor can one state yet what happened to Georg Mayr after this investigation was completed. There existed, however, further potential harm in the meeting. Whilst Barbel and Hans had to be constantly in the company of the witch-suspects in the course of their work, Georg was choosing to consort with one when he had no professional need to do so. If she

⁷⁵ Ibid., 27 November 1618 (p.m.). Maria had already stated that Halm had done this, returning with two apples for her, StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

⁷⁶ Ibid., 23 November 1618 (a.m. and p.m.).

were to confess to witchcraft at any point this illicit contact with Maria could have counted as an *indicium* against him and eventually contribute to his arrest. On a spiritual level, Georg was also imperilling his soul by placing himself in danger of being seduced into the witch sect. Even if he avoided the worst possible judicial and spiritual effects of visiting Maria, he was at risk of being harmed by the witch by touching her or of compromising his honour by seeking her presence.

Despite these serious consequences which might follow the visit to Maria, Georg decided to go ahead with it. His actions were not, I think, motivated by self-interest, a desire, for example, to maintain honour or status by ensuring that his wife was not executed for witchcraft. As early as Maria's arrest in June 1618, not yet a year into the third phase of persecution in Eichstätt, it would have become clear to local observers that the witch sect had penetrated deep into the families of the citizens of the principality. Of the ten residents of Eichstätt who had been executed on or before 30 June 1618, one was the wife of a weaponsmith, two were wives of bakers, another was married to a ropemaker, and a fifth to the carter at the episcopal court.⁷⁷ Two male witches may have been a brewer and a carter respectively.⁷⁸ Most of these witches, therefore, were married to men, or were men, whose crafts were to some extent exclusive and well remunerated, and gave them access to the local councils. Georg would not have stood alone among professionals and craftsmen as a deceived spouse and could, if he had believed that Maria was a witch, have walked away from the situation, disowning his wife without jeopardising his honour. He had no need to act desperately to prevent his own name from being besmirched by conspiring to get Maria out of jail.

The whole episode makes more sense if one assumes that Georg was certain of his wife's innocence of the crime of witchcraft (confirmed by the reports of Maria's persistent denials of witchcraft which he had been receiving from the wife of the witch commissioners' scribe and Father Michael). He no doubt knew, as a former court official, that whilst this tactic should have resulted in his wife's acquittal, the Eichstätt interrogators accepted the full consequences of the status of witchcraft as a *crimen exceptum* and applied excessive tortures on dubious grounds

⁷⁷ These were Barbara Ruoser, Kunigunda Bonschab, Anna Beck, Judith Obermayr and Margretha Geiger, all of whom I have discussed previously.

⁷⁸ That is Paulus Danner and Hans Wagner whom I have also discussed before.

to secure confessions which, in other circumstances, would not have been allowed. So far his wife had been able to maintain her innocence, but it could only be a matter of time before the witch commissioners tired of her resistance and sought more extreme methods to make her confess. Georg must have known that pregnancy was the only certain way of preventing the commissioners from resorting to harsher forms of torment; and if he could buy her more time in which to persist in her claims to innocence, she would have had a greater chance of being acquitted, at least if the normal juridical processes were adhered to. Whatever the reasons for Georg's absence from the town as Maria was about to inform the commissioners about her condition, his presence in Eichstätt at the moment of her revelation would probably not have served the Maysr's purpose; the fewer individuals who were forced to testify to the clandestine meeting the more coherent the story would remain and the easier it would be for those absent from the town (and protected to a degree by their connections within it) to be portrayed as the primary instigators and supporters of the strategy to get Maria out.

Despite Georg's absence at a critical moment in the interrogation of Maria Mayr, however, his meeting with her gives one an indication of the quality of their relationship. If the Halms' marriage was characterized by deceit and violence, Georg was motivated to aid Maria because he cared for her, even if one cannot say that he loved her. His was an emotional and dangerous response to her predicament which was not sanctioned, either morally or legally, by a prevailing patriarchal ideology or the views about suspected witches that historians of the persecutions commonly impute to early modern society.⁷⁹ The actions of Georg and Maria Mayr show that their marriage was more the product of interaction between individuals than a dull rehearsal of the prescriptions of the patriarchal ideology which was supposed to dominate the early modern political and economic structure of the household. What Maria actually thought of Georg, unfortunately, we do not know, but, as one might expect in her circumstances, her actions demonstrate that she preferred life with him to further custody, death at the stake or life on the run as an outlaw.

⁷⁹ A corresponding case would seem to be that of Rebekkah Lemp and her husband Peter, Christopher R. Friedrichs, *Urban Society in an Age of War: Nördlingen, 1580–1720* (Princeton, NJ: Princeton University Press, 1979), pp. 206–14.

If the story of Georg's illicit meeting with his imprisoned wife illustrates the extremes of conjugal relations in early modern Europe, from the abusive to the caring, it also tells us something of the attitudes of the town hall staff towards their positions and their charges. Every male employee in the town hall had to take an oath to perform their duties honourably and legally before God and the representatives of the *Hofrat*. The conditions of the oath were extended implicitly to their wives. And yet in this story all the participants acted dishonourably and illegally. Barbel and Hans acted as gatekeepers between Maria Mayr and the outside world, permitting visits by her friend, the Raffelin, as well as her husband, but denying them to others like Anna Wunder. In the case of the conspiracy to facilitate Georg's visit, the pair also proved themselves to be corruptible, taking bribes rather than acting out of any evident friendship with either of the Mayrs. It may be that the Raffelin's successful attempt to 'persuade' Barbel to let her see the suspect likewise turned on a bribe, and that Wunder failed to offer any or a sufficient inducement to her. In Anna Harding's confession one finds other Eichstätt residents seeking access to suspects, and presumably they too had to bribe Barbel Halm, Hans or the other prison watchers. In this case, as I have already noted, Harding was explicit about the reasons why Barbara Rabel, Eva Susanna Moringner and the cook Anna Maria came to see her. Two were clients who wanted to persuade her not to inform the commissioners of their dealings with her as a healer, and they did so by offering her material comforts; Anna Maria probably wanted to be certain that Harding would neither name her as an accomplice (they were known to go about together) nor tell of her activities as a prostitute. The Raffelin may have had similar motives for visiting Mayr. When asked what the pair had talked about, Halm replied that the Raffelin had asked whom Mayr had named as her accomplices.⁸⁰ Whether Wunder also sought such information from a visit to the suspect, one cannot know. Even if Wunder and the Raffelin hoped to dissuade Mayr from naming them, it remains probable that they also sought to comfort her. The Raffelin, for example, had visited Mayr more than once to share a drink with her which would suggest that she did not merely want to bribe her against naming her as an accomplice.⁸¹

⁸⁰ StAN, Hexenakten 48 (B. Halm), 26 November 1618 (a.m.).

⁸¹ Ibid. 26 November 1618 (a.m.).

The witch commissioners and councillors may have expected the regular town hall staff and the prison watchers to have bent the rules in this way for their own financial gain. The breaches of office perpetrated by the confessor and the scribe's wife were of a different order because they were reporting confidential information which might jeopardize the spiritual and legal processes. The status of witchcraft as an exceptional crime meant that the spiritual confessions made to priests by the witch-suspects were acceptable forms of evidence. Thus at the end of her first session of interrogation on the morning of 15 October 1626, Margretha Bittelmayer was asked 'Whether she still knew what she had confessed two years ago to the commissioner, and asked innocently for advice?'.⁸² To find explicit references to priests passing information to the families of suspects is an altogether different situation and raises questions which cannot, perhaps, be answered. Was Father Michael generally sceptical of the existence of a witch sect in Eichstätt, as his colleague, Friedrich Spee, was later to become? Or was he simply acting out of compassion, and, if so, just to Maria Mayr or to all those witch-suspects who came into the town hall? The same questions may be asked of the wife of the commissioners' scribe. Did she believe that the wife of her husband's former colleague was really a witch? Or did she act out of friendship or some neighbourly or professional obligation to Georg Mayr? Father Michael and the scribe's wife had important information which they could impart to Maria's husband. The confessor could inform him about her spiritual condition, without necessarily going into the details of any confession she had made, and reassure him about her innocence, at least as she had maintained it to him. The scribe's wife, assuming her husband discussed his work with her, might have been able to relay information about the events in the interrogation chamber, what questions had been asked, what torture applied, what marks found, what answers given, and so on.⁸³ All of this privileged knowledge, to which Barbel and Hans should not have had access, could have been significant in Georg's decision to risk a meeting with his wife.

Even if one cannot know why Barbel Halm, the prison watchers, the confessor or the scribe's wife chose to help the Mayrs, bribes

⁸² StAN, Hexenakten 45 (M. Bittelmayer), 15 October 1626 (a.m.).

⁸³ Indeed, Mayr introduced the fact that her husband knew everything that went on under torture. Asked who told him, she said the commissioners' scribe's wife had gone to him, StAN, Hexenakten 48 (M. Mayr—investigation), 23 November 1618 (a.m.).

notwithstanding, two points need to be emphasized. First, no one in these stories of conspiracy was afraid of the witch-suspects and the maleficent power which was supposed to manifest itself in their glances, words or touches. That is not to say, of course, that those who attempted to visit the suspects did not fear what they might say about them personally under interrogation, as the Raffelin and the three women who gained access to Anna Harding certainly were. Second, almost all of the relationships which were exposed during the investigation into the treatment of Maria Mayr in custody existed prior to her arrest. The only one which may have been new was that between Father Michael and Maria. Otherwise, Georg Mayr had worked with all of those named in the execution of the meeting before he left his post as the court scribe for the *Landvogt*, and Maria Mayr as his wife and as one who had been born and grew up in Eichstätt surely knew them too. The success in maintaining the secrecy of the Mayrs' meeting (and one must remember that it was only revealed to the commissioners about twelve weeks after it had happened at the point when Maria chose to say that she had become pregnant) was dependent on the trust which these long-term relationships engendered: trust that the bribes promised would be paid (Hans' 'honorarium' had not at the time Maria made her announcement, but he had not decided that it was not forthcoming); trust that the conspirators would aid the couple on the appointed evening; and trust that they would maintain their silence after the event (which they did). The Mayrs also had to trust Father Michael and the scribe's wife to supply the information which had been requested of them and to do so accurately without letting on to the witch commissioners.

Maria Mayr's infidelity

Despite the trust placed in him by Georg Mayr, Hans may have had a greater role in Maria's alleged pregnancy than merely being one of the conspirators who had arranged the illicit meeting. Maria may have taken a further precaution to get herself pregnant than a single encounter with her husband by having sex with her bedwatcher. Georg was, after all, an unreliable choice of progenitor when the desperate circumstances in which Maria found herself required a high degree of certainty in her endeavour. In ten years of marriage, she had only conceived once, and then almost immediately after the wedding. She had, by her own testimony of the previous June, never suffered a late-

term miscarriage or a still-birth, although she had sought the services of Anna Harding to procure an abortion before her marriage to Georg.⁸⁴ When both Hans and Maria testified to sexual relations with each other, however, neither party explained their actions explicitly as an attempt to get Maria pregnant.⁸⁵ Towards the end of his second session under interrogation (on the morning of 24 November), Hans stated that Maria had begged him to help her out of prison. He then 'finally confessed' that he had had sex with her four or five times before restating Maria's pleas to him. This sexual activity, Hans confessed, had gone on for about three weeks and ended eight days ago.⁸⁶ On 26 November, Hans testified that he had promised to help Mayr out, and she had begun to take care of his desires two days after his proposal to aid her. He had forbidden her to report this.⁸⁷ Until Hans confessed to having sex with her, Maria had not broken this injunction.

Maria was also questioned on 24 November about her relations with Hans. Hans, she testified, had wanted to help her and 'promised to do so if she took care of his desires'.⁸⁸ She refused at first, but because Hans persisted, she had 'performed his will three or four times'.⁸⁹ Later, some time between 1 and 9 December, Maria repeated her testimony, but altered it slightly by stating that Hans had had sex with her 'four or five times, not more'.⁹⁰ She added at this time, however, that these relations had begun immediately after her husband had been with her, before reiterating that Hans had promised to help her out. Mayr's sexual relations with Hans may therefore have been directly related to the initial attempt to become pregnant twelve weeks before the investigation began. The references by both Hans and Maria to his agreement to help her out probably referred to the strategy of getting Maria pregnant, although Hans may not have cast himself in the

⁸⁴ The witch-suspects seem always to have listed miscarriages and still-births alongside the children who were born alive. Thus, Wappel Weber listed five children by her first husband, of whom three were still alive, one had died in infancy aged eight days, and the fifth she had miscarried and was not baptized, StAN, Hexenakten 48 (W. Weber), 12 December 1617.

⁸⁵ It is not clear from the surviving records how the interrogators came to know, or guess, that Maria had had sex with her bedwatcher.

⁸⁶ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.).

⁸⁷ *Ibid.*, 26 November 1618 (p.m.).

⁸⁸ StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

⁸⁹ *Ibid.*, 24 November 1618 (p.m.). The scribe added in the margin that she 'had to do with him' nine or eight times.

⁹⁰ *Ibid.*, [no date] December 1618 (p.m.).

role of fathering a child. He may simply have meant that he would facilitate the meeting between Georg and Maria. Neither of them can have meant an agreement to aid Maria's escape from jail. This latter strategy would not have helped Maria's cause, especially as she had successfully presented herself up to this point as innocent of the crime of witchcraft. An escape attempt would have counted as a further legal *indictium* that she was indeed a witch and, if successful, it would have made Mayr an outlaw with little hope of returning to her husband, kin and community. A successful pregnancy, ostensibly caused by her husband, would have been of more use to Maria. Hans' involvement would have been easy to conceal. He would have received payment in pleasure (the sex which would possibly have continued until Mayr's fate was determined) and cash (the money promised, but not yet paid, for his part in arranging the meeting between Maria and Georg). His silence would have been further guaranteed by the threat posed to his livelihood should his employers hear of his intimate and indecent relations with a witch-suspect. Georg, on the other hand, could remain in ignorance of Maria's infidelity and be left to assume that he was indeed the father of the infant she had expected to conceive. Because the sex always took place at night, the *Oberamtsknecht* and his wife (who both seem to have fulfilled their duties during the day), the other warders and the other witch-suspects then in the town hall need not have seen or heard anything suspicious as long as Maria and Hans were careful.

Any interpretation of the confessions of sex by both Maria and Hans is heavily reliant on the truth of their narratives, Maria's testimony about when intercourse between the two began, and the context provided by the questions asked by the witch commissioners. I do think, however, that Maria and Hans did have sex together. In neither case did they have to admit to sexual relations, nor was great psychological or physical pressure brought to bear on either individual before they testified to a sexual relationship. One must remember too that Maria had withstood many months of intense pressure during the conventional processes of witch interrogation. It seems out of character, therefore, for her to have jeopardized her defence with an unforced and irrelevant lie. The corroborative nature of the elements of the two confession narratives is also striking. Even if they had the motive to do so, Hans and Maria did not have much opportunity to construct a story together after the investigation into the pregnancy had begun. Hans was the first of the watchers called to give evidence in the investigation and would not

have known from his former colleagues what questions were going to be put to him, although he might have had an idea that it concerned the clandestine visit between Maria and Georg. It was at the end of his second session under interrogation, on 24 November, that he confessed to having sex with Maria.⁹¹ The witch commissioners then immediately adjourned for lunch, after which they resumed their interrogation of Mayr, concentrating on her relations with the town hall staff. Although Hans and Maria had maintained contact with each other since Hans' dismissal, it is unlikely that they would have sought to construct a story about illicit sex which was detrimental to their respective cases; and as it is unlikely that they would have had contact with each other during the lunch interval on 24 November, they could not have conferred about their testimonies then. Maria's testimony, however, confirmed Hans' on the key points: she had consented to sex with Hans in exchange for his help; and they had had sex about four times.

The narratives produced by Hans and Maria in response to the interrogators' questions contain a further point of concurrence. Prior to asking each of them about their sexual relations, the witch commissioners asked both of them the same seemingly innocuous question: had they drunk together? Hans stated that he had twice fetched brandy from which he gave Mayr a drink; he did not think it would do much harm.⁹² Mayr reported that she had 'once or twice' had a brandy with Hans, Anderle and another person whose name cannot now be read.⁹³ Whoever the third person was, the presence of Anderle here should not surprise us because he was Hans' assistant. During the same sessions of interrogation, Hans was asked whether he had ever taken the fetters from Mayr's feet, meaning without the consent of the witch commissioners or the *Oberamtsknecht* (he had not).⁹⁴ Maria was asked what she thought of Hans being removed from duty. She thought nothing of this, but he continued to bring her a beer occasionally, just as Anderle sometimes brought one for Maria Lang.⁹⁵ These questions were related to those about sex. The witch commissioners were trying to establish an adulterous relationship between Mayr and her bedwatcher by suggesting that their relations were sealed by drinking together, the granting of

⁹¹ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.).

⁹² *Ibid.*, 24 November 1618 (a.m.).

⁹³ StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

⁹⁴ StAN, Hexenakten 48 (Hans), 24 November 1618 (a.m.).

⁹⁵ StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

special privileges, and the development of an emotional attachment. The effect of reconstructing Mayr as an adulterer would have been to shift the focus of the investigation from her attempts to get out of jail by means of the alleged pregnancy to her character as a suspected witch. It was not difficult to equate Maria the adulterer with Maria the whore. Indeed, this appears to have been the witch commissioners' intention. Before the section of the interrogation in which Mayr was asked about what she thought of Hans' dismissal and about her sexual relationship with him, the scribe recorded that 'she is earnestly spoken to, to tell the truth, one knows well that she is a whore. She says she knows nothing other than what she did with her husband which was no whoremongery'.⁹⁶

The interrogators concluded the questioning on the afternoon of 24 November by asking Maria about her relations with the *Oberamtsknecht*, Jacob Halm. This may have formed part of the attempt by the commissioners to reconstruct Maria as a whore by suggesting that she had had sex with more than one man in the town hall. Maria only testified, however, that Jacob twice brought her greetings from her brother, but said that he could not let him up. Jacob did return the greetings and came back with two apples, presumably a gift from the brother.⁹⁷ Jacob later brought Maria two measures of wine which she said she finished in Hans' presence. On this occasion Jacob told her that she would soon be released after which he grabbed her nose.⁹⁸ When he was later called before the interrogators, Jacob confirmed the substance of much of this part Maria's testimony, omitting the assault on her face.⁹⁹

The warders' abuses

The grabbing of Maria's nose is a gesture reminiscent of the victims' assaults on the faces of their slanderers in sixteenth-century Nuremberg described by Valentin Groebner.¹⁰⁰ Indeed, it carried a similar coded

⁹⁶ *Ibid.*, 24 November 1618 (p.m.).

⁹⁷ *Ibid.*, 24 November 1618 (p.m.).

⁹⁸ *Ibid.*, 24 November 1618 (p.m.).

⁹⁹ StAN, Hexenakten 48 (J. Halm), 27 November 1618 (p.m.). Halm's answers seem to have been given in response to questions originating in Mayr's evidence. He was careful to note that he comforted Mayr and the other prisoners and told them to be of good heart because God would soon help them out.

¹⁰⁰ Groebner, "Losing Face, Saving Face".

message about the dishonour of the owner of the face and suggested in Mayr's case that she was a whore as well as a witch. Jacob's action was, however, also designed, like the false statement about her impending release which preceded it, to torment Maria by emphasising her predicament and its likely outcome for her. This is a rare example of the minor verbal and physical abuse one might assume was perpetrated by custodians of prisoners of all sorts in this period, but without further recorded instances one cannot determine how frequent they were. That the prison warders shared drinks with their charges, in both Hans' and his assistant's cases even after they had been dismissed from their posts, suggests that this teasing may have coexisted with a more sympathetic attitude on the part of the keepers to those in their custody. This form of abuse was, however, less prevalent in the transcripts of the investigation into the treatment of the Eichstätt witch-suspects than the sexual abuse of female prisoners. This emphasis was the result of the interrogators' questions which began to centre increasingly on this subject because it had emerged as a regular occurrence in custodial life.

To a degree, Maria Mayr's sexual relations with her bedwatcher were consensual. In Mayr's narrative, Hans did not attempt to rape her, but rather to persuade her into having sexual intercourse with him. The desire to get pregnant may have overcome the initial reluctance of this apparently innocent and pious wife to do his will. She may also have felt that she had no option but to give in to Hans' requests. Having sex with Hans may have been one way of ameliorating the conditions of her lengthy custody; she may have been 'whoremongering' for her own comfort (food, drink, greetings from her family, gifts from her neighbours, or time out of her shackles). In this context, sex with the warders may have been a way of buying into the system of loans and credit by which prisoners in the town hall could secure provisions from those looking after them.¹⁰¹ It appears that these loans were repaid both in cash and through the division of clothing and other possessions used by the executed witch when she had been in custody. The questions put to Jacob Halm on this point suggest that the taking of such possessions,

¹⁰¹ Old Anderle lent money to Maria Lang, StAN, Hexenakten 48 (Anderle), 27 November 1618 (p.m.). Hans once bought Mayr some fish, StAN, Hexenakten 48 (M. Mayr—investigation), 28 November 1618 (a.m.). Even outsiders seem to have participated in this loans system. The money for Barbel's bribe was given to the Mayrs by the treasurer to the *Hofrat*, *ibid.*, 23 November 1618 (a.m.), and Jacob thought that Dr Freisinger (the witch commissioner) had lent Maria Mayr about fourteen thalers, StAN, Hexenakten 48 (J. Halm), 11 December 1618 (p.m.).

tainted as they were by contact with the dishonourable and malevolent witch, was not encouraged by the witch commissioners.¹⁰² Occasionally too the town hall staff shared their own food and, more often, drink with their charges and it was this practice which the interrogators had tried to place in the context of developing intimate relations between Maria and Hans.¹⁰³ In agreeing to sex with Hans, Mayr may also have sought protection from the other warders. Hans had, she said, rescued her from the Schneider.¹⁰⁴

However wealthy the witch-suspect, however willing her family to support her materially in custody, she had few resources of immediate value to trade for provisions apart from her body. The prison warders seem to have taken advantage of this vulnerability, even of the older suspects like Kunigunda Pronner who was about sixty years old, to satisfy their sexual desires. It is not difficult to see why the interrogators quickly turned their attention from the conspiracy to facilitate Georg Mayr's meeting with his wife to an extensive examination of the warders' sexual misdemeanours with the witch-suspects and a maid who seems to have served in the town hall. The attempt to eradicate the witch sect was part of a wider programme of reform in Eichstätt. The witch commissioners could not, therefore, employ men whose collective conduct undermined their wider objectives; they were no longer dealing with one or two corrupt individuals, but the entire town hall staff. When the interrogators asked Hans on 26 November how often the other watchers went to the women, they had already heard the stories of Maria's relationship with Hans and the Schneider's visits to Pronner. To this question, Hans first repeated the testimony that he had once found the Schneider lying in bed with Kunigunda, adding that Bartle had asked the following morning what the Schneider had been doing up with her for so long.¹⁰⁵ Later during this session, he reported that Anderle was constantly with the maid of the town hall.¹⁰⁶ In both cases he stated that he did not know whether they had done any wrong, meaning whether

¹⁰² In his responses, Jacob accused Hans of stealing a cushion from the Eichstätt Anna Widman, and he described the division of cloth, clothing and money left by Kunigunda Pronner, *ibid.*, 27 November 1618 (p.m.).

¹⁰³ Apart from the gifts and drinking already described, the wife of the witch commissioner's scribe, for example, brought food to several suspects held in custody, StAN, Hexenakten 48 (B. Halm), 28 November 1618 (a.m.).

¹⁰⁴ StAN, Hexenakten 48 (M. Mayr—investigation), 24 November 1618 (p.m.).

¹⁰⁵ StAN, Hexenakten 48 (Hans), 26 November 1618 (p.m.).

¹⁰⁶ *Ibid.*, 26 November 1618 (p.m.).

they had had sex. Anderle was interrogated about his relations with the witch-suspects and the maid on the afternoon of the next day, 27 November: he had lent Maria Lang eight Kreuzer and some beer; he had only spoken with the girl.¹⁰⁷ Bartle was interrogated during the same afternoon. He testified that the Schneider did sometimes go up to Kunigunda's quarters, but he did not know whether he did anything wrong on these occasions. He was not aware that he had asked the Schneider about these visits, but once the Schneider had got drunk in the lower room and as he went up to Kunigunda again, Bartle had jokingly said to him that he would report this to the commissioners; 'the Schneider asked him with raised hands to say nothing of it'.¹⁰⁸ Apart from this episode, his daughter had once brought him eight Kreuzer and Barbel twelve Kreuzer on account of Barbara Hirsch for whom he sometimes left some beer.¹⁰⁹ Then he added that he had not reported what the Eichstätt Anna Widman had asked him because 'he thought nothing lay on it'—it is not clear to what the commissioners and Bartle were referring here.¹¹⁰

Bartle was not interrogated further, but Anderle was brought before the commissioners again three days later. In the morning he testified that after Father Michael had left the town hall, he sometimes took hold of the maid, 'but he never put his member in her as she did not want to get pregnant'.¹¹¹ They did, however, masturbate and sometimes rubbed their genitals together, but he ejaculated only once when she was masturbating him.¹¹² Anderle added that he never knew the girl carnally 'because she was too small'.¹¹³ In the afternoon session, Anderle repeated this assertion that he had never had sex with the girl because she was 'much too young and her pudenda much too narrow'.¹¹⁴ He would, however, have been allowed, he claimed, had she been older. He was then confronted with the girl who confirmed Anderle's testimony, reporting that she had masturbated him about six times. He had often 'raised her dress and wanted to put his virile member in her';¹¹⁵ once

¹⁰⁷ StAN, Hexenakten 48 (Anderle), 27 November 1618 (p.m.).

¹⁰⁸ StAN, Hexenakten 48 (Bartle), 27 November 1618 (p.m.).

¹⁰⁹ Ibid., 27 November 1618 (p.m.).

¹¹⁰ Ibid., 27 November 1618 (p.m.).

¹¹¹ StAN, Hexenakten 48 (Anderle), 29 November 1618 (a.m.).

¹¹² Ibid., 29 November 1618 (a.m.).

¹¹³ Ibid., 29 November 1618 (a.m.).

¹¹⁴ Ibid., 29 November 1618 (p.m.).

¹¹⁵ Ibid., 29 November 1618 (p.m.).

she lay on the bed and he tried to persuade her to have intercourse, but he abandoned the attempt because she went upstairs. Later, under torture, Anderle stated that the girl had masturbated him eight times rather than six.¹¹⁶ The interrogators then wanted to know what he done with the Wäscher Barbel's maid. It is not clear how the interrogators came to hear of the alleged sexual improprieties between Anderle and this servant; narratives about this relationship did not originate in earlier extant testimonies. Anderle stated, however, that he had never behaved improperly towards Wäscher Barbel's maid.¹¹⁷ He was interrogated again on 4 December. This time he reported that the Wäscher Barbel had once lain with 'ein bettel man' (a beggar or mendicant friar) in the confession room. He then confessed to having sex with her himself once because 'she wanted to be pregnant'.¹¹⁸ After this occasion they had attempted to have sex three times. On the first of these she asked him to stop because she was afraid that the 'bettel man' might hear; the second time he had been drunk on light wine and, presumably impotent, did nothing with her; and the third time they began to have sex but he was not able to continue.¹¹⁹ Finally, he observed that the Blattscher, yet another of the jailers, often remained for about two hours with Anna Scheur and also quite long with the younger Anna Mayr, and he stated that this watcher had taught Maria from Rappersdorf what she should say presumably to the witch commissioners.¹²⁰

The other watcher for whose interrogation the transcript survives is Lorenz Fendt. He was questioned on 1, 4 and 5 December. Together, these three sessions of interrogation reveal a catalogue of sexual activity over a period of twenty years. After a confusing account of the Wäscher Barbel's sexual improprieties, he went on to describe how she had masturbated him six or seven times and he had ejaculated. He had also masturbated her seven times during which 'he found her pudenda was wet and moist', suggesting that she was, perhaps, a willing partner.¹²¹ Fendt claimed not to have done anything with her maid.

¹¹⁶ Ibid., [no date] December 1618 (p.m.).

¹¹⁷ Ibid., [no date] December 1618 (p.m.).

¹¹⁸ Ibid., 4 December 1618 (p.m.).

¹¹⁹ Ibid., 4 December 1618 (p.m.).

¹²⁰ Ibid., 4 December 1618 (p.m.). It is not clear who Maria from Rappersdorf might have been.

¹²¹ StAN, Hexenakten 48 (L. Fendt), 1 December 1618 (p.m.). The wetness and moistness of the vagina had long been regarded as the product of active sexual pleasure, and continued to be so into the eighteenth century when the passive female

He did, however, confess that twenty years ago he had had sex with a maid at Kipfenberg and two years later with a ‘common person’ (a prostitute) at Treichling. He never did improper things with Maria from Rappersdorf, *except* sometimes giving her a hand on the behind, kissing her about three times and twice grabbing her on the breast; ‘but he does not remember that he once lay with her’.¹²² Later, he stated that he done no more than grab Wäscher Barbel’s maid and Maria from Rappersdorf on the breast or stomach; he had also once grabbed Anna Mayr from Landershofen.¹²³ Whether this was the younger Anna Mayr with whom the Blattscher spent some time or the older one arrested at about the same time, Fendt did not say. During his widowhood, Fendt had had sex with another ‘common person, a whore named Ottel’,¹²⁴ and he had once had sex with a pregnant maid and murderer, Margaretha Ehmenn from Greding, when she was in custody about twelve years ago (at that time he was married).¹²⁵ On another occasion he wanted to have sex with Anna Hambscher and grabbed her on the breast, but he could not perform ‘the thing with her’ because of a girl lying nearby.¹²⁶ He also once went in to the Binder Bantschin and they began to have sex, but the Schneider interrupted them and he left off without achieving anything; this was about fourteen days before her execution for witchcraft.¹²⁷ Finally, he added that he had lain with the Wäscher Barbel’s maid three times with the intention of having sex with her, ‘but this never happened because she would not allow it’.¹²⁸ In the middle of this catalogue about his own lechery, Fendt reported that Anderle had been drunk and gone in to Catharina Ströbl, now executed, grabbed her and called her an ‘old whore’.¹²⁹

came to dominate in theories of sex and the body, Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, Mass.: Harvard University Press, 1990), pp. 43–52.

¹²² StAN, Hexenakten 48 (L. Fendt), 1 December 1618 (p.m.).

¹²³ Ibid., 4 December 1618 (p.m.).

¹²⁴ Ibid., 4 December 1618 (p.m.).

¹²⁵ Ibid., 4 December 1618 (p.m.). Ehmenn had been executed at some time between spring 1603 and September 1606 for the murder of three women, DiöAE, “Urfehdebuch”, ff. 45r–v and 47r–v. Fendt’s testimony would suggest that she had been imprisoned in 1606.

¹²⁶ StAN, Hexenakten 48 (L. Fendt), 5 December 1618 (a.m.).

¹²⁷ Ibid., 5 December 1618 (a.m.).

¹²⁸ Ibid., 5 December 1618 (a.m.).

¹²⁹ Ibid., 1 December 1618 (p.m.).

These are fairly graphic descriptions of sexual activity in the town hall ranging from simple harassment (which was not improper according to Lorenz Fendt) to what might be described as attempted paedophilia and probable rape (the visits to witch-suspects in fetters whilst the warders were drunk). Apart from Maria Mayr, other witch-suspects like Anna Hamscher and the Binder Bantschin may well also have been attempting to get pregnant, in Binder Bantschin's case to forestall the inevitable sentence of death. It is not, however, the range of sexual misconduct which impresses the reader of the transcripts, but the fact that all of the men looking after the prisoners in the town hall, with the exception of Jacob Halm, participated in it, knew what their colleagues were up to and candidly acknowledged their illicit sexual encounters without significant pressure. It might seem, therefore, that the attempt by Westerstetten and his cathedral chapter to impose Tridentine reforms on the population of Eichstätt was not working, and that an older patriarchal ideology which allowed men to fornicate with witch-suspects, prostitutes and the wives of others with little risk of serious judicial punishment was too strongly embedded in local male culture. Westerstetten had, however, only been the episcopal incumbent for six years at the time of the investigation into the treatment of Maria Mayr and the other witch-suspects. This was too short a period of time in which to change the attitudes of men like Lorenz Fendt who had been used to extra-marital sex for some two decades. Indeed, Fendt's testimony indicates that the moral message was getting through to him, even if he had not yet conformed to the basic tenets of chastity in matters of sexual activity.

By the time he told his interrogators about the first of his episodes of adultery, Fendt appears to have been quite agitated. During the first session of interrogation on 1 December, Fendt broke off to state, apparently voluntarily, that 'he was now settled in a new home and hopes to live there honourably', adding that he wanted now to confess.¹³⁰ He was anxious at this point to stress that his immoral sexual behaviour was in the past and that he had reformed his behaviour. After completing the part of his confession concerning the Wäscher Barbel and then her maid, Fendt asked the *Landvogt*, who was present throughout these investigations, to pray for him, and he commended himself to

¹³⁰ *Ibid.*, 1 December 1618 (p.m.). To this point his confession had been confused and unsatisfactory.

God.¹³¹ His anxiety had perhaps been compounded by the realization that the potential consequences of his actions could include execution. He had, after all, admitted to committing at least one grave sin by this point in the interrogation: sex with a witch, both an untouchable and a seductress. In having sex with her, he had placed himself in the same vulnerable position in which Georg Mayr would have found himself after his meeting with Maria, and exposed himself to temporal and spiritual harm despite the protection perhaps offered by Fendt's special office in relation to witch-suspects. Having commended himself to the *Landvogt* and to God, Fendt evidently decided to make a clean breast of his sexual sins.

Lorenz Fendt's faith in the mercy of the *Landvogt* and God appears not to have been misplaced. Whilst he was threatened with torture during the second session of interrogation—Mathes Hörman the executioner was summoned to appear before Fendt and then ordered to affix thumbscrews to him—it was not carried out;¹³² and his absence from the "Urfehdebuch" would suggest that no severe punishment (banishment or death) was imposed upon this witness. The interrogators may have considered that Fendt's long list of sexual misdemeanours had been sufficiently punished by his sacking which we know happened and the damage which this and perhaps gossip about his sins would have caused to his reputation, plus perhaps an unknown lesser sentence. No doubt Fendt was then permitted to return to his trade of weaving.¹³³

If Fendt was aware how seriously his sexual past would be taken by the witch commissioners, why did he feel compelled to confess to apparently irrelevant acts of fornication? The questions asked of him were specifically about his abuse of prisoners in custody, referring to the 'improper things' that he had done in the town hall or to named women (the Wäscher Barbel, her maid, and Maria of Rappersdorf). It was in respect of this issue only that Mathes Hörman was called into his presence. It is not possible, however, to say what specific evidence the interrogators had against Fendt, if any. Their first question was

¹³¹ *Ibid.*, 1 December 1618 (p.m.).

¹³² *Ibid.*, 4 December 1618 (p.m.). Despite the apparent validation of his masculinity through his sexual behaviour, Fendt proved much weaker than any of the witch-suspects whom he looked after. When threatened for the only time with thumbscrews, he 'cries out to God with tearful eyes, he knows nothing'. He then resumed his confession.

¹³³ Fendt's trade was given at the beginning of his interrogation, *ibid.*, 1 December 1618 (p.m.).

the general one about his improper activities in the town hall.¹³⁴ Fendt himself introduced the Wäscher Barbel at this point. Why Fendt did so, and why he went on to confess his other sexual adventures, one cannot now know. Given the situation in which he found himself, it was probably a good strategy to admit to an occasional sin in order to avoid torture, but he did not need to give such a detailed testimony. Fendt may have been discomfited by the situation in which he found himself, perhaps fearing that his interrogators and erstwhile employers knew a great deal more about his past conduct than they were then letting on. Even if they did, one suspects that he could have successfully protested his innocence of these misdemeanours if he had wanted to. The women in his deposition were witches, whores and murderers. In contrast, he had taken an oath which was meant to attest to his professional and spiritual probity.¹³⁵ Fendt may also have taken the opportunity, like perhaps Maria Mayr when telling of her adultery with Hans, to make a spiritual confession before the witch commissioners in order to unburden himself of the weight of sin he had begun to feel since the earnest reformism of the new regime had replaced the relaxed humanism of its predecessor.

Whatever Fendt's motivation for testifying to his fornication, its existence suggests that he was not sufficiently reconstructed, even sixty-five years after the Council of Trent, to reject the traditional social role ascribed to the prostitute (here including the witch-suspect).¹³⁶ She remained a means of sexual relief in Fendt's case for the Catholic man away from home and the widower. In this context, only fornication on the part of a woman could be described in denigratory terms; it was she who acted the role of Eve and tempted the man to sin. Lorenz Fendt was not described as a sinner or fornicator in the interrogation transcript. The witch commissioners, on the other hand, actively tried

¹³⁴ *Ibid.*, 1 December 1618 (p.m.).

¹³⁵ The oaths for the prison warders do not seem to have survived. There is, however, a copy of the oath taken by the witch commissioners' scribe Balthasar Rinck (undated but referring to Johann Christoph von Westerstetten) in which he confirmed that he would be pious and faithful in his duties, *Hochstift Eichstätt Literalien* 27, "Dienstes-Eide der Eichstättischen Beamten. 1472–1652 'Juraments'", f. 148r.

¹³⁶ Even though prostitutes had been transformed in law and theology from a 'necessary evil' into a threat to morality over the course of the sixteenth century (Rublack, *The Crimes of Women in Early Modern Germany*, p. 9), there was a general disregard for this new outlook among some groups of clients (Roper, "Was there a Crisis in Gender Relations in Sixteenth-Century Germany?", in ead., *Oedipus and the Devil*, pp. 37–52 (p. 47)).

to cast Maria Mayr in the role of 'whore' for her attempt to get pregnant by her own husband; and old Anderle regarded Catharina Ströbl, like Mayr a woman from the more influential families in Eichstätt, to be a 'whore' and therefore sexually available. The comparatively light sentences which were probably imposed on Fendt and his colleagues also suggest that whilst the witch commissioners did not want to employ men of dubious morality, they were more concerned to eradicate the heresy of the witches.

Men employed in the town hall in Eichstätt therefore took the opportunity offered by the vulnerability of their female charges to exert traditional male rights over the bodies of dishonourable women. In all probability prison watchers everywhere were used to abusing female prisoners in this way, although in Eichstätt there seem to have been few occasions on which they could have done so when there was no witch persecution.¹³⁷ One does not come across such abuses too often in criminal sources because the treatment of the criminal suspects in custody (the provision of food and clothing, and the prescribed daily regimes) were administrative matters which generally fell outside the jurisdiction of the court. Only when the maltreatment of suspects was exposed by reform-minded men like the Eichstätt witch commissioners, does one find a detailed record of the actual treatment of those in custody. One should also note that many of the Eichstätt witch-suspects were in some ways more vulnerable than women like Kunigunda Pronner who had been forced into fornication and then, allegedly, witchcraft by their poverty. These other women were morally culpable for their predicament because they came from honourable households, families whose menfolk dominated the most senior council positions. In allegedly choosing to disown the Catholic faith and submit themselves to the authority of the Devil, they had chosen to renounce any of their prior claims to social honour; they had made an intellectual, moral or emotional, rather than practical, decision to defile themselves. Given the circumstances which presented themselves then, did the town hall staff, generally (but not always) of a slightly lower class than the women brought into custody, also take the opportunity to metaphorically grab the noses of their social superiors by taking possession of their wives

¹³⁷ Between spring 1603 and September 1606, for example, thirteen felons were punished in Eichstätt, of whom only two were women (including Margretha Ehmenn), DiöAE, "Urfehdebuch", ff. 33v–60r. There is no record of prisoners who had committed misdemeanours and were remanded in custody.

and daughters sexually? This is a difficult question to answer. It is likely that the warders themselves did not analyse their motives too deeply. Rather than viewing their actions in terms of patriarchal ideology or class conflict, they may simply have taken the opportunity to fulfil their immediate personal desires, especially as drunkenness seems to have figured prominently in their tales of fornication with the witch-suspects. In this respect they may have held more ambiguous emotions about their charges. Hans seems to have had sex with Maria Mayr, yet he had taken a risk in helping the Mayrs to meet; he also continued to bring Maria drink after he had been suspended from his office. Anderle too continued to supply Maria Lang after he was sacked.

Fear

One striking feature of this investigation into Mayr's treatment is that none of the witnesses or the individuals about whom they spoke seem to have been afraid of the witch-suspects. Whilst the behaviour of the warders towards their charges was inexcusable, even in early modern terms, one can understand their ambivalence towards the suspects' alleged power as witches. The warders had been given some measure of protection by their employment and the incarceration and interrogation of the witch. The town hall was not, however, protected from the Devil who was believed to appear occasionally to the suspects imprisoned there,¹³⁸ nor could it protect those employed in it from witches who might visit from outside. Anna Wunder, for example, was later identified as a witch and arrested, but she persistently asked Barbel Halm for permission to see Mayr.¹³⁹ In her dealings with Wunder, the Raffelin and others, Halm did not express any concern that these women too might be witches. By November 1618, well over a year into the last phase of persecution, she must have known from the witch commission-

¹³⁸ On 3 July 1618, Valtin Lanng revoked his entire testimony of the past three and a half months. Over the next four sessions of interrogation the commissioners tried to find out why he had done so. At first he blamed Father Michael for telling him to do this. Lanng finally relented under torture and confirmed his previous confession, but the interrogators asked three times if the Devil had gone to him in custody (clearly they could not accept that Father Michael would have urged a prisoner to revoke his testimony). Lanng denied that the Devil had appeared to him, and the interrogations were adjourned, StAN, Hexenakten 48 (V. Lanng), 3 July 1618 (a.m.), 13 July 1618 (p.m.), 28 July 1618 (p.m.), 17 August 1618 (a.m. and p.m.).

¹³⁹ Anna Wunder was executed on 22 August 1620, DiöAE, "Urfehdebuch", ff. 188r-v.

ers' scribes and the executioner, who did some of his socialising in the town hall, that the witch-suspects were supposed to have many secret accomplices within the community.¹⁴⁰ Yet she did not report the visits to the witch commissioners who may have interpreted them in a more sinister light than Halm was doing. One cannot state now what she actually thought of these particular women, but her failure to mention these contacts to the appropriate authorities and her willingness to act as gate-keeper to the prisoners suggests that she was not too concerned about the alleged threat posed by the witch sect.

This interpretation of Halm's attitude towards the suspects in her care and the possible witches who were still hiding in the community is reflected in the actions of the women and Georg Mayr who sought and sometimes gained access to those in custody. When they were able to secure them, their meetings tended to be intimate affairs, sex between the Mayrs, an hour or more of discussion between Mayr and the Raffelin, and attempts to bribe Anna Harding not to name her clients and a fellow prostitute. Possibly nobody in the community could believe that Mayr or Harding were witches. The lack of accusations originating independently among the inhabitants of the district of Eichstätt against any individual for any reason (either perceived malevolent witchcraft or the resolution of an ongoing conflict) points to a general incredulity at the intensity of the persecution from 1617, as does the inability of the witnesses to provide corroborative testimony about the misfortune allegedly done to them. In this district therefore there seems to have been no fear of witches. The experiences in much of the rest of the principality—Windteis's successful attempt to have his wife released and the limited number of witches arrested in these areas—suggest that the same was true in the other districts. Apart from the accusers in the isolated cases of witchcraft which did not contribute to an increase in persecution in the territory, only the interrogators and reformist clergy exhibited a fear of the witch.

This lack of fear about the women and men arrested as witches in Eichstätt has been a dominant theme of this book. I have, however,

¹⁴⁰ At the end of her interrogation, Barbel Halm complained that some of the watchers always wanted fish to eat. She went on to observe that one of the commissioners' scribes, his wife, the watchers, Mathes Hörman and his assistant once drank together in her husband's room. They did so between one and three o'clock, although she did not state whether this was in the afternoon or at night, StAN, Hexenakten 48 (B. Halm), 5 December 1618 (a.m.). One might also note here that those who worked most closely with the (dishonourable) executioner did not exclude him from their society.

avoided discussing the one episode in the Eichstätt Hexenakten which might be used to undermine this general conclusion. During the course of her imprisonment, Barbara Reuter managed to escape from custody. She did so at eleven o'clock one night just before Christmas 1627 and hid in the garden of the Sailerin (the ropemaker's wife, but not the witch Judith Obermayr) which was close to the town hall. Seven hours later, at five o'clock in the morning, the Sailerin looked out of her window and saw Reuter who wanted to borrow some clothing from her. The Sailerin's response was to cry out: 'O Jesus Mary, O Jesus Mary, there's a witch'.¹⁴¹ At this, Reuter was re-arrested.¹⁴² One might argue that the Sailerin's response demonstrates the fear and panic which had gripped the townsfolk of Eichstätt over the course of the persecutions. As Ruth Gänstaller has noted, relations between Reuter and the Sailerin had presumably once been good because Reuter chose to seek help from her.¹⁴³ Reuter, however, had been in custody since 11 January 1621, that is, for almost seven years, and during this time her former friends may have come to believe that she was a witch.¹⁴⁴ They may have come to accept the logic of the persecution process which showed quite clearly that the witch sect had penetrated deep into the local community, and they were nervous about who else among them might also be a witch.¹⁴⁵

One might, however, interpret the Sailerin's response to seeing her former friend in her garden differently. The town hall was a secure building. I do not mean this in the sense that it was difficult to abscond from it—Reuter had simply picked locks with a nail.¹⁴⁶ Rather, the inhabitants of Eichstätt thought of it as a secure building. It was one of the

¹⁴¹ StAN, Hexenakten 46 (B. Reuter), 20 December 1627.

¹⁴² Despite her escape, Reuter's interrogation was not resumed until four months later, *ibid.*, 17 April 1628. It seems that the interrogators thought they would not be able to make her confess even after this event which must have caused Reuter to despair of ever being released. After an intensive series of interrogations early in 1621, the commissioners had tired of Reuter's resistance and decided that she was 'foolish', *ibid.*, 3 April 1624 (or 1625). They only interrogated her nine times in the period 1622–6. Early in 1627, they had new information and confronted Reuter with the Weissin Beckin who reported that the suspect had met with Schneider Caspar and his wife three times outside the town hall, *ibid.*, 12 February 1627 (p.m.). Reuter was then left to languish in custody until her escape, only being interrogated once on 28 July 1627.

¹⁴³ Gänstaller, "Zur Geschichte des Hexenwahns", p. 19.

¹⁴⁴ StAN, Hexenakten 46 (B. Reuter), 11 January 1621.

¹⁴⁵ This interpretation of this incident is to be found in Gänstaller, "Zur Geschichte des Hexenwahns", pp. 17–19.

¹⁴⁶ StAN, Hexenakten 46 (B. Reuter), 17 April 1628.

few local institutions in which council employees were available, if not awake, at night; it was guarded. It was also the place of administration and justice, a site from which control was exerted over the community by the leading families of the town, a purpose symbolized, perhaps unintentionally, by its position overlooking the market square. More importantly, very few criminals, apart from witches, found themselves locked up in the town hall and, as far as one can tell, they only ever left to receive punishment. Psychologically, therefore, the walls of the town hall could not be breached. They contained danger and protected the bishop's subjects. It would have been a huge shock for the Sailerin to have seen any prisoner, of whatever category, in her garden early in the morning. Reuter simply should not have been there, even if she was innocent. After all, there had been no official ritual marking her release from custody, no proclamation, no notice, no gossip circulating in the community about her impending acquittal. However Reuter came to be outside her prison and in the Sailerin's garden, whether by human or diabolical means, she was evading justice. In this she was not presenting herself as innocent, for an innocent defendant would allow justice to take its course and would not think of becoming an outlaw, someone condemned to wander the countryside begging, stealing, prostituting one's body, without hope of reconciliation with her community, family and household or the security they offered. The Sailerin would also have seen someone who looked very much like a witch, with unkempt, flowing hair, a withered body, and only rags for clothes, especially in the darkness early on a December morning (see Ill. 5).¹⁴⁷

In this account, the Sailerin did not have to be expressing any communal fear of witches when she gave the hue and cry which led to Reuter's recapture. She did not have to believe that any of the suspects detained in the town hall, including Reuter, or those who had already been executed were really witches until the moment of her encounter with the escapee. Even then, she may only have come to the conclusion that Barbara Reuter and not other known suspects were witches. If the Sailerin had believed the propaganda of the Church and its witch commission since 1617 that there was a witch sect operating in the town, she would seem to have been in the minority. The prison

¹⁴⁷ Reuter did not know how old she was, but in 1621 she had been living with her husband for perhaps twenty-five years (she couldn't be sure), StAN, Hexenakten 46 (B. Reuter), 11 January 1621. In 1627, therefore, she was likely to have been in her fifties.



Ill. 5. Nikolaus Manuel Deutsch, 'Old witch', late sixteenth century, drawing. Bildarchiv Preußischer Kulturbesitz, Berlin [BPK 42788]. Reproduced with kind permission.

warders and Barbel Halm were ambivalent, if not sceptical, about the reality of the charges against the witches in their care. Georg Mayr, Abraham Windteis, Anna Wunder, the Raffelin, Barbara Rabel, Eva Susanna Moringer, and the cook Anna Maria exhibited no fear of the witch-suspects whom they sought to free or visit. Indeed, the last four, as early as 1618–19 had worked out precisely how the persecutions were escalating and sought to protect themselves from being named by the suspects as accomplices. It seems also that Reuter had been able to meet with other townsfolk who assured her that they believed in her innocence. During one alleged meeting between Reuter and the Schneider Caspar and his wife, the Weissin Beckin reported that the tailor had said to Reuter, ‘O Ketterlin, you are of a pious heart and I know that you are pious and upright’. The couple also promised to help Reuter as much as they could.¹⁴⁸ It is likely that most of the inhabitants of Eichstätt, whilst they probably would not have dismissed the existence of the isolated solitary witch (as the episode involving the wisewoman Magdalena Pöbl shows) or perhaps the full-blown image of the witch sect, would also have refused to believe that their neighbours, friends and family members had been seduced into the heresy.

¹⁴⁸ StAN, Hexenakten 46 (B. Reuter), 12 February 1627 (p.m.). It is not clear why Caspar would have used what appears to be a diminutive of Catharina for Reuter. This meeting was one of three at which the Weissin Beckin reported that she had seen Reuter. Two had happened in Georg Höflein’s cellar and one in Maler’s garden; all were recent, that is, they had taken place when Reuter should have been in custody. Reuter’s response to the confrontation is not recorded, nor were the other participants called to account for the meetings. One has no way, therefore, of getting to the truth of this deposition.