Defiled Trades and Social Outcasts

Honor and Ritual Pollution in Early Modern Germany

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CAMBRIDGE
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK http://www.cup.cam.ac.uk
40 West 20th Street, New York, NY 10011–4211, USA http://www.cup.org
10 Stamford Road, Oakleigh, Melbourne 3166, Australia

First published 1999

Printed in the United Kingdom at the University Press, Cambridge

Typeset in Ehrhardt 10/12pt [VN]

A catalogue record for this book is available from the British Library

Library of Congress cataloguing in publication data

Stuart, Kathy.
Defiled trades and social outcasts: honor and ritual pollution in early modern Germany / Kathy Stuart.
p. cm. – (Cambridge studies in early modern history)
Includes bibliographical references and index.
1. Social classes – Germany – History. 2. Occupations – Germany – History. I. Title. II. Series.
HN460.S6S78 1999
305.5'0943 – dc21 98–53585 CIP.

ISBN 0 521 65239 1 hardback

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Medieval versus early modern dishonor

We begin with a brief discussion of the legal history of dishonor in the empire in the high and late middle ages. Prescriptive legal sources will serve as a foil against which to project the social history of dishonorable people in the early modern period. Medieval Germanic conceptions of dishonor were recorded in high medieval Germanic law books, such as the *Mirror of the Saxons* (*Sachsenspiegel*), written around 1224, or the *Mirror of the Swabians* (*Schwabenspiegel*), written around 1275 in Augsburg.[1] These law books were unofficial private compilations, which claimed to record old law and custom rather than to create new law. The mirrors listed the *Wergeld* to which members of the different social orders were entitled in cases of accidental death and thus reflected and codified the social hierarchy. At the same time, they defined which groups fell outside of this social order. Both mirrors listed a variety of groups who were dishonorable to differing degrees. Wandering minstrels and professional fighters, who performed for an audience or represented the old, the disabled, or women in trial by combat, were considered contemptible due to their profession. They were described as taking goods for honor, indeed as giving up their personhood for money (*spilleuten und allen den die gut fur ere nemen und die sich zu eigen haben gegeben*).[2] The dishonor of professional fighters (*Kempen*) extended to their children. Classed together with those who had committed theft or robbery and suffered a demeaning corporal punishment, and with those of illegitimate birth, they were defined as *rechtlose lewte* or "outlaws." The term applied at once to criminals who had broken the law and to those whose birth or professional status placed them outside the protection of the law.[3]

Outlaws were denied a variety of personal rights and suffered various legal disabilities. They were not admissible as witnesses, jurors, or judges. Their inheritance rights were curtailed, they could not serve as guardians, nor could they receive

[1] F. Ebel, 'Sachsenspiegel," in Adalbert Erler and Ekkehardt Kaufmann, eds., *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. IV (Berlin, 1990), pp. 1228–37, and W. Trusen, "Schwabenspiegel," in ibid., pp. 1547–51.

[2] "Minstrels and all those who take goods for honor and who let themselves be owned." Schwabenspiegel, Landrecht II 287 §310, in Karl August Eckhardt, ed., *Schwabenspiegel. Langform M. Bibliotheca Rerum Historicarum*, Studia 5 (Aalen, 1971), p. 295.

[3] Sachsenspiegel, Landrecht I 38 §1 and III 45 §9 in Karl August Eckhardt, ed., *Sachsenspiegel, Land- und Lehnrecht* (Hanover, 1933), pp. 40, 135.

a feudal fief.[4] Such disabilities were certainly of greater practical consequence to those of illegitimate birth than to transient minstrels and fighters. In any case, these disabilities clearly demonstrated the low status of these groups. Their dishonor was expressed symbolically in the list of blood money (*Wergeld*) which each estate was accorded. After listing the blood money for nobles on down to day-laborers, the mirrors describe the retribution outlaws were entitled to in case of injury or death: priests' bastards and other illegitimates or their families were to receive as much hay as a two-year-old oxen could pull. Minstrels could take revenge only on a man's shadow; their opponents were made to stand up against a wall so that the sun cast a shadow, which the minstrel could strike. Hired fighters were entitled to the reflection of the sun on a shield.[5] Such illusory retribution ridiculed and dishonored the outlaws more than those who had wronged them and clearly demonstrated that they were entitled to no legal redress.

Wandering minstrels and performers were strongly vilified in ecclesiastical literature as well. From the church fathers through the church councils and synods of the early and high middle ages the official position of the Catholic church had been that musicians and actors lived in a state of sin and led others into sin as well. Naked and lewd, they incited passions and encouraged debauchery in their audience. Merely by watching their performances and giving them money, their audiences participated in their sin. The performers spread flattery or evil rumor. The devil spoke through them. Their mobile lifestyle was seen as sinful and threatening. Both religious and secular authorities were hostile towards transients who were not under the authority of any lord. As "masterless men" they could not readily be integrated into feudal society for they lacked the social identity that only a fixed position in the social hierarchy conferred. Medieval penance books estimated their chances for salvation as very low. Some theologians went so far as to define them as monsters without virtue, outside of the human species, and denied them a place within the divine order.[6]

This universal condemnation led to severe discrimination. St. Augustine wanted to exclude performers along with prostitutes from Holy Communion, and he recommended that they be excluded from citizenship and public office. Synods quoted in the *Decretum Gratiani* denied them the right to bring suit in a court of law. The church did not modify its position until St. Thomas Aquinas and other scholastics began to define a legitimate role for performers and to see entertainment within limits as permissible.[7] So we find that wandering minstrels and actors faced

[4] Andreas Heusler, *Institutionen des deutschen Privatrechts*, vol. I (Leipzig, 1885), p. 194.

[5] Eckhardt, *Sachsenspiegel*, Landrecht III 45 §9, p. 135; Eckhardt, *Schwabenspiegel*, Landrecht II 287 §310, p. 295.

[6] Wolfgang Hartung, *Die Spielleute. Eine Randgruppe in der Gesellschaft des Mittelalters* (Wiesbaden, 1982), pp. 30–46.

[7] Theodor Hampe, *Die Fahrenden Leute in der deutschen Vergangenheit* (Jena, 1924), pp. 18–24. The condemnation of wandering actors and musicians was a European phenomenon. See Bronislaw Geremek, *The Margins of Society in Late Medieval Paris* (Cambridge, 1987), pp. 159–66.

severe condemnation by both church and state. Indeed, secular and religious authorities mutually reinforced and drew on each other to justify their discrimination of the minstrels. In the later thirteenth century the mendicant preacher Berthold of Regensburg denounced "all those who take goods for honor,"[8] using the same expression as had been used in the Mirror of the Saxons and would again be used in the Mirror of the Swabians. Such comprehensive condemnation by secular and religious authorities seems to have had little impact on social practice, however. Minstrels and actors were indispensable in courtly society and often enough clerics were in their audiences, as the many decrees forbidding clergy to attend performances attest. While associating with them might have been sinful, it was not polluting in the way that contact with dishonorable people became in the early modern period. The sin apparently had no damaging consequences in social life.[9]

What continuities existed between these outlaws, the minstrels, performers, and professional fighters of the high middle ages, and the dishonorable people of the early modern period? Professional fighters as a group disappeared when trial by combat was no longer practiced. Wandering actors and musicians continued to be defined as dishonorable and suffered severe repression at the hands of secular authorities, but this was due to their vagrancy and not to their profession as such. Musicians who settled in the cities suffered no legal disabilities and were often employed by the city government and accepted as honorable citizens, at least by the authorities. Dishonor in the early modern period still derived from profession, from tainted birth, or from crime and punishment, but there was little continuity in the groups that were defined as dishonorable.

The executioner, the central figure in the early modern complex of dishonor, does not appear in the medieval sources. The office of a professional executioner did not yet exist. The late middle ages saw the development of new judicial procedures and more elaborate corporal punishments that were to shape criminal justice through the early modern period. Paradoxically, the new criminal procedure and increasingly bloody corporal punishments resulted from the attempt by public authorities to pacify society at large and to monopolize the legitimate use of violence in the hands of government. The creation of the office of the professional executioner was a consequence of these developments.[10] In the early and high middle ages the authorities played a relatively passive role in criminal law. Criminal courts only took action once the victim made an accusation. Then judge and jury evaluated the evidence presented to them by the contending parties without investigating the crime themselves. The court basically arbitrated a private settlement between the victim and the offender in which the victim or his family received a compensation that corresponded to the victim's social status. In this way, many death penalties and other corporal punishments could be converted into money

[8] Hartung, *Spielleute*, p. 42. [9] Ibid., pp. 46–8.
[10] Hermann Conrad, *Deutsche Rechtsgeschichte*. Vol. I: *Frühzeit und Mittelalter* (Karlsruhe, 1962), pp. 438–41.

payments.[11] When executions did occur, they were carried out by a variety of people, all of whom were amateurs: by the accuser himself, by a member of the court, sometimes the youngest judge or juryman, or by the beadle (*Fronbote*). The Mirror of the Saxons describes the beadle as a servant of the court who upheld order in the court, summoned litigants and witnesses, delivered messages, confiscated property – and executed criminals, though it is not clear whether he did this personally or merely supervised the execution.[12]

In the later middle ages governmental authorities began to become more actively involved in criminal proceedings. Imperial proclamations of public peace could not lead to their intended result of limiting noble blood feuds and other violent crime, if public authorities did not provide an alternative to private justice and revenge. Public authorities came to see crime and punishment as affecting the public interest and common good. No longer content to treat criminal prosecution as a private matter, public authorities developed a new legal procedure in which they did not wait for the victim to make an accusation; instead they initiated proceedings and arrested suspects. No longer relying on medieval formalistic evidence such as cleansing oaths or trial by ordeal, the authorities now carefully investigated the crime and questioned the suspect to secure a confession.[13] It is at this point that torture became an integral part of the system. This "inquisitorial" procedure and the use of judicial torture in criminal investigations had become prevalent in Germany even before the reception of Roman law that did not have major impact before the late fifteenth century. The use of torture in Germany became widespread in the thirteenth century. It is first attested in Augsburg in 1321.[14] It became more difficult to convert corporal punishments into money payments, so that death penalties and other bloody punishments to the body became frequent in the later middle ages. At the same time, a greater variety of execution methods were developed. Though hanging and beheading remained the most frequent, other common forms were breaking the body on the wheel, burning or burying alive, or drowning. These punishments could be made more severe by subjecting the convict to additional torture before or on the way to execution, such as whippings, brandings, amputations, or ripping the flesh with red-hot tongs.[15] Such "qualified" punishments required a specialist – the professional executioner, expert at torture and able to carry out the ever more elaborate executions and other blood sanctions, became indispensable. By the sixteenth century, the executioner, a skilled trades-

[11] Eberhard Schmidt, *Einführung in die Geschichte der deutschen Strafrechtspflege* (Göttingen, 1951), pp. 28–35.

[12] Albrecht Keller, *Der Scharfrichter in der deutschen Kulturgeschichte* (Bonn/Leipzig, 1921), pp. 51–9, 75–7, 79–90; Giesela Wilbertz, *Scharfrichter und Abdecker im Hochstift Osnabrück. Untersuchungen zur Sozialgeschichte zweier "unehrlicher" Berufe in nordwestdeutschen Raum vom 16. bis zum 19. Jahrhundert* (Osnabrück, 1979), pp. 9–14.

[13] Schmidt, *Einführung*, pp. 43–53; Conrad, *Rechtsgeschichte*, pp. 435–7.

[14] Schmidt, *Einführung*, pp. 81–8.

[15] Richard van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany* (Cambridge, 1990), or Schmidt, *Einführung*, pp. 57–9.

man who had received years of training and was retained and paid by the public authorities, had acquired a monopoly in carrying out death sentences.[16]

The new criminal justice system first took root in the cities. Maintaining the peace within the city walls was an urgent task in the densely populated towns, and the urban governments with their well-developed bureaucracies were better able to administer new criminal procedures than the incipient territorial states in the empire. Death penalties were used extensively, to punish lesser crimes than murder such as theft, robbery, forgery, blasphemy, or even adultery.[17] And so it is not surprising that the first German source on the office of the professional executioner is an urban law code: the Augsburg *Stadtrecht* (civic code) of 1276.[18] The code presents a compilation of the common law practiced in the city at the time.[19]

The civic code describes the executioner as a municipal employee with clearly defined rights and duties. First his monopoly on executing death sentences and corporal punishments was clearly established: "The hangman has the right to carry out all punishments to the body." For beheadings and hangings he was to receive five shillings. In addition he was given everything the convict wore below the belt. This became a customary right that the executioner would claim over the next centuries. Secondly, he was to supervise public prostitutes. They were called the *varnden freulin*, literally the "wandering girls" which clearly describes their status as strangers, and places them on the same level as the disreputable vagrant population, though Augsburg's public prostitutes were not vagrants themselves. The executioner was to "care" for the prostitutes and to arbitrate any conflicts that might arise between them and citizens. They were to pay him two *Pfennig* every Saturday for his attentions, but he was "not to demand more." Strangely, he was also required to guard grain stored in the marketplace, for which he received a measure of corn, and to judge the quality of milk sold at market. At the same time, he was responsible for cleaning the public outhouses, a function that he filled through the eighteenth century. Finally, he was to drive lepers out of town, for which he was paid five shillings every time a tax was levied, and to expel prostitutes, presumably foreign or disobedient prostitutes who did not conform to the local rules of the trade.[20]

The carrying out of death penalties remained the executioner's main function, and the one that defined his position. But from the beginning, executing criminals was associated with this peculiar accumulation of dirty and demeaning tasks, which clearly demonstrate the low esteem in which the executioner was held. Nowhere, however, was the executioner explicitly defined as *dishonorable* and the civic code

[16] Keller, *Scharfrichter*, pp. 106–11.
[17] Schmidt, *Einführung*, p. 55.
[18] Christian Meyer, ed., *Das Stadtbuch von Augsburg, insbesondere das Stadtrecht von 1276* (Augsburg, 1872), article 27, pp. 70–2.
[19] Eugen Liedl, *Gerichtsverfassung und Zivilprozeß der freien Reichsstadt Augsburg* (Augsburg, 1958), pp. 20–2, and Schmidt, *Einführung*, pp. 80–179.
[20] Mayer, *Stadtrecht*, article 27, §1–8, pp. 70–2.

mentions no legal disabilities or official discrimination against him. This contrasts with the treatment of the outlaws in the Mirrors of the Saxons and the Swabians, who, as we saw, suffered severe discrimination by both secular and ecclesiastical authorities. About a century later the denigration of the executioner was expressed more clearly. In a copy of the civic code dating from 1373 the executioner was called "the whore's son, the hangman" (*der Hurensun der Henker*),[21] but again no legal consequences seemed to have derived from his low status.

We must look to legal sources from outside Augsburg, police ordinances from other cities or of the empire, to find legal restrictions placed on executioners as a result of their dishonor. An early example is a Strasbourg ordinance from 1500 that detailed the duties and regulated the conduct of the executioner. It imposed severe restrictions, making the executioner's dishonorable status quite clear. He was ordered to behave modestly, make way for honorable people in the streets, and to refrain from touching any food in the market place unless he was prepared to buy it. He was required to stand in a separate place in church and he was forbidden to approach citizens and honorable people in taverns or to try to eat or drink with them.[22] These rules made it the executioner's responsibility to carefully avoid any contact with honorable people that might offend or pollute them.

According to the Bamberg criminal code of 1507, the *Constitutio Criminalis Bambergensis*, the executioner might be subjected to much more severe discrimination. The executioner was a prominent figure in this code. It gave a sample oath that the executioner was required to swear to local government. It described his role in the elaborate ritual of the "final day of justice" (*endliche Rechtstag*), when the judgment the court had arrived at during the private inquisitorial procedure was proclaimed in a public ceremony, immediately followed by the execution of the condemned.[23] What concerns us here, however, is the article discussing the mode of payment of the executioner, which describes a very severe form of discrimination. We saw in the Strasbourg police ordinance that the executioner was required to stand separately in church. The *Bambergensis*, however, went much further, indicating that he might be denied the means of gaining salvation altogether. The article "On the common payment of executioners" stated that all executioners who received separate payments for each act of torture or each execution they performed would be excluded from Holy Communion – not because carrying out sentences was in itself sinful, but because the system of individual payments would induce in executioners an "evil turbulent lust for spilling human blood." Therefore, the article decreed, the executioner would henceforth receive a fixed yearly salary in order to avoid placing him in a state of damnation, and to ensure that he could

[21] Keller, *Scharfrichter*, p. 108, and p. 307, fn. 40.

[22] J. Brucker, ed., *Strassburger Zunft- und Polizeiordnungen des 14. und 15. Jahrhunderts* (Strasbourg, 1889), pp. 398–9.

[23] *Constitutio Criminalis Bambergensis*, articles 9 and 117–19, in H. Zoepfl, ed., *Die Peinliche Gerichtsordnung Kaiser Karls V nebst der Bamberger und Brandenburger Halsgerichtsordnung* (Leipzig, 1883), pp. 14, 82. On the *endliche Rechtstag*, see van Dülmen, *Theatre*, pp. 24–43.

practice his trade with a good conscience.[24] The Bamberg criminal code acquired significance far beyond the local level. It was adopted by both cities and territorial states and became the law of the empire when it served as a model for the imperial criminal code, the *Constitutio Criminalis Carolina* enacted by emperor Charles V in 1532. The *Carolina* described the executioner's role in the "final day of justice" in the same terms as the Bamberg code, but the executioner's oath and the article discussing his exclusion from Holy Communion were dropped. However, the *Carolina* condemned various abuses concerning the executioner and his dishonor that we will discuss below.[25]

Also on the imperial level, the police ordinance of 1530 listed executioners together with prostitutes and Jews, prescribing special clothing for them so that they could be clearly identified. "Common and dishonorable women" were forbidden to wear expensive dresses or jewelry of gold and silver since otherwise it would be impossible to differentiate honorable and dishonorable women. Executioners were to wear distinct clothes so they might be set apart from other people, and Jews were required to attach a yellow circle to their clothing or cap, so they might be publicly recognized.[26] Although this imperial police ordinance provided local authorities with a loophole allowing them to adjust the provisions of the law according to local customs and circumstances, many governments followed the imperial lead. The Frankfurt magistrate, for instance, issued a decree in 1543 that forbade the executioner to wear elegant and expensive clothes which he was not "entitled to." The splendor of his clothing surpassed that of many honorable people, and locals as well as foreigners were mistakenly showing him respect. To avoid such confusion in the future and to ensure that the executioner might be known and differentiated from honorable people, he and his assistants were ordered to attach red, white and green stripes to their clothing.[27] Such legislation, as we shall see, became more frequent and was repeatedly enacted by governments of both towns and territorial states in the course of the early modern period.

In Augsburg, however, we find no ordinances prescribing any distinguishing clothing for the executioner. It is unclear whether the magistrate never enacted such legislation or whether the source simply has not been preserved. We do have sources, however, on the discrimination against Jews and prostitutes. From at least 1452 on, Jews in Augsburg were required to wear a yellow ring on their clothing. Around the same time Jews were expelled from the city and settled in nearby

[24] *Bambergensis*, article 258b in Zoepfl, *Gerichtsordnung*, pp. 171–3.

[25] On the impact of the *Bambergensis*, see Schmidt, *Einführung,* p. 124. Articles 215 and 218 of the *Carolina* in Zoepfl, *Gerichtsordnung*, pp. 183–7 describe "abuses" which will be discussed in chapter 5.

[26] *Ordnung und Reformation guter Policei im Heyligen Römischen Reich*, 1530, in StadtAA, Literalien 1530.

[27] Achilles Augustus Lersner, *Der weit-berühmten freyen reichs- wahl- und handels-stadt Frankfurt am Mayn Chronica, oder ordentliche Beschreibung der Stadt Frankfurt*, vol. II (Frankfurt a.M., 1734), pp. 693–4.

villages. There were no more Jews living within the city walls and they had to present a special pass in order to be allowed to enter the city.[28] The city government also issued decrees restricting the luxurious clothing of prostitutes. In 1437 prostitutes were forbidden to wear the clothing of honorable women. Such decrees were repeated in the course of the century, always with the goal of differentiating between prostitutes and "pious and honorable women."[29] By the sixteenth century they were required to wear a distinguishing broad green stripe on their clothing and were forbidden to wear silk cloth or rosaries. Before the early Reformation they were even forbidden to go to church. Such restrictions and their historic association with the hangman left them in what the historian Lyndal Roper calls a "symbolic position . . . of clearly defined marginality."[30]

The same symbolic association of executioner, prostitutes, and Jews, which we saw in the imperial police ordinance of 1530 was made in police ordinances of various towns and territorial states over the next centuries, as will be shown in the next chapter. But what relationship actually existed between executioners and prostitutes at the beginning of our period? It is unclear for how long the executioner was actually responsible for supervising prostitutes in Augsburg. Augsburg's civic code remained officially in force until the early sixteenth century and additions were made to it until then, but not all of its provisions were enforced. But the executioner seems to have filled this function at least through the fourteenth century, and it even appears that prostitutes lived or at least practiced their trade in his house. The late medieval *Achtbuch*, a record of criminal judgments and banishments, describes the punishment of a Jew who slept with a Christian prostitute in the house of the executioner in 1359.[31] The relationship between executioners and prostitutes was not unique to Augsburg. It belonged to the common duties of executioners in late medieval German cities to oversee and control the prostitutes of the town. In the Bavarian city of Landsberg the executioner exercised this duty until 1404, when he was fired because he joined the public prostitutes in beating up an unlicensed competitor. In Munich he held this job until 1433 when the dukes of Bavaria demanded that the prostitutes be moved from the house of the executioner, which resulted in the construction of the municipal brothel in 1436. In Strasbourg the executioner's income from overseeing gambling and prostitution was replaced by a weekly salary paid by the city government in 1500. In Memmingen, where the council employed a brothel-keeper by the early fifteenth century, it was customary

[28] Bernd Roeck, *Eine Stadt in Krieg und Frieden. Studien zur Geschichte der Reichsstadt Augsburg zwischen Kalenderstreit und Parität*, vol. II (Göttingen, 1989), pp. 468–71.

[29] Marcus Welser and Achill Pirmin Gasser, *Chronica der weitberuempten Keyserlichen Freyen und deß Heiligen Reichs Statt Augspurg in Schwaben* (Frankfurt a.M., 1595), p. 171, from 1437; StadtAA, Schätze 119, fo. 39 from 1483.

[30] Lyndal Roper, *The Holy Household: Women and Morals in Reformation Augsburg* (Oxford, 1989), pp. 98–102 and p. 99.

[31] Adolf Buff, "Verbrechen und Verbrecher in Augsburg in der zweiten Hälfte des 14. Jahrhunderts," *ZHVS* 4 (1878), 160–232, 185–92.

for the brothel-keeper to make regular payments to the executioner.[32] When the executioner lost this source of income in Augsburg is not clear, as is the case for most cities. As early as the fourteenth century the executioner was not alone in exercising control over the prostitutes. In 1375 the Augsburg *Achtbuch* names the female brothel-keeper Rudolfin, and by the late fifteenth century a male brothel-keeper, essentially a municipal employee, ran the brothel with the consent of the city government.[33] In Regensburg the executioner supervised prostitutes in the brothel next to his house as late as 1534, but generally the sources for this connection disappear by the early sixteenth century. Augsburg's municipal brothel was closed in 1534 with the introduction of the Reformation. With the end of legalized prostitution the clandestine prostitute replaced the clearly identified, publicly known prostitute. No longer in a position of "clearly defined marginality," she merged with the growing population of the disreputable vagrant poor.[34]

The imperial police ordinance of 1548 did not contain sumptuary legislation directed at prostitutes, executioners, and Jews. For the first time, the imperial ordinance sought to rehabilitate various trades on the periphery of dishonor. The executioner was not mentioned at all. Instead, the ordinance cited the exclusion of other dishonorable people by artisanal guilds as an abuse, and ordered guilds to stop discriminating against linen-weavers, barber-surgeons, shepherds, millers, customs officers, musicians, and bathmasters or their children, since, so the ordinance proclaimed, all these groups were of honorable origin.[35] This legislation did not constitute a reversal in policy towards executioners. Stigmatizing clothing requirements were reintroduced in the imperial police ordinance of 1577.[36] The fact that the ordinance attempted to rehabilitate other defiled trades does not mean that the dishonor of the executioner was in question. Instead, the ordinance reflects what would become official policy over the next centuries: containing dishonor within the dishonorable core group, while preventing it from affecting other trades. As we shall see, this policy met with limited success.

Political authorities sometimes massively reinforced the construct of dishonor by placing dishonorable people under severe restrictions, marking them visibly, and placing the responsibility for avoiding potentially disruptive contact with honorable people on them. In other cases, governments took no action and dishonorable people suffered no discrimination at the hands of the authorities. The imperial

[32] On Landshut see K. Th. Heigel, "Einleitung," in *Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert*, vol. XV (Leipzig, 1878), p. 264; on Munich see Michael Schattenhofer, "Hexen, Huren, und Henker," *Oberbayerisches Archiv* 10 (1984), 113–32, 113; on Strasbourg see Brucker, *Polizeiordnungen*, p. 399. In Cologne the executioner received regular payments from public prostitutes at least until 1435. See Franz Irsigler and Arnold Lasotta, *Bettler und Gauner, Dirnen und Henker. Außenseiter in einer mittelalterlichen Stadt. Köln, 1300–1600* (Munich, 1989), pp. 206–8. On Memmingen see Helmut Schuhmann, *Der Scharfrichter. Seine Gestalt – Seine Funktion* (Kempten, 1964), p. 162 and fn. 1338, p. 265.

[33] StadtAA, Schätze 81, Achtbuch, p. 103d, June 13, 1375.

[34] Roper, *Holy Household*, pp. 130–1.

[35] Hans Proesler, ed., *Das gesamtdeutsche Handwerk im Spiegel der Reichsgesetzgebung von 1530–1806* (Berlin, 1954), pp. 9–11.

[36] Ibid., p. 24.

police ordinance of 1548 presented a new departure. This mandate is the first in a long series of decrees on both the imperial and local level that attempted to rehabilitate defiled trades on the periphery of dishonor. Often enough the policies of the various governments toward dishonorable people appear vacillating and contradictory, so that for the moment we will postpone making any generalizations about the attitudes of imperial or state authorities towards dishonor. Instead we turn now to our study of honor and dishonor in early modern Augsburg.