

# Female Poisoners in Eighteenth-Century Germany

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Female poisoners, or “poisoneresses” are—one would like to think—ideal embodiments of the “idea of evil.” Poison as an instrument of murder evokes a sense of treachery. The poisoneress deviously slips it to her unsuspecting victims, and it takes effect in secret. Is poison an appropriate weapon for the weak? Hence for women?

In contrast to what this chapter may suggest, it does not purport that women have the monopoly on murder by poison. Nor is it concerned with how accused females were publically stylized as mendacious and cold-blooded monsters. This poison narrative did not solidify until

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later, as the famous German criminal cases of the nineteenth century show.<sup>1</sup> In contradistinction, the German-speaking world of the eighteenth century<sup>2</sup> is almost devoid of names belonging to accused poisoners whom one could call “famous” or “notorious.” None of them has managed to survive in today’s collective consciousness. Some cases were never even publicized, existing only in the form of court documents in the archive.

The following will attempt to demonstrate that these cases can nonetheless offer us relevant insights. They reflect developments in the history of law and science and reveal social situations as well, especially the lot of women. Both historical and social examples of precariousness<sup>3</sup> exist in poisoning trials, and the proceedings can be studied from several different scientific and cultural-historical angles. In the cases explored, difficulties and contradictions plague scientific argumentation as well as efforts to verify the presence of poison and conduct the court proceedings themselves—interrogation of witnesses and the accused, discovery of their motives—impeding, in sum, the ascertainment of truth in general, a process marked by uncertainties in any field. Even the basis for the trials themselves is problematized, as is the textualization of protocols and expert opinions. Sources that address disputable competencies and judicial errors are an expression of the kind of precariousness discussed.

The group of sources selected comprises, outside of archival material, mostly essays from law periodicals. Analogous to prominent criminal case digests,<sup>4</sup> in the end of the eighteenth century, periodicals like *Annalen der Gesetzgebung* (annals of law)<sup>5</sup> established categories with titles like “Peculiar Cases.” Here we can read not only judicial opinions but also the author’s moral appraisal. After perusing the causes célèbres (mainly from the nineteenth century) in preparation for writing this text, the hypothesis of the poisoneress narrative presented itself,<sup>6</sup> a narrative whose origins were to become comprehensible through the examination of earlier cases. Yet my examination of eighteenth-century criminal poisonings with female defendants—of which the following table provides an overview—showed that female anthropology had not yet been causally linked at the time with the use of poison as a murder weapon.

Table of eighteenth-century German poisoneresses: an overview

	Name	Year	Location	Poison	Victim	Sentence
1	Elers, Melosina <sup>a</sup>	1706	Wolfenbüttel	Arsenic	Mother †	Death: dragging, beheading
2	Himmel, Catharina Louise <sup>b</sup>	1738– 1740	Wolfenbüttel	Arsenic	Husband †	Death: beheading
3	König, Anna Maria <sup>c</sup>	1761– 1767	Boritz (Meißen); Freiberg; Wittenberg	Arsenic	Various employers, their families and guests (46 people, 21 †)	Death: dragging, red-hot tongs, breaking wheel (from below) <sup>d</sup>
4	Heuer, Maria Dorothea; Gieseler, Anna Ilse <sup>e</sup>	1765	Celle, dep. Meinersen	Unknown	Husband and employer †	Death: red-hot tongs, drowning in sack
5	Efes, Karen; Anders, Anna Maria <sup>f</sup>	1772	Osterlinnet, dep. Hadersleben	Arsenic	2 maidser- vants (1 †)	Death: branding, flogging in the pillory (Efes); <sup>g</sup> life in the work- house (Anders)
6	Trotz, Catharine <sup>h</sup>	1775	Gotha	Arsenic	Son (aged 9)	Death: beheading
7	Scheidner, Maria Magdalena <sup>i</sup>	1787	Quedlinburg	Mercury	Husband	3 years workhouse
8	Gast, Anna Susanna <sup>j</sup>	1789	Lebus (Brandenburg)	Mercury	Husband	2 years workhouse
9	Tureck, Eva <sup>k</sup>	1789– 1790	Neidenburg	Arsenic	Husband †	Death: beheading
10	Traub, Deborah <sup>l</sup>	1790	Hamburg	Arsenic	Sister-in-law †; mother- in-law † (inadvert- ently)	Death: beheading
11	Machetta, Johanne; Doboreck, Stanislaus <sup>m</sup>	1793– 1795	Mollna, South Prussia; Brieg	Arsenic	Husband †	20/10 years imprisonment; <sup>n</sup> 10/8 years imprisonment

Name	Year	Location	Poison	Victim	Sentence
12 Babecky, Anna <sup>o</sup>	1795–1798	Poland, New East Prussia, Insterburg	Arsenic	Father-in-law † (inadvertently), intended to poison husband	Life imprisonment /20 years workhouse

<sup>†</sup>Denotes the person has died

<sup>a</sup>NLA Wolfenbüttel: Kirchengemeinde Helmstedt Enthält: b) St. Stephani Begräbnisse 1680–1715 (1716) Enthält auch: Gewaltsame Tötungen 1632–1718, Hinrichtungen (1632–1715). Niedersächsisches Landesarchiv Wolfenbüttel, NLA WO, 1 Kb, no. 584 (1680–1715); NLA Wolfenbüttel. Die Lieferung von Leichen zur öffentlichen Sektion. Niedersächsisches Landesarchiv Wolfenbüttel, NLA WO, 37 Alt, no. 980 (1706–1738): 1–4; Silke Wagener-Fimpel, “Die Hinrichtung eines Kirchendiebes: Bemerkungen zur Wolfenbütteler Justizgeschichte in der ersten Hälfte des 18. Jahrhunderts,” in *Braunschweigisches Jahrbuch für Landesgeschichte* no. 91 (2010), 170

<sup>b</sup>NLA Wolfenbüttel, Kirchengemeinde Schöningen a) St. Lorenz und St. Stephani siehe Hoiersdorf b) St. Vincenz c) Clusgemeinde Enthält: b) St. Vincenz Begräbnisse. Niedersächsisches Landesarchiv Wolfenbüttel (1710–1750), 186, 200

<sup>c</sup>Hitzig, Julius E., and Willibald Alexis, “Eine Giftmischerin aus dem Königreich Sachsen: (1761 fg.),” in *Der neue Pitaval: Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*. No. 30, edited by Julius E. Hitzig, Willibald Alexis, and Anton Vollert. 60 vols (Leipzig: Brockhaus, 1862), 287–93

<sup>d</sup>For the wheel, the condemned was outstretched on a square wooden panel. Then the individual body parts were shattered with a wagon wheel or an iron rod, either from above (from the head downwards) or from below (from the feet upwards). Subsequently the mutilated body of the condemned was woven onto a wagon wheel. This punishment was considered quite brutal and was actually reserved for men

<sup>e</sup>Otto C. Niemeyer, *Ueber Criminal-Verbrechen, peinliche Strafen, und deren Vollziehungen, besonders aus älteren Zeiten: aus den Criminal-Acten des Königl. Hannov. Amts Meinersen größtentheils gesammelt, und jetzt mitgetheilt* (Lüneburg: Herold und Wahlstab, 1824), 119–20; von Horn, “Ueber die, zuletzt bei Königlichem Amte zu Meinersen angewandte, Strafe des Ersäufens,“ in *Juristische Zeitung für das Königreich Hannover* (2 (1), 1827), 11–26

<sup>f</sup>F. L. Eggers, “Karen Efes und Anna Maria Anders, Giftmischerinnen,” in *Deutsches Magazin* (4, 1792), 139–51

<sup>§</sup>Public whipping with a birch rod

<sup>h</sup>Max Roderich, *Verbrechen und Strafe: Eine Sammlung interessanter Polizei- und Criminal-Rechtsfälle*. (Jena: Friedrich Mauke, 1850), 279–330; Anna Bergmann, *Der entseelte Patient: Die moderne Medizin und der Tod*. 2nd edn (Stuttgart: Steiner, 2014), 139–71

<sup>i</sup>Ernst F. Klein, “Die Scheidnerinn zu Quedlinburg will ihren Ehemann erst durch zerstoßenes Glas und dann durch Quecksilber vergiften,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (4, 1796), 55–8

<sup>j</sup>Ernst F. Klein, “Mißlungener Versuch der Anna Susanna gebohrne Wachtel, ihren Ehemann den Feldhüter Gast durch Quecksilber zu vergiften,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (4, 1796), 59–65

<sup>k</sup>N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (7, 1791), 191–224

<sup>l</sup>N. N., *Appellation an das Publikum, in Sachen einer zu Hamburg inhaftirten Jüdin und Inquisitin* (Hamburg, 1792); N. N., *Auch ein Wort an das unpartheiße Hamburgische Publikum: Das ohnlängst ausgestreute Pasquill, in Sachen der Inquisitin Deborah Traub betreffend*. (Hamburg, 1792); N. N., *Ein rubiges Wort an das Hamburgische Publicum der unruhigen Stimme des Murrens in Sachen der peinlich angeklagten Jüdin entgegen gesetzt* (Hamburg, 1792); August F. Cranz, *Bemerkungen an das unbefangene und aufgeklärte Hamburgische Publikum: Bei Gelegenheit des Criminal-Prozesses gegen die unglückliche Jüdin Debora Traub* (Hamburg: Treder, 1793); Johann H. Mislner, *Defensionsschrift in Sachen der peinlich angeklagten Debora Traub, gebohrnen Hirsch: verlesen im Hamburgischen Wohlblöblichen Niedergerichte den 7ten November 1792; mit nöthigem Vorberichte über einige darin ungleich gedeutete Stellen*. (Hamburg: Harmsen, 1793); Jürgen Martschukat, *Inszeniertes Töten: Eine Geschichte der Todesstrafe vom 17. bis zum 19. Jahrhundert*. (Köln: Böhlau, 2000), 54–8

<sup>m</sup>Ernst F. Klein, “Vergiftung des Köhlers Machetta durch dessen Ehefrau und den Schuhknecht Doboreck,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (14, 1796), 42–70

<sup>n</sup>The difference in punishment arose from the sentence’s deviation from expert recommendations

<sup>o</sup>N. N., “Anna Babecky will den Mann durch Gift tödten, aber der Vater desselben genießt das Gift, und stirbt wahrscheinlich an den Folgen des genossenen Giftes,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (18, 1799), 205–26

Among the cases found, twelve of 22 poisonings in the eighteenth-century German-speaking world involved the accusation of female perpetrators.<sup>7</sup> The other cases are not mentioned in the table: Men were accused eight times,<sup>8</sup> and one couple was accused (a woman and man).<sup>9</sup> This case

differs from the Machetta case in the table, because here, the man was accused as the main perpetrator, who sent his female accomplice the poison and a letter how to administer it. In another case, there is no knowledge as to who committed the crime or whether a poisoning had even occurred.<sup>10</sup>

In contrast to the poisoneress stereotype, these eighteenth-century cases illustrate an overall preference for arsenic, since it could be relatively easily procured as a pesticide from apothecaries. The victims almost always occupied the intimate surroundings of the accused; in seven of the twelve cases the intended target is the husband. The list of sentencing reveals that enhanced punishments like dragging to the gallows and pinching with red-hot pliers gradually decreased until death sentences tended to be replaced with a sentence in a workhouse or prison. More and more often psychological evaluations of the defendant's motives played a role in sentencing, as did possible mitigating circumstances, which should become clear in the following on the basis of detailed examinations of some of the above cases. The confusing legal framework in German territories had important effects on judicial opinions published in professional journals. These processes occurred in a time when new legislative texts like the Prussian Civil Code, *Allgemeines Preussisches Landrecht* (APL), of 1794 were slowly but surely replacing the old criminal code, the *Constitutio Criminalis Carolina* (Carolina),<sup>11</sup> which had held sway since 1532. At the same time, some regions<sup>12</sup> claimed validity for preexisting medieval patrimonial law, parallel to the new legislative texts.

Despite incipient reforms, much remained entrenched in the old ways. For instance, eighteenth-century court proceedings were still closed to the public. In other words, secret inquisitorial proceedings were conducted and judged on the sole basis of the documents before the court.<sup>13</sup> Lawyers and later also doctors and chemists used the opportunity to publish journal and newspaper articles about the (in their opinion) exceptionally interesting and (to put it in the language of the eighteenth century) "peculiar" cases. These articles made cases accessible to the scientific public, if only after the process was over. The public could then also engage in open debate about the uncertainties regarding the legal and evidential situations (covered below in the first section), about the severity of the punishment and possible mitigating circumstances (the second section), and about the discipline of criminal psychology, which developed over the course of the eighteenth century in

interconnection with court proceedings (the final section). In the following, these three points will guide in highlighting the precariousness of some exemplary eighteenth-century court processes for murder by poison.

### UNCLEAR LEGALITIES: UNCLEAR EVIDENCE

Territorially fractured, the German-speaking world was made of a patchwork of numerous principalities and duchies with autonomous administrations and courts dispensing justice according to equally numerous laws.<sup>14</sup> On top of the Carolina, territorial criminal justice systems exercised their own jurisdictions.<sup>15</sup> The partitioning of Poland (1772–1795), whereby Prussia gained territories, as well as the Coalition Wars against France brought about changes in government that meant changes in criminal law. One of these territories was the province New East Prussia in Poland, which existed from 1795 to 1807. During this time Lithuanian laws were in effect, and yet simultaneously there was already the APL, which, although it was passed in 1794, had not yet been publicized in the region of New East Prussia. Hence application of the APL was controversial, as it stood to compete against local patrimonial law.<sup>16</sup> The latter vested judicial authority in the estate owners while upholding serfdom, which the APL deemed illegitimate.

It was in this atmosphere of legal confusion that the process against Anna Babecky unfolded. The 22 year old was accused of inadvertently poisoning her father-in-law while intending to kill her husband after one year of marriage. According to her own testimony, Babecky was regularly abused, insulted, and beaten by her husband and his family. In 1795 she therefore resolved to poison her husband. Her mother-in-law had cooked herself a porridge and offered Anna the rest, who refused it for lack of appetite but was suddenly inspired to lace it with arsenic and put it back into the oven for her husband, since in her experience he always scanned the place for something edible upon returning home.<sup>17</sup> Afterwards she went to work in the barn. When she came back her father-in-law, sister-in-law, and sister-in-law's child had devoured the porridge. While they all complained of a burning in their throats, nausea, and experienced vomiting, only the father-in-law died after three days.<sup>18</sup>

In Babecky's case, several legislative texts existed in parallel whose applicability and validity were discussed. The accused was Polish, and the crime being prosecuted was committed in Poland. As already mentioned, Lithuanian law was in effect there and actually demanded a death sentence. Since the APL had not yet been publicized in New East Prussia,<sup>19</sup> the legalities were unclear and a judicial opinion was requested before passing a final sentence.

The experts, however, came to the conclusion that none of the laws in question were applicable, since the perpetrator, though she did have murderous intent, did not exercise it toward the deceased father-in-law, who ate from her poisonous porridge by accident. The husband for whom the attempted poisoning was intended went unscathed. Accordingly, the opinion of the court reads as follows:

We hereby hold that the law can in no way decide the present case, and that an exceptional punishment would therefore have to be meted out, which we would ... set altogether at a twenty-year sentence in the work-house without flogging (which does not happen in cases of exceptional punishment), since the *corpus delicti* is in no way sufficiently certain and cannot be accepted with any confidence.<sup>20</sup>

The *corpus delicti*, the chemical certification for the administered arsenic, did not exist. Testing the dead man's stomach contents would have been necessary, as stipulated by Prussian law. The Carolina also demanded material evidence, which in the eighteenth century was sought in the form of a chemical certification. For this purpose, the substance in question (stomach contents or leftover food) was thrown over glowing coals. If the smell of garlic was released, it was usually enough to secure proof of arsenic.<sup>21</sup>

And yet in his 1786 work *Ueber die Arsenik-Vergiftung* the doctor Samuel Hahnemann (1755–1843) had already criticized this method, warning against using the smell of garlic as “irrefutable proof of arsenic.”<sup>22</sup> Still, before the agreement from the responsible Prussian court arrived, as the experts report, too much time had elapsed to allow an autopsy, first of all, and secondly, a possible remainder of arsenic from the poisoned meal had been destroyed. The family had informed the local bailiff the moment they suspected being poisoned,

Yet it was not until the aches and pains became more and more pronounced and the child began to vomit that they began to suspect poisoning. Hence the pot was searched, and some pieces of a white matter were found, which the father-in-law sent to the estate's bailiff, who promptly declared that it was poisoned and hence ordered that the remaining evidence be burned, which was carried out forthwith.<sup>23</sup>

The bailiff's family acted according to patrimonial law, for which they were criticized in the Prussian jurists' reports according to standards set by the APL. They considered the bailiff's procedure negligent, because Prussian law did not deem him an authority on the subject of poison and he was not questioned as a witness. Uncertainty prevailed regarding how he had concluded that the substance was poisoned. The bailiff's testimony was only hearsay from the husband of the accused and other family members. All this was given as the reason why no more material evidence was obtainable.<sup>24</sup> The scientific uncertainty in the absence of chemical certification made conclusive proof of poisoning impossible, and so the experts rejected at least the death penalty, recommending "only" detention of limited duration.<sup>25</sup> Michel Foucault elaborates this eighteenth-century doctrine, which did not distinguish clearly between "guilty" and "not guilty," as a principle of incremental guilt:

In short, penal demonstration did not obey a dualistic system: true or false; but a principle of continuous gradation; a degree reached in the demonstration already formed a degree of guilt and consequently involved a degree of punishment.<sup>26</sup>

Herein lies another precarious point in eighteenth-century German-speaking jurisprudence, as even suspicion alone against a person made her, according to Foucault, already "slightly criminal."<sup>27</sup> The obvious lack of clarity in legislation and evidence was compensated for by a certain level of guilt which thereby substituted conclusiveness for ambiguity. Different levels of guilt necessitated corresponding levels of punishment, as Foucault writes:

The suspect, as such, always deserved a certain punishment; one could not be the object of suspicion and be completely innocent. Suspicion implied an element of demonstration as regards the judge, the mark of a certain

degree of guilt as regards the suspect and a limited form of penalty as regards punishment. A suspect, who remained a suspect, was not for all that declared innocent, but was partially punished.<sup>28</sup>

Not only was the outcome of a sentence influenced by the legal situation as well as any suspicions against the accused, which were staunchly believed to be founded on signs and evidence; the defendant's motives too were to be taken into account. For that reason, judicial experts also discussed clemency.

### MITIGATING CIRCUMSTANCES

The incremental punishments detailed by Foucault can be understood in cases of murder by poison by reading the sentencings. Even types of execution were subdivided into varying levels: sentences of being drowned, beheaded by sword, broken on the wheel, or burned alive were all rated differently on a scale of cruelty. An additional option remained: to add supplementary punishments in cases of intra-familial killings, especially involving poisoning. A couple of examples: being dragged to the gallows or pinched with red-hot tongs. Yet jurists increasingly argued against the practice of supplementary punishments, especially during the second half of the eighteenth century.

One such argumentation occurred in the case of Eva Tureck, who allegedly poisoned her husband in 1789 with arsenic. As her motive, she cited the fact that she would have rather married another admirer, the valet Paul Olck, but that her mother cajoled her into marrying Martin Tureck. Since she saw Olck every day and he expressed to her that he wished her husband were dead, she finally purchased poison from a spice merchant<sup>29</sup> in order to grant her lover's wish. She mixed the arsenic into a porridge of buckwheat flour and butter that Martin Tureck ate together with his colleague Johann Klaka, whom he had invited to dine with him. The latter, however, only ate a small portion of the mixture, because "the mush"<sup>30</sup> seemed bitter. While his colleague displayed no symptoms, Martin Tureck suffered violent fits of vomiting and died four days later.

In the end, the widow's strange behavior at her dead husband's burial struck the priest as odd, but it was the mother who admitted her daughter's wrongdoing after the latter had confided in her. Eva Tureck

was sentenced to death by beheading with sword<sup>31</sup> for the murder of her husband, and her corpse was then to be broken on the wheel.<sup>32</sup> Eva Tureck's age was cited as a mitigating circumstance (at the time of her deed she was 17), as was the fact that the nation should be taught to deplore the cruel spectacle of pinching with red-hot tongs. Instead, Tureck should only be dragged to the gallows, even though poisoning actually called for an increased penalty:

According to § 3 ... of the Prussian Civil Code, punishment is to be sharpened either through dragging to the gallows or inflicting a number of pinches with red-hot tongs, since the murder was committed against the spouse. If either of these were to happen, we would favor dragging to the gallows, for our belief is that the nation must little by little be weaned off such cruel spectacles as pinching with red-hot tongs.<sup>33</sup>

The interesting thing here is the reasoning employed: to rid the nation of barbarity. With the intention of enlightening the populace, this horrifying "spectacle" should be forbidden. Execution itself could not be prohibited, as it was unavoidable according to law, but the state could at least discontinue the public spectacle of torture. The audience (the nation) should not delight in the suffering of punishments, but should instead be trained in lenience.<sup>34</sup>

Due to her "tender age" of 17, however, the accused was to receive clemency and be spared all supplemental punishments, but legal experts saw no further reasons for mildness. They could not believe that she regretted her crime because of her failure to call a doctor for her dying husband.<sup>35</sup> Her motive, the desire to marry another man, did no better in winning her sympathies. Women whose motive was spousal abuse did not necessarily warrant consideration for lenience. For the case of Anna Babecky this meant that "even if she had unjustly suffered blows at the hands of her husband, this cannot be seen as an excusable impulse to commit a suchlike unnatural crime."<sup>36</sup> Babecky's defender still pled an act of desperation, that is, a crime that occurred in the heat of the moment, but legal experts, firstly, did not believe that violence in the marriage spurred the woman to desperation and, secondly, emphasized that she had deserved the suffering, according to statements by her husband and his family.<sup>37</sup>

## CRIMINAL PSYCHOLOGY

Murder by poison hardly made it easy to plea for an emotional state of exception—a killing in the heat of passion—since willful intent seemed incontrovertible with all the planning poisonings entail. Manslaughter by poison thereby defied imagination. A murder by poison, so the argumentation goes, requires emotional coldness and a clear mind. Paul Johann Anselm von Feuerbach's (1775–1833) law textbook treats the matter thus: “deliberation,” secrecy, and “preparation” are the basic preconditions for murder by poison.<sup>38</sup> For the same reason, it was futile for the accused to plea insanity. Still, some lawyers attempted it, though none in the cases examined here were successful. Even if no obvious motive existed (avarice or a love affair, for example), or even if the accused was unable to describe their own crime, they would nonetheless be held responsible. At the same time, the freshly publicized eighteenth-century science of empirical psychology<sup>39</sup> raised the question of possible mental disturbances in offenders. This interest ultimately resulted in the drawing up of expert opinions regarding the mental state of the accused. This procedure played a role in the case of Deborah Traub, who was accused in 1790 of killing her sister-in-law and mother-in-law with arsenic. Unlike Anna Babecky and Eva Tureck, Deborah Traub was not from a rural milieu but rather born to a reputable Berlin family.<sup>40</sup> For unexplained reasons, the 23 year old mixed arsenic into a beer soup with which she poisoned her “mother-in-law unintentionally and her sister-in-law intentionally”<sup>41</sup> so that both died as a result. The court process wore on for more than three years because, among other things, the accused was pregnant, but also because “a great many kinds of opinions had taken on significance, and the questioning of experts had begun to delay the process.”<sup>42</sup> Traub's lawyer arranged for “several medical statements and certifications of her mental state.”<sup>43</sup> The question was whether or not Traub was stricken with a near manic form of melancholia. Authorities were able, at the very least, to diagnose her with *Lesewuth*, a sort of bibliophilic reading-rage.<sup>44</sup> This is a characteristic which endured on into the first representations of “famous” nineteenth-century poisoneresses who were accused of an excessive novel reading that had caused them mental illness.<sup>45</sup>

The case of Anna König, on the other hand, shows that a wicked character was generally ascribed to the poisoneress: an 1862 anthology of criminal cases<sup>46</sup> is prefaced with the remark “that especially women, as

if compelled by an irresistible lust for murder and for causing anguish, have even poisoned persons unknown to them, without any particular inducement.”<sup>47</sup>

Around one hundred years lie between Anna König’s 1761 proceedings for murder by poison and the above characterization. Over the course of time, not only would murder by poison be attributed primarily to women, it would also be explained as sadistic. Evil, poison, and the feminine would fuse to create one semantic field.<sup>48</sup>

In contrast, eighteenth-century sources offer no clearly definable thread which connects the murder weapon of poison to a distinct corruption of character among poisoners or women in general.<sup>49</sup> Here we instead observe first and foremost a concern with accounting for the character and morals of the accused in order to find an adequate penalty.

The publicized opinions show that ambiguity was pervasive, and grounds for judgment had to be convincingly formulated. This was of importance above all when the fixing of an exceptional punishment was at stake, as in the cases of Anna Babecky or Johanne Machetta.<sup>50</sup> Here the experts emphasized that judgment also depended on the suspect’s individual impression on the judge, on his revulsion or pity:

Ordinarily, an indiscernible influence is exercised on such discretionally chosen punishments by the degree of loathing held for the act itself or the degree of compassion for the youth or for the naiveté of the criminal.<sup>51</sup>

The opinions of the court had to be so persuasively formulated precisely because crimes were no longer simply condemned identically, because defendants were to be judged as individuals. The task at hand was to pass judgment not only on a crime, but on a criminal. Johann Christian Gottlieb Schaumann’s (1768–1821) book *Ideen zu einer Kriminalpsychologie* (1792) elucidates this idea of the individual judgment of the accused. Schaumann’s critique of the judicial system of his time was that one “gets to know” the “criminalists” and “the crimes, but not the criminals.”<sup>52</sup>

To these ends, it was necessary to comprehend *what* in the life of the accused had brought her to become criminal. Schaumann placed utmost importance on the individuality of each defendant. He believed that one could not judge everybody from the same “point of view,” since each human, as he writes, has its “own system”:

For nothing stands so clumsily in the way of the free observation of the human being as when one accustoms oneself to seeing all people's externally similar actions from the same perspective and in the same form. One must bear nothing in mind but the actor himself if one is to properly judge the action. Every person has his own system; one must explain the action by way of that system, not by way of the system of some teacher or school.<sup>53</sup>

## CONCLUSION

Striving toward individualism did not mean that all actions should be thereby justified. A potential "rotteness of character"<sup>54</sup> would be pointed out nonetheless. The criminal process—Schiller writes—ought even "to bring to light the most concealed fiber of evil."<sup>55</sup> The defendant's "degree of evil"<sup>56</sup> too should be decisive in formulating judgments and setting types of execution, not to mention meting out extra punishments. Murder by poison (like a number of other crimes) was indisputably associated with "malice" or "evil," yet instead of characterizing the accused as typical poisoners, the authors of case reports were concerned with problematizing difficult individual cases: an unclear legal or evidential situation, violations of legal procedure, a lack of qualification from medical experts, or the failure to provide an interpreter for a defendant who spoke only Polish.<sup>57</sup> Moreover, the proper attainment of chemical certification was a component of the discussion as well. In Eva Tureck's case, for example, the coroners' incompetence was criticized on grounds that they could not even spell correctly: "The autopsy is inaccurate. Without calling upon a *medici*, it was undertaken by two *chirurgis* alone, who could not so much as spell the word Section."<sup>58</sup>

So the correctness of the process had to be ascertained, yet always while taking into account the life history and motives of the accused. It was hard, though, to determine the motive when it was absent from the confession.

Thus the ambiguity about the motives and mental state of accused persons joins the uncertainty regarding the applicable laws, the equivocality of chemical certifications, the unreliability of witness testimony, and the insufficient documentation of proceedings in processes that are ultimately reliant on textualization. The social constellations too are precarious in that they first lead to the crime and afterwards to the process. For someone like Anna Babecky, social and legal spaces are incongruent

(that is, singularly indeterminate), a fact unquestionably known to both the actors and the experts. All these uncertainties account for the precariousness of poison discourses—and not only during the eighteenth century.<sup>59</sup> The precariousness of court proceedings in cases of murder by poison lies in the doubt that permeates expert opinions, doubts that can never quite be argued away.

## NOTES

1. Especially the cases of Charlotte Ursinus (1760–1836), Anna Zwanziger (1760–1811), Gesche Gottfried (1785–1831), and Christiane Ruthardt (1804–1845). Other well-known European poisoning cases with female defendants who became “famous” beyond their own national borders were Mary Ann Cotton (1832–1873) and Florence Maybrick (1862–1941) in England, Madeleine Smith (1835–1928) in Scotland as well as Marie Lafarge (1816–1852) and Hélène Jégado (1803–1852) in France. These cases prove that the “typical poisoneress” was not only a German but also a universal fixture of the nineteenth century (for more on these cases, see Sophie Charlotte Elisabeth Ursinus, *Authentische Vertheidigung der verwittweten Geh. Rätthin Ursinus von ihr selbst aufgesetzt* (Berlin: Dieterici, 1804); Julius Eduard Hitzig and Willibald Alexis, “Anna Margaretha Zwanziger. 1811,” in *Der neue Pitaval. Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*, vol. 2, eds. Julius Eduard Hitzig, Willibald Alexis, and Anton Vollert (Leipzig: Brockhaus, 1842), 218–55; Peer Meter, *Gesche Gottfried. Ein langes Warten auf den Tod. Die drei Jahre ihrer Gefangenschaft* (Lilienthal: Langenbruch, 1995); Gunver Anna Maria Werringloer, *Vom Umgang mit der Leiche im 19. Jahrhundert. Der Fall der Giftmörderin Christiane Ruthardt und die Tübinger Anatomie* (Frankfurt am Main and New York: Peter Lang Edition, 2013); Katherine Watson, *Poisoned Lives: English Poisoners and Their Victims* (London: Hambledon and London, 2004), 212–17; John Emsley, *The Elements of Murder: A History of Poison* (Oxford: Oxford University Press, 2005), 171–93; John Parascandola, *King of Poisons: A History of Arsenic* (Washington DC: Potomac Books, 2012), 18–23; Heinrich Luden, *Der Vergiftungsprozeß der Frau Marie Fortunée Capelle, Wittve Lafarge*. ed. Friedrich Bran (Jena: Bran’sche Buchhandlung, 1840); Julius Eduard Hitzig and Willibald Alexis, *Hélène Jégado (18–?–1834–1850–51–52)*, in *Der neue Pitaval. Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*, eds. Julius Eduard Hitzig, Willibald Alexis and Anton Vollert (Leipzig: Brockhaus, 1854), 1–104.

2. The Holy Roman Empire of the German Nation existed until 1806 and consisted of over 300 territories and several free cities, each with its own government and its own jurisprudence (cf. Michael Stolleis, *Staatsrechtslehre und Verwaltungswissenschaft: 1800–1914* (München: Beck, 1992), 46). At the end of the eighteenth century, the so-called Prussian provinces in Poland belonged to this area, and the German-speaking justice system saw itself as responsible for them, although it stood in conflict with local jurisdictions, as will be shown in the cases discussed below.
3. The term *precarious* refers not only to the title of Bettina Wahrig and Heike Klippel's conference and comprehensive research project *Precarious Identities*; it also conveys the muddled, difficult, and awkward position in which eighteenth and nineteenth-century science and law found themselves apropos poisoning cases (especially regarding the prosecution and proof of criminal poisonings).
4. The French jurist François Gayot de Pitaval (1673–1743) published a collection of criminal cases in the 1730s and '40s titled *Causes célèbres et intéressantes*. A first German translation was published starting in 1747 by the bookseller and publisher Gottfried Kiesewetter (cf. François Gayot de Pitaval, *Causes Célèbres oder Erzählung sonderbarer Rechtsbündel, sammt deren gerichtlichen Entscheidungen* (Leipzig: Gottfried Kiesewetter, 1747–1767). In 1792 another edition came out containing a foreword by Friedrich Schiller (1759–1805): François Gayot de Pitaval, *Merkwürdige Rechtsfälle als ein Beitrag zur Geschichte der Menschheit*, four vols (Jena: Cuno, 1792–1796). The case history of Marie-Madeleine Marguerite d'Aubray, Marquise de Brinvilliers (1630–1676) can be found in (cf. François Gayot de Pitaval, "Geschichte des Prozesses der Marquise von Brinvillier," in idem., *Merkwürdige Rechtsfälle als ein Beitrag zur Geschichte der Menschheit*, vol. 3 (Jena: Cuno, 1793), 3–102. This aristocrat, executed in France as a poisoneress in 1676, served as a comparison for almost all nineteenth-century female poisoning defendants, with accentuation on her depravity. German eighteenth-century cases lack such comparisons, including that of demonization of the poisoneress, with Brinvilliers.
5. *Annalen der Gesetzgebung und Rechtsgelehrsamkeit in den preussischen Staaten* (Berlin: Stettin, 1796).
6. The concept of narrative used in the meaning employed here for narrative element includes terms not only like *motif* or *image* but also like *stereotype*.
7. Cf. fig. 1.
8. Gotthelf E. Lechla, *Entdeckter und bestraffter Weiber-Mord, Oder Species Facti und ausführlicher Acten-mäßiger Bericht von einem durch Gifft*

- verübten Meuchel-Mord ...* (Leipzig: Teubner, 1735); N. N., “Der Giftmischer: Eine wahre Geschichte,” in *Neues Magazin für Aerzte* (8 (1), 1786), 82–4; Johann Christian Lüderitz Liphardt, “Etwas über die nöthige Behutsamkeit bey dem Verkauf der Gifte in den Apotheken,” in: *Taschenbuch für Scheidekünstler und Apotheker auf das Jahr 1788* (9, 1788), 63–80; N.N., “Der Giftmischer Vogel, und dessen Gehülfin Gellrichinn,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (2, 1788), 99–108; Johann Christian Friedrich Scherf, “Churfürstl. Sächsische Verordnung, die schädlichen Weinverfälschungen betreffend,” in: *Beyträge zum Archiv der medizinischen Polizei und der Volksarzneikunde* (1 (1), 1789), 132–144; N. N., “Der Einwohner Gabel versucht es zweymal, seine Ehefrau durch Gift zu tödten,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (9, 1792), 40–5; Ernst F. Klein, “Merkwürdige Vergiftung, vermuthlich durch den Enkel,” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (13, 1795), 217–56; Ernst F. Klein, “Strafe des Rades von unten an dem geübten Giftmischer Winter, nebst einigen Bemerkungen des Herausgebers: 1) über die Radstrafe; 2) über die Frage: ob es anständig sey, in demselben Urtheil über Tod und Leben und über die Untersuchungskosten zu entscheiden?” in *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (13, 1795), 195–216.
9. Ernst Ferdinand Klein, “Gift vom Seelsorger als Mittel wider die Eifersucht des Ehemanns der seit neun Jahren erprobten Freundin,” in: *Annalen der Gesetzgebung und Rechtsgelehrsamkeit* (15, 1797), 31–52.
  10. Johann C. Lavater, *Johann Caspar Lavaters, Pfarrers am Waysenhouse zu Zürich, zwo Predigten bey Anlass der Vergiftung des Nachtmahlweins: Nebst einigen historischen und poetischen Beylagen* (Leipzig: Weidmanns Erben und Reich, 1777); Johann C. Lavater, “Wahre Geschichte der Nachtmahl-Vergiftung in Zürich,” in *Der deutsche Merkur* (11 (1), 1777), 264–79. For a cultural-historical examination of the poisoned chalice, see Jeffrey Freedman, *A poisoned chalice* (Princeton, NJ [i.a.]: Princeton University Press, 2002).
  11. *Die Peinliche Gerichtsordnung Kaiser Karls V.*, ed. Arthur Kaufmann (Stuttgart: Reclam, 1978).
  12. Such as the Prussian provinces around 1800.
  13. The investigating judge would interrogate the suspects and prepare an interrogation protocol. Afterwards written opinions on the autopsy, on chemical tests, and perhaps on the physical and psychic health of the suspect were obtained from state sanctioned experts. Interrogation protocols and expert opinions would then be sent to the appointed lawyer, who would then interrogate his client once more or go ahead and prepare his written defense statement based purely on the protocol and opinion documents he had received. All files then went to the responsible court,

where either the sentence would be handed down or—if uncertainties abounded—other criminal or medical opinions would be sought. A judge would make his decision based on all these documents and then pass sentence. The sovereign (who was also the official addressee of the opinion of the court) had to sign the sentence to validate it legally. Finally, the sentence is read aloud, publicized (in newspapers, for example), and carried out.

14. Here the prince was the highest legislator, judge, and also administrator (cf. Michael Stolleis, *Reichspublizistik und Polizeywissenschaft: 1600–1800*. 2nd edn (München: Beck, 2012), 369.
15. Besides the Carolina, there were many territorially valid legislative texts such as the Bavarian Codex iuris of the 1750s and the *Allgemeines Preußisches Landrecht* starting in 1794, or the Bavarian criminal code by Anselm von Feuerbach (1813). In the course of the nineteenth century, scores of other territorial legal codes existed thanks to comprehensive criminal justice reforms.
16. With regard to Prussian patrimonial courts, Monika Wienfort emphasizes even “the differences between individual provinces” (Monika Wienfort, *Patrimonialgerichte in Preußen: ländliche Gesellschaft und bürgerliches Recht 1770–1848/49* (Göttingen: Vandenhoeck & Ruprecht, 2001), 42).
17. Cf. N. N., “Anna Babecky will den Mann durch Gift tödten” (1799), 109.
18. Cf. *ibid.*, 210.
19. *Ibid.*, 217–18.
20. *Ibid.*, 224.
21. “The coroners found a grain that was white to the eye and hard to the touch, which they collected carefully and placed on coals. The garlic smell emitted by this substance sufficed to convince them that it was arsenic.” (N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” (1791), 201). It was never denied that Samuel Hahnemann (1755–1843), in his work *Ueber die Arsenik-Vergiftung* (1786), regarded this method as hardly infallible, although it satisfied the experts in the Tureck case (cf. *ibid.*, 221).
22. Samuel Hahnemann, *Ueber die Arsenik-Vergiftung ihre Hülfe und gerichtliche Ausmittlung* (Dresden: Crusius), 217.
23. N. N., “Anna Babecky will den Mann durch Gift tödten” (1799), 210.
24. The family members’ behavior implies that serfdom, not officially abolished in Poland until 1807, still existed in 1795.
25. Cf. N. N., “Anna Babecky will den Mann durch Gift tödten” (1799), 224.
26. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995), 42.
27. *Ibid.*

28. Ibid.
29. The spice merchant Andreas Krayewsky was issued a fine of 50 Rtl. and his assistant Andreas Dobdorf received eight weeks in prison with bread and water for the unauthorized sale of poison (p. 213). This decision was justified according to a 1752 restriction on purchasers of arsenic to include only apothecaries, surgeons, and dyers (cf. N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” (1791), 213).
30. N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” (1791), 192.
31. Cf. *ibid.*, 214.
32. Cf. *ibid.*, 198.
33. *Ibid.*, 209.
34. Cf. Michel Foucault, *Überwachen und Strafen: Die Geburt des Gefängnisses*. (Frankfurt am Main: Suhrkamp, 1994), 16–23.
35. Cf. N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” (1791), 208.
36. N. N., “Anna Babecky will den Mann durch Gift tödten” (1799), 220.
37. *Ibid.*, 225: “Her defender indeed claims that she committed this deed in a state of desperation ... however, in part this loveless behavior of [Babecky’s husband and family] is evinced by nothing, and in part, according to her own testimony, such behavior would not be the type to lead her into desperation.”
38. “Whoever resorts to [poison] for the execution of unlawful intentions proves that the matter was premeditated, because he has tried to escape notice by others through covertness and because use of the substance requires preparation” (Paul Johann Anselm Feuerbach, *Lehrbuch des gemeinen in Deutschland geltenden Peinlichen Rechts* (Giessen: Heyer, 1801), 200–1).
39. “Anthropology and empirical psychology” are topics “that encounter widespread interest in academic and nonacademic publics in an Enlightenment context, and that constitute a large portion of all written works emerging at the end of the eighteenth century.” (Georg Eckardt and Matthias John, “Anthropologische und psychologische Zeitschriften um 1800,” in *Anthropologie und empirische Psychologie um 1800: Ansätze einer Entwicklung zur Wissenschaft*, edited by Georg Eckardt, Matthias John, Temilo van Zantwijk, and Paul Ziche (Köln: Böhlau), 135). The *Magazin zur Erfahrungsseelenkunde* was published in ten volumes between 1783 and 1793 by Karl Philipp Moritz (1756–1793) and was the first psychological periodical in Germany.
40. Cf. Martschukat, *Inszeniertes Töten* (2000), 54.
41. *Ibid.*
42. *Ibid.*

43. Ibid. The fact that at least medical opinions were obtained in cases of less moneyed defendants at the end of the eighteenth century can be proven in the 1761 case of Anna König, whose examination, however, did not lead to a mitigated sentence: “Although the defender attempted to explain that König suffered from mental deficiency caused by the epileptic fits to which she was subject, medical exploration disproved this claim.” (Hitzig and Alexis, “Eine Giftmischerin aus dem Königreich Sachsen” (1862), 293).
44. Martschukat, *Inszeniertes Töten* (2000): 55. Numerous writings on reading addiction existed in the eighteenth century, wherein excessive reading (especially in women) was criticized (cf. Johann Gottfried Hoche, “Vertraute Briefe über die jetzige abentheuerliche Lesesucht und über den Einfluß derselben auf die Verminderung des häuslichen und öffentlichen Glücks (1794),” in *Die Leserevolution: Quellen zur Geschichte des Buchwesens*. Vol. 10, edited by Reinhard Wittmann (München: Kraus, 1981), 33–180; Johann R. G. Beyer, “Ueber das Bücherlesen in so fern es zum Luxus unsrer Zeiten gehört (1796),” in *Die Leserevolution: Quellen zur Geschichte des Buchwesens*. Vol. 10, edited by Reinhard Wittmann (München: Kraus, 1981), 181–216; A., “Warum werden so viele Mädchen alte Jungfern? (Schluß),” in: *Neues Hannoverisches Magazin* (4 (103), 1794), 1633–36; Johann D. Metzger, *Kurzgefaßtes System der gerichtlichen Arzneiwissenschaft* (Königsberg and Leipzig: Hartung, 1793), 351). Even Schiller in his preface to *Pitaval* mentions the “increasingly more general need to read ... at terrible cost to folk culture and morals” and correspondingly criticized the, in his opinion, “mindless novels, so-called women’s writing, that spoil taste and morals alike” (Friedrich Schiller, “Vorrede,” in *Merkwürdige Rechtsfälle als ein Beitrag zur Geschichte der Menschheit: Nach dem Französischen Werk des Pitaval durch mehrere Verfasser ausgearbeitet und mit einer Vorrede begleitet ... von Schiller*. Vol. 1 (Jena: Cuno, 1792), [I–II]).
45. As in the Ursinus case (cf. N. N., “Bekenntnisse einer Giftmischerin von ihr selbst geschrieben.” Edited by Raleigh Whiting and Diana Spokiene (New York: The Modern Language Association of America, 2009), 181), the Zwanziger case (cf. Julius Oertel and Karl August Freiherr von Seckendorf, “Todes=Urtheil,” in *Baierische National-Zeitung*, (October 7, Beilage Nro. 33, 1811), 3), and the Gottfried case (cf. Friedrich Leopold Voget, *Lebensgeschichte der Giftmörderin Gesche Margarethe Gottfried, geborne Timm: Nach erfolgtem Straferkenntnisse höchster Instanz*. Vol. 1. (Bremen: Kaiser, 1831), 80). Besides the reading of novels, the examples listed regarded theater attendance as equally damaging to the feminine character.

46. Der neue Pitaval (The New Pitaval) was a German collection of criminal cases that was published in 60 volumes by Julius Eduard Hitzig (1780–1849), Wilhelm Häring (Artist name: Willibald Alexis, 1798–1871), and Anton Vollert (1828–1897). Cf. Julius E. Hitzig, Willibald Alexis, and Anton Vollert, eds., *Der neue Pitaval: Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*. 60 vols. (Leipzig: Brockhaus, 1842–1890).
47. Hitzig and Alexis, “Eine Giftmischerin aus dem Königreich Sachsen” (1862), 287.
48. In the original *Pitaval*, any explicit typification of the poisoneress with reference to female role models (e.g., the Marquise de Brinvillier) is absent, an absence which was then made up for in later editions starting in 1842.
49. Indeed the rejection of a murder motive such as liberating oneself from a violent husband, could be understood as an appeal to women: you must comply with your assigned role. It is made clear that women had just as little right to rebel against the authority of the husband as that of the state. With their murders or murder attempts they crossed not only a juridical but also a social line.
50. Klein, “Vergiftung des Köhlers Machetta” (1796), 42–70. Johanne Machetta, aged 23, was charged in 1793 with killing her husband, aged 50, with arsenic after just one year of marriage in order to live together with the servant Stanislaus Dobreck, aged 24. Yet her declared motive was that she only wanted to cause temporary madness in her husband so that he would afterwards be reformed and treat her well. What’s more, she was forced into the marriage by her father and had to care for Machetta’s five children from his previous marriage, suffering constantly, according to her statement, from her husband’s ceaseless domestic quarreling and addiction to drink.  
(cf. *ibid.*, 42–50).
51. Klein, “Vergiftung des Köhlers Machetta” (1796), 70.
52. Johann Christian Gottlieb Schaumann, *Ideen zu einer Kriminalpsychologie* (Halle: Johann Jacob Gebauer, 1792), 60. For Schaumann’s criminal psychology and judicial critique, see also Martschukat, *Inszeniertes Töten* (2000), 152.
53. Schaumann, *Ideen zu einer Kriminalpsychologie* (1792), 60–61.
54. F. L. Eggers, “Karen Efes und Anna Maria Anders” (1792), 149.
55. Schiller, “Vorrede” (1792), [IV].
56. F. L. Eggers, “Karen Efes und Anna Maria Anders” (1792), 150. See also Klein, “Vergiftung des Köhlers Machetta” (1796), 69: “Grad der Bosheit des Verbrechers.”
57. Cf. Klein, “Vergiftung des Köhlers Machetta” (1796), 69.

58. N. N., “Die 17jährige Eva Tureck tödtet ihren Ehemann durch Gift,” (1791), 199. The judge was held responsible for the selection of false experts (cf. *ibid.*, 204), which is why “the opinion of the Ober-Collegii Medici had to be obtained” (*ibid.*). The medical opinion, however, confirms arsenic poisoning. (cf. *ibid.*, 207, 223).
59. The same problems continue into the nineteenth century, albeit in another form. New methods of certification were contested, as was the new jury trial process adopted from France and the publicity and orality of the process, which was not universally instituted throughout Germany until the mid-nineteenth century.



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