



## Experiencing Intrusion: Smashed Windows as Violations of Privacy in the University Town of Helmstedt, 1684–1706

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This article argues that much of what we refer to as privacy in present-day society was materialised, experienced, instrumentalised, and also, to some extent, protected before the 19th century, when it was broadly conceptualised as a value and a right. In a social-architectural approach, windows and facades of the private house are shown to have had an important regulatory function, mediating between the house and the neighbourhood, the open and the closed, and the public and the private. First, we extract evidence from *On the Art of Building in Ten Books* by Leon Battista Alberti (1404–1572) as well as from other architectural treatises of the period and region, in particular those by Joseph Furttenbach (1591–1667) and Leonhard Christoph Sturm (1669–1719), who cites Nicolaus Goldmann (1611–1665). Then, we combine the architectural insights with an in-depth reading of two well-documented but not yet analysed court cases of nocturnal window smashing in the university town of Helmstedt involving Professor Johann Barthold Niemyer (1644–1708) in the opposing roles of both victim and instigator. The combination of these court cases and architectural treatises allows us to show how experiences of intrusions via broken windows share qualities with today's conceptualisation of intrusions of privacy and thus point to the presence of notions of privacy in early modern societies.

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**Keywords:** privacy; window smashing; facade; early modern house; Joseph Furttenbach; Nicolaus Goldmann; Leonhard Christoph Sturm; Johann Barthold Niemyer; private vengeance; Helmstedt

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## Introduction

Early modern university cities in the German lands, such as Helmstedt, provide a rich site for studying notions of privacy before it was formulated as a legal right in the 19th century. Given the heuristic assumption within historical anthropology that norms and needs of privacy tend to be expressed in conflicts over boundaries (Altman 1977: 67; Moore Jr. 1983: ix; Vincent 2006: viii; Ljungberg 2022a: 67), these cities stand out for their complex system of boundaries which were easily transgressed and thus frequently negotiated in two overlapping courts for addressing legal issues: one conventional, for the town, and one extraordinary, for the university, with jurisdiction over its students. In theory, these legal entities were clearly separated: each had its own territory, specific buildings, and people subordinated to them. In practice, however, students constantly crossed spatial and social thresholds in their everyday lives. The professorial houses of Helmstedt, where the students ate, caroused, attended lectures, and rented rooms, were scattered throughout the city, and thereby situated adjacent to those of the townsmen (Harding 2014; Klein 2010) (**Figure 1**). The students acted as regular transgressors as they participated, uninvited, in burghers' festivities, consumed alcohol in their houses, roamed the streets at night, and occasionally smashed windows of private houses (Müller 1996: 277–283; Füssel 2006: 246–252; Braun and Liermann 2007: 22; Jung 2001; Geschwind 2001: 94–124; Jütte 2015a: 142–144).

In this article, we focus on the legal aftermaths of two cases of window smashing in Helmstedt in 1684 and 1706. Previous scholarship has illuminated the intent behind such acts that dishonour the house and its inhabitants (Cohen 1992; Dinges 1995; Schütte 1997; Cohen and Cohen 2002; Dean 2004; Hassan Jansson 2006; Sennefelt 2019; Schjerning 2022). Building on this research, we will investigate window-smashing incidents with a combined social-architectural approach to uncover expectations of privacy in reactions to these disruptive and well-documented transgressions. Against the backdrop of the meaning and importance of facades, windows, and fences in architectural treatises, we will analyse how victims expressed, in the extant legal proceedings, their experiences of damage to these boundary markers.

Our principal historical informant is Johann Barthold Niemeyer (1644–1708), a professor of philosophy and later theology at the University of Helmstedt.<sup>1</sup> Niemeyer figured in both cases that we will examine, albeit in two opposing roles: in the first case, in 1684, he was the victim of the crime committed by students, while in the second, in 1706, he acted controversially as instigator who convinced students to smash windows of the houses inhabited by his personal enemies. The two cases involving Niemeyer are chosen partly because of the dynamics of the transgression of material and spatial thresholds experienced by the same person in different roles, but also because they



**Figure 1:** Reconstructed map of Helmstedt of 1750. Professors' houses are shown in orange, university facilities in red. From Paulus (2012: 301–312).

took place during a time in history when window smashing by students was more carefully investigated and prosecuted (Geschwind 2001: 115). More lenient university courts would exculpate students who smashed windows with reference to their *libertas studiosorum*, a claim for freedom from the social restrictions of burgher life (Jütte 2015a: 146). This, however, was not the case at the University of Helmstedt.

In 1646, the entire professorial corps argued in a letter to the university's rector, Frederick IV, Duke of Brunswick-Lüneberg (1574–1648), that the disciplinary

regulation for students must be sharpened to ensure the security of their houses. They recounted with horror how students roamed the streets at night, got drunk, and entered people's houses. Based on these accounts, the professors stressed that without improved student discipline, 'not only the inhabitants here [in Helmstedt], but also we [the professors] [would] no longer be safe in our own houses' (NLA 588: 48).<sup>2</sup> In response, a renewed disciplinary regulation was launched in 1650. However, this did not stop window-smashing incidents from taking place. The archive of the university court contains at least seven thorough investigations of window smashing between 1650 and 1810, when the university was closed (NLA 5300 [1684]; NLA 5303 [1706]; NLA 596 [1741, 1752, and 1762]; NLA 3539 [1798]; NLA 3546 [1810]). The court cases used in this study are the first two of these investigations.

Before we move on to a closer examination of the cases involving Professor Niemeyer, we will describe the signification of early modern houses and their facades. We will draw attention to the Lutheran influence on Helmstedt and its professorial houses, together with references to relevant architectural treatises by Leon Battista Alberti (1406–1472), Joseph Furttentbach (1591–1667), and Leonhard Christoph Sturm (1669–1719), who cites the writing of Nicolaus Goldmann (1611–1665). We will then outline the two court cases, focusing on how the attacks compromised the regulatory abilities of the facade and how the resulting invasions of the house were experienced, based on the source material produced in the (university and city) courts. Finally, we will discuss from a combined social-architectural perspective how our case study informs contemporary notions of privacy and its presence in early modern societies.

### **The Early Modern House: The Whole and Its Parts**

In arguably the most influential architectural treatise of the Renaissance, the architect, scholar, and artist Leon Battista Alberti famously describes the private house as a city and the city as a house: '[T]he city is like some large house, and the house is in turn like some small city' (Alberti 1988: 23). In this analogy, he stresses the relationship between the whole and its parts and implies an autonomy and cohesiveness of the private house that resembles that of a city. Alberti supplements his city-and-house comparison with a second metaphor — that of the house as a body: '[J]ust as with animals members relate to members, so too in buildings part ought to relate to part' (1988: 23, see also p. 5). The house's relative autonomy is underlined, as he writes, 'A private house ... will not be comfortable enough unless everything the family requires lies under one roof' (Alberti 1988: 140).

The early modern house as a material object contained and sustained manifold people and activities. It functioned as a socio-political organisational unit and trope, oscillating in meaning between two poles. On the one hand, as suggested by Alberti, the house appeared like a near-autonomous unit that represented — even embodied — its owners and their honour. On the other hand, it was a flexible and responsive node in a rich and fluctuating socio-economic network — just like a city.<sup>3</sup> Although it was conceived in 15th-century Florence, Alberti's metaphor of the house as a city and vice versa succinctly encapsulates the Lutheran understanding of the house as a microcosm of the social, economic, and ecclesiastical order. This complexity was formulated by Martin Luther (1483–1546) in 1524 when he wrote that 'building a house' is more than just assembling wood, stones, walls, and roof so as to create rooms. Instead, building on the Aristotelian *oekonomia*, he argued that it implies the management of a household and everything 'that belongs in a house', including the 'wife and child, menial and maidservant, animal and fodder' (Luther, cited in Kuhn 2015: 725–726).<sup>4</sup> In the Lutheran understanding of building and managing a house, the household and the relations between the parents, children, servants, animals, and resources necessary to support this life all form as much part of the house as its structural components (see also Eibach 2011: 7–8).

The house functioned as the organisational model (*Ordnungsmodell*) of early modern society. The domestic and the territorial spheres were ruled and structured analogously: the duke or prince was to rule like a *Hausvater*, a head of the house, and vice versa (McKeon 2005: 110–161; Schmidt-Voges 2015a: 16). Just as the individual houses in Alberti's description must correspond harmoniously to form a great city, or the different body parts must align to form a functioning body, so the inhabitants of a house must act unitedly. Guided by the Lutheran *Hausvater*, they safeguarded the honour of the house — the most important social currency in early modern society — which in turn reflected on the individual inhabitants (Harding 2014: 118; Schmidt-Voges 2015a: 11). The concept of the early modern house was thus steeped in the theme of the relationship between the parts and the whole, in terms of its inhabitation, its material structure, and even its ornamentation, as we will show in the next section.

Analogous to Alberti's metaphor, the University of Helmstedt consisted of many houses — the professorial houses — and together they, in turn, constituted an important part of the urban fabric. University life was anchored in the professorial houses, among which was Professor Niemeier's house. Its position three blocks away from the university's main building, the Juleum, was not unusual as the professorial houses were scattered across town. While public (university-wide) lectures took place in the Juleum (where the university library was also situated), the bulk of the

subject-specific teaching was done in private lectures in auditoriums at the professors' houses, supplemented by the private libraries of the professors (Klein 2010).

In this function as an extension of the institutional realm of the university and home to the professorial household, the professorial houses of Helmstedt formed a complex site of private and public demands. While headed by the professors, these multifaceted households were run by the professors' wives who tended to their own children and the practicalities associated with the board and lodging of students. The wives played an important role in building the social and economic reputation of the professors which were tied — beyond academic qualifications — to the economy of their household (*Hausstand*) (Wunder 2010: 152–153; Harding 2014: 138–163). The professors acted as Lutheran 'house fathers' (*Hausväter*), ensuring that everyone under their roof, including the students dwelling there, led a virtuous life. Student communities often concentrated around what was referred to literally as 'professor tables' (*Professorentisch*) — the table at which renting students and visiting (unmarried) professors would dine together with the head of the household. The thorough spatial and social integration of the students into these houses manifested in their loyalty to their professor, at times resulting in rivalries with other 'tables' to the point of physical brawls. For example, in 1652, the students of the renowned Helmstedt professor Georg Calixtus (1586–1656) violently marked their territory by cursing and throwing rocks at another student community who had sat in their section of the church (Füssel 2006: 247).

### **Windows as Thresholds**

The professorial households can be understood as open houses, permeable to various co-producers of daily domestic activities (Eibach 2011). Due to the spatial and social proximity to neighbours and a host of other co-creators of the domestic activities, including menial staff and students, the thresholds — flexible in their degree of permeability — were an important tool for regulating co-presence (Eibach 2011; on the theme of presence and absence, see also Schlögl 2014). The social order of the house was protected not just by fixed boundaries, such as walls and fences, but by regulators of accessibility defined by the ability to open and close, such as doors and windows. A violation of one of these demarcations was generally considered to be a disruption of the juridical concept of the peace of a house (*Hausfrieden*) (Schmidt-Voges 2015b: 313–314). Houses could, for example, be simultaneously open to neighbours and closed to thieves. Furthermore, while houses were generally open to neighbours and outsiders during the day, inhabitants were expected to close their doors to outsiders at a specific time in the evening, depending on the season and local custom. After this point, only people officially staying overnight were permitted to be present and the

host was responsible for their safety. Thus, houses transformed from generally open during the day to closed at night. In the Albertian analogy, the whole town was ‘closed’ at night, when walking the streets was forbidden, especially without a proper light or when carrying something that could be used as a weapon (Laitinen 2007; Braun and Liermann 2007: 43f).

The facade, with its adjustable openings that ranged from entirely open, like an open door or window, to entirely closed and secured with wooden shutters, mediated between the household and its social, economic, and environmental contexts. Windows played a special role as they materialised notions related to both accessibility and honour, not least because of their material value (Jütte 2015a). Their importance is apparent in the architectural writing of the time. In his treatise *Architectura Privata* (1641), Joseph Furtttenbach, the most prolific architectural writer of the 17th century in the German-speaking lands, opens with a description of a copperplate engraving which illustrates the facade of a private house (Figure 2). The building depicted was Furtttenbach’s own house in Ulm. It would have differed somewhat from the typical professorial house,

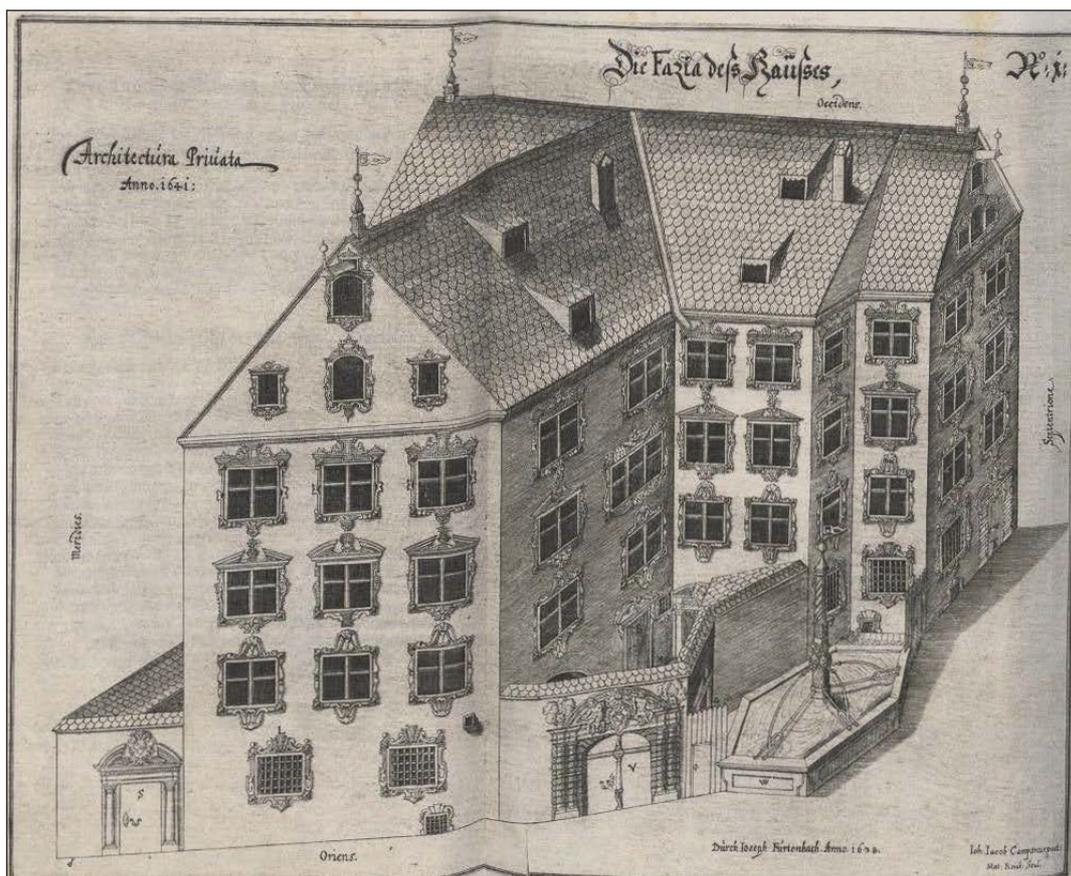


Figure 2: *Die Fazia des Hauses*, in Furtttenbach (1641, 80–81).

as Furttenbach neither rented out rooms to students nor required a small auditorium for private lectures. Like professors, however, he had a study in his house, in which he conducted his architectural studies and his business as merchant and the town's master mason (*Stadtbaumeister*). Furttenbach's extremely popular, pedagogical architecture museum on the top floor is spatially related to the professorial private library and the rooms in which private lectures could be held. Here, he displayed architectural models, tools, and images and presented his architectural publications for sale (Günther 2018: 264; see also Paulus 2017). Of the 15 illustrated pages that accompany Furttenbach's treatise, the first five are exclusively dedicated to the facade and its openings, featuring samples of painted embellishments around window openings and designs for door portals. Furttenbach prioritises the facade — more specifically, the 'Ansehen' (appearance as well as reputation) and 'Gestalt' (figure) as perceived from the street — in his delineation of the private house (Furttenbach 1641: 21–23).

The representative quality of the facade is achieved in the skilful design and embellishment of doors, portals, and especially windows. In its representative function, the facade does not simply represent the honour or shame of the house's denizens but also embodies them, as Elizabeth Cohen and Thomas Cohen explain. In architectural anthropomorphism, pervasive throughout history, the facade functions much like a face. The windows were likened to eyes, ears, and mouths that see, hear, and communicate to the outside. Any blemish to the facade (such as broken windows) was equated to a direct violation of the owner's honour; any transgressions made against the facade were equated with the shame and dismay of sexual assault, and thus these openings had to be guarded with the same vehemence as a woman's 'openings' (Cohen and Cohen 2002). This helps to explain why, beyond the student context, smashing glass windows of private houses was prevalent in early modern Europe, particularly in brothels and houses headed by women. Such acts, sometimes accompanied with mocking messages, were performed collectively with the intent to dishonour the house. The sight of a wilfully damaged house, manifested in broken windows, was often interpreted as a sign of disrepute (Dean 2004; Sennefelt 2019; Schjerner 2022). The vulnerability of the facade as a threshold that risked being violated was tied to its fragile materiality, especially that of its glass windows. Where honour was as fragile as windows, the window was socially, culturally, and architecturally an extremely loaded threshold.

Nicolaus Goldmann, another influential writer of architectural treatises of the German lands, also emphasised the window in his *Vollständige Anweisung zu der Civil Bau-Kunst* (Complete Instructions for Civil Architecture), published in 1696 by Leonhard Christoph Sturm (1669–1719) (Goudeau 2015: 4). The latter's link to Helmstedt is particularly

interesting as he was born into a professorial household and practiced architecture in Wolfenbüttel and thus would have been familiar with professorial houses and the nearby university town. One of Sturm's many publications based on Goldmann's work was on the domestic houses of burghers (Sturm 1721). It contains general rules for planning civil residential houses in the categories of strength, comfort, and beauty, echoing the Vitruvian triad of *firmitas*, *utilitas*, and *venustas*. Of the ten points on beauty, no less than five concern windows and resemble Furttenbach's instructions, specifically in terms of ornamentation and positioning.

In addition to representative considerations, protecting the inhabitants from undesired intrusions was an important function of the facade. These intrusions could take many forms. Uninvited intruders could be kept out by locking front doors and closing shutters over windows. The treatises reveal an awareness of the potential of threshold transgression not just by people but also by environmental agents, such as bad air — in terms of smells and miasma. Glass windows were not necessarily the norm, as there were many alternatives for glass — parchment, waxed linen, or animal bladders (Jütte 2015a: 148). However, glass was increasingly the preferred material of choice for windows: Because of its airtight quality, its appearance often accompanied the extensive plague outbreaks of the early 17th century, such as the one in Helmstedt between 1625 and 1626 (Paulus 2012: 308; Griep 1985; Jütte 2018: 626–627).<sup>5</sup> Glass also provided the most effective exposure to light in northern Europe. Furttenbach writes of the lovely lustre of the sun ('liebreichen Sonnenglanz') that renders the rooms 'cheerful and beautiful' (Furttenbach 1641: 21).<sup>6</sup> Light was especially important for the professors, who would spend much time reading and writing (Harding 2014: 112). For professors, large glass windows were consequently a key status symbol. At the same time, neighbourly gazes could penetrate windows, especially the vitreous kind, as easily as light (Vincent 2016: viii). Alberti admonished his readers in this regard: 'We should avoid having windows and doors open out, where thieves or (for that matter) neighbours may be of nuisance, watching and finding out what is being said or done inside' (Alberti 1988: 119–120). Neighbourly gazes could thus be managed by placing the windows appropriately. Windows managed sociability: While Alberti was wary of nosy looks and idle chatter, Furttenbach recommended the placement of windows towards busy streets in order to enable interactions with passers-by (Furttenbach 1641: 39). However, the noise and distraction facilitated by windows were a source of much distress for the professors, who complained vehemently about neighbourly sonic intrusions that disturbed their work (Harding 2014: 127). Such disturbances caused reactions from other urban dwellers too, as Diane Shaw has shown in her illuminating study on neighbourly conflicts in medieval London, revealing how both smell and

noise were frequent sources of complaints to the local authorities (Shaw 1996). This type of disturbance could be managed by planning the room functions according to the sources of external sound, such as backyards and gardens (Furttentbach 1641: 14, 37, 40).

The architectural treatises of the time reveal an awareness of the role of planning in mitigating neighbourly and neighbourhood relations and avoiding intrusions. In Alberti's words: 'In urban building there are restrictions such as party walls, dripping-gutters, public ground, rights of way, and so on' (Alberti 1988: 140). In a similar vein, Sturm's first rule on comfort for houses states that neighbours should not be negatively affected by the rainwater and waste management of the client, nor by the client's wells and windows. Sturm also stresses that windows facing the neighbour should be positioned 'above a man's height from the ground'<sup>7</sup> so that people will be able to neither look out nor pour or throw anything out of the window (Sturm 1721: 9). The motivation for this statement is said to be 'for the sake of justice and love' ('um Recht und Liebe wegen'), a phrasing that points to the intensity of sentiment related to disturbances through the window (Sturm 1721: 9).

Early modern courts engaged fervently in solving conflicts about newly built fences, windows, and wooden houses in the yards which tended to have an intrusive effect on people's homes due to the dense concentration of people in urban neighbourhoods. Many norms and regulations were evolved to provide guidance on what was allowed to be built and under what circumstances (Schedensack 2007: 80–95). The courts strived to function as mediators. These local authorities played an educational role by teaching people that disruptions to neighbourly peace were always fatal and were even caused by misdirected passions (Barclay 2021: 43–47; Schedensack 2007: 95–101; Ylikangas 1999). Thus, negotiating the tensions between neighbourly relations and the household's requirements spilling out beyond the facade was an important architectural consideration. Naturally, it was not always possible to keep intruders out. Like many university cities, Helmstedt faced the challenge of drunk students roaming the town at night and committing transgressions, not least spatial intrusions via the facade. Our first case — the smashing of Professor Niemeyer's windows— sheds light on the experience of having one's windows damaged and the subsequent failure of those windows to regulate the accessibility and honour of a household.

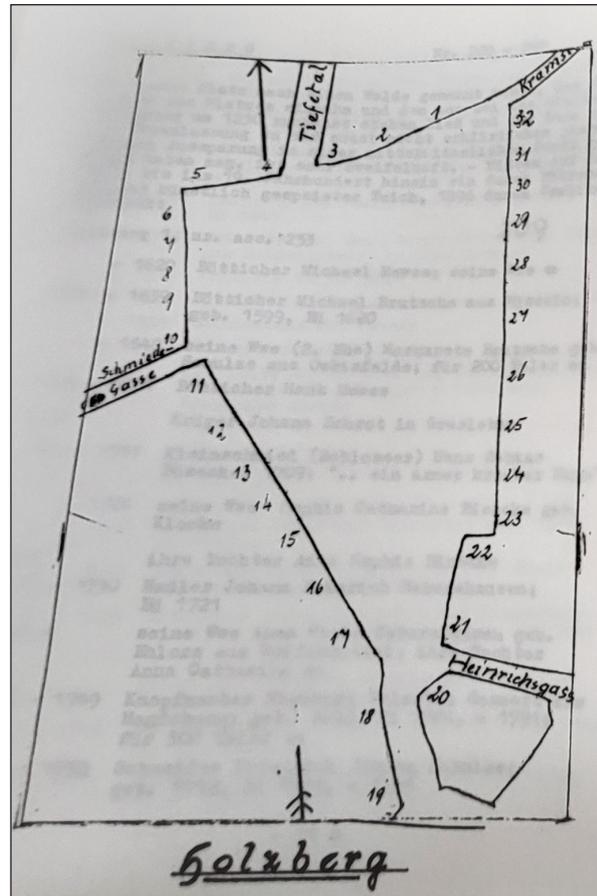
### **Professor Niemeyer: From Victim to Instigator**

Professor Niemeyer's oak-timber framed house was built in 1650. Situated on the town's largest square, Holzberg, which served as a working place for timber

constructions (Figure 3), it had ample facade surface, with no less than eight windows. All these windows were destroyed on the night of the Second Sunday of Advent in 1684 by students equipped with rocks and wooden clubs. The next day, the 40-year-old Niemeyer promptly wrote a letter to the University Court demanding that the perpetrators be interrogated. He mentioned names of suspects and reported that he had heard a rumour that they had been drinking at the widow Stotmeister's house prior to the attack (NLA 5300: 4–5). Late-night activities furnished the ground for a mutually fraught relationship between students and burghers. On the one hand, burghers of early modern university cities complained about students' nocturnal, often inebriated, ramblings.

Window-smashing incidents also generally took place at night after drinking, especially on Sundays and holy days, when routines were less restricted for students whose everyday life was otherwise neatly regulated by devotional practices, lectures, individual studies, and the two daily meals in the (often professorial) household where they stayed (Müller 1996; Braun and Liermann 2007: 121–205). On the other hand, students seem to have had little trouble finding a place to drink (as in this case), even though academic consistories of the 17th century frequently issued instructions to taverners (including private persons) not to provide students with drinks at a late hour (Geschwind 2001: 76).

On the request of the University Court, the City Court heard the testimony of the widow and her two 18-year-old twin daughters, Anna Elisabeth and Anna Maria (SH 8481). Anna Elisabeth claimed not to have heard the students as she had already gone to bed at seven or eight in the evening, since she had been told that students would come by to drink. She explained to the court that she generally tried to avoid being



**Figure 3:** Map showing the Holzberg area in Helmstedt, where Johann Barthold Niemeyer lived, at Holzberg 31, from 1680 to his death in 1708. From Schaper (1975: 86).

present during late-night student visits to the house. Neither had her sister, Anna Maria, engaged with the students. She told the court that she went to bed 'exactly' at 10 pm — the time when the house was expected to be closed for the night. The widow was more informative. She confirmed that students had arrived at her house at around 10 pm. However, she claimed not to know their names nor to have seen any wooden clubs; she also claimed that she was unaware of where they were going when she closed her door directly after they left at around 11.30 (NLA 5300: 15–18, 23–24).

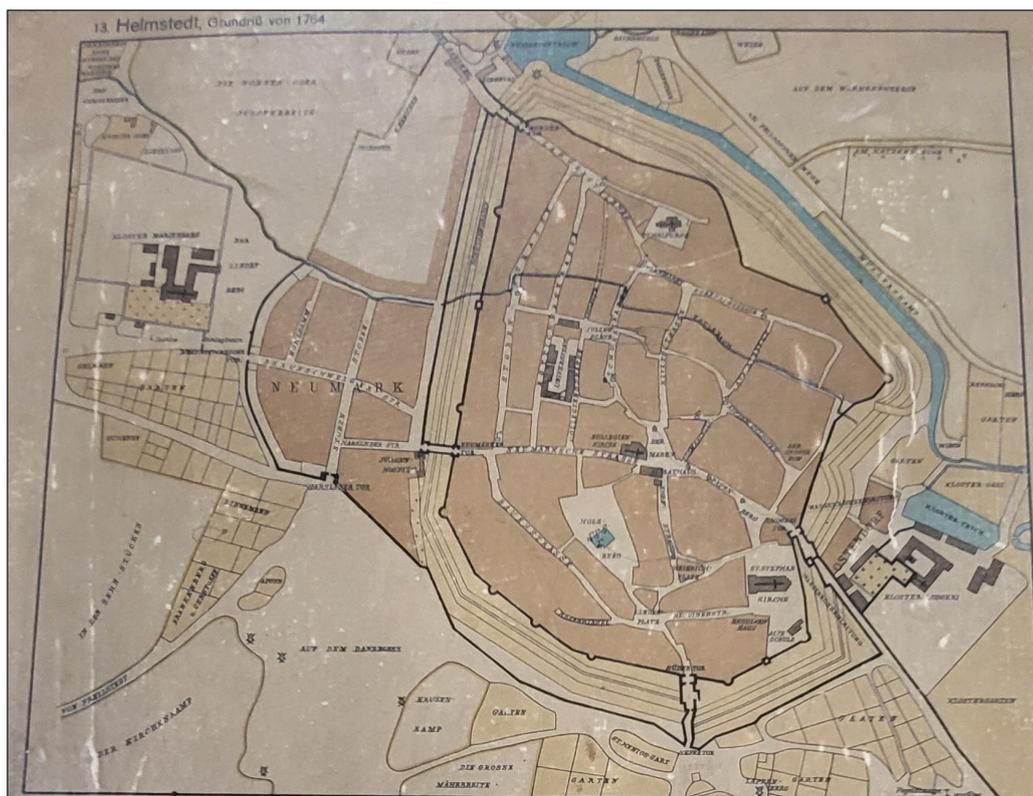
The case left no further archival traces before Christmas, but a new document was added when, on the day before New Year's Eve, Niemeyer received a defamatory note on his door. It was signed by a student (ostensibly a pseudonym) and its message was to mock the professor for what had happened (NLA 5300: 3). This triggered Niemeyer to write to the University Court again and demand that the investigation must resume. He also listed several potential witnesses who should be questioned (NLA 5300: 7). The City Court thus interrogated Hans Kreyenberg, a wealthy citizen who had a clear sight of the city's main square from his windows. His testimony did not help Niemeyer's case, but it demonstrates how dramatic the scene appeared even for a citizen who was sleeping at the time: Kreyenberg reportedly woke up that night because of the clatter and clinking, but when he looked out the window, the culprits had already disappeared. He also explained that the rest of his household were sleeping in rooms at the back of the house, from where they could not hear sounds coming from Niemeyer's house (NLA 5300: 21–22).

Two weeks later, Niemeyer received yet another note, this time signed by an anonymous student of Latin. The note claimed that everyone at the table of his colleague, Johann Andreas Eisenhart (1643–1707), a professor of law, knew who the perpetrators were and named two of them (NLA 5300: 35). This again compelled Niemeyer to insist on further interrogations (NLA 5300: 6). The University Court acted swiftly and put one of the named students in prison after brief (private and public) interrogations (NLA 5300: 30–31). The accused students insisted on their innocence in a letter to the court, apparently without success (NLA 5300: 32–33, 36–37). According to Niemeyer, however, the sentence for some of the presumed perpetrators was too mild, since it did not include corporal punishment, and one culpable student had managed to escape punishment entirely (NLA 5300: 28).

Niemeyer never received economic compensation for the broken windows, nor was the assault on his honour ever rehabilitated. The witnesses were taciturn and unforthcoming, as were the legal authorities. The professor was even humiliated by a third note from a student in the form of a mocking letter written in French and signed with the pseudonym 'Renard de Godomit', likely a pun on 'student fox' (younger

student), sodomite (perverse sinner), and the peculiar medieval French *roman* character called Renart Sodomite (NLA 2616: 19–20; NLA 5300: 29; Simpson 1996).<sup>8</sup> Further documentation from the University Court, penned three years later, tells us that Niemeyer had been ridiculed and laughed at by Eisenhart's table (NLA 2616: 17). Niemeyer himself suspected another colleague, Ulrich von Eiben (1629–1699), also a professor of law, as the instigator behind the whole act (NLA 2616: 22, 27–28). Overall, the case remained somewhat unresolved.

Twenty-two years later, Niemeyer was involved in a second window case. At this point, aged 62, Niemeyer had been nominated vice-rector of the University of Helmstedt, a position which also granted him presidency over the University Court for six months. During his presidency, a series of window-smashing attacks took place in Neumark, a quarter right outside the city gate (Frölich 1925: pl. VIII) (**Figure 4**). First, a handful of students smashed the windows of the house of Martin Christian Scheidemann, a 42-year-old potter, on the evening of a prayer day before Whitsun. On the night of Whitsun (May 12), the potter Simon Dornwaase, Scheidemann's half-brother—experienced the same assault, as did his servant, the 56-year-old Christoph



**Figure 4:** Map from 1764 showing Helmstedt with the Neumark area west of the city gate. From Frölich (1925: pl. VIII).

Frölig. The following evening, the house of the plougher Hans Henrich Storch suffered the same abuse (NLA 5303: 57–63). Despite this extensive campaign, the attacks did not produce a legal aftermath until October. By then, Niemeyer had been superseded in his role as vice-rector — including the presidency over the University Court — by Eisenhart, the professor of law whose table of students was the suspected instigator of the earlier smashing of Niemeyer's windows.

The investigation initiated by Professor Eisenhart has left a file containing approximately 100 pages of various statements from the victims whose windows were smashed, from the students who were accused of breaking the windows, and from Niemeyer, who was eventually accused of having instigated the three raids of window smashing. The inquiries revealed that these incidents were preceded by a conflict over a fence between Niemeyer and two of the victims — Dornwaase and Storch. The quarrel appears to have begun when Niemeyer lent money to his neighbour Henrich Eres and took a small piece of the neighbour's garden adjacent to Niemeyer's arbour as surety. This deal then caused taxation disputes in terms of who was to pay the dues for this piece of land —because of both questions of ownership as well as Niemeyer's *privilegia academia* which ensured immunity against certain taxes. The property implications of this case thus extended beyond private gardens to the public role of Dornwaase and Storch, the victims of the window-smashing raid, as mediators in neighbourly conflicts regarding construction issues (NLA 5303: 21–24; this role is further explained in Schedensack 2007: 105–115).

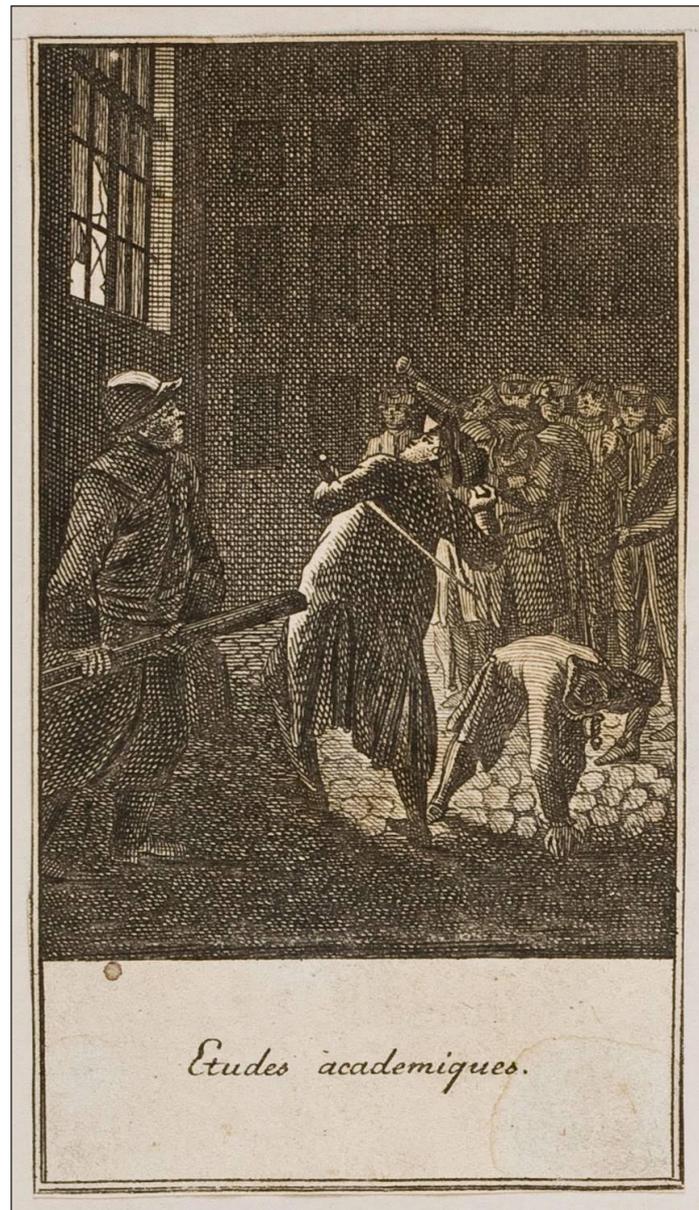
Dornwaase and Storch had warned Niemeyer (via their servant Frölig) not to build a fence to mark his disputed private property. The situation escalated and Niemeyer ignored their order, replying with bitter, insulting threats of his own, calling Dornwaase and Storch derogatory names and wishing them, according to several witnesses, 'slaps for confect and beating-soup for breakfast'.<sup>9</sup> Regarding Storch, Niemeyer sent the more concrete threat 'that he would have his house stormed'<sup>10</sup> if he touched his fence. Despite the intimidation, Dornwaase and Storch tore down Niemeyer's fence and, as they mentioned to the court, invested in costly ground floor window shutters as a precaution. Fittingly, according to Storch, the wood that was used to smash the windows came from the torn-down fence.

The court easily identified several of the students involved. They each delivered detailed accounts of what had happened and they all confirmed that they had acted on behalf of Niemeyer. They told the court that Niemeyer had determined two victims, but on the first night they had mistakenly attacked the wrong potter — Scheidemann instead of Dornwaase. Furthermore, Niemeyer had assured them that he would not take up the case in the University Court. However, his successor did precisely that. Although

Niemeyer himself seems to have escaped legal consequences, two of the students were sentenced for the act, receiving more severe punishments than the students who had attacked Niemeyer back in 1684. The leader of the group was punished with ‘public relegation’ from the university for four years while another student received ‘private relegation’ in the form of a significant fine of 5–6 Reichsthaler (NLA 5303: 12). A third student had already left the city and was ‘*ad domum citiret*,’ that is, to be judged at home. The domestic procedure seems, however, to have fallen through in favour of the student because his father proclaimed in a letter to the vice-rector that his son was innocent (NLA 5303: 25).

### **Instrumentalising Intrusion, Destabilising the Facade**

The statements gathered during the court proceedings suggest that Niemeyer orchestrated the series of window smashings to take revenge on his personal enemies by making use of the students’ infamous transgressive behaviour. By using his authority as professor and his judicial power as vice-rector, he was able to persuade the students to act on his behalf and to promise his accomplices exemption from prosecution. The interrogations ordered by his successor and long-standing adversary, Eisenhart, comprehensively exposed the scene that Niemeyer intended to stage (**Figure 5**): the students explained that Niemeyer had instructed them to act as a large group, to ‘be drunk, and sing, and fight with each other, and then smash the windows’<sup>11</sup> (‘screaming’ and ‘singing’ while smashing windows seem to have been a part of the ritual, as apparent in descriptions of later cases of window smashing in Helmstedt; see NLA 596: 16, 20–21). Niemeyer had conjured the intended scene in much detail, suggesting that ‘one [of the students] could throw [the projectiles] at the windows downstairs while the other could aim at the window above’.<sup>12</sup> The intention was presumably to guarantee window damage in case some of them were well shuttered. According to one student, the professor instructed them to form a group of twenty persons when executing the attack. Student after student told the court how Niemeyer’s mouthpiece, the 22-year-old Sigmund Jacob Schulze, had gone around knocking on the doors of their rooms (*Stuben*) to gather a band, sometimes sending a maid as his messenger, and playing on the students’ antagonism towards the students of other professors (NLA 5303: 45–47). Several students had declined and instead spread word about the professor’s intentions (NLA 5303: 41). Two students stated in the interrogations that Schulze had asked them to join in four days in a row, and one of them stressed that during this time he ‘had no peace in his room’ (NLA 5303: 18, 44).<sup>13</sup> Schulze himself recounted that Niemeyer suggested specific students he was to recruit — for example, a certain Christian Diedrick Birckhahn, for the practical reason that ‘he was an arch-prankster’ and therefore ‘the



**Figure 5:** *Etudes academiques*, 1773, etching, a typical scene of the time. Chodowiecki, Daniel Nikolaus (inventor); Chodowiecki, Daniel Nikolaus (drawer); Berger, Daniel (engraver). Copyright: Herzog August Bibliothek.

right *instrument*'.<sup>14</sup> These accounts suggest that Niemeyer, in his professional roles as professor and vice-rector, was acutely aware of the potential of using students and their ritualised customs of transgressing spatial boundaries for his private objectives.

Needless to say, Niemeyer was also all too familiar with the practical nuisance, beyond injuries of honour, caused by having several smashed windows. His own windows had been broken in the winter and his mockers sent him unidentified material

to patch up the openings ‘better than they are now’, as the windows could not remain open because of the cold (NLA 3500: 29). Any type of temporary sealant would entail significant loss of daylight. The financial burden of having to repair eight windows explains why the broken windows were still not replaced three months after the attack. Matters were made worse by the fact that the only way to supplement his income would have been through students who inflicted the damage in the first place: he could have offered more lectures at his house (in fact, according to the lecture catalogue of 1684, he offered private lectures in philosophy; see ‘Catalogus’ 1684: 6), rented out more of his rooms to students (as he most likely did, especially since he did not have any children), or offered more seats at his dining table (Harding 2014: 44). The expense of buying new windows would have negatively affected the economy of the household and thus Niemeyer’s general — as well as professional — standing.

Intriguingly, in his conflict with Dornwaase and Storch, the city’s appointed public mediators for conflicts about constructions, Niemeyer played the opposite role, as the private individual, while his opponents were exercising their public office. As Niemeyer’s version of the initial fence dispute reveals, the professor argued that these individuals abused their power and their duty to the common good by, for example, keeping a part of the yearly dues and by illegally and secretly, without common consensus, selling common pieces of land to cronies, of whom one was the town’s treasurer (NLA 5303: 23). In line with these accusations, Niemeyer claimed that the act to tear down his fence was an example of public abuse, and to make matters worse, he asserted that they had reached the fence by forcing their way ‘through a neighbour’s house’.<sup>15</sup> This hostile entry was particularly sensitive because of the high permeability of early modern houses, and if force was used, it would constitute a violation of domestic peace — a serious offence.

The crime, however, hardly justified Niemeyer’s window-smashing raid. Such intentional window-smashing could not be dismissed as a student prank and was generally intended to dishonour the targeted person or household. Scholars have pointed to the significance of such defamatory rituals and how victims found it important to call for compensation in order to restore their honour. Furthermore, scholars have discussed the strong link between honour and the facade, which was also implied in architectural treatises of the time that treated the facade as an important site for displaying the honour of the house, representing and embodying the head of the house (e.g., Cohen 1992; Dinges 1995; Cohen and Cohen 2002; Dean 2004; Hassan Jansson 2006; Sennefelt 2019; Schjærning 2022). This was indeed the experience of Niemeyer in 1684 when, beyond immediate discomforts of cold and lack of safety, inhabiting a house with so many broken windows would have severely and negatively affected his respectability and honour. No less than four years later, he again complained in a letter

to the duke about what had happened, emphasising that he had been attacked ‘in night sleeping time’ and that this incident was the culmination of two years of harassment against his authority and office (NLA 381: 216).<sup>16</sup> Such experiences are explained in more detail by Niemeyer and other victims, and these accounts allow us to read the sources against the grain of honour and vengeance to identify aspects of privacy of these transgressions across material and social thresholds.

### **Experiencing Intrusion, Suffering Privacy Violation**

The accounts of the victims of these two court cases contain several intertwined notions of architectural anthropomorphism, bodily damage, experiences of intrusion, and expectations of safety which point to violations of privacy and pleadings for protection. In the mocking letter signed ‘Renard de Godomit’, Niemeyer’s mockers derisively play on the connection between the violent penetration of an adversary’s facade and an act of sexual offence. With feigned empathy, the author refers to the incident when a stone hit Niemeyer’s sister-in-law while she was sleeping unsuspectingly in her bed. This ‘grieves [the author] more than the rest’ as this element of the assault was more hurtful than the material damage on the facade.<sup>17</sup> Not only is the entire household disgraced by the window smashing, but the woman assaulted in her bed at night shames Niemeyer in his failed responsibilities as protector and head of the household. The event, despite being situated within the well-researched early modern culture of honour, points to nuances in the experience of this intrusion that overlap with the present-day understanding of privacy. The sister-in-law was stripped of safety in what should have been a secure space. She was denied any agency in regulating the undesired co-presence when her window was broken and a projectile penetrated the room and injured her, all at the hand of disgruntled students. Furthermore, the event injured her reputation as she could now be mocked in irreverent letters. Even if this side effect was unintended, it meant that more than her or Niemeyer’s honour was at stake here: through her window and into her bed, the aggressors intruded upon her privacy.

Scheidemann and especially his wife — similarly unsuspecting, even innocent, victims — experienced a similar invasion of privacy. Scheidemann recounted to the court that his pregnant wife was so shocked by the window smashing that she gave birth to a ‘trembling’ child four days later — presumably too early (NLA 5303: 35). Scheidemann himself had ‘felt very bad the last days and wanted to scream over it’.<sup>18</sup> Again, the effect of the window smashing is more than the nuisance of broken windows, financial burden, and disrepute. Scheidemann’s distress, his wife’s shock, and the premature birth of the baby point to an intrusion that had deeply private consequences.

Dornwaase and Storch also attempted to refer to this kind of invasion of privacy in July 1706 when, shortly after the attack, they wrote a letter to the university court complaining about the still looming threat connected to the conflict with Niemeyer, writing, '[Y]es, he threatens us public mediators, so that our lives are not safe'.<sup>19</sup> Similarly, Niemeyer concluded his last letter to the court (preserved in his *Personalakten* in the university archives) not with a repeated demand of economic compensation but with the frustrated plea to at last offer him 'protection' and 'peace' (NLA 2616: 28).<sup>20</sup> These messages echo with 'Renard de Godomit's' pseudo-empathetic line to Niemeyer: '[The aggressors] have attacked your house with an unsurpassed insolence, and instead of bombs and grenades they have used stone and wood'.<sup>21</sup> The expressed violence and fear also recalls the duke's motivation for an update of the disciplinary regulation: that burghers as well as professors should be safe in their houses. Besides economic compensation, the emphasis on general safety reappears in the aftermath of the window-smashing cases of the University Court in Helmstedt in the 1750s and '60s (commented on in NLA 596: 16–18). The rhetoric of aggression and safety reveals the experience of both victims and perpetrators and explains the increasing scrutiny of window smashing in legal proceedings — an occurrence which also interacted with legal debate.

In the time between the two window cases involving Niemeyer, legal debate sparked discussions on the crimes associated with window smashing. One brief treatise of eight pages, entitled *De Excussione Fenestrarvm*, written by Johann Philipp Treiber (1675–1727) at the Philosophical Faculty of the University of Jena, was published in 1701 and reprinted in the year when Niemeyer went on the attack as well as later (Treiber 1701; 1706; 1715). Its message is clear and simple: it was always wrong to destroy a window. Following this central assertion, Treiber repeats some of the many circumstances under which installing windows was not allowed, out of respect for the neighbours. This was a repetition of the well-known and uncontroversial tenets of Roman law, also valid for other constructions of urban yards, which Scheidemann and Dornwaase defended in their public role and which urban courts in German-speaking Europe took seriously (cf. Schedensack 2007: 22–32). The treatise states firmly that authorities should always make sure that the victims who had their windows destroyed were compensated, thereby confirming the insufficient protection that Niemeyer had received in the first case. The reprimand given at the end of the text, however, pinpoints the targeted abuse, and it is one that we recognise well from the procedure against Niemeyer: even if the window was unlawfully constructed, it was forbidden to destroy it out of private vengeance (*private vindicta*).

Intriguingly, Treiber's treatise was reprinted again in 1736 in Halle, where the first Chair of Police Sciences was established in 1727. In this edition, Treiber's treatise was followed by another treatise that explicitly condemns deeds committed by drunk students, thus precisely addressing the context of Niemeyer's instrumentalised intrusion into the houses of his personal enemies (Treiber and Bünemann 1736). This new piece was written by August Rudolph Jesaja Bünemann (1716–1774), a doctor of law at the University of Halle who had just finished his studies and taken office as secretary to the Prussian minister of state (*Deutsche Biographie*). Bünemann's treatise defines such student behaviour as 'Nachtschwärmerey' (night rambling), a much-detested category in the emerging police regulation (Ljungberg 2022b). Thrillingly, Bünemann quotes excerpts from the regulation of Helmstedt in the 1720s, when city and university together declared a number of regulations for urban spaces and thereby once again repeated much of the disciplinary regulation from the previous century as a positive example of how rambling in the streets at night in university cities — including 'screaming in the streets and out of the window'<sup>22</sup> — had been combated and replaced with the decent habit of going to sleep at 10 pm (Treiber and Bünemann 1736: 32; cf. Kloth 2003: 79–84).

### **Protecting Windows, Protecting Privacy**

In light of our analysis, we argue that window smashing was an efficient way not only to dishonour the inhabitants of a house but also, judging from the victims' accounts as well as Niemeyer's intentions as a perpetrator, to violate what we today would call privacy. It may seem common sense to assume that intrusions of privacy could be experienced before the concept was firmly verbalised and translated into legislation in the 19th century. However, it is important to draw attention to both the experience of privacy and its material conditions in early modern sources, for example as we have done in this article by combining the reading of architectural treatises with specific court cases. While the term 'private' is common in early modern sources, not least in architectural treatises such as Alberti's *On the Art of Building in Ten Books*, privacy remains a contested notion in the scholarly debate about early modern society. It has been considered a rare or even anachronistic phenomenon in a society with scarce opportunities for seclusion, and difficult to investigate due to its secluded nature (e.g., Rothstein 2021). Drawing from the methodology of historical anthropology and the material aspects of architecture, this interdisciplinary study contributes to a growing understanding of the existence and experience of privacy before modern times and addresses the need to substantiate the various subtleties of the lived quality of privacy in the early modern period. Although related, honour — a ubiquitous idea in early modern societies — and privacy are also fundamentally different, if honour is a representative circumstance

and privacy is more of an experienced condition. Understanding the nuanced history of privacy through different yet interlinked perspectives offers more meaningful insight into the concept, which is now under threat at the level of the metaphorical window of the screen and adjacent digital surveillance.

University towns stand out as particularly suitable stages for violations of privacy, with their complex jurisdictions and transgressive students who were infamous for disregarding boundaries and thresholds — not least those protecting their fellow townspeople's privacy — using violence, such as window smashing, when they were drunk. Window smashing declined as a cultural practice by the end of the 19th century, perhaps brought about, in part, by the abolition of university courts, as civil courts were less tolerant towards these unruly actions (Jütte 2015a: 147). Intriguingly, the decline also overlapped with emerging claims for the right to privacy that would protect the house and its inhabitants (Snyder 2018). This correlation may suggest that a more stable definition of a legal right to privacy led to a firmer protection against actions which were legally recognised as intrusions of privacy at the time. Both theories are plausible and would require more research on the procedures following window smashing towards the end of the 19th century. In any case, our investigation of the two court procedures involving Professor Niemeyer and the forceful penetration of facades in Helmstedt around 1700 has demonstrated how notions of privacy, in the form of experiences of intrusion as well as expectations of protection, were present in the early modern period.

This type of experience later found its way into some of the numerous definitions of privacy that focus on the issue of having a safe space — such as one's own house — for refuge, which the philosopher Beate Rössler has defined as 'local privacy' in contrast to 'informational privacy' and 'decisional privacy' (Rössler 2005: 142–168). The cases brought up in our text point to an important aspect of the long prehistory of the formulations in Article 12 of the Universal Declaration of Human Rights (echoed in Article 8 of the European Convention of Human Rights and Fundamental Freedoms), which stipulate that '[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation', adding that '[e]veryone has the right to the protection of the law against such interference or attacks'. Our study shows that although privacy was not conceptualised as a value and a right in the early modern period, it was materialised, experienced, instrumentalised and, to some extent, protected. We can thus expand the architectural and historical context of windows beyond the parameters of aesthetics, comfort, and honour to include their ability to regulate privacy in early modern society.

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## Notes

- <sup>1</sup> Niemeier was born in 1644 in the vicarage of the Saxon St. Andreasberg. He studied at the University of Helmstedt and was professor of metaphysics from 1675 to 1698, logics from 1690 to 1698, and theology from 1698 to 1708. In 1680 he married Anna Margarete, daughter of the court physician Behrens in Celle. Shortly after his first wife's death in 1695, Niemeier married Sophia Elisabeth Stisser from Hannover. His reputation as a jealous man who was not very well liked has survived him. See Ahrens (2004: 167) and Schrader (1953). The University of Helmstedt, founded in 1576 by Duke Julius of Brunswick-Wolfenbüttel, was one of the most vibrant Lutheran universities during the 17th century. It was closed in 1810.
- <sup>2</sup> 'sondern würden nicht allein die Einwohner alhier, sondern wir selbst in unseres eigenen Häusern nicht mehr sicher seyn können' (NLA 588: 48).
- <sup>3</sup> For the friction between the outmoded concept of the 'whole house' of the early modern period, and the conceptual model of the 'open house' see Brunner (1968), Weiß (2001), Opitz (1994), and Eibach (2011).
- <sup>4</sup> "das haus bawen" heyst hie nicht hie alleyne holtz und steyne auff richten, das man wende und dach, kamern und gemach habe, Sondern viel mehr alles, was ynn eyn haus gehört, das wyr auff deutschen sagen "haushalten", gleych wie Aristoteles schreibt, "Oeconomia", das ist von haushalten, dazu weyb und kind, knecht und magd, vieh und futter gehört.' Kuhn (2015: 726n6) gives this source for the Luther quote:  
*D. Martin Luthers Werke: Kritische Gesamtausgabe/Weimarer Ausgabe* (WA), 73 Bde. Weimar 1883–2009, Bd. 15, 364.
- <sup>5</sup> Architectural historian Simon Paulus has reconstructed the distribution of professors' houses in Helmstedt. He identified 80 professorial houses, of which 16 were built as such, while the rest were private houses that were combined or reconfigured to suit the professors' needs. Paulus found that a common typology of professors' houses is difficult to establish because of widely varying incomes and a lack of architectural markers, except for, in some cases, notable portal architectures. The construction methods of these houses also varied, some built of brick, others as half-timbered houses, and yet others as a combination of both. Paulus concludes that professors' houses only distinguished themselves from the surrounding houses in terms of size and height, reflecting the large demand for space, because professorial households had to accommodate auditoriums, libraries, and sleeping quarters for students, besides the common household-supporting spaces. In their layout, professors' houses resembled most closely the typology of central German patrician houses (Paulus 2012: 308). On the development of the patrician house, see Griep (1985).
- <sup>6</sup> 'inwenidgere Zimmer frölich unnd holdfertig gemacht' (Furttenbach 1641: 21)
- <sup>7</sup> 'über Mannes Höhe von der Erden erhoben' (Sturm 1721:9)
- <sup>8</sup> 'Cependant, je vous envoy quelque chose pour vous ayder a faire refaire vos fenestres, mieux que elles n'estoient, sachent que le lieu on elles sont ne peut demeurer ouvert en celle saison a cause du froid' (NLA 5300: 29). We are thankful to Professor Mette Birkedal Bruun for her assistance in tracing the significance of this pseudonym.
- <sup>9</sup> 'Ohrfeigen sollte ihr confect, und Prügel Suppen ihr Frühstücke seyn' (NLA 5303: 35).
- <sup>10</sup> 'dass er ihm das Haus von oben dahl stürmen liesse, wenn sie sich noch einmahl an Zaune vergriffen' (NLA 5303: 35).
- <sup>11</sup> 'trunken wären, auch singen, und miteinander schlagen, und *illa occasione*, die Fenster einschlagen' (NLA 5303: 45).
- <sup>12</sup> 'dass Hr. D. Niemeier angeben, daß wenn einer unten die Fenster einwürfe, so können die anderen oben ein werfen' (NLA 5303: 57).
- <sup>13</sup> 'hätte keine Friede in seinem Stube' (NLA 5303: 44).
- <sup>14</sup> 'das wäre ein ertzschelm, das wäre das rechte *instrumentum*' (NLA 5303: 44:).
- <sup>15</sup> 'einem Nachbahren durch das Haus gedrungen' (NLA 5303: 23).
- <sup>16</sup> 'bey nachtschlaffender Zeit' (NLA 381: 216).
- <sup>17</sup> 'Et ayant pris qu'une pierre etoit mal'heureusement tombé sur le lit de la soeur de Madam vôtre femme et qu'elle en etoit incommode a une jambe, j'en suis desespoir plus que du Reste' (NLA 5300: 29).
- <sup>18</sup> 'hätten sich sehr übel gehabt und wollten am jüngsten Tage darüber schreien' (NLA 5303: 47).
- <sup>19</sup> 'ja er droht uns Schöppen, daß wir unser Lebens nicht sicher seyn sollen' (NLA 5303: 76).
- <sup>20</sup> 'Schutz und Friede' (NLA 2616: 28).
- <sup>21</sup> 'ont atacque vôtre maison avec un insolence nonpareille et qu au lieu de Bombes et de Grenades ils se sont servis de pierre et de boüe' (NLA 5300: 28).
- <sup>22</sup> 'Schreyen auf denen Gassen und aus denen Fenstern' (Treiber and Bünemann 1736).

## Acknowledgements

We thank our colleagues Mette Birkedal Bruun, Lars Cyril Nørgaard and Paolo Astorri for rich discussions of unfinished drafts of this manuscript.

This research has been funded by the Danish National Research Foundation (DNRF 138).

Natalie Körner is an architect and architectural historian, and Johannes Ljungberg is a cultural historian trained to use court records as a source to social life and conflicts. Our academic backgrounds shaped our contributions and collaboration.

## Competing Interests

The authors have no competing interests to declare.

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