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978-0-521-43186-6 - The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910

Regina Schulte

Excerpt

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Introduction: The breakup of the village

THE PEASANT AS SEEN BY THE MIDDLE CLASS

Even before the peasants had been set free, released from the shackles of feudalism, their requiem had already begun. The peasant had, after all, become a citizen, “a full citizen in the economic sense.”¹ In fact, the peasant’s complete liberation had been conceived long before, with the enthusiasm for progress that accompanied the emancipation of the serfs. Thus, in the first half of the nineteenth century, a new figure saw the light of day – the “farmer,” released from the traditionalism of the peasant and oriented toward the future. “Rational” in his approach to farming, he now ran a “business,” just like a craftsman or mill owner. He kept pace with progress, which was now set to overtake the countryside, too.

Agriculture is a business, the purpose of which is to yield a profit, or earn money, by producing (and occasionally processing) vegetable and animal substances. The larger the profit, on a regular basis, the more completely this purpose is achieved. The perfect kind of agriculture is thus that which extracts the highest and most sustained profit possible from the business in proportion to capital, manpower, and other circumstances.²

But those who announced the birth of the “farmer” were not the peasants themselves but enlightened civil servants, clergymen, and country noblemen, members of learned agricultural societies and academies, who were now applying the emerging civil society’s ideas of economics and labor to the country. Civil society was reflected, as it were, in its “picture of the peasant.” In this pitiable creature that for centuries had been despised, the city dweller now discovered the backwoodsman in a wilderness devoid of civilization. A prize-winning plan to civilize the peasants, put forward in 1786 by Nikolaus Beckmann, intervened in this wilderness, turning the countryside into a sort of park surrounding the city and anticipating the burghers’ need for recreation. The dung heaps in front of the houses were to be

¹Heide Wunder, *Die bäuerliche Gemeinde in Deutschland* (Göttingen, 1986), p. 128. Cf., on Bavaria, Pankraz Fried, “Die Sozialentwicklung von Bauerntum und Landvolk,” in Max Splinder (ed.), *Handbuch der bayerischen Geschichte*, vol. 4, *Das neue Bayern 1800–1970* (Munich, 1975), p. 772.

²Albrecht Thaer, *Grundsätze der rationellen Landwirtschaft* (1809) (Stuttgart, 1833), vol. 1, p. 3.

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removed and the peasants' living quarters cleared of livestock; the peasants were to be taught hygiene under the solicitous supervision of the teacher and the vicar, and there was to be an end to the indecent practice of everyone sleeping together in the same room; beds and sexes were to be separated. Civilization's plan was for the peasant to do "clean" work, becoming a sort of landscape gardener.³

The men of enlightenment also sought to bring a new culture to the rural population. A "refined popular life, freed from the influence of the church, secularized, cleansed of all superstition and common vulgarity,"⁴ was to be created for Catholic Bavarians, as a substitute for their baroque customs. "Innocent musical entertainments" that "aided the country's economy" and "promoted morality" were composed, and new song texts were spread among the people. "Field and village songs of this kind are of use for moral instruction: If committed to memory and sung by country folk, they cheer the ploughman and banish impure songs that poison the heart and pollute the soul."⁵ Lastly, the old Bavarian peasant was rooted in history, the origin of the Bavarians traced back to the ancient Bojer, and the "noble savage" was invented: simple, modest, contented, physically powerful, and high-minded.⁶

What had become of the peasant? His passing was now mourned. For was not this peasant, too, a surviving specimen of a form of life that had been closer to the origins of mankind? The image of the peasant was now made to express a longing for nature, simplicity, and primeval power. The bourgeois needed him to reenact their idea of their own long-lost past. The period 1850 to 1880 saw the "rapidly growing misunderstanding of the world outside the gates of the big cities by the bourgeoisie as it achieved emancipation. This was when 'peasantry' became a generalized concept, and rural life came to be seen as a 'summer retreat.'⁷ And this bourgeoisie now began to equip its world with farmhouses "tended" by architects to reflect their aesthetic views, with painted Upper Bavarian peasant cupboards, with yodeling, thigh-slapping peasants, and with popular plays on "genuine" peasant

³Ludolf Kuchenbuch, "Säuisches Wirtschaften auf dem Land als Problem der Volksaufklärung," in *Jahrbuch für Volkskunde* 1987, pp. 27–42. Nikolaus Beckmann, *Oberdeichgraf in Harburg*, wrote the article analyzed by Kuchenbuch, which was awarded a prize in 1786. In 1786 it also appeared in the *Hannoversches Magazin*. On enlightenment in the country, see also Ernst Hinrichs and Günther Wiegmann (eds.), *Sozialer and kultureller Wandel in der ländlichen Welt des 18. Jahrhunderts* (Wolfenbüttel, 1982).

⁴Hans Moser, "Der Folklorismus als Forschungsproblem der Volkskunde," in *Volkskunde im geschichtlichen Wandel. Ergebnisse aus fünfzig Jahren volkskundlicher Quellenforschungen* (Munich, 1985), pp. 359–92.

⁵*Ibid.*, cf. Werner K. Blessing, "Fest und Vergnügen der 'kleinen' Leute. Wandlungen vom 18. bis zum 20. Jahrhundert," in R. Van Dülmen and N. Schindler (eds.), *Volkskultur. Zur Wiederentdeckung des Alltags (16.–20. Jahrhundert)* (Frankfurt a. M. 1984), pp. 282–98, 361–2.

⁶Moser, *Folklorismus*, p. 369; on the "noble savage," see K.-H. Kohl, *Entzauberter Blick. Das Bild vom Guten Wilden und die Erfahrung der Zivilisation* (Berlin, 1981); Fritz Kramer, *Verkehrte Welten, Zur imaginären Ethnographie des 19. Jahrhunderts* (Frankfurt a.M., 1977). Cf. Martin Segalen, *Mari et Femme dans la Société Paysanne* (Paris, 1980), p. 10.

⁷Leopold Schmidt, "Das Volkslied in der Wissenschafts- und Sammlertätigkeit der Volkskunde," in R. W. Brednich, L. Röhrich, and W. Suppan (eds.), *Handbuch des Volksliedes*, vol. 2 (Munich, 1975), p. 15.

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stages. Associations for the preservation and “revival” of customs were formed.⁸ But where were the peasants now?

Early nineteenth-century scholars had preached the rise of the “farmer” (*Landwirt*); he would be one of them, a bourgeois with a trade and a rational way of thinking. In the wake of the 1848 revolution, a “scholar” spoke, and the “peasant” experienced a revival. Another facet of the bourgeois soul began to speak, articulating the deficiencies of bourgeois life in the “picture of the peasant.” In 1851, Wilhelm Heinrich Riehl⁹ gave this projection of the imagination a face and a name. He summoned up a world that rooted contemporary society in history, giving it an apparently natural, primeval soil. “Studying peasant conditions” meant “studying history,” the customs of the peasant as “a living archive, a source book of incalculable value.” And this was the scholar’s task, since “the peasant has learned no history, but he is historical . . . in his gnarled peculiarity, like a defiantly independent construct.”¹⁰ In the image of the peasant, the bourgeois might learn to discern himself, because “in the so-called educated world, man exists much more as an individual, whereas the peasant exists and acts as a group, as an entire class.” Reflecting his “individual” physiognomy in the peasant’s, the scholar saw himself as the “type of the individual personality,” who would now recall his origins from the midst of his individual isolation. For even “to the eye of the natural scientist, the true German peasant represents the historical type of the German race. In town dwellers, the body’s original stamp – as well as intellect and morality – has developed into a type of individual personality, or family, at the most – or disappeared entirely. The peasants’ physical peculiarity is still collectively divided by class and tribal district [*Gau*]. In one district we still find a more long-legged, lanky type of man, in the next a more broad-shouldered, thickset type.” It was still possible to find in “un-adulterated peasants” medieval figures that had “not yet fully developed individual facial features.”¹¹

Yet Riehl’s picture of the peasant remains equivocal. He sees not only the decay of the “true peasantry,” which had made “immense progress in the last 50 years”; he also sees the “degenerate peasant,” whose livelihood was being eroded by the modern state and who was losing his unique nature under the “sole dominion of the money economy.” But worse than that: The peasantry itself was acquiring ugly traits because of its “irrationality.”¹² Through this ugliness, it insulted the scholar’s aesthetic sense, destroyed his illusions about the intactness of the “peasantry,” when

⁸Cf. Hans Pörnbacher and Karl Pörnbacher, “Die Literatur bis 1885,” in Spindler, *Handbuch der bayerischen Geschichte*, pp. 1112ff. On “museale Kultur,” see Norbert Schlinder, “Spuren in die Geschichte der Zivilisation. Probleme und Perspektiven einer historischen Volkskulturforchung,” in Van Dülmen and Schindler, *Volkskultur*, p. 30.

⁹On Riehl’s life, see Peter Steinbach, introduction to W. H. Riehl, *Die bürgerliche Gesellschaft* (1851; Frankfurt a.M., 1976), pp. 7–44.

¹⁰Riehl, *Bürgerliche Gesellschaft*, p. 58 ¹¹*Ibid.*, pp. 58–9.

¹²*Ibid.*, pp. 75ff.

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its everyday misery, its economic inefficiency, or the disintegration of its customs marred this *Weltbild*.

Riehl may have felt this threat personally. At this time he went out to meet the peasants, conducting detailed research into their “customs.” They were his major concern, the living kernel of his outlook. He became one of the fathers of folklore,¹³ not only as a founder of the nationalist, conservative tradition but as a field ethnologist. His work was the research journey of the “encyclopedic pedestrian,”¹⁴ seeking the traces of his history and of his future in Germany as a peasant country.

Riehl’s idealized peasant, the *Hofbauer*, became a ritually evoked “social figure whose social position was comparatively uninteresting . . . , since it was believed that in any case he had existed only in the past.”¹⁵ As such, he was also eminently suited to satisfy the projections of a class seeking a bulwark against the insecurities of rapidly expanding capitalism and a rebellious and increasingly socialist working class. The “peasant” was needed, but not his cows, pigs, or turnips, the humdrum squalor of his existence. What was needed was a peasant with a whole, rounded life and a history, capable of providing capitalism and the bourgeoisie with a worthy prehistory – of holding up a mirror to their idylls and self-assurance and reflecting the bourgeoisie’s lost, idealized childhood. True, there were individual scholars who studied the actual living conditions of the peasants in the second half of the nineteenth century, and they were to influence agrarian history through their new approaches to research, based on statistics,¹⁶ just as much as the backward-looking utopia of the idealized peasant. But analyses of this kind could not depose “the peasant” and get people to see the reality of peasant living conditions, conflicts, class differences, and structures of domination. The myth of the peasant had become necessary; the peasant’s real world would have been too banal.

But the ethnologist’s picture of the peasant has a Janus face. The famous French anthropologist Arnold van Gennep discovered the “other picture” of the peasant in this century. He, too, researched the everyday life, morals, and rites of peasant societies. Like Riehl, he was of central importance for conveying an idea of what peasant life might have meant and, as in Riehl’s works, his picture of the peasant becomes ambiguous the moment he comes into direct contact with them during his fieldwork. This is the moment of danger, when the peasant – suddenly freed from the designs of the bourgeois, which until then would have afforded protection – might be revealed as totally different from his idea of the “other.” After

¹³Gottfried Korff, “Kultur,” in Hermann Bausinger (ed.), *Grundzüge der Volkskunde* (Darmstadt, 1978), pp. 47–80, p. 21.

¹⁴Hermann Bausinger, *Volkskunde. Von der Altertumforschung zur Kulturanalyse* (Berlin, 1971), p. 60.

¹⁵Christof Dipper, “Bauern als Gegenstand der Sozialgeschichte,” in W. Schieder and V. Sellin, (eds.), *Sozialgeschichte in Deutschland* (Göttingen, 1987), vol. 4, p. 11.

¹⁶For example, among the publications of the Verein für Socialpolitik: Kuno Frankenstein, *Die Verhältnisse der Landarbeiter in Deutschland*, 2 vols., Schriften des Vereins für Socialpolitik, no. 54 (Leipzig, 1892); Gottlieb Schnapper-Arndt, *Fünf Dorfgemeinden auf dem Hohen Taunus. Eine sozialstatistische Untersuchung über Kleinbauernum, Hausindustrie und Volksleben*, ed. Gustav Schnoller, Staats- und sozialwissenschaftliche Forschungen, vol. 4, no. 2 (Leipzig, 1892).

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all, is he not the “savage” (*Wilde*), who had to be treated indulgently, and is he not – to put it mildly – slightly ridiculous too? As Riehl cautiously formulates it, the objects of the ethnologist’s studies are “extremely childish and irrational customs and practices, concerning house and farm, skirts and camisoles, kitchens and cellars . . . in fact, nothing but worthless paraphernalia.”¹⁷ In the view of Arnold van Gennep, who studied the customs of the French peasants with the same commitment, the problem lay in the encounter itself, for he considered that the peasant speaks the language of primitives or thinks along prelogical lines, whereas the ethnologist employs the language of civilization. The peasant’s way of thinking is different; he envisages reality differently from the scholar – in analogies, symbols, beliefs, and rites.¹⁸

Riehl discovers the object of his interest, the German peasant, in a place where “custom is still law,” “where religion, national sentiment, social and family life are still matters of naïve instinct, of custom.”¹⁹ But only in van Gennep does it become apparent that the “naïve, instinctual” German peasant and the French peasant so rooted in prelogical structures are unwilling to divulge the secrets of their customs. The scholar must accomplish the feat, he says, of slipping into another’s skin, “but here, too, there is great call for caution, because ‘civilized men’ experience great difficulty in thinking in participatory or associative terms, getting under the skin of another – as it is termed – casting off what they know, reverting to ignorance, at least in certain spheres.”²⁰ Indeed, the idealized peasant, with his natural, genuine, original temperament, his “naïve instinct,” turns out to be so closely allied with the “primitive” that their images threaten to become identical at any moment. Civilized man, searching for his other self, suddenly finds the “other,” primitive and wild, “an ignorant and childish people.”²¹ Riehl had still confronted the “scholar” with the “peasant”; for van Gennep, the problem is for the scholar to deprive the “ignorant man” of his treasures. And to this end it was necessary to deceive the peasants: “a certain measure of skill is required. . . . For if we do not manage to make ourselves liked by the people we approach, if we arouse in them the suspicion that we find their beliefs and legends ridiculous, we shall achieve nothing.”²² Whereas Riehl still allows an encounter to take place, after the turn of the century the peasant becomes the object of a collector’s passion for relics of a culture that

¹⁷Riehl, “Die Volkskunde als Wissenschaft,” in G. Lutz (ed.), *Volkskunde. Ein Handbuch zur Geschichte ihrer Probleme* (1858; Berlin, 1958), p. 29.

¹⁸See Arnold van Gennep, *Manuel de folklore français contemporain*, 9 vols. (Paris, 1938–58), vol. 1, p. 73. Van Gennep’s international fame was established by *Les rites de passages*, which appeared in Paris in 1909.

¹⁹Riehl, *Bürgerliche Gesellschaft*, p. 74. ²⁰Van Gennep, *Manuel*, vol. 1, p. 100.

²¹Cf. on this stereotype and for a critique of van Gennep, Segalen, *Mari et femme*, pp. 11–12, and Jeanne Favret-Saada, *Die Wörter, der Zauber, der Tod. Der Hexenglaube im Hainland von Westfrankreich* (Frankfurt a. M., 1979), p. 307ff. Originally published in French, *Les mots, la mort, les sorts. La sorcellerie dans le Bocage* (Paris, 1977).

²²According to Favret-Saada, *Wörter*, p. 308. Van Gennep is here following the tradition of Paul Sebillot, “Instructions et questionnaires: Sur l’art de recueillir,” in *Annuaire de la Société des Traditions populaires*, vol. 2 (1887).

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must be considered alien and submerged. This image eventually makes its way into the heads of German scholars via Levy-Bruhl's theories on primitive peoples.²³

Still prevalent, however, was "a way of thinking based more on a world view than on theory, oriented toward the backward-looking utopia of peasant life," which long shaped historians' picture of the peasant.²⁴ Above all it was Günther Franz who continued this tradition in agrarian history. Harking back to peasantry's "political-revolutionary" role in the German Peasant War, he assigned it counter-revolutionary significance in the twentieth century as a bulwark against the "social upheaval of bolshevism."²⁵ But there is also another perception of the peasants as a revolutionary force. In the tradition of Engels' work *The German Peasant War*,²⁶ the peasant became the bearer of an early bourgeois revolution. In Marxist research into the Peasant War, the peasant was briefly "emancipated," to become the forefather of a revolutionary working class.²⁷ But the alienation from the peasants that this implies is just as great as in Franz's political view of the peasant. Riehl and Franz derive the peasantry's value as historical subject matter from its "enduring," conservative "nature," whereas Marxism–Leninism fits the peasantry into history at the very moment when it deviates from its nature; it comes to the peasant's rescue by according him the "revolutionary" power of the popular masses. Ultimately, both positions reflect nineteenth-century ideas of society rather than an understanding of what peasant life and revolt in the early modern period may have meant to the peasants themselves. The peasants disappear beneath these sociopolitical projections and simply become functions of something else.

THE LITERATURE ON RURAL CONDITIONS

What do we know about the peasants of recent centuries? Indeed, did they show their faces at all? Research into the Peasant War and discussions between Marxist and bourgeois scholars²⁸ have increasingly attempted to view the peasants in their historical reality, replacing the "picture of the peasant" with the peasant as a historical subject. A shift of perspective occurred here. Nineteenth-century accounts of the peasant world bear witness to a literary culture and reflect their authors and compilers. Traditionally, the peasants themselves have written little. Nevertheless,

²³On Lucien Levy-Bruhl and Hans Naumann's theory of the "submerged" cultural heritage, see Schindler, "Spuren," pp. 32–3.

²⁴Schindler, "Spuren," p. 34; cf. Bausinger, *Volkskunde*, pp. 61ff.

²⁵Dipper, "Bauern," p. 14.

²⁶Friedrich Engels, *Der deutsche Bauernkrieg*, ed. Karl Marx (1850, Berlin, 1979).

²⁷See Rainer Wohlfeil's anthology, *Reformation oder frühbürgerliche Revolution?* (Munich, 1972), and B. F. Porschnew, "Formen und Wege des bäuerlichen Kampfes gegen die feudale Ausbeutung," in *Sowjetwissenschaft, Gesellschaftswissenschaftliche Beiträge* (1952).

²⁸See the bibliography in Winfried Schulze, *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart, 1980); also Rainer Wohlfeil's anthology *Der Bauernkrieg 1524–25. Bauernkrieg und Reformation* (Munich, 1975); Bob Scribner and Gerhard Benecke (eds.), *The German Peasant War of 1525 – New Viewpoints* (London, 1979).

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they have constantly made their voices heard throughout history. In recent decades, the attention of historians has increasingly turned to peasant rebellions and revolts, periods in which their misery and oppression rose to the surface of historical events, reaching a climax in the Peasant War.²⁹ Above all, they focused on the peasants in times of revolt and rebellion. Increasingly, researchers were struck by the peasants' capacity for latent recalcitrance and resistance. By showing that in addition to the one great event – the Peasant War – small regional, and especially local, rebellions of different kinds were constantly erupting and that confrontation with the authorities that exploited the peasantry as a means of production was very much on the historical agenda, they also undermined the assumption that these revolts were revolutionary in their force. Far from advancing in a straight line, the peasants proved more anxious to move backward.

Research into peasant revolts has attempted to establish the peasants as a historical subject by describing their struggles. It has looked at those times in history when the peasants left their villages to voice their complaints before the very bodies that oppressed them; when everyday village life was turned inside out, and the rhythm of peasant work gave way to that of war and resistance. But the “peasant rabble”³⁰ that their adversaries saw bearing down on them and which was finally forced to flee the field in confusion following yet another rout, only became a “rabble” when misery, poverty, injustice, and despair drove them out of their homes onto the highway and when, at the same time, they had acquired the self-confidence to stand up to their masters. And ultimately they were forced to rely on the articulate, literate burghers to formulate their demands. Ranke provided nineteenth-century civil society with his interpretation of the Peasant War as the greatest “natural event” in German history.³¹ But is that what it was for the peasants themselves, whose time elapsed in cycles and whose chief acquaintance with “natural events” was with recurrent yet unpredictable disasters? And is not the peasants' “subjectification” possibly a “bourgeois natural event,” perceived from a dichotomous viewpoint of subject and object, individual and society? For the stage on which the perception of the peasant revolts is enacted is still largely the old familiar one, the political arena of rulers and “subjects,”³² outside the peasant world. Historians have tried to cross this traditional dividing line,³³ but the process of getting at the real

²⁹Cf., among others, Peter Blicke et al., *Aufrubr und Empörung. Studien zum bäuerlichen Widerstand im alten Reich* (Munich, 1980); Winfried Schulze (ed.), *Europäische Bauernrevolten der frühen Neuzeit* (Frankfurt a.M., 1982); David Sabeau, *Landbesitz und Gesellschaft am Vorabend des Bauernkrieges* (Stuttgart, 1972); Werner Trossbach, *Bauernbewegungen im Wetterau-Vogelsberg-Gebiet 1648–1806*. Fallstudien zum bäuerlichen Widerstand im alten Reich (Darmstadt, 1985).

³⁰On the “peasant rabble,” see Rudolf Endres, “Probleme des Bauernkrieges in Franken,” in Wohlfeil, *Bauernkrieg*, pp. 90–115.

³¹Referred to by Heide Wunder, “Der samländische Bauernaufstand von 1525. Entwurf für eine sozialgeschichtliche Forschungsstrategie,” in Wohlfeil, *Bauernkrieg*, p. 149.

³²See Peter Blicke, *Deutsche Untertanen. Ein Widerspruch* (Munich, 1981).

³³See Rainer Wirtz, “Widersetzlichkeiten, Excesse, Crawalle, Tumulte und Skandale.” *Soziale Bewegung und gewaltsthafter sozialer Protest in Baden 1815–1848* (Frankfurt a.M., 1981). See also Karin Hausen, “Schwierigkeiten mit dem ‘sozialen Protest.’ Kritische Anmerkungen zu einem historischen Forschungsansatz,” *Geschichte und Gesellschaft* 3 (1977), 257–63.

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peasants in historical times by way of the revolts of a collective “peasant” seems a laborious one.

Moreover, they were not all simply “peasants” but were divided into rich and poor, dependents of various kinds, farm servants, the village lower classes, and craftsmen, whose inequalities, power struggles, and disputes remained hidden from view. And then there were the women. Did the peasant world in general consist of various different ways of life? What was it like, this world from which the peasants came, with their claim to justice and a life appropriate to them? Their anger and the knowledge with which they put their demands to their masters were rooted in an order whose most salient characteristic in times of revolt was humiliation. This “knowledge” was old, stored in a collective memory which appealed to peasant rights that may never have existed but seemed to them to be inherent in the very nature of the peasant economy. This memory was one of the sources of the self-assurance with which the peasants rebelled and belonged to a cultural and material tradition that gave birth to and sustained the peasant utopias.

These factors presuppose orders in the peasant world that did not exist above or outside the peasantry’s actual way of life. They expressed the peasants’ relationships with each other, with nature, the village, and the “outside world” – the market, the church, and the institutions of government and feudalism. Ultimately, they were reflected in the villagers’ religious cosmology. As an expression of interwoven relationships, they assume the nature of a process and are historical.³⁴

Since Georg-Friedrich Knapp’s 1887 study of the emancipation of the peasants and the origin of the farm worker, another branch of agrarian history has devoted itself to the “agrarian system”: the legal basis of relationships between landowner and peasant obligations.³⁵ But these studies were chiefly concerned with written law, not everyday life under these legal conditions. In this century, though, these early research efforts were surpassed by Wilhelm Abel’s studies in agrarian history. He wrote the history of agricultural production, viewing it as part of the economic history in general.³⁶ In *Massenarmut und Hungerkrisen im vorindustriellen Europa* (Mass poverty and famine in preindustrial Europe), he analyzed the economic cycles of agricultural production by means of his “quantitative economic history”³⁷ in a lengthy survey stretching from the sixteenth century to the mid-1800s. The ups

³⁴Theodor Shanin, “The Nature and Logic of Peasant Economy,” pt. 1, *Journal of Peasant Studies* 1, (1973–4), 64.

³⁵Friedrich Georg Knapp, *Die Bauernbefreiung und der Ursprung der Landarbeiter in den älteren Theilen Preussens*, 2 vols. (Leipzig, 1887); Friedrich Lütge, *Geschichte der deutschen Agrarverfassung vom frühen Mittelalter bis zum 19. Jahrhundert* (Stuttgart, 1963), and *Die bayerische Grundherrschaft* (Stuttgart, 1949); Friedrich Wilhelm Henning, *Dienste und Abgabe der Bauern im 18. Jahrhundert* (Stuttgart, 1969).

³⁶Wilhelm Abel, *Agrarkrisen und Agrarkonjunktur, Eine Geschichte der Land- und Ernährungswirtschaft Mitteleuropas seit dem hohen Mittelalter*, 3rd ed. (Hamburg, 1969). For an appraisal of German agrarian history and Abel’s studies, see also Ian Farr, “‘Tradition’ and the Peasantry: On the Modern Historiography of Rural Germany,” in Richard J. Evans and W. R. Lee, *The German Peasantry* (London, 1986), pp. 5–6.

³⁷Wilhelm Abel, *Massenarmut und Hungerkrisen im vorindustriellen Europa. Versuch einer Synopsis* (Hamburg, 1974), p. 15.

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and downs of inflationary times, pauperization, and glutted markets paint a picture of the political and social conditions, and their consequences, that produced misery and need on a regional level. In Wilhelm Abel's studies we have estimates of peasant income levels for several centuries. At the same time, the cyclical movement of prices and yields, good times and famine years, almost seems to be naturally determined: farms, households, markets, state, and society are all woven into this "statistical garland." Abel's research enables us to understand the economic tensions to which the agrarian world of the early modern period was increasingly subject – between the cyclical confrontation with nature, on the one hand, and the movements of world trade, the confrontation with the modern world and the market, on the other. Breaches in peasant culture appear precisely at the interstices between the peasants' nature-bound rural economy and civil society.

Abel's studies are macroanalyses. The tensions inside the peasant world itself remain a gray area. This gap was filled in a comparative regional history by Josef Mooser, *Ländliche Klassengesellschaft 1770–1848* (Rural class society, 1770–1848), about the peasants and lower classes, farming and rural crafts, in two parts of Westphalia – a protoindustrial area and a farming area of small peasants.³⁸ Mooser uncovers the class dividing lines, the stratification of these rural societies, and succeeds in bringing to light, at the same time, the fundamental structures of peasant society. Mooser's study demonstrates that only a nonromanticizing look at peasant society is capable of bringing to life its inner workings. His synthesis of Max Weber's model of the market classes and the socioanthropological concept of the peasant economy proved to be a fruitful one.

Because it is the land that supports the peasant economy, the life of the peasants stands in an indissoluble relationship to nature. This is not however, a relationship of subordination. The peasant's relationship with nature is one of dialogue, consisting of work in and on nature, and it is reciprocal. "It is a peculiarity of agricultural production that it depends on a combination of man's work and the natural forces of growth. The form this combination takes is not haphazard, because farming, the way the peasant intervenes in nature and wrests from her what she will not surrender of her own free will, the way in which he 'tames' her, is itself dependent on nature."³⁹ "Farming uses nature's resources without wholly subjecting them to human needs and without ever being able to predict the yield with full certainty."⁴⁰ So the history of the peasants is also the history of their fields and animals. The appearance of the farmhouses reflects the character of their economy; the daily and yearly routine varies with the nature of the crops cultivated and the methods used. The division of labor is dependent on the number and nature of the livestock, the crops,

³⁸Josef Mooser, *Ländliche Klassengesellschaft 1770–1848. Bauern und Unterschichten, Landwirtschaft und Gewerbe im östlichen Westfalen* (Göttingen, 1984); on the emancipation of the peasants, see also Wolfgang von Hippel, *Die Bauernbefreiung im Königreich Württemberg*, 2 vols. (Boppard, 1977).

³⁹Rainer Beck, *Naturale Oekonomie. Unterfinning: Bäuerliche Wirtschaft in einem oberbayerischen Dorf des frühen 18. Jahrhunderts* (Munich, 1986), p. 79.

⁴⁰Shanin, "Nature and Logic," p. 69.

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978-0-521-43186-6 - The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910

Regina Schulte

Excerpt

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fields, and meadows. The rules of this “natural economy”⁴¹ leave their imprint upon gender relations, with men and women each having their own place. When the care of the cows and calves on the larger farms of the Allgäu was taken away from the farmers’ wives and entrusted to professional dairymen, placing it within the farmers’ ambit, the profits from market-oriented milk production went hand in hand with the farm women’s loss of power. There was a shift in responsibility for the productivity of the peasant economy.⁴²

The way things were done in the fields and the cow sheds also influenced the way things were done within the peasant family. This has been demonstrated by research into the laws of inheritance and family relationships.⁴³ The point of departure was “the question of the way in which ownership structured the field of human relationships.”⁴⁴ This was not simply a question of internal family structure. Networks of relationships were, after all, also an essential component of peasant rootedness in the social environment and the village power structure. In the final analysis, struggles between brothers and sisters, brothers-in-law and sisters-in-law, old and young, were part of an incessant struggle for survival.⁴⁵ However, the relationships among members of the same family not only reflected the divided fields; the land itself assumed the traits of the clans. The relationship is not a one-sided one: Not only do economics and its laws write the history of families; family relationships also determine the history of the land.

CRIME AS A MEDIUM OF HISTORICAL ANTHROPOLOGY

Using material supplied in a tax record, Rainer Beck studied the rules of the “natural economy” of an Upper Bavarian village in the eighteenth century and the functional integration of each of its elements into the village subsistence apparatus as a whole.⁴⁶ He demonstrated how this village society produced its material culture in the confrontation with nature. Josef Mooser’s work⁴⁷ tackles the question of rural stratification, inequalities, and their dynamic development at the time of the eman-

⁴¹Beck, *Naturale Oekonomie*, develops the concept, using the concrete example of peasant conditions.

⁴²Rosa Kempf, *Arbeits- und Lebensverhältnisse der Frauen in der Landwirtschaft Bayerns* (Jena, 1918), pp. 105–6, 115–16, and 128ff.

⁴³See Jack Goody, Joan Thirsk, and Edward P. Thompson (eds.), *Family and Inheritance: Rural Society in Western Europe 1200–1800* (Cambridge, 1976); Peter Laslett (ed.), *Household and Family in Past Time* (Cambridge, 1976).

⁴⁴David Sabean, “‘Junge Immen im leeren Korb’: Beziehungen zwischen Schwägern in einem Schwäbischen Dorf,” in Hans Medick and David Sabean (eds.), *Emotionen und materielle Interessen, Sozialanthropologische und historische Beiträge zur Familienforschung* (Göttingen, 1984), pp. 233–50, p. 232; see also Martin Segalen, “‘Sein Teil haben’: Geschwisterbeziehungen in einem egalitären Vererbungssystem,” in *ibid.*, pp. 181–98.

⁴⁵*Ibid.*; Sabean, “Junge Immen.”

⁴⁶Beck, *Naturale Oekonomie*.

⁴⁷Mooser, *Ländliche Klassengesellschaft*.