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Office life is so exhausting that it can be accomplished only when even the smallest details have been carefully taken into account and, where possible, no alterations are permitted in this order. The fact is, for example, that an ink jar, displaced but a hand's reach from its usual place, can endanger the most important work.


(translation from the German by William Clark)
Peasant Voices and Bureaucratic Texts: Narrative Structure in Early Modern German Protocols

David Warren Sablean

This paper is a first attempt to deal with the narrative aspects of one specific genre of bureaucratic writings from the southwest German duchy of Württemberg during the eighteenth century. The particular examples come from the most local jurisdictional unit and concern the unremarkable activities of inhabitants of a single village. The texts I want to examine are taken from mid-eighteenth-century records of a church consistory, a kind of morals court dealing with among other things family quarrels that led to violence, Sabbath desecration, and dereliction of household duties. The particular incidents recorded during these years are rather banal examples of everyday squabbles or rude behavior, and nothing very exciting will draw our attention away from a consideration of the formal exigencies of composition and form. Each protocol was composed by a single hand that imposed a unified structure to the account. Every session issued into a short narrative or story that encapsulated a complex negotiation between the disputants, delinquents, neighbors, kin, court members, clerk, and audience. Such documents provide an opportunity for considering the way many voices combined to shape a single account. I want to look at protocols for issues of emplotment and story line, styles of narrative, strategies for shaping discourses and memories, the hierarchies of reportorial context, conspiratorial alliances, strategies of revenge and aggrandizement, and ways of imposing silence and channeling discourse.
1. Early Modern German Protocols

The texts we will be examining come from the parish of Neckarhausen, which comprised the village of Neckarhausen and the hamlet of Raidwangen. Neckarhausen was a typical spelt-growing community of small agricultural producers and artisans gathered together in a nucleated settlement on the bank of the Neckar river, a half hour’s walk downstream to the regional capital of Nürtingen. (Information throughout this paper on Neckarhausen comes from Sabean 1990.) In the 1750s, the village population was a little over 450. In most villages of the duchy, there were several courts with judicial and administrative functions, including the Gericht or court, the annual assembly (Ruggericht), the consistory (Kirchenkonvent), and the bi- or triennial court of the chief regional administrative official (Vogtruggericht). I have considered some of the dynamics of each of these institutions in another paper. Suffice it to say here that the Gericht dealt with peace-keeping and village administrative activities on a day-to-day basis, convening periodically and in ad hoc sessions as matters came up. The annual assembly (Ruggericht) provided an opportunity for each household head to complain about issues such as trespass and property damage. The Vogtruggericht regulated more serious matters and put villagers on oath to report infringements of the duke’s rights. The consistory was a morals court, which had jurisdiction over family quarrels, fornication, church and school attendance, poor relief, blasphemy, swearing, and Sabbath and holiday desecration. All of these courts kept minutes of their hearings, called protocols. In fact, the protocol was the standard investigative and judicial record for most of central Europe at all levels. There were, of course, some proceedings where verbatim transcripts were kept, but they comprised only a small minority of cases, and even those records that took a question-and-answer form frequently involved summary accounts and unannounced elisions. The point, as instructions from the Württemberg law code put it, was to keep a brief and substantial record of every court transaction. And duel edicts repeated from time to time that every officer of the territory was supposed to keep an adequate record of every judicial or administrative event no matter how trivial (Sabean 1990, 66–87).

The care with which Württemberg officials at all levels kept records was unusual. Many a village today still has in the community hall 400,000 or so pages of protocols, cadastres, registers, inventories, ledgers, lists, and receipts for the period from the late sixteenth century to the mid-nineteenth. However, although Württemberg is particularly rich in records, the kinds of documents found there were typical of central Europe as a whole. Protocols were the standard form of judicial record everywhere. They are a rich source for gaining access to the values and behaviors of common folk, but they provide us with particular problems when we try to use them. In the first place, there is seldom any precise indication of direct quotation of complete phrases, let alone specific words. During the seventeenth century, officials developed the practice of asking the reader’s permission to put in some particular scurrilous, scatological, or blasphemous expressions taken in the course of gathering testimony or during a hearing (Sabean 1996). They flagged the offending terms with the Latin phrase cum venia or some equivalent (salva venia, sit venia, reverenter). That is practically the only indication of direct quotation in this kind of document. Even in the eighteenth century, when quotation marks began to appear, the usual case involved one official quoting from the protocol composed by an earlier one. Direct testimony was seldom signaled in any formal way.

The church consistory was composed of the pastor, the village headman (Schultheiss), and two elders, usually chosen from among members of the village court (Gericht). Its composition echoed the peculiar Lutheran Church organizational structure which combined sacred and secular institutions but maintained a strict differentiation of functions. The Schultheiss was there to levy punishment and provide for compulsion, while the pastor chaired, issued moral and theological injunctions, and kept the record. There is no formal indication in a protocol that the pastor wrote it—to that extent the story remains anonymous. It was signed by all the members present, which attests to their implicit assent to the account. For whom was it intended? Villagers did not have access to the protocol volumes, and the pastor was expressly enjoined to keep them well locked-up in the parsonage. They were inspected each year by the regional Superintendent during his visitation, when he had ample opportunity to comment on the skill and care with which records were written. They could also be used by the superintendent for his report about the state of religion and morals in the village. In many cases, the pastor composed an account with an eye to higher authority, for if the case were to be sent to the regional officials in nearby Nürtingen (Oberamt), then an exact copy would also have to be forwarded. How the pastor shaped the protocol could have a great deal to do with a villager’s reception and treatment by regional officials and higher judicial authorities. Furthermore, whenever a villager intended to move or take on a job outside the village, he or she carried along a record of appearances before various local tribunals together with judgments and fines against him or her. Thus the story was also a mechanism for outside domination and always had strategic intent. The action—the punishment—taken at the end of each protocol was, so to speak, the punch line that had to be justified by the account itself. The writer of a protocol wrote with the understanding that an official would read it to see if the proper fines were levied. Fines were an important source of income for the duke as well as for the local poor relief fund. Their proper
allocation was a chief concern for the consistory and the secular and religious officials of the Oberamt. While villagers did not have access to the records, a complaint was communicated to the defendant in order for him or her to respond. Frequently the record notes that the protocol (or portions of it) was read aloud and the defendant asked for a response. Or alternatively the protocol was read back to a witness, plaintiff, or defendant to see if it jibed with what had been said. Given the nature of the records, with no deletions or erasures, we can conclude that the pastor took notes and perhaps formulated a draft that was copied eventually into the official bound volume. Taken altogether, a consistory protocol involves a skilled, practiced writer (the pastor) with a university education, a text agreed to by all four judges, accounts that were sometimes read back to the respondents or read to other parties, and a potential or sometimes intended audience of higher officials.

Despite the fact that villagers could not read a protocol, the transactions would quickly become known throughout the community through various channels, and the staging of the events was always implicitly done with an eye to the village public, the dynamics of neighborhood, and the alliances of kin. A witchcraft accusation could be handled by the pastor as an instance of neighborly conflict with deep-seated enmities and ramifications well beyond the particular elements of magical attack. Or it could be taken up as a problem of superstition against religion, a trial of power not between the formal litigants but between the pastor and popular opinion. Just what he (and other judges) considered the case to be about determined which questions were to be asked, which testimonies were relevant, and what the story was going to relate.

To begin our investigation, we will examine three protocols from the 1750s dealing with the peasant (Bauer) Michael Schober (1725–66), married on 17 October 1752 to Catharina (1731–82), daughter of Johann Georg Beck, Bauer. They are offered first in the original and will be translated and analyzed in the following section.

A. [Kirchenkonventsprotocolle, vol. 2 (2.2.1753).]
   d. 2te Febr. 1753 auf dem Rathauß Convent gehalten worden
   1. Michael Schober hat am iii Sontag Epiphaniae in der Nacht, da er sich in Michel Schachen Hauß beim Wein biß xi Uhr aufgehalten, sein Weib im Bett geschlagen, darinn, daß sie ihm daß Hauß nicht eröffnet habe, als der Schwärh beygesprungen u. der Tochter helffen wollte, so stieg der Schober zum Laden hinauß, bekam einen Streich von dem Schwärh, der ihm darzu einen Lumpen Kerl gescholten habe.
   Der Tochtermann schlug darauf seinen Schwärh die Fenster hinein.

Da nun freyl. der Schober straffl. gewesen u. unterschiedl. Unrecht auf ihn konnte bewisen werden, so wollte doch daß Kirchen Convent weil es das erste mal war, daß etwas vorgekommen, den Weg der Liebe erwählen. dem Schober wurde sein Text gelesen, u. bedrohet, daß so bald etwas würde aufs neue gehört werden, Ihm diese Straff sollte aufgewärmt werden.

Inszwischen wurde all ermahnet u. angehalten, den Frieden zu suchen, u. keine klag über sich mehr zu laden, da dann der Michel Schober seinen Schwärh das begangene abgetretten u. sich zu beßern versprochen hat.

T. M. Gentner vicarius
Schultheiß
Johann Georg Rieth
a Hannß Georg Broddebeck
Johannes Bosch

B. [Kirchenkonventsprotocolle, vol. 2 (2.9.1753).]
   d 2te 7br [1753]; auff dem Rathhauß folgendes gehandelt.
   Er konnte es nicht läugnen, daß er geflucht, geschmäh u. übel gezankt hätte, ob er schon einige leere Außlilchte verbracht, so würde er doch höchst schuldig befinden: Seiner Schmähworter halb wurde er von der weltl. Obrecht bestrafft, weil es aber an Sonntag geschehen u. er geflucht hat in den armen Kasten um l lib. heller à 43 x. angesehen.

2. [another case]
   T. M. Gentner Pfr.
   Johann Georg Rieth
   a. Hans Jerg Broddebeck
   Johannes Bosch

C. [Kirchenkonventsprotocolle, vol. 2 (12.4.1754).]
   1754. d 12te Aprilis ward Nachmittags Kirchen-Convent gehalten u. verhörten

Salomo Falter bezeugt, daß er auf der Steegen in seinem Haß, unmenschl. Flüche, davon diß Protocollbuch müßt voll werden, gehört habe, u. dergl. fast tägl. treibe, also daß er vor allen Kindern in der Nachbarschaft ein schrott. Aergemüß gebe. Michael Schober gesteht, daß er einen schrott. Zorn gehabt u. seinem Schwehr, als welcher den Kittelberger offentl. zu Nürtingen verrathen, nicht gut geweßt seye, sein Weib darum offiers mit Fäusten schlage, weil sie ihn einen Säumagen heist; Das Flüchen aber ohngeachtet er Zeugen genug wider sich hat, wollte Er nicht gestehen.

Nun ist Michael Schober auf frischer That vor das Schultheiß Amt gefordert worden, und nach dem dieser Wütlerich, der etl. Thüre in seinem Haß eingetroffen, u. sein Weib desto härter zu tractirn gedrohet hatte, von dem Schultheißen in das Zuchthäusl. gesprochen worden; er entließ dem Büttel u. kam deß Nachtes um 9. Uhr zwar heim. Sein Weib aber hielt sich in ihrem Haß nicht sicher, weil er ihr so viel er bekommen konnte, schon Ohrfeigen versetzt hätte u. schlief sie in ihres Vassets Haß in voriger Nacht.

Diesem übel Fluchen, gegen seinen Schwehr so ungehorsamen groben Gesellen, und bekannte Säuffer ist hierauff folgende Straffe andictirt worden.
1. wegen s. Sauffens 1 fl gngster Herrschaft
2. Wegen des Fluchens 2 lib. Heller

[another short case follows]
T. M J.W. Gentner, Pfarrer
Schultheiß
Johann Georg Rieth
a Hanns Georg Brodtbeck
Johannes Bosch

2. A Pastor's Plots

A. 2 Feb. 1753 the consistory met at the Rathaus.
[The battle in the house]
During the night of the 3d Sunday after Epiphany [21 January] after staying in Michael Schach's house drinking wine until 11 o’clock, Michael Schober beat his wife in bed because she had not opened up for him. As the father-in-law came and wanted to help his daughter, Schober climbed out of the window, receiving a blow from the father-in-law who called him a trashy fellow [Lumpenkerl].

The son-in-law then broke his father-in-law’s window.
[The court mediation]
Although Schober has been punishable, and various wrongs could be demonstrated against him, still because this was the first time that anything happened, the church consistory wanted to elect a course of love. His text was read to Schober, and he was threatened that as soon as anything new might be heard, the sentence would be brought up again.
[The defendant’s contrition]
Meanwhile everybody was warned and hidden to seek peace and to bring no further complaint on themselves, while Michael Schober excused his errors to his father-in-law and has promised to improve.
Witnessed. M[agister] Gentner, Vicar
Schultheiß Johann Georg Rieth
A[lt] Hanns Georg Brodtbeck
Johannes Bosch
father-in-law had had time to compose their differences. The very fact that a
hearing was held at all came from Schober not showing any contrition and
Beck not recognizing his son-in-law's assertion of rights. There was probably
some discussion about which court would hear the case, especially since the
chief "crime" seems to have been the broken window. Moving the venue to
the consistory probably took place on several grounds—Beck's membership
on the court (as we shall see in the next section), the event stylized as a
conflict between husband and wife, and the desecration of the Sabbath.

But what did each man bring forward? Certainly Beck was exercised
about the broken window. On the other hand, he did not say how Schober got
into the house, especially since no one let him in. Breaking in, which he must
have done, was just as serious as breaking the window, but there Michael
would have had some claim to access to his wife. Indeed if Beck had
complained about that form of entry, it would have underlined the contention
of young Schober that he was illegitimately being excluded. Probably Beck
only mentioned that Schober was beating up his daughter, that he came to
assist her, and that Schober then broke the window. Michael countered that he
had been locked out, that his father-in-law hit him after he had stopped and
was leaving (presumably by the route he came in), and that Beck had abused
him verbally. The clause about Michael having been locked out was inserted
in a description about his beating his wife and was written in the "first"
German subjunctive (Konjunktiv I), which is used to convey indirect
discourse that the author cannot verify. The narrator juxtaposed, therefore, the
allegations of Beck in the past tense with the countercharge of Schober in the
subjunctive, giving credence to one and suspending belief about the other,
and at the same time conveying his own attitude toward the two respondents.

The vicar's opening with facts about Schober's drinking and coming
home late, although there was no evidence to suggest that he was drunk (nor
was 11 o'clock particularly late—it was curfew time), was designed to set up
a causal chain that would explain Schober's behavior without giving him any
rationality or recourse to legitimate claims or to injury (the blow, verbal
abuse). The vicar seems to have seen the issues in terms of parental authority.
The other members of the consistory, while inclined to support the discipline
of the senior generation, still saw the issues between the two men, however,
in a more balanced light. If Schober had been the only one at fault, then it
would have been unnecessary to warn "everyone" and to suggest that no one
do anything blameworthy.

B. 2 Sept. 1753: The following was dealt with at the Rathaus.

[Scene 1: The appearance of Rebecca Falterin]

Michael Schober has been prosecuted by Rebecca, the wife of Salomon
Falter, because of his quarrelsome marriage, that on the Sunday after St.
Bartholomew's Day [26 August] as he returned from Nürtingen for the
second time, he began a row with his wife, accused her of disloyal
housekeeping by carrying off bread and flour in his absence, of
supporting only her father, etc. Accordingly he swore horribly,
blasphemed, and raised such a fuss that Rebecca Falterin and Agatha
Feldmeyerin as his father's sisters ran there and reprimanded and warned
him about it. But he then abused his aunt Falterin particularly with
horrible insults such as whore, fatso [Pompelminn], etc.

[Scene 2: The appearance of Michael Schober]

He could not deny that he swore, insulted, and quarreled. Although he
employed various empty excuses, he was indeed found quite guilty.

[Scene 3: The deliberation of the consistory members]

For his insults he was fined by the civil magistrates 1 pound heller
equalling 43 Kreutzer, but because it happened on Sunday and he swore,
the fine was assigned to the poor box.
Witnessed: M[agister] Gentner, Pastor
Johann Georg Rieth
A[l]t Hans Jerg Brodebeck
Johannes Bosch

Magister Gentner, now in office as pastor, wrote with a surer hand and
deviated less from his purpose. He also now observed the technical guidelines
of opening with a formal complaint and closing with the punishment. As
before, the whole protocol was written in the past historical tense, collapsing
the distance and distinction between the hearing and the events that prompted
it. For Gentner the story had to do with desecration of the Sabbath. He made
it clear in the first sentence that Michael Schober's delict occurred on Sunday
and, in the last, that the fine accordingly belonged in the poor box. For
Rebecca Falter, who brought charges, the story turned around her attempt to
set her nephew right and the abuse she received as a result. It was, of course,
technically because of that Schober was punished. In the last paragraph, the
role of the magistrates in levying the fine was explicitly underlined. In fact,
according to Lutheran theory of the relationship between civil and church
authority and the guidelines for consistory proceedings, this was quite right.
Formally, fines, jail sentences, and the like belonged to the civil magistrates
and moral injunction to the pastor. But this was a distinction seldom made in
the text, and the first and third cases were more typical in this respect. There
therefore seems to have been a question as to what the whole incident was
about. The Schultheiss and two elders were concerned with an attack on
honor and saw to it that Schober was fined for that, but Gentner explicitly
described the transformation of the fine from profane to sacred concern,
closing the story with an exchange appropriate to the conflict he opened with—desecration of the Sabbath.

As we have already seen, the entire protocol is written in the past tense. The pastor/clerk was actually describing three scenes, which took place at the Rathaus: the appearance of Rebecca Falterin, the appearance of Michael Schober, and the deliberation of the consistory members. The first paragraph describes the first scene, opening with Rebecca’s complaint seven days after the event that prompted her appearance. Her concern was with the insult and abuse she received from her nephew. It does not seem likely that such details as his returning from Nürtingen twice were part of her complaint. She and her sister were only made aware of events when they heard the noise issuing from the Schober household. Nor does it seem likely that the details of the conflict between husband and wife were part of the issue for her or what she knew about as she ran along to establish peace. There had been considerable time since then for everyone to discuss the events in great detail so that a family or neighborhood story could emerge. Nonetheless the causal sequence was put together by the pastor.

A good deal of light is shed on the pastor’s point of view when we look at how he handled causality throughout the narrative. He opened with a general statement that Schober had a quarrelsome marriage, which established a time depth to the story and suggested that we enter this narrative in the middle of a continuing story. What followed was derived from Schober’s quarrelsomeness. Pastor Gentner then wrote that Michael returned from Nürtingen for the second time, a detail that, given the brevity of the account, seems unnecessary. But with this piece of information, the narrator deftly suggested that Schober had been running around without purpose and hinted at carousing and drinking. The rather serious issues that were then presented by Schober had already been put in the context of quarreling, drinking, and running around. They—Schober’s accusations of his wife’s continuing orientation towards her father’s household—are matters that do not properly belong to Rebecca Falterin’s complaint at all. In Schober’s later appearance, he employed “empty excuses,” which whatever else he said must have included the cause of his anger. But Gentner took them out of the context of Schober’s self-justification and countercomplaint where they would have given rationality to his actions, even if they would not have justified the form or the excess, and inserted them in the first scene where the cause of the row was brought in line with his prior running back and forth. Schober’s case and his own testimony, therefore, were lifted out of the context of his hearing (scene 2) and put into the context of his aunt’s complaint (scene 1) and set in the subjunctive, which highlighted the contrast between the simple narration of her testimony and the distanced relation of the narrator to his unsubstantiated argument. During his defense, Schober apparently only admitted to any fault in the context of the cause of his action. Gentner described the scene negatively (“he did not deny that he swore”) and emptied it of any further content consistent with the story’s thesis that Michael’s actions had no justification at all.

C. 1754, on the afternoon of 12 April, the church consistory met and held hearings.

[Scene 1: Beck’s complaint]
Johann Georg Beck complains about his son-in-law, Michael Schober, that he went yesterday, Maundy Thursday [11 April], to Nürtingen, in the evening around 7 o’clock came home quite drunk, began to rave upon his entry to the house, and after his wife fended him off threatened her with blows. When Hans Jörg Beck hurried along and tried to help his daughter, who had fled, he abused him fiercely [and] horribly swore, for example, you Hell Sacrament, this time I will get even with you [dir rechtschaffen geben]. But after Hans Jörg Beck brought him to the ground, he, Michael Schober, tore his hair with both fists and bit his finger severely, so that Salomon Falter and other men could scarcely pry [him] loose.

[Scene 2: Catharina’s testimony]
Catharina Schoberin as his wife relates that at the occasion of Johannes Kittelberger, who lives in the house with Michael Schober, having pilfered some hay on Palm Sunday morning, at his [Schober’s] return [he] began to say with a loud voice that the house will have to be divided up so that everyone will know what is his. She answered that he should be quiet so that people in the street would not have to hear anything about it, and that set off the above quarrel.

[Scene 3: Salomo Falter’s corroboration]
Salomo Falter testifies that up the path in his house he has heard so that Schober carries on like that almost every day, so that he provides a horrible scandal for all the children in the neighborhood.

[Scene 4: Schober’s hearing]
Michael Schober admits that he had a terrible wrath and that he was not good to his father-in-law, who publicly had given Kittelberger away in Nürtingen, [and that he] often beats his wife with his fists because she calls him pig’s belly, but he would not admit cursing even though he had witnesses enough against him.

[Scene 5: Schober’s second hearing]
Now Michael Schober has been cited to the Schultheiss office in the very act, and after this villain [Wüterich], who had kicked in some of the doors in his house and had threatened to treat his wife even worse, was
sentenced by the Schultheiß to jail, he ran away from the bailiff and came home at night at 9 o’clock. His wife did not consider herself safe in her house because as soon as he was able to get there [he] would immediately slap her around, and she slept last night in her father’s house.

[Scene 6: The magistrates’ judgment]
For this evil swearer, a fellow so disobediently rude against his father-in-law, and well-known drunk, the following punishment has been promulgated:
1. Because of his drinking, 1 fl. to the ducal government
2. Because of swearing, 2 pounds heller [to the poor box?]
3. Because of brutality, violent flight, and insolence, etc., 24 hours in the jailhouse, with the threat that this will be the last time that we will deal with his crimes but will deliver him as an incorrigible fellow to the Oberamt and recommend him for jail.

[Scene 7: Kittelberger’s appearance]
Johannes Kittelberger humbly acknowledges his guilt and agonizes sadly over this deed, [and] will let it serve as a lesson for the rest of his life. After severe warning and clarification of his sins, he was fined 1 pound heller at 43 Kreutzer to the poor box because he committed the deed on Palm Sunday before the morning church.
Witnessed: [Magister] J. W. Gentner, pastor
Schultheiß
Johann Georg Rieth
A[lt] HannB Georg Brodbeckh
Johannes Bosch

Pastor Gentner constructed the third protocol as an account of seven scenes beginning with the court appearance of Johann Georg Beck to complain and testify against his son-in-law. This time, the consistory convened the next day after the events in an ad hoc session to deal immediately with such a major case of violence and family dispute. Nevertheless, it is not clear how the various scenes relate to each other or how the judgments in the case are related to the hearings. Scenes 1 through 4 (Beck’s complaint, Catharina’s testimony, Salomon Falter’s corroborative evidence, and Michael’s hearing) all opened in the present tense, offering the vantage point from which the pastor/ clerk viewed each story he was retelling. Inside each scene, the narrative employed either the completed past tense or the reportorial subjunctive, suggesting a shift of voice to the informant. At the end of scene 4, we expect a conclusion—someone fined or offered a lecture or warning. Instead, the narrative moves to a second present (scene 5) (“Now Michael Schober has been cited”), which relates what Schober did after apparently being fined and dismissed by the consistory (he went home and kicked in some doors and threatened his wife again), and moves back to the past tense to describe his arrest, flight, return, and mistreatment of his wife. Only at that point does the expected judgment appear (scene 6), which must incorporate the original judgment belonging after scene 4 and a new judgment arrived at on the day following the first hearings—a third vantage point for the narrator, who refers to the conclusion of the previous day’s activities (“last night”). The final scene reverts to the present tense and collapses together the hearing of Johannes Kittelberger, the court deliberation, and the warning and levying of a fine. This scene is divorced from the narration of scenes 1 through 7, but presumably took place during the course of the first afternoon’s deliberations, that is, between scenes 4 and 5. We have come to find that temporal displacement in a protocol is closely related to a prior decision about what the story is about. We also have seen that the tense in which the story is told is closely related to the manner in which the narrator embeds his point of view. Both of these issues need to be explored further.

In scene 1, the pastor related Beck’s testimony in the past tense, putting the first sentence in indirect discourse as related by the father-in-law. But the second and third sentences back away from indirect discourse and describe the action from the point of view of an all-knowing narrator, presumably now incorporating the testimonies of Beck, Catharina, Salomon Falter, and perhaps others who also testified or from whom pastor Gentner heard information but who remain unmentioned in the text. In this part of the narrative, the pastor began by incorporating the bare bones of Beck’s complaint, setting up Schober as raving and threatening (he never actually hit his wife). As the story unfolds, Schober’s actions appear to be derived from this irrationality. As in the previous cases, the contrast in treatment of the two men is revealed by the verbs chosen by the narrator to characterize their actions—Michael raves, threatens, abuses, swears, tears, and bites. Johann Georg Beck, by contrast, merely hurries along, helps, and brings Schober to the ground. According to this story, Beck apparently said very little and exercised extraordinary restraint in arranging for Schober’s supine position.

Scene 2 describes Catharina Schoberin’s testimony. Her causal account contrasts sharply with that ascribed to her father and set up by the pastor. She found the whole matter to spring not from Schober’s drunkenness or irrational anger but from the relationships between the two households that shared the house. Kittelberger had stolen hay, which prompted Michael’s outburst. But the time sequence in the summary provided by Gentner obviously cuts out much of Catharina’s testimony and fails to give the specific reason for Michael turning his anger toward his wife and later toward her father. As her testimony is reported, the pilfering by Kittelberger and
Michael's reaction are put together in the same sentence as directly related to each other temporally. But Michael only found out that his father-in-law had told everyone but him four days later. Both the pastor and Catharina appear to collude on the cause of Michael's aggression toward her. Just precisely how the house, kin, and neighbor solidarities were structured and what alliances Catharina was forging remain hidden in the account.

Scene 3, the testimony of Salomon Falter, does not take up the events of the quarrel at all nor his part in restraining Schober. Here the pastor shifted the tense to suggest past progressive action and to reinforce the incident not as exceptional (stolen hay, family disloyalty) but as habitual (cursing, raving, threatening).

The narrator scrambled Schober's testimony (scene 4) into an illogical concatenation of matters, tying contrition about his anger and admission about maltreating his father-in-law together with habitual violence against his wife. The context of his relationship with Catharina had not been explored in earlier testimony, and the passage here sounds like the response to a leading question. By picking out one expression ("pig's belly") and making it the cause of his habitual action, the pastor turned the issue away from the complex family history, disputes about rights and resources, the management of household economies, and the interplay between alliances and solidarities among kin and neighbors. A key part of Schober's case against Beck, the fact that the latter had carried the news to Nürtingen without telling him, was inserted in an inconsequential clause.

In scene 5, pastor Gentner used the expression "in the very act," which suggests that the conclusion of the afternoon's session had not in fact led to a clear judgment against Schober. In fact, Kittelberger had been the one to receive a fine. There had been no evidence offered to suggest that during the dispute Schober had hit his wife. Perhaps Beck's physical attack had been uncalled for and Michael's only fault had been to defend himself too lustily. Gentner had probably added all the generalities from Salomon Falter precisely because there had in fact been no case. By contrast, now there really was something concrete to hang on Schober. After the hearing, he had vented his anger by kicking in some doors, but he still did not touch his wife. When the Schultheiss tried to lock him up, he ran away. The last sentence employs the second subjunctive to convey that Michael's wife considered herself unsafe; she did not flee because of an actual beating. She appears not to have been asked to testify or her testimony had been ambivalent. The case against him had always come down to his relationship to authority—disobedience to his father-in-law, rudeness to his aunt, drinking on Sundays and holidays, frivolity against sacred days and words, fleeing the Schultheiss, and recalcitrance and lack of humility in the presence of the pastor. In the end, Gentner slipped out of the guise of the neutral narrator to report the consequences of disobedience in the first-person plural. He now felt safe about communicating authority and domination directly and personally.

The final scene highlights the issues of Schober's conduct by contrasting Kittelberger's relationship to authority. Rather than the theft being the central piece of the story, obedience emerges as the issue. Kittelberger did all the right things—he humbly acknowledged his guilt, he agonized sadly over his deed, and he took it all as a lesson for life. The key relationship between a pastor and parishioner should be one of guilt and contrition. It was through this mechanism that church authority maintained its legitimacy. The problem with Schober was that he did not simper. Gentner as narrator took the elements of holiday drinking, cursing, and disrespect and turned them into ones of violence and brutality. In fashioning his account, he redrew the lines of conflict between Kittelberger and Schober (thief and victim) and Beck and Schober (exploiter and exploited—Beck, as we shall see, relied on Schober's labor and controlled the instruments of production) to paint the recalcitrant Schober as the sole aggressor and mad villain.

3. Too Many C(r)ooks Spoil the P(l)ot: P(l)easant Histories

In following the techniques of plot, we have been concerned largely with literary analysis: issues of sequencing, tense, shifting planes of view, causation, and verb forms. The narrator achieved his "objective" account by chaining together a series of short "motifs" in a bare-bones narrative (on the
narrator as “objective,” see Booth 1991, 67–86). The structuring or ordering patterns of the plots shifted complex stories of intergenerational conflict to simple ones of illegitimate challenge to moral authority. In suppressing the questions asked in each hearing, the pastor was able to appear as an objective scribe whose own presence and active participation was hidden. The literary analysis can only go partway, however. By developing more of the context, we open up further dimensions of dialogue and cut across the pastor’s plot to discover our own.

The narratives were embedded in a complex set of social relationships, many of which are hinted at or are suggested in the text itself. To understand how the protocols as the vicar wrote them were negotiated by several parties, we need to pay attention to clues internal to the document and to look elsewhere for information that can add new dimensions. Michael Schober, 27, and Catharina Beck, 21, had been married three and half months before the events described in the first protocol took place. According to the text we are looking at, she, at least, was still living—or sleeping—in her father’s house, and perhaps they both had an apartment there in keeping with the frequent Neckarhausen practice of setting up a young couple only slowly over time. There is a great deal of evidence to show that young married couples shared a room and often took meals in the parents’ house for up to a year after they married. And, although it is difficult to gather evidence, it also appears that many couples kept their old, separate lodgings and only moved in together after several months. The marriage settlement always referred land on a young couple but almost never provided traction animals and agricultural equipment, which on the one hand anchored them in the village and tied them to agricultural production and on the other made them dependent on their elders for cultivation tools. In this case, for example, three of the five arable strips that Catharina received from her father were parts of larger parcels belonging to him that had to be plowed and harrowed as units (Inventuren und Teilungen, 750, 5.3.1753). In such a case, the expected procedure was that her father would plow the whole parcel for a fee or expect the daughter and her husband to provide him with their labor. The reciprocities involved in landholding between generations and the slow partitioning of households was part of a system of discipline exercised by the older generation on the younger (see Sabean 1990, 247–99).

The incident here occurred one month before the young couple was inventoried. As in all marriages in Neckarhausen, the inventory took place after the marriage, in this case four and half months later, which was well under the average for this period. Although a property settlement was agreed to during prior negotiations and land was frequently allocated well before an inventory was taken, nonetheless the period of negotiation extended up to that point. In this case, Schober’s parents had died well before his marriage, and presumably his inheritance was already in his hands. From the inventory, which was composed a month after the incident, we see that Michael Schober contributed three times as much wealth to the joint marital estate as his wife, Catharina Beck. He also had the fourth part of his parents’ house. Altogether he had 8.3 Morgen (6.5 acres) land to her 3.5 Morgen (2.7 acres). As part of his inheritance, he received, however, no agricultural tools of any kind. It was usual during the first six or seven decades of the eighteenth century for one marriage partner to bring substantially more to a marriage than the other despite the fact of a custom of strict partible inheritance where both sons and daughters inherited exactly equal amounts of movable and immovable property. For first marriages, it was just as likely that the wife would bring the lion’s share. There is considerable evidence to suggest that the balance of power within a marriage was affected by the relative shares in the marital estate. Michael Schober was clearly the wealthier partner and more independent because his parents were already dead. His father-in-law and wife were engaged in the task of disciplining him. She still lived at home, and neither she nor her father was inclined to let him into the house late after he had been drinking at the pub. Schober was in the process of asserting his rights and negotiating a final endowment from Beck. He was making claims over his wife’s labor, property, and sexual favors.

Johann Georg Beck was a member of the village court (Gericht), and as one of its senior members he wielded considerable power in the community. Before the church consistory, he was among his equals. And at the point of the first protocol, young Magister Gentner was only the vicar, filling in for the incapacitated elderly pastor, with perhaps expectations to succession but no security and little experience. In any event, he was not yet in position to exercise the full moral and political capacities of pastoral office, and the job of dealing with Schober seems to have been left to the older senior magistrates to settle among themselves. Beck himself was 56, Schultheiss Rieth 37, and the two elders 63 (Brodbeck) and 56 (Bosch). Brodbeck was Schober’s maternal uncle, the only male authority left in the latter’s parental generation. In fact, Brodbeck had been Michael’s guardian since his mother’s death in 1741 (Inventuren und Teilungen, 622, 17.9.1741). Furthermore, Michael’s godmother was Schultheiss Rieth’s mother. Until just about this period, godparenthood had usually linked two families together over many generations, so that a particular family line “inherited” the office with respect to another family (for a discussion of such relations, see Sabean 1998). Schultheiss Rieth would have been heir to his mother’s position in an earlier period and thus would have had a protective relationship vis-à-vis Schober. In the event, the young couple had not yet had children, but when they did at the end of the year, Michael chose Johann Georg Brodbeck’s son, Johannes, as his cousin, following the new custom of choosing relatives. Certainly with
Brodbeck and probably with Rieth inclined to deal with young Michael indulgently, the consistory worked out the agreement to warn him and have him apologize to his father-in-law.

Even if we can only be sure of one word—Lumpenkerl—uttered in the dispute, we can still look at the protocol as a negotiated document. The parties did not have equal chances to inform its contents, and certain alliances pushed and pulled in different directions. Beck and the vicar seem to have acted at one pole against Schober and Brodbeck, and the former party determined more strongly the account in the first two paragraphs. The vicar still expressed their point of view—Schober deserved punishment and was at fault—in the first sentence of the third paragraph before going on to describe the compromise. Taking all the observations together, we see that such a protocol is always in tension between the unifying voice of the recording clerk—justifying a sentence, creating a causal series, resequencing events, telling a satisfactory story of balanced exchange or a tragic one of broken reciprocity, flattening temporality through a consistent use of the past historical tense—and the embedded disjunctions of clamoring voices, strategical alliances, conflicting claims, and rival causalities.

The situation in the second protocol involved a renegotiation of familial relationships. By that time, the young couple had been married over ten months. The inventory of their properties had taken place late in the previous winter, and Catharina had moved out of her father's house to join her husband. In fact, around the date of the inventory she had become pregnant and was five months along by the time of the quarrel. They had also gone through their first harvest year, and there was considerable tension between Michael and his wife about the degree to which their household and that of his father-in-law were separate from each other. The consistory—at least as far as the record was concerned—was not involved in adjudicating that dispute, and the protocol only hints reluctantly at the particular context in which the quarrel took place. Schober did have a case that had to be embedded somewhere, but it was not placed in a position where the court would have had to adjudicate between aggrieved parties. It is often assumed that such institutions as the consistory were provided to mediate between parties, but there is little evidence in the actual judicial transactions to suggest that this was so. In this case, a family quarrel was remapped onto a case of Sabbath desecration, less a problem of sorting out rights inside a family than a struggle between church authorities and a recalcitrant villager about observing the rhythms of the church calendar—which had the effect of establishing control of the senior generation over the junior.

We can begin to establish the larger context of the third protocol by taking a closer look at the events that set off the whole dispute. Apparently, Schober had gone to Nürtingen and there discovered that Johannes Kittelberger had stolen some hay from him and that his father-in-law had known about the matter and had gossiped about it in Nürtingen without telling him. Johannes Kittelberger (41) and his wife Margaretha Waldner (35), lived together in the same house with Michael (29) and Catharina (23) Schober, with separate sleeping quarters but probably with a shared kitchen, sitting room, and storage facilities (thus Michael's concern to divide up the house). Margaretha Waldner was old Michael Schober's widow and thus young Michael's stepmother. She had inherited a very substantial amount of property from Michael's father and had imported a relatively poor, much younger husband from outside the village over the objections of the magistrates (Gerichts- und Gemeinderatsprotokolle, vol. 1, fol. 9 [6.2.1747]). According to the ideology of the period, she and her new husband were expected to exercise parental authority over Michael, and he was expected to treat them with deference and respect. He had inherited a quarter of the value of the parental house, and his stepmother, three-quarters. They all lived cheek-by-jowl with Schober's father-in-law, who knew about the stolen hay and who intervened readily in the marital quarrel, and with his paternal aunt and uncle (Rebecca Falter, 39, and Salomon Falter, 42), who were also involved in this and the earlier conflict. They appear to have been earnest Pietists, concerned in both instances with cursing and foul language, and closely allied with the pastor. Salomon was a member of the village council (Rat).

In this section, we have introduced a dimension not apparent from an internal reading of the texts, suggesting that the story had to do with property rights and labor allocation. The way property descended from generation to generation in Neckarhausen made possible a continuing discipline of the younger generation by the older. Young couples received enough land to anchor them in the village but not enough to allow them to become self-sufficient. They also did not receive enough heavy plowing and traction equipment or the livestock to carry on production independently. Unfortunately for Beck, Schober had considerable property of his own because his parents had predeceased him, giving him far more resources to strike his own course than Beck liked. Schober was anxious to integrate his wife's labor into his own household more quickly than suited his father-in-law, establishing right away a dynamic whereby the two men struggled over the labor of the daughter/wife. Her own interests shifted in the course of the struggle and led inevitably in the long run to Beck's loss and the end to appearances of the parties before the court. The last case in this version of the plot exhibited Beck's nastiness in getting even with his son-in-law and the latter's final act as a young rebel. After that the struggle between generations turned in his favor, and he too joined the ranks of independent household heads.
4. Conclusion

We return to the problem of different ways of plotting a protocol. Each of them, as we have seen, is the outcome of complex negotiations. The fact that a particular case came before the consistory at all had a great deal to do with whether the pastor or other officials could or would deal with the matter "privately" and whether parties to it were willing to make a presentment. Indeed, someone carrying gossip to the pastor might be cited to the consistory into the account in some way or other. Other members of the consistory had to sign the protocol, and the relevant parts of some version or other of it would be read to participants. The problem for narrative analysis is to locate the deposit of each respondent in the record—to find, at least, each one's point of view even when it had been transformed through summary, redirected discourse, distancing, and recontextualization. Behind each unified narrative are a series of dialogues carried on seriatim between each participant and members of the court. In most cases, each part of a hearing can be visualized as a scene and analyzed for its logic, coherence, silences, probabilities, and continuity. Each party follows a specific strategy for molding the account and acts in a field of explicit or implicit alliance. And of course each person speaks in the context of hegemonic values having to do with piety, diligence, honor, and respect, which help set up the terms of resistance.

The narrator of a protocol decides beforehand what the nature of a particular incident represents, although not always consciously, and the implications of the choice are not always followed out consistently. For the most part, the conclusion, ending, or culmination of a story involves a decision on the part of the consistory to fine, rebuke, jail, or exercise forbearance, and the story line is always adjusted so as to equate the punishment with the crime. A story needs to be read back from the conclusion in order to see which of the possibilities set up at the beginning determine the nature of the plot. The very fact that protocols so often deal with mundane affairs and are short, dense, highly summary accounts made it imperative for the recording clerk to sketch in the situation with a few deit indicators. In many cases, he worked from "predetermined scripts"—a man comes home from the tavern on a Sunday or from Nürtingen on a holiday, he threatens his wife, or he enters his father-in-law's house (see Martin 1986, 67-68). A few words or a line can establish a complex situation with all kinds of overtones just precisely because they represent aspects of familiar everyday life.

The pastor seldom revealed himself in a narration. He utilized a distanced, objective style, which gives the impression of neutrality and evenhandedness. The account he determines to tell is carried out through a strategic relationship to tense and voice. From sentence to sentence, the narrator can shift the vantage point from which he views the action and can pass from indirect discourse where he reports the testimony of a respondent in other words to a stance of distanced observer where he no longer indicates the source of his information (on distance and the observer, see the papers by Clark, Feuerhahn, and Becker in this volume). The transitions between tense, person, vantage point, and authorial ascription compose that technical equipment of the protocol writer that allows him to solve the problem of telling a unified story out of the materials provided by conflicting narratives. Since a protocol is not a transcript and is composed either from notes or from memory, a central resource for telling a consistent story is resequencing. The narrator plays with the distinction between the hearing as the essential event of the account and the prior situation that led to it. By blurring that distinction, and by putting the hearing and the original incident in the same historical past tense, the narrator is free to shift bits and pieces of the incident back and forth. The task of a critical reading is to reintroduce dialogue into what has become a monological account.

The writer of a protocol has little room to develop the nuances of character. Two devices seem to be central to the task of justifying a conclusion in terms of the kind of people involved: a concentration on conveying information through verbs and an implicit strategy of interpreting behavior. Causation is embedded in stereotypical situations. The narrative works within a causal structure that relates each action to the character type the author has already established. A particular miscreant does what he does because he is a villain or a drunk or a blasphemer. Each action illustrates or has as its referent a kind of character who does that kind of thing. The causal series that would establish a motive inside a particular dialogic situation or social conflict is systematically decomposed by rearranging the elements of the story to empty all deviant behavior of rationality. Occasionally a protocol writer labels a person or his action in general negative terms, but the burden of the story line is carried by a judicious choice of verbs, and a term like villain usually acts as a summary label prepared by a series of transactions conveyed in action terms.

It may be that a literary analysis can reintroduce dialogue and recapture aspects of voices repressed in a specific account, but it takes a historical reconstruction of context to make available a fuller understanding of possible alternative stories. But does the historian then merely substitute his form of objective prose—another administered story—for that of the protocolant? To the contrary, such a question implies a naive relativism. The historian's task is to offer a fuller range of moral standpoints rather than a closed, one-
dimensional account of his own. His or her punch lines are not prompted by desire but by the ironist's wit.

This discussion of narrative strategies in protocol writing has not been informed by more than a cursory glance at narrative theory, which accounts for its rather unsystematic character and hesitant readings. In the end, it may say more about bureaucratic texts than it does about peasant voices, although it is meant to be encouraging about recovering if not their words, then their points of view, if not their own stories, then the dialogic situation in which they were generated, if not their values, then their strategical intent. It is too simple to say that all we know about peasants is refracted through documents generated by those in a position to dominate them because the techniques of that domination can be made to speak about what they silenced, distorted, or coopted. I want to conclude with a protocol that speaks about the pleasures of exercising power.

5. Coda

30 Nov. 1762

Gallus Falter came home from the lord’s hunt, where he had been slightly injured, stopped in at the Schultheiss’s house, and said to the Schultheiss’s mother, he would settle with the pastor and Schultheiss at the Last Judgment. Here in this world, he gets no hearing anyhow.

When questioned, he could not deny that he had told this to various persons, J[ohann] Jacob Hafner and in J[ohannes] Falter the smith’s house.

Question: from what cause? Recently he had had to appear before the honorable District Bureau [Oberamt] because of [stolen] sheaves and there Herr Oberamtmann had not let him speak even once, with the remark that the parish and Schultheiss bureau in Neckarhausen had described him as a man who has his deviltry in his head. Since, then, he was not permitted to answer, he was punished for a misdemeanor and was threatened further. Therefore he has to consider us both as the origins of his discredit at the honorable District Bureau.

Since we now with pleasure [Freudigkeit] could answer his slander and would report the events to the highly honorable District Bureau, Falter thus begged with tears, we should spare him because he knew that prison would be threatened if this were to come before the District Bureau. Hereupon he was dismissed and satisfaction was reserved for the Schultheiss.

Witnessed: M[agister] Gentner, pastor

[added in a note underneath the entry:]

NB. We have unfortunately learned subsequently that he has been beaten up by soldiers in Nürttingen with whom he made a nuisance of himself while drunk.

6. Appendix

[Kirchenkonventsprotoccolle, vol. 2 (30.11.1762).]

d. 30<sup>th</sup> 9br 1762


Auf befragen konnte Er nicht laugnen, daß er solches nicht geredt hätte gegen unterschiedl. Personen, J. Jacob Hänfer u. bey Joh. Falters Schmids Hauß.


Da wir nun mit Freudigkeit (!) antworten konnten seiner Lasterung und das vorgegangene an das hochlobl. Oberamt berichten wollten so bat der Falter mit Thränen, wir sollten doch seiner schonen, weil Er Wüste, daß ihm das Zuchthaufß angedroht wäre, wenn diß vor das Oberamt kommen wurde. Hierauf wurde Er dimittirt, u. dem Schultheißen Satisfaction vorbehalten.

T. M. Gentner, Pf.

NB. Wir haben leyder! hernach erfahren, daß Er von denen Soldaten in Nürttingen bey welcher er sich unnütz im Rausch gemacht, also sey geklopft worden.

Notes

1 "Village Court Protocols and Memory," paper presented in Bellagio to the Sixth Round Table in Anthropology and History on "The Production of History: Silences and Memory" (1989). This paper will be published in a forthcoming Festschrift.

2 There was a considerable literature written on the practice of writing protocols, correspondence, and other bureaucratic documents. I offer here only a selection: Bäuerlen 1793; 1802; Beck 1778; Fredersdorff 1772; Glaffey 1736; Gutscher 1792; Justi 1755; Pfaff 1842; Prechtl 1771; Sieler 1684.
See the analysis in Sabean 1990, 66-87. The villager Conrad Ischinger expressed his disenchantment in 1844: "Things are done according to how they are reported." For an extended analysis of this point, see "Court Protocols and Memory" (n. 1).

I have been challenged to give up the concept of punch line because it suggests protocols were either jokes or emplotted comedies. What I call a punch line, it has been suggested, Hayden White calls "the moral order," which allows a "story" to have a "plot," that is to come to an end (see White 1981, 1-23). But I want to stay with "punch line," supported by the last example in this paper. Punch line here suggests a very important moment of jouissance in the exercise of power. People in authority get to savor their exercise of power, and if they reestablish the "moral order," the latter is by no means uncontested as I hope to show in the readings developed below.

For the distinction between story and plot, see chapter 6 in Scholes and Kellogg (1966), and the selection from Tomashevsky in Lemon and Reis 1965, 61-95.

References


