Title
Devolution of Property in Southwest Germany around 1800: Interhousehold Cooperation and the Distribution of Tools in Germany in the 18th and 19th Centuries

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In this paper I will deal with several issues having to do with intergenerational transition in rural farming/peasant communities in the cultural area of the German southwest during the 18th and 19th centuries. One issue has to do with strategies of heirship among small peasant holders in an area of partible inheritance. Such strategies contrast sharply with those systems that passed on farms or other immovable property as integral units, but what I have to say suggests revisiting areas of impartible inheritance as well. A second issue has to do with succession to different kinds of property and the way that succession influenced intergenerational cooperation. A third issue, closely related to the first two, deals with the period of transition between generations, often thought to be abrupt in European peasant societies, but here describes a long, drawn-out process, which, although it was characterized by important key moments, was not marked by sharp changes. A fourth issue deals with the agricultural revolution and the economic transition to capitalized agriculture and ever greater economic differentiation – how the new situation put pressure on the embedded structures and practices developed in the “long” century after the Thirty Years War. And a final issue looks at how social differentiation and class formation were structured in part around ownership and succession and mediated by access to different kinds of things. I will draw on my work on the village of Neckarhausen, situated on the Neckar River just outside of Nürtingen, and the important and well-researched work of Andrea Hauser on Kirchentellinsfurt, a village near Tübingen, also characterized by partible inheritance (Sabean 1990, [1997]; Hauser 1994).

Give or take a few nuances, the system of partible inheritance in the two villages is characterized by the following model. Property passed to
could allow the property of the deceased spouse to pass to the children. But in most cases, after the inventory and accounting, what now belonged in the death of one spouse. If the older couple was elderly, then the survivor married. There were various ways property could be treated in the event of death devolved upon the next generation, they were always designated as from the mother (mütterliches) or father (väterliches). The only property a couple held in common was what was accumulated or lost during the duration of a marriage. There were various ways property could be treated in the event of the death of one spouse. If the older couple was elderly, then the survivor could allow the property of the deceased spouse to pass to the children. But in most cases, after the inventory and accounting, what now belonged in

The property of a married couple was always carefully kept separate as belonging to each spouse and his or her line, and as land or goods were devoted upon the next generation, they were always designated as from the mother (mütterliches) or father (väterliches). The only property a couple held in common was what was accumulated or lost during the duration of a marriage. There were various ways property could be treated in the event of the death of one spouse. If the older couple was elderly, then the survivor could allow the property of the deceased spouse to pass to the children. But in most cases, after the inventory and accounting, what now belonged in

The problem that I find so fascinating has to do with the process of devolving resources onto the younger generation. It was common at a marriage to give each child an arable plot in each of three fields and a strip of meadow — although this very much depended on the wealth of a family. At least some cultivable property was always given to the newlyweds. Württemberg law and custom made it clear that it was not proper to delay the marriage of children unreasonably long. But there were many ways to pass on property. It was quite possible, for example, for some or all of the strips of land or the buildings to be mortgaged, which precluded passing on such property directly, and what remained encumbered could only be held by the heir in usufruct. And in any event, parents might pass on only usufructuary rights in a strategy to rein in an obstreperous child or to punish a poor spousal choice. After the inception of marriage, the young couple was then expected slowly to accumulate land and property. They could add strips through purchase, with or without taking on a mortgage. Over the first 20 or so years of marriage, parents could dribble out parcels through outright gift, sale, usufruct, sharecropping, rent, or as the guarantee for an annuity. While most children throughout the period between 1700 and 1870 married between the ages of 25 and 30, few came into the full set of properties until their late forties and early fifties. Even when a parent retired, he or she would customarily hold on to some land to be worked by the children. The important point to be seen here is that productive resources were accorded to the younger generation in a long, drawn-out process, punctuated by two points — the marriage of each child and the final retirement of the parents (Sabeau 1990: 256-99; Hauser 1994: 191, 196).

While these parameters describe the structural features of the system, they had quite different effects over time. The population of the village between 1700 and 1870 rose progressively from around 340 to 1,000. While the village carefully recovered wasteland, the larger population came to divide up the land into ever smaller portions. But even at the end of the period, there were no householders in Neckarhausen without some land. Strips were slowly broken into smaller parcels, and the average size holding was whittled away. Beginning slowly in the 1760s and with ever increasing
rhythm, the village reorganized agriculture to introduce stall feeding, root crops and leafy brassicae, new field rotations with the abandonment of the fallow field, and intensive flax production. The "Agricultural Revolution" in the village made it possible to reallocate labor, treat land more intensively both in terms of labor and capital, and allow farms to exist on smaller amounts of arable land. The opening up of markets for produce was followed from the 1830s by new labor opportunities, especially in the building trades, in the larger region (Sabean 1990: 21-2, 442-52). Capital circulation allowed or forced villagers from the 1780s onward increasingly to mortgage their land, and it also allowed them to increase the capital investment in production, lowering the ratio between inventory (traction animals, plows, harrows, carts, and wagons) and land. A third factor in shifting relations between generations had to do with the propensity of older groups to hold on longer to property, and they retired less often. The total amount of wealth held by those over 45 rose by 20 percent between 1710 and 1870. The average age of retirees rose steadily from the 1740s, reaching about 70 by the 1860s. A final point: The real crises hit the generation centered around the period 1810 to 1830. This is the generation that shouldered the brunt of agricultural reorganization, plunging into debt in order to finance the rapid changes. It faced a reorganization of labor, drawing women massively into agriculture, which partly explains a burst of separations and divorces. This is the generation where the gap in the age apportioning of productive resources first opened considerably. The effects of political and market instabilities led to wild fluctuations in the prices of land and buildings. Finally, it was in this generation that an internal market in land was finally fully established. Whereas at the beginning of the 18th century most land was allocated through inheritance, by this generation, just as much was allocated through purchase as through devolution. The decade of the 1810s saw a rush of bankruptcies and foreclosures and a kaleidoscopic reapportionment of landholdings, with the actual age of buyers increasing. The crisis only reinforced the tendency of older groups to own and control land. Property was not devolved when the next generation was ready to manage, but when the older generation could no longer administer (Sabean 1990: 256-8; Hauser 1994: 199).

Given the slow transition between generations and the effects of the economic changes on the age distribution of land, how did parents and children relate to each other in agricultural production?

First it is very important to understand that there was no sense of a common enterprise between parents and married children. Clearly, before a marriage, the two families negotiated a settlement, and within a year the young couple would be inventoried. It was common for the neogami to move in with one set of parents for the first several months, but it was thought improper to keep the young people around too long as a work force without resources or pay. Still, the transition was not abrupt. The families lived together and worked together up to half a year or even a year, up to the point when the young couple was inventoried. Thereafter, they set up their own accounts and established their own quarters. Of course, there were tensions and conflicts over the separation, but there was no economic advantage to stay together in one building. Like land, buildings were chopper up into separate apartments, with the kitchen and heated room frequently shared, but the families living together in a building often had no relation to each other and carried on no common enterprise. Records of disputes show clearly that all things – even a kitchen dish rag – were subject to individual rights. In any house with more than one family there was a clear demarcation of such rights. If a kitchen was shared, there was a separate schedule for its use, and each implement and rag was allocated to particular ownership. Children may or may not have shared a building, stall, or barn with parents, but whatever the situation, rights and space were carefully delineated. There was no notion of a family enterprise encompassing several generations and no sense of particular properties under temporary management of a patriarch who would have to pass it along. Parents and children were not coparceners in an estate. Although each decade in the village brought increasing pressure on living space, couples never pooled land or living or storage quarters (Sabean 1990: 259-99; Hauser 1994: 191-3, 345).

Yet the older generation held onto considerable power through a simple expedient. Land and building space was transmitted as the children married but never tools or the instruments of agricultural production. Without the plow team, plow, harrow, or wagon, the land the children received could not be worked. In this system, smaller enterprises were completely dependent on the larger ones, the poor on the rich, the young on the old. Only large farms or older farmers had all the necessary equipment to work the land. However, there were certain crucial shifts that took place with parcelization and agricultural reorganization. At the beginning of the 18th century, land was worked with horses, which were expensive to maintain and required complex gear. With the agricultural changes of the turn of the century, villagers shifted to oxen to work the land, and even single cows were adapted to carting and maybe even to harrowing and plowing. With greater ratios of capital to land, smaller farms came to have at least some equipment, and by 1800 it was typical for brothers or brothers-in-law to be coparceners in agricultural tools. This still set the older generation with equipment against the younger without any (Sabean 1990: 300-11; Hauser 1994: 193).
Under these conditions, how did the enterprises of parents and married children interrelate? In the inventories, there is considerable evidence concerning wages and outstanding debt obligations between parents and children, and this evidence can be supplemented by cases of conflict that came before the village courts. It was the usual pattern for parents to charge for services with the plow and wagon, for they had to amortize their capital investment by using equipment on smaller/dependent farms. In many cases, a strip that needed to be cultivated as a unit was divided up and part of it allocated to a child. What was grown and harvested on the child’s portion belonged to him or her, but plowing and harrowing could only take place for the larger parcel as a whole. Thus children were anchored in the village as strips and parcels were hived off for them, but they remained dependent on their parents for cultivating their resources. In return, children labored for their parents only for wages. For any kind of labor parents charged children; children charged parents and in-laws. Kinship played a crucial role, in that people with inventory relied on kin to offer opportunity to work land and those with only labor worked for kin with resources enough to hire them. Over time, as parents leased, sold, gave, and rented ever more parcels of land to their children, they continued to maintain equipment until near the end. Ownership, use rights, tools, and labor were the elements of complex reciprocities that structured relationships (Sabean 1990: 311-16).

From the point of view of the younger generation, the phases of growing independence look like this: During their late teens and early twenties, they left their families to go into service, often outside the village. For those trained in a handicraft, this was the period of journeyman wandering, frequently involving extensive travel. Before they married, young men, at least, had come to work for themselves. After marriage, for a while a man and his wife became integrated into one of their parents’ enterprises, up until strips in the fields, meadowland, and a garden plot or two were definitively allocated. In many instances, this happened at the end of the annual agricultural cycle. Then they were dependent for a long time on the older generation for farm labor, occasional jobs, handicraft employment, or from sources outside the village. Children were never set up with enough resources to be independent. Even as they accumulated land, they remained dependent, waiting for a major transfer of land and equipment at the death or retirement of aged parents.

All through the period, one strategy for maintaining children during the transition period was to set them up in a handicraft, which was practiced with ever less intensity as land was accumulated. During the transition, children plied a trade, opened a pub, found agricultural labor inside and outside the village, worked their own land, and worked for wages for parents and in-laws, who had no unconditional call on their labor. Their accounts were totally separate. From around 1800, the necessity of setting up in a trade became ever more important, and handicraft skills tended to be passed on from father to son (Sabean 1990: 316-20).

In impartible inheritance regions, passing on a farm meant to give up authority, and it is a commonplace in the literature to see the retired father as powerless, even a figure of fun. In partible-inheritance Württemberg, the moral authority of parents continued to be respected throughout the entire transition, or at least that was the model. While the children kept their own accounts and were allocated carefully delineated rights, often moving out from under their parents’ direct oversight, they still were expected to accord their elders far more authority than similar independence would allow for in impartible-inheritance regions. But in the 19th century, the longer period of transition, the fewer resources to go around, and the more general impoverishment of large sectors of the population brought enormous tensions in relations between generations. Increasingly, parents made use of the institutions of the village and regional courts and the offices of the village authorities and church to enforce discipline on the children (Sabean 1990: 321-4).

In looking at the issue of class formation, it is important to understand that the distribution of property displays almost exactly the same curve in Neckarhausen in 1870 as in 1700, despite a tripling in population. While there were substantial differences in the size of farms, there were few if any households in the village at any point in time that did not have some land, and there were no sharp discontinuities that set off one group from another. But how the wealthy were connected to the poor changed radically over time. Around 1700, various kinship practices connected households of different fortune together. Among other things, newlyweds brought quite different portions to their marriages, with the wealthiest marrying among the poorest. A system of linking through affinal ties brought three, four, or five households into the same orbit, but because marriages linked families with different resources, these chains of affines were asymmetrically linked to each other. A group of such households usually had one much wealthier or powerful man at its center who acted as a patron to a set of clients. Godparen tage integrated villagers together in another way, with wealthier, older, and more powerful villagers standing as godparents for those poorer, younger, and weaker, again establishing patron-client ties. The issue that I want to point to here has to do with the way the instruments of labor (horses, plows, wagons, and the like) mediated between groups with different resources. Looking at evidence from inventories, it becomes clear that those with expensive inventory sold access to it to their immediate clients, linked through marriage or spiritual kinship. And those with only their labor sold
that to their patrons, those with significantly more land to work. Both the wealthy and the poor needed to build claims on others to amortize expensive equipment or to provide work opportunities (Sabean 1990: 223-46; Sabean 1998: 92-168; Hauser 1994: 333).

By the end of the 18th century, the earlier forms of integrating villagers had disappeared. For one thing, marriage portions were matched with rough equality, which brought people from the same strata together. Furthermore, rather than marriages in the form of asymmetrical linkages looping back to create a ring of affines, repeated marriages between allied lines brought about a system of cousin marriages, something that never occurred before 1740. This double form of endogamy, by wealth and by blood, was the matrix for closing off strata into self-conscious classes. While the new form began among the political elite around mid-century, by the 1780s the landed wealthy had cut off all marriages with their poorer relatives. And they began to choose their godparents not from wealthier “strangers” but from among their closest consanguineous kin, and they stopped acting as godparents for poorer clients. This shift coincided with the development of a significant land market in the village, which came to be controlled by coordinated sets of cousins. And at the same time, steps were taken over several decades around 1800 to introduce and carry out an agricultural revolution. Important for the issues we are looking at here, agriculture no longer was carried on with horses but mostly by oxen and even by cows. As I pointed out earlier, capital equipment over these decades came to be in the hands of ever smaller producers, and while this equipment mediated between generations, it no longer mediated between classes (Sabean 1990: 371-415; Sabean 1998: 208-60; Hauser 1994: 387-91).

Conclusion

1) Strategies of heirship. In smallholding Württemberg, immovable property was passed on by the senior generation beginning at marriage, anchoring children in the village and getting them started in agricultural production. The idea was to start them lean, even for families with considerable property and few children. The Swabian saying was: “Don’t put young bees in a full hive.”

2) Succession to kinds of property. Much discussion of property devo­lution leaves out the problem of how property and productive resources are used, and I have argued here that it is important to pay attention to more than just land. It was the control of the tool kit and frequently the location of property that kept the enterprises of young and old interlocked in a context of carefully delineated property rights, a practice of remuneration for rendered services, and the absence of coparcenership.

3) The period of intergenerational transition was long, drawn-out, and never abrupt. Parental control was circumscribed by allocated rights, the lack of a common budget, and separate living quarters. Yet the moral authority of parents remained in place longer than in other agricultural regimes. Parents were accorded respect – according to the ideology of village authorities – not because they headed a common enterprise but because they were the source of the children’s wealth.

4) The agricultural reorganization, growing product, labor and land markets, capitalization of production, and mortgage and debt put pressure on the system by increasing the period of dependence of younger generations, giving them longer periods for seeking wages outside the family and village and a longer period for exercising a trade. This distorted the system of author­ity and shifted the dynamics between generations. The ’30s and ’40s of the 19th century saw a massive emigration, largely of young couples in their thirties with children, as well as a pattern of circulating around the region for years until resettling in the village once sufficient land was accumulated.

5) Social differentiation also created a pattern of class differences, for which the patterns and rules of property devolution remained as they had been under “traditional” agriculture, but whose meaning had been, at least for the large class of pauperized villagers, hollowed out. Access to tools patterned in some ways the manner whereby people with quite different levels of resources related to each other.

6) It is well to look at property as an “idiom” that connects people and divides people in patterned ways. It has been the argument in this paper that the “thinginess” of property matters and that different kinds of things mediate relationships differently. Here I have pointed to the fact that in looking at inheritance, we have to look at all the things that are passed on between generations, and not just concentrate on land, and develop techniques for using “property” analytically for understanding different ways relations among people can be shaped and distorted.

References


Chapter 7

Toward Predominating Primogeniture: Changes in Inheritance Practices in Innichen/San Candido, 1730 to 1930

Margareth Lanzinger

In large parts of Tyrol, historical studies of demographic variables show extreme values: There is hardly any population growth to be noticed and the mean age at first marriage is very high, as are the celibacy rates (Klein 1971: 34-62, 54; Ortmayer 1995). The area is notorious for a restrictive official attitude toward marriage (Mantl 1997; 1999), resulting in an extreme form of the so-called European marriage pattern (Hajnal 1965). Furthermore, political activity at the regional level often opposed the reforming tendencies of the Habsburg monarchy, insisting on traditional rights, privileges, and customs, and expressing rather skeptical or disapproving attitudes toward change. The central aim of this article is to reconstruct the connections between local politics, family strategies (or, speaking more generally, the patterns of action within families), demographic patterns, and inheritance practices by means of a micro-historical study of Innichen/San Candido, a small market town in South Tyrol.

Even an initial review of the local historical sources is enough to show that marriage and access to property were key issues for this society (cf. Lanzinger 2000). Local ideas about property, and actual property transactions, were characterized by a deep interest in guaranteeing the continuance of a particular social structure within the local community by means of inheritance practices that left each estate virtually unchanged (Fauvet-Chamoux 1995; Viazzo 1989: 263). Consistently with this, would-be marriage partners were required, from 1820 on, to obtain communal permission before getting married – which enabled the community to prevent the formation of landless couples. The fixity of the property structure was further reinforced by a taboo on building new houses that was effective from the 18th century until the 1860s. In this context, inheritance practices played a