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# Interest and emotion

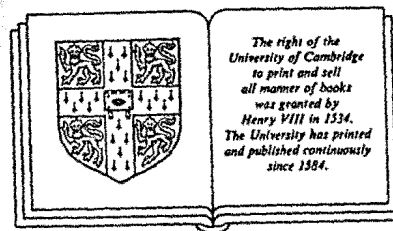
## Essays on the study of family and kinship

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Edited by

HANS MEDICK

DAVID WARREN SABEAN



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- 14 See Collomp, 'Maison, manières d'habiter'.  
 15 Scipion du Perier, *Oeuvres* (1701), vol. 1.  
 16 *Ibid.*  
 17 On the problem of names, see my forthcoming article in *L'Homme*, 'Les Noms gardés, la dénomination personnelle (nom, prénom, sobriquet) en Haute-Provence aux 17e et 18e siècles'.  
 18 Castan, *Honnêteté*.  
 19 ADAHP, 1 E Supp. Boyer.  
 20 ADAHP, B 1427  
 21 ADAHP, B 1221. It is possible to make a comparison, at least from the point of view, in both cases, of the wife's refusal to live in the husband's home, with the famous case, *I, Pierre Revière, Having Slaughtered My Mother, My Sister, and My Brother . . . A case of Parricide in the 19th Century*, edited by Michel Foucault (New York, 1975). See p. 58: 'after the marriage my mother stayed on with her parents at Courvaudon'; also p. 60: after the birth of the two children, 'my mother too said she wanted to return to her place and that she would live at Aunay no longer . . . She then returned to her parents, and my father took her back her furniture, he took some of it by night because people laughed at him.'  
 22 ADAHP, B 1186.  
 23 ADAHP, B 1107, Séparation de Biens.  
 24 ADAHP, B 1340.  
 25 ADAHP, B 1433.  
 26 ADAHP, B 1218.  
 27 ADAHP, B 2893.  
 28 ADAHP, B 1107.  
 29 ADAHP, B 1162.  
 30 Henri Baudrillart, *Les Populations agricoles de la France*, vol. 3 (Paris, 1893), 193.

## 7. Young bees in an empty hive: relations between brothers-in-law in a South German village around 1800

DAVID WARREN SABEAN

### I

It is a commonplace that family relationships in peasant society are dominated by considerations of property. The theme of struggle between father and son over the farm is central to the peasant novel, and middle-class observers have shaken their heads for generations over the crassness with which the sons of farm owners and farm tenants have matched field with field and acre with acre in courting their neighbors' daughters. Property as the dominant category for peasant society explains, however, at once too much and too little. It is too large a concept because it crowds out of consideration all the other needs which were and are fulfilled in daily rural life, and it reduces relationships to only one aspect of one element of those relationships. Property in this way tends to be regarded as an inert thing, as a measure which expresses everything else in terms of its essential objectivity – as interest, manipulation, calculation, at once devoid of love, joy, and sensuality. On the other hand, the concept of property explains too little because of an analytical poverty in its use, a failure to grasp the complex character of its role in the mediation of relations between people.<sup>1</sup> To recover a notion of property as mediation, it is necessary to grasp it within a system of claims and rights exercised between people over things. Just as there is no such thing as a pure unmediated emotional attachment between individuals, so there is no system of obligations and duties which is not mediated through a structured set of things – namely property. The way that property is held gives shape to feelings between family members, territorializes emotion, establishes goals and ambitions, and gives to each a sense of dependence and independence.<sup>2</sup>

The initial problem for the historian is to delineate how property gives shape to the range of relationships: to find out where conflict is endemic, to establish where help is forthcoming for the individual, to understand the forces which throw people together, to locate the limits of attachment between people. One must be careful here not to reintroduce a reified notion of property, where all relationships are derived from fundamental ones of property. Rather, we are looking for the rules of exchange, the patterns of negotiation, the areas of

disagreement – the way people bend and shape and redefine relationships between each other in common activity regarding things. The problem is to see how, for example, in a society where a married woman receives food from her husband but medical care from her brother, the set of exchanges is ordered in contrast to a society where the husband is expected to provide both.

There are five aspects of property relations that act as guiding principles in the analysis which follows. 1) Property has a durable quality, giving a time dimension to relations patterned upon it. Not just the moment in time is important, but expectations and claims based on future performances also structure present relationships. The constant discussion that often goes on in peasant society about future inheritance is one example of this principle. 2) Property often involves multiple claims, a complex overlaying of rights. One must carefully distinguish power from claims here. A father may for example have the power to disinherit a child, but until that step is taken the claims, obligations, demands, and threats that father and child make vis-à-vis each other define the situation in which they act. A large part of the rights around property are subject to constant negotiation and consequent readjustment of the context of family relations. Claims are divisible and the same object can be subject to different and sometimes conflicting rights. 3) Exchanges between family members and within the larger kinship group make up a much larger system of exchange, of which property relationships form only a part. The fact of rights joining people in a family estate will pattern exchanges on quite different levels – visiting, gift-giving, borrowing, lending, mutual aid in work, sharing meals. Claims met on one level may be reinforced by exchanges on another. 4) Property holding establishes demarcations in a society. Through various strategies regarding property, favoritism is exercised, lines of fission established, certain claimants or potential claimants excluded. The differences established with regard to property between family members, within the kinship group, or between families may be bridged or not according to certain rules – through the exchange of women, through the exercise of domination, through competition or systematic conflict, or through active avoidance. 5) The nature of the property in question – its material basis – also has implications for the patterning of family relations. The inheritance of land means something quite different from the claim to an education. An analysis of the different forms of property would take the argument here in a radically different direction, but in this chapter the concern has largely to do with rights in land where the dynamics of family relations are not yet shaped by the modern form of property, namely commodities.

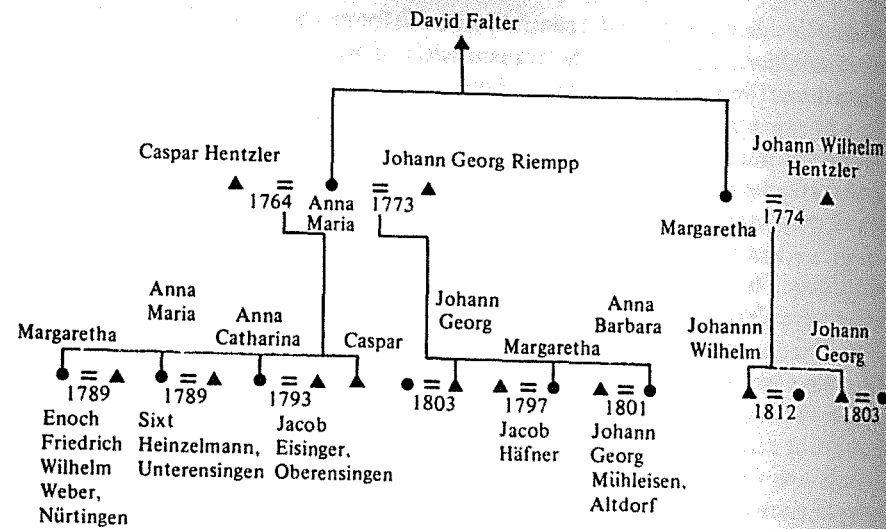
## II

In the following discussion, the relationships between brothers-in-law in a South German village at the turn of the nineteenth century will be examined.<sup>3</sup> During the period c. 1760 to 1820, this connection was a central one for the interplay

between families and played a central role both for mutual aid and for the sorting out of conflicting claims in the transmission of wealth and resources between generations. That the relationship between brothers-in-law became the focal point of much family emotion is closely related to the facts of intensive, small peasant production and to the system of partible inheritance which made sisters and brothers equal in the inheritance of movable and immovable property. To a large extent, access to land was through family politics, and the issue for many villagers was to get their hands on any land whatsoever, however heavily laden with debts. The interplay between property and family relationships in the village under consideration here (Neckarhausen, District Nürtingen) is best examined by looking at the detail of several cases. To some degree the material provides a distorting lens because most of what is available has to do with disputed rights rather than with mutual aid and cooperation. Nonetheless, if the center of interest lies in the nature of what is negotiable, of claim and counter-claim, of obligations fulfilled or neglected, then the sources offer a balanced account of everyday family relations.

1) The first case involves Johann Georg Riempp, senior, who was married to the widow of Caspar Hentzler, Anna Maria née Falter. Upon her death in January 1808, an inventory of the family property was made, setting out a description of various claims to the inheritance. As usual, the inventory detailed the nature and amount of property which each spouse brought to the marriage or inherited while married to each other, with the increase or decrease (*Errungenschaft*) split in half and apportioned to each partner. The property of the deceased was then given to the heirs according to the rules of intestate inheritance. In this case, the claimants were the children of Anna Maria by her first husband, Caspar Hentzler, senior, her second husband, Johann Georg Riempp, and the children of her second marriage. The peculiar fascination of this inventory lies in the fact that the couple had managed to go through a property of 5000 fl. (Gulden) (one of the largest fortunes I have yet discovered in the village), ending up with a deficit of c. 30 fl. In the document itself, there is no explanation as to how this feat was accomplished, but because of a disputed claim to 200 fl., an exchange of comments by officials was appended, which begins to throw light on a number of family struggles. The wife, Anna Maria Riempp, had had four children in her first marriage who survived to adulthood. A son, Caspar Hentzler, junior, however, died a bachelor, leaving an inheritance for his three sisters (Margaretha, Anna Maria, and Anna Catharina) and his mother. This inheritance was taken over by the mother in usufruct for her lifetime, establishing and maintaining a common interest among the three daughters and their respective spouses in how the property was to be used. As usual, the struggle around the property involved men, even though the transmission rights were through women. Men, who otherwise might have had nothing to do with each other, were brought together over a more or less long period of time by common interest exercised by claims over the same property. In





this case the three brothers-in-law came from different localities and exercised different professions, their only connection being through their wives.

The story begins a little earlier. A letter from *Schultheiss* (the village mayor) Hiller in 1807 described the marriage between Johann Georg Riempp and Anna Maria as one of conflict from the beginning. Because of 'troubles at home', he began to drink heavily and follow a 'life of dissipation'. Fearing for a fall in the family estate, and to protect the children of the earlier marriage, his wife went to court to have the property inventoried. The children were put under a guardian and Riempp himself came under the power of an 'administrator'. As each of the daughters married, they received their share of their father's inheritance. In addition, when Caspar Hentzler, junior, died unmarried, he left among other things a quarter of a house to be inherited by his three sisters and mother. Because the house and other property remained in the hands of parents – in usufruct – this inheritance seemed very insecure to the three brothers-in-law (Wilhelm Weber, Sixt Heinzelmänn, Jacob Eisinger), and in any event, it was not available at the time for them to use. Since none of them lived in Neckarhausen, it was even harder for them to watch out for their own interests. Wilhelm Weber, married to Margaretha, took the lead in bringing suit before the village court to prevent the mismanagement of the property by Riempp. When subsequently Riempp quite illegally sold some of the land, Weber in vain marshalled the two other brothers-in-law to have the court sell the remaining property and distribute the proceeds to the heirs. Weber then hatched the scheme that eventually got him into trouble. He convinced Heinzelmänn and Eisinger to go with him secretly to the *Schultheiss* in Neckarhausen and have the remaining house mortgaged

without obtaining the consent of the other heir, namely the mother-in-law. With the mortgage money, Weber then purchased a house for himself and his wife in Nürtingen. This illegal transaction was discovered a few years later when the mortgage records were administratively revised, which led to the financial failure of Weber and the forced sale of his house in Nürtingen. The common interest then of three men from three different localities in the expectation of a single property was maintained over the period c. 1789 to 1808. The high point of combined action was 1798 when the illegal mortgage took place with the restructuring of obligation to Weber vis-à-vis Heinzelmänn and Eisinger. The crumbling of concerted action against the father-in-law began with the discovery of the illegal transaction during the revision of the mortgage records. In this affair, the role of the mother seems to have shifted somewhat. Earlier in the marriage, in conflict with her husband, she took steps to insure the rights of the children from her previous marriage. The illegal transaction of 1798 in one version gives her as acting in concert with the three brothers-in-law, and in another as not knowing what was taking place – the two versions symbolizing perhaps the turning point of her loyalties, for her children themselves had divided interests. About this time, the Riempp children began marrying and their interests were somewhat opposed to those of the children of the earlier marriage, and that opposition reached a high point with claims of one group for marriage portions and of the other for security of property in the hands of the father.

The theme of brothers-in-law bound together in mutual interest and conflict is illustrated in the earlier relationships between Johann Georg Riempp himself and his wife's sister's husband, Johann Wilhelm Hentzler. Riempp had married into Neckarhausen from another village in 1773, bringing with him a substantial marriage portion. Although an outsider, he was a wealthy landowner, closely allied through marriage to several office holders in the village – notably his brother-in-law, Johann Wilhelm Hentzler, who sat on the village court and council and was in turn son of the *Bürgermeister* (village financial officer). There are indications that the common link through sisters was continually reinforced during the first years after Riempp's arrival. Between 1778 and 1784, the latter was godfather to all of Hentzler's children, while Hentzler acted as godfather in turn for Riempp until the birth of the last child in 1781. (From 1776 to 1785 Riempp was godfather to the children of Johannes Kraushaar, while Kraushaar's wife was godmother to the children of Hentzler.)

Exactly when Riempp came into conflict with his wife is unclear – *Schultheiss* Hiller looking back from 1807 said it was from the beginning. However, Riempp first came into the records for regular drinking and scolding his neighbors and the magistrates on 21 December 1783 (ten years after the marriage). Brought before the church consistory, he was warned about his unpeaceful life with his wife and children. By April 1784, he was before the consistory again. This time he had sent his wife on Maundy Thursday to announce that he would attend communion,

but the pastor sent for him to come in person. Riempp refused to go and see the pastor in his house. On Good Friday, he ordered his wife to fetch him more to drink, which she refused to do, whereupon he threw a mug at her head. When he began a drunken fight on Easter Sunday, his family was forced to flee to the *Schultheiss* for protection. Riempp also refused to go to the *Schultheiss* and shouted into the village that the pastor had taken up with a couple of red-headed women. When summoned again, he drank so much that he could no longer walk. Subsequently he went off to the village of Neuhausen (Catholic, belonging to the Habsburgs) and joined the army. Upon sobering up, he purchased his freedom for 28 fl.

The conflict with his wife during the period 1783–4 occurred a few years before his wife's children started to marry. It may well be that claims on the property he held in usufruct brought about the tensions that prompted his behaviour. However, well-documented conflict broke open between him and his brother-in-law over the inheritance of their respective wives (the sisters Anna Maria and Margaretha, daughters of David Falter). After February 1784, Riempp was no longer invited to stand as godparent for Hentzler's children. In July, Riempp was summoned before the village court for slandering Hentzler, claiming that the latter had cheated in the inheritance of their wives' mother. He had also spread the rumour that Hentzler had stolen stores (*Vorrat*) from the Rathaus when his father was *Bürgermeister* and sold them outside the village. Again in 1786, Riempp was before the court for slandering Hentzler in another inheritance matter. It was reported that Riempp lived in rebellion and drunkenness, scolding and swearing against the magistrates. He publicly maintained that his brother-in-law was not fit to be in the village council nor to act as judge in the village court. At home he lived in 'hatred and envy' with his wife and children, who often had to flee to the neighbors for safety. There are no more entries in the village protocols, but it seems that relations between the two brothers-in-law remained poor until Hentzler's death in 1789. Despite their conflicts, Riempp was appointed by the council as guardian of the children and administrator of the estate – a recognition of the responsibilities and privileges of kinship, an affirmation that tensions and ties go together.

Riempp was apparently under two kinds of pressures at the same time: he was faced with the problem of giving over part of the resources he controlled to his stepchildren and at the same time was in conflict with village authorities. This latter dispute was mediated through conflict over inheritance with his brother-in-law. The fact that he flirted with the possibility of joining a foreign army – and Catholic at that (Neckarhausen was 100% Protestant) – is to be seen as a symbolic gesture of escape from an authority which he was powerless to control. That such conflict could have a direct influence on the accumulation of wealth and strategies of inheritance can be seen by examining some of the land transactions in which Riempp was involved.

Table 1. Land sales involving Johann Georg Riempp (JGR)

Seller	Buyer	Type	Date
Georg Fried. Hahn	JGR	Acker (arable)	1778
Michael Friess	JGR	Acker	1780
Michael Friess	JGR	Garten (garden)	1780
Wilhelm Hentzler	JGR	Acker	1780
Johann Zeug	JGR	Acker	1781
Nicolaus Vogler	JGR	Acker	1782
Johann Georg Hess	JGR	Acker	1782
Salomon Brodbeck	JGR	Acker	1782
JGR	Johann Sterr	Acker	1783
Wilhelm Hentzler	JGR	Land (flaxland)	1784 (Jan.)
		(cancelled)	
JGR	Fried. Hentzler	Acker	1787
JGR	Adam Falter	Acker	1789
JGR	David Bauknecht	Acker	1789
JGR	Joh. G. Rieth	Land	1789
JGR	Joh. G. Bauknecht	Acker	1789
JGR	Mathes Sterr	Acker	1789
JGR	Joh. Kühfuss	Acker	1789
JGR	Joh. Kühfuss	Acker	1789
JGR	Joh. Kühfuss	Land	1789
JGR	Jacob Hentzler	Land	1789
JGR	Adam Falter	Acker	1789
JGR (redeemed, so cancelled)			
JGR	Jacob Hentzler	Acker	1789
JGR (redeemed, so cancelled)	David Bauknecht	Acker	1789
JGR	Nicolaus Vogler	Acker	1790
JGR	Michael Schach	Acker	1794
JGR	Matth. Sterr	Acker	1797
JGR	JGR jun.	Haus	1804
JGR	Michael Hentzler	Wiesen (meadow)	1804
JGR	Jacob Häfner	Acker	1805
JGR	JGR jun.	Acker	1806
JGR	JGR jun.	Acker	1806
JGR	JGR jun.	Acker	1806
JGR	JGR jun.	Acker	1806
JGR	JGR jun.	Wiesen	1806
JGR	Jacob Häfner	Acker	1806
JGR	Jacob Häfner	Acker	1806
JGR	Jacob Häfner	Land	1806
JGR	Wilhelm Hentzler	Wiesen	1807
JGR	Gottlieb Hentzler	Acker	1807
JGR	Jacob Häfner	Häuser (houses)	1807
Jacob Häfner	JGR	Garten	1808
Riempp <i>Erbmasse</i>	JGR	Weingarten (vinery)	1808
JGR jun.	JGR	Acker	1809



Table 2. Selected other transactions

Seller	Buyer	Type	Date
Sixt Heintelmann	Wilh. Hentzler	Acker	1789
Sixt Heintelmann	Wilh. Hentzler	Garten	1789
Sixt Heintelmann	Wilh. Hentzler	Acker	1789
Sixt Heintelmann	Jacob Zeug	Weingarten	1790
Sixt Heintelmann	Joh. Georg Bauknecht	Garten, Wiesen	1791
Jacob Eisinger	Joh. Feldmaier	Wiesen	1794
Jacob Häfner	JGR jun.	Acker	1805
Jacob Häfner	JGR jun.	Weingarten	1806
JGR jun.	Gottlieb Hentzler	Acker	1807
JGR jun.	Joh. Grauer	Acker	1807
JGR jun.	J.G. Hentzler (Wilhelm's Son)	Weinberg (vineyard)	1807
JGR jun.	Joh Bosch	Land	1807
JGR jun.	Conr. Hiller	Acker	1807
JGR jun.	Conr. Hiller	Acker	1807
JGR jun.	Salomon Bauer	Acker	1808

Table 3. Transactions involving the *Erbmassen* (estates) of Riempp and Caspar Hentzler

Seller	Buyer	Type	Date
Jac. Eisinger and Riempp heirs	J. G. Hentzler's widow	½ Haus	1808
Riempp <i>Erbmasse</i>	Jacob Eisinger	Acker	1808
Riempp <i>Erbmasse</i>	Jacob Häfner	Acker	1808
Riempp <i>Erbmasse</i>	Jacob Eisinger	Acker	1808
Riempp <i>Erbmasse</i>	Jacob Häfner	Garten	1808
Riempp <i>Erbmasse</i>	Caspar Kuhn	Land	1808
Casp. Hentzler <i>Erbmasse</i>	Sixt Heintelmann	Acker	1808
Casp. Hentzler <i>Erbmasse</i>	Jacob Eisinger	Acker	1808
Riempp <i>Erbmasse</i>	Michael Feldmaier	Acker	1808
Riempp <i>Erbmasse</i>	Conr. Hiller	Acker	1808

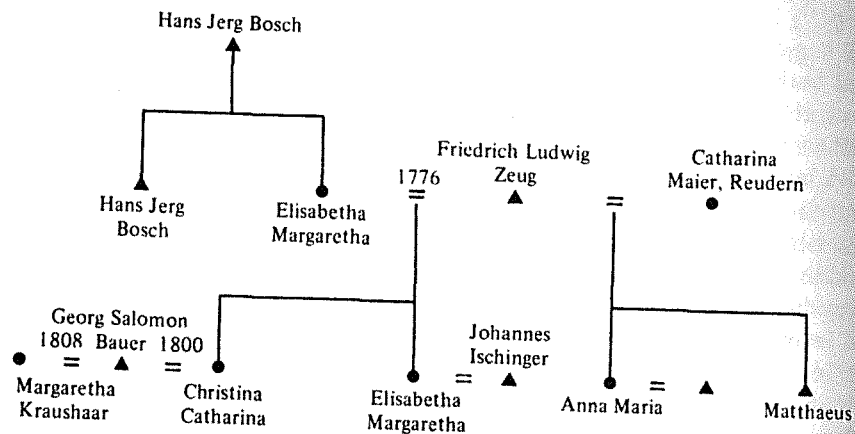
The tables offer a number of observations about the dynamics of family relations. During the time when the break between Riempp and Hentzler took place in 1784, the latter sold a flaxland (*Land*) to Riempp but then cancelled the transaction. In 1789 when Riempp was selling so much land, he put in a clause in many of the transactions which cancelled the sale if a redemption was forthcoming. That is, if someone from the family exercised his right to redeem a plot, Riempp had the right to take it back – which he did on two occasions. The history of his land sales fall into several distinct periods. During the early 1780s

he accumulated land from a number of people, whose connection to him cannot yet be shown. Among the sellers of land to him was his brother-in-law. The purchasing of land came to an end in 1784, and at the end of the decade he sold off many plots so long as family members were not forthcoming to redeem them. The conflict and perhaps his isolation caused him to exclude relatives, notably Hentzler, from access to these resources. From 1804 to 1807, he again sold off a great deal of property and at the same time ran up a great number of debts. The effect of this activity was to divest himself and his wife of assets, which at first glance would seem to have effectively disinherited all of his children. Since he was already in conflict with his stepchildren, they tried to arrest the process. Weber complained before the court of Riempp's prodigality. However, not all of the children were negatively affected by the latter's actions. What he was doing was selling as much as possible to his own son, Johann Georg Riempp, junior, and his son-in-law, Jacob Häfner. This gave them as much land as he could provide and loaded the remainder with debts. In selling land, Riempp also made available several plots for the sons of his dead brother-in-law, for whom he had acted as guardian. After Riempp's bankruptcy and semi-retirement, his son and son-in-law in return sold him a few plots to work in his old age.

At the inventory of Riempp's deceased spouse in 1808, since the debts totalled more than the assets, there was danger of a forced sale. Four of the brothers-in-law now saw it in their interest to cooperate to forestall this move. They successfully petitioned to allow themselves to proceed with the sale of the property, settling the debts with the sales. The four involved were Johann Georg Riempp, junior, Jacob Häfner, Jacob Eisinger, and Sixt Heintelmann. This brought together two parties from each of the two sets of children of the deceased Anna Maria (Hentzler) Riempp. Why were the other two excluded? My suggestion is that Weber's attempt to manipulate the situation with the illegal mortgage, having failed, alienated the other two with whom he had cooperated. At least it ruined him, and he could not profit by the situation of the sale of property heavily laden with debts. On the other side, Johann Georg Mühleisen had angered his brother-in-law, Riempp, junior, by selling one of the pieces of land his wife had received at her marriage for too much money. As a family member, Riempp had the right to redeem the property but at that price could not. Mühleisen came from a village too far away from Neckarhausen to be able to work land there. He probably had no interest in maintaining close connections with family members in the village. Thus the four who had an interest in an accommodation worked together to their own advantage. They sold most of the land to themselves, with part of the house going to one of Riempp senior's wards. Since part of the problem for villagers was getting their hands on any property at all, heavy debts were taken in stride. A buyer would simply pay off the mortgage holder by taking out a fresh mortgage. To a large extent, access to land was through family politics, shaped by the rules of redemption. When in insolvable conflict, it was possible to exclude family members from resources as Riempp did

in the late 1780s. Yet connections, however bent and battered, could be repaired as can be seen by his repeated transactions with the sons of his brother-in-law. Failure to fulfill a claim or an expectation could begin a process of fission as in the case of the brothers-in-law Mühleisen and Riempp, junior. However, reinforcement built ever stronger lines of connection and certain connections could be maintained for future use. For example, in 1800 during the time when the three brothers-in-law were in conflict with Riempp, senior, Anna Catharina Eisinger was godmother to her half-sister's child (the son of Jacob Häfner and his wife Margaretha). This may well have aided in the later cooperation to rescue the debt-laden property of Riempp, senior.

2) The family transactions of Friedrich Ludwig Zeug provide the second set of examples of relationships between brothers-in-law. Here again, the decease of a wife offered the occasion for bringing conflict out into the open. At the inventory (18 January 1815) of Zeug's second wife, Catharina, the two sons-in-law, Georg Salomon Bauer and Johannes Ischinger, brought suit to straighten out the property relationships between them and Zeug. They maintained that he held property in usufruct which would fall to them at his death, but because of his many debts the property was not secure. Furthermore, he was selling land that did not rightfully belong to him. The dispute centered around property that had come from three sources: Zeug's deceased first wife, her father, and her brother, who had died unmarried. One problem was to reckon what share of the property held by Zeug came to him via his first wife and what share via her father (Hans Jerg Bosch, senior). The reckoning was complicated by a change in the status of the wife's dowry. Customarily, a dowry (*Heiratsgut*) was provided by the parents at the marriage of a daughter. It was held inviolate until the death of one of the parents. If the daughter wished to share in the inheritance of the deceased parent, she had to return her dowry, a practical move only if a profit could be expected. In this case, Elisabetha Margaretha died ten years before her father, and in the intervening period her dowry remained in the hands of her husband, Ludwig

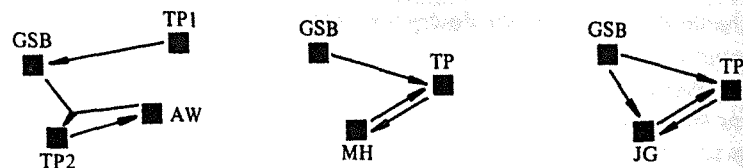


Zeug. When old Bosch died, the dowry was returned so that the heirs could share in the inheritance. This, however, changed the nature of the claims to the property, giving the grandchildren a right to the direct apportioning of the legacy, for so long as the property had been considered as dowry, it remained in Zeug's hands, but as inheritance from the grandfather, it could fall directly to the grandchildren.

The second point of disagreement between the two brothers-in-law and their father-in-law had to do with the manner in which part of the inheritance from Hans Jerg Bosch, senior, was passed on. It was a frequent practice for a man to begin transmitting his property to the next generation as he began to get old, notably in the form of dowries, marriage portions, and gifts. However, one important method was to *sell* many properties to the next generation – often to sons or to sons-in-law. Thus, in 1796, before his death, Bosch was prepared to sell much of his land to his son-in-law, Zeug, but regional officials (*Oberamt*) refused to let the latter buy the land because he had so many unpaid taxes. By 1799, Zeug found the solution to the problem in having Bosch sell the land to Zeug's children, whereupon he took possession of the property. He obviously considered the whole matter a clever maneuver to get around the law and simply treated the property as his own. The two brothers-in-law disputed this right and were supported by the authorities, who expressly considered the trick as cheating.

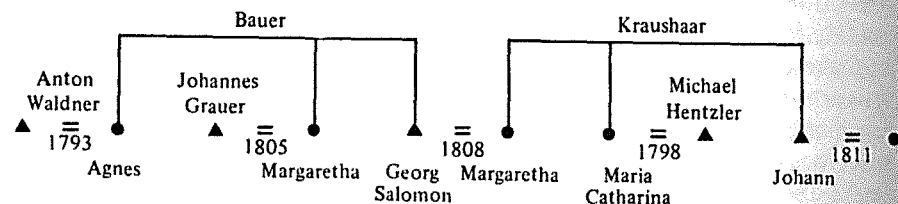
Both sides were dissatisfied with the reckoning that the authorities undertook. Zeug wrote a moving plea to the *Oberamt* to settle matters in his favor. As an 'old decrepit' man he feared falling into the hands of his two sons-in-law. He considered their attempt to raise themselves at his expense contemptuous. As far as he was concerned, they were only after what he had worked hard to earn (*sein Runge und Gewonnes*). Here again is an example of brothers-in-law cooperating in the issue of an estate involving two sisters. But the pickings were small. In the years following the dispute with Zeug both fell into extreme poverty, were cited for drinking and laziness, and caught for stealing. Ischinger blamed his condition on the dispute with his father-in-law. It does not appear that relations between the two brothers-in-law went much beyond the attempt to pry loose some indebted portions from their wives' expectations. Bauer complained in 1823 of Ischinger borrowing wood from his wife without getting his permission. With little property cementing them together, there seems to have been no basis for creating a relationship of mutual aid. Ischinger's relationships with his other in-laws were also not particularly good. In 1818, Zeug's son and daughter by his second marriage beat Ischinger up with a club and threw rocks at him – the culmination of a running battle over disappointed expectations.

Salomon Bauer seems to have had better relations with his other brothers-in-law, at least as far as land transactions are concerned.<sup>4</sup> He sold land to Anton Waldner twice, to Johannes Grauer three times, and to Johannes Kraushaar twice (and bought from him once) – all brothers-in-law. Transactions were often



GSB = Georg Salomon Bauer  
 TP = Third party  
 AW = Anton Waldner, brother-in-law

MH = Michael Hentzler, brother-in-law  
 JG = Johannes Grauer, brother-in-law



much more complex, involving the putting together of a more advantageous set of properties. For this a group of men had to cooperate together, relying on contacts between brothers-in-law or the willingness of one to follow the lead of the other. Above are examples of complex land sales which took place on three different occasions.

### III

The role of women in these transactions is difficult to see, since the husband was the public representative of the married couple. In all of the cases of buying and selling of property or in disputes before legal authorities, the husband appeared as the responsible agent. There were guarantees for women when it came to selling or mortgaging property which they brought into marriage, but, apart from releasing their husbands to act for them, they do not come into the records. Informally, however active they may have been, formally they appeared only through their husbands. There is then a sense that the conflicts which have been described were sibling conflicts – between sisters and between sisters and brothers – although because wives were represented by their husbands they appear as conflicts between brothers-in-law. However, there are good reasons to see the tensions as essentially ones between brothers-in-law. Men had to cooperate closely in agriculture, which brought brothers and brothers-in-law directly together in agricultural production. The claims and obligations which an in-marriage spouse exercised were mediated through his wife and involved all of the tensions that go with the progressive integration of an outsider. Whatever rivalries existed between siblings could be hidden or subsumed under rivalries

between brothers-in-law, allowing brothers to act as protector of sisters, and sisters to maintain solidarity among themselves. Because of the tension between the necessity to cooperate and the potential for irreparable break, the relationship between brothers-in-law seems to be one of the central axes around which family and kinship relationships were organized in Neckarhausen. The importance of the man as substitute figure for his wife is recognized in a number of ways. When, for example, a father sells property to his children, he sells to his sons and his sons-in-law, but not directly to his daughters. Men adopt a vocabulary in referring to kin which places them in the position of their wives; for example, one man referred to his wife's brother in contradistinction to her step-brother as 'my real (*echt*) brother'. Thus the position of the brother-in-law is characterized by various different moments. He is the public representative of his own family and as such exercises authority over property and property claims transmitted through his wife. He is in competition over inheritance with the wife's brothers and brothers-in-law and at the same time may well have to cooperate with them over against the wife's father, the law courts, or the village authorities. The brother-in-law is also pulled in the direction of his own family of origin, where solidarity between siblings can play a role. In any event much of his future is determined by property relations established at marriage and which do not end with the death of his wife. The property relations are seldom fixed at one point for all time, but involve negotiation over a more or less extended period. The essential connection in transmission between generations is not seen as one between fathers and daughters but as one between fathers-in-law and sons-in-law (and fathers and sons).

A second fact that determined relationships among brothers-in-law had to do with the nature of peasant production. At marriage, a young couple seldom received enough land or movables to be independent (a Swabian proverb: 'Don't put young bees in a full hive'). Or, even if the couple had considerable land, more resources were available to them than they themselves owned. In the marriage contracts and post mortem inventories, there are many indications that parents informally gave children pieces of land to work. At marriage some strips were formally handed over, although only with full legal force when the marriage contract was drawn up – often up to a year after the marriage took place. In this way children could receive the full legal title over some land or hold it only in usufruct, but it is clear from the sources that the children often had very little land of any kind in their hands. Thus, even after marriage they were still integrated into the productive activities of their parents. It is difficult from scattered evidence to see through this informal, rather make-shift system, but there seems to have been no sharp break in property ownership with marriage. Only the first steps of transmission were taken then, and independence developed only over time. This threw brothers-in-law informally together with the parents and parents-in-law in a series of productive relationships which ranged from



occasional help with plowing, hoeing, carting, and the like to independent working of a strip of land. There were many occasions to demonstrate favoritism or impartiality, goodwill or obstinacy, fondness or hatred.

There were other grounds as well for cooperation. Even with land, the marriage contracts demonstrate that many peasants were never supplied with the necessary tools for carrying on agriculture. Very few had horses, and many young couples had no cow. It was therefore necessary to be able to borrow plow animals. Plows and harrows were usually lacking, and few young couples had both. In the post mortem inventories and retirement contracts, there are many examples where one heir received the back part of a wagon and another the front. Thus cooperation in the form of borrowing tools and animals was integral to the system – especially in the early years of family formation. Finally, as the elderly parents retired or as they passed on strips of land, conditions were often set whereby they received regular support from the heirs. This threw brothers-in-law together as mutually responsible for the retired person(s). Friedrich Ludwig Zeug in the second case analysed above refused to accept the retirement agreement of his father-in-law until he was satisfied that the quality of the land he received was equal to that of the latter's son. The evidence shows that brothers-in-law often cooperated together in production, house and building repairs, and drinking.

A third aspect of the relations described here has to do with the fact that there was no sharp break between the generations. In areas of Central Europe where single son inheritance was the rule, the marriage of the heir and the retirement of the parents often coincided. In areas of partible inheritance such as Neckarhausen, the process of transition was protracted, with many tentative moves and reversals, and a complex intertwining of use-rights and obligations. With land often lent for a period, given in usufruct, sold piecemeal, or subject to future expectation there was considerable room for negotiation, development of moral claims, and proof of intent. Such a system was full of tension, subject to continual review and comment, and always for the individual combined with uncertainty. Parents demanded demonstration of capacity, respect, and seriousness. Children expected proof that real exchange would take place.

The cooperation of brothers-in-law in production, their common interest in the same property, their competition for favor from the parents, their mutual responsibility to care for the latter – all this made the relationship between brothers-in-law a central axis in familial relationships. Indeed, because of inheritance and the extremely crowded conditions of the village, they often were thrown together in the same house sharing use of the kitchen, living room, or farm buildings. Given the rules of redeemability of family property, the failure of one could mean the profit of the other. While on the one hand the relationship was filled with open-ended possibilities and offered the possibility of cooperation, mutual aid, and political support, on the other, the importance of the connection made it also grounds for mutual hostility, conflict, and hatred.

A few suggestions should be offered at this point about the limitations in time and class of the structure of brother-in-law relationships described here. A great deal more needs to be learned about the structure of economic and social relationships, so what is offered remains highly tentative. My guess is that the double-edged, emotion-filled connection took form in the period 1740 to 1760 and began to break up between 1840 to 1860. It was a connection that was above all crucial for the property holding peasantry and artisanry, but played much less of a role for farm laborers and the marginal small holders.

- a) Between 1740 and 1760 the population of the village began to rise, perhaps in response to the first tentative steps in agricultural intensification and market demand for crops based on labor intensive production. There was room for some development of village handicrafts – carpenters, smiths, shoemakers, and the like – but for all village inhabitants access to land was crucial for survival. Greater demand led to higher prices for land, but even with the proper cash, land was not necessarily available without family connection. An interest in being able to purchase land under the market price insured a common family policy. But very important was the law of redeemability, whereby a family member had the right within a year to purchase any alienated family property at the given price. The end to such legal restrictions on property would have destroyed a crucial prop to the system. The extreme inflation of property values might well have brought market calculation into family relationships.
- b) The lack of alternative employment made the accumulation of land a necessity. By the 1820s considerable employment for men was offered in road construction and canal building. This was followed soon by opportunities in the enormous drainage projects undertaken in rural areas and in railroad construction. By the 1850s and 1860s factory employment was available even for non-emigrants from the village. Progressively as well, men pulled out of agriculture, leaving women to do the stock-raising and hoeing of root crops. The nature of intensive agriculture limited the size of the unit of production. With land available at an inflated market price and the unit of production limited in size by the limits to the self-exploitation of women, the competition of brothers-in-law for land as well as mutual cooperation in agriculture might well have lessened.
- c) In the early phase of the agricultural revolution, the small producer was faced with high capitalization costs. Large debts were run up and bankruptcy was common – especially for the period after 1815. It was perhaps necessary to be able to borrow tools and double up on houses and agricultural buildings to keep the costs of production down. There are signs of increased house building in the 1830s, and reports later on in the century refer to the heavy over-capitalization of the small peasant enterprise. It would appear then that a development in capital equipment took place. This could be explained as an investment policy in the wake of increasing market relationships as far as land

is concerned. Each peasant producer tried to become as independent as possible once he no longer expected to gain access to land through family politics. As well, with men only available part-time in agriculture, investment in equipment to make male labor more efficient took place.

## NOTES

- 1 My thinking on the subject of property has been heavily influenced over the years in talks with Esther and Jack Goody. An essential text is the latter's *Death, Property and the Ancestors* (Stanford, 1962).
- 2 It is not a question here only of property held within the family, but also, of course, of the structure of property rights in the society. The particular form of domination (*Herrschaft*) that a family is subject to affects internal family relations directly. Domination is an essential aspect of property relations. For a rich introduction to the problem of property as external to the family and as a complex nexus of conflicting claims, see E. P. Thompson, 'The Grid of Inheritance: A Comment', in Jack Goody, *et al.* (eds.), *Family and Inheritance: Rural Society in Western Europe, 1200-1800* (Cambridge, 1976). For a view on property relations as crucial for bourgeois psychological development, see Gilles Deleuze and Félix Guattari, *Anti-oedipe* (Paris, 1972).
- 3 Research on the village of Neckarhausen is described in rather programmatic fashion in David Sabean, 'Verwandtschaft und Familie in einem württembergischen Dorf 1500 bis 1870: einige methodische Überlegungen', in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas* (Stuttgart, 1976). See also 'Aspects of Kinship Behaviour and Property in Rural Western Europe before 1800', in Goody, *Family and Inheritance*. Most of the sources for this study are found in the village. They are described broadly in the article, 'Verwandtschaft', and will be given in detail in a forthcoming book on family and kinship in the village.
- 4 As usual cooperation does not exclude conflict. Bauer lived in the same house with his brother-in-law, Kraushaar, and their wives could not get along at all. The women accused each other of stealing from time to time, and both families engaged in a running battle over the obligation to heat the common living room properly.

## Part IV. Obligation and power: kinship in the transformation of politics

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### 8. 'A brother is a creative thing' : change and conflict in a Melpa family (Papua New Guinea)

ANDREW STRATHERN

#### I

In Chapter 1 on material interest and emotion in kinship relations, David Sabean and Hans Medick point out that in certain kinds of society emotions both centre on land as a focus of interest and are expressed in terms of land as a type of material property. Often, the strength of such emotions may be shown only at times of crisis or transition, particularly when inheritance is at issue. Inheritance usually turns on a single crucial relationship, such as that of father/eldest son, and anthropological accounts have accordingly paid close attention to inter-generational ties of this sort. But, the same authors continue, there is a need to consider sibling relationships as a whole, particularly as they develop over time. In what follows, I attempt to explore a segment of sibling relationships in a small social group belonging to the Melpa society of Mount Hagen in Papua New Guinea, keeping this theme of family development in mind.

New Guinea societies in general exemplify well the close interdependence between interests and emotions, since within them obligations of exchange are strongly marked, and much time and effort are expended on producing items which can be fed into exchange networks. In the Highland region, to which Melpa society belongs, these items are food crops, pigs, and shell valuables, the last category now commonly replaced with money. Both sexes contribute to production, but men generally claim superior control over exchange, and certain men seek pre-eminence through their prowess in ceremonial exchange activities. The central values of the society are expressed in the contrast between what is *nyim* (i.e. characteristic of high performance in exchange) and what is *korpa* (that which is 'rubbish', reflecting or causing low performance). The language of praise and insult, affection and dislike, again reflects this same contrast. It constitutes the dimension against which people are evaluated by their kinsfolk as well as by others.