

Utah State University

DigitalCommons@USU

All Graduate Theses and Dissertations

Graduate Studies

5-2007

Culture, Community, and Class in the Bavarian Marriage Process, 1789-1849: Leonhard Büttner, Margaretha Weiss, and Their Illegitimate Children

F. Warren Bittner
Utah State University

Follow this and additional works at: <https://digitalcommons.usu.edu/etd>



Part of the [History Commons](#)

Recommended Citation

Bittner, F. Warren, "Culture, Community, and Class in the Bavarian Marriage Process, 1789-1849: Leonhard Büttner, Margaretha Weiss, and Their Illegitimate Children" (2007). *All Graduate Theses and Dissertations*. 8744.

<https://digitalcommons.usu.edu/etd/8744>

This Thesis is brought to you for free and open access by the Graduate Studies at DigitalCommons@USU. It has been accepted for inclusion in All Graduate Theses and Dissertations by an authorized administrator of DigitalCommons@USU. For more information, please contact digitalcommons@usu.edu.



CULTURE, COMMUNITY, AND CLASS IN THE BAVARIAN MARRIAGE
PROCESS, 1789-1849: LEONHARD BÜTTNER, MARGARETHA
WEISS, AND THEIR ILLEGITIMATE CHILDREN

by

F. Warren Bittner

A thesis submitted in partial fulfillment
of the requirement for the degree

of

MASTER OF SCIENCE

in

History

Approved:

Leonard N. Rosenband
Major Professor

Peter Mentzel
Committee Member

Christopher A. Conte
Committee Member

Byron R. Burnham
Dean of Graduate Studies

UTAH STATE UNIVERSITY
Logan, Utah

2007

Copyright © F. Warren Bittner 2007

All Rights Reserved

ABSTRACT

Culture, Community, and Class in the Bavarian Marriage
Process, 1789-1849: Leonhard Büttner, Margaretha
Weiss, and Their Illegitimate Children

by

F. Warren Bittner, Master of Science

Utah State University, 2007

Major Professor: Dr. Leonard N. Rosenband
Department: History

The marriage process for the poor in nineteenth-century Bavaria involved a delicate interplay between cultural bias, economic constraint, the prejudice of social rank, and the will to power in the peasant community by those who controlled marriage. This study follows Leonhard Büttner and his fiancée, Margaretha Weiss. Leonhard was a day laborer who had few marriage options due to his poverty and low social status. The insanity of Margaretha's father restricted her marriage choices. Cultural, financial, and legal limits prevented the couple from marrying, and they chose to have children out of wedlock in 1812 and 1816.

The dating traditions of the time allowed pre-nuptial sex by those who were serious about marriage and many brides of the day were pregnant at the marriage altar. Bavaria had high monetary requirements for marriage that made the bond inaccessible to the poor. As a result, illegitimate children were common. The situation led many in poverty to develop a subculture tolerant of bastardy.

In the opening decades of the nineteenth century, the changing legal environment led the king of Bavaria to decriminalize fornication and establish a new civil law code with the intent to treat everyone equally. The practitioners of the civil order denied the local communities their traditional right to approve marriages. Instead, new civil judges reviewed and granted marriage rights. In 1816, Leonhard Büttner applied to the new civil judge for permission to marry his fiancée, Margaretha Weiss, but the court became distracted for two years as it searched for evidence of Leonhard's draft status. In 1818, the king of Bavaria restored the right of the communities to approve all marriages; then, after a town gave sanction to a couple, marriage cases were passed on to the civil judges for their final ruling.

In 1821, after Margaretha Weiss' parents died, Margaretha received her dowry, which was enough to meet the monetary requirements for marriage. Leonhard and Margaretha applied to marry again, but were denied, as no community would give Leonhard rights of residency. The pastor of the local Lutheran church intervened and persuaded the town council to allow the marriage. In the final assessment, a pre-class tradition of hate outweighed economic concerns or cultural tradition as the factor most influential in the Bavarian marriage process.

(152 pages)

For Nancy Ruth

ACKNOWLEDGMENTS

I wish to thank Dr. Leonard N. Rosenband, my committee chairman, who opened my eyes to micro-history, and sent me to the cascade of secondary sources. This, in turn, led me to better understand the complex culture of nineteenth-century Germany. His insights also helped me place this story in its broader historical context. The other members on my committee, Dr. Peter Mentzel and Dr. Christopher A. Conte, provided both encouragement and needed feedback.

The Genealogical Society of Utah, my employer for the past six years, gave me the opportunity to make three research trips to Germany where I was able to find most of the primary source material for this work. David Rencher, David Ouimette, Dean Hunter, and Thomas McGill were all instrumental to this project by their support.

My thanks also go to the archivists in Bavaria who were helpful and cooperative during my visits. Dr. Gerhard Rechter, Günther Friedrich, and the staff at the *Staatsarchiv Nürnberg* directed me to many original sources. Herr Krause, an employee at the *Staatsarchiv Nürnberg, Aussenstelle Lichtenau*, deserves special mention for staying after closing time one Friday afternoon to direct me to the land records of Bavaria. This opened significant avenues of research in his and in other archives. Reverend Holger Bär of the Lutheran parish in Schalkhausen and his secretary, Frau Renate Raab, kindly allowed me to study and copy many pages of the parish registers. Hans-Georg Wölky at the *Landesamt für Vermessung und Geoinformation* tracked down the 1826 map of Neudorf for me and scanned it into a high-definition digital format. Dr. Jürgen König and Werner Jürgensen at the *Landeskirchliches Archiv der Evangelisch-*

Lutherischen Kirche in Bayern led me to the annual reports for Schalkhausen and allowed me to have copies of the original documents. Werner Bürger at the *Stadtarchiv Ansbach* was helpful during my several visits. The kind help of Daniel Jones, Marion Wolfert, and Marianne Sutter also facilitated the research I did in the archives of Germany.

There are several others without whose help this project would never have been possible. I express appreciation to the volunteers and staff at the German reference counter of the Family History Library, all of whom patiently helped me many times with both original sources and reference material: Larry Jensen, Heidi Sugden, Barbara Bell, Wolfgang Lebedies, Sonja Nishimoto, Laraine Ferguson, and Trudy Schenk. There is one other member of the reference staff I wish to particularly thank, Baerbel Johnson, without whose constant help and suggestions this work would never have been possible. Baerbel spent countless hours, over a period of four years, translating documents, suggesting avenues of research, proof reading, providing insights into the culture, and referring me to both original and secondary sources. To all of you, my heartfelt thanks.

My appreciation also goes to those who edited and proofread my text: Maribeth Clarke, Twila VanLeer, Joan Nay, Mark Shelline, Daniel Schlyter, Janet DiPastena, and Daniel Jones. I also want thank Marion Wolfert and Anna Altan who helped translated the lengthy German court records.

Finally, I give tribute to my wife, Nancy Ruth, and my children, Robert, Elizabeth, and Daniel, who spent many hours with Dad gone, and encouraged and supported me to finish the project. I could never have done this without all of you, thank you.

CONTENTS

	Page
ABSTRACT	iii
ACKNOWLEDGMENTS	vi
LIST OF MAPS	ix
LIST OF FIGURES	x
UNITS OF MEASURE USED IN BAVARIA	xi
LIST OF ABBREVIATIONS	xii
CHAPTER	
1. A WORLD IN TRANSITION.	1
2. SON OF POVERTY	12
3. BANKRUPT IN THE MARRIAGE MARKET	32
4. MARRIAGE REQUESTED AND DELAYED	59
5. COUPLE VERSUS COMMUNITY.	76
6. A HOUSE AND A MARRIAGE	102
WORKS CITED	125

LIST OF MAPS

Map		Page
1	Approximate Borders of Ansbach Principality	7
2	Ansbach and Surrounding Villages	29
3	Detail from 1826 Map of Neudorf and Surrounding Farmland	36
4	Detail from 1826 Map showing the Büttner Home Site and Land	104

LIST OF FIGURES

Figure		Page
1	Floor Plan and Elevations for the Büttner Cottage in Neudorf.	109
2	Site Plan for the Büttner Cottage in Neudorf	110
3	Diagram of Büttner and Weiss Families	124

UNITS OF MEASURE USED IN BAVARIA

MONEY

<i>Florin</i>	Same as a <i>Gulden</i>
<i>Gulden</i>	The basic unit of money. In the original sources often abbreviate as <i>fl.</i>
<i>Thaler</i>	1½ <i>Gulden</i>
<i>Kreutzer</i>	1/60 of a <i>Gulden</i> . In original sources often abbreviated as <i>kr.</i> or <i>x.</i>
<i>Pfennige</i>	1/210 of a <i>Gulden</i> .

SQUARE LAND MEASURES

<i>Morgen</i>	0.78 acres
<i>Tagwerk</i>	1½ <i>Morgen</i> , or 1.17 acres

LINEAR LAND MEASURES

<i>Fuss</i>	0.958 feet
<i>Rute</i>	10 <i>Fuss</i> , or 9.58 feet
<i>Elle</i>	1/12 <i>Rute</i> or 0.798 inches

LENGTH AND HEIGHT MEASURES

<i>Schuh</i>	0.958 feet, same as a <i>Fuss</i>
<i>Zoll</i>	1/12 <i>Schuh</i>
<i>Linie</i>	1/12 <i>Zoll</i>

FIREWOOD MEASURES

<i>Klafter</i>	117.92 cubic feet of wood. For comparison, a cord is 128 cubic feet of wood.
----------------	--

ABBREVIATIONS

ARCHIVES IN GERMANY

- LAELKB *Landeskirchliches Archiv der Evangelisch-Lutherischen Kirche in Bayern, Nürnberg, Bayern*
- LkAAK *Landeskirchliches Archiv, Aussenstelle Kirchenbucharchiv, Regensburg, Bayern*
- LVG *Landesamt für Vermessung und Geoinformation, München, Bayern*
- StAA *Stadtarchiv Ansbach, Bayern*
- StAN *Staatsarchiv Nürnberg, Bayern*
- StANAL *Staatsarchiv Nürnberg, Aussenstelle Lichtenau, Bayern*
- StNadD *Staatsarchiv Neuburg a/d Donau, Bayern*

ARCHIVES IN AMERICA

- NARA National Archive Records Administration, Washington, D.C.

GENEALOGICAL SOURCES

- BCGR Brenner Collection of Genealogical Records (alphabetical unpaginated records compiled over many years by Tobias Brenner, now housed in the Stadtarchiv Ansbach, microfilmed while in possession of the Family History Library in Salt Lake City, Utah in 1969.)
- FHL Family History Library, Salt Lake City, Utah

CHAPTER 1

A WORLD IN TRANSITION

On a cold November morning in 1821, Johann Leonhard Büttner (1789 - 1849), a nervous peasant laborer, approached the royal court in the medieval-walled city of Ansbach to beg permission to marry.¹ For ten years, he and his fiancée, Anna Margaretha Weiss (1789 - 1840), had wanted to marry. The community council in the little German village where they lived had repeatedly denied his requests. Leonhard hoped the judge in this ancient city would grant the long-awaited approval, but this court too had already needlessly prolonged his case. The men with the will to power in this society dallied with a variety of excuses: Leonhard's draft papers were not in order, his employment records needed to be notarized, or he did not have sufficient funds to meet the monetary requirements to marry. All the parties knew the delays were a deliberate tactic to discourage the marriage. After all, Bavarian law forbade "frivolous marriage" between "slovenly people who will breed only beggars and idlers."² These laws set tight marriage restrictions. Substantial property holdings and adequate savings were essential, as was community council consent. These precautions were needed to protect the town from what was considered an undesirable match.³

¹ StANAL, Ansbach Bezirksamt, Ansässigmachungs- Verehelichungs- u. Konzessionsakten, Serie I, 1818-1840, Nr. 85, Jahr 1821, Protokoll 345, notes dated November 28, 1821; a copy is available at the FHL microfilm 2,090,834. Occasionally, the sources list his name as *Georg* Leonhard instead of *Johann* Leonhard. Both Johann Leonhard and Anna Margaretha followed the German custom of using their middle names, which will be used in this thesis.

² Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 152, quoting Bavarian Ordinances of 1656, 1676, and 1681. W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 148-51.

³ Reinhard Heydenreuter, "Landesherrliche Ehebeschränkungen im Herzogtum, Kurfürstentum und Königreich Bayern," *Archiv für Familiengeschichtsforschung* 3 (September 1997): 177-89. Sheilagh C. Ogilvie, *State Corporatism and Proto-Industry: The Württemberg Black Forest, 1580-1797*, Cambridge Studies in Population,

There was no way around it – the marriage of this couple was undesirable, or at least the village officials thought so. The community council in the parish where Margaretha had grown up and where she and Leonhard wanted to live firmly opposed the match. As the village authorities saw it, Leonhard Büttner and his kind just did not belong. He was not born in the town. He had no rights there. “Let him go back to his own village and get married there.”⁴ But his village of birth would not admit the couple either. He was the kind of riffraff the laws were designed to keep out, a day laborer, one of society’s “foot rags.”⁵

Margaretha Weiss was also the subject of contempt from the town council. Although her father had owned a few strips of land, her family claimed no respect in the community. Her brother, head of the family at the time, also opposed the match. As he saw it, Margaretha needed to marry someone who would improve the family’s respect and honor, not degrade it.⁶

So Leonhard and Margaretha acted. They were fully aware of the situation with the family, the village, and the court. In passion, desperation, and defiance, Leonhard and Margaretha chose to have children out of wedlock. At the time of the hearing late in 1821, Margaretha was within weeks of delivering their third illegitimate child.

The community council was livid! Despite their repeated warnings, “this Büttner and his concubine persist in living in open sin!”⁷ The town wanted them out. The parish

Economy and Society in Past Time, no. 33 (New York: Cambridge University Press, 1977), 225-7.

⁴ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, petition dated March 26, 1821, the actual statement is “Die Gemeinde Neudorf weigert sich den fraglichen Tagelöhner Büttner in Schutz schreiben zu lassen, weil er in Hennenbach gebürtig und dahin gehöre.” Translation by Marion Wolfert and Anna Altan.

⁵ Hajo Holborn, *A History of Modern Germany: The Reformation* (Princeton: Princeton University Press, 1959), 63.

⁶ Young women were often expected to marry up socially; see David Warren Sabean, *Kinship in Neckarhausen, 1700-1870* (Cambridge: Cambridge University Press, 1998), 12.

⁷ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, summary of sentiments of April 13, and July 7, 1821. Many couples were forced to separate; see Monika Bergmeier, *Wirtschaftsleben und Mentalität*,

leaders told the court that if another village could not be found where Leonhard, Margaretha and their bastard children could settle, the couple would be forced to separate – permanently.

Leonhard and Margaretha's story permits a glimpse of life at the lowest levels of German peasant society. Their struggle demonstrates the subtle interplay of forces at work in the substrata of village culture. The outcome was affected by economic constraints, social bias and tradition, the will for power by community leaders, and long-established prejudice against those with lower social standing.

Leonhard and Margaretha's situation was not unique: Europe brimmed with downtrodden poor who chose unlicensed sex over conventional marriage. Many German peasants were denied the right to marry. Not surprisingly, illegitimacy increased dramatically among the poor.⁸ The archives of Germany, if thoroughly scoured, would reveal thousands of couples with experiences similar to those of Leonhard and Margaretha. However, published histories of individual couples from among these unrefined masses are almost entirely unknown. Inter-disciplinary studies of people from this subculture that combine social history with carefully executed family history, are as rare in German scholarly publications as they are in English. Given the acute interest by

Modernisierung im Spiegel der bayerischen Physikatsberichte 1858-1862, Mittelfranken, Unterfranken, Schwaben, Pfalz, Oberpfalz (Munich: Herbert Utz Verlag, 1990), 416.

⁸ Isabel V. Hull, *Sexuality, State, and Civil Society in Germany, 1700-1815* (Ithaca: Cornell University Press, 1996), 53-369. Walker, *Home Towns*, 217-47, 307-54. John E. Knodel, "Law, Marriage and Illegitimacy in Nineteenth-Century Germany," *Population Studies* 20 (1966-67): 279-94; Knodel later reversed his conclusion that restrictive laws caused illegitimacy; see *Demographic Behavior in the Past: A Study of Fourteen German Village Populations in the Eighteenth and Nineteenth Centuries*, Cambridge Studies in Population, Economy and Society in Past Time, vol. 6 (Cambridge: Cambridge University Press, 1988), 195, (see 192-223). For specifics of laws in Bavaria, see Heydenreuter, "Landesherrliche Ehebeschränkungen," 177-89. The increase of illegitimacy in Bavaria is well documented; see Lee, *Population Growth*, 307-13. For charts showing the increase in various countries see Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe" in *Marriage and Fertility: Studies in Interdisciplinary History*, ed. Robert I. Rotberg and Theodore K. Rabb (Princeton: Princeton University Press, 1980), 117ff.

historians in social history, it is unusual that individual families, which are the foundation of society, have received so little attention. No reports of individual German peasant families have been found in any language.⁹

The records used to reconstruct this history are not first-person accounts left by either Leonhard or Margaretha, both of whom were illiterate peasants that kept no such records. The primary sources for this history include almost ninety pages of court records from three marriage hearings that span more than a quarter century. There are also dozens of pages of mortgage records, housing applications, tax records, loan requests, and estate settlement files. These documents tell a fragmented story at best; one that is disjointed and open to multiple interpretations. The resultant holes in this history have been cautiously filled in with the conventional behavior of contemporaries. The documents used to recover this story are complex texts that can be read at more than one level. The original records were subtly biased by the slanted pens of the clerks who transcribed them; men who were clearly prejudiced against the ignorant men and women who came before them. On the surface, the documents are straight-forward accounts of the proceedings at the marriage court, or the request before the community council to build a house, or an application to change the registration of a landholding. But when

⁹ David Warren Sabean's reconstruction of Neckarhausen draws heavily on genealogical data, however, his focus is always in the larger ethnohistory of the area and never in a microhistorical analysis of how individual experience informs the larger discussion; see David Warren Sabean, *Property, Production, and Family in Neckarhausen: 1780-1870* (Cambridge: Cambridge University Press, 1990); see also his *Kinship in Neckarhausen*. There are two recent historical biographies available in English that indirectly trace the histories of specific families: Max Safley, *Matheus Miller's Memoir: A Merchant's Life in the Seventeenth Century* (New York: St. Martin's Press, 2000); and Steven E. Ozment, *The Bürgermeister's Daughter: Scandal in a Sixteenth-century German Town* (New York: St. Martin's Press, 1996); however, both focus on individuals who lived over two centuries before Leonhard Büttner made his initial application for marriage, and both families studied were middle-class, not peasants, and not members of the landless subculture. See also Elizabeth Shown Mills, "Review Essay: Academic Forays into Thematic Family History: Two Families, Two Worlds, Two Outcomes," *National Genealogical Society Quarterly* 92, no. 3 (September 2004): 209-17, citing "Social History Tops Members' Interests" and "Political History Ranks at Top of Recent Scholar Production," *OAH Newsletter* 31 (November 2003): 18-19; "In the Spring of 2003 the Organization of American Historian (OAH) analyzed profiles of its 8,891 members and found that of all their 'scholarly areas of interest' the one most frequently cited was *social history*. Only seven of thirty matches even half the number of mentions for social history."

examined more closely, the records reveal themselves as cultural palimpsests, where the lives of Leonhard and Margaretha, at the dregs of peasant culture, have been deliberately obscured by resentment against them for their insistence on existing outside the norms of peasant society. To accurately interpret the history of this lumpenproletarian couple, this author has attempted to cautiously peel off the layers of prejudice to expose the lived experience of Leonhard Büttner and Margaretha Weiss.

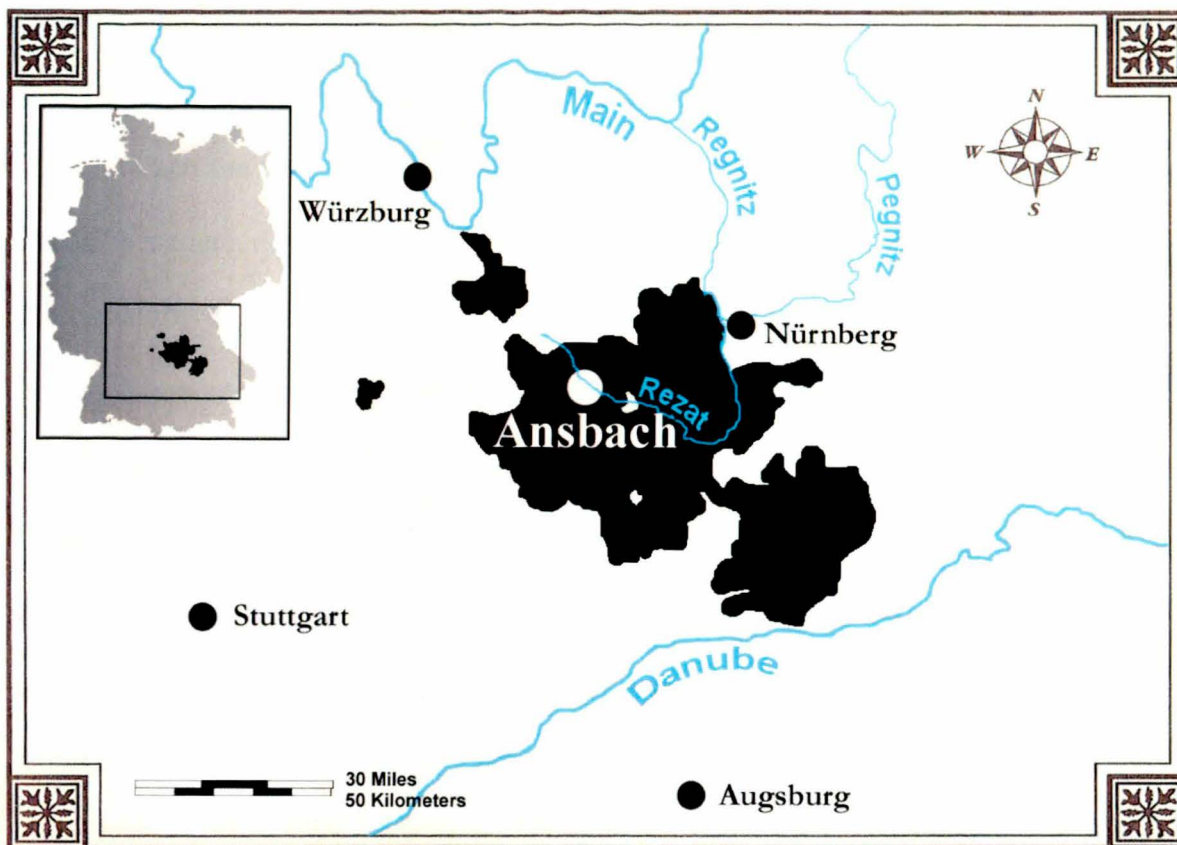
It is easy for a historian, removed by two centuries and half a globe from these events, to misjudge the intensely personal choices this couple made. Their intimate emotions of elation, embarrassment, fear, defiance, passion, frustration, humiliation, or joy have vanished with time. Yet while many details are gone, their world is not unassailable; it must, however, be approached with care.

Repeated action speaks loudly. One illegitimate child might be called an accident, two a coincidence, but by the time the third baby arrives, a clearly marked pattern is established. Leonhard and Margaretha made a deliberate choice to act contrary to the norms of society. But the urge to dismiss Leonhard as an uncouth, immoral, day laborer among the rabble of this society is to label him without understanding the choices he made. Similarly, to say Margaretha was the daughter of a poor, eccentric peasant with few marriage options, fails to grasp the complexity of the decisions she made. The mutual commitment of Leonhard and Margaretha to each other is affirmed by their steadfast loyalty through three out-of-wedlock pregnancies. Theirs was not a casual relationship. Gaining understanding of their decisions will require an in-depth study of their culture with its laws and traditions, their community with its social ranks and privileges, and their own individual backgrounds. This must be combined with the

history of their siblings, their parents, and even their grandparents before the choices they made can be understood in context.

Leonhard and Margaretha were both born in the forested hills between the Danube and the Main, the area known as Middle Franconia (*Mittelfranken*), in hamlets around the ancient city of Ansbach. Ansbach sits a little northeast of center in a quincunx, with Nürnberg, the largest city in the region, thirty miles to the northeast; Würzburg, only slightly smaller, forty miles to the northwest; Augsburg, where the Lutherans first articulated their faith, fifty miles to the southeast; and Stuttgart, the capital of neighboring Württemberg, sixty miles to the southwest. In 700 A.D., Onold, a Saxon knight, built a settlement on the banks of the Rezat (a tributary of the Main); a town that would bear his name. Onaldsbach was later shortened to Ansbach (see Map 1).

The Ansbach territory where Leonhard and Margaretha were born also gave rise to one of Germany's most influential families. In 1331, the Hohenzollern family of Nürnberg chose Ansbach as the seat of their dynasty, and for the next 500 years they dominated both European and Franconian history and politics. There were two main branches of the Hohenzollern family, one in Ansbach, the other in Brandenburg. The Brandenburg branch of the family became the powerful Prussian leaders of the eighteenth, nineteenth, and twentieth centuries. Kaiser Wilhelm II (of World War I) and Frederick the Great descend from the Brandenburg branch of the Hohenzollern family. The older Ansbach branch of the family became politically independent from the Brandenburg electors in 1440, and Ansbach's margraves (princes) ruled an area slightly larger than Rhode Island. Ansbach was the name of both the territory and its capital city.



Map 1. APPROXIMATE BORDERS OF ANSBACH PRINCIPALITY. (Circa 1791.)

The Ansbach Principality was more checkered than this map shows, with small segments in the black areas owned by various religious orders, imperial knights, and noblemen from other regions. Ansbach also held title to three small land segments on the other side of the Rhine. The insert shows Ansbach's position within modern German borders.

larger than Rhode Island. Ansbach was the name of both the territory and its capital city.

Although not as influential as the Prussian family, the Ansbach territory's population, size and influence made it about equal in strength to other old German states like Baden, Hessen, Hanover, and the Palatinate. The Ansbach region included hundreds of villages where the peasants were serfs to these margraves. Formal serfdom in the terms of *Leibeigenschaft*, or slavery of the person, had not existed in Ansbach for many centuries,

but *Erbuntertänigkeit*, or hereditary subjection (labor obligations connected with the land) continued until the mid-nineteenth century.¹⁰

When the teachings of Martin Luther reached Ansbach, Margrave Georg “the Pious” became a devoted convert to the new faith and staunchly defended the Reformation. He is famous for his gesture before Charles V at Augsburg in 1530, when he proclaimed he would sooner lose his head than renounce the Word of God. As a result of his conversion, Ansbach became a Protestant enclave in an otherwise staunchly-Catholic southern Germany. During the Thirty-Years’ War (1618 - 1648), a third of the region’s residents died of starvation or the plague. Late in the war, more than twenty thousand Protestant refugees inundated Ansbach. These people had fled religious persecution in Austria and sought protection under Ansbach’s Lutheran margraves.¹¹ Leonhard and Margaretha had ancestors among the survivors of the plague and among the Austrian refugees.

Both Leonhard and Margaretha were born in 1789 – the axial year in Europe’s modern existence. In July of that year, Parisian mobs stormed the Bastille, starting the public revolt that became the French Revolution. The effects of the revolution in Germany were enormous, but not immediate. In 1789, the two powerhouse monarchs, Frederick the Great of Prussia and Maria Theresa of Austria, were both recently in their graves. These two had vied for supremacy in Germanic Europe for forty years. Their less-illustrious offspring were now carrying on their parents’ power struggles, unaware

¹⁰ Hermann Dallhammer and Werner Bürger, *Ansbach: Geschichte Einter Stadt* (Ansbach: Hercynia, 1993), 15-28, 37-64. “Ansbach,” <<http://en.wikipedia.org/wiki/Ansbach>>, accessed March 21, 2006. “The Hohenzollern Dynasty,” <http://www.west.net/~antipas/protected_files/news/europe/hohenzollerns.html>, accessed March 31, 2006. For a list of towns in the Ansbach *Fürstentum* see StAN, Repertorium zu den aus das Oberamt Ansbach, Nr. 144.

¹¹ C. Scott Dixon, *The Reformation and Rural Society: The Parishes of Brandenburg-Ansbach-Kulmbach, 1528-1603*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 1996), 5. Eberhard Krauß, *Exulanten im Evang.-Luth. Dekanat Ansbach* (Nürnberg: Gesellschaft für Familienforschung in Franken, 2004). Felix Gundacker, “Exulanten” <http://www.ihff.at/IHFF_Exulantene.htm>, accessed July 15, 2006.

that developments in France would soon bring both monarchies to their knees. Between Austria and Prussia lay the remaining, checkerboard of German territories. Twenty-five years later, when Napoléon and the Congress of Vienna finished redrawing the map of Europe, the thousand-year-old Holy Roman Empire of German States would be no more, and fewer than forty of her original two-thousand territories would remain. The surviving states absorbed scores of the adjoining baronies, duchies, bishoprics, principalities, and estates of the imperial knights, and grew to many times their previous size.¹²

Ansbach was among the casualties. Christian Friedrich Carl Alexander (1736 - 1806), a childless widower, was the last margrave of Ansbach. After the margrave's wife died in 1789, he found the love of his life in Elizabeth Craven, on whom he lavished his dominion's funds. In 1791, this nephew of Frederick the Great shocked the noble houses of Europe when he sold Ansbach to his cousin, King Frederick Wilhelm II of Prussia and abdicated. He left Ansbach partly in fear the French Revolution would spread, but mostly from the persuasions of Lady Craven. He married her and followed her to England where he died in 1806.¹³ Ansbach thus became a Prussian territory in 1791, but was not to remain so for long.

¹² Hajo Holborn, *A History of Modern Germany: 1648-1840* (Princeton: Princeton University Press, 1964), 278-302. Also, Friedrich Meinecke, *The Age of German Liberation, 1795-1815*, trans. Peter Paret and Helmuth Fischer (Berkeley: University of California Press, 1977), 18-34. Marjie Bloy, "The Congress of Vienna, 1 November 1814 - 8 June 1815," *The Victorian Web* <<http://www.victorianweb.org/history/forpol/vienna.html>>, accessed December 16, 2006. Walker, *Home Towns*, 194-205.

¹³ Arno Stökel, *Christian Friedrich Carl Alexander: Der letzte Markgraf von Ansbach-Bayreuth* (Ansbach: Wiedfeld & Mehl, 1995), 236-46. Günther Schuhmann, *Die Markgrafen von Brandenburg-Ansbach: Eine Bilddokumentation zur Geschichte der Hohenzollern in Franken* (Ansbach: Selbstverlag des Historischen Vereins für Mittelfranken, 1980), 259-62, 625. The margrave's mother was Frederick the Great's sister; see Arnold McNaughton, *The Book of Kings: A Royal Genealogy*, 3 vols. (London: Garnstone Press, 1973), 1:44-5, 79-80. George S. Werner, *Bavaria in the German Confederation, 1820-1848* (Rutherford: Fairleigh Dickinson University Press, 1977), 68-70.

In November 1805, French Marshall Jean-Baptiste Bernadotte and his troops violated Ansbach's lands and Prussia's neutrality during Napoléon's war with Austria, when they entered the principality and crossed its lands on their way to Vienna. The following month, after Napoléon's decisive victory in the battle of Austerlitz, the Prussian negotiator, Count Haugwitz, realizing the significance of the battle astutely gave in to Napoléon's demands and ceded Ansbach to France. In exchange, Prussia received Hanover. Napoléon quickly turned around and awarded Ansbach to Bavaria, as reward for the later's support in the French fight against the German Emperor.¹⁴ Two months later, in February 1806, Marshal Bernadotte returned to seize Ansbach for France without firing a shot. Napoléon charged Bernadotte to prepare Ansbach for Bavarian rule. Bernadotte's twenty thousand troops ravished the Ansbach countryside with demands for supplies. Napoléon's armies, like most military forces of the past, fed themselves by requiring villagers to supply food. Margaretha's family was devastated by the loss of what the French troops stole. The people in Ansbach's territories saw both the French and the Bavarians as foreign occupiers who had little understanding of local customs or ways of doing things, but the people allowed the principality to be assimilated both times without violence.¹⁵

¹⁴ Ibid., 11-4. Dallhammer and Bürger, *Ansbach*, 244-50. Marcus Junkelmann, *Napoleon und Bayern: Von den Anfängen des Königreiches* (Regensburg: Verlag Friedrich Pustet, 1985), 95-115. Peter J. Dean, "Napoleon as a Military Commander: The Limitations of Genius," <http://www.Napoleon-series.org/research/Napoleonic_genius.html>, accessed December 16, 2006. *Classic Encyclopedia*, "Christian August Heinrich Kurt Haugwitz" <http://www.1911encyclopedia.org/Christian_August_Heinrich_Kurt_Haugwitz>, accessed December 16, 2006.

¹⁵ T. C. W. Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792-1802* (Oxford: Oxford University Press, 1984), 85-123. Sabean, *Property, Production*, 42. Walker, *Home Towns*, 238-41. Lee, *Population Growth*, 174. Frank B. Tipton, "The Regional Dimension: Economic Geography, Economic Development, and National Integration in the Nineteenth and Twentieth Centuries," in *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols., ed. Sheilagh Ogilvie and Richard Overy (London: Arnold, 2003), 4. Gerhard Rechter, "The Situation of the Jews in Modern Bavaria after 1806: The Origin of Modern Bavaria and Administrative Reforms," Unpublished manuscript from StAN, [ca. 2002], 3ff.

Leonhard and Margaretha were both born as serfs to the last margrave of Ansbach. They grew up as Prussian subjects. They were under French control for a brief period. But by the time they applied for permission to marry, they had become subjects of the Bavarian Crown.

CHAPTER 2

SON OF POVERTY

Leonhard's father, Johann Michael Büttner (1742 - 1804), had delayed his marriage by more than a decade. He had to. He wanted to join the weavers' guild, which did not allow young men to marry until they had finished all the admission requirements. This process took Leonhard's father more than twenty years to complete, but during this period, late marriages were the norm.¹

In his early teens, Johann Michael Büttner apprenticed with a master weaver from whom he learned the intricacies of making *barchend* – a tightly-woven cloth made with a linen warp and a cotton woof that was rubbed with a fine wire brush to soften it. His father (Leonhard's grandfather) had specialized in making this same velvety fabric.

Barchend was popular for bed ticking, and pillow covers, and the weavers of Franconia exported this and other distinctive linens to markets across Europe.² The fact that Johann

¹ The average marriage age for men in Germany at the time was age 28 or 29; in Bavaria it was slightly later; for women it was age 26; see John E. Knodel, *Demographic Behavior in the Past: A Study of Fourteen German Village Populations in the Eighteenth and Nineteenth Centuries*, Cambridge Studies in Population, Economy and Society in Past Time, vol. 6 (Cambridge: Cambridge University Press, 1988), 121. Timothy W. Guinnane, "Population and the Economy in Germany, 1800-1990," in *Germany: A New Social and Economic History*, vol. 3, *Since 1800*, 3 vols., ed. Sheilagh Ogilvie and Richard Overy (London: Arnold, 2003), 39. Sheilagh C. Ogilvie, *State Corporatism and Proto-Industry: The Württemberg Black Forest, 1580-1797*, Cambridge Studies in Population, Economy and Society in Past Time, no. 33 (New York: Cambridge University Press, 1977), 140-3; 150-73. Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe" in *Marriage and Fertility: Studies in Interdisciplinary History*, ed. Robert I. Rotberg and Theodore K. Rabb (Princeton: Princeton University Press, 1980), 101. On the process of joining the guilds see Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 73-107, 139-40.

² St. Lambertus Evangelische Kirche Eyb (now Bavaria), Kirchenbuch, Eheregister, Bd. 2, 1683-1778, S. 92/b; microfiche LkAAK, register number 48-2, fiche 7+. (All church book references are listed according to Wilhelm Biebinger, *Pfarrbücherverzeichnis für die Evang.-Lutherische und Evang.- Reformierte Kirche des rechtsrheinischen Bayerns*, Pfarrbücherverzeichnisse für das rechtsrheinische Bayern, Heft 8 (Munich: Theodor Ackermann, 1940).) This marriage record indicates both Johann Michael Büttner and his father were "*Meister des Barchend und Linnenweber handwerks*." My thanks to Heidi Sugden for interpreting the term *Barchend*. For a brief description of *Barchend* see Herrmann Julius Meyer, *Meyers Konversations-Lexikon: eine Encyclopädie des allgemeinen Wissens*, 19 vols. "Barchend" (Leipzig: Biblio-graphisches Institute, 1885-1892), 1: 364. Before cotton became available in German territories, hemp was used for the barchend woof; see Max Spindler, *Handbuch der Bayerischen Geschichte*, 4 vols. in 6, Franken, Schwaben, Oberpfalz bis zum Ausgang des 18. Jahrhunderts, Bd. 3 (Munich: C.H. Beck, 1975),

Michael made the same type cloth as his father suggests he was apprenticed to learn the trade at home.

Johann Michael's father had died when the boy was only sixteen, probably about the time the young man finished his three- or four-year apprenticeship. Due to his father's early death, the guild likely waived the requirement that Johann Michael travel for several years as a "journeyman," because as the only son he had to support his widowed mother and five sisters. Despite the family's best efforts, they could not survive without their father's help. After several years of struggle, his widowed mother sold the family's cottage and strips of land in the village of Eyb.³ Like many weavers of the day, the Büttner family lived on a fragile economic edge with no cushion to fall back upon. Their situation must have been dire for them to have parted with this land, which was both their only asset and their only security against starvation. With the land gone, the family also lost their rights and social standing in the community and joined the growing number of landless peasants as they sank from a condition of poverty to one of

1076-80. *Barchend* was produced for export, which suggests the Büttners were part of a "putting out" system.

³ The guild records at StAA do not list details of guild members, so it is impossible to find the dates of Johann Michael's apprenticeship or admission into the guild. For the death of his father see Sankt Lambertus Evangelische Kirche Eyb, Kirchenbuch, Totenregister Bd. 5, 1742-1845, S. 27, Nr. 1; microfilm LkAAK, register number 48-5, fiche 1+. The Büttner home in Eyb belonged to the margrave, but the mother could sell her right of tenure. For the sale see StAN, Rent Amt Ansbach, Nr. 3012, S. 179, also Nr. 3016, S. 596, in which the widow asked for an extension on a tax bill of 125 *Gulden*. She sold the house in 1771. There is nothing in the brief record to show the sale was for financial difficulties, but the extremely large amount in arrears and timing of the sale suggest this was the case. For restrictions on the widows of guildsmen see Sheilagh Ogilvie, "How Does Social Capital Affect Women? Guilds and Communities in Early Modern German," *The American Historical Review*, vol. 109:2, paragraph 25-7, <<http://www.historycooperative.org/journals/ahr/109.2/ogilvie.html>>, accessed July 18, 2005; see also Leslie Page Moch, *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press, 1992), 36. Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), 20, 93, 99. The percentage of the population that owned land was shrinking; see Olaf Mörke, "Social Structure," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols. ed. Sheilagh Ogilvie (London: Arnold, 1996), 151.

destitution.⁴ Neither Johann Michael nor his son Leonhard ever fully recovered either economically or socially from the loss of this land.

The early death of Johann Michael's father and the family's financial problems certainly contributed to Johann Michael's late marriage. By the time he was ready to join the weaver's guild, Johann Michael was in his mid-thirties and his widowed mother had recently died.⁵ The final step for admission into the guild was to prepare a "masterpiece" of his best work for approval by the guild over-master. When the guild accepted his application, he became a master weaver and could then request permission to marry. Often, the guild recommended the bride, sometimes the widow or daughter of a guild member. Johann Michael's wife (and Leonhard's mother), Anna Eva Braun (1747 - 1800), appears to have been without guild connections. Still, the guild probably reviewed and approved their marriage. So also did the village council in Eyb, but for a guild member, approval by the village for a marriage was usually given without question. Johann Michael was thirty-six years old when he married in the village of Eyb in 1778. Anna Eva Braun was age thirty.⁶

⁴ Ibid., 106-8. David Warren Sabean, *Property, Production, and Family in Neckarhausen: 1780-1870* (Cambridge: Cambridge University Press, 1990), 157. For many people the death of their fathers was the beginning of poverty; see Mary Jo Maynes, *Taking the Hard Road: Life Course in French and German Workers' Autobiographies in the Era of Industrialization* (Chapel Hill: University of North Carolina Press, 1995), 67-71. Olwen H. Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford: Clarendon Press, 1794), 18-9, 25, 57, 107ff. Regina Schulte, *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910*, trans. Barrie Selman (Cambridge: Cambridge University Press, 1994), 99. W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 325. Robert Jütte, "Poverty and Poor Relief," in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols., ed. Sheilagh Ogilvie (London: Arnold, 1996), 382-3.

⁵ Eyb, Kirchenbuch, Totenregister, Band 5, 1742-1845, S. 44, Nr. 2, microfiche LkAAK, register number 48-5, fiche 1+.

⁶ Eyb, Kirchenbuch, Eheregister, Band 2, 1683-1778, S. 92/b; microfiche LkAAK, register number 48-2, fiche 7+. Anna Eva Braun was from the hamlet of Hechelbach in the domain (*Kommende*) of the Teutonic Knight (*Deutscher Orden*) of Virnsberg (now in Mittelfranken, Bavaria). For information about the Teutonic Order of Virnsberg see Gerhard Rechter, *Das Land zwischen Aisch und Rezat: Die Kommende Virnsberg Deutschen Ordens und die Rittergüter im oberen Zenngrund*, Schriften des Zentralinstituts für Fränkische Landeskunde und Allgemeine Regionalforschung an der Universität Erlangen-Nürnberg, Bb. 20 (Neustadt a.d. Aisch: Degener, 1981), 452ff.

Unlike most artisans who made good wages, weavers were often quite poor. In many areas, the city guilds viewed weaving as a farmer's vocation, unworthy of an artisan's dignity. But in Ansbach, as in Württemberg and other areas in the south, the rural weavers' guild were of ancient date. Still, the rural weavers guild held little political clout; unlike the town guilds where membership meant citizenship (*Bürger*) status in the city of Ansbach. Members of the urban guilds were never serfs as Johann Michael Büttner and his parents had been.⁷

Johann Michael's guild membership was both a help and a hindrance in his efforts to feed his family. The guild gave Johann Michael license to make fabric that he could sell, but it also set the price of the cloth and limited both its size and quantity. A weaver was fined if he made more cloth than the guild quotas allowed. The system also forbade making cloth of higher quality, or modifying the design of the fabric to comply with changing fashions or consumer taste. The system effectively eliminated the possibility of working harder at the loom to make a better living or of developing a competitive advantage. The rigid guild limitations led to economic ruin for many artisans.⁸

Leonhard's father probably made his cloth for export as part of a "putting out" system where a guild-appointed cloth merchant acted as middleman who "put-out" work

⁷ Ibid., Johann Michael's marriage indicates his father was "*Hofcasten Amt Unterthan*," which means he was a serf to the treasury of the estate, i.e. the margrave of Ansbach. Robert Rabe, *German Professions of the Eighteenth and Nineteenth Centuries* (Bainbridge Island, WA: Ravenhurst Castle Press, 1995), 65-71. Spindler, *Handbuch*, 3:295-9. David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1997), 113. Wolfgang Kaschuba, "Peasants and Others: The Historical Contours of Village Class Society," trans. Eric Clare and Richard J. Evans, in *The German Peasantry*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 241-2. Weavers were the lowest of the artisans; see Walker, *Home Towns*, 54, 104. Jütte, "Poverty," 384. The lower artisans "endured a sort of second-class mastership;" see Leonhard N. Rosenband, "Social Capital in the Early Industrial Revolution," in *Patterns of Social Capital: Stability and Change in Historical Perspective* (Cambridge: Cambridge University Press, 2001), 97-119.

⁸ Ogilvie, *State Corporatism*, 175-224; 325-63. Friedrich Johannes Haun, *Bauer und Gutsherr in Kursachsen, Schilderung der Ländlichen Wirtschaft und Verfassung, im 16., 17. und 18. Jahrhundert* (Strasbourg: Verlag von Karl J. Trübner, 1892, reprint, Papsdorf: Familienarchiv, 2000), 6-7. Walker, *Home Towns*, 229. Guilds tried desperately to control all competition; see Thomas Max Safley, "Production, Transaction, and Proletarianization: The Textile Industry in Upper Swabia, 1580-1660," in *The Workplace before the Factory: Artisans and Proletarians, 1500-1800*, ed. Thomas Max Safley and Leonhard N. Rosenband (Ithaca: Cornell University Press, 1993), 137-40.

to the countryside. This clothier bought cotton and distributed it to rural spinners, usually women, who would spin the thread. The clothier then collected the finished thread and delivered it to the weavers in the countryside who made the cloth at a pre-determined piece rate. These were not “factories” in the nineteenth-century sense, but many people were employed through this putting-out process. In the 1770s, one Augsburg producer of cotton prints employed 350 people in his “manufactory,” and put-out to another 3,500 who worked in their homes.⁹

During their marriage, Leonhard’s parents, Johann Michael and Anna Eva did something that confirms the deep poverty of their family – they moved. This was the hallmark of the rural poor.¹⁰ In the countryside where they lived, peasants were tied to the same strips of farmland for generations; land was the bond that held farm life together. Those with land did not leave, but those without land were not allowed to stay.¹¹ The Büttners never moved far – a mile or so up the valley, or over the next hill. But about every five years during their marriage and again after Anna Eva died, Leonhard’s parents changed living quarters. For a few years at a time, the poor could get permission to rent a cottage from a peasant farmer, or a few rooms in a mill. But after

⁹ European historians have devoted thousands of pages to discuss the relationship between “putting out” systems, proto-industrialization, and the development of an industrial economy. The initial thesis was Franklin F. Mendels, “Proto-Industrialization: The First Phase of the Industrialization Process,” *The Journal of Economic History* 32, no.1 (March 1972): 241-61. Mendel’s theory was expounded in Hans Medick, “The Proto-Industrial Family Economy: The Structural Formation of Household and Family During the Transition from Peasant Society to Industrial Capitalism,” *Social History* 1 (1976): 291-315. The theory suggests the “putting out” system was a stage of proto-industrialization, the decline of the guilds and the development of an industrial economy. Sheilagh Ogilvie challenges the theory, especially as it applies to rural southern Germany where the guilds were not replaced by the “putting out” system, but were in charge of them; see *State Corporatism*, 3-45. Ogilvie’s arguments apply in Bavaria, which had an active “putting out” system, but did not develop an industrial economy; see David Landes, *The Rise of Capitalism* (New York: MacMillan, 1966), 13. Rudolf Braun, “The Impact of Cottage Industry on an Agricultural Population,” trans. David Landes, in *The Rise of Capitalism* (New York: MacMillan, 1966), 53-64.

¹⁰ The poorest people in European society were often quite mobile; see Moch, *Moving*, 33, 99.

¹¹ W. Robert Lee, “Family and ‘Modernisation’: The Peasant Family and Social Change in Nineteenth-Century Bavaria,” in *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1981), 93-4. Sabean, *Property, Production*, 50.

about the fifth year in a village, the community would send out the bailiff to evict them. German towns were vigilant in turning people out before they could acquire rights to draw from poor relief funds. One or two insolvent families could deplete village resources. The landless were seen as a threat to the economic viability of a community. So the poor were kept on the move and on the periphery.¹² The Büttners' constant movement meant the family was never in one place long enough to become accepted within a village's networks of exchange, comradery, gossip, and support. The family had no choice but to eke out a living as best they could from Johann Michael's weaving, the few chickens and geese they could keep, and the vegetables they could grow next to the house. Many of the other peasants with land holdings were also weavers, as most villagers found it took the income from both farm and craft to make ends meet. By being limited to just his weaving, Leonhard's parents were in dire poverty, unable to supply the family's basic needs no matter how hard they worked.¹³

Johann Michael Büttner was *Schutzverwandter*, meaning a resident without citizenship rights, sometimes referred to as a "tolerated" person.¹⁴ The communities surrounding Ansbach gathered annually to elect parish leaders who shared responsibility

¹² In one area of Germany, landlords could not sell renters any grain, linen, hemp, carrots, beets or cabbage (so no food or clothing) as it was feared the people would depend on the landlord and not work as hard; see Haun, *Bauer und Gutsherr*, 3-7. Regina Schulte, "Peasants and Farmers' Maids: Female Farm Servants in Bavaria at the End of the Nineteenth Century," trans. Cathleen S. Catt, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 160-4.

¹³ Rosenband, "Social Capital," 97-119. Sabean, *Property, Production*, 49-50, 316-20, 458. Josef Mooser, "Property and Wood Theft: Agrarian Capitalism and Social Conflict in Rural Society, 1800-1850: A Westphalian Case Study," in *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*, ed. Robert G. Moeller (Boston: Allen & Unwin, 1986), 57.

¹⁴ The death records for Johann Michael Büttner and his wife refer to him as a *Schutzverwandter*. For a definition see Eugen Haberkern and Joseph Friedrich Wallach, *Hilfswörterbuch für Historiker Mittelalter und Neuzeit*, "Schutzverwandter" (Tübingen: A. Francke Verlag, 2001), 561; see also Walker, *Home Towns*, 29, 58, 137-42, 219. For the death record of Johann Michael see Letter from Karl-Heinz Fuchs, Pfarrer, Evang.-Luth. Pfarramt, Wernsbach (91629 Weihenzell, Germany) to the author (P.O. Box 189, Centerville, UT 84014) no date, postmarked 1999, held in 2007 by the author. For the death of his wife, see Jakobskirche Weihenzell (now Bavaria), Kirchenbuch, Totenregister, Bd. 10, 1744-1817, S. 213; microfiche LkAAK, register number 385, B, fiche 9+. My thanks to Marianne Sutter for finding this record.

over a community of three or four villages. Johann Michael attended these town meetings as required, but could not vote in the elections as these privileges were reserved for the *Bauer* (farmers), the *Halbbauer* (half-farmers), and the *Köbler* (small farmers). The communities set the requirements for permanent residency and citizenship, two separate rights, neither of which Johann Michael Büttner ever attained. Residency rights marked the separation between citizens and mere denizens. When Johann Michael and his family found a village that would let them rent a home or a few rooms, the community limited their privileges within the village. As *Schutzverwandter* they could not keep a cow or a goat on the village meadow, gather firewood, hunt, or fish in the forests, nor could they grow vegetables in the village *Baumgarten*. The landless were defined in terms of rights they did not have, and which peasant farmers did.¹⁵

Johann Michael Büttner's place within peasant society was established more by his lack of land or residency rights than by his guild membership. Social status was tied directly to farm size and length of residence. Land tenancy brought respect, a sense of belonging, and usually citizenship rights. The rules of interaction in this highly-stratified culture were rigid. As the Büttners had neither residency nor land, they were at the bottom of village society. Their low social placement followed them into every interaction of their lives, from the children at play in the fields, to the women chatting at the spinning bees. In the eyes of the established village farmers and artisans, the landless were derided as drifters, "a trashy lot," or "vagrant scum." The aspiration of

¹⁵ Renters had to personally appear before village councils with letters of recommendation and get the vote of the community before they could move in; see Haun, *Bauer und Gutsherr*, 3-10. Land records for the period spell out rights to pastures, fishing, wood gathering, etc. These records also list labor duties each serf had to give the nobility; see for example StAN Rent Amt Ansbach Nr. 3012; see also Sabeau, *Property, Production*, 40, 61. The StAA has a type script showing who was elected *Schultheis* and *Ortsvorsteher* in Schalkhausen beginning in 1771; see Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 2-3. For a discussion of duties of these officials see Sabeau, *Property, Production*, 41; see also Blum, *End of the Old Order*, 113. Haun, *Bauer und Gutsherr*, 7-8.

rising to the level of a peasant farmer was a dream beyond reach for the landless. But being without land did have one advantage: it meant fewer days of labor services due the margrave, or later to the Prussian or Bavarian kings.¹⁶ For Johann Michael Büttner's sons, including Leonhard, the family's poverty and lack of rights in the communities meant the boys had nothing to offer when it came time to find a bride. Leonhard's economic station greatly limited his options in attracting a girl.

Johann Leonhard Büttner was born in Hennenbach, a hamlet of about twenty-five houses half a mile north of Ansbach.¹⁷ At the time of Leonhard's birth, his parents had recently moved from the village of Meinhardswinden where both of Leonhard's older brothers had been born. Leonhard was baptized from the stone font of the fourteenth-century church of Saint Johannes in the central market of Ansbach on March 22, 1789. The baptism witness, Johann Leonhard Pfeifer, was a neighbor and farm servant from Hennenbach, of similar social standing as the parents.¹⁸ As was the custom, the child was named after the godfather.

When Leonhard was five years old, the family found new living quarters at the hammer mill by Wernsbach, in rooms near the noisy, water-driven machinery. Later, they moved to Gebersdorf. During each move, his father's heavy wooden loom was loaded into a borrowed wagon and hauled over the nearly impassable muddy roads to their next dirt-floored hovel. As children in a linen weaver's home, Leonhard and his

¹⁶ Sabean, *Property, Production*, 22-4 (quotes from 23). Gerhard Benecke, *Society and Politics in Germany: 1500-1750* (London: Routledge and Kegan Paul, 1974), 19-21. Blum, *The End of the Old Order*, 95-115.

¹⁷ In 1831, Hennenbach had 27 houses, 160 residents and a "Gaggenmühl," forty years early it was probably slightly smaller; see Joseph Anton Eisenmann and Carl Friedrich Hohn, *Topo-Geographisch-statistisches Lexicon vom Königreiche Bayern*, 2 vols., "Hennenbach" (Erlangen: Joh. Joc. Palm und Erst Enke, 1831), 1: 718.

¹⁸ StAA, K 16, Sankt Johannes Evangelische Kirche Ansbach (now Bavaria), Kirchenbuch, Taufregister, Bd. 16, 1788-1800, 1789 males Nr. 97, a copy is available FHL microfilm 1,732,662. Adolf Bayer, *Die Kirchen der Stadt Ansbach: ein Gang durch zwölf Jahrhunderte* (Erolzheim: Hubert Baum, 1954), 10-14.

brothers had the dusty, dirty job of combing the seeds and leaves off the dry flax stems, then crushing and soaking the stems to prepare the flax for spinning. The boys would have fought with the other weavers' children to get the best spots along the riverbanks to dry the flax. The Büttner children probably also helped with the tedious job of threading the looms.¹⁹ Childhood among the landless meant long hours of joyless drudgery as each child's labor was essential to prevent starvation. Their mother would have spent much of her time at her spinning wheel, as every skein she wove was one less they had to get from the clothier, which meant more income for the family. Each of the children probably learned to spin at an early age. (In the period before the introduction of the spinning jenny, a master weaver needed five to ten spinners to keep ahead of one weaver.)²⁰

Barchend was made from both linen and cotton yarns, which required different spinning wheels and different techniques, so the children likely became proficient in making both types of thread. Cotton was an expensive material imported from India, Turkey, or from the American South. The soft cloth it made was becoming increasingly popular. Soon, even farmers' children would have underwear for the first time in history, as cotton could be worn next to the skin and was washable.

¹⁹ Linen weaving required heavy labor, much of which was done by women and children; see Sabeau, *Property, Production*, 55, 159. Maynes, *Hard Road*, 14, 64-5, 71-4.

²⁰ Three authors report a ratio of five spinners to one weaver, see Ogilvie, *State Corporatism*, 303; Hufton, *Poor*, 27; and William Otto Henderson, *The Industrialization of Europe: 1780-1914* (N.p.: Harcourt, Brace & World, 1969), 46; Moch indicates it was six weavers to ten spinners, see *Moving*, 69; Gullickson reports the ratio as ten to fifteen spinners for one weaver, see Gay L. Gullickson, *Spinners and Weavers of Auffy: Rural Industry and the Sexual Division of Labor in a French Village, 1750-1850* (Cambridge: Cambridge University Press, 1986), 96-100. Almost all rural women were engaged in spinning; see D. M. G. Sutherland, *France 1789-1815: Revolution and Counter-revolution* (London: Fontana Press, 1985), 52. English inventions of the late eighteenth century revolutionized weaving: James Hargreave's spinning jenny (1765), Richard Arkwright's water frame (1775), and Samuel Crompton's mule jenny (1779) made English cloth cheaper and better than hand-spun. Germany's first spinning mill is credited to Johann Georg Brügelmann's 1783 mill in Ratingen. However, Eckart Schremmer claims the machines found their way to Augsburg by 1780 – three years earlier than Brügelmann's mill; see "The Textile Industry in South Germany 1750 to 1850: Some Causes for the Technological Backwardness during the Industrial Revolution" *Textile History* 7, no. 1 (1976): 60-89. A cotton mill opened near Ansbach in 1790, but had little impact as industrialization bypassed Franconia; see Spindler, *Handbuch*, 3: 516-7. With the possible exception of the spinning jenny, the effect of these inventions on Johann Michael Büttner's family, if any, was minimal.

Leonhard knew from his boyhood that it would be difficult for him to marry, even more so than for his older brothers. The guild allowed only two sons to be trained in a skilled trade, and Leonhard was the third son.²¹ Parents occasionally gave preference to a younger boy who showed particular aptitude, but his parents' choice is evident in the fact that both of Leonhard's older brothers became weavers, while Leonhard was never anything but a day laborer. His lack of a profession also greatly narrowed his marriage options. The cultural prejudice against the laborers was intense. His parents' decision not to apprentice Leonhard to learn a trade is reflected by his inability to sign his name, an advanced skill for peasants of that era. Both of his older brothers learned to sign their names. Like his brothers and other peasant children in Prussia, Leonhard did attend school for about five years, starting at age eight and finishing when he was ready for confirmation at age thirteen (approximately 1796 to 1802). The meager education given to Prussia's poor children consisted mostly of Bible stories and the singing of religious songs.²² Johann Thomas Petzet, who attended school in nearby Bayreuth between 1806 and 1812, left an account of his school experience:

The village in which he was born did not have a school building. Classes were [irregular and] moved from household to household . . . in a room that had to be shared with the owner's pigs and chickens. Desks, books, and blackboards were unknown. Of his four teachers, Petzet recalled that one was a 77-year-old carpenter who slept most of the day; two of them were journeymen-masons, one with a dirty mind; and the fourth was a carpenter who had once made a living as a coach driver. The curriculum consisted mostly of memorizing hymns, the Lutheran catechism, and assorted Bible verses, all of which had to be recited upon command. A

²¹ Ogilvie, *State Corporatism*, 109.

²² James Van Horn Melton, *Absolutism and the Eighteenth-century Origins of Compulsory Schooling in Prussia and Austria* (Cambridge: Cambridge University Press, 1988) 165; also Hajo Holborn, *A History of Modern Germany: 1648-1840* (Princeton, Princeton University Press, 1964), 275-7. "In 1783 probably over half of the people in Bavaria could neither read nor write;" see W. Robert Lee, "Bastardy and the Socioeconomic Structure of South Germany," *Journal of Interdisciplinary History* 7, no. 3 (Winter 1977): 414.

lapse of memory inevitably invited a rap on the head from the teacher. Reading and arithmetic were not part of the regular curriculum . . . Once a year, on Shrove Tuesday, it was the custom for the teacher to whip all of his pupils with a fresh birch stick, the local belief being that such beating had the effect of preventing the farm animals from contracting worms.²³

Frederick the Great had encouraged education for Prussia's peasant children. He wanted them taught to act humbly, attend faithfully to their duties, and to fear God, but, he stressed, they should not be taught to read or write as this was beyond their station, "for if they learn too much they will run off to the cities to become secretaries or some such thing."²⁴ Leonhard's parents probably had little use for schooling and they could not afford the fees, so it is likely he did not attend regularly, and his parents needed his help at home. When he graduated, Leonhard's teacher, Mr. Wöerlein, marked him "good" in reading, religion, singing, and behavior, and indicated his abilities were "sufficient" for his station. His schooling did not extend to writing, which was considered an inappropriate skill for a laborer. A half dozen surviving documents attest that he consistently marked papers with a characteristic "XXX."²⁵

²³ Autobiography of Johann Thomas Petzet, quoted in Karl A. Schleunes, *Schooling and Society: The Politics of Education in Prussia and Bavaria: 1750-1900* (Oxford: St. Martin's Press, 1989), 84.

²⁴ I use Frederick the Great here as an example of the attitude of rulers toward schooling, and don't mean to imply he was a ruler of the Ansbach *Fürstentum* during the period Leonhard attended school. Lee, *Population Growth*, 348-52. Sabean, *Property, Production*, 323-4. Maynes, *Hard Road*, 13-7. Germany had no standards for teachers; see Jonathan Sperber, *Rhineland Radicals: The Democratic Movement and the Revolution of 1848-1849* (Princeton: Princeton University Press, 1991), 84-6. The goal in schooling was to discourage peasants from indulging in drinking, gambling, and other vices; see John G. Gagliardo, *From Pariah to Patriot: The Changing Image of the German Peasant, 1770-1840* (Lexington: University Press of Kentucky, 1969), 94-113.

²⁵ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, school record dated, Weihenzell, April 28, 1821, translated by Marion Wolfert and Anna Altan. Schleunes, *Schooling and Society*, 13. Ernest Schubert, "Daily Life, Consumption, and Material Culture," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols., ed. Sheilagh Ogilvie (London: Arnold, 1996), 368.

On June 25, 1800, when he was eleven, Leonhard's mother died.²⁶ Her premature death probably forced Johann Michael to make changes in the family's living arrangements. A wife often supplied a larger portion of a family's daily resources than the husband did. Anna Eva's contribution to the family economy had been essential, and losing her devastated the already struggling family. Her husband kept the two older boys home to help him, and learn the weaver's trade, but he sent Leonhard out to work for a local farmer to bring in additional income for the family. Leonhard's departure into the world of work was probably undertaken as a matter of course; this was his station in life and he knew it. His future was largely sacrificed to benefit his older brothers.²⁷

This was a labor-intensive era, and leaving home to toil at an early age was part of rural life for many eleven- or twelve-year-old German children. Many would eventually return home, receive a portion of their father's land, and become farmers themselves, but Leonhard's father had no land. Any hope Leonhard had of escaping his destiny as a laborer ended when his father, Johann Michael Büttner, died of a stroke (*Schlagfluß*) in August 1804.²⁸ Leonhard was fifteen; his father was sixty-two. The boy had been living briefly with his father in Schmalach when his father became ill. At the time of his death, Johann Michael Büttner owned just his loom, a few clothes, and some

²⁶ Wehenzell, Kirchenbuch, Bd. 10, S. 213; microfiche LkAAK, Register Nr. 385-9, fiche 9+. My thanks to Marianne Sutter for finding this record. Leonhard's mother died of "*Wassersucht*," which means "water sickness" and translates as "water dropsy" or edema; see Ernest Thode, *German English Genealogical Dictionary*, "Wassersucht" (Baltimore: Genealogical Publishing Co., 1992), 273. The tissues filling with water are caused by many things, and often indicates congestive heart failure, some forms of which have a quick onset and death, others can take years to develop. (My thanks to Stephen Lore, M.D. for his insights into these conditions.)

²⁷ StANAL, Ansbach Bezirksamt, Ansässigmachungs- Verhelichungs- u. Konzessionsakten, Serie I, 1818-1840, Nr. 61, Jahr 1816, affidavits dated May 16, 1816 and December 23, 1816; a copy is available FHL microfilm 1,633,229. Leonhard's age when he left home was found by comparing these statements with StANAL, Ansbach Bezirksamt, Ansässigmachungsakten, Nr. 85, Jahr 1821, undated statements by Johann Strumm and Johann Kinzler. Older boys were often preferred in education and inheritance; see Schulte, *The Village in Court*, 46-9. Maynes, *Hard Road*, 175-6, 189-92. Lee, *Population Growth*, 284. Bergmeier, *Wirtschaftsleben*, 406. Hufton, *Poor*, 25.

²⁸ Letter, Karl-Heinz Fuchs to the author, 1999. Initially young men contributed most of their income to the family, but eventually they kept their wages for themselves; see Sabeau, *Property, Production*, 89, 298. Weavers often sent children out at younger ages than most; see Ogilvie, *State Corporatism*, 291, 303; see also, Moch, *Moving*, 10, 16, 32-4, 37; Schulte, "Peasants and Farmers' Maids," 158-63; Lee, "Family and 'Modernisation,'" 97.

heavily worn household furnishings and utensils. His oldest son would get his loom: it was his right. There was essentially nothing of value for Leonhard to inherit.²⁹

Without an inheritance, Leonhard could never hope to marry a farmer's daughter. In local marriage contracts, a young man with no inheritance was often referred to as "a poor fellow."³⁰ Any farmer with a few *Morgen* of land, whose daughter showed interest in such a boy, would lock her in the house, and send the young man packing. Faced with the necessity of supporting himself entirely, Leonhard left Schmalach and returned to Gebersdorf, where he had lived for the previous five years and where he knew people. Two farmers in Gebersdorf for whom Leonhard had toiled during his teenage years lauded his work habits in statements that have been preserved in his marriage hearings. Johann Andreas Kinzler said of him, "Johann Leonhardt [sic.] Büttner worked for me for seven years. He was a hard worker, always respectful and loyal." Johann Peter Strumm said, "He was in my service . . . as laborer for three years and was industrious, honest and dependable."³¹ This was a period when farmhands and milkmaids were often an integral part of the farm household, but were beginning to be viewed as a necessary evil. Farmers needed the extra help, but often looked at the day laborers with reserved disdain. Leonhard ate his meals at table with these farmers, attended church with them, and slept in their attics or barns.³²

²⁹ No inventory of Johann Michael Büttner's estate has been found. In April 2006 the archivist at the StAN told the author the probate records for the period are in disarray and will not be available for another three years; as there was probably nothing in the estate of Johann Michael Büttner, it is likely no probate exists. I have based my assumptions on the economic situation of the family and estates of farmers in the area whose estate files are in the StANAL. Even the middle farmers had very few possessions; see the discussion of estates in Württemberg in Sabeau, *Property, Production*, 247-99; see also Lutz K. Berkner, "Inheritance, Land Tenure and Peasant Family Structure: A German Regional Comparison," in *Family and Inheritance: Rural Society in Western Europe, 1200-1800*, ed. Jack Goody, Joan Thirsk, and E. P. Thompson (Cambridge: Cambridge University Press, 1976), 78.

³⁰ Sabeau, *Property, Production*, 334.

³¹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, undated statements by Johann Peter Strumm and Johann Andreas Kinzler, translated by Marion Wolfert and Anna Altan.

³² Benecke, *Society and Politics*, 20-2. Moch, *Moving*, 33. Edward Shorter, *The Making of the Modern Family* (New York: Basic Books, 1975), 28. Schulte, *The Village in Court*, 27-8, 44-6, 85.

For centuries, day laborers had worked under one-year verbal contracts.³³ At the annual job fairs, milkmaids, stable boys, field workers, and household servants negotiated with farmers to find good positions. Landowners looked for strong young men who would work for a reasonable wage, and who had good references from their previous employers. Laborers jockeyed for the best pay with the least amount of work. The larger the landholding, the more young men the farmer needed. In some areas, the job fair was held on Saint Johannes' day in June. In other areas, it was held on Saint Martin's day in November. Leonhard's marriage hearings suggest his contracts began in the early spring, possibly at Candlemas (February 2).³⁴ After entering an employment agreement, the laborers were expected to work hard. If a worker was fired mid-year for laziness or disobedience, it meant disaster as it was almost impossible to find a position part way through the year. This meant workers were careful to please their employers, grit their teeth, and endured abuse and overwork.³⁵

During the opening decades of the nineteenth century, the social divide between farmers and laborers widened. Peasant society was becoming more stratified, and the poor were less able to marry into a farm, or buy a place among the established residents. The number of laborers in the villages was increasing, and these workers were slowly evolving into employees who went home to a rented room at night – no longer a part of

³³ *Tagelöhner* (day laborer) was the term for contract workers, and did not imply someone who changed employers daily.

³⁴ StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, testimony of December 23, 1816 and September 27, 1817. Schulte, "Peasants and Farmers' Maids," 158-65. Blum, *End of the Old Order*, 110. Jacques Depauw, "Illicit Sexual Activity and Society in Eighteenth-Century Nantes," trans. Elborg Forster, in *Family and Society: Selections from the Annales Economies, Sociétés, Civilisations*, ed. Robert Forster and Orest Ranum. (Baltimore: Johns Hopkins University Press, 1976), 160.

³⁵ Hainer Plaul, "The Rural Proletariat: The Everyday Life of Rural Labourers in the Magdeburg Region, 1830-1880," trans. Cathleen S. Catt, Richard J. Evans and W. R. Lee, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 102-28.

the farm family. Contempt by the farmers for the laborers was starting to show. Early in the nineteenth century, the laborers developed into a new social group. These men spent their free time together drinking, walking with each other to the market towns on fair days, and flirting with the farmers' daughters when their fathers weren't looking. The farmers also kept more to themselves, and were cautious with whom they dealt in their barter and exchange.³⁶

The type of work the laborers did was also changing. Some villages experimented with the new crops Prussian officials were touting: the potato, sugar beet, and turnip. Clover and alfalfa were occasionally tried as fodder for animals. The unfamiliar root crops required extensive hoeing, so more workers were needed. Clover and alfalfa had to be hauled to barns where the animals were now fed in stalls. This meant the barns needed cleaning more often, and took longer to shovel out.³⁷

These changes brought slow but significant shifts in the lives of the workers as the demand for their services increased. Peasant workers found subtle ways to manipulate the system of labor to their advantage. The farmers demanded increasingly restrictive contracts from the laborers with workdays of ten to seventeen hours. To gain the upper hand, the landless workers played the employers against each other to get better terms, or higher wages. Occasionally they resorted to "deliberate damage to equipment, provocation, bad behavior, frequent changes of master, negotiating short-term contracts, [and] breaking contract."³⁸

³⁶ J. Michael Phayer, *Sexual Liberation and Religion in Ninetenth Century Europe* (London: Croom Helm, 1977), 37-46. Depauw, "Illicit Sexual Activity," 176-81. Sabean, *Property, Production*, 158. Mörke, "Social Structure," 156-7. Schubert, "Daily Life," 370. Jonathan Osmond, "Land, Peasant and Lord in German Agriculture Since 1800," in *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols., ed. Sheilagh Ogilvie and Richard Overy (London: Arnold, 2003), 88-9.

³⁷ *Ibid.*, 373. Walker, *Home Towns*, 187.

³⁸ Plaul, "The Rural Proletariat," 127.

The farmers saw themselves as hardworking, disciplined, and restrained. Conversely, they saw the laborers as permissive, indulgent, thieving, highly superstitious, and sexually loose. In the early nineteenth century, mutual resentment came to mark the attitudes of the farmers and workers for each other. Although Leonhard lived among the farmers, they likely viewed him as a despised laborer.³⁹ Many complaints by Bavarian farmers about the workers of the period survive. A typical statement reads:

Towards strangers they are disagreeable, intolerant or deceitful; towards their pastor and church personnel, arrogant, sulky, defiant or even brutal; towards civil personnel, on the other hand, fawning; among themselves they are spiteful, envious, defamatory, and addicted to leisure, begging, indebtedness, voluptuousness, gambling – especially the ruinous lottery, drinking and gluttony – not infrequently to a degree beyond all moral measure; and, at one and the same time, they join an almost complete lack of real religious knowledge and intellectual ability to the crudest manners and most crass superstition: these could serve as the principal characterizations of most of the inhabitants.⁴⁰

Early in his youth, Leonhard stayed with one employer for seven years, but he did not maintain this pattern of long-term tenure. In his first marriage hearing in 1816, he provided an account of his work during the years after his father's death. At first glance, the statement appears to be just a catalog of his whereabouts, but careful reading reveals more. It places Leonhard among the young men in their early twenties who moved causally and almost yearly.⁴¹ More importantly, it hints that Leonhard slowly shortened his job tenure and changed his attitude toward his employers as he went from steady employment to yearly contracts and finally to short-term jobs (see Map 2 for the locations listed):

³⁹ Blum, *End of the Old Order*, 110-2. Phayer, *Sexual Liberation*, 57-9.

⁴⁰ *Ibid.*, 79.

⁴¹ About seventy percent of single young men moved annually; see Moch, *Moving*, 33, 99. Plaul, "The Rural Proletariat," 116. Hufton, *Poor*, 70-7.

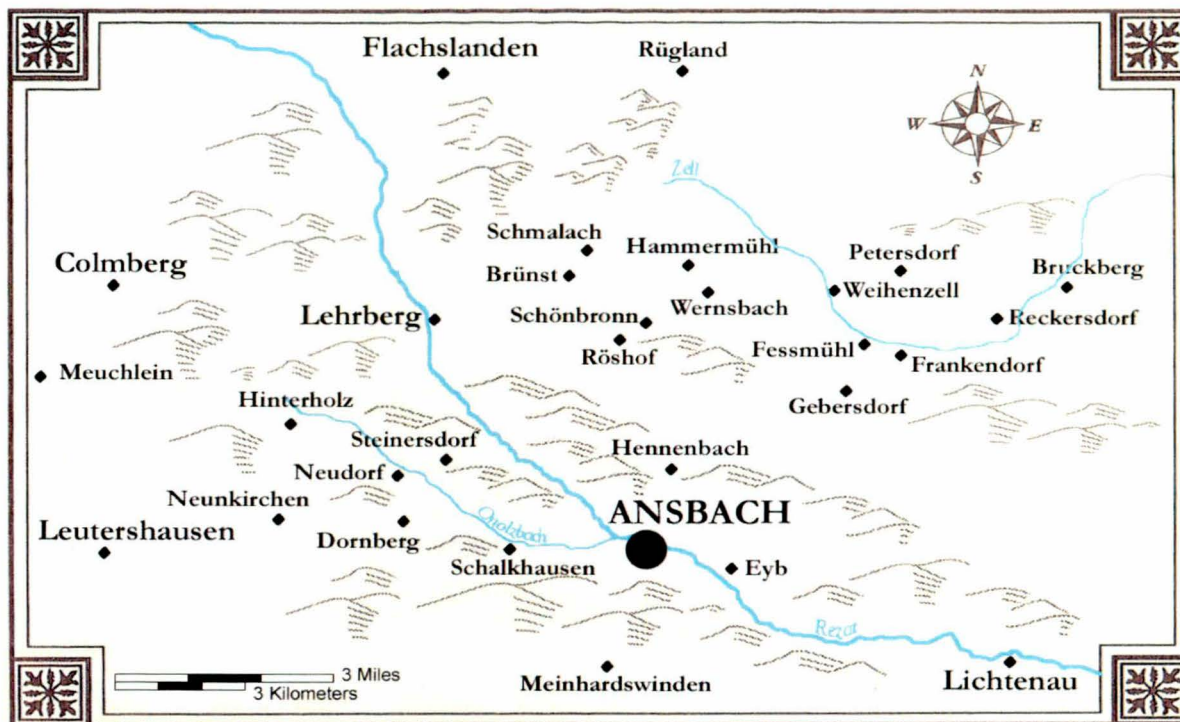
. . . [M]y father moved with me from Gebersdorf to Schmalach when I was fifteen. My father died there and I hired on in Gebersdorf for four years as a farmhand. When I was nineteen or twenty years old I went to Frankendorf for one year. Then I was hired again in Gebersdorf for one year. For two years I worked in Fessmühl, and then I was hired for one year in Schönbronn. I served for one year in Wernsbach, and then went for one year to Röshof, then I went back to Schmalach, and after another year, I went to Ansbach, to the beer brewer Boss for a quarter of a year. Then I worked shortly as a day laborer in several places.⁴²

Leonhard fails to mention being fired from a job after he left Wernsbach. The master miller in Rechersdorf “sent him off” because he “was not pleased with his performance.”⁴³ His behavior may have been deliberate to get out of a difficult situation. The brief statement that survives from the miller gives no hint that Leonhard pled to retain his position, as would have been essential a few years earlier. Rather, Leonhard appears to have found another job quickly. The statement contains a hint of hubris in the attitude of the miller toward the young Leonhard. Leonhard’s casual remark that he had been a “laborer in several places,” suggests he was irresponsible in his work habits and had trouble keeping a job. But it also shows that he could find another position, albeit in the bottom ranks of employment.⁴⁴

⁴² StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, affidavit dated December 23, 1816, translated by Marion Wolfert and Anna Altan.

⁴³ Ibid., testimony given September 27, 1817, translated by Marion Wolfert and Anna Altan. Losing a job was dangerous for Leonhard as a good reputation was all important among the farmers; see Schulte, *The Village in Court*, 74.

⁴⁴ In recent decades, scholars have examined ways people from lower levels of society fought against those above them; see Natalie Zemon Davis, *Society and Culture in Early Modern France* (Stanford: Stanford University Press, 1975). David Warren Sabean, *Power in the Blood: Popular Cultures and Village Discourse in Early Modern Germany* (Cambridge: Cambridge University Press, 1984). For peasant resistance in Ansbach see C. Scott Dixon, *The Reformation and Rural Society: The Parishes of Brandenburg-Ansbach-Kulmbach, 1528-1603*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 1996), 112-35. Leonhard’s period of being a laborer in several places also coincides with the 1816 famine year in Europe.



Map 2. ANSBACH AND SURROUNDING VILLAGES

To understand how far down the social spectrum Leonhard's position was, we need to look at how German society as a whole viewed even the richest of peasant farmers. Although the bulk of the population was peasants, the nobility, the *Bürger*, and the intellectuals saw all peasants similarly to the way the farmers viewed the laborers. Peasants were viewed as lazy, superstitious, given to drink, and ignorant; they were not "thinking or acting beings."⁴⁵ In 1786, professor Christian Garve, in his treatise, "On the Peasant Character," summed up this contempt in his chapter titles: "mental and physical laziness, empty-headedness, stupidity, coarseness and drunkenness, . . . spite, hatred,

⁴⁵ Ian Farr, "'Tradition' and the Peasantry: On the Modern Historiography of Rural Germany" in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 10. Blackbourn, *The Long Nineteenth Century*, 41-2.

bitterness, hostility toward authority, and unthriftiness, no thought for the future,” and finally, “ruled by sensuality.”⁴⁶

The farmers, in turn, saw the laborers as being at the opposite end of the peasant social hierarchy from themselves. And although they often lived in the same homes, by the beginning of the nineteenth century, they apparently mingled infrequently.

As a day laborer, Leonhard's place was among the lowest of the low in rural German culture. He was riffraff, trash. Yet, among his peers, he found camaraderie. The laborers developed a subculture that searched out subtle ways of fighting back at those who devalued them. It was not unusual for a worker to steal from the fields or barns of the farmers who snubbed them. In worst cases, the laborers might burn the haystacks or outbuildings of a farmer who had cheated them. Farmers learned the hard way not to offend the laborers.⁴⁷ Several things in Leonhard's marriage hearings suggest he was strong-willed with a rebellious streak.

Leonhard Büttner announced his saucy independence to the world by sporting earrings – in both ears. These unusual decorations boldly established dignity in his inescapable low position. They proclaimed his identity among his fellow workers. They also marked the separation between himself and the sober sons of the staid farmers, many of whom also worked as farm servants during their youth. Leonhard's earrings marked the battle lines between himself and them. They conveyed belonging to one group and complete detachment from the other. He could never be one of them; he knew that. Both economic reality and cultural tradition kept them divided. So Leonhard set himself apart

⁴⁶ Cited in Walker, *Home Towns*, 119; see also Robert M. Berdahl, “Christian Garve on the German Peasantry,” *Peasant Studies* 8, no. 2 (Spring 1979): 86-103. Peasants were seen as clumsy, coarse, dirty and stupid; see Gagliardo, *Pariah*, 27-9, 57. They were also seen as primitives who thought along pre-logical lines, childish and irrational in their customs; see Schulte, *The Village in Court*, 5-7. Lee, *Population Growth*, 287.

⁴⁷ *Ibid.*, 23-60; Sabean, *Property, Production*, 65.

from these farmers who saw him as worthless. By these earrings he declared himself a deliberately raffish man, staunchly defiant of those who would belittle him. They undoubtedly also brought to the farmers images of the despised Gypsies who occasionally wandered the Franconian hills.⁴⁸ No wonder the villagers of Schalkhausen parish erupted in protest when Leonhard took a fancy to young Margaretha Weiss and announced his intention of moving in.

⁴⁸ In the early 1700s, fashionable men occasionally wore earrings, but the lower ranks of society stopped wearing them long before the nineteenth century; see H. Clifford Smith, *Jewellery* (N.p.: Methuen & Co., 1908; reprint, Menston, Yorkshire: EP Publishing Limited, 1973), 233-5. Ludmila Kybalová, Olga Herbenová, and Milena Lamarová, *The Pictorial Encyclopedia of Fashion*, trans. Claudia Rosoux (New York, Crown Publishers, 1968), 490. The stereotype of Gypsies wearing earrings was true; see David Mayall, *Gypsy-travellers in Nineteenth-century Society* (Cambridge: Cambridge University Press, 1988), 76; and Charles D. Cuttler, "Exotic in Fifteenth Century Netherlandish Art: Comments on Oriental and Gypsy Costume," in *Liber Amicorum Herman Liebaers*, ed. Frans Vanwijngaerden, et al. (Brussels: Crédit Communal de Belgique, 1984), 419-34. For attitudes toward Gypsies see Ian Hancock, *The Pariah Syndrome: An Account of Gypsy Slavery and Persecution* (Ann Arbor: Karoma Publisher, 1987), 58. Schulte, *The Village in Court*, 40.

CHAPTER 3

BANKRUPT IN THE MARRIAGE MARKET

During the late summer of 1821, when her third pregnancy became obvious, Margaretha Weiss fled the home of her youth and the disapproving glances of the village scolds to seek refuge in an illegally built shanty outside town borders. Margaretha knew the surrounding forest dales well; she had wandered through them many times as a child gathering wood. In her forest hut, prying eyes were less likely to catch Leonhard Büttner when he arrived or left during their weekend trysts.¹ The town council had threatened to arrest Leonhard for illegal cohabitation (*Konkubinat*) if he continued to visit Margaretha and their two boys as he had done freely in the ten years since they met. Their case pending before the marriage court made the community council aware that allowing Leonhard's visits to continue reduced the town's chances of stopping the marriage, so they chased Leonhard and Margaretha out. The village was losing patience with the Weiss family: Margaretha's father had brought embarrassment and fear upon the village for years, then Margaretha had disgraced them with her two bastard sons, and now she was expecting a third child out of wedlock with this disgusting laborer with his earrings. This was more than the town could endure. Margaretha, unwilling to separate from the father of her children, took her boys and left town.²

¹ Bavarian police edicts forbade little "love nests," which "include neither meadow or fields, and are not inhabited by real farmers, but by insufferable poor persons who married frivolously who are a burden and a danger to their neighbors;" see Reinhard Heydenreuter, "Landesherrliche Ehebeschränkungen im Herzogtum, Kurfürstentum und Königreich Bayern," *Archiv für Familiengeschichtsforschung* 3 (September 1997): 177, translated by Baerbel Johnson.

² The issues with Margaretha's father are discussed below. The documents do not say when Margaretha Weiss left the village, she was in her parents' home in July 1821, but by October the documents state: "*Weil der verbotene Umgang des Büttners mit der Weissin, die in einem abgelegenen Häuschen ausserhalb des Weilers Neudorf wohnt, nicht zu verhüten sein würde;*" (Because it is unavoidable that the Büttner and the Weiss will remain in a premarital lifestyle, especially since Ms Weiss lives in a small house outside the village); see StANAL, Ansbach,

Margaretha Weiss had lived her life in the forgotten hamlet of Neudorf, a village of nineteen houses nestled at the bottom of a vale that secluded it from view.³ Although named “New Village,” the term was hardly appropriate, as this little cluster of houses had been inhabited for at least seven centuries. Most inhabitants of Neudorf died during outbreaks of the plague in 1632 and again in 1637. A century later, Margaretha’s ancestor, Hans Adam Stadler, moved into one of the homes that until 1684 “had lain fallow for many years.”⁴ Margaretha’s grandmother had been a Stadler.

A thirty-minute walk down the valley from Neudorf lay the town of Schalkhausen with the Lutheran church where Margaretha was baptized and where she had attended school.⁵ The church in Schalkhausen was the parish for several of the surrounding hamlets, including Neudorf, and it was in Schalkhausen where the community council

Ansässigmachungsakten, Nr. 85, Jahr 1821, documents dated July 29, and October 6, 1821, translated by Marion Wolfert and Anna Altan; see also Isabel V. Hull, *Sexuality, State, and Civil Society in Germany, 1700-1815* (Ithaca: Cornell University Press, 1996), 69, 367-8. Shorter quotes an 1853 source, “If a single woman has several children, it is difficult for her to find work, and the community can only support her with alms or she subsists on theft from the fields and woods;” see Edward Shorter, “Bastardy in South Germany: A Comment,” *Journal of Interdisciplinary History* 8, no. 3 (Winter 1978): 468.

³ About half of the people in Schalkhausen parish were subjects of the margrave’s estate treasury, a quarter were subjects of the Lutheran cloister, the remaining quarter were subjects of the lesser nobility in the area: such as the Imperial Knight of Eyb and some others. All residents of Neudorf were subject of the estate treasury; in addition, everyone paid tithes to the Deaconry in Leutershausen; see StAA, Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 4-6. Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 14-35.

⁴ StAN, Rent Amt Ansbach, Nr. 3012, S. 853, 1727, translated by Baerbel Johnson; Hans Adam Stadler was the sixth owner of the home after it was re-occupied. For size of Neudorf about 1830, see Joseph Anton Eisenmann and Carl Friedrich Hohn, *Topo-Geographisch-statistisches Lexicon vom Königreiche Bayern*, 2 vols., “Neudorf” (Erlangen: Joh. Joc. Palm und Erst Enke, 1831), 2:138. Hermann Dallhammer, *850 Jahre Schalkhausen: Schalkhausen und Dornberg, Regionales Machtzentrum im 12. und 13. Jahrhundert* (Ansbach: Hercynia Verlag, 1994), unpaginated, Neudorf is mentioned in Wolfram von Dornberg’s testament of 1288 A.D. For information on the plague in the area see Dallhammer and Bürger, *Ansbach*, 145.

⁵ St. Nikolaus Evangelisch Pfarramt Schalkhausen (now Bavaria), Kirchenbuch, Taufregister, Bd. 7, 1766-1790, S. 175, Nr. 13. Margaretha’s school record shows she “attended the school in Schalkhausen from her seventh to her thirteenth years and has received the following grades upon graduation: Gifts of the spirit: many; Diligence: much; Religion: good; Reading: good; Penmanship: sufficient; Spelling: sufficient; Math: [grade not listed]; Singing: good; Overall knowledge: sufficient; Behavior: good; Attendance: diligent;” see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, protokoll dated May 4, 1821, translated by Marion Wolfert and Anna Altan. Her marriage documents show she could sign her name, but her education did not go far beyond that. In 1818, the Schalkhausen community included the villages (*Dörfer*) of Dornberg with 21 houses, Steinersdorf with 13 houses, and Neudorf with 19 houses; also the hamlet (*Weiler*) of Geisengrund with 6 houses, and mills (*Mühlen*) in Walkmühle and Scheermühl with 1 house each, and the parish village (*Pfarrdorf*) of Schalkhausen with 44 houses, total population of the community (*Gemeinde*) was 520 souls. In 1732, Schalkhausen had 32 homes; Neudorf had 16; see StAA, Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 1.

and mayor met. Another half an hour's walk down the valley past Schalkhausen and around a low, wooded hill stood the bustling court city of Ansbach. Neudorf was isolated; only the clothier ventured so far from the city when he delivered his cotton and linen to the weavers along the muddy back roads. And of course, the tax collector and overseer of the estate visited the serfs in their villages by turn. The nobles of Ansbach owned the land and houses in Neudorf, including the cottage where Margaretha's family had lived for generations. The nobility also held title to their farmland, meadows, and forests, although the serfs had tenure in their farms and could pass the holdings to their children or sell their land rights to others. During Margaretha's life, the Ansbach lands had passed from the margrave, to Prussia, to France, and finally to the King of Bavaria. But the change of lords made little difference to the peasants. Taxes were still due the day after Saint Johannes Day. The men still had to give labor services to the estate at plowing and harvest times. They were still required to cut wood, and hay, and grass for the treasury. Even when the King of Bavaria formally "freed" these serfs in 1808, things did not change. The king did not abolish their labor services, nor grant them title to their lands, nor eliminate the tithe on grain, and flax, and hemp, and cucumbers, and onions, and on, and on. Margaretha's family, like all the other peasants in the countryside, was "free" only on paper. The nobility continued to control many aspects of their lives.⁶ The villagers reacted against the distant lords with subtle acts of defiance. Whenever they could get away with it, tithes went unpaid, taxes ignored, and if they could catch a rabbit

⁶ Bavaria's serfs were "freed" August 31, 1808; see Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), 356. David Warren Sabean, *Property, Production, and Family in Neckarhausen: 1780-1870* (Cambridge: Cambridge University Press, 1990), 39, 47, 427. StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgage dated March 27, 1782, which indicates taxes of fifteen *Kreutzer* "service money" (*Dienstgeld*) was due the day after Johannes (June 15); also 58 *Kreutzer* (no date listed), also annual payments of oats, barley, hemp and services of hay making, grass and wood cutting; see particularly mortgage of January 27, 1817. The author wishes to thank Baerbel Johnson who spent many hours translating 65 pages of mortgage documents, which were invaluable in understanding the Weiss family.

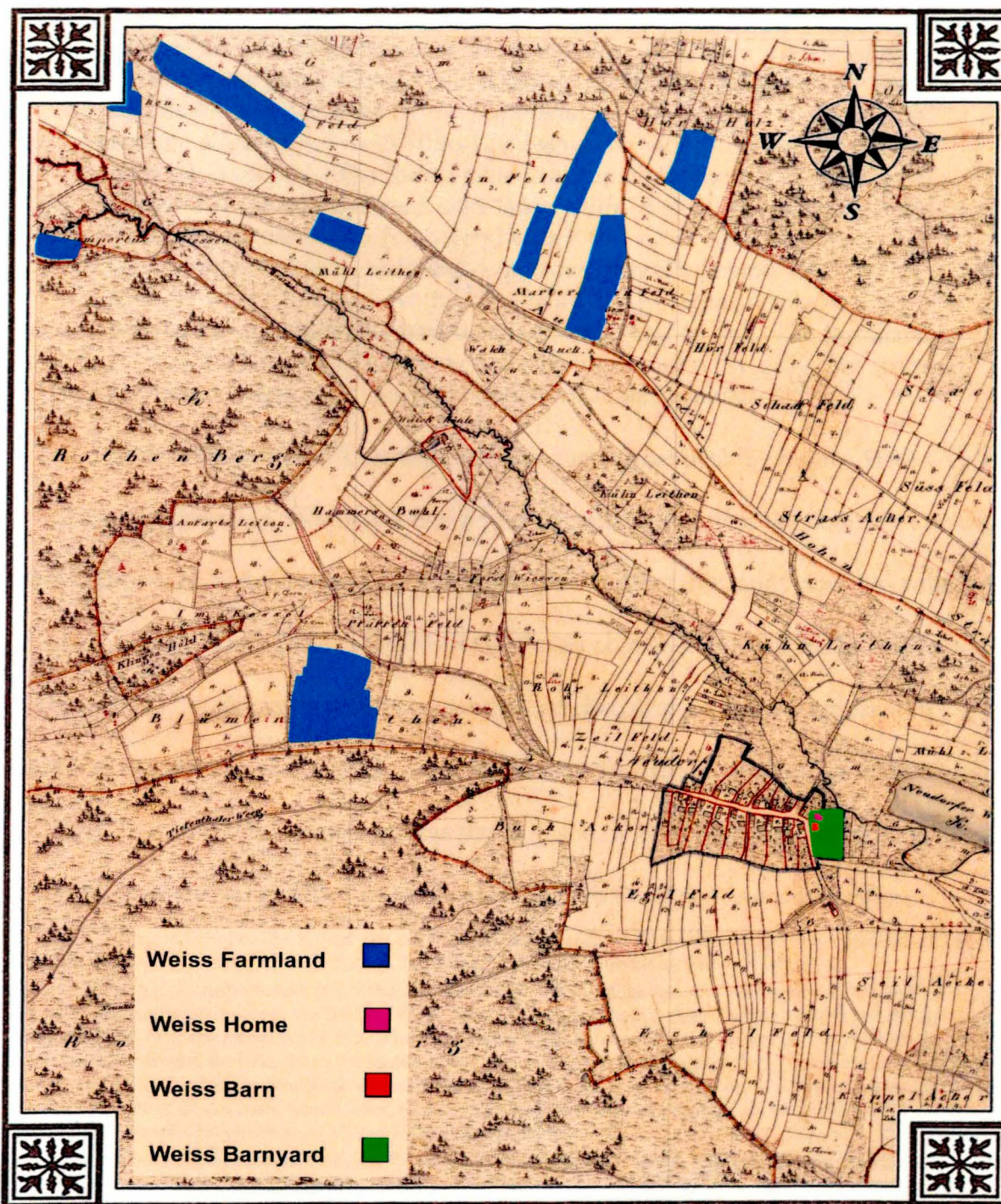
or a deer on the noble's land, they did. The peasant doffed his hat at the carriage of the estate manager, and spit as soon as he passed.⁷

Margaretha's father, Johann Wolfgang Weiss (1758 - 1815), owned only three *Tagwerke* of farmland, in nine strips of about one-third *Tagwerk* each (See Map 3).⁸ Most farmers in the village had eight to fifteen *Tagwerke*. Wolfgang was a *Köbler* or cottager, meaning the smallest of farmers, and was constantly reminded of his inferior rank by the other peasants in the community.⁹ Farm size determined a man's social standing in the village. The rules of interaction between farmers with holdings of various sizes were rigid. In her book on village life, Regina Schulte illustrates the stratification within peasant culture, quoting a nineteenth-century account of activity in a Bavarian tavern on a Sunday afternoon:

⁷ Robert M. Berdahl, "Christian Garve on the German Peasantry," *Peasant Studies* 8, no. 2 (Spring 1979): 88, 98. Although not as insightful as Natalie Davis' work on peasant misrule (Davis, *Society and Culture*), David Warren Sabean shows German peasants found subtle ways of defying the nobility; see Sabean, *Power in the Blood*.

⁸ *Tagwerke*, literally a "day's work," in southern Germany was approximately 1.17 acres; Johann Wolfgang Weiss' complete holding included a small house, a barn, 1½ *Tagwerke* meadow, 1 *Tagwerke* private garden (*Peunte*), 4 ½ *Morgen* tithable farmland – a rotating third of which had to lie fallow (1.5 *Morgen* = 1 *Tagwerke*, so 4 ½ *Morgen* are 3 *Tagwerke*), so his total landholding was 6½ *Tagwerke*. He also had 5 *klafter* of wood rights; see StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgage dated January 6, 1821. The very obscure term, "*Peunte*," would have forever remained unknown were it not for a brief entry in Jacob Grimm and Wilhelm Grimm, *Deutsches Wörterbuch*, 16 vols. in 33, "Peunte" and "Beunde" (Leipzig: S. Hirzel, 1854-1971, reprint: Deutscher Taschenbuch Verlag, 1984), 13:1582; 1:1741. The division of farmland into innumerable long strips has been traced back to at least the Middle Ages; see D. M. G. Sutherland, *France 1789-1815: Revolution and Counter-revolution* (London: Fontana Press, 1985), 50.

⁹ StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgages dated March 27, 1782 and January 21, 1817. He paid 15 *Kreutzer* cash as service fees to the Ansbach nobility (whoever they happened to be), and 14 measures of oats and 15 measures of hemp, probably due at harvest festival. He also paid tithes to the deaconry of Leutershausen, and dues to the lords of Dornberg for his meadows. For stratification in this culture see Plaul, "The Rural Proletariat," 103-7. Wolfgang Kaschuba, "Peasants and Others: The Historical Contours of Village Class Society," trans. Eric Clare and Richard J. Evans, in *The German Peasantry*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 241-2. Blum, *The End of the Old Order*, 98, 113. Olaf Mörke, "Social Structure," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History*, vol. 2, 1630-1800, 3 vols. ed. Sheilagh Ogilvie (London: Arnold, 1996), 151-4.



Map 3. DETAIL FROM 1826 MAP OF NEUDORF AND SURROUNDING FARMLAND. Neudorf village is at the lower right. The strips of land owned by the Weiss family are blocked out in color for easy identification. Peasant land strips were almost never contiguous. Courtesy LVG, Uraufnahmeblatt, Neudorf, Blatt - Nr. N.W. 57-34.

The first table, placed in the center of all the windows and exposed to the gaze of all who enter, is undoubtedly the place of honor. This is where the *Grossbauern* [large farmers] sit, those with 200 to 300 *Tagwerke*. The second table is occupied by the *Mittelbauern* with 130 to 180 *Tagwerke* and the *Kleinbauern* with 90 to 120 *Tagwerke*, alongside the *Grossöldner* with 80 *Tagwerke*. The fourth table is occupied by the *Mittelsöldner* with 30 to 60 *Tagwerke* and the *Kleinsöldner* with 15 to 20 *Tagwerke*. At the fifth table sit the *Gütler* [cottagers] with 8 to 14, the *Häusler* [small cottagers] with 5 to 8, and the *Leerhäusler* [literally “empty housers” or *Köbler*] with 2 to 4. . . . At the sixth table, lastly, sit the drinkers, Gypsies, peddlers . . . gooseherds, mousetrap vendors, [and so on]. The farmhands . . . sit at the fifth, fourth, and even third tables – not willy-nilly, but strictly according to age, rank, position, office, cash, and reputation.¹⁰

Each resident knew where he fit within the village pecking order. With only three *Tagwerke* of farmland, Wolfgang Weiss knew his place was near the bottom. The tax records show he had the smallest holding in town. In fact, his lands were too small to feed his hungry family, and malnutrition probably contributed to the early deaths of two of his sons.¹¹ Wolfgang’s maternal great-grandfather had owned a large farm in Neudorf, but his mother had only inherited a small fraction of this land, which Wolfgang received in its entirety because he was the only son. Perhaps the burden of feeding his children from these few strips of land contributed to Wolfgang’s eccentricities.¹²

¹⁰ Regina Schulte, *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910*, trans. Barrie Selman (Cambridge: Cambridge University Press, 1994), 41-2.

¹¹ StAN, Kataster Selekt StG. Schalkhausen, Nr. 6, Bd. 1, which lists the landowners of Neudorf. Two sons in the Weiss family died young; see BCGR, Weis, Johann Wolfgang-Bader, Anna Sabina Margaretha family sheet, copy available FHL microfilm 0,542,445. The record shows a son, Johann Georg Weiss, born November 26, 1801, but he is not listed among the heirs when the family house was sold to the oldest son in 1815, which suggests he died before that date; also Johann Wolfgang Weiss, born 1802, died October 1, 1812. For the sale of the home see, StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgages dated July 26, 1815. Olwen H. Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford: Clarendon Press, 1794), 20, 48. Schubert, “Daily Life,” 362.

¹² The eccentricities of Wolfgang Weiss are discussed below. StAN, Rent Amt Ansbach, Nr. 3001, S. 2305-18. It has been difficult to determine the exact nature of inheritance practices in Ansbach, from the few samples studied it appears it had some type of allodial system, where the heir received the farm intact, and the remaining property was divided equally among the remaining non-heirs. The heir received the property when the parents retired, and had to support the parents until their death; he was also responsible to pay the marriage portions of the non-heirs who received highly inequitable shares. For this system in Bavaria see, David Warren Sabean, “Aspects of Kinship Behaviour and Property in Rural Western Europe before 1800,” in *Family and Inheritance: Rural Society in Western Europe, 1200-1800*, ed. Jack Goody, Joan Thirsk, and E. P. Thompson (Cambridge: Cambridge University Press, 1976), 105-6; see also Lutz K. Berkner, “Inheritance, Land Tenure and Peasant Family Structure: A German Regional Comparison,” in *Family and Inheritance: Rural Society in Western Europe, 1200-1800*, ed. Jack Goody, Joan Thirsk, and E. P. Thompson (Cambridge: Cambridge University Press, 1976), 77-81. Sabean, *Property, Production*, 300-9. In February 1803, Napoléon eliminated hundreds of German mini-states by secularizing ecclesiastical land and stripping

To supplement the meager living, Wolfgang made charcoal that he sold to rural blacksmiths who needed the high heat of a charcoal fire to melt their iron. Charcoal burning was a rural vocation unnoticed and unregulated by the guilds. Wolfgang's forest rights limited him to five *Klafter* of wood per year. This was enough to heat one room of his home in winter and cook for a year, but did not leave much wood to spare.¹³ So undoubtedly, he bartered with other farmers to get the wood he needed to make the charcoal. And when he was sure the forester would not catch him, he probably stole a good deal of wood from the dense forests that nearly engulf Neudorf. He may have sent Margaretha into the forests to pilfer wood many times as a girl. Wood was as central to the early nineteenth-century German economy as petroleum is today. The state-appointed foresters strictly monitored use of the dwindling forests and levied fines on violators, but the poor could not survive without stealing. In some areas, three out of five peasants were fined every year for wood infractions. Wood theft was another means of quiet protest by the poor against the nobility who controlled so much of their lives.¹⁴

the imperial knights of their right to rule. Afterwards rich peasants bought much of the ecclesiastical land, and the division between the haves and the have nots increased; see W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 120-1, 152-3, 276-82. Hull, *Sexuality*, 333.

¹³ Herrmann Julius Meyer, *Meyers Konversations-Lexikon: eine Encyclopädie des allgemeinen Wissens*, 19 vols. "Barchend" (Leipzig: Biblio-graphisches Institute, 1885-1892), "Klafter," 9: 802. It is difficult to determine how much wood was needed to heat a home as usage rates varied by the wood type and stove efficiency. In 1838, the pastor of Schalkhausen asked the consistory to increase his allotment of wood from 4 to 5 *Klafter*. The value was estimated at 5 *Gulden*, 24 *Kreutzer* per *Klafter*, plus 30 *Kreuter* labor to chop the wood, which gives an idea of wood values 30 years later; see LAELKB Bay. Konsist. Ansbach, 839 II, "Rerisions Notaten."

¹⁴ Wood shortages were real. Foresters were charged to conserve this scarce resource. Getting enough wood for charcoal must have been a struggle for Wolfgang and I have assumed he bartered and stole to get what he needed; see Uwe E. Schmidt, *Der Wald in Deutschland im 18. und 19. Jahrhundert: Das Problem der Ressourcenknappheit Dargestellt am Beispiel der Waldressourcenknappheit in Deutschland im 18. und 19. Jahrhundert – Eine Historisch-Politische Analyse* (Saarbrücken: Conte Verlag, 2002), 120-30, 165, 223, 348. In 1850, Prussia registered 35,000 ordinary thefts compared to 265,000 wood thefts; see Josef Mooser, "Property and Wood Theft: Agrarian Capitalism and Social Conflict in Rural Society, 1800-1850: A Westphalian Case Study," in *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*, ed. Robert G. Moeller (Boston: Allen & Unwin, 1986), 52-80. Hufton, *Poor*, 50.

As she grew older, Margaretha Weiss learned the duties of home from her mother, but her childhood was punctuated with drudgery, hunger, and hard work.¹⁵ In addition to her household chores, Margaretha probably also helped her father gather and stack the wood for his charcoal. As she was the oldest, she may have taken her turn carefully watching the covered piles of slowly burning logs during the thirty-hour charring vigil. She would have known to scream and wake her father immediately if the smoke turned black, or if a hole of flame broke through the sod and ash covering that protected the slowly collapsing mound of wood. A few moments of neglect and an entire batch of precious charcoal could go up in flames.¹⁶ This would have meant disaster for the struggling family, particularly for her father who carried the burden of feeding them.

It may have been a woodpile that went up in flames, a stint in jail for forest violations, the fear of having his farm seized for his delinquent taxes, the premature death of his second son, the pillaging of the countryside by French troops in 1806, or just the steady gnawing hunger from too little food for his wife and five children that finally drove Wolfgang Weiss from his senses.¹⁷ The sparse accounts say nothing about possible causes for his breakdown. Perhaps it was only the slow ticking of a genetic time bomb

¹⁵ Several autobiographies survive written by German women from similar backgrounds; they almost universally portray a childhood of misery; see Mary Jo Maynes, *Taking the Hard Road: Life Course in French and German Workers' Autobiographies in the Era of Industrialization* (Chapel Hill: University of North Carolina Press, 1995), 64-5.

¹⁶ Timothy Crumrin, "Fuel for the Fires: Charcoal Making in the Nineteenth Century," *Chronicle of the Early American Industries Association*, 310 (June, 1994): 35-8. George Dunne, "Charcoal," *Nature Bulletin*, no. 310, Forest Preserve District of Cook County, (June 1984):1-3, <<http://www.regia.org/charcoal.htm>> accessed May 16, 2006.

¹⁷ In February 1806, Bernadotte arrived in Ansbach with 30,000 troops to occupy the territory for France. The French gave the soldiers no provisions. They had to feed themselves by demanding food from the surrounding villages, often taking all the cattle, sheep, poultry and grain in a village. Many villagers nearly starved as a result; see Dallhammer and Bürger, *Ansbach*, 244-8. As late as 1812, the pastor reported the peasants in Schalkhausen, where the Weiss family lived, were extremely poor and could not fertilize their fields with manure due to the loss of all their cattle; see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1812. T. C. W. Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792-1802* (Oxford: Oxford University Press, 1984), 85-115. Walker, *Home Towns*, 238-9.

that made his mental illness inevitable. The early records regarding him give no hint of a problem. In 1782, before his marriage, Wolfgang received full confidence from his widowed mother when she sold him her small farm on condition he support her and provide dowry for his three sisters.¹⁸ Twenty years later when he paid off this debt, his only surviving sister gave no suggestion of concern when she testified that Wolfgang had fulfilled the conditions of the contract. Still, a mortgage is hardly the place one would expect to find such details. But it is the mortgage document, signed four years later in 1807, where Wolfgang's incapacity is first mentioned. By that time the court had declared Wolfgang Weiss insane.¹⁹

Insanity in early nineteenth-century Germany surely meant acute symptoms and unsympathetic treatment. Wolfgang's illness was more than clinical depression. It probably involved some type of psychosis, possibly a disorder with major hallucinations. For a while at least, he was able to live at home under the care of his family, but it appears his condition worsened or he became too difficult to manage as Wolfgang Weiss was later committed to an asylum.²⁰ Today, we can scarcely imagine the horrors of such

¹⁸ StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgage dated March 27, 1782. In the purchase contract, Johann Wolfgang Weiss agreed to provide living space for his mother, also 50 lbs. (*Pfund*) pork per year (half in sausage), 4 measures fresh lard, 100 eggs, 1 *Klafter* wood, 2 measure of milk weekly (as long as the cows were giving), 7 measures of oats, and 8 measures of other grain, in addition she could keep 8 *Gulden* in savings, her personal possessions, and her bed, and he also had to share what he caught when hunting; see note 12, page 37.

¹⁹ "Erscheint die Ehefrau des Johann Wolfgang Weiss zu Neudorf [sic.] und übergibt anliegenden Spartzettel, zu Folge dessen ihr in Blödsinnigkeitserklärungs Sache ihres gegenwärtigen zu Hause sich inthaltenden Mannes eine Summa von 26 Gulden 14 ½ Kreuzer abverlangt wurden, da sie nun aber diesen Spartzettelbetrag zur Zeit nicht bezahlen könne, so wolle sie bitten, dieselben auf ihr zu Neudorf gelegenes Gut einzutragen;" (The wife of Johann Wolfgang Weiss of Neudorf [sic.] appeared and submitted the attached "Spartal" document, regarding the declaration of insanity of her husband, who is currently at home, asking for the sum of 26 *Gulden*, 14 ½ *Kreutzer*. She is not able to pay this "Spartal" amount at this time and is asking to put a lien on the farm in Neudorf); see StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgage dated November 14, 1807, translated by Baerbel Johnson and Marion Wolfert. Sabean describes what may have been required to have someone declared insane; see *Property, Production*, 214-20.

²⁰ The only other reference to Wolfgang Weiss' insanity is found in Margaretha and Leonhard's marriage hearings, "Weil man durch eine gewaltsame Trennung dieser seit so langer Zeit verbundenen Personen traurige Folgen erleben koennte, da der verstorbene Vater der Weissin im Irrenhaus gewesen" (Forcefully separating this couple after they have lived together for such a long time could bring devastating consequences, considering that the

an institution, with its cages, and screaming inmates, or the smells, and barbaric abuse. Today, we have some understanding of the complex genetic and environmental components of these diseases; however, two centuries ago, unschooled peasants linked insanity with witchcraft, sorcery, and any number of vile crimes. Germany's common people were superstitious, ignorant, and distrusting. The local farmers were probably terrified of this man. Surviving accounts give no hint of how the villagers reacted to Wolfgang's breakdown, but there is little likelihood the neighbors responded with any degree of empathy or understanding. In his annual report to the consistory, the Lutheran pastor of the parish where the Weiss family lived complained of "constant backbiting, gossip, tricks and downright vicious behavior" among the village peasants.²¹ If this is how they treated each other normally, one can only imagine how rudely they behaved towards a lunatic and his children. Undoubtedly, they were the butt of jokes, and were treated with disdain, contempt, rejection, teasing, ridicule, and cruelty. The family would likely have been ostracized and accused of everything from being in league with the devil to prostitution.²²

deceased father of Miss Weiss spent time in a lunatic asylum); see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated October 6, 1821, translated by Marion Wolfert and Anna Altan. The mental facility where Mr. Weiss was committed has not been identified. None of the archivists consulted at the major archives in *Mittelfranken* knew of any surviving asylum records. In 1800, there were asylums in Würzburg and Bayreuth, both of which are possibilities.

²¹ LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1826.

²² Edward Shorter quotes an 1800 description of a German madhouse, "Fools who laugh without reason and fools who torture themselves without reason. Like criminals we lock these unfortunate creatures into mad-cages, into antiquated prisons, or put them next to the nesting holes of owls in desolate attics over the town gates or in the damp cellars of the jails, where the sympathetic gaze of a friend of mankind might never behold them; and we leave them there gripped by chains, corrupting in their own filth;" see Edward Shorter, *A History of Psychiatry: From the Era of the Asylum to the Age of Prozac* (New York: John Wiley & Sons, 1997), 6-7. Michel Foucault, in his classic work on the history of insanity, describes European institutions of the day; see *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (New York: Pantheon Books, 1965), 65-75. In popular belief, there was a link between mental illness, the devil, and witchcraft; see Thomas S. Szasz, *The Manufacture of Madness: A Comparative Study of the Inquisition and the Mental Health Movement* (New York: Harper & Row, 1970), 68-134. Eric J. Engstrom, *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice* (Ithaca: Cornell University Press, 2003), 15-8.

Wolfgang's mental collapse devastated family resources, little as they were. The court gave his wife, Sabina Margaretha née Bader (1767 - 1820), authority to manage the farm, then promptly demanded two years of back taxes. She failed to pay them. In 1807, the court notified Sabina that if she did not pay 26 *Gulden*, 24½ *Kreutzer* in cash they would evict the family and take possession of the house and lands. This amounted to a full year's wages for a farm maid, and was certainly more cash than the poor woman could gather at short notice. This was a barter economy, and cash was rarely seen. Margaretha's mother must have been frantic when she secured a loan only eight days from having her home seized.²³

Margaretha Weiss reached her eighteenth birthday at the peak of this family crisis. Girls from poor families started work at age fourteen or fifteen as a milkmaid, seamstress, cook, or laundress – so Margaretha had probably been out of the home for several years when her parents' difficulties struck.²⁴ It was essential for a girl to save so she could meet the high cash requirement for marriage. Although Margaretha was probably not living at home when her father became ill, still his situation must have been devastating for her. Some peasant women would not even sip water drawn by the daughter of a man bewitched. Tainted by her father's illness, her reputation and ability to find work sank, as did any chance she had of marrying well, and possibly of marrying at all. For rich peasant farmers, the goal in marriage was preserving the family's

²³ StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgages dated June 3, 1803, and November 14, 1807. It is unclear where Sabina Margaretha obtained the loan. Credit markets at the time were very primitive and loans were difficult to obtain, especially by the poorer segments of the population; see W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 183-9; See also, David Warren Sabean, *Kinship in Neckarhausen, 1700-1870* (Cambridge: Cambridge University Press, 1998), 7.

²⁴ Regina Schulte, "Peasants and Farmers' Maids: Female Farm Servants in Bavaria at the End of the Nineteenth Century," trans. Cathleen S. Catt, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 158-62; *The Village in Court*, 85-6.

landholdings and gaining respect in the community. Boys from families with larger farms tended to marry girls of the same standing; if the two were attracted to each other, all the better. For farmers, romance was not an issue when choosing a spouse – it was not part of the culture. Farmers saw the idea that love could be the basis for marriage as an invention of literature. In general, “the purse triumphed over the heart.”²⁵ If Margaretha had had a decent dowry, an inheritance, or landholding, she might have enticed the son of a small farmer to overlook her father’s madness, but as it was she had little to offer. She expected to receive a small dowry, but it might be decades before her mother could afford to pay it. The surviving records give no hint of how Margaretha felt about her situation, or what she foresaw for her future. She may have expected to remain single and destitute, living in some corner of a brother’s or cousin’s hovel, doing laundry, feeding poultry, and emptying chamber pots. Margaretha must have been despondent whenever she saw a lavish bridal wagon, laden with furniture and bedding pass by, as it represented the demarcation between what the daughters of rich farmers had and her own poor station.²⁶ Margaretha was both socially and economically destitute, particularly in the marriage market, when she first laid eyes on Leonhard Büttner.

At not quite five feet two inches tall, Leonhard was short – even among his contemporaries – yet he was not slight but stocky with a muscular build and a high

²⁵ People in love were considered fools. Love was not the basis of marriage; see Schulte, *The Village in Court*, 80; see also Monika Bergmeier, *Wirtschaftsleben und Mentalität, Modernisierung im Spiegel der bayerischen Physikatsberichte 1858-1862, Mittelfranken, Unterfranken, Schwaben, Pfalz, Oberpfalz* (Munich: Herbert Utz Verlag, 1990), 406-12. Olwen Hufton discusses the effects of money in choosing a spouse. Money made a disadvantaged girl attractive, “They get married out of financial interest rather than any other inclination. Most of them when looking for a bride only ask how many sheep she can bring in marriage. Women and girls who have lost their honour are not precluded from the search. It is a daily occurrence to see a man take a wretched bride, pregnant by someone else and adopt the child for a modest sum;” see Olwen H. Hufton, *The Prospect Before Her: A History of Women in Western Europe, vol. 1: 1500-1800* (New York: Alfred A. Knopf, 1996), 127ff.

²⁶ Hufton, *Poor*, 26. Schulte, *The Village in Court*, 81-6. On how essential it was for a girl in Bavaria to have a decent-sized dowry to marry well; see Lee, *Population Growth*, 281-2.

forehead that made his oval face slightly long. His light brown hair had obviously once been blonde and he wore a beard. His eyes were gray, his chin pointed, and his mouth turned up slightly, particularly when he smiled.²⁷ Socially and economically, Leonhard and Margaretha were equally bankrupt. In their world, it was possible to be below the landless day laborer and the daughter of a mad man, but not by much. The Gypsy, the convict, the Jew, the prostitute, the banished, the deformed, and the foreigner vied for contempt in the eyes of the established farmers.

As to how Margaretha and Leonhard met, surviving records are silent. The pastor of Schalkhausen (the parish where the Weiss family lived) reported that on Sunday afternoons young people from the parish walked into Ansbach to socialize and relax.²⁸ This was probably true for the people in many of the outlying hamlets, including Fessmühl where Leonhard worked in 1810 and 1811 (the years Leonhard and Margaretha probably met). Fessmühl was a two-hour walk on the other side of Ansbach from Neudorf (see Map 2), but was close enough to lure a young man with a Sunday afternoon free, and a city market crowded with attractive young women. We don't know where Margaretha worked during this time. She may have worked at a farm not far from Fessmühl, but more likely she worked close to Neudorf. As the market in Ansbach was the center of the area's activities, it seems a likely place for their meeting. Ansbach held four fairs a year, had market days twice a week, and on feast days people traveled great

²⁷ For Leonhard Büttner's description see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, military release papers dated November 24, 1817, also *ibid.*, Nr. 61, Jahr 1816, same date. His height was "5 Schuh, 3 Zoll, 11 Linien;" a conversion chart for Bavarian measurements is found in Meyer, *Meyers Konversations-Lexikon*, "Fuss," 6: 801, my thanks to Larry Jensen and Barbara Bell for help in converting this measurement.

²⁸ LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1812, 1822. These Sunday evening walks to the market were common in many areas; see Osmond, "Land," 90; Schulte, "Peasants and Farmers' Maids," 161; also Shorter, *Modern Family*, 122. I am aware of the many scholars who have criticized Shorter's conclusions in this work, however, his summaries of European courting practices are excellent.

distances to enjoy the celebrations. For the young, these were occasions for courting, dancing, and matchmaking.²⁹

Young rural peasants like Margaretha and Leonhard often courted during social gatherings known as *Spinnstuben* or *Rockenstuben*. The closest English equivalent of these terms is “spinning bees,” or “working bees,” but the English expression does not convey the provocative, suggestive overtones of the German words. These gatherings were an integral part of popular culture among the poor in the Franconian countryside.³⁰ On winter nights, after the harvest was in, and farm life was less demanding, the women of a village would gather for what was ostensibly a quiet night of spinning, knitting, and sewing. The spinning bees were held in barns or large farmhouses. To save precious firewood, the women sat close together to benefit from the heat of other bodies, the warm animals, and the steaming manure. The girls waited anxiously for the young men to arrive and disrupt their work, flirt with them, eat their food, and entice them into the corners of the room for playful frolics. The older women in attendance teased the boys, and encouraged the girls, all the while keeping close watch on the activities. As the evening ended, the village gossips would strain to see who paired with whom in the darkness for the walk home. Leonhard may have made the long trip to Neudorf on more than one wintry evening when he knew Margaretha would attend a *Rockenstube*, and thus be available away from her work.³¹

²⁹ The fairs were each three days in length and were held in February, May, November, and at the church dedication day (possibly Saint Johannes in June). Anyone who paid the street tax would be admitted to the city for the fairs or markets; see Dallhammer and Bürger, *Ansbach*, 91.

³⁰ C. Scott Dixon, *The Reformation and Rural Society: The Parishes of Brandenburg-Ansbach-Kulmbach, 1528-1603*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 1996), 113. Shorter, *Modern Family*, 125-30. Hull, *Sexuality*, 33-40.

³¹ Hans Medick, “Village Spinning Bees: Sexual Culture and Free Time among Rural Youth in Early Modern Germany,” in *Interest and Emotion: Essays on the Study of Family and Kinship*, ed. Hans Medick and David Warren Sabean (Cambridge: Cambridge University Press, 1984), 317-39. Ogilvie points out that bees were a female-dominated courtship networks that defied repeated attempts by men in power to put an end to them; see Sheilagh

Friedrich August Dubois (1752 - 1835), the pastor of Schalkhausen where Margaretha lived, frequently complained to his superiors about the *Rockenstuben* in the parish:

During the winter, late at night, people of both genders shamelessly mingle together, (and participate in *Rockenstuben*). The mayor should assume his rightful duty to supervise the peasantry who have neither the self control nor the will power to behave morally or act decently; but he shuns every responsibility and makes no attempt to control the people or enforce any discipline, and as long as the police refuse to get involved, there is little hope this scandalous behavior will cease. . . . As to the frequent dances that are taking place in the communities throughout the countryside, they are causing great moral destruction, and lead to many temptations, intoxication, violence towards one's neighbor, and seductions of innocence; not to mention the squandering of much time and money by the hosts in a gluttonous waste of food and excess drink. As a result, the young people are learning to swear, and behave disgracefully.³²

The gatherings often included lewd songs and "erotic" dances, where the young people actually touched each other. During the bees, the youth mocked the upper levels of peasant society as they freed themselves briefly from the constraints of daily work, much as the common people turned the world upside down during carnival, as Natalie Davis describes in her work on peasant misrule.³³ In a later report, pastor Dubois gives more details about the dances in his parish that accompanied the *Rockenstuben*:

Ogilvie, "How Does Social Capital Affect Women? Guilds and Communities in Early Modern German," *The American Historical Review*, vol. 109:2, paragraph 25-7, <<http://www.historycooperative.org/journals/ahr/109.2/ogilvie.html>>, accessed July 18, 2005, paragraph 55.

³² LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1826, 1828, translation by Baerbel Johnson and the author, the parenthetical insert is taken from the 1828 report. In his reports, Pastor Dubois complains that, "people herd their cattle during church services, and fornication is increasing," which implies he held these as equally serious.

³³ Natalie Zemon Davis, "The Reasons of Misrule," in *Society and Culture in Early Modern France* (Stanford: Stanford University Press, 1975), 97-123. Medick suggests spinning bees were a form of social misrule; see "Spinning," 323. After 1800, dancing became a way for romantic courtship for the poor; see J. Michael Phayer, *Sexual Liberation and Religion in Nineteenth Century Europe* (London: Croom Helm, 1977), 82-91. Edward Shorter. *The Making of the Modern Family* (New York: Basic Books, 1975), 95. Ernest Schubert, "Daily Life, Consumption, and Material Culture," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols., ed. Sheilagh Ogilvie (London: Arnold, 1996), 367. Theodore Zeldin, ed., *Conflicts in French Society: Anticlericalism, Education and Morals in the Nineteenth Century* (London: George Allen and Unwin Ltd., 1970), 13, 23.

The frequent dances cause great destruction through their violent rampaging and jumping – which is how these peasants dance. As a result, the young farmhands frequently sustain injuries. The drunkenness often associated with these enjoyments entices them to immorality, works of darkness, and violence against their neighbors; to fighting and beatings. The servants waste their income, and when they get sick they are a burden to the community who has to take care of them. Even the innkeepers, instead of being content to make an honest profit, frequently make matters worse by unjustly demanding exaggerated payments from the men while they are intoxicated, and thus incur God's curse and punishment.³⁴

The comments by the pastor give a first-hand glimpse into Margaretha's world.

In the pastor's eyes, the blame for improper behavior lay with the mayor and the police who refused to supervise the gatherings, not with the poor farmers who sponsored them, nor the young door-crashers who behaved so riotously. The view that the poor were too ill-mannered to behave appropriately without the police watching them was a central tenet of contemporary political thought. The educated and more privileged members of society, including the pastor, assumed the poor were incapable of restraining themselves, so strict laws were essential to keep them in check. It was a different matter for the mayor and the police, who came from the wealthier levels of peasant society, and who knew proper decorum. There was a distinct division within the village between an upper and lower strata of peasant. The pastor never hints that the mayor or other community leaders participated in these raucous affairs, only that they ignored them.³⁵

Pastor Dubois also complained that "both sexes come running together in the evenings," by which he may be referring to another activity common in the area, which was known as *fenstern* (literally meaning "windowing").³⁶ This tradition of *fenstern* in

³⁴ LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1830, translation by Baerbel Johnson and the author.

³⁵ Kaschuba, "Peasants and Others," 241.

³⁶ Ibid., Jahres Bericht 1826.

Ansbach dates back to medieval times.³⁷ The custom was for a group of young men to go through a village at night and stop at the homes of single girls, and call out traditional rhymes trying to persuade the young woman to open their window. If one did, the girl would choose the boy she liked best, and let him climb in. As the group went through town, the older women would peek through their shutters to see which boys were admitted and by whom. "If it were his first visit, he would probably spend the night atop the covers; [but] if he knew her well, he would climb beneath the covers, but remain clothed."³⁸ This was done with the knowledge, if not the complicity, of the parents, who would elicit a promise that the couple not let petting advance "too far."³⁹ In many areas, the couple was wrapped tightly in blankets, fully clothed, "so that the principle act of love could not be accomplished" (thus the custom was called "bundling" in America). The clergy believed that *fenstern* caused immorality in the villages. The custom was so widespread in Ansbach that the church leaders persuaded the margraves to legislate against the practice several times during the sixteenth and seventeenth centuries, but to no avail, as the custom was still rife in the nineteenth century.⁴⁰

When the home was large enough, young women were given a room alone on the ground floor, so the rest of the family could sleep undisturbed when the young men came and went during the night.⁴¹ Smaller homes had too few bedrooms for this, or too few beds, so having a sister or even the parents in the room was not uncommon. Poorer

³⁷ Karl Sigismund Kramer, *Volksleben im Fürstentum Ansbach und Seinen Nachbargebieten (1500-1800), Eine Volkskunde Auf Grund Archivalischer Quellen*, Beiträge zur Volkstumsforschung: Bd. 13, Veröffentlichungen der Gesellschaft für Fränkische Geschichte, Reihe IX, Darstellungen aus der fränkischen Geschichte: Bd. 15 (Würzburg: Ferdinand Schöningh, 1961), 221-5. Dixon, *The Reformation*, 123. Shorter, *Modern Family*, 124.

³⁸ *Ibid.*, 102-4

³⁹ Hufton, *The Prospect Before Her*, 133-4.

⁴⁰ Dixon, *The Reformation*, 123. Kramer, *Volksleben*, 221-5. Pamela Olson, "Bundling: A Quaint Colonial American Custom," *Heritage Quest* 20 (1989): 62-6.

⁴¹ Sabean, *Property, Production*, 330-1. Shorter, *Modern Family*, 41.

peasants often had only one bed where the family slept, children together with adults. In other homes, the parents used the only bed and the children slept on straw mattresses on the dirt floor. So, even for the parents, "secrecy of a sexual act was rarely possible, although it was done under cover of darkness, beneath covers or behind bed curtains."⁴² No one expected privacy in the modern sense; it was outside the realm of experience. In rural villages, sex was not particularly avoided in conversation, nor seen as forbidden, or done only in private. Seemingly, the common people were no more embarrassed by a couple having sexual relations than they were to a person getting dressed or eating lunch. "This is not to say that the desires of earlier generation were 'healthier' or 'freer,' merely that they developed in circumstances almost unimaginable to us, in a completely different complex of meanings and taboos. . . . it was merely different."⁴³

The young men who came for these nighttime visits were not necessarily candidates from whom the girl would choose a fiancé, but just young men of the area. Problems arose only when a young woman received a caller to whom the girl's parents objected, or if a landed farmer's daughter let in a day laborer or Gypsy. If a girl admitted the wrong type of boy or too many boys, her parents' might nail her window shut. If pregnancy resulted from a visit, a hasty marriage was arranged, often with the young intruder, but not infrequently with someone else. Care was always taken to find a suitable mate. The shame of a *mésalliance* with the wrong type of young man was much worse than the shame of lost virtue. People focused their attention on the social aspects

⁴² "Early modern world was very different from ours. Intercourse conducted at leisure, naked, lying down, in private, playful, at unusual seasons or times, with foreplay and fantasy is our fantasy, not theirs," see, Hull, *Sexuality*, 47ff. In 1839 Würzburg, "the hired hand and the farmer's son sleep often in the same room, and in the same bed as the farmer's daughter and the maid," quoted in Shorter, *Modern Family*, 40. Schulte, *The Village in Court*, 1-5, 84. Schubert, "Daily Life," 358.

⁴³ Hull, *Sexuality*, 44, 48-9.

of sexual behavior, on who was being linked with whom. The emphasis was on making a socially appropriate match, not on whether a couple engaged in sex. There was no problem as long as marriage ultimately came. As in most of Europe, none of the peasants in *Mittelfranken* expected a young person to be inexperienced on his or her wedding night.⁴⁴ There was a general sense in society of when it was appropriate for a young couple to begin their sexual activity. Pre-marital sex was reserved for young people in their mid to late twenties, who were of age to be serious about courting; teenagers were strictly forbidden from participating in courtship rites and sexual relations.⁴⁵

Wherever Margaretha and Leonhard met or courted, their actions create a vivid picture of mutual commitment with a hint of romance. Theirs was not a casual encounter. They remained loyal to each other over a period of many years, despite repeated attempts to separate them. It is likely that Leonhard's early nighttime visits with

⁴⁴ Safley reports uncertainty among the betrothed about when they were married versus just engaged, and when sex could begin; see Thomas Safley, *Let No Man Put Asunder: The Control of Marriage in the German Southwest: A Comparative Study, 1550-1600* (Kirksville, MO: The Sixteenth Century Journal Press, 1984), 67-8, 103-8. Sabeau, *Property, Production*, 330-5, 426. It was rare in Bavaria "to find an undeflowered country girl;" see Phayer, *Sexual Liberation*, 32. Half the brides in nineteenth-century Europe were pregnant; see Shirley Foster Hartley, *Illegitimacy* (Berkeley: University of California Press, 1975), 190. The Cambridge Group for the History of Population found the evidence incontrovertible, "By the end of the eighteenth century, indeed, it is probable that about a quarter of all first births were illegitimate and a further quarter were prenuptially conceived;" see E. Anthony Wrigley et al., *English Population History from Family Reconstitution: 1580-1837* (Cambridge: Cambridge University Press, 1997), 194-5. "Evidence suggests that there was little emphasis on virginity of brides;" see Alan Macfarlane, "Illegitimacy and Illegitimates in English History," in *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany Sweden, North America, Jamaica and Japan*, ed. Peter Laslett, et al. (Cambridge, MA.: Harvard University Press, 1980), 75. Sabeau, *Property, Production*, 333. Hull, *Sexuality*, 31-52. John E. Knodel, *Demographic Behavior in the Past: A Study of Fourteen German Village Populations in the Eighteenth and Nineteenth Centuries*, Cambridge Studies in Population, Economy and Society in Past Time, vol. 6 (Cambridge: Cambridge University Press, 1988), 242-3. Shorter, *Modern Family*, 125-6. Kramer, *Volksleben*, 221-5.

⁴⁵ Demographers agree that sex among Europe's teenagers did not happen; see Knodel, *Demographic Behavior*, 127-9. Peter Laslett, "Introduction: Comparing Illegitimacy over Time and Between Cultures," in *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany, Sweden, North America, Jamaica, and Japan*, ed. Peter Laslett, Karla Oosterveen and Richard M. Smith (Cambridge, MA.: Harvard University Press, 1980), 33-59. Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe" in *Marriage and Fertility: Studies in Interdisciplinary History*, ed. Robert I. Rotberg and Theodore K. Rabb (Princeton: Princeton University Press, 1980), 86; "Capitalism, Culture and Sexuality: Some Competing Models," *Social Science Quarterly* 53 (1972): 338-56. "In England and Wales, girls aged 25-29 are five times more likely to have an illegitimate birth than [teenage] girls;" see Hartley, *Illegitimacy*, 15-9.

Margaretha were not in a barn, or hidden in the woods, but in her home, with the knowledge and implicit consent of her mother.⁴⁶ Yet the couple had no financial resources, so marriage was impossible.

Their first child, Johann Georg, was born out of wedlock just before noon on June 23, 1812. The child's baptism record clearly states that Leonhard Büttner was the father.⁴⁷ Leonhard did not have residency in Neudorf, so Margaretha and their son lived with her parents, and he continued to board with the farmers for whom he worked six to eight miles away.

It was common for a young milkmaid or cook to be turned out by her employer as soon as an unwed pregnancy became known. Often, the community in which she toiled sent the girl back to her home village. But this hamlet might then turn her away since her "crime" was committed while the home village had no capability to police her behavior. The young woman might end up homeless and begging.⁴⁸ Margaretha was fortunate that she was able to live with her mother after the birth of her son, and that the village did not expel her, although the community leaders were clearly upset by her situation. It is also unusual that Margaretha's illegitimate son survived. Mortality rates for children born out of wedlock ran as much as fifty percent higher than for legitimate births.⁴⁹

⁴⁶ Sabeau, *Property, Production*, 329-31.

⁴⁷ Schalkhausen, Kirchenbuch, Taufregister, Bd. 9, 1814-1850, S. 147, Nr. 8, the father is listed as "Georg Leonhard Büttner." That this was Johann Leonhard Büttner is confirmed in StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter of February 14, 1821.

⁴⁸ Ernst Schubert, *Arme Leute Bettler und Gauner im Franken des 18. Jahrhunderts*, Darstellungen aus der Fränkischen Geschichte, Bd. 26 (Neustadt a.d. Aisch: Kommissionsverlag Degener & Co., 1990), 120-1. Farmhands and milkmaids were always in danger of becoming outcasts for breaking the farmer's moral codes; see Schulte, *The Village in Court*, 27-40.

⁴⁹ Infant mortality rates for illegitimate children was about double the rate of legitimate children; see Wrigley, et al., *English Population*, 218-24. Timothy W. Guinnane, "Population and the Economy in Germany, 1800-1990," in *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols., ed. Sheilagh Ogilvie and Richard Overy (London: Arnold, 2003), 44. Shorter, "Bastardy in South Germany," 149-54. Knodel reports a thirty percent higher rate; see *Demographic Behavior*, 109, 538-40. Jacques Depauw, "Illicit Sexual Activity and Society in Eighteenth-Century Nantes," trans. Elborg Forster, in *Family and Society: Selections from the Annales Economies, Sociétés, Civilisations*, ed. Robert Forster and Orest Ranum. (Baltimore: Johns Hopkins University Press, 1976), 183.

The two most common dating customs in the culture of southern Germany at the turn of the nineteenth century, the *Spinnstube* and *fenstern*, both occasionally led to sexual encounters between unmarried youth. These encounters were only moderately secluded from common view, and, if the couple were serious about getting married provoked only mild disapproval.⁵⁰ This raises the question of why the community reacted so severely against Margaretha and Leonhard for their illegitimate children, especially given the casual reaction to pre-marital sex in rural society at large. The full answer is complex and will take the rest of this work to explain fully. A partial answer is that Margaretha and Leonhard were both too poor and too low on the social spectrum to be allowed to marry. These two closely-related issues emerge as major factors at every juncture of Margaretha and Leonhard's efforts to marry. In order to reduce the number of paupers, beggars, and others in the "dangerous classes," village councils across Germany set high property requirements for marriage.⁵¹ The amounts were set high enough to exclude the sons of landless families and day laborers. Marriage was reserved for those who could afford it, or for those with close enough ties to the village council, who could pull the right strings and grease the right palms to get the marriage approved. But we fail to understand the world of Margaretha and Leonhard if we develop a surge of indignation in their behalf at this perceived social injustice. In all likelihood, they did not expect to marry, although the records attest they wanted to. No documents from the village survive for the period, so we do not know if Margaretha and Leonhard applied to

Hartley, *Illegitimacy*, 3-18.

⁵⁰ Safley, *Let No Man*, 103.

⁵¹ David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1997), 112-3. Shorter "Illegitimacy, Sexual Revolution," 102. Walker, *Home Towns*, 152-4. Villages often had more taxes assessed than they could pay; see Lee, *Population Growth*, 270. Schubert, "Daily Life," 370.

marry before their first son was born in 1812. But given their social and financial situation, it is unlikely they even bothered to ask. Marriage was not their lot in life; it was a pipe dream and they both knew it. In their culture, marriage was not a universal right. Society accepted the fact that a high percentage of the population would never marry, and was expected to remain moderately celibate.⁵² Peasant culture granted the right of marriage based on wealth, social position, family connections, circles of acquaintance, length of residency in the town, similarity of economic standing, and village sanction of the match.

Most courting was done under the cynosure of all eyes in the community, as in the *Spinstuben* and *fenstern*. The women of the community closely watched these activities, in part, so the village could intervene before a couple became too serious in cases when the town did not approve. In the end, although the women often oversaw the courting, the community council held the visible manifestation of power in the village, and could intervene to stop a relationship. The interplay of the community with Margaretha and Leonhard is another constant theme in their story. At the lowest levels of society, the community was becoming less able to enforce its will, and in an increasing number of instances, as with Margaretha and Leonhard, the couples came together without marriage despite community objection. Illegitimacy and irate townspeople were the result.⁵³

Margaretha and Leonhard were not the only couple to have children out of wedlock during this period. In 1750, illegitimacy was rare in most areas of Europe, but

⁵² In Europe ten to twenty-five percent of the population did not marry; see Wrigley, *English Population*, 121-2; see also the tables for Germany in Michael W. Flinn, *The European Demographic System, 1500-1820*, The Johns Hopkins Symposia in Comparative History (Baltimore: The Johns Hopkins University Press, 1985), 122-3.

⁵³ Phayer, *Sexual Liberation*, 20. Schubert, *Arme Leute Bettler*, 120-31. Shorter, *Modern Family*, 124-30. Guinnane, "Population," 40-1.

by 1850 bastardy rates had soared, and in Bavaria they rose higher than almost anywhere else. In some districts, up to sixty percent of all births were illegitimate.⁵⁴ The reasons for this abrupt rise in out-of-wedlock births were as varied as the parents who conceived the children; but despite individual motives, scholars have debated the general reasons for the increase in bastardy across Europe.

In the 1970s, Edward Shorter suggested that modernization, meaning the substantial changes in peasant culture during the late eighteenth and early nineteenth centuries, caused the increase in out-of-wedlock births.⁵⁵ A dozen competent scholars roundly condemned this theory.⁵⁶ W. Robert Lee was most vocal among Shorter's critics. Lee's research, done in Bavarian parishes, suggests that other than the rising bastardy, there was no fundamental change in family life between 1750 and 1850. Lee does, however, acknowledge radical changes in peasant society. Lee offered a counter theory, claiming that between 1750 and 1850, Germany's peasants saw a substantial increase in real wages, which made it easier to support large families. Yet, despite improved spending power, peasants had a difficult time getting permission from the village

⁵⁴ The Steirmark region of Austria below the Ems boasts the top score in illegitimacy; see Lee, *Population Growth*, 307-8. Some areas of Bavaria had very high rates; see Heydenreuter, "Landesherrliche Ehebeschränkungen," 177-89. For a charts showing the increase in 39 regions; see Shorter, "Illegitimacy, Sexual Revolution," 85-120, this is Shorter's best presentation of his arguments, and although his conclusions were criticized, the statistics are sound; see also Hartley, *Illegitimacy*; 190. Wrigley, et al., *English Population*, 54, 534.

⁵⁵ Shorter, *Modern Family*; "Sexual Change and Illegitimacy: The European Experience," in *Modern European Social History*, ed. Robert J. Bezucha (Lexington, MA.: D.C. Heath Co., 1972), 231-69; "Bastardy in South Germany," 459-76; "Capitalism, Culture and Sexuality," 338-56; it should be noted that Shorter's views evolved over time, and became more defensive as his critics became more vocal; one of the few scholars to agree with Shorter's basic views is Depauw, "Illicit Sexual Activity," 175-91.

⁵⁶ Each of the following articles and books mentions Shorter by name and soundly criticizes his conclusions, but not necessarily his underlying research: Louise A. Tilly, Joan W. Scott, and Miriam Cohen, "Women's Work and European Fertility Patterns," *Journal of Interdisciplinary History* 6, no.3 (Winter 1976): 447-76; Cissie C. Fairchilds, "Female Sexual Attitudes and the Rise of Illegitimacy: A Case Study," *Journal of Interdisciplinary History* 8, no. 4 (Spring 1978): 627-67; Jean-Louis Flandrin, "Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times," *Journal of Family History* 2 (1977): 197-210; Peter Laslett, *Family Life and Illicit Love in Earlier Generations: Essays in Historical Sociology* (Cambridge: Cambridge University Press, 1977), 106-14; "Introduction," 29; Richard Llewellyn Adair, "Regional Variations in Illegitimacy and Courtship Behaviour in England, 1538-1754" (Ph.D. diss. University of Cambridge, 1991), 7.

councils to marry. According to Lee, this led the poorer peasants to develop a value system tolerant of children out of wedlock.⁵⁷

Both sides of this argument were brushed aside by the research of Peter Laslett of Cambridge. His extensive data on illegitimacy in English parish records surprised everyone, and his exceptionally large sample size gave unassailable credence to his conclusions. He discovered that the only factors that had any statistical significance on illegitimacy rates were geographic region and time period. The effects of all other elements in his study were negligible.⁵⁸ When an area had a high number of occurrences of illegitimacy in one century, it was almost guaranteed the same area would have a high rate of illegitimacy two or three centuries later. All areas maintained their place in the general order, which means views about sex were passed on within a family, or a village, or a region, for generations. This is why some areas had much higher bastardy rates than others. Peter Laslett suggested that the church and civil authorities of Europe were willfully ignorant of the moral infrastructure of mainstream society – sex before marriage was the accepted norm, but community and church leaders were unwilling to acknowledge this, even among themselves.⁵⁹ He asserted that the poor, day laborers, and domestic servants, like Margaretha and Leonhard, were singled out for their wanton sexual behavior as scapegoats who took the blame for a practice common at all levels of society. Due to their financial circumstances, the poor were less likely to marry, which

⁵⁷ Lee, *Population Growth*, 287-9, 307-15; "Family and 'Modernisation,'" 90; see also John E. Knodel, "Law, Marriage and Illegitimacy in Nineteenth-Century Germany," *Population Studies* 20 (1966-67): 279-94. In Paris, cohabitation was common among the poor; see Louis Chevalier, *Laboring Classes and Dangerous Classes in Paris During the First Half of the Nineteenth Century*, trans. Frank Jellinck (New York: Howard Fertig, 1973), 310-5. Regina Schulte, "Infanticide in Rural Bavaria in the Nineteenth Century," in *Interest and Emotion, Essays on the Study of Family and Kinship*, ed. Hans Medick and David Warren Sabean (Cambridge: Cambridge University Press, 1984), 84.

⁵⁸ Laslett, "Introduction," 37.

⁵⁹ *Ibid.*, 61.

made their premarital relations more readily apparent. "Thus illegitimacy was always falsely seen as a problem of the poor."⁶⁰

Laslett's critics charged that he was blind to the possibility that socio-economic context of a family could have any effect on demography.⁶¹ Laslett readily acknowledged that only a fraction of the baptism entries, on which his illegitimacy study was based, gave any indication of the social standing of the parents. But this lack of data blinded Laslett to the effects individual economic and social reality had on bastardy rates. His data indicated that changes in the macroeconomics of a region had little effect on overall illegitimacy trends; a conclusion he claimed was firmly validated by his data. However, it was naïve for Laslett to assume people were not affected by their individual economic circumstances when making courtship and marriage decisions. He described a financially immune "bastardy-prone subculture" that simply existed as an unidentifiable mass within the population at large. He made no effort to place this "subculture" within the social levels of a most stratified society. Or as one critic suggested, Europe had no sub-culture of bastardy, but an every-present element among families of "low prestige" who were in a "self-perpetuatingly weak marital bargaining position." This critic continues, "Laslett's 'sub-society' has no self-awareness, *raison d'être* or motive other than an inconstant procreative urge operating, it seems, through some genetic predisposition."⁶²

⁶⁰ Ibid., 51-9.

⁶¹ G. N. Gandy, review of *Bastardy and Its Comparative History*, eds. Peter Laslett et al., in *The Economic History Review*, new series 34:1 (1981): 183; See also Edward Arnold, "Out of Wedlock" review of *Bastardy and Its Comparative History*, eds. Peter Laslett, Karla Oosterveen, and Richard M. Smith, in *The Economist*, 276 (July 26, 1980): 100, 102.

⁶² Gandy, review of *Bastardy*, 183.

Richard Adair, who studied at Cambridge University under Laslett, took the research a little further. He compared areas with high and low illegitimacy rates to see if the differences in local customs could predict bastardy. He found that in England almost every area with high illegitimacy practiced a custom known as *Spousals*, which was a private marriage pledge, sometimes without witnesses. In areas with low incidents of illegitimacy, the Spousal tradition did not exist. In England, this local custom often led to illegitimacy, just as *fenstern* and the *Spinnstube* did in parts of Germany, or bundling in colonial America.⁶³

John Knodel and Michael Phayer's research in German church books enabled them to add the element Laslett lacked. The German sources allowed them to include the social standing of the parents in their considerations. They found that in Germany, illegitimacy was highest among the day laborers, farm hands, milkmaids and kitchen servants, and almost non-existent among the daughters of the rich peasant farmers. But, significantly, they found that the farmers' daughters were often pregnant at the marriage altar. The demographers frequently emphasized this point.⁶⁴ It suggests that the daughters of the rich could enjoy *fenstern* and the *Spinnstube* along with the rest of the youth, and marry hastily if needed before a child was born, with no ill effects to their

⁶³ Adair, "Regional Variations in Illegitimacy," 184-209,

⁶⁴ "[D]espite the distinct difference in the levels characterizing the various social strata of the village, the major changes in premarital sexual behavior between the eighteenth and nineteenth centuries were virtually universal. Proletarians may have contributed somewhat more than their proportional share, but all major segments of village society apparently participated in the increased premarital sexual activity evident in the changed levels of bridal pregnancy and prenuptial births;" see Knodel, *Demographic Behavior*, 226 [191-226]. "In one Bavarian village thirty-one percent of 1828 births were illegitimate, none of the parents were farmers, a few were factory workers, most were poor people who sent daughters to find work;" see Phayer, *Sexual Liberation*, 34, 46-7. "A high proportion of all couples in all times and places had sex before marriage," and "forty to sixty percent of all first births in England were extra marital conceptions;" see Laslett, "Introduction," 45-59; "Up to fifty percent of brides in Europe in the nineteenth century were pregnant;" see Hartley, *Illegitimacy*, 190; One Bavarian priest noted there were few single women who had not given birth to one or more illegitimate children, "*A Virgin! Rara Avis*;" see Lee, *Population Growth*, 307-12.

reputations. Several researchers also noted illegitimacy was particularly common among weavers and their children.⁶⁵

The records attest Margaretha and Leonhard wanted to marry; it was the norm. But like many at the lower rungs of this culture, they were forced to explore other options. The decision made by Margaretha and Leonhard to have children out of wedlock was intensely personal. They chose their behavior completely independent of statistics, and the historian must resist the temptation to ascribe their decisions to historical ratios. That said, the sound research of both Laslett and Knodel suggests that lumpenproletarians like Margaretha and Leonhard would probably have had at least one illegitimate child even without restrictive marriage laws.⁶⁶ In their subculture, where marriage was a rare privilege, sexual relations began with a serious relationship, regardless of when or if a couple married. The day laborers did develop a subculture with a different set of rules and taboos, and illegitimate children became an accepted norm.

⁶⁵ Hufton, *The Prospect Before Her*, 126-7. Leslie Page Moch, *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press, 1992), 118. Depauw, "Illicit Sexual Activity," 176. Heilwig Schomerus, "The Family Life-cycle: A Study of Factory Workers in Nineteenth-Century Württemberg," in *The German Family*, ed. Richard J. Evans and W. Robert Lee (London, Croom Helm, 1981), 184-5.

⁶⁶ In his early research, Knodel theorized that increased German bastardy was a direct result of restrictive marriage laws; see "Law, Marriage and Illegitimacy;" his later in-depth research and statistical analysis led him to reverse this conclusion: "it seems clear, however, that marriage restrictions are unlikely to be the main explanation for the major trends in illegitimacy;" see *Demographic Behavior*, 195. Laslett, "Introduction," 25.

CHAPTER 4

MARRIAGE REQUESTED AND DELAYED

Marriage mattered. In the rural German culture of the nineteenth century, it was impossible to be viable economically, socially, or politically outside of the wedded state. No other option existed. This was the conundrum for Margaretha and Leonhard; marriage was essential to build an independent or economically secure life, but before one could marry, one needed to demonstrate economic independence, either through inheritance, savings, or by the promise of guild acceptance. In short, wealth, social standing, adulthood, livelihood, communal responsibility, political representation, and sexual expression were all joined symbolically in the estate of marriage, and were denied to those outside it.¹ Leonhard and Margaretha could live within their subculture outside of marriage, but to have any degree of acceptance or place within the larger society they had to find a way to wed.

About the time Leonhard and Margaretha's first child was born, Bavaria revised its marriage laws.² Couples who wanted to marry no longer needed community permission. They could apply directly to a regional civil judge sent by the crown from distant Munich. The judge would review the merits of each case, and decide who could marry. The village council and the *Bürgermeister* no longer had unfettered control over

¹ Isabel V. Hull, *Sexuality, State, and Civil Society in Germany, 1700-1815* (Ithaca: Cornell University Press, 1996), 30-2. Regina Schulte, "Peasants and Farmers' Maids: Female Farm Servants in Bavaria at the End of the Nineteenth Century," trans. Cathleen S. Catt, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 162, 167.

² In 1808, Montgelas stripped the Bavarian communities of their power to grant permission to marry; see Hull, *Sexuality*, 369.

affairs in their own villages. Some of these new university-trained judges even allowed common day laborers with scant savings to marry and granted them residency – over strong objections from the community councils.³

News of these changes in the marriage process traveled fast among the laborers, probably as a result of the deafening complaints rising from the infuriated village leaders. Poor farm hands from the countryside flooded the courts with marriage requests. For the first time, there was a possibility that Leonhard and Margaretha could marry despite the cultural and economic roadblocks. Early in 1816, Leonhard submitted his request to marry; he was one of the first in Ansbach to do so.⁴ The new laws were rigid, “No citizen of the state . . . can marry, hold public office, practice any occupation on his own account or with his own household or even keep an independent dwelling, before he possesses the right of citizenship or *Beisitz* [bystanding] in a community.”⁵ This meant Leonhard and Margaretha both had to get residency in the same village before they could hope to marry. They were not so naïve as to think they could become citizens of a village, but they would be content as *Beisitzer*, without rights, in some small hamlet – as long as they could marry and live together under the same roof. As it was, Margaretha had residency in Neudorf, Leonhard could not live there as he had neither work permit nor residency.⁶

³ For a discussion of the new civil servants in the marriage courts see Hull, *Sexuality*, 333-70.

⁴ The establishment of marriage courts apparently took several years. In the interim, very few marriages were performed. In most *Bezirksämter* of Bavaria the earliest surviving *Ansässigmachungsakten* (the principle documents of the marriage courts) start about 1818. Leonhard and Margaretha’s first case is unusual because it dates from 1816, but it was not settled until 1818, which probably explains why it survives. Many of these records are now available on microfilm through the FHL; see StANAL, Ansbach, *Ansässigmachungsakten*, Nr. 85, Jahr 1821.

⁵ Sheilagh C. Ogilvie, *State Corporatism and Proto-Industry: The Württemberg Black Forest, 1580-1797*, Cambridge Studies in Population, Economy and Society in Past Time, no. 33 (New York: Cambridge University Press, 1977), 45. Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 219.

⁶ Thomas Safley, *Let No Man Put Asunder: The Control of Marriage in the German Southwest: A Comparative Study, 1550-1600* (Kirksville, MO: The Sixteenth Century Journal Press, 1984), 67-8, 101-3, 108. Leslie Page Moch, *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press,

The easing of marriage laws in Bavaria in the early nineteenth century came after many decades of heated debate among German intellectuals regarding punishments for sexual delicts. The culture in rural society tolerated premarital sex, but it was a violation of the law. After the Reformation, German states had enforced strict punishments for sexual offenses. During the Enlightenment, political theorists began speaking out against the harsh rules of absolutist regimes that demanded such things as chaining the mothers of illegitimate children to pillories in the public markets, beating, or banishment.⁷ The laws, while severe, also varied a great deal between jurisdictions, according to local sentiments. Unmarried couples who engaged in pre-nuptial relations usually received a lighter penalty than those who engaged in extra-marital relations. The laws required judges to impose draconian punishments on the malefactors whose sexual misdeeds came to the knowledge of public officials. But throughout the eighteenth century, jurists pled for more lenient statutes, and often meted out lighter sentences than the laws dictated. In the cities, punishments tended to be harsher than in the countryside where severe discipline was rarely carried out, even in the seventeenth century.⁸

1992), 70, 113. Hainer Plaul, "The Rural Proletariat: The Everyday Life of Rural Labourers in the Magdeburg Region, 1830-1880," trans. Cathleen S. Catt, Richard J. Evans and W. R. Lee, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 116. On the frequent inability of rural communities to stop illegitimacy see W. Robert Lee, "Family and 'Modernisation': The Peasant Family and Social Change in Nineteenth-Century Bavaria," in *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1981), 106-7.

⁷ Bavaria's sex-crime ordinance of 1727 set the fine for men at 3 *Pfennige* and 2 *Pfennige* for women and eight to fourteen days in the *Springer* or *Eisen* at home. Men too poor to pay the fine receive public humiliation in the *Springer* and a work penalty. Poor women received public humiliation (street-cleaning while in the *Geigen* or something similar). Male second offenders received a double fine and were banished from the locality. Female second offenders received the doubled fine and the doubled public humiliation. Male third-time offenders were banished from the county; women from the locality; see Hull, *Sexuality*, 123; see also 99. W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 310-1.

⁸ Hull summarizes Germany's sex laws in absolutist states; see *Sexuality*, 53-106. For attitudes toward women as protectors of morality; see Ernst Schubert, *Arme Leute Bettler und Gauner im Franken des 18. Jahrhunderts*, Darstellungen aus der Fränkischen Geschichte, Bd. 26 (Neustadt a.d. Aisch: Kommissionsverlag Degener & Co., 1990), 120-2.

During the eighteenth century, Germany's social theorists wrote literally thousands of tracts about the negative consequences of sexual misbehavior on society. One of the favorite subjects for their treatises was how to stem what was perceived as an alarming increase in infanticide.⁹ The writers of these tracts believed that young women, after being seduced by their lovers, were pushed aside, and, facing harsh penalties and knowing the shame would ruin their chances to marry, were driven in desperation to kill their innocent children. Modern historians have demonstrated that actual infanticide rates in most areas remained low. Still, the perception at the time was that these crimes against babies occurred at alarming rates.¹⁰ Notorious incidents, particularly in the larger cities, were broadly publicized and increased the public outcry for reform. In 1791, the legal authorities in Würzburg denounced Eva Keller and forbade her from taking any more children into her home for pay. During the previous fifteen years, eighty-one children from single mothers had been left in her care; only four of these infants had survived. The report from the overseer of the poor did not, however, fault Eva Keller for her actions. Instead, the board condemned the mothers who tendered their children to this woman, because the mothers knew of her practiced neglect. The report states there were several such women in Würzburg, who, for a fee, would relieve an unmarried girl of her shame.¹¹

⁹ "In July 1780 over four hundred essayists responded to a prize invitation from the *Rheinische Beiträge zur Gelehrsamkeit* to answer the question, 'What are the best and most practical means to prevent infanticide?'" and that was only one of many such contests; see Hull, *Sexuality*, 111. Another favorite topic was the evils of masturbation; see *ibid.*, 257-80. Hufton, *Poor*, 54. Goethe's *Faust* is one of hundreds of German novels about infanticide and unwed mothers. Goethe said, "I had Gretchen executed .. could I be more Christian?;" see Oscar Helmuth Werner, *The Unmarried Mother in German Literature, with Special Reference to the Period 1770-1800* (New York: Ams Press, 1966), 62.

¹⁰ Otto Ulbricht, *Kindsmord und Aufklärung in Deutschland, Ancien Régime, Aufklärung und Revolution*, vol. 18 (Munich: R. Oldenbourg, 1990), 176-88, 217-328. Lee, *Population Growth*, 311. Regina Schulte, "Infanticide in Rural Bavaria in the Nineteenth Century," in *Interest and Emotion, Essays on the Study of Family and Kinship*, ed. Hans Medick and David Warren Sabean (Cambridge: Cambridge University Press, 1984), 84.

¹¹ Schubert, *Arme Leute Bettler*, 131-2. David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1997), 2.

The public outcry resulting from reports like these led to numerous petitions asking that punishments for illegitimate births and fornication be reduced or abolished; thus the motive for young women to commit these heinous crimes would be eliminated. In 1765, Frederick the Great of Prussia had abolished "all shaming penalties for women, regardless of type . . . [and proclaimed further that] the women are not to receive any punishment for this slip, nor any recrimination, nor any shame."¹² However, he did not decriminalize fornication altogether and both parties were still subject to fines. Several other German monarchs had reduced the penalties for premarital sex, but in the eighteenth century none of them ended the punishments altogether.¹³

It is interesting to observe that none of the period's reformers, who criticized the governments so loudly for their harsh penalties, complained that the state acted improperly when it interfered in the personal sexual lives of their subjects. In the eighteenth century, there was no concept either of the "individual" or of "privacy" in the modern sense. No corner of life was beyond the purview of the state, not even the bedroom. In absolutist thought, a ruler who allowed sexual misdeeds to go unpunished was derelict in his duty to maintain an orderly society.¹⁴

On September 10, 1808, Bavaria's King Maximilian made a revolutionary decree; he decriminalized both premarital sex and illegitimacy. Fornication and "extramarital impregnations" were no longer against the law. During the next decade, the floodgates of illegitimacy burst open, and in every rural village out-of-wedlock births among the poorer people became even more common. When questioned about their illegitimate

¹² Decree on infanticide of 8 February 1765, *NCC*, 3:583-92, as quoted by Hull, *Sexuality*, 127 (Hull does not indicate to what her abbreviation: *NCC* refers).

¹³ *Ibid.*, 111-6; 124-6.

¹⁴ *Ibid.*, 132-42.

children, some women cited the decree and claimed the king had authorized their actions.¹⁵

A group of German political philosophers known as Cameralists championed major changes in the relationship between the state and its subjects, including the government's treatment of sexual misconduct. The Cameralists were mostly upper-level bureaucrats who wrote essays describing the ideal government. This movement had begun in the 1600s, and had reached its peak by the 1780s. These Enlightened political reformers wrote under the assumption that the three traditional "estates" of German society (nobles, *Bürger*, and peasants) would live in harmony if these estates could be fully comprehended and their interactions be properly defined. They conceived of a society with "a place for everyone, and everyone in his (and her) place." The Cameralists imagined a new order of society, governed not by fiat from a monarch, but by the rule of law applied equally to all subjects. Much of their writing touched upon sexual themes. For the most part, however, the Cameralists lacked the political power to enact the sweeping changes they envisioned.¹⁶ Many Cameralists realized that it was useless to punish fornication as long as the poor were legally precluded from contracting

¹⁵ Organisches Edikt über Patrimonial Gerichtsbarkeit, September 10, 1808, *Königlich-Baierisches Regierungsblatt* (Munich, 1808), 2254, as cited by Hull, *Sexuality*, 339; see also W. Robert Lee, "The German Family: A Critical Survey of the Current State of Historical Research," in *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-century Germany*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1981), 36. Karl A. Schleunes, *Schooling and Society: The Politics of Education in Prussia and Bavaria: 1750-1900* (Oxford: St. Martin's Press, 1989), 25. Moch, *Moving*, 32, 145-6.

¹⁶ *Ibid.*, 155-97, 334. A flaw of Cameralist theory was that "all real things are natural and all natural things fit together," and again, "individual self interest . . . and the interest of the state were the same;" see Walker, *Home Towns*, 110-37, 145-84 (quotes from 150 and 170). The tomes of the Cameralists number in excess of 14,000 volumes. The best introduction to the Cameralists in English is Albion Woodbury Small, *The Cameralists: The Pioneers of German Social Polity* (Chicago, 1909). Quote in the text from Blackbourn, *The Long Nineteenth Century*, 4. For a discussion of the divisions of German society see, Olaf Mörke, "Social Structure," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols. ed. Sheilagh Ogilvie (London: Arnold, 1996), 134-63. Also Wolfgang Kaschuba, "Peasants and Others: The Historical Contours of Village Class Society," trans. Eric Clare and Richard J. Evans, in *The German Peasantry*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 241.

marriages. Most German states had long-standing laws forbidding marriage to those unable to demonstrate the ability to support a family. Yet the idea that the state had to protect the town coffers from the unwise marriage choices of the poor was beginning to wane among the administrators of the new civil society.¹⁷

The French Revolution gave German Cameralists the chance to implement their vision. Napoléon's victories fundamentally changed both the political and social landscape in Germany. Bonaparte swept away the Holy Roman Empire with its medieval courts and convoluted laws, and reshaped its archipelago of nearly two thousand jurisdictions into a manageable set of thirty-nine Germanic states, which were in need of uniform laws. The Cameralists came to wield substantial power in the new civil polity.¹⁸

In Bavaria, the king appointed Maximilian von Montgelas as civil administrator of the kingdom. In 1808, Montgelas took away the right of local communities to self-government in order to create a uniform set of laws applicable throughout the newly expanded kingdom. Among the administrative casualties was the right of village councils to determine who could marry. Instead, Montgelas established a system of civil servants, all of whom were well-versed in Cameralist theory. The arrival of these civil judges in Ansbach a few years later provided Leonhard Büttner the opportunity to apply for marriage with no input from the village. The need for a uniform legal code led Montgelas to hire a young jurist, Anselm Feuerbach, from the University of Jena, to write a new criminal code for Bavaria.¹⁹

¹⁷ Lee, *Population Growth*, 324. Hull, *Sexuality*, 116, 132-49, 157.

¹⁸ *Ibid.*, *Sexuality*, 333-4. Michael Stolleis, *Public Law in Germany, 1800-1914* (New York: Berghahn Books, 2001), 14-7. The phrase "archipelago of jurisdictions" is Blackbourn's, *The Long Nineteenth Century*, 14.

¹⁹ Hull, *Sexuality*, 338. Hull inaccurately reports Feuerbach was a Turk; see *Classic Encyclopedia*, "Paul Johann Anselm, Ritter von Feuerbach," <http://www.1911encyclopedia.org/Paul_Johann_Anselm_Ritter_Von_Feuerbach>, accessed December 27, 2006. Hajo Holborn, *A History of Modern Germany: 1648-1840* (Princeton, Princeton University Press, 1964), 390-3. Walker, *Home Towns*, 128, 208-11, 242.

In 1813, Bavaria adopted Feuerbach's criminal code and society came under civil law. It was the first code of its kind in Germany. The legal changes, considered "drastic and refreshing,"²⁰ simplified the chaotic legislation of the two dozen jurisdictions now joined under the Bavarian Kingdom. Feuerbach's legal code had one particularly revolutionary section. He eliminated virtually all consensual sexual behavior as an area of state interference. For the first time, he created a private sphere beyond the control of the state. Feuerbach insisted that individuals exercised moral or immoral behavior in a private realm of personal choice.²¹ The new criminal code applied all laws to everyone without regard to social station, rank, gender or even sexual reputation. With absolute legal equality, the criminal law treated "the day laborer equally with the minister."²²

Even though Feuerbach's code was immediately controversial, many other German states modeled their laws after it, with the exception that the decriminalization of sexual behavior was not adopted initially in other regions. Yet, within forty years, virtually all German states had come around to legalize fornication, which matched the reality of rural sexual behavior and the newly developing concept of privacy. In the towns, the guilds had always insisted on strict morality. Now they were furious both at their lost right of local control and the decriminalization of illicit sex.²³ The leadership in these communities prided themselves on knowing everyone in town, and in giving preference in marriage decisions to established families. The towns were very careful about admitting newcomers. Cameralist doctrine stood in direct opposition to these age-old practices. The new judges the Bavarian king sent to each district knew no one in the

²⁰ Hull, *Sexuality*, 342.

²¹ Justi (and the Cameralists) initiated the idea of the family as a private realm where government had little right to intrude; see Hull, *Sexuality*, 190-1, 206-7, and Walker, *Home Towns*, 206.

²² Hull, *Sexuality*, 360.

²³ *Ibid.*, 111-6. Walker, *Home Towns*, 154-214, 239-42.

respective towns, and gave no deference to old families. Bavaria's removal of the punishments for sex outside of marriage and the arrival of the new judges had a profound impact on Leonhard and Margaretha. This couple's first sexual liaisons, while abhorred by the community leaders, were legal as far as formal law was concerned. However, local police codes were not included in the Feuerbach reforms and under the authority of local village constabulary, fornicators continued to be harassed and jailed.²⁴

On May 27, 1816, at age twenty-seven, Johann Leonhard Büttner appeared before the Royal District Court of Ansbach (*Königliches Landgericht Ansbach*) to ask permission to marry his fiancée.²⁵ Margaretha was pregnant with their second child, and due in a matter of weeks. Her pregnancy made their need to marry pressing. The prominent members of the community still treated single mothers with cruelty despite the changes in the law. Leonhard and Margaretha wanted to live together as a family, but this was not possible unless they could marry. And even with Leonhard's child support, Margaretha would have a very difficult time supporting herself and two children if she had to continue to live without him.

Leonhard applied to marry early in 1816 – only a shortly time after the first royal judge arrived in Ansbach.²⁶ Leonhard must have been petrified as he entered the

²⁴ “Although some localities sent persons to the workhouse for six months, most of the punishments were much more lenient: one day's arrest on bread and water, or a flogging, or a corporal punishment;” see Hull, *Sexuality*, 368.

²⁵ StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, petition dated May 27, 1816; I suspect Margaretha's pregnancy played a role in Leonhard's decision to apply for marriage. The court records from these hearings supply most of the details for this narrative, but the testimony cannot be taken at face value, as the comments were filtered through the biased pen of the court clerks; see David Warren Sabean, *Property, Production, and Family in Neckarhausen: 1780-1870* (Cambridge: Cambridge University Press, 1990), 76-87.

²⁶ Foreign interference with internal affairs was not new to the Ansbach town leaders, who got their first taste of it when King Frederick Wilhelm II of Prussia sent Karl August von Hardenberg to administer the region in 1791 after the margrave abdicated. However, Hardenberg had not interfered with the town's right to oversee the marriage process; see Walker, *Home Towns*, 198-9; see also Elfi M. Haller, *Karl August Freiherr von Hardenberg: Königl. Preuß. wirklicher Geh. Staats-Kriegs-Cabinets- u. Regierender-Minister über die Fürstentümer Ansbach-Bayreuth u. Chef der Bank in Franken* (Munich: Bayerische Vereinsbank, 1987). Hermann Dallhammer and Werner Bürger, *Ansbach: Geschichte Einter Stadt* (Ansbach: Hercynia, 1993), 240-8.

centuries-old judicial building where the court met. He had walked through the bustling city of Ansbach on many occasions and probably knew the chancellery building that stood in the narrow street next to the ancient church of Saint Gumbertus at the end of the fruit market, but he had probably never set foot inside this ornate structure with its scroll and stepped-gable façade.²⁷ The judge, attired in his black judicial robes and white powdered wig, probably spoke with a thick accent that was strange to Leonhard. Leonhard would have sensed the contempt of the judge and everyone at court toward him, as they undoubtedly saw him as an uncouth man. Leonhard probably had no understanding of what to expect in the courtroom, the proper way to address the judge, how to act, what to do to satisfy the many legal requirements, nor did he have any appropriate clothing to wear to the court.²⁸ The surviving transcript of the proceedings do not indicate if Margaretha also attended the hearing. A marriage application was primarily the man's responsibility. If she did not appear before the judge, she may have waited anxiously for Leonhard outside.

Leonhard informed the court he was the third son of a master weaver, but both his parents were dead. He was twenty-seven years old. His fiancée was pregnant with their second child and he humbly requested permission to marry her. He had 50 *Gulden* in savings and hoped to get residency in a local village, settle down, and raise his family.²⁹

²⁷ My thanks to Werner Bürger, archivist at the Stadtarchiv Ansbach, for pointing out the nineteenth-century home of the *Königliches Landgericht Ansbach*.

²⁸ Schulte describes peasants' appearances before the courts as a collision between separate worlds; see *The Village in Court*, 12-7. Mistrust toward lords was common; see Robert M. Berdahl, "Christian Garve on the German Peasantry," *Peasant Studies* 8, no. 2 (Spring 1979): 90, 94.

²⁹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, affidavit dated May 27, 1816. Leonhard's marriage application may have been rejected as 200 *Gulden* was required for marriage, and he had only 50; see Schubert, *Arme Leute Bettler*, 122-4.

His nest egg of 50 *Gulden*, probably a full year's wages, must have taken Leonhard a decade to squirrel away – unless he borrowed the money.³⁰ To meet the monetary requirements for marriage, the day laborers developed a system of pooling resources and passing around the same bundle of money among themselves so it would appear they had enough to marry. A week later, another peasant might go before the same judge with the same handful of cash. The poor found many ways of circumventing the system.

These new judges sent from Munich believed in equality before the law (for almost everyone), but they also had a penchant for detail. The new laws were intended to liberalize the marriage process, but the detailed requirements for permission were still complex. The judge scrutinized every aspect of Leonhard's case before he would consider either of his requests: residency and marriage. To Leonhard it must have seemed the judge didn't understand that all he wanted to do was to get married, as the judge only showed interest in his military status. When asked about registering at the conscription office, Leonhard explained that ten years earlier, he and his older brothers had been summoned to register for the draft. All three brothers had appeared at the military office, but when it was Leonhard's turn, the officer had laughed, told him he was too short for the military, and sent him home.³¹ He was only sixteen at the time, and may

³⁰ By his second marriage hearing, Leonhard had only a few personal items. If the 50 *Gulden* he showed the court in 1816 was really his, he probably used the money to pay the midwife when his second child was born, and to support Margaretha and their two children during 1815-16, which was a year of crop failure throughout Europe.

³¹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, affidavits dated May 27, 1816, December 23, 1816, and August 28, 1817. The exact date of Leonhard's visit to the conscription office is not known. It probably took place in 1806. Prussian Ansbach was neutral and not armed during the European conflicts of 1805. In February 1806, when Bernadotte entered Ansbach and claimed the territory for France, Prussia had not yet taken up arms. Late in 1806, Bernadotte left Ansbach with a large corps of troops to support Napoléon at Jena and Auerstädt (and was severely criticized for not fighting). The summons issued to Leonhard and his brothers to register for the draft were probably a result of Bernadotte recruiting troops in the region; see *Napoleonic Guide*, "Jean-Baptiste Bernadotte, French Marshal, King of Sweden, Prince de Ponte Corvo," <http://www.mapoleonguide.com/marshal_bernadotte.htm>, accessed January 5, 2007. Also "Charles XIV John of Sweden" <<http://en.wikipedia.org/>>

not have yet reached his full height. Leonhard reported that he had not been asked back to the conscription office again afterwards. The judge left the marriage issue entirely and began a prolonged excursus, insisting on proof that Leonhard had not “shirked his military duty.”³²

Leonhard probably left court that day in May 1816 despondent, discouraged, and confused. In his questions, the judge scarcely touched on marriage issues. As soon as Leonhard sensed that the court was not going to let him marry right away, the records suggest he gave up pursuing the issue. There was nothing in German laborer tradition or his own experience to teach him to ask questions of those above him, or to encourage him to defend himself, or to fight with the state. He knew nothing of history, politics, or legal theory. He did not understand that the new laws were supposed to give him some degree of political “rights.” He only understood that once again those above him got the upper hand, played games, twisted the situation to their own benefit, and took advantage of him.³³ It would be five years before Leonhard would take further action toward getting married. But the wheels of bureaucracy were in motion, and the inquest into his draft registration now took on a life of its own, which moved forward independent of further action on his part. For the next two years, the overzealous bureaucrats searched for proof of his claims. Just before he left, the judge instructed Leonhard to return to court with

wiki/Charles_XIV_of_Sweden>, accessed January 5, 2007. No conscription lists for the area have been located, and it is unlikely any survive. The Bavarian state archive in Nürnberg threw out the nineteenth century conscription lists in 1946, as the storage facilities were heavily damaged and other records were deemed of greater importance for preservation. The Prussian military records for the period were destroyed in the bombing of Potsdam near the end of World War II. For the history of Napoléon’s interaction with Bavaria, see Junkelmann, *Napoleon und Bayern*, 95-114; also Dallhammer and Bürger, *Ansbach*, 244-54. Stolleis, *Public Law in Germany*, 16. Walker reports French conscription of Bavarian peasants the Ansbach region in 1806; see *Home Towns*, 241. For men rejected because they were too short, see Lee, *Population Growth*, 278. For Leonhard’s height see note 27, page 36.

³² StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, quote is from the court notes of March 26, 1817, translated by Marion Wolfert and Anna Altan.

³³ See Berdahl, “Christian Garve,” 90-9.

proof that his age group had not been called into active military duty and that he was exempt from service as he claimed. The judge gave Leonhard no instructions on how he was to accomplish this task, and failed to realize that as an illiterate laborer, Leonhard had no understanding of the record keeping system, or where the records were housed, or how to gain access to them. In all likelihood, Leonhard did not give a whit about proving the accuracy of his statements to the court. All he understood was that he could not marry.

Six weeks after his appearance in court, a second illegitimate son was born to Leonhard and Margaretha: Johann Christoph, born July 11, 1816.³⁴ Two months later, on September 17, the court fined “the Büttner” 3 *Thaler* for failure to return and present proof of his military registration. In October and again in November, the court fined Leonhard for not returning with draft proof. What Leonhard had started as a request for marriage was turning into a bureaucratic nightmare. Leonhard finally showed back up at court two days before Christmas 1816 – without draft proof. The court again asked about his military registration. Again, he gave testimony before the judge, but this time he told a slightly different story than he had the previous May. He said he had reported *three* different times for draft registration, and on all three occasions, he was released without being enlisted.³⁵ The court apparently did not notice the discrepancy. This time he left court without even asking when he could marry.

³⁴ Schalkhausen, Kirchenbuch, Taufregister, Bd. 9, 1814-1850, S. 52, Nr. 17, the child’s father is listed as “Georg Leonhard Büttner.” That the father was *Johann* Leonhard Büttner is confirmed in StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter to the court dated February 14, 1821.

³⁵ StANAL, Ansbach, Ansässigmachungsakten, Nr. 61, Jahr 1816, affidavit dated December 23, 1816; see also court notes of September 17, October 11, and November 16, 1821.

The judge sent clerks to search the enlistment records for his name. They failed to find it, so the judge summoned witnesses. At Christmas, Leonhard had told the court that on Walburga Day (May 1) 1814, while living in Reckersdorf, he went to the district administrator's office in Bruckberg and registered for the military. The judge summoned Bruckberg's district administrator (*Distriksvorsther*), Mr. Appoldt, who testified, "I do faintly remember, a few years back a stranger, a laborer who worked for the miller, Schmidt, in Reckersdorf was asked to appear and submit verification about his right to *work* in Reckersdorf, but he took off and no one has seen him since."³⁶

It is apparent from Mr. Appoldt's statement how extremely confused Leonhard was by the red tape at court. On Walburga Day 1814, Leonhard had been summoned to show authorization to *work* in the area, not to register for the draft. But as far as Leonhard understood matters, all appearances before government officials were the same whether it was for a work permit or draft registration or marriage hearing; all he encountered was a confusing mass of clerks, seals, formalities, notaries, delays, signatures, and bailiffs.³⁷ The court failed to perceive the error in Leonhard's second account of the events, and began an inquiry into the 1814 incident – which had nothing to do with his military registration.

The judge next subpoenaed his former employer, Johann Georg Schmidt, the miller for whom Leonhard had worked in 1814. Two months later, when the miller finally showed up at court, he told the judge, "I don't know why [Leonhard] was requested to appear before the administrator and I don't know where he went after he left

³⁶ *Ibid.*, testimony of September 3, 1817, italics added, translated by Marion Wolfert and Anna Altan.

³⁷ If this were not Leonhard's first interaction with the court, and if he had had any sense of how the bureaucratic game was played, I would suggest he purposely played dumb to send the court on a wild goose chase, but I believe he was honestly confused by the situation.

my place.” Mr. Schmidt had fired Leonhard because had not been pleased with his work.³⁸

Two days following the miller’s testimony, the judge, apparently disgusted with this eighteen-month-old case recorded “we are happy to report that we have added these to the file [meaning the statements from the miller and the district administrator]. The documents are filed away.”³⁹ The judge closed the case without verifying if Leonhard had registered for the draft or addressing his marriage or residency requests. Leonhard had not been back to court since he was summoned a year earlier, and apparently was unaware the court had spent the year searching files and questioning witnesses.

In December 1817, the court ordered Leonhard to pick up his military release papers, which had been granted based on the testimony of the two witnesses neither of whom knew anything about his draft registration. Leonhard did not show up. After three more summonses, he finally appeared before the judge late in January 1818, paid a substantial fine of 6 *Thaler*, 15 ½ *Kreuzer*, slipped his military release papers into his pocket, and left.⁴⁰

It is unfortunate that Leonhard did not ask the court about his marriage application at that time, because with his military papers in hand it is possible the judge may have granted him residency and marriage rights. The surviving court records give no clue to Leonhard’s reactions or motives. It is possible he was too discouraged or disgusted by the needless delays at court, or too frightened by the imposing bureaucrats to pursue the issue at that time. Within weeks, the Bavarian crown would restore the

³⁸ Ibid., testimony of September 27, 1817, translated by Marion Wolfert and Anna Altan.

³⁹ Ibid., court notes of September 29, 1817, translated by Marion Wolfert and Anna Altan.

⁴⁰ Ibid., court notes of December 17, 1817, January 19, 1818, and January 31, 1818. Blackbourn, *The Long Nineteenth Century*, 106. The years 1815 and 1816 saw widespread crop failure and employers were demanding more work for less pay, which probably affected his tardy appearance and ate up any savings he did have.

right of the communities to choose who could marry, and his window of opportunity would close. Although the changes begun in 1808 were intended to encourage marriage in the countryside, but Bavaria's new civil judges had dispensed marriage licenses very sparingly especially among the poorest peasants. The initial euphoria among the laborers was short-lived. Once again, the towns had rights to consent to all marriages, but now the civil judges could also veto the towns' recommendations. The village leaders still thoroughly resented the fact that they did not have the final say in these matters and that the new civil judges frequently vetoed their decisions. This power struggle between the judges who sought to establish civil society and the traditional village councils became acute. The right to approve marriage was often the battleground where the new civil authorities and the traditional communities fought for supremacy. The towns despised the new civil court system that had been thrust upon them and had usurped rights that previously had be solely their own. As a result, the communities became more and more cautious about whom they allowed to marry. They fought repeatedly over granting some poor laborer the right to marry his pregnant girlfriend.⁴¹

It was precisely the triumph of liberal principles in having created civil society in Bavaria that encouraged greater state intervention, especially into the lives of those often marginal or less powerful persons identified as (symbolic) dangers to society, in order to protect the institutions and values on which civil society was thought to rest.⁴²

This led to "a legally protected civil society for some, and a continuation of Absolutist caprice for others."⁴³ Leonhard and Margaretha were clearly among the "others." Once

⁴¹ Walker, *Home Towns*, 260-81, 336-47.

⁴² Hull, *Sexuality*, 358.

⁴³ *Ibid.*, 358-69 (quote from 360). Lee, *Population Growth*, 33-5. In Bavaria, gaining residency for a spouse to move into a village was a constant concern, particularly for the poor; see Laraine K. Ferguson, "Bavarian Marriage Proclamation and Residency Files" *German Genealogical Digest* 5, no. 4 (Fall 1989):129-34.

again, their poverty, their ignorance of the laws, and their lack of social standing combined to stop any chance they had to wed. Leonhard and Margaretha put their hopes on hold and continued their unmarried relationship.

CHAPTER 5

COUPLE VERSUS COMMUNITY

Margaretha rejoiced – she had the money to marry. She received her dowry of almost 160 *Gulden* during the summer of 1820. This sum, combined with the money she had scrimped from her wages over the years, would satisfy the court's demand for 200 *Gulden* in savings before a couple could marry. Those above them could no longer claim she and Leonhard were too poor to marry. A rich peasant farm girl might have had an inheritance of 800 to 1,000 *Gulden*, but for a *Köbler's* daughter, this amount was a respectable dowry. It was not a fortune, but more than she could have saved in ten years as a milkmaid or cook. She dreamed of taking the money and building a small cottage on a corner of her parents' farm so that she, Leonhard, and their two boys could be together.¹ But first, Leonhard had to get the Schalkhausen town council to allow him residency, and to approve their wedding. The community council, however, was not thrilled at these prospects. During the three years since the end of their first set of marriage hearings,

¹ StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, Mortgage dated July 21, 1820; Margaretha's dowry had been paid, but it is difficult to determine its exact amount, "she has received from her brother her share of the marriage property. She received 125 *Gulden* which included 44 *Gulden* 10 *Kreutzer* advance, and the only thing she still has a right to is 33 *Gulden* 20 *Kreutzer*." so the total dowry was either 125 *Gulden* or 158 *Gulden* 20 *Kreutzer*. The 200 *Gulden* requirement was set in the eighteenth century; see Ernst Schubert, *Arme Leute Bettler und Gauner im Franken des 18. Jahrhunderts*, Darstellungen aus der Fränkischen Geschichte, Bd. 26 (Neustadt a.d. Aisch: Kommissionsverlag Degener & Co., 1990), 122-4. Pastor Dubois states Margaretha "is in possession of 200 *Gulden*," which indicates the amount had not changed; see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated February 14, 1821, (which also mentions her plans for a house). By 1830, the town council was asking 300 *Gulden* before marriage; see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1830. At the start of the 1816 hearing, Leonhard had 50 *Gulden* saved, but by 1821 nothing was left. 1815-1816 saw crop failure throughout Europe, if Leonhard ever had this money, he may have used it to feed his family through the famine, W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 181. Sabean found that during the eighteenth century, in most cases, marriage partners brought distinctly unequal portions to the marriage, but in the nineteenth century this trend reversed itself, wealth sought wealth and poverty sought poverty; see David Warren Sabean, *Property, Production, and Family in Neckarhausen: 1780-1870* (Cambridge: Cambridge University Press, 1990), 223-46. Olwen H. Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford: Clarendon Press, 1794), 28. Taxes may have used up a large portion of Margaretha's dowry; see Lee, *Population Growth*, 215.

Leonhard had continued to work as a laborer in the area, and had visited Margaretha and their children often. As Margaretha now had cash in hand, both were hopeful they would soon wed.

Margaretha's brother, Johann Adam Weiss (1792 - 1841) slid into marriage in comparison with what Margaretha and Leonhard went through. In a sense, Johann Adam, as the oldest son, was able to take the marriage slot previously held by his parents in Neudorf. In short, his was not a new marriage, but a replacement.² Johann Adam Weiss married in 1817, before the Bavarian crown restored the community's right to approve all marriages. Thus the town council had no legal say in his wedding. The biggest point in his favor with the marriage court was that the little Weiss farm Johann Adam had inherited from his mother shortly after his father's death was valued at 800 *Gulden* – more than enough to satisfy the monetary requirements of the court. As part of the inheritance, he had agreed to provide Margaretha's dowry. Their mother had died the previous February (1820), and Johann Adam kept his promise and paid Margaretha's marriage portion.³

² I have never seen this idea discussed in the literature, but I have not found a single protracted marriage hearing for the oldest son of a land owner, even when the holding was as small as the Weiss land was. No *Ansässigmachungssakten* has been found for Johann Adam Weiss, probably because he married in 1817, and the earliest surviving files are from 1818 (Leonhard's first hearing started in 1816, but was not closed until January 1818).

³ Johann Adam Weiss married September 3, 1817 in Neunkirchen, see, BCGR Weiß, Joh. Adam-Siller, Anna Barb. family sheet, FHL microfilm 0,542,445. StAN, Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf, mortgages dated July 26, 1815, January 21, 1817, July 21, 1820 and January 6, 1821. The full value of the farm is listed as, "a small farm - 800 *Gulden*; 2 cows - 25 *Gulden*; 2 sheep and 2 lambs - 12 *Gulden*; farm equipment - 30 *Gulden*; bed and household goods - 20 *Gulden*." Until her death in 1820, his widowed mother kept rights to half a measure of grain, a half *Klafter* of cut wood, 50 eggs, 20 pounds of pork, 3 measures of lard, 2 sacks of potatoes, 6 measures of flax seed, and 2 measures of milk (as long as the cows were giving), and her son must pay her 5 *Gulden* if he moves out; see *ibid*, mortgages dated July 26, 1815 and January 21, 1817 (translated by Baerbel Johnson); see note 12, page 37. For the death of Sabina Weiss see Schalkhausen, Kirchenbuch, Totenregister, Bd 9, 1814-1850, 1820, Nr. 4; for the death of Johann Wolfgang Weiss see *ibid.*, 1815, Nr. 6. Sabean, *Property, Production*, 252-5, 341.

Johann Adam Weiss' wife, Anna Barbara Siller (1793- after 1848)⁴ came from Neunkirchen, just over the hill from Neudorf. Anna Barbara knew about the mental illness of Johann Adam's father, but the son's status as a farm owner made him an attractive catch nevertheless. His little parcel of land was more than any wife of a day laborer could ever dream of having. Besides, his father's madness was no longer contagious after the man was dead (or so many of the peasants believed). Her own father was also a *Köbler*, so she could not be too particular, especially as she was the youngest daughter and thus expected the least prestige in marriage.⁵

Shortly after Margaretha Weiss received her dowry, she approached the minister of the parish church at Schalkhausen, Friedrich August Dubois, to request his help. Reverend Dubois had been pastor there for thirty years and had known Margaretha since she was an infant. Friedrich Dubois was an irenic man, filled with compassion for the poor people in his parish.⁶ He also knew Leonhard Büttner, as he had baptized both of their children. Reverend Dubois readily agreed to write to the court in Ansbach to petition for their marriage. His carefully crafted letter, written in a firm hand, shows his clear support for this couple. He explained that Margaretha and Leonhard had been waiting nine years to marry, and that Margaretha now had the 200 *Gulden* required.

⁴ Anna Barbara Siller and three of her children emigrated to America in 1848 (her husband died in 1841). This family has never been identified in U.S. records, so her date of death is unknown. The emigration of her family was the beginning of a chain migration, as at least three of Margaretha Weiss and Leonhard Büttner's children emigrated to the U.S. within the following ten years; see StAN Königlich Regierung von Mittelfranken, Ausverwandererbelege, Reg. v. Mfr., K. d. J., Abg. 1932. Tit. 1a, Nr. 23 I.

⁵ A little land was enough to blind most girls to anything else; see Olwen H. Hufton, *The Prospect Before Her: A History of Women in Western Europe, vol. 1: 1500-1800* (New York: Alfred A. Knopf, 1996), 127. For the Siller family see BCGR, Siller, Joh. Gg.-Himmer, M. Magdel. family sheet, FHL microfilm 0,542,290.

⁶ Reverend Dubois was born in Ansbach and attended the Carl Alexander Gymnasium there. He studied theology at the University of Erlangen. He came to Schalkhausen as pastor in 1790; see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1812; see also Matthias Simon, *Ansbachisches Pfarrbuch: Die evangelisch-lutherische Geistlichkeit des Fürstentums Brandenburg-Ansbach, 1528-1806*, Einzelarbeiten aus der Kirchengeschichte Bayerns, Bd. 28, 3 vols. (Nürnberg: Verein für bayerische Kirchengeschichte, 1957), 1:88. Also, BCGR, Dubois, Friedrich Aug.-Roth, Louise Jakobine Regina family sheet, FHL microfilm 0,541,910.

Pastor Dubois claimed that Margaretha and Leonhard “are both industrious, and the father wants to nurture and provide for his children and support them.” He concluded the letter by urging the court to allow the wedding since “forcing this couple to separate would bring unfortunate consequences,” especially for their children.⁷ Pastor Dubois knew the court needed the town council’s permission before it could allow the marriage, yet this letter bears only his signature. It appears this was a subtle attempt by the pastor to circumvent the full council and get approval before the rest of the body could stop it. He was aware the other members disliked “the Büttner,” as they called him, and would never consent.

Margaretha knew the stir the letter would cause in the community if its contents became known, but she probably did not anticipate the clamor it would evoke in her own home. She might have avoided many months of trouble and her flight to the hut in the forest had she kept quiet about the letter. Instead, she excitedly returned home and told her sister-in-law, who did not share her enthusiasm. Margaretha and her sons lived in tight quarters together with Anna Barbara Weiss and her family. Conflict between the two women became intense. Before her mother’s death, Margaretha had probably asked her mother to watch her children while she worked. Margaretha needed to take any job she could find to feed herself and the children, even with Leonhard’s efforts to help.⁸ But since her mother’s death the year before, care of the children had probably fallen on her sister-in-law, Anna Barbara.

⁷ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated February 14, 1821.

⁸ Sabean, *Property, Production*, 259-60, 326. Illegitimate children were usually raised by grandparents; see Regina Schulte, “Infanticide in Rural Bavaria in the Nineteenth Century,” in *Interest and Emotion, Essays on the Study of Family and Kinship*, ed. Hans Medick and David Warren Sabean (Cambridge: Cambridge University Press, 1984), 84; *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910*, trans. Barrie Selman (Cambridge: Cambridge University Press, 1994) 100.

During these years, Anna Barbara had enough concerns of her own. She had only been married four years, and was near the end of her fourth pregnancy. And this time she was bearing twins. Her last two children had been stillborn, and she possibly still carried a heavy load of grief, disappointment and emotional stress. She may have been jealous of Margaretha with her two living sons.⁹ Anna Barbara knew that with twins, the likelihood of complications or premature death of one or both of the children was acute.

We can imagine the scene in the little farmhouse. Anna Barbara, exhausted and uncomfortable, suffered to her wits end during a miserable pregnancy with twins. In addition to herself, her husband, and her three-year-old son, her tiny home already sheltered her sister-in-law, Margaretha, and the two mischievous little Büttner urchins (ages nine and four), and then Leonhard decided to move in.¹⁰ The home belonged to her husband, not to Margaretha. Nowhere did the detailed inheritance contract say that her husband had to grant Margaretha or her companion living space, especially after her husband had paid Margaretha's dowry. Add to Anna Barbara's frustration the embarrassment and criticism from the wives of the prominent farmers in the community who complained of the "sinful relationship" and "concubinage" going on in her home.¹¹

⁹ In early modern times, the feelings of woman towards their young children have been demonstrated to have been detached, aloof, and non-committed in comparison with more recent attitudes, but I believe I am safe here in assuming Anna Barbara had a heavy sense of loss at the death of two children in rapid succession; see Schulte, *The Village in Court*, 167. Sharing a home with two or three families was normal, which often led to conflict. The families of Neudorf have not been reconstructed to find which people lived in each home, but in 1812 the village had 97 residents in 20 houses, which averages to 4.85 persons per home. There were 37 men over age 14 (or 1.85 "adult" men per home), and 32 women over age 14 (or 1.6 "adult" women per home). The 7 people in the Weiss home included at least 2 adult men (after Leonhard moved in), and 2 adult women, and the 3 children. The Weiss home was easily the most crowded home in Neudorf; see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1812. Hufton, *Poor*, 49. Sabean, *Property, Production*, 266-99, 335-9. Neither civil nor religious court records for the period survive for Schalkhausen, so there are no records of conflict in the parish. For the births of Anna Barbara's five older children (including the twins); see Schalkhausen, Kirchenbuch, Taufregister, Bd. 9, 1814-1850, S. 16, Nr. 7, S. 21, Nr. 7, S. 25, Nr. 7, S. 29, Nr. 12,13. BCGR, Weis, Johann Wolfgang-Bader, Anna Sabina Margaretha family sheet.

¹⁰ The records do not state when Leonhard moved into the Weiss home, but he was there by March 1821; see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated March 26, 1821.

¹¹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated March 26, 1821 and summons of April 12, 1821. There is no doubt that Margaretha and Leonhard paid rent to live in the Weiss home.

The protests were not without cause: Margaretha and Leonhard conceived their third child during mid to late March 1821, the month after Reverend Dubois sent his letter. These issues combined in Anna Barbara's mind to make the idea of Margaretha and Leonhard building a separate house on the Weiss property distasteful. Anna Barbara had probably urged her husband to pay Margaretha's dowry so she would move out, not move in permanently. Johann Adam Weiss had already told his sister she could build the cottage on his farm, but now his wife would not let the matter drop. She pitted him against his sister. Given the circumstances, it is not surprising that Anna Barbara won; Johann Adam Weiss withdrew his consent for Margaretha's house.¹²

At the height of her frustration, Anna Barbara complained to her parents about the letter. Her father, Johann Georg Siller, lost no time. He ran to the Schalkhausen community council, told them about Pastor Dubois' letter and incited the parish leadership against "the Büttner."¹³ As far as Mr. Siller was concerned, this couple's presence in his daughter's home put a blot on his family name. Modern readers may be surprised to find that someone as distantly connected to Margaretha and Leonhard as Johann Georg Siller could have any say in whether they married. But in fact, he had a great deal to say. In the culture of the time, marriage was a decision for the extended family, and the community at large. According to Isabel Hull,

¹² *Ibid.*, letter dated March 26, 1821.

¹³ *Ibid.* I have had made two assumptions in the story here, first, I assume Margaretha told Anna Barbara the contents of the letter, and second, that it was Johann Georg Siller who roused the council against the couple. What the original letter to the court states, in part, is, "*Was die Trauung des Leonhart Büttner von Hennenbach, welcher mit der Anna Margaretha Weiss zu Neudorf im Concubinat lebet, anbetrifft, so will sich der Köbler Weiss zu Neudorf, der Bruder der Weissin, weil dessen Schwiegervater Siller in Muchheim entgegen ist nicht mehr dazu verstehen...seine Schwester auf ihre Kosten in seinem Hofe eine Wohnung erbauen zu lassen. Auch die Gemeinde Neudorf weigert sich den fraglichen Tagelöhner Büttner in Schutz schreiben zu lassen, weil er in Hennenbach gebürtig und dahin gehöre.*" (Concerning the marriage of Leonhart Büttner of Hennenbach, who lives in concubinage with Anna Margaretha Weiss in Neudorf; the cottager, Mr. Weiss of Neudorf, the brother of Miss Weiss, states the following: his father in law, Mr. Siller, the farmer from Muchenheim, is against building a home at his sister's own expenses on the farm of her brother. Also, that the community of Neudorf refuses to grant the laborer, Mr. Büttner, local residency, because he was born in Hennenbach and so belongs there); translated by Marion Wolfert and Anna Altan.

A poorly chosen spouse (a 'foreigner,' a person of lesser status, a drunkard, a profligate) or an illegitimate birth might diminish the family's community standing and endanger its ties of mutual support with its neighbors. Therefore, the entire family had high stakes in the behavior of its members¹⁴

The extended family not only had a strong voice in deciding the suitability of a potential spouse, but also in deciding which children would be allowed to marry at all. Family economic survival might depend on one sibling marrying well and another remaining celibate. Very few people in this society chose partners who were unacceptable to their parents or siblings.¹⁵ In Margaretha and Leonhard's case, even the sibling's in-laws weighed in on the issue. Mr. Siller's concern was justified: the Weiss farm was too small to feed one family, let alone two. If Margaretha and Leonhard built a house and tried to share a portion of the small strips of land, both families were in danger of going hungry. Johann Georg Siller had a stake in ensuring that his daughter's family could eat, and in seeing that those connected with the family were honorable members of the community.¹⁶

The mayor (*Ortsvorsteher*) of the Schalkhausen community, Andreas Lindner, was the richest and most influential man in the parish, although technically he was a peasant like everybody else. Together with Reverend Dubois, Andreas Lindner was in charge of the Schalkhausen community council. For generations, the Lindner family had lived in the hamlet of Dornberg, and the pastor of the Schalkhausen parish before

¹⁴ Isabel V. Hull, *Sexuality, State, and Civil Society in Germany, 1700-1815* (Ithaca: Cornell University Press, 1996), 32. Family honor could be called into question by the behavior of any of its members; see Schulte, *The Village in Court*, 44.

¹⁵ Preventing the economically marginal from marrying was a major interest of other residents, *ibid.*, 32-8.

¹⁶ W. Robert Lee, "Family and 'Modernisation': The Peasant Family and Social Change in Nineteenth-Century Bavaria," in *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1981), 102-7. Marriage in Germany was a communal decision and bribery and discrimination were rampant; see J. Michael Phayer, *Sexual Liberation and Religion in Nineteenth Century Europe* (London: Croom Helm, 1977), 20. Sabeau, *Property, Production*, 171, 329-40. Wolfgang Kaschuba, "Peasants and Others: The Historical Contours of Village Class Society," trans. Eric Clare and Richard J. Evans, in *The German Peasantry*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 254.

Reverend Dubois had been a Lindner.¹⁷ When Mr. Lindner had married in 1803, he was already a half farmer (*Halbbauer*) and by the time he became mayor in 1818 he was a full farmer (*Bauer*) and a wealthy man. In former times, Schalkhausen had elected a new mayor every year, but since Bavarian rule had taken over, the mayors had served for much longer terms. As a result, they had more stability, but the mayors had also become more powerful and entrenched. At the time Pastor Dubois sent his letter, Andreas Lindner had been mayor for only three years, but he would remain in office for fifteen. In fact, in the ensuing sixty years, there would be only one six-year period when a Lindner from Dornberg was not mayor of the Schalkhausen community.¹⁸ Like the established farmers of the day, Mr. Lindner looked with disdain at the growing number of landless workers and paupers in the village.

The other members of the town council were all relatively rich men with full community rights. Michael Herber, a guild member and master blacksmith, served as overseer of the poor (*Heiligenpfleger*). His job was to keep the needy to an absolute minimum in the hamlets of the parish and to run off wandering beggars. Georg Schwartzbeck was the community councilor (*Gemeindepfleger*) and ran the mill at Neudorf. The junior member of the council was Georg Herbst, a half farmer from

¹⁷ For Andreas Linder's marriage see Schalkhausen, Kirchenbuch, Eheregister, Bd 8, 1791-1813, S. 19, Nr. 2. For his status when he became mayor see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1818. The previous pastor was Eberhardt Christoph Ernst Lindner, whose widow in 1811 was living in Dornberg; see LAELKB, 1302 Pfarrerswitwe Sibilla Dorothea Lindner zu Schalkhausen 1811; see also Simon, *Ansbachisches Pfarrbuch*, 2:286-7.

¹⁸ StAA, Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 2-3, lists all mayors of Schalkhausen, but incorrectly lists *Georg Lindner* for 1813-1834, Christian Kreß was mayor 1809-1818, and *Andreas Lindner* served 1818-1834, *Georg Linder* did not take office until 1840; see LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1812-1818. Lee found it rare in Bavaria to have a representative from the day laborers in community office; see *Population Growth*, 260. Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 29, 60.

Dornberg.¹⁹ This council represented the upper ranks of peasants society and the will to power of the elite within this small rural parish.

According to one author, community councils of the time effectively overlooked the existence of forty to sixty percent of village residents. People on the periphery were not seen due to their low social standing and their economic insignificance. As farmers, the council members opposed the day laborers at every turn. It was almost unknown in Germany for community council members to be chosen from among the poor.

Community leaders disenfranchised not only the workers and the mothers of illegitimate children, but also most cottagers, renters, soldiers, clerks, lesser civil servants and, surprisingly, even the sons of the clergy, all of whom had no rights. And women only had status in relation to a man. Society saw women as some man's mother, wife, widow, daughter, or spinster sister; they could never stand on their own.²⁰ Strictly speaking, the social classes in Europe did not come into existence until the serfs were freed, after which point there was no longer a legal separation between levels of society, only a cultural divide. But by the time the serfs in Bavaria were freed in 1808, an almost caste-

¹⁹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated March 26, 1821. The Georg Schwartzbach on the council could be Johann Georg Schwartzbach, *Müllermeister* from Neudorf Mühle, who married in 1788, or Georg Peter Schwartzbok, *Beirbrauermeister* from Schalkhausen, who married in 1807, but I believe it is most likely to be the older man; see Schalkhausen, Kirchenbuch, Eheregister, Bd 7, 1761-1790, S. 61, Nr. 3, and Bd. 8, 1791-1813, S. 22, Nr. 2. Johann Georg Herbst, *Halbbauer* from Dornberg, had a daughter-in-law who was a Siller, which may be the connection between Johann Georg Siller and the Schalkhausen community council; see *ibid.*, S. 28, Nr. 4. Michael Herber is more problematic; more research is needed to identify him.

²⁰ Friedrich Johannes Haun, *Bauer und Gutsherr in Kursachsen, Schilderung der Ländlichen Wirtschaft und Verfassung, im 16., 17. und 18. Jahrhundert* (Strasbourg: Verlag von Karl J. Trübner, 1892, reprint, Papsdorf: Familienarchiv, 2000), 3-9. By the nineteenth century, villages were divided by wealth, and would hurl insults at each other about relative standing in the wealth hierarchy. There was a decline of the general intra-village connubium and the development of class endogamy; see Sabeian, *Property, Production*, 236, 245-6, 365. Hull, *Sexuality*, 251, 319-21, 331, 410-1. Schulte, *The Village in Court*, 21-2. Walker, *Home Towns*, 126-7. Sheilagh Ogilvie, "How Does Social Capital Affect Women? Guilds and Communities in Early Modern German," *The American Historical Review*, vol. 109:2, paragraph 25-7, <<http://www.historycooperative.org/journals/ahr/109.2/ogilvie.html>>, accessed July 18, 2005, paragraphs 33, 40. "[M]any of [the worker peasants] inevitably remained unseen, as the written sources of village history are almost exclusively official documents which only portray the daily life of the lower strata as a history of objects – objects of disciplinary measures, of administrative acts, of punishment, of welfare – or more accurately, guardianship;" see Kaschuba, "Peasant and Others," 252-3; see also 259.

like division already separated the peasant ranks into sub-groups of those with privileges and favor in the community and those with neither. There was almost no upward social mobility within this culture.

Very little that occurred in the small hamlets of Schalkhausen parish escaped the scrutiny of the community council.²¹ The council decided who moved in and out, who worked as farm laborers and for whom, who could keep a cow or sheep or geese on the village common, who could raise chickens, what crops to plant, when and in which fields, who worked the harvest, who cared for the sick and attended the birthstool, who learned a trade or worked in a craft, who built a house or a shed, who worked the fields, who buried the dead, who sold beer or ran the pub, who could collect firewood, who had water rights, and on and on and on. The council had input on every aspect of village life.²² This structure held society together and guaranteed mutual survival. No one expected things to be otherwise. It was absurd to think that a person could move into a village, buy land, apply for a mortgage, plant a different strain of barley, or choose a spouse without council input. The landless, on the other hand, had no say in village discussions, and many of the cottagers were *Beisitzer* or *Schutzverwandte* without voting privileges.

In 1808, when Montgelas took away the towns' rights to approve marriages, the community councils of Bavaria deluged the crown with complaints. In 1817, the King removed Montgelas and in 1818 he restored the rights of local communities to approve

²¹ StAA, Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 1.

²² The rights of the farmers were set in their rent agreements, but the council had responsibility to monitor disputes; see Walker, *Home Towns*, 46, 72; see also Hull, *Sexuality*, 36. Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), 123-8. Ogilvie, "Social Capital," paragraph 21. David Warren Sabean, *Kinship in Neckarhausen, 1700-1870* (Cambridge: Cambridge University Press, 1998), 7.

marriages.²³ When Leonhard and Margaretha applied a second time to marry in 1821, they first had to get permission from the Schalkhausen community council, which is shy Margaretha asked Reverend Dubois to write his letter; she needed community consent.

There was no running away to get outside this system. Every community was hostile to outsiders, and the poor rarely obtained approval for marriage anywhere but in their town of birth, and even that was extremely difficult. Each town had its own tight-knit inner group that was truculent to any newcomers. There was no place to go to escape this way of life. In Bavaria, there were a few villages where the local pastor would marry anyone who knocked on the door. Niederfüllbach near Coburg had a regular pilgrimage of beggars coming to marry. Some couples also married across the border in Czech lands. However, those who violated the village privilege to approve marriages lost all community rights if they returned home.²⁴

The councils could not, however, see everything that went on in the hamlets, or everyone who came and went. Those who lived at the bottom of rural society developed a subculture of support and mutual survival techniques beneath the scope of the council's view. Vagrants devised markings for barns or houses to indicate which farm wives would share a loaf of bread. Kitchen maids designed ways of signaling field workers without passes to warn them when the district administrator was in town. Even the *Köbler*, who did have some rights, learned ways of getting around unreasonable demands of the town elders. The poor found ways of courting their sweethearts when the parish

²³ The reasons for Montgelas' dismissal were complex and included circumstances surrounding Bavaria's support of Napoléon; see Walker, *Home Towns*, 242-4, 269-72, 313. Also *Classic Encyclopedia*, "Maximilian Josef Garnerin, Count Montgelas," <http://www.1911encyclopedia.org/Maximilian_Josef_Garnerin_Count_Montgelas>, accessed December 27, 2006. Hull, *Sexuality*, 338 n. 12. For *Beisitzer* see Sabean, *Property, Production*, 61, and Walker, *Home Towns*, 219.

²⁴ Schubert, *Arme Leute Bettler und Gauner im Franken*, 122-30.

elders were not on their guard. In the culture that developed in the substrata of society, out-of-wedlock births became the accepted norm. It was the only way these outcasts could indulge their passions or have children. The subaltern of village society developed customs that varied a great deal from those of the rich peasant farmers. For example, the poor were affectionate with their wives and children, kissed openly, and married for love. The rich farmers, on the other hand, were reserved and aloof, and their marriages were often economic arrangements designed to protect the family's lands.²⁵ (The daughters of farmers had little freedom in marriage choice.) In his essay about the subculture at the low end of German peasant society, Wolfgang Kaschuba described the deliberate violation of the rules of society by those at the bottom of the village. He saw these infringements of accepted behavioral norms as willful tactics by the laborers to assert their presence in a society where they lived without rights. According to Kaschuba, the poor flaunted their existence by:

[f]oolish behaviour', vagrancy, the 'desecration of the sabbath' by drinking in inns, the 'immorality' of migrant workers and their families – all these little norm infringements are simply a photographic negative torn out of the context of a positive, self-contained system of everyday attitudes. They provide a breath of fresh air, they circumvent restrictive norms and satisfy their own social and emotional needs. In adhering to such 'illegal' forms of individual and group behaviours, there is a definite expression of self-understanding and a feeling of self-esteem, which selectively provided a sub-cultural group commentary on the accepted social attitudes of the village. One creates and assumes a (limited) 'freedom of necessity'. . . . The actual infringement of written laws and unwritten rules was unremarkable. What appears to be much more critical

²⁵ The rise in illegitimacy suggests a strengthening of an independent value system which was anathema to both the state and ecclesiastical authorities; see Lee, *Population Growth*, 316. Phayer, *Sexual Liberation*, 16. Hufton, *Poor*, 100-6. For the poor, selecting a lover was much more a matter of feelings than was possible for a farmer's daughter with her obligations to her station and property; see Schulte, *The Village in Court*, 96. "The affinity of family property ('field to field') was clearly of more importance [to the farmers] than emotional affinity" marriage among the farmers could not be left to chance; see Kaschuba, "Peasant and Others," 257.

is the attitude behind the incidents, which revealed a definite consistency of thought and action.²⁶

The actions of Leonhard and Margaretha were a deliberate affront to societal norms. The community leaders knew the subculture of laborers existed within the villages, and tried to suppress it, but despite council efforts, girls from poor families tended to start bearing their bastard children at a younger age, and had more children than the daughters of farmers did. As a result, the percentage of the population in the ranks of the impoverished burgeoned.

For ten years, Leonhard and Margaretha continued their illicit relationship under the noses of the community leaders. They displayed the attitude of 'freedom of necessity.' Leonhard became expert at sneaking into Neudorf in the evenings without arousing notice. When he moved into the Weiss home sometime late in 1820, the poor farmers of Neudorf took little notice, but when the council members in Dornberg and Schalkhausen became aware of his presence, they were not pleased. Reverend Dubois' letter to the court infuriated the council with the thought that this couple might actually be given permission to marry and live among them.

With the exception of the pastor, the town leaders were united in their efforts to block the marriage. Margaretha had the money from her dowry, so the council could not claim the couple was too poor to marry. As she and her children had all been born in Neudorf they had residency. The parish had no choice but to let them stay. The central focus of the council's opposition became residency for Leonhard. He was not from Neudorf, so under no condition would they give consent for him to live among them. He

²⁶ Ibid., 253-4.

was an intruder who did not belong. The council was his presence as inimical to village integrity.²⁷

When the Schalkhausen parish council became aware of Reverend Dubois' letter, the council composed a follow-up letter to the marriage court in Ansbach explaining that the couple was living in "blatant sin," which the community would no longer tolerate. Pastor Dubois' attempt to soften the letter is evident in the phrase, "it could be of serious and sad consequence if [the court] decides to forcefully split up this couple, since they have been engaged for the past nine years." But the tone quickly shifted back, Schalkhausen now "refuses to protect and give right of residency to the laborer Büttner, because he was born in Hennenbach and belongs there." In the letter, Schalkhausen's council asked the court to order the village of Hennenbach "to accept Büttner as a resident and to grant residency to Miss Weiss and her illegitimate children," because if they don't, Leonhard and Margaretha, "will continue their engagement and premarital life in secrecy and Miss Weiss might give birth to more illegitimate children in the community of Neudorf." This missive clearly defined the combatants, Reverend Dubois with Margaretha and Leonhard, in opposition to the mayor, the rest of the council, and the affluent farmers. Those with the will to power in the community sought to maintain this power by tightly controlling admission to the community by anyone they perceived

²⁷ In his classic work on German communities, Mack Walker discusses at length the concept of *Eigentum*, which was an essential component of belonging to a home town (the term comes from Justus Möser (1720-1794)). *Eigentum*, which literally means "property," in the sense Walker and Möser use the term, is a social connectedness and self-dignity derived from belonging to a respected home town community. In one sense, *Eigentum* could never be held by a rural villager, even if he were *Bürgermeister*, but in another sense, this was precisely what Leonhard Büttner lacked and why the rural community leaders opposed his marriage and residency: he was not one of them; he did not fit in; see Walker, *Home Towns*, 2-3, 101, 174-84, 202, 349-52. More recently, historians have examined the concept of "social capital," which Leonhard totally lacked. For a discussion of the basic concept see James S. Coleman, "Social Capital in the Creation of Human Capital," *American Journal of Sociology* 94 (1989):95-120. Schulte, *The Village in Court*, 54-60.

as lower on the social spectrum. However, they were being assaulted from above by the new Cameralist-trained judges in the marriage court, accosted head on by the minister, and attacked from below by Leonhard and Margaretha's continued life of sin.

As a result of the letters from Schalkhausen, the Royal District Court in Ansbach summoned Leonhard and Margaretha to appear. The court informed them they could no longer live in "premarital sin." They must marry or be forcefully separated. The summons requested them to bring their guardians, certificates of baptism, school records, a list of assets, and affidavits about their behavior and work habits. "The Büttner" must also bring his military release certificate.²⁸

Early in the morning of May 4, 1821, Leonhard appeared at court with a small mountain of documents. His oldest brother, Johann Michael Büttner, accompanied him. Margaretha's brother, Johann Adam Weiss, joined her. After each identified themselves to the "Honorable Royal Judge Lentz,"²⁹ Leonhard explained that all he and Margaretha had ever wanted was to get married, but no community would take them. He continued:

I intend to settle down in my birthplace, Hennenbach, and work as a laborer. I swear by oath that I will provide for my fiancée and her children, since we are still young and free from physical illnesses and are both able to work, and since we are both very industrious, we will be able to find work or a job in the nearby city [Ansbach].

The community of Hennenbach does not refuse to accept me, but will not give residency to my fiancée and refuses to grant us permission to marry. But I believe that they will give in and grant us permission because my

²⁸ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, summons dated April 13, 1821. Forced separations were common; see Monika Bergmeier, *Wirtschaftsleben und Mentalität, Modernisierung im Spiegel der bayerischen Physikatsberichte 1858-1862, Mittelfranken, Unterfranken, Schwaben, Pfalz, Oberpfalz* (Munich: Herbert Utz Verlag, 1990), 416. Lee, "Family and 'Modernisation,'" 102-7. Both bride and groom had to prove their character and hard work; see John E. Knodel, "Law, Marriage and Illegitimacy in Nineteenth-Century Germany," *Population Studies* 20 (1966-67): 279-81.

²⁹ Judge Lentz served in Ansbach between at least 1819 and 1824; see *Hof- und Staats-Handbuch des Königreichs Baiern, 1819* (Munich: 1819), 389; also, *Hof- und Staats-Handbuch des Königreichs Baiern, 1824* (Munich: 1924), 319.

fiancée cannot provide for herself and her children without my support. Besides, I want to legitimize my children and become their legal father.

The community of Neudorf does not refuse to let my fiancée live there, but they refuse to grant me the same right, and I think they are not likely to change their minds. The people [of Neudorf] are not sympathetic towards me. I find more support in Hennenbach than in Neudorf, so I ask permission to reside in Hennenbach and marry there. . . . I believe that I can convince the village council in Hennenbach to grant me residency when I show them the list of farmers for whom I have worked as a laborer, as they have testified to my good work and diligence.”³⁰

Leonhard’s optimism dispels his obvious frustration at the situation. We see no hint of the tremulous man who had appeared before the court five years earlier. Leonhard had a definite plan of action. Hennenbach had rejected his initial overtures, just as Neudorf had made it abundantly clear – he was not wanted. His comment that those in Neudorf were “not likely to change their minds,” shows he knew it was hopeless to approach the council there again. Yet Leonhard was sure he could resolve Hennenbach’s objections with the testimonials he had secured from his previous employers since he had first approached the council in Hennenbach.³¹ His confidence revealed his naïveté. Getting his former employers to appear before a clerk to testify about his work habits was the most official thing Leonhard had done in his life. The formality of the written statements led Leonhard to overconfidence in the documents’ persuasiveness. To illiterate serfs like Leonhard, the written word likely held an almost magical quality. He failed to recognize the depth of inveterate prejudice against landless laborers and that the statements from other villages would not sway the council. Farmers

³⁰ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, testimony of May 4, 1821, translated by Marion Wolfert and Anna Altan.

³¹ It is interesting to note the two employers who gave him references were from jobs done more than ten years earlier, not from more recent employers. Leonhard had also failed to have the employer’s statements notarized, and was instructed by the court to do so. He failed to complete this task, possible because he had little understanding of what a notary was or how to do it. It appears that once again the requirements at court were overwhelming for Leonhard; see StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, undated statements by Johann Peter Strumm and Johann Andreas Kinzler.

from many towns would refer a laborer who wanted to live in a town not their own. Leonhard was blind to the core objections of both towns. He assumed Neudorf's objections were as stated: he posed a potential threat to the village's poor relief funds. He also believed Hennenbach's complaints were the same and that he could easily dissuade its council with the brief statements from the farmers attesting to his diligence in earning money. What Leonhard failed to grasp was that the real objections were not financial but social. The objections were to himself as a loathsome member of the proletariat. Due to his social standing, the farmers of Hennenbach would have viewed Leonhard as "brutish" and "half-human."³² Never would they let one of his kind into the village without a fight.

Leonhard explained to Judge Lentz his plan to persuade Hennenbach's council to change their minds. The judge listened carefully, reviewed the paperwork, and gave tentative approval for Leonhard to settle in Hennenbach, if he could convince the council there to agree.³³

The Hennenbach elders were outraged. The mayor, Mr. Adler, and Mr. Schäfer, a councilman, rushed to court and protested that all of Hennenbach was in uproar. The townspeople would not allow this "Büttner" to live among them. They exclaimed, Hennenbach was overcrowded with day laborers, several of whom lacked adequate work. The officials claimed "the Büttner" would be unable to support his wife and children and they would be a burden on the village. They insisted that the court not force the family on Hennenbach.³⁴ No town would accept a troglodyte like Leonhard without a battle.

³² David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1997), 41.

³³ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, document of May 7, 1821.

³⁴ *Ibid.*, testimony of July 7, 1821. Sabean, *Property, Production*, 161. Walker, *Home Towns*, 247.

According to one contemporary critic, every person who sought residence had to “fight a war with all those who already had residency, who insisted on exclusive privileges regarding land, water, fire and air; always in jealous fear that the earth that fed all would not suffice. . . . The spirit of aristocracy is the same even among the poorest house.”³⁵

For five months, the two towns fought over the couple; each community insisted to the court that the other town take the pair; each asserted the merits of its own case against the couple. Hennenbach argued coldly, “Neudorf must accept [Leonhard], since he has lived there with his fiancée in a sinful state for years without anyone complaining, and he fathered his children there. If all of a sudden this immoral living condition can no longer be permitted, then ‘Büttner’ must be expelled from Neudorf.” If Hennenbach were forced to accept Leonhard, the village elders later conceded they would take him. They had no choice – he was born there. “But as for his whore and their bastard children – we will not take responsibility for them.” There was no compassionate pastor in Hennenbach arguing for a degree of sympathy. Hennenbach would solve the problem by splitting up the lovers. In Bavaria’s villages the philosophy towards those in the lower ranks had always been, “shut them out, drive them out, and don’t worry about where they go then.”³⁶

At the height of this fierce debate, Schalkhausen took action. The council sent the bailiff to evict Leonhard and threatened to arrest him for *Konkubinät* if he returned.³⁷

The council realized that their claim of refusing to accept Leonhard could be disputed if

³⁵ Reinhard Heydenreuter, “Landesherrliche Ehebeschränkungen im Herzogtum, Kurfürstentum und Königreich Bayern,” *Archiv für Familiengeschichtsforschung* 3 (September 1997): 180-1, quoting Ignatz von Rudhart, translated by Baerbel Johnson; see also Hull, *Sexuality*, 37. Sabeau, *Property, Production*, 106.

³⁶ Walker, *Home Towns*, 336, 347-8.

³⁷ The King’s decree and Feuerbach’s criminal code made consensual sex legal, but police codes were not changed, and sexual misbehavior such as “repeated extramarital pregnancy” remained an “offense against public decency.” So the police could still arrest Leonhard for *Konkubinät*. “The *Konkubinät* provision was important because marriage restriction produced an ever larger number of such liaisons.” Hull, *Sexuality*, 364-8, quotes from 364-5.

the town allowed him to remain in the community despite their assertions of repugnance towards him. Although Bavaria's civil code had decriminalized fornication, the renewed community rights gave the police local jurisdiction over village affairs. Under the police code, cohabitation was a crime and offenders could be imprisoned or fined.³⁸ Leonhard escaped Neudorf and found living quarters in Hennenbach, where he had not lived since he was an infant. Once there, he was on his best behavior, anxious to impress the town leaders. In desperation, Margaretha fled with her children and took up residence in the aforementioned shanty in the forest where Leonhard could visit her discreetly on weekends.

The situation reached crisis. Leonhard and Margaretha realized their worst fears were coming true. Margaretha could not work and leave her children alone in the forest; but if they were to eat, she had to work. It became increasingly difficult for Leonhard and Margaretha to get together, and their very survival was threatened. For several months, they lived separately, and again it looked as if they would never marry.

Then suddenly, in October 1821, five months after the fierce debate between the two villages began, the Schalkhausen community reversed its position, and granted Leonhard residency. The council sent a letter to the court asking Judge Lentz to allow the marriage.³⁹ The court documents give no hint why the council in Schalkhausen abruptly changed their tune. But the answer is obvious: Reverend Dubois intervened. The pastor had been at odds with town leaders about allowing marriages for the poor ever

³⁸ The documents state that Margaretha moved to a hut outside the village and Leonhard moved to Hennenbach, and the council threatened to arrest Leonhard. I have assumed the bailiff delivered the message, StANAL Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letters of October 6, 1821 and testimony of October 20, 1821.

³⁹ *Ibid.*, letter of October 6, 1821.

since 1818 when the Bavarian crown had reinstated the rights of communities to consent to all marriages. In his report to the consistory of that year, the Pastor complained about the other members of the community council:

The sins of immorality that prevail among the unmarried members of the community occur more frequently because, unless they have substantial property, the council utterly refuses to allow the day laborers to marry when they want to take up residence in their town of birth.⁴⁰

Every year, for over a decade, Pastor Dubois complained about the adverse effects of this discrimination by the council against the poor. Here is another typical entry,

The sins of immorality and immodesty would be less frequent if the community's decisions were not made solely by the arbitrary choice of the town council. [These men] deny marriage to people who could easily feed themselves and their families and get ahead economically because they are young, hard working, and responsible. But the council denies them marriage because they cannot meet the high property requirements.⁴¹

Clergymen often condemned premarital sex more loudly than the town councils did, but Friedrich Dubois was not that type of man. He believed in the dignity of the people in his parish, and knew the poor had no easy path open to them. He advocated for the disadvantaged and understood that poverty was not a crime. In many subtle phrases, his annual reports reveal his concern for the common people in his parish. He petitioned the consistory to allow him to postpone catechism instruction when "several children had frequently missed class because they could not come in the deep snow due to their poverty and lack of clothing, they cannot endure the cold [trip to church]."⁴² He also "worked out marriage disputes and other conflicts" among the adults. Later, he complained the other members of the community council were "unacquainted with the

⁴⁰ LAELKB, Bay. Dekanat Ansbach 45, Jahres Bericht 1818.

⁴¹ Ibid., Jahres Bericht 1820. It is possible that Leonhard and Margaretha bribed the Schalkhausen council. Almost every year the pastor states he had read the statement forbidding bribing civil officials, which implies bribery was a common occurrence; see also Knodel, "Law, Marriage and Illegitimacy," 281. Payer, *Sexual Liberation*, 20.

⁴² LAELKB, Bay. Dekanat Ansbach 45, Brief von Juli 10, 1814.

laws about how to determine child support for illegitimate children. When he [was] not there to intervene for these young women, they [were] only given a paltry stipend for their unfortunate children."⁴³

Reverend Dubois realized that after tolerating Leonhard and Margaretha's ten-year relationship, including a nine-year engagement, and two illegitimate children, Schalkhausen's arguments were unconvincing. The Hennenbach council was right: if Schalkhausen had objections to Leonhard, they should have evicted him long ago. It was too late to brush him off as the responsibility of some other town, and Pastor Dubois was unwilling to force Leonhard and Margaretha to separate.

In addition to Reverend Dubois, one other person proved pivotal in swaying the Schalkhausen community council – Margaretha Weiss. In all of the surviving court records of her travails, Margaretha never utters a single syllable. In Leonhard's statements, Margaretha is always there, just beyond our view, but perpetually tacit. Nevertheless, her unspoken arguments before the council resonate with the pathos of her situation. In the end, Margaretha's relentless presence in the community moved even the most hardened among them. Whether or not the village elders approved of Leonhard, Margaretha was physically there in the parish, living in a hut just outside Neudorf with her two young sons, a third child on the way, with inadequate shelter, and winter fast approaching. The community could not legally or morally let Margaretha stay in the forests and freeze, not when she was born in Neudorf and had legal residency there. Margaretha had received her dowry and the court document suggest that during this period she used her dowry to feed herself and the children, but she must have been

⁴³ All over Germany towns kept out those too poor to marry; see Hull, *Sexuality*, 31.

extremely reluctant to deplete the only hope she had to marry Leonhard. She may also have worried endlessly about caring for her unborn baby when it arrived.⁴⁴

The town had permitted her first two illegitimate children to be born in the village, and if the situation continued, the village leaders could see they would soon be responsible for Margaretha and three children. Denying shelter in the town to Margaretha and her children would bring shame and criticism on the community for not caring for its own, especially when the town was legally bound to do so. Margaretha's urgent circumstances forced the council's hand; they had to provide shelter for her — unless — unless Leonhard could support her. If the council let Leonhard return and allowed the marriage, Leonhard would take the onus and the town would not be forced to provide for a single mother and three children. Despite the town's best efforts, it was obvious the couple was going to continue having children.

After what must have been weeks of intense arguments, Margaretha's plight, and the reverend's impassioned pleas prevailed. The council grudgingly agreed to allow the marriage rather than continue the forced separation. Margaretha and Leonhard moved back into the Weiss home. It is ironic that the town where Leonhard felt least welcome was the one to grant him residency at last. On October 6, 1821, the council sent a letter to the court, which sounded noticeably similar to several phrases in Reverend Dubois' annual reports. The letter reads in part:

As [Johann] Leonhard Büttner, born in Hennenbach, has been engaged to Anna Margaretha Weiss of Neudorf for the past nine years, and has fathered two sons with her, and as she is now pregnant, again, by him; and because this couple is young, strong, and healthy, and have proven to be

⁴⁴ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter of October 6, 1821, translated by Marion Wolfert and Anna Altan. Hull, *Sexuality*, 369, 102. The 1821 court hearings list the value of Margaretha's assets in February as 200 *Gulden*, in May as 180 *Gulden* cash and 70 *Gulden* in assets (for a total of 250 *Gulden*), in October it was 175 *Gulden*. It appears Margaretha had used up as much as 75 *Gulden* during the year.

industrious and willing to work hard. And because Miss Weiss is also in possession of 175 Gulden: it can be assumed that they will be able to support themselves. They want to build a small home. The village council has granted permission for permanent residency and their marriage."⁴⁵

Reverend Dubois added one other point to influence the other council members,

Forcefully separating this couple after they have lived together for such a long time, could bring devastating consequences; considering that the deceased father of Miss Weiss spent time in a lunatic asylum.⁴⁶

The pastor notes that Margaretha was less likely to have an emotional breakdown as her father had if she was allowed to marry. Margaretha's major disadvantage in the marriage market – her father's madness – became an argument in favor of letting her marry. The culture of prejudice could be argued both ways.

When Neudorf finally acquiesced, Leonhard personally presented the letter from the council to the Royal District Court at Ansbach and pled "for a quick reply in this matter."⁴⁷ A week later the judge summoned Leonhard to return in November to hear his verdict.

On the cold morning of November 28, 1821, Johann Leonhard Büttner, a nervous, thirty-two year old peasant laborer, approached the royal court in the medieval-walled city of Ansbach to beg final permission to marry. Margaretha, eight months pregnant, may have accompanied him to the door of the chancellery and waited anxiously in the street outside. Leonhard's tension must have run high as the judge shuffled through the stack of letters. After a careful reading of the statement from the council in Schalkhausen, the judge announced that Leonhard could become a resident in Neudorf with three stipulations: first, that he take an oath of fealty; second, that he notify the

⁴⁵ Ibid., the original lists his name as *Georg* Leonhard.

⁴⁶ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated October 6, 1821.

⁴⁷ Ibid., court minutes of October 20, 1821

military office of his whereabouts and provide them with his military release certificate; and finally, that he plant two trees in the village. (The planting of fruit trees symbolized his new status as a permanent resident. In some areas, the laborers in a village cut down these trees as a symbolic social protest against village leaders.)⁴⁸ The court granted residency; Leonhard's major hurdle was past. The judge then announced that after these requests were complete, Leonhard Büttner and Margaretha Weiss could marry "without further interference."⁴⁹ Their ten-year wait for marriage was over.

Leonhard planted the trees, took his papers to the military office, and returned to court as scheduled on December 6 where he took an oath of loyalty to the King of Bavaria and the community of Schalkhausen.⁵⁰ Three days later, on Sunday December 9, 1821, Johann Leonhard Büttner and Anna Margaretha Weiss finally married in the old Lutheran church at Schalkhausen. Pastor Dubois conducted the ceremony. The brief record in the church book gives no hint of the years of tedious hearings, the petitions, the summons, the letters, the witnesses, the legal red tape, or the quarrel between the villages that preceded it. Nor does it reflect what must have been the joyful relief to both parents and children to be a family at last. Regarding the groom, the church book simply records that Leonhard Büttner, "the new resident and day laborer in Neudorf, without rights of citizenship" (*angehender Schutzverwandter Tagelöhner in Neudorf*), married Margaretha Weiss.⁵¹

⁴⁸ Kaschuba, "Peasant and Others," 261.

⁴⁹ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, marriage contract of November 28, 1821. For oaths of fealty see, Blackbourn, *The Long Nineteenth Century*, 94; Thomas Safley, *Let No Man Put Asunder: The Control of Marriage in the German Southwest: A Comparative Study, 1550-1600* (Kirksville, MO: The Sixteenth Century Journal Press, 1984), 103.

⁵⁰ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, letter dated October 6, 1821.

⁵¹ Leonhard is listed as *Georg* Leonhard in the marriage record; see Schalkhausen, Kirchenbuch, Eheregister, Bd 9, 1814-1841, S. 11, Nr. 5.

Leonhard and Margaretha possibly borrowed clothes to wear for the wedding, a practice that was common among the poor. In the nineteenth century, German couples traditionally wore black for the ceremony and the celebrations that followed. The evening of the wedding, there was probably a small celebration for family members and close friends. The couple could not afford a meal at the tavern, so the party was probably held in the Weiss home, with food prepared by the family. The guests would have been expected to contribute in cash or kind as much as they could to defray the costs.⁵²

For ten years, Leonhard and Margaretha had defied community leadership by their deliberate immorality. By having their children out of wedlock, without village approval, the couple effectively preempted the community's right to sanction marriage. They mocked the town's power, viability, and honor. Leonhard and Margaretha, and many others like them, redefined the place of marriage within European culture as a whole. What the Cameralists and social reformers of the day strove to do from above, by eliminating privilege or realigning it to include a broader portion of the populace, Leonhard and Margaretha did quietly from below, by usurping the privilege denied them and demanding the right of sexual expression and family life. The couple acted independently of the reformers, whose changes bypassed the lowest social levels. Leonhard and Margaretha establish their own domain of freedom. Their choices announced to the community that the upper strata of village culture were effete, outmoded, and irrelevant. For ten years, Leonhard and Margaretha had behaved as they pleased, had sex, bore children, came and went in the village, and maneuvered the

⁵² Christel Heinrich, "Peasant Customs and Social Structure: Rural Marriage Festivals in the Magdeburg Region in the 1920s," trans. W. Robert Lee, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 224-34.

council to carve out a place for themselves in the community. In the end, Leonhard and Margaretha won: they got married.

Ten days after the wedding, Margaretha gave birth to her third child, the daughter she had been expecting since a few weeks after Pastor Dubois' letter was sent to court ten months earlier. The baby girl was given the name Anna Barbara Büttner after Margaritha's sometimes-contentious sister-in-law, Anna Barbara Weiss, who stood as godmother.⁵³ Little did Leonhard realize, this would not be his last protracted dealing with either the marriage courts or with the community council.

⁵³ Schalkhausen, Kirchenbuch, Eheregister, Bd. 9, Taufregister, 1814-1850, S. 74 Nr. 29.

CHAPTER 6

A HOME AND A MARRIAGE

Leonhard and Margaretha longed for a home, but getting approval to build one was an ambitious dream. The villages of Bavaria did not allow new home construction casually. Yet somehow, in 1830, after another nine years of scheming, Leonhard and Margaretha succeeded in building a tiny house in Neudorf. The town records hint that Leonhard and Margaretha endured as much to get their home built as they had to get married. But unlike their marriage hearings, where more than sixty pages of court records provide insight into their struggle, only one surviving, three-page record has been found regarding their house (unfortunately providing few details). The record makes clear that Johann Adam and Anna Barbara Weiss did not allow Leonhard and Margaretha to build their home on a sliver of the Weiss lot as Margaretha had hoped. Instead, the community of Neudorf gave Leonhard a little scrap of land, a parcel sandwiched between two roads, so small that it had not been used either as farmland or as meadow (see Map 4). This gift of land is the troubling detail. As seen in the previous chapters, the villages of Germany guarded common property like stingy misers. A free gift was anathema to their basic belief systems, particularly when the recipient was someone as low in village regard as Leonhard was. Yet, the brief text states, “. . . the local community has given

Büttner a parcel of land, at no charge, for the little house he intends to build.”¹ This

¹ StAN, AG Ansbach, Nr. 605, Kaufbriefe Protokoll 1829-30, Bd. II, S. 521-6, dated July 17, 1830, translated by Baerbel Johnson. The Liquidations Protokoll of 1833 confirms the land was a gift from the Neudorf Community; see StANAL, AG Ansbach, Nr. 1257, Liquidations Protokoll, Steuergemeinde Schalkhausen, Bd. II, S. 1241-5. Sometimes laborers could use unused common land on the fringes of the village; see Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), 110. Legislation of 1771 forbade building a laborer's house, without permission; see W. Robert Lee, *Population Growth, Economic Development and Social Change in Bavaria* (New York: Arno Press, 1977), 150. David Warren Sabean, *Property, Production, and*

record gives no clue why the village made this extremely rare bequest of land. Whatever the town's motive, this arrangement must have taken Leonhard and Margaretha years to secure. The gift might be explained if Leonhard and Margaretha had been so impoverished that the family was essentially wards of the community who drew heavily from the poor relief funds. However, this was not the case. The document indicates Leonhard had "a good reputation and can support himself and his family."² Although he was quite poor, he and his family had managed to survive. The likely explanation for the land gift is that Leonhard and Margaretha had somehow maneuvered village leaders into believing that giving them this strip of land was in the town's best interest. A possible contributing factor for the gift was strife in the Weiss home. At the time the village approved the home, Margaretha had six children who crowded in with Anna Barbara Weiss and her five children. With the four adults, this made fifteen people living in the small Weiss home. It is plausible that the friction between the sisters-in-law became so intense that it affected the entire village. Fighting, accusation, bitterness and complaint may have been constant.³

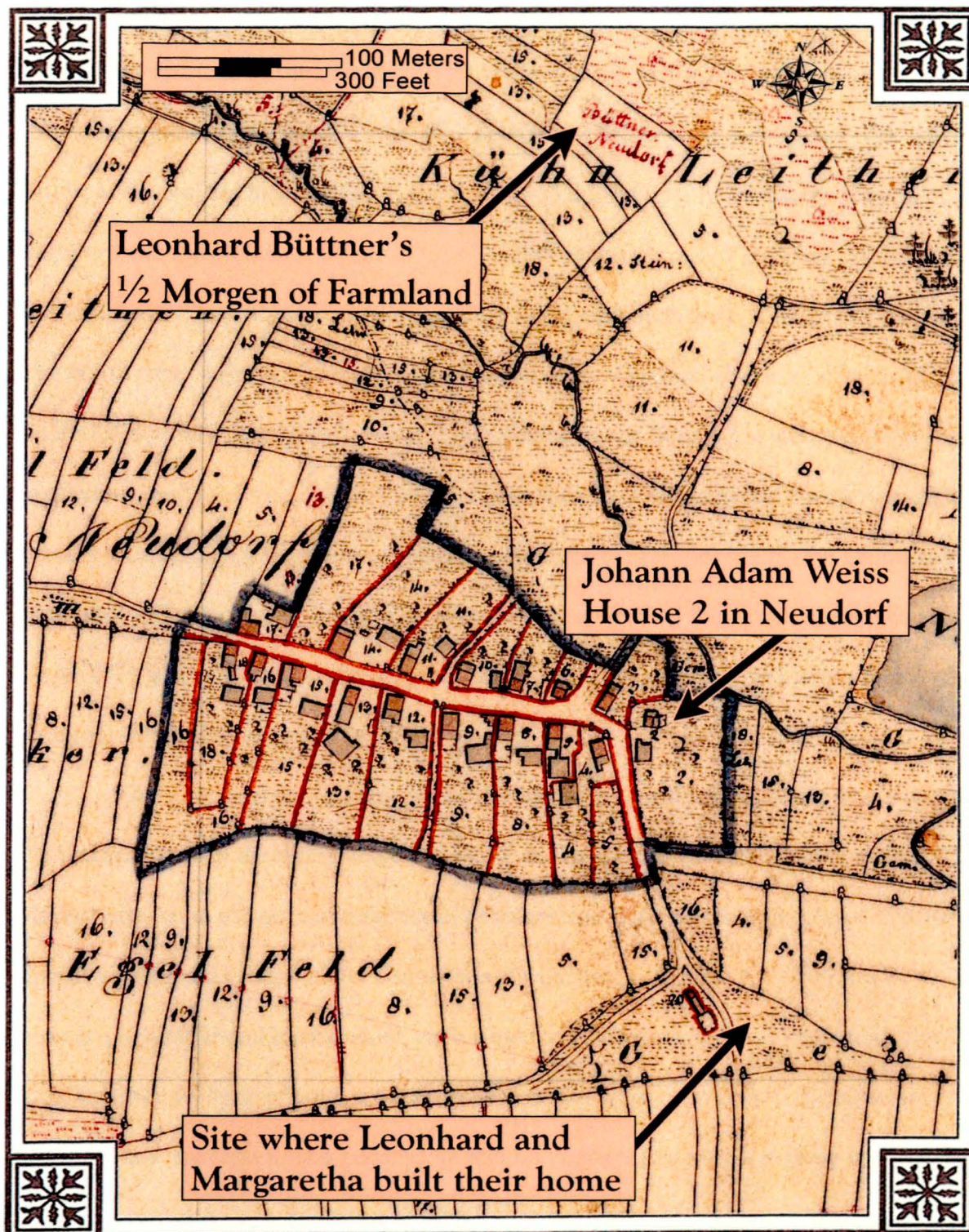
Obtaining building materials, particularly wood, proved Leonhard's other huge obstacle in erecting his house. When the village met to discuss the home, one reason the leaders gave for approving it was that Leonhard had "gathered all of the necessary wood for the building, and at no cost," which implies that if he had not collected the wood, he would not have been allowed to build.⁴ This last quote reveals more about Leonhard's

Family in Neckarhausen: 1780-1870 (Cambridge: Cambridge University Press, 1990), 76.

² StAN, AG Ansbach, Nr. 605, Bd. II, S. 521-6.

³ BCGR, Weiß, Joh Adam-Siller, Anna Barb. family sheet, also Büttner, Gg. Leonh.-Weiß, Anna Marg. family sheet. Sabean, *Property, Production*, 276-99.

⁴ StAN, AG Ansbach, Nr. 605, Bd. II, S. 521-6.



Map 4. DETAIL FROM 1826 MAP SHOWING THE BÜTTNER HOME SITE AND LAND. Notice each strip of land is numbered for a corresponding house number in Neudorf. The little triangle of land where Leonhard and Margaretha built their home was unused common land outside of the village. Courtesy LVG, Neudorf, Blatt-Nr. N.W. 57-134.

character than any other statement in all the surviving documents. Here he demonstrated he had learned to play the community's games. By his deliberate action in assembling the building material, he had once again challenged the town at their game, with their rules, and won. He had no forest rights, so he could not openly haul large lengths of lumber from the woods to the building site. But over a period of possibly several years, through barter, exchange, purchase, appropriation, and theft, he had diligently gathered the wood necessary for his home. This achievement was most impressive, since the pile included not only the lumber for the frame, doors, upper flooring, window casings, stairs, wall studs, and roof trusses, but enough sticks and small bits of wood for the woven, basket-like wattle that would be covered in daub for the interior walls (the main floor probably had dirt floors). During the time he was collecting the wood, he also had to defend the growing stack against wood thieves, who were becoming increasingly common as lumber prices rose.⁵

The statement that Leonhard had gathered the wood for the house also suggests he had approached the village about building the house several times and was turned down because he did not have the material to erect it. During the nine years Leonhard jockeyed with the village to get permission for his home, he may have repeatedly requested to build and been denied, each time for a different reason – once for lack of lumber, once for lack of land, several times because a member of the village would not give consent, and again later because he had no carpenter or mason willing to work for

⁵ StAN, AG Ansbach, Nr. 605, Bd. II, S. 521-6. An 1835 newspaper near Ravenberg in Westphalia reported, "most well-to-do peasants now sell their wood at auctions. Many have taken place in the past few weeks which have brought high prices. Since no one seems to want to give the lesser people small quantities for wood afterwards, and since this lot cannot pay, the result will be a greater number of wood thefts;" quoted in Josef Mooser, "Property and Wood Theft: Agrarian Capitalism and Social Conflict in Rural Society, 1800-1850: A Westphalian Case Study," in *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*, ed. Robert G. Moeller (Boston: Allen & Unwin, 1986), 57.

what he could pay. This is conjecture, of course, but well within known behavior of village councils, and typical of Leonhard's fixed resolution to win this battle. It shows Leonhard's dogged determination to get what his family needed.

On July 9, 1830, all twenty adult male residents of Neudorf gathered in the village square to discuss Leonhard and Margaretha's house (apparently the full parish did not attend, only those who lived in Neudorf village). Mayor Andreas Lindner from the Schalkhausen council attended, representing the larger parish community. The text gives a slight hint of hubris on the part of some present, but in the end, all thirteen Neudorf villagers with voting rights unanimously approved the home and land bequest. Each one signed the meeting notes to show acknowledgment. Lining up this voting bloc may have taken Leonhard years of maneuvering, coaxing, and bribery to arrange. Villages often voted to approve changes in town, but the conservative farmers rarely approved anything new.⁶ Village records would sometimes include lists of every community member and how they voted regarding an issue. Often the residents voted down marriages, houses, and other changes.⁷

In approving the house, Neudorf's farmers made sure Leonhard understood there would be no changes in his rights (or lack of them) in the community or in his social standing. In essence, he could live there, but nothing more. He still had no voting rights. He could not keep cattle. He had no forest allotment. He could not hunt. He could not

⁶ StAN, AG Ansbach, Nr. 605, Bd. II, S. 521-6. Liberal historians comment that the economic backwardness of peasants is matched only by their consistent rejection of progressive politics; see Robert G. Moeller, "Introduction: Locating Peasants and Lords in Modern German Historiography," in *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*, ed. Robert G. Moeller (Boston: Allen & Unwin, 1986), 6.

⁷ See for example, StNadD, Neuburg a/dDonau Bezirksamt, Ansässigmachungs- Verehelichungs- u. Konzessionsakten, Nr. B315, Jahr 1853-1854, my thanks to Baerbel Johnson for pointing out this record, consulted on microfilm, FHL 1,442,116; see also Wolfgang Kaschuba, "Peasants and Others: The Historical Contours of Village Class Society," trans. Eric Clare and Richard J. Evans, in *The German Peasantry*, ed. Richard J. Evans and W. Robert Lee (London: Croom Helm, 1986), 255-6.

fish. But he also did not have to pay a yearly fee into community coffers as the other farmers did. This latter point may have been because he, more than anyone else in Neudorf, was at risk of drawing on relief funds at some point. By excluding Leonhard from community participation, the town continued its rank-enforcing refrain: you do not belong; you are beneath the rest of us.⁸

Bavarian law did not allow Leonhard to build his own home. Much as licensed contractors are required today, in Bavaria the guilds had sole rights to build houses. Zacharias Guntz, master carpenter, and Peter Kuch, master mason, built the structure. It was tiny when compared with other homes in the village at only 26 *Fuss* by 20 *Fuss* (or a little less than 480 square feet). The surviving document includes a colored diagram of the floor plan with front and side elevations (see Figure 1) and a rough sketch of how the home fit on the lot (see Figure 2). The floor plan is identical to, but smaller than several of the day laborer cottages that have been preserved in the *Fränkisches Freilandmuseum* in Bad Windsheim, about twenty miles north of Ansbach.⁹

Three years before Leonhard received approval for the house, he purchased a half *Morgen* of farmland above Neudorf for 50 *Gulden*, almost certainly with funds taken from Margaretha's dowry.¹⁰ This is the only strip of land Leonhard or Margaretha ever

⁸ StAN, AG Ansbach, Nr. 605, Bd. II, S. 521-6. Lee discusses those excluded from membership in the *Gemeinde*; see *Population Growth*, 254-5. Jütte, "Poverty," 389. "Anyone who did not fit in with the local peasant code, which was legitimized by custom and tradition, was ostracized and stigmatized. In the marriage certificates issued by the local council, in sermons and commentaries on the 'moral conduct' of migrant workers, there are numerous indications that the status of the outsider was already characterized in negative terms;" see Robert Jütte, "Poverty and Poor Relief," in *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols., ed. Sheilagh Ogilvie (London: Arnold, 1996), 248.

⁹ Konrad Bedal, *Häuser und Landschaft: Bilder und Eindrücke aus dem Freilandmuseum in Bad Windsheim* (Bad Windsheim: Fränkisches Freilandmuseum, 2002).

¹⁰ StAN, Kataster Selekt Stgd. Schalkhausen, Nr. 3, Bd. 4, Laufender Nr. 888, dated October 23, 1827. StANAL, Ansbach Amtsgericht, Liquidations Protokoll, Steuergemeinde Schalkhausen, Bd. II, Nr. 1257, S. 1241-5. Sabean, *Property, Production*, 367-9. Land prices fell sharply in the early 1820s, which made this land more affordable for Leonhard; see John G. Gagliardo, *From Pariah to Patriot: The Changing Image of the German Peasant, 1770-1840* (Lexington: University Press of Kentucky, 1969), 6-7.

owned. A map of Neudorf, drawn in 1826, shows every piece of farmland belonging to the village, and for each strip the map indicates the house number of the owner. There is one parcel of land on the map, however, without a house number, on which someone wrote in red ink, "Büttner, Neudorf" (see Maps 3 and 4). In 1827, when Leonhard bought this plot, he did not yet have a house, so his land could only be identified by his name. When his house was completed in 1830, it was numbered as twenty-one within the village. This was the last house built in Neudorf until sometime in the twentieth century.

For ten years, Leonhard and Margaretha shared this cottage. Their seventh, and last child was born in the house in August of 1831, nineteen years after their first child was born.¹¹ It is ironic that the smallest house in town had the most children living in it.

Leonhard could not feed his large family on what he could grow on his tiny half *Morgen* of land. A family needed about eight *Morgen* of farmland to feed a family of nine, sixteen times more than Leonhard owned.¹² Finding work was not easy. Working as a laborer for a farmer, as he had done before his marriage, was difficult. Most farmers would only hire single men, as they required the men to live on site. The guilds carefully guarded admission into the traditional crafts, such as the bakers, tailors, blacksmiths, etc, and they had strict requirements for moral decorum. No one who had fathered an illegitimate child, as Leonhard had, could ever join the craft guilds.¹³ The economic

¹¹ Schalkhausen, Kirchenbuch, Taufregister, Bd 9, 1814-1850, S. 119, Nr. 12.

¹² The land needed to support a family varied, but seems to be about 8 *Morgen*; see Lee, *Population*, 108-53. See also D. M. G. Sutherland, *France 1789-1815: Revolution and Counter-revolution* (London: Fontana Press, 1985), 51.

¹³ The guilds were more effective in controlling morality than either the church or the state; see Ogilvie, *State Corporatism*, 336-8. Kathy Stuart, *Defiled Trades and Social Outcasts: Honor and Ritual Pollution in Early Modern Germany* (Cambridge: Cambridge University Press, 2000), 98. In Bavaria, the guilds continued to control the trades until late in the nineteenth century; see Mack Walker, *German Home Towns: Community, State and General Estate, 1648-1871* (Ithaca: Cornell University Press, 1971), 295.

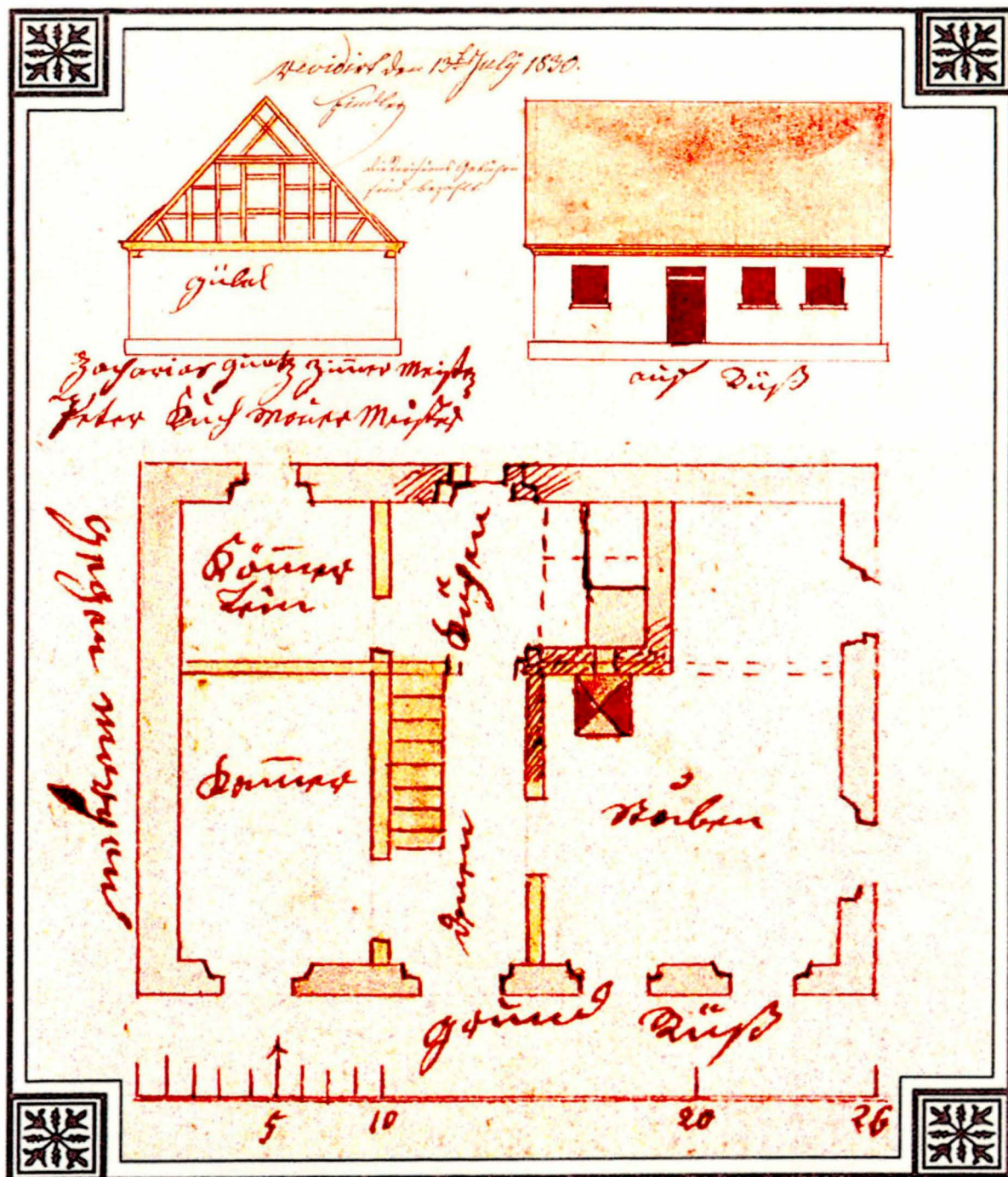


FIGURE 1. FLOOR PLAN AND ELEVATIONS FOR THE BÜTTNER COTTAGE IN NEUDORF.
 The notes from the Neudorf community meeting of July 9, 1830 included this colored diagram of the tiny house. The home was torn down sometime before 1960. (The scale of the floor plan in relation to the elevations has been modified to fit the paper size.) Courtesy StAN, Amtsgericht Ansbach, Nr. 605, Kaufbriefe Protokoll 1829-30, Bd. II, S. 522.

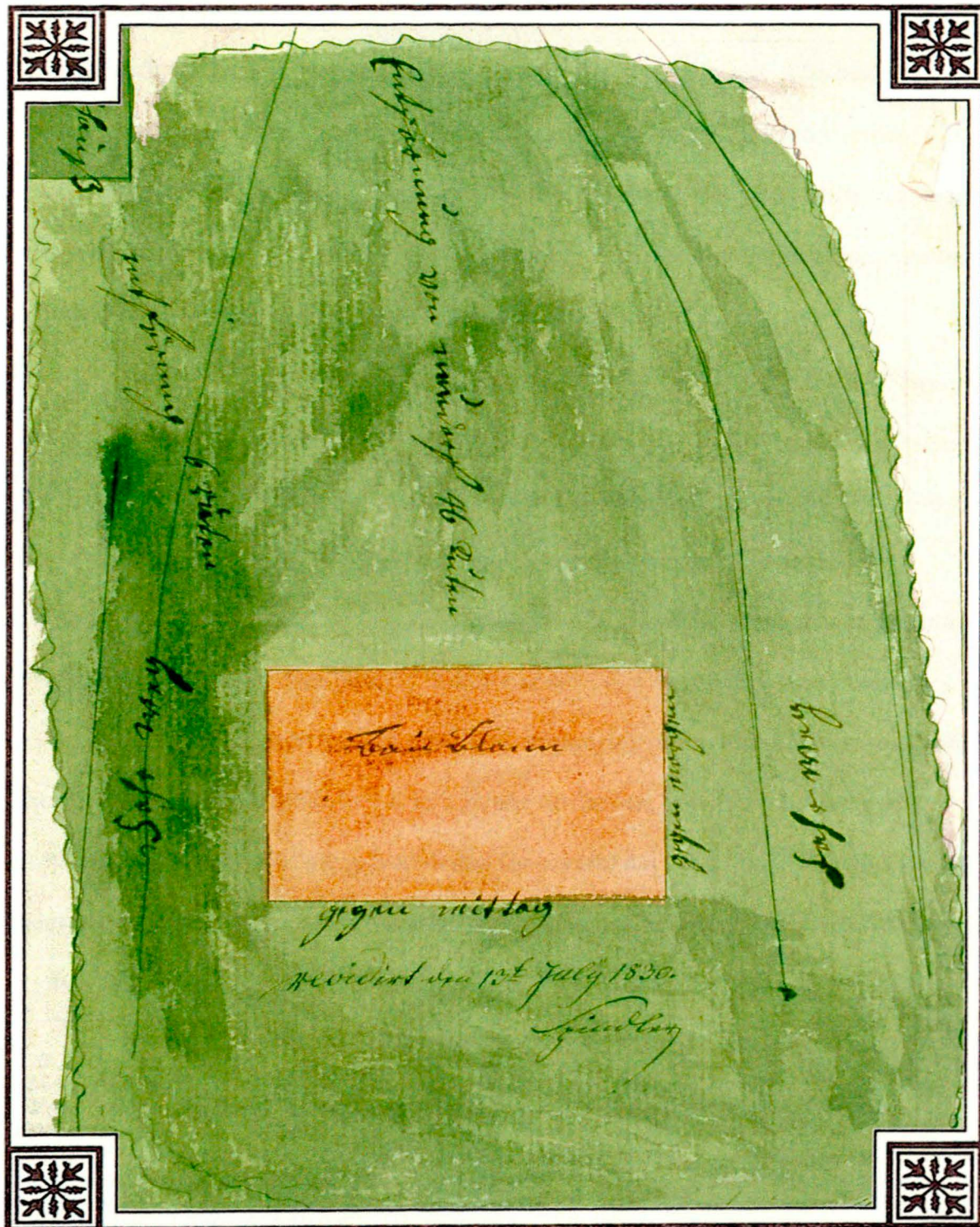


Figure 2. SITE PLAN FOR THE BÜTTNER COTTAGE IN NEUDORF

The notes from the Neudorf Community meeting of July 9, 1830 include this drawing of the site plan for Leonhard and Margaretha's house in Neudorf. This plan indicates the house was 46 *Ruten* from town, and 6 *Ruten* from the "Brechhaus," which is probably House 20, across the road (compare with Map 4). Courtesy of StAN, *ibid*.

situation of his family forced Leonhard into what Olwen Hufton has called “the economy of makeshift.” The poor devised unusual means of making a living. The landless invented jobs such as street cleaner, ditch repairman, rat catcher, chimney sweep, tool mender, colporteur, or tinker. “They lived by their wits and often they were merely more elevated and thinly disguised beggars,” who barely kept one foot ahead of starvation.¹⁴ Leonhard was willing to do whatever it took to feed his family.

Shortly after he and Margaretha married, Leonhard devised a job as ash collector (*Aschensammler*), a vocation he followed the rest of his life. Ashes were in high demand for their rich alkali content. He used the ashes to make potash or lye, which he sold to those who tanned leather, or who made glass, gunpowder, paper, soap, and other products. Ansbach was known for its fine porcelains, and ashes were also an essential ingredient in the production process.¹⁵ It is also possible he sold his wares to linen weavers, who cooked their yarn in ashes before weaving it, or cloth finishers who boiled the completed cloth in ashes to full it.¹⁶ In one document, Leonhard indicates that collecting ashes took him away from home for several days at a time.¹⁷ This raises the question of how he transported the ashes, kept them dry in winter, or from blowing away in the wind. He was too poor to own a wagon, and his village residency specifically

¹⁴ Olwen H. Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford: Clarendon Press, 1794), 69ff., quotes from 15 and 84. Sabeau, *Property, Production*, 157-60. Jacques Depauw calls this group the “Marginal Milieu;” see “Illicit Sexual Activity and Society in Eighteenth-Century Nantes,” trans. Elborg Forster, in *Family and Society: Selections from the Annales Economies, Sociétés, Civilisations*, ed. Robert Forster and Orest Ranum. (Baltimore: Johns Hopkins University Press, 1976), 181-4. Sutherland, *France*, 52.

¹⁵ “Ashery” <<http://en.wikipedia.org/wiki/Ashery>>, accessed February 21, 2006. “Ashery, Kirtland, Ohio” <<http://www.lds.org/placestovisit/location/0,10634,455-1-1-1,00.html>>, accessed February 21, 2006. Sabeau, *Property, Production*, 62. Michael Williams, *Americans and Their Forests: A Historical Geography* (Cambridge: Cambridge University Press, 1989), 74-5.

¹⁶ Mooser, “Property and Wood,” 57. Thomas Max Safley, “Production, Transaction, and Proletarianization: The Textile Industry in Upper Swabia, 1580-1660,” in *The Workplace before the Factory: Artisans and Proletarians, 1500-1800*, ed. Thomas Max Safley and Leonhard N. Rosenband (Ithaca: Cornell University Press, 1993), 131.

¹⁷ StANAL, Ansbach Bezirksamt, Ansässigmachungs- Verehelichungs- u. Konzessionsakten, Serie II, 1840-1862, Nr. 9, Jahr 1841-1842, Suppl. Rep. 47, testimony of April 27, 1842, a copy is available FHL microfilm 1,633,947.

forbad keeping cattle, so it is very unlikely that he owned a mule or donkey. This means Leonhard carried them by foot. Apparently, he walked between the Franconian villages collecting ashes in either a wheelbarrow, or more likely, in some type of wooden-framed barrel strapped to his back.¹⁸ He possibly carried a small cauldron to boil the ashes so they would be easier to transport. Ash collecting was a filthy occupation that would have kept him covered in soot and grime every day of his life. The stench of smoke would have permeated everything he touched. But between collecting ashes, the jobs Margaretha could find, the small amount of food they grew on their half *Morgen* of land, and the small jobs their children took as soon as they were old enough (possibly as young as five or six), the Büttner family was able to eat. No records have been found from the overseer of the poor for Schalkhausen, but if Leonhard had drawn on parish funds other surviving records would mention it. As cited above, in the 1820s, Pastor Dubois states there were families in the parish who did not have sufficient clothing to wear to church (meaning they had no clothing appropriate for church). Children from these homes sometimes missed catechism classes due to their lack of clothes, and they suffered from the cold.¹⁹ There is little doubt that Leonhard and Margaretha's children were among these gamin who ran naked in the streets.

For ten years after the home was completed, Leonhard and Margaretha lived in it together. Then Margaretha became sick. Anna Margaretha Weiss Büttner died of a lung stoppage (*Lungenlähmung*) December 8, 1840, at age fifty-one, almost thirty years after

¹⁸ The cooper's shop (*Büttnererei*) in the *Fränkisches Freilandmuseum* in Bad Windsheim displays several similar backpacks.

¹⁹ LAELKB, Bay. Dekanat Ansbach 45, Brief von Juli 10, 1814, Jahres Bericht 1820. Lee, *Population Growth*, 160. Ernest Schubert, "Daily Life, Consumption, and Material Culture," trans. Sheilagh Ogilvie, in *Germany: A New Social and Economic History*, vol. 2, 1630-1800, 3 vols., ed. Sheilagh Ogilvie (London: Arnold, 1996), 362.

she and Leonhard conceived their first child. She left a small estate of 63 *Gulden*, which was tied up in the value of their home and land. This was what remained of her dowry. By law, the surviving assets from her dowry did not become Leonhard's property, but were held by him in usufruct for their children. Anna Margaretha Weiss was buried in Schalkhausen cemetery.²⁰

Two years after Margaretha's death, Leonhard made the bold decision to marry again. He was fifty-three. The woman he asked to marry him was Sabina Mohr (1792 - 1856), age fifty-one.²¹ Sabina lived in Hinterholz, a village about two miles up the brook from Neudorf. Sabina had never married, although in her thirties she did have two children out of wedlock. Her oldest daughter lived with the child's father and his wife in Neudorf. (Paulus Riegel was one of the farmers who signed to approve Leonhard's home.) Sabina Mohr's other child, a son, had a different father, and lived with her in Hinterholz. Leonhard had known Sabina for many years, as there were several connections between the Weiss and Mohr families. Margaretha's mother had been Sabina Mohr's godmother, and Margaretha's aunt (her father's sister) had married Sabina Mohr's father as his second wife. Also, Sabina's mother had been a Siller, from the same parish as Johann Georg Siller who had objected to Leonhard's first marriage twenty years earlier.²²

²⁰ Schalkhausen, Kirchenbuch, Totenregister, Bd 9, 1814-1850, S. 302, Nr. 16. StANAL, Ansbach Landgericht, Hypotheken Protocoll, Bd VIII, Nr. 99, S. 169-70 (see note 12, page 37). BCGR, Büttner, Gg. Leonh.-Weiß, Anna Marg. family sheet, FHL microfilm 0,541,880. Sabean, *Property, Production*, 201, 249. Her cause of death translates as "Pulmonary Apoplexy," which means she just stopped breathing; see *Rudy's List of Archaic Medical Terms*, "Lungenlähmung" <<http://www.antiquusmorbus.com/German/GermanL.htm>>, accessed January 5, 2007. For a listing of the inheritance amounts see StANAL, Ansbach Landgericht, Hypotheken Protocoll, Bd III, Nr. 98, S. 258-9; also, Bd VIII, Nr. 99, S. 169-70

²¹ BCGR, Johann Leonhard Büttner-Sabina Marg. Mohr family sheet, FHL microfilm 0,541,880.

²² Evangelisch-Lutherisches Kirche Neunkirchen (now Bavaria), Kirchenbuch, Taufregister, Bd. 3, 1733-1801, S. 132-3; Eheregister, Bd 8, 1731-1839, S. 100; Taufregister, Bd. 6, 1802-1839, S. 86, Nr.103, microfiche LkAAK, register number 397, fiche 3+, 4+, 6+; my thanks to Marianne Sutter for finding these records. BCGR, Mohr, Joh. Adam Michael (Wittv.)-Siller, M. Barb. family sheet, also Joh. Ad. Mich. Mohr (Wittv.)-Anna Mg. Weiß family

In March 1842, Leonhard and Sabina gathered the papers they knew the court would require, and went to Ansbach to apply for marriage. Leonhard proudly declared to the court that he was now a homeowner with a small plot of farmland. He told the judge the marriage was “absolutely necessary as his youngest daughter is underage” and was in need of a woman to teach her to behave properly, and to instruct his daughter in an occupation appropriate for her station. Leonhard said his work as an ash collector took him away from home for several days at a time and that his youngest daughter was at the age when it was essential she have supervision (she was ten).²³ He gave the court the papers, including an affidavit signed by the mayor, the overseer of the poor, and all members of the council from Neunkirchen, the parish for Hinterholz, attesting that Sabina was a diligent worker who had supported herself and her son for the previous eighteen years “by the work of her hands.” This suggests Sabina worked as a spinner of thread or yarn. The council said she was “right and honorable” with a “good reputation.”²⁴ Leonhard told the court they were both in good health, and were strong and happy to work to support themselves. As Sabina Mohr would be moving into Schalkhausen parish, the court requested comments by the Schalkhausen council about the marriage.²⁵

Unbelievably, the Schalkhausen council rejected Leonhard’s marriage request and petitioned the judge to deny the marriage. For more than twenty years, Leonhard had

sheet, FHL microfilm 0,541,947, these sheets are in error in listing one of her father’s names as Michael. Brenner apparently combined two men with similar names.

²³ StANAL, Ansbach, Ansässigmachungsakten, Nr. 9, Jahr 1841-1842, Suppl. Rep. 47, testimony of March 5, 1842, translated by Baerbel Johnson.

²⁴ Ibid., letter from Neunkirchen dated March 4, 1842, translated by Baerbel Johnson. Almost all rural women of the era were engaged in weaving to some degree, see Sutherland, *France*, 52.

²⁵ Ibid., undated document with heading “*D. ad. 2912.*”

lived and worked in the Schalkhausen parish. He and Margaretha had raised seven children there, and fed them from a plot too small to provide for so many children – but they did it anyway. For years, he had scraped ashes out of their dirty dustbins. Never once had he asked for help to feed his family (if he had, the council would surely have used this against him at this time). His children had attended school and church in the community, and they had gone to confirmation classes with the other children in the parish. His children were now mostly raised and on their own, so Leonhard had fewer financial demands. But despite his years of interaction within the village, the council still viewed him as a despised laborer and potential threat to their security.²⁶

In the twenty years since his first marriage was granted, all members of the community council had changed. Georg Lindner, son or nephew of Andreas, was now mayor. Pastor Dubois had died at age eighty-two in 1835, after serving forty-five years as pastor in Schalkhausen.²⁷ Reverend Michel was pastor now. Overseer of the poor was Mr. Meyer. Other than the pastor, the new members of the council had lived in the parish for years, and had known of Leonhard and Margaretha most of their lives. Leonhard was the poor dustman who lived outside Neudorf. Still, this new group of rich farmers swelled with contempt at the thought of allowing this filthy man to marry. They sent a letter to the court outlining their case. The overseer of the poor and the community administration of Schalkhausen gave four objections. First, Leonhard had grown

²⁶ Even after the marriage laws were made more liberal in 1834, “[t]he communities found it quite easy to forbid marriage and settlement even to persons who had got past these tests of economic competence;” see Walker, *Home Towns*, 340. “What the communities meant by poverty and feared in it was penetration and social expropriation, not to mention a rising poor tax to support people toward whom they felt no obligation. They wanted to keep the poor out of society;” *ibid.*, 345.

²⁷ LAELKB, Bay. Konsist. Ansbach 839 I, “Daß dem Vicar Weidner;” see also, BCGR, Friedrich Aug. Dubois-Louise Jakobine Regina Roth family sheet. StAA, Findbuch für das Archivgut des eingemeinden Orts Schalkhausen, Anhang VII: 2-3. StANAL, Ansbach, Ansässigmachungsakten, Nr. 9, Jahr 1841-1842, Suppl. Rep. 47, letter dated March 19, 1842.

children, one of whom could return home and help him manage the property, so he did not need to bring another woman into the community. Second, his under-age daughter would soon finish school, and his oldest daughter could come home and teach her an occupation suitable for her low station. Third, the council complained that Sabina Mohr would be bringing an illegitimate son into the community. If anything should happen to Sabina, Schalkhausen would not care for her boy. And finally, although Leonhard had supported his family, he was getting older and "his situation could get worse." The council pointed out that Sabina had no assets to bring into the marriage other than a few paltry household belongings. For these reasons, they insisted the court deny the request.²⁸

Neither party at this marriage hearing told the judge the truth. Leonhard had learned to tell the court and the council what they wanted to hear. He stated his new marriage was essential for his daughter's upbringing and training. The truth may have been that he wanted to marry Sabina for love, or companionship, or to have someone to cook his meals, or wash his clothes, or clean his house, or just share his life. The answer was probably a combination of these, but he knew the court and the town would reject the truth.

The council's list of objections was also lies and excuses. Sabina Mohr posed minimal financial risk to the community by moving into Neudorf and the council knew it. The argument that Leonhard's oldest daughter could come home to rear his youngest daughter was also a ruse. Max Walker's suggestion does not work in this case either. He claimed the town councils of Germany used their restored rights to approve marriages as

²⁸ Ibid.

a way to fight back against the cameralist-trained judges who could veto local marriage decisions. But by 1842, these judges had been in place for almost thirty years and the argument seems stale.²⁹

The community's core objection to Leonhard was never his poverty or the potential risk that he might someday draw on poor relief. For twenty years, he had proven himself economically viable by keeping his large family ahead of starvation with only his tiny strip of land and his diligence as an ash collector.

The community's real complaint against Leonhard was not in what he had or didn't have, but in who he was. Leonhard lived in a subculture of outcasts, among whom he was a respected landowner and small farmer. But to the elite of village culture, Leonhard's low social rank, his garish earrings, his filthy trade, his soiled appearance, his lunatic father-in-law, his years of living in "sin," his past defiance of town leadership, and his illegitimate children, all marked him as vile and worthless in their eyes. Allowing the second marriage would signal he was an equal with others in the community, and the council could not let him be seen as such. He was a cultural pariah and must remain so. The divide that separated him from the upper levels of the village was set in concrete. The objections of the council to freedom of marriage lay in the social level of the people who were requesting marriage; it lay in Leonhard, Margaretha, and Sabina's low position within the community. The town rejected them not based on economics but on rank prejudice. The origins of their contempt lay in a *pre-class* tradition of hate.³⁰

²⁹ Walker, *Home Towns*, 260-81, 336-47.

³⁰ Kaschuba, "Peasant and Others," 248-56.

The eighteenth century supposedly saw the birth of human rights with a new civil society, but even in the nineteenth century, these changes were denied to those at the bottom of village life. Peasant culture of the period saw an increase, not a decrease in social divisiveness. Families that may have freely intermarried in the seventeenth century were now separated by a nascent class stratification. The Schalkhausen community carefully excluded Leonhard Büttner due to his total lack of "social capital."³¹ Contemporary travelers commented on the caste-like divisions among the upper levels of German culture, but the marked lines of social stratification ran from the upper nobles, through the *Bürger* ranks, all the way down to the lowliest laborer.³² The peasant farmers of Bavaria were as rank conscious as any room full of dukes.

In the end, Sabina Mohr brought statements from the Neunkirchen community stating the willingness of that town to allow her to return if anything should happened to Leonhard, and that her son could also return if anything happened to her. The judges in the civil court in Ansbach, who held veto power over the village councils, believed in the new concept of equality before the law. This court reviewed Schalkhausen's objections and subpoenaed Leonhard to return to court. Leonhard explained that his oldest daughter

³¹ "[S]ocial networks not only exclude outsiders but use their social capital to reap benefits at the expense of outsiders. . . . These tactics were . . . a deliberate and essential components of the strategy pursued by social networks to sustain and defend their own norms and privileges. That is, historical findings suggest that the benefits of social capital are commonly secured at the expense of network outsiders, who are often particularly vulnerable members of society;" see Sheilagh Ogilvie, "How Does Social Capital Affect Women? Guilds and Communities in Early Modern German," *The American Historical Review*, vol. 109:2, paragraph 25-7, <<http://www.historycooperative.org/journals/ahr/109.2/ogilvie.html>>, accessed July 18, 2005, paragraphs 63; see also 64-5. James S. Coleman, "Social Capital in the Creation of Human Capital," *American Journal of Sociology* 94 (1989): 105.

³² Sabean, *Property, Production*, 424. European society believed there was basic inequality between people according to wealth, birth, social rank, and profession; see Gerhard Benecke, *Society and Politics in Germany: 1500-1750* (London: Routledge and Kegan Paul, 1974), 9-21. By the nineteenth century, marriage between farmers and the landless was unthinkable; see Regina Schulte, *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910*, trans. Barrie Selman (Cambridge: Cambridge University Press, 1994), 94. Both Mary Montagu and Madame de Staël mention Germany's "caste" system; see David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1997), 8.

was twenty years old and she did not want to return home to care for her sister. The older girl was earning 20 *Gulden* a year working for a farmer. If she came home, Leonhard could not afford to give her even 10 *Gulden*.³³ The court declared that according to the marriage statute, if the local police made no objections to a couple (and they did not), if the community had granted permission for a first marriage, it was not legal to deny a second marriage on the grounds of what might happen in the future.

On May 27, 1842 the court sent notice to Schalkhausen denying its objections to the marriage, and gave the town two weeks to file another appeal. On June 11, no response had been received, so the court gave authorization for Leonhard Büttner to marry again. Once more the curmudgeons on the council were forced to accept a marriage they despised. The wedding took place a week later, on June 19, 1842 in the Lutheran church at Schalkhausen.³⁴

The meaning of marriage in German rural society in the early nineteenth century varied by social position. For those at the top of this culture, marriage was a right guaranteed by their wealth, power, status, privilege, and influence, but for many of them it remained essentially defensive and economic in nature. The farmers often sought marriages that would preserve their privileges and increase their wealth. Marriage was frequently an impersonal economic arrangement, a merger of adjacent landholdings. Romance was rarely considered.

For Leonhard and Margaretha, marriage was something entirely different. For them marriage meant dedication to a relationship, to a physical union, and to the children

³³ StANAL, Ansbach, Ansässigmachungsakten, Nr. 9, Jahr 1841-1842, Suppl. Rep. 47, court decision of April 5, 1842, subpoena of April 12, 1842, and testimony of April 27, 1842.

³⁴ BCGR, Johann Leonhard Büttner-Sabina Marg. Mohr family sheet, FHL microfilm 0,541,880.

of that union, despite opposition and hatred based on social rank. In the eyes of their peers in their own sub-culture of outcasts, a union existed between Leonhard and Margaretha a decade before the church rites formalized the bond. The marriage ceremony gave sanction to their years of commitment and the sexual intimacy the couple had enjoyed since becoming serious. It gave their children the security of both a father and mother. Marriage also brought a degree of financial stability, a uniting of resources, an end of working for someone else, and the ability for Leonhard to work in his own behalf. Technically speaking, marriage allowed Leonhard to leave the ranks of the proletariat, although he remained at the dregs of his society. Marriage gave both Leonhard and Margaretha a legal existence within the village. It allowed the development of emotional and spiritual belonging, somewhere where they were needed. Marriage was a victory of love.

This is not to suggest theirs was a particularly contented marriage. Surviving sources give us no hint of how close the relationship was between Leonhard and Margaretha or between Leonhard and Sabina. Peasants in general were known for their domestic quarrels, disrespect among themselves, disagreements in public, vulgar conversations, and rude behavior. This was part of rural culture at large.³⁵ Leonhard and Margaretha were probably typical in most respects and their fights may have been frequent and bellicose. No extant court records have been found to illuminate the friction that existed among families of the parish. But the behavior of Leonhard and Margaretha also demonstrated a mutual loyalty to the union. For ten years, either party could easily have left the relationship if they had wanted to, but neither did. Leonhard told the judge

³⁵ Sabeau, *Property, Production*, 330-40.

the truth when he said all he and Margaretha had ever wanted was to marry, and again when he said, "I want to legitimize my children and become their legal father."³⁶

Leonhard and Margaretha sincerely wanted to be married.

Leonhard and Margaretha's children inherited a village culture even less willing to allow those at the bottom to have access to marriage rites. Their children had less success than Leonhard and Margaretha did in obtaining marriage permission as those with the will to power in the communities became increasingly effective in denying marriage to those in the lower ranks of peasant society. Leonhard, Margaretha, and others like them won the battle, but in the long-term struggle for supremacy in marriage allocation, the communities won the war by continually tightening the restrictions on marriage. Yet, once again, those at the lower end found ways to break the rules and change the parameters of the marriage game.

Leonhard and Sabina lived as husband and wife only for seven years. Leonhard Büttner died of pneumonia (*Lungenentzündung*), in his home in Neudorf, January 4, 1849, two months short of his sixtieth birthday. His small house, valued at 700 *Gulden*, passed to his oldest son, Johann Georg Büttner. Leonhard's remaining estate of 79 *Gulden* 30 *Kreutzer*, along with Margaretha's estate, was divided among his other children.³⁷ Each of the younger children received a total inheritance of 27 *Gulden*, 29⅓

³⁶ StANAL, Ansbach, Ansässigmachungsakten, Nr. 85, Jahr 1821, testimony of May 4, 1821, translated by Marion Wolfert and Anna Altan.

³⁷ Schalkhausen, Kirchenbuch, Totenregister, Bd 9, 1814-1850, S. 326, Nr. 1. StANAL, Ansbach Landgericht, Hypotheken Protocoll, Bd III, Nr. 98, S. 258-9 (see note 12, page 37), also, Bd VIII, Nr. 99, S. 169-70; strangely, his second son, Johann Christoph Büttner, is not listed as an heir, but he may have been gone for fifteen years by the time of Leonhard's death; he emigrated to New York, married in 1854, and served in the Civil War where he was wounded in the Battle of Malvern Hill. For his marriage see Manfred K. Bahmann, Letter, September 18, 1992, Zion-St. Mark's Evangelical Lutheran Church (339-341 E 84th Street, NY, NY 10038) to the author (885 N. 1400 W, Salt Lake City, UT. 84014), held in 2007 by the author. This marriage contradicts some facts: first, the groom's middle name is listed as *Heinrich* not *Christian*, second, he is listed as born in *Rheinbaiern* (which can only mean the Palatine area); the Civil War pension file resolves these issues as it, 1) cites the same marriage in the same

Kreutzer, substantially less than what any one of them would need to marry. Sabina stayed in Neudorf with Leonhard's oldest son until her death in 1856.³⁸ (See Figure 4 for a diagram of the Büttner and Weiss families.)

In March 1849, two months after Leonhard's death, his oldest daughter, Anna Barbara, gave birth to a son out of wedlock. No records suggest she attempted to marry this child's father, but it is unlikely she even tried as the wedding would almost certainly have been denied. Eight years later, in 1857, she became engaged to a journeyman bricklayer in Ansbach. This couple had a year-long fight with the Ansbach community council, and had to make two appeals to the higher courts before a judge finally ordered Ansbach's city council to allow their marriage.

Leonhard and Margaretha's second daughter, Anna Margaretha Büttner, had an illegitimate child in 1852. The child lived only five days. This daughter is then lost from the records.

The year after Leonhard's death, Schalkhausen granted his oldest son, Johann Georg Büttner, permission to marry and take his father's slot in the village. The woman he married brought with her a ten-year-old son born out of wedlock by another father. In 1852 this couple became the parents of twins, both of whom died at age two days. Johann George and his wife had no other children. Thirty years later, in the 1880's, his wife's illegitimate boy inherited Leonhard's house and farmland. But long before this

church, 2) lists his birthplace as "Anspach [sic.]," and 3) lists his middle name as Christian; the pension file includes the bride's original marriage record; see NARA, Records of the Veterans Administration, Record Group 15, Civil War and Later Pension Application Files, John C. Buettner, 29th Independent Battery, New York Volunteer Light Artillery, Civil War Pension File, Invalid Application 186947, Widow: Marie Buttner, Widow's Application 239859, Certificate 423647.

³⁸ BCGR, Johann Leonhard Büttner-Sabina Marg. Mohr family sheet, FHL microfilm 0,541,880. StANAL, Ansbach Bezirksamt, Ansässigmachungs-, Verhelichungs- u. Konzessionsakten, Serie II, 1840-1862, Nr. 258, Jahr 1849-1850, Protokoll 892, copy available FHL microfilm 1,646,314. Schalkhausen, Kirchenbuch, Eheregister, Bd 11, 1841-1876, S. 2, Nr. 5.

happened, Leonhard's other children had found a new solution to the marriage problem.

In the 1850s, Leonhard and Margaretha's remaining three sons, and possibly their youngest daughter, immigrated to America, where marriage choice was nobody's business but their own.³⁹

³⁹ For the birth of Anna Barbara Büttner's illegitimate son, see Schalkhausen, Kirchenbuch, Taufregister, Bd 9, 1814-1850, S. 74, last entry; for her marriage, see StAA, AB 796, Heiratsbelege, Jahr 1854, Beck-Büttner marriage documents. For the illegitimate daughter of Leonhard's second daughter, see Schalkhausen, Kirchenbuch, Taufregister, Bd 10, 1851-1876, S. 15, Nr. 3. The immigration record of Johann Christoph Büttner into New York has not been located. The two younger brothers came together with the women they would marry; see NARA, Record Group 36, Records of the U.S. Customs Service, Passenger Lists of Vessels Arriving at New York, 1820-1897, SS *New York* Passenger Manifest, 28 August 1858, page 4, lines 19 and 21, nos. 171 and 173, Joh: Mart: Büttner and Joach[im] Büttner entries, microfilm M0237-187; these entries are problematic, there are four consecutive entries on the manifest: "Joh: Mart: Büttner, [age] 34," "Marie Popp, [age] 20," "Joach[im] Büttner, [age] 30," and "Doris Langendörger, [age] 28;" these four names and ages match the two Büttner brother immigrants and their wives: Johann Michael Büttner (age 34 in August 1858) who married Dorothea Langendorfer (age 28 in August 1858) and Johann "Friedrick" Büttner (age 20 in August 1858) who married Margaretha Popp (age 21 in August 1858); the fact that all four names and ages match so closely with the four immigrants leaves no doubt this is the correct passenger manifest. However, in addition to variations in names, the manifest indicates all four came from the town of Meiningen in Thüringen, Germany, not Ansbach in Bavaria for the men, Neudorf a.d. Saale in Bavaria for Margaretha Popp, and Maldendorf (?) in Bavaria for Dorothea Langendorfer; a fifth traveler, Jacob Franz, also listed from Meiningen, appears to be traveling with the two couples; he has not been identified further. The three brothers who emigrated are buried together in The Lutheran Cemetery in Queens, NY, lot 4897, map 4; see John M. Neville, letter March 7, 1988, The Lutheran Cemetery (67-29 Metropolitan Avenue, Middle Village, NY 11379), to Mrs. Florence B. Bittner (885 N 1400 W, Salt Lake City, UT 84116), held in 2007 by the author. See also Timothy W. Guinnane, "Population and the Economy in Germany, 1800-1990," in *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols., ed. Sheilagh Ogilvie and Richard Overly (London: Arnold, 2003), 47.

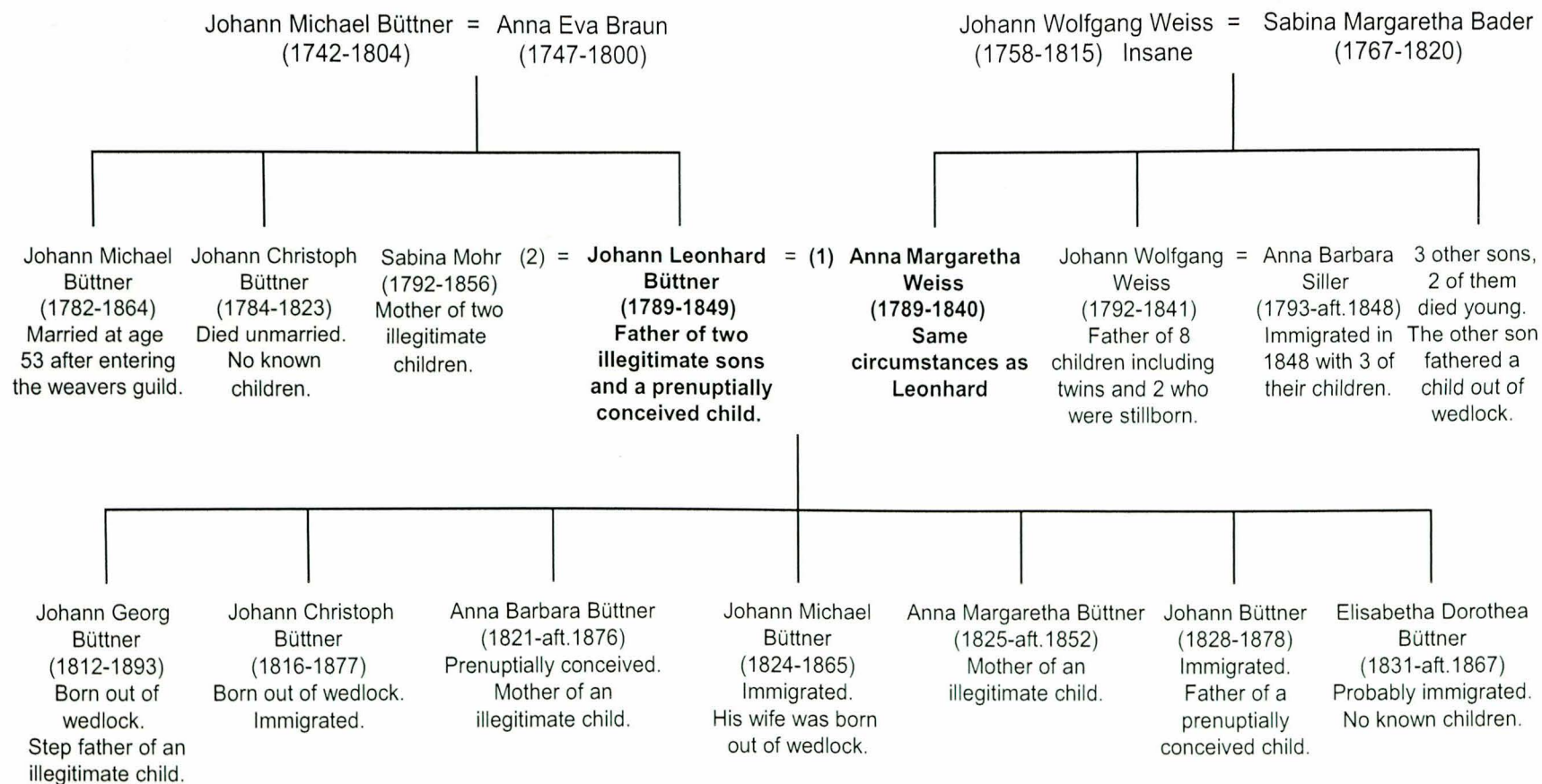


Figure 3. DIAGRAM OF BÜTTNER AND WEISS FAMILIES

This family diagram demonstrates that the Büttner and Weiss families, like others in the lowest ranks of Bavarian peasant society, accepted illegitimacy as a common occurrence. Within this subculture, children born out of wedlock were not outcasts, but were an integral part of the family and were treated the same as legitimate children in all respects including inheritance and division of the family's property.

WORKS CITED

PRIMARY SOURCES

ARCHIVES IN BAVARIA

Landeskirchliches Archiv, Aussenstelle Kirchenbucharchiv, Regensburg (LkAAK)

- Jakobskirche Weihenzell, Kirchenbuch, register number 385
 Totenregister, Band 10, 1744-1817
 Sankt Lambertus Evangelische Kirche Eyb, Kirchenbuch, register number 48
 Taufregister, Band 2, 1683-1784
 Eheregister, Band 2, 1683-1778
 Totenregister, Band 5, 1742-1845
 Evangelisch-Lutherische Kirche Neunkirchen, Kirchenbuch, register number 397
 Taufregister, Band 3, 1733-1801; Band 6, 1802-1839
 Eheregister, Band 8, 1731-1839

Landeskirchliches Archiv der Evangelisch-Lutherischen Kirche in Bayern, Nürnberg (LAELKB)

- Bay. Dekanat Ansbach 45
 Jahres Bericht 1812
 Jahres Bericht 1816
 Jahres Bericht 1818
 Jahres Bericht 1820
 Jahres Bericht 1822
 Jahres Bericht 1826
 Jahres Bericht 1828
 Jahres Bericht 1830
 Brief von Juli 10, 1814
 Bay. Konsist. Ansbach 839 I
 Daß dem Vicar Weidner
 Bay. Konsist. Ansbach 839 II
 Rerisions Notaten
 1302 Pfarrerswitwe Sibilla Dorothea Lindner zu Schalkhausen 1811

Landesamt für Vermessung und Geoinformation, München, Bayern (LVG)

- Uraufnahmeblatt, Neudorf, Blatt-Nr. N.W. 57-34

Stadtarchiv Ansbach, Bayern (StAA)

- AB 796, Jahr 1854, Beck-Büttner Heiratsbelege
 K 16, Sankt Johannes Evangelische Kirche Ansbach, Kirchenbuch
 Taufregister, Band 16, 1788-1800

Findbuch für das Archivgut des eingemeinden Orts Schalkhausen

Staatsarchiv Nürnberg, Bayern (StAN)

Amtsgericht Ansbach, Nr. 605, Kaufbriefe Protokoll 1829-30, Band II

Kataster Selekt Steuergemeinde Schalkhausen

Nr. 6, Band 1

Nr. 3, Band 4

Königlich Regierung von Mittelfranken, Ausverwandererbelege,

Reg. v. Mfr., K. d. J., Abg. 1932. Tit. 1a, Nr. 23 I.

Land Gemeinde a. O. Ansbach, Grundakten, Haus 2, Neudorf

Rent Amt Ansbach

Nr. 3001

Nr. 3012

Repertorium zu den aus das Oberamt Ansbach, Nr. 144

Staatsarchiv Nürnberg, Aussenstelle Lichtenau, Bayern (StANAL)

Ansbach Amtsgericht, Liquidations Protokoll

Steuergemeinde Schalkhausen, Band. II, Nr. 1257

Ansbach Bezirksamt, Ansässigmachungs- Verehelichungs- u. Konzessionsakten

Serie I, 1818-1840, Nr. 61, Jahr 1816, Protokoll 102

Serie I, 1818-1840, Nr. 85, Jahr 1821, Protokoll 345

Serie II, 1840-1862, Nr. 9, Jahr 1841-1842, Suppl. Rep. 47

Serie II, 1840-1862, Nr. 258, Jahr 1849-1850, Protokoll 892

Ansbach Landgericht, Hypotheken Protocoll

Band III, Nr. 98

Band VIII, Nr. 99

Staatsarchiv Neuburg a/d Donau, Bayern (StNadD)

Neuburg a/dDonau Bezirksamt, Ansässigmachungs- Verehelichungs- u.

Konzessionsakten, Nr. B315, Jahr 1853-1854

Sankt Nikolaus Evangelisch Pfarramt Schalkhausen

Taufregister, Band 7, 1766-1790; Band 8, 1791-1813; Band 9, 1814-1850; Band 10,
1851-1876.

Eheregister, Band 8, 1791-1813; Band 9, 1814-1841; Band 11, 1841-1876

Totenregister, Band 9, 1814-1850

ARCHIVES IN AMERICA

National Archive Records Administration, Washington, D.C. (NARA)

Records of the Veterans Administration, Record Group 15

Civil War and Later Pension Application Files

John C. Buettner, 29th Independent Battery, New York Volunteer Light Artillery, Civil War Pension File, Invalid Application 186947, Widow: Marie Buttner, Widow's Application 239859, Certificate 423647.

Records of the U.S. Customs Service, Record Group 36
 Passenger Lists of Vessels Arriving at New York, 1820-1897
 SS *New York* Passenger Manifest, 28 August 1858, microfilm M0237, roll 187

GENEALOGICAL SOURCES

Brenner Collection of Genealogical Records (BCGR)

Büttner, Gg. Leonh.-Weiß, Anna Marg. family sheet
 Büttner, Johann Leonhard-Mohr, Sabina Marg. family sheet
 Dubois, Friedrich Aug.-Roth, Louise Jakobine Regina family sheet
 Mohr, Joh. Ad. Mich. (Wittv.)-Weiß, Anna Mg. family sheet
 Mohr, Joh. Adam Michael (Wittv.)-Siller, M. Barb. family sheet
 Siller, Joh. Gg.-Himmer, M. Magdel. family sheet
 Weiß, Joh. Adam-Siller, Anna Barb. family sheet
 Weis, Johann Wolfgang-Bader, Anna Sabina Margaretha family sheet

Family History Library, Salt Lake City (FHL)

microfilm 0,541,880
 microfilm 0,541,910
 microfilm 0,541,947
 microfilm 0,542,290
 microfilm 0,542,445
 microfilm 0,542,446
 microfilm 1,442,116
 microfilm 1,633,229
 microfilm 1,633,947
 microfilm 1,646,314
 microfilm 1,732,662
 microfilm 2,090,834

CORRESPONDENCE

Bahmann, Manfred K. Letter. 18 September 1992, Zion-St. Mark's Evangelical Lutheran Church (339-341 E 84th Street, NY, NY 10038) to the author (884 N 1400 W, SLC, UT 84116), held in 2007 by the author.

Fuchs, Karl-Heinz, Letter. 1999, from Evang.-Luth. Pfarramt, Wernsbach (91629 Weihenzell, Germany) to the author (P.O. Box 189, Centerville, UT 84014) held in 2007 by the author.

Neville, John M. Letter. 7 March 1988, from The Lutheran Cemetery (67-29 Metropolitan Avenue, Middle Village, N.Y. 11379) to Mrs. Florence B. Bittner (885 N 1400 W, SLC, UT 84116) held in 2007 by the author.

SECONDARY SOURCES

JOURNAL ARTICLES AND SHORTER WORKS

Arnold, Edward. "Out of Wedlock" review of *Bastardy and Its Comparative History*. Edited by Peter Laslett, Karla Oosterveen and Richard M. Smith. *The Economist* 276 (July 26, 1980): 100, 102.

Bayer, Adolf. *Die Kirchen der Stadt Ansbach: ein Gang durch zwölf Jahrhunderte*. Erolzheim: Hubert Baum, 1954.

Berdahl, Robert M. "Christian Garve on the German Peasantry." *Peasant Studies* 8, no. 2 (Spring 1979): 86-103.

Berkner, Lutz K. "Inheritance, Land Tenure and Peasant Family Structure: A German Regional Comparison." In *Family and Inheritance: Rural Society in Western Europe, 1200-1800*. Edited by Jack Goody, Joan Thirsk and E. P. Thompson, 71-95. Cambridge: Cambridge University Press, 1976.

Braun, Rudolf. "The Impact of Cottage Industry on an Agricultural Population." Translated by David Landes. In *The Rise of Capitalism*, 53-64. New York: MacMillan, 1966.

Coleman, James S. "Social Capital in the Creation of Human Capital." *American Journal of Sociology* 94 (1989): 95-120.

Crumrin, Timothy. "Fuel for the Fires: Charcoal Making in the Nineteenth Century." *Chronicle of the Early American Industries Association* 310 (June, 1994): 35-8.

Cuttler, Charles D. "Exotic in Fifteenth Century Netherlandish Art: Comments on Oriental and Gypsy Costume." In *Liber amicorum Herman Liebaers*. Edited by Frans Vanwijngaerden, et al., 419-34. Brussels: Crédit Communal de Belgique, 1984.

- Dallhammer, Hermann. *850 Jahre Schalkhausen: Schalkhausen und Dornberg, Regionales Machtzentrum im 12. und 13. Jahrhundert*. Ansbach: Hercynia Verlag, 1994.
- Davis, Natalie Zemon. "The Reasons of Misrule." In *Society and Culture in Early Modern France*, 97-123. Stanford: Stanford University Press, 1975.
- Depauw, Jacques. "Illicit Sexual Activity and Society in Eighteenth-Century Nantes." Translated by Elborg Forster. In *Family and Society: Selections from the Annales Economies, Sociétés, Civilisations*. Edited by Robert Forster and Orest Ranum, 175-91. Baltimore: John Hopkins University Press, 1976.
- Fairchilds, Cissie C. "Female Sexual Attitudes and the Rise of Illegitimacy: A Case Study." *Journal of Interdisciplinary History* 8, no. 4 (Spring 1978): 627-67.
- Farr, Ian. "'Tradition' and the Peasantry: On the Modern Historiography of Rural Germany." In *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*. Edited by Richard J. Evans and W. Robert Lee, 1-36. London: Croom Helm, 1986.
- Ferguson, Laraine K. "Bavarian Marriage Proclamation and Residency Files." *German Genealogical Digest* 5, no. 4 (Fall 1989): 129-34.
- Flandrin, Jean-Louis. "Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times." *Journal of Family History* 2 (1977): 197-210.
- Gandy, G. N. Review of *Bastardy and Its Comparative History*. Edited by Peter Laslett et al. *The Economic History Review*, new series 34, no. 1 (1981): 183.
- Guinnane, Timothy W. "Population and the Economy in Germany, 1800-1990." In *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols. Edited by Sheilagh Ogilvie and Richard Overy, 35-70. London: Arnold, 2003.
- Heinrich, Christel. "Peasant Customs and Social Structure: Rural Marriage Festivals in the Magdeburg Region in the 1920s." Translated W. Robert Lee. In *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*. Edited by Richard J. Evans and W. Robert Lee, 224-34. London: Croom Helm, 1986.
- Heydenreuter, Reinhard. "Landesherrliche Ehebeschränkungen im Herzogtum, Kurfürstentum und Königreich Bayern." *Archiv für Familiengeschichtsforschung* 3 (September 1997): 177-89.
- Kaschuba, Wolfgang. "Peasants and Others: The Historical Contours of Village Class Society." Translated by Eric Clare and Richard J. Evans. In *The German*

Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries. Edited by Richard J. Evans and W. Robert Lee, 235-64. London: Croom Helm, 1986.

Knodel, John E. "Law, Marriage and Illegitimacy in Nineteenth-Century Germany." *Populations Studies* 20 (1966-67): 279-94.

Jütte, Robert. "Poverty and Poor Relief." In *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols. Edited by Sheilagh Ogilvie, 377-404. London: Arnold, 1996.

Laslett, Peter. "Introduction: Comparing Illegitimacy over Time and Between Cultures." In *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany Sweden, North America, Jamaica and Japan*. Edited by Peter Laslett, Karla Oosterveen and Richard M. Smith, 1-70. Cambridge, MA.: Harvard University Press, 1980.

Lee, W. Robert. "Bastardy and the Socioeconomic Structure of South Germany." *Journal of Interdisciplinary History* 7, no. 3 (Winter 1977): 403-25.

_____. "Family and 'Modernisation': The Peasant Family and Social Change in Nineteenth-Century Bavaria." In *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-Century Germany*. Edited by Richard J. Evans and W. Robert Lee, 84-119. London: Croom Helm, 1981.

_____. "The German Family: A Critical Survey of the Current State of Historical Research." In *The German Family: Essays on the Social History of the Family in Nineteenth- and Twentieth-century Germany*. Edited by Richard J. Evans and W. Robert Lee, 19-50. London: Croom Helm, 1981.

Macfarlane, Alan. "Illegitimacy and Illegitimates in English History." In *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany Sweden, North America, Jamaica and Japan*. Edited by Peter Laslett, Karla Oosterveen and Richard M. Smith, 71-85. Cambridge, MA.: Harvard University Press, 1980.

Medick, Hans. "The Proto-Industrial Family Economy: The Structural Formation of Household and Family During the Transition from Peasant Society to Industrial Capitalism." *Social History* 1 (1976), 291-315.

_____. "Village Spinning Bees: Sexual Culture and Free Time among Rural Youth in Early Modern Germany." In *Interest and Emotion: Essays on the Study of Family and Kinship*. Edited by Hans Medick and David Warren Sabean, 317-39. Cambridge: Cambridge University Press, 1984.

- Mendels, Franklin F. "Proto-Industrialization: The First Phase of the Industrialization Process." *The Journal of Economic History* 32, no. 1 (March 1972): 241-61.
- Mills, Elizabeth Shown. "Review Essay: Academic Forays into Thematic Family History: Two Families, Two Worlds, Two Outcomes." *National Genealogical Society Quarterly* 92, no. 3 (September 2004): 209-17.
- Moeller, Robert G. "Introduction: Locating Peasants and Lords in Modern German Historiography." In *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*. Edited by Robert G. Moeller, 1-17. Boston: Allen & Unwin, 1986.
- Mörke, Olaf. "Social Structure." Translated by Sheilagh Ogilvie. In *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols. Edited by Sheilagh Ogilvie, 134-63. London: Arnold, 1996.
- Mooser, Josef. "Property and Wood Theft: Agrarian Capitalism and Social Conflict in Rural Society, 1800-50: A Westphalian Case Study." In *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*. Edited by Robert G. Moeller, 52-80. Boston: Allen & Unwin, 1986.
- Olson, Pamela. "Bundling: A Quaint Colonial American Custom." *Heritage Quest* 20 (1989): 62-6.
- Osmond, Jonathan. "Land, Peasant and Lord in German Agriculture Since 1800." In *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols. Edited by Sheilagh Ogilvie and Richard Overy, 71-104. London: Arnold, 2003.
- Plaul, Hainer. "The Rural Proletariat: The Everyday Life of Rural Labourers in the Magdeburg Region, 1830-1880." Translated by Cathleen S. Catt, Richard J. Evans and W. Robert Lee. In *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*. Edited by Richard J. Evans and W. Robert Lee, 102-28. London: Croom Helm, 1986.
- Rosenband, Leonhard N. "Social Capital in the Early Industrial Revolution." In *Patterns of Social Capital: Stability and Change in Historical Perspective*, 97-119. Cambridge: Cambridge University Press, 2001.
- Sabeau, David Warren. "Aspects of Kinship Behaviour and Property in Rural Western Europe before 1800." In *Family and Inheritance: Rural Society in Western Europe, 1200-1800*. Edited by Jack Goody, Joan Thirsk, and E. P. Thompson, 96-111. Cambridge: Cambridge University Press.
- Safley, Thomas Max. "Production, Transaction, and Proletarianization: The Textile Industry in Upper Swabia, 1580-1660." In *The Workplace before the Factory*:

Artisans and Proletarians, 1500-1800. Edited by Thomas Max Safley and Leonhard N. Rosenband, 118-45. Ithaca: Cornell University Press, 1993.

- Schomerus, Heilwig. "The Family Life-cycle: A Study of Factory Workers in Nineteenth-Century Württemberg." In *The German Family*. Edited by Richard J. Evans and W. Robert Lee, 175-93. London, Croom Helm, 1981.
- Schremmer, Eckart. "The Textile Industry in South Germany 1750 to 1850: Some Causes for the Technological Backwardness during the Industrial Revolution; Investment Approach and Structure Approach." *Textile History* 7, no. 1 (1976): 60-89.
- Schubert, Ernest. "Daily Life, Consumption, and Material Culture." Translated by Sheilagh Ogilvie. In *Germany: A New Social and Economic History, vol. 2, 1630-1800*, 3 vols. Edited by Sheilagh Ogilvie, 350-76. London: Arnold, 1996.
- Schulte, Regina. "Infanticide in Rural Bavaria in the Nineteenth Century." In *Interest and Emotion, Essays on the Study of Family and Kinship*. Edited by Hans Medick and David Warren Sabean, 75-102. Cambridge: Cambridge University Press, 1984.
- _____. "Peasants and Farmers' Maids: Female Farm Servants in Bavaria at the End of the Nineteenth Century." Translated by Cathleen S. Catt. In *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*. Edited by Richard J. Evans and W. Robert Lee, 158-73. London: Croom Helm, 1986.
- Shorter, Edward. "Bastardy in South Germany: A Comment." *Journal of Interdisciplinary History* 8, no. 3 (Winter 1978): 459-69.
- _____. "Capitalism, Culture and Sexuality: Some Competing Models." *Social Science Quarterly* 53 (1972): 338-56.
- _____. "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe." In *Marriage and Fertility: Studies in Interdisciplinary History*. Edited by Robert I. Rotberg and Theodore K. Rabb, 85-120. Princeton: Princeton University Press, 1980.
- _____. "Sexual Change and Illegitimacy: The European Experience." In *Modern European Social History*. Edited by Robert J. Bezucha, 231- 69. Lexington, MA.: D.C. Heath Co., 1972.
- Tilly, Louise A., Joan W. Scott, and Miriam Cohen. "Women's Work and European Fertility Patterns." *Journal of Interdisciplinary History* 6, no. 3 (Winter 1976): 447-76.

- Tipton, Frank B. "The Regional Dimension: Economic Geography, Economic Development, and National Integration in the Nineteenth and Twentieth Centuries." In *Germany: A New Social and Economic History, vol. 3, Since 1800*, 3 vols. Edited by Sheilagh Ogilvie and Richard Overby, 1-34. London: Arnold, 2003.

BOOKS

- Bedal, Konrad. *Häuser und Landschaft: Bilder und Eindrücke aus dem Freilandmuseum in Bad Windsheim*. Bad Windsheim: Fränkisches Freilandmuseum, 2002.
- Benecke, Gerhard. *Society and Politics in Germany: 1500-1750*. London: Routledge and Kegan Paul, 1974.
- Bergmeier, Monika. *Wirtschaftsleben und Mentalität, Modernisierung im Spiegel der bayerischen Physikatsberichte 1858-1862, Mittelfranken, Unterfranken, Schwaben, Pfalz, Oberpfalz*. Munich: Herbert Utz Verlag, 1990.
- Biebinger, Wilhelm. *Pfarrbücherverzeichnis für die Evang.-Lutherische und Evang.-Reformierte Kirche des rechtsrheinischen Bayerns*. Pfarrbücherverzeichnisse für das rechtsrheinische Bayern, Heft 8. Munich: Theodor Ackermann, 1940.
- Blackbourn, David. *The Long Nineteenth Century: A History of Germany, 1780-1918*. New York: Oxford University Press, 1997.
- Blanning, T. C. W. *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792-1802*. Oxford: Oxford University Press, 1984.
- Blum, Jerome. *The End of the Old Order in Rural Europe*. Princeton: Princeton University Press, 1978.
- Chevalier, Louis. *Laboring Classes and Dangerous Classes in Paris During the First Half of the Nineteenth Century*. Translated by Frank Jellinck. New York: Howard Fertig, 1973.
- Dallhammer, Hermann, and Werner Bürger. *Ansbach: Geschichte Einter Stadt*. Ansbach: Hercynia Verlag, 1993.
- Davis, Natalie Zemon. *Society and Culture in Early Modern France*. Stanford: Stanford University Press, 1975.
- Dixon, C. Scott. *The Reformation and Rural Society: The Parishes of Brandenburg-Ansbach-Kulmbach, 1528-1603*. Cambridge Studies in Early Modern History. Cambridge: Cambridge University Press, 1996.

- Eisenmann, Joseph Anton and Carl Friedrich Hohn. *Topo-Geographisch-statistisches Lexicon von Königreiche Bayern, oder alphabetische Beschreibung aller im Königreiche Bayern enthaltenen Kreise*, 2 vols. Erlangen: Palm und Enke, 1831.
- Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Ithaca: Cornell University Press, 2003.
- Flinn, Michael W. *The European Demographic System, 1500-1820*, The Johns Hopkins Symposia in Comparative History. Baltimore: The Johns Hopkins University Press, 1985.
- Foucault, Michel. *Madness and Civilization: A History of Insanity in the Age of Reason*. Translated by Richard Howard. New York: Pantheon Books, 1965.
- Gagliardo, John G. *From Pariah to Patriot: The Changing Image of the German Peasant, 1770-1840*. Lexington: University Press of Kentucky, 1969.
- Grimm, Jacob, and Wilhelm Grimm. *Deutsches Wörterbuch*, 16 vols. in 33. Leipzig: S. Hirzel, 1854-1971, reprint Munich: Deutscher Taschenbuch Verlag, 1984.
- Gullickson, Gay L. *Spinners and Weavers of Auffay: Rural Industry and the Sexual Division of Labor in a French Village, 1750-1850*. Cambridge: Cambridge University Press, 1986.
- Haber Kern, Eugen, and Joseph Friedrich Wallach. *Hilfswörterbuch für Historiker Mittelalter und Neuzeit*. Tübingen: A. Francke Verlag, 2001.
- Haller, Elfi M. *Karl August Freiherr von Hardenberg: Königl. Preuß. wirklicher Geh. Staats-Kriegs-Cabinets- u. Regierender-Minister über die Fürstentümer Ansbach-Bayreuth u. Chef der Bank in Franken*. Munich: Bayerische Vereinsbank, 1987.
- Hartley, Shirley Foster. *Illegitimacy*. Berkeley: University of California Press, 1975.
- Hancock, Ian. *The Pariah Syndrome: An Account of Gypsy Slavery and Persecution*. Ann Arbor: Karoma Publisher, 1987.
- Haun, Friedrich Johannes. *Bauer und Gutsherr in Kursachsen, Schilderung der Ländlichen Wirtschaft und Verfassung, im 16., 17. und 18. Jahrhundert*. Strasbourg: Verlag von Karl J. Trübner, 1892. Reprint, Papsdorf: Familienarchiv, 2000.
- Henderson, William Otto. *The Industrialization of Europe: 1780-1914*. N.p. Harcourt, Brace & World, 1969.
- Hof- und Staats-Handbuch des Königreichs Baiern, 1819*. Munich: 1819.

- Hof- und Staats-Handbuch des Königreichs Baiern, 1824.* Munich: 1824.
- Holborn, Hajo. *A History of Modern Germany: The Reformation.* Princeton: Princeton University Press, 1959.
- _____. *A History of Modern Germany: 1648-1840.* Princeton: Princeton University Press, 1964.
- Hufton, Olwen. *The Poor of Eighteenth-Century France, 1750-1789.* Oxford: Clarendon Press, 1974.
- _____. *The Prospect Before Her: A History of Women in Western Europe, vol. 1: 1500-1800.* New York: Alfred A. Knopf, 1996.
- Hull, Isabel V. *Sexuality, State, and Civil Society in Germany, 1700-1815.* Ithaca: Cornell University Press, 1996.
- Junkelmann, Marcus. *Napoleon und Bayern: Von den Anfängen des Königreiches.* Regensburg: Verlag Friedrich Pustet, 1985.
- Knodel, John E. *Demographic Behavior in the Past: A Study of Fourteen German Village Populations in the Eighteenth and Nineteenth Centuries,* Cambridge Studies in Population, Economy and Society in Past Time, vol. 6. Cambridge: Cambridge University Press, 1988.
- Kramer, Karl Sigismund. *Volksleben im Fürstentum Ansbach und Seinen Nachbargebieten (1500-1800), Eine Volkskunde Auf Grund Archivalischer Quellen,* Beiträge zur Volkstumsforschung: Band 13, Veröffentlichungen der Gesellschaft für Fränkische Geschichte, Reihe IX, Darstellungen aus der fränkischen Geschichte: Band 15. Würzburg: Ferdinand Schöningh, 1961.
- Krauß, Eberhard. *Exulanten im Evang.-Luth. Dekanat Ansbach.* Nürnberg: Gesellschaft für Familienforschung in Franken, 2004.
- Kybalová, Ludmila, Olga Herbenová, and Milena Lamarová. *The Pictorial Encyclopedia of Fashion.* Translated by Claudia Rosoux. New York: Crown Publishers, 1968.
- Laslett, Peter. *Family Life and Illicit Love in Earlier Generations: Essays in Historical Sociology.* Cambridge: Cambridge University Press, 1977.
- Landes, David. *The Rise of Capitalism.* New York: MacMillan, 1966.
- Lee, W. Robert. *Population Growth, Economic Development and Social Change in Bavaria.* New York: Arno Press, 1977.

- Mayall, David. *Gypsy-travelers in Nineteenth-century Society*. Cambridge: Cambridge University Press, 1988.
- Maynes, Mary Jo. *Taking the Hard Road: Life Course in French and German Workers' Autobiographies in the Era of Industrialization*. Chapel Hill: University of North Carolina Press, 1995.
- McNaughton, Arnold. *The Book of Kings: A Royal Genealogy*, 3 vols. London: Garnstone Press, 1973.
- Meinecke, Friedrich. *The Age of German Liberation, 1795-1815*. Translated by Peter Paret and Helmuth Fischer. Berkeley: University of California Press, 1977.
- Melton, James Van Horn. *Absolutism and the Eighteenth-century Origins of Compulsory Schooling in Prussia and Austria*. Cambridge: Cambridge University Press, 1988.
- Meyer, Herrmann Julius. *Meyers Konversations-Lexikon: eine Encyclopädie des allgemeinen Wissens*, 19 Vols. Leipzig: Bibliographisches Institute, 1885-1892.
- Moch, Leslie Page. *Moving Europeans: Migration in Western Europe since 1650*. Bloomington: Indiana University Press, 1992.
- Ogilvie, Sheilagh C. *State Corporatism and Proto-Industry: The Wurttemberg Black Forest, 1580 - 1797*. Cambridge Studies in Population, Economy and Society in Past Time, no. 33. New York: Cambridge University Press, 1997.
- Ozment, Steven E. *The Bürgermeister's Daughter: Scandal in a Sixteenth-century German Town*. New York: St. Martin's Press, 1996.
- Phayer, J. Michael. *Sexual Liberation and Religion in Nineteenth Century Europe*. London: Croom Helm, 1977.
- Rabe, Robert. *German Professions of the Eighteenth and Nineteenth Centuries*. Bainbridge Island, WA: Ravenhurst Castle Press, 1995.
- Rechter, Gerhard. *Das Land zwischen Aisch und Rezat: Die Kommende Virnsberg Deutschen Ordens und die Rittergüter im oberen Zenngrund*. Schriften des Zentralinstituts für Fränkische Landeskunde und Allgemeine Regionalforschung an der Universität Erlangen-Nürnberg, Bb. 20. Neustadt an der Aisch: Verlag Degener, 1981.
- Sabean, David Warren. *Kinship in Neckarhausen, 1700-1870*. Cambridge: Cambridge University Press, 1998.

- _____. *Power in the Blood: Popular Cultures and Village Discourse in Early Modern Germany*. Cambridge: Cambridge University Press, 1984.
- _____. *Property, Production, and Family in Neckarhausen: 1780-1870*. Cambridge: Cambridge University Press, 1990.
- Safley, Thomas Max. *Let No Man Put Asunder: The Control of Marriage in the German Southwest: A Comparative Study, 1550-1600*. Kirksville, MO: The Sixteenth Century Journal Press, 1984.
- _____. *Matheus Miller's Memoir: A Merchant's Life in the Seventeenth Century*. New York: St. Martin's Press, 2000.
- Schleunes, Karl A. *Schooling and Society: The Politics of Education in Prussia and Bavaria: 1750-1900*. Oxford: St. Martin's Press, 1989.
- Schmidt, Uwe E. *Der Wald in Deutschland im 18. und 19. Jahrhundert: Das Problem der Ressourcenknappheit Dargestellt am Beispiel der Waldressourcenknappheit in Deutschland im 18. und 19. Jahrhundert – Eine Historisch-Politische Analyse*. Saarbrücken: Conte Verlag, 2002.
- Schubert, Ernst. *Arme Leute Bettler und Gauner im Franken des 18. Jahrhunderts, Darstellungen aus der Fränkischen Geschichte, Band 26*. Neustadt an der Aisch: Kommissionsverlag Degener & Co., 1990.
- Schuhmann, Günther. *Die Markgrafen von Brandenburg-Ansbach: Eine Bilddokumentation zur Geschichte der Hohenzollern in Franken*. Ansbach: Selbstverlag des Historischen Vereins für Mittelfranken, 1980.
- Schulte, Regina. *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910*. Translated by Barrie Selman. Cambridge: Cambridge University Press, 1994.
- Simon, Matthias. *Ansbachisches Pfarrbuch: Die evangelisch-lutherische Geistlichkeit des Fürstentums Brandenburg-Ansbach, 1528-1806*, Einzelarbeiten aus der Kirchengeschichte Bayerns, Band 28, 3 vols. Nürnberg: Verein für bayerische Kirchengeschichte, 1957.
- Shorter, Edward. *The Making of the Modern Family*. New York: Basic Books, 1975.
- _____. *A History of Psychiatry: From the Era of the Asylum to the Age of Prozac*. New York: John Wiley & Sons, 1997.
- Small, Albion Woodbury. *The Cameralists: The Pioneers of German Social Polity*. Chicago, 1909.

- Smith, H. Clifford. *Jewellery*. N.p.: Methuen & Co., 1908. Reprint, Menston, Yorkshire: EP Publishing Limited, 1973.
- Sperber, Jonathan. *Rhineland Radicals: The Democratic Movement and the Revolution of 1848-1849*. Princeton: Princeton University Press, 1991.
- Spindler, Max. *Handbuch der Bayerischen Geschichte*, 4 vols. in 6. Franken, Schwaben, Oberpfalz bis zum Ausgang des 18. Jahrhunderts, Band 3. Munich: C. H. Beck, 1966-1975.
- Stuart, Kathy. *Defiled Trades and Social Outcasts: Honor and Ritual Pollution in Early Modern Germany*. Cambridge: Cambridge University Press, 2000.
- Stökel, Arno. *Christian Friedrich Carl Alexander: Der letzte Markgraf von Ansbach-Bayreuth*. Ansbach: Wiedfeld & Mehl, 1995.
- Stolleis, Michael. *Public Law in Germany, 1800-1914*. New York: Berghahn Books, 2001.
- Sutherland, D. M. G. *France 1789-1815: Revolution and Counterrevolution*. London: Fontana Press, 1985.
- Szasz, Thomas S. *The Manufacture of Madness: A Comparative Study of the Inquisition and the Mental Health Movement*. New York: Harper & Row, 1970.
- Thode, Ernest. *German English Genealogical Dictionary*. Baltimore: Genealogical Publishing Co., 1992.
- Ulbricht, Otto. *Kindschmord und Aufklärung in Deutschland, Ancien Régime, Aufklärung und Revolution*, vol. 18. Munich: R. Oldenbourg, 1990.
- Walker, Mack. *German Home Towns: Community, State and General Estate, 1648-1871*. Ithaca: Cornell University Press, 1971.
- Werner, George S. *Bavaria in the German Confederation, 1820-1848*. Rutherford: Fairleigh Dickinson University Press, 1977.
- Werner, Oscar Helmuth. *The Unmarried Mother in German Literature, with Special Reference to the Period 1770-1800*. New York: Ams Press, 1966.
- Williams, Michael. *Americans and Their Forests: A Historical Geography*. Cambridge: Cambridge University Press, 1989.
- Wrigley, E. Anthony, et al. *English Population History From Family Reconstitution: 1580-1837*. Cambridge: Cambridge University Press, 1997.

Zeldin, Theodore, ed. *Conflicts in French Society: Anticlericalism, Education and Morals in the Nineteenth Century*. London: George Allen and Unwin Ltd., 1970.

UNPUBLISHED MATERIAL

Rechter, Gerhard. "The Situation of the Jews in Modern Bavaria after 1806: The Origin of Modern Bavaria and Administrative Reforms." Unpublished manuscript from the StAN, [ca. 2002].

DISSERTATION

Adair, Richard Llewellyn. "Regional Variations in Illegitimacy and Courtship Behaviour in England, 1538-1754." Ph.D. diss. University of Cambridge, 1991.

INTERNET SOURCES

"Ashery, Kirtland, Ohio." <<http://www.lds.org/placestovisit/location/0,10634,455-1-1-1,00.html>>, accessed February 21, 2006.

Bloy, Marjie. "The Congress of Vienna, 1 November 1814 - 8 June 1815," The Victorian Web. <<http://www.victorianweb.org/history/forpol/vienna.html>>, accessed December 16, 2006.

Classic Encyclopedia. <http://www.1911encyclopedia.org/Main_Page>, accessed December 16 and 27, 2006.

Dean, Peter J. "Napoleon as a Military Commander: The Limitations of Genius." <http://www.Napoleon-series.org/research/Napoleonic_genius.html>, accessed December 16, 2006.

Dunne, George. "Charcoal," *Nature Bulletin*, no. 310, Forest Preserve District of Cook County, (June 1984):1-3. <<http://www.regia.org/charcoal.htm>>, accessed May 16, 2006.

Gundacker, Felix. "Exulanten." <http://www.ihff.at/IHFF_Exulantene.htm>, accessed July 15, 2006.

"The Hohenzollern Dynasty." <http://www.west.net/~antipas/protected_files/news/europe/hohenzollerns.html>, accessed March 31, 2006.

Napoleonic Guide. "Jean-Baptiste Bernadotte, French Marshal, King of Sweden, Prince de Ponte Corvo." <http://www.mapoleonguide.com/marshal_bernadotte.htm>, accessed January 5, 2007.

Ogilvie, Sheilagh. "How Does Social Capital Affect Women? Guilds and Communities in Early Modern German," *The American Historical Review*, vol. 109:2, paragraph 10, <<http://www.historycooperative.org/journals/ahr/109.2/ogilvie.html>>, accessed July 18, 2005.

Rudy's List of Archaic Medical Terms.

<<http://www.antiquusmorbus.com/German/GermanL.htm>>, accessed January 5, 2007.

Wikipedia. <http://en.wikipedia.org/wiki/Main_Page>, accessed March 21, 2006, February 27, 2006, December 27, 2006, and January 5, 2007.