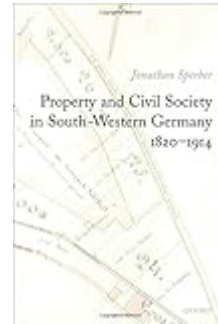




**Jonathan Sperber.** *Property and Civil Society in South-Western Germany, 1820-1914.* Oxford: Oxford University Press, 2005. vi + 287 pp. \$99.00 (cloth), ISBN 978-0-19-928475-7.



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## **An Intriguing History of Private Property, But Not Necessarily of Civil Society**

With his new book, Jonathan Sperber aims to connect research on civil society with research on private property. For this purpose, he chose to study civil court records (paternity suits, bankruptcy and mental competency hearings, and other forms of civil litigation) from the Palatinate for the period from 1820 to 1914. He divides his book into four chapters. The first three chapters focus on basic aspects of private property in society: acquisition and transmission, transactions, and boundaries, while the fourth chapter provides more of a synthesis and periodization in property relationships.

The first chapter discusses the role of property in family life following the life cycle. Sperber suggests here that the intergenerational transmission of property was not chained to events such as death and inheritance. Instead, property was given from one family member to another across a number of years within a "regime of expectations." He argues that "every aspect of family life came with expectations about appropriate use of property" (p. 72). Further, Sperber claims "that emotional relations in family life were articulated through the use of property" (p. 126). The second chapter, in my opin-

ion the most intriguing one, discusses various forms of transactions and includes a thought-provoking discussion of credit. For Sperber, credit "was a central element linking together nineteenth-century civil society" (p. 19), since the "granting and taking of credit formed a network" (p. 74) that connected various individuals. Although one might disagree with the linking of credit to civil society, Sperber's discussion of the contrast between economic self-interest and trust (relying on someone's word or making oral agreements) is extremely enlightening. The third chapter discusses the drawing of boundaries between properties and between different socially and religiously defined groups. Sperber's discussion of two court cases about mentally insane people will catch the reader's eye. The care of property seems to have become, in the nineteenth-century Palatinate, a decisive marker of the distinction between sanity and insanity. In two cases, judges refused to declare people mentally incompetent because "both individuals were up on their property, worked at it, and conducted transactions in it to the best result" (p. 151). Property and the use of it thus played a significant role in the drawing and redrawing of boundaries in nineteenth-century everyday life.

In his fourth chapter, Sperber synthesizes patterns and changes in property relations that occurred throughout the nineteenth century. He distinguishes four periods: first, the “winding up of the old regime” in the years 1815-55; then, a “period of prosperity and economic growth” in the period from 1855 to 1875); subsequently, a “decline of the ideas and practices of laissez-faire” during the phase 1875-95; and finally, the Wilhelmine era.

Looking at the scholarship on the German *Bürgerertum*, Sperber reminds us that civil society has too often been taken as a synonym for Jürgen Habermas’s concept of the public sphere (p. 2). In his introduction, Sperber repeats the criticisms of other American philanthropy researchers such as David Hammack, who consider research on German philanthropy throughout the nineteenth century flawed because of its one-sided focus on bourgeois involvement in civil society. Hammack and Sperber are certainly correct that we need to expand research on civil society to include social groups that were not involved in associations in the first half of the nineteenth century. Such a shift would open the doors to a reconsideration and reevaluation of the role that women and members of the lower classes played in emerging civil society. It would also offer a new framework for the study of working-class activism (in the form of associational life) in the second half of the nineteenth century.

Sperber rightfully points out that an approach focused on the actions of the *Bürgerertum* only “omits a central aspect of civil society in its characteristic as a body of social practices standing between the family and the state” (p. 3). This aspect was, according to Sperber, “the free disposition of property, its acquisition and intergenerational transmission, transactions in it, and the whole sphere of cultural practices and representations that developed around it” (p. 3). However, Sperber seems to have disregarded the growing body of literature on nineteenth-century philanthropy and foundations. While this newer field of research is also rooted in concepts of civil society and research about the *Bürgerertum*, it focuses on the transfer of private property to the public associations and institutions that formed the backbone of nineteenth-century civil society.

For reasons not obviously clear to me, Sperber decided to exclude transactions of private property to public institutions, foundations, and associations. Instead, he decided to limit his study to an evaluation of documents that pertain to the transfer of property within the market and the family.

In his very brief introduction to the concept of civil society, Sperber, like so many before him, suggests placing the revival of the concept of civil society in eastern Europe throughout the 1970s and 1980s within a pan-European, transatlantic renaissance.[1] Although I am not a specialist on eastern European history, I lived through that period and if my memory does not deceive me, East Germany’s attempts at reclaiming civil society were decisively distinct from western European and American concepts of civil society. In eastern Europe, the revival of civil society was closely connected to political and cultural emancipation, but did not focus on the restoration of private property rights. One should consider, for instance, suggestions by Wolfgang Ullmann and Konrad Weiß to distribute *Volkseigentum* among the citizens of the GDR through a specially created *Treuhandgesellschaft*. This *Treuhand* was founded with a mandate not to privatize East German nationalized property but to turn it into socialized property. Such stakeholder concepts are not characteristic of western European and North American societies. To be sure, individuals own shares in these societies, but there is no concept of socializing private property in these cultures. This difference might be of particular importance for a study that focuses on property rights.

Sperber’s study is without a doubt a superb analysis of private property and the relations that sprung from it in nineteenth-century Germany. The same cannot be said about its contribution to discussions about civil society.

#### Note

[1]. See, for instance, Frank Trentmann, ed., *Paradoxes of Civil Society: New Perspectives on Modern German and British History* (New York: Berghahn Books, 2003); and John Keane, *Civil Society Berlin Perspectives* (New York: Berghahn Books, 2006).

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