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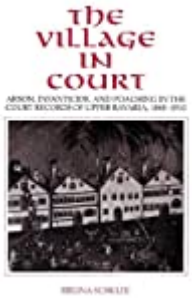

Regina Schulte. *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848-1910.* New York and Cambridge: Cambridge University Press, 1994. vii + 199 pp. $74.95 (cloth), ISBN 978-0-521-43186-6.

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This is not a criminological study, but rather an attempt to use crime to reconstruct the mental world of the village at a time when traditional peasant culture was increasingly penetrated by the world of the bourgeoisie. It is based on court records for Upper Bavaria regarding the three most typical rural crimes: arson, infanticide and poaching (one hundred fourteen, sixty, and seventy cases, respectively, roughly from the years 1880 to 1910). The choice of this region is apparently based on the author's conviction that here was to be found "a peasantry more egalitarian and self-assured than anywhere else in Germany or in Europe" (20). The author is interested in the ways in which the bourgeois world confronted that of the peasant. The problems in using texts produced by bourgeois society to study peasant society are compounded by the bourgeois mind-set of the scholarly world. To overcome these biases, the author employs established anthropological and psychoanalytic methodologies, as well as a textual analysis that tries to uncover the "latent layers of text." Here, she searches for fragmentary insights into the unreflected, even unconscious subjective reality of the peasant world. This is the heart and soul of her study, not her superficial analysis of the "bourgeois" realm of law, government, and the courts system, which largely ignores the complex relationship between the bourgeoisie and the nobility. Her analysis of court psychiatrists and criminal psychologists as representatives of bourgeois science is somewhat more convincing, though their impact on village society remains somewhat nebulous.

Though her conclusions do not come as a surprise to anyone familiar with the history of the German peasantry, Schulte certainly presents a detailed, vivid recreation of important facets of the peasants' cultural system. Arson points to the centrality of property in peasant life, as well as to the importance of the household in the village community. Arson was generally an act of revenge, one which struck at the heart of the owner's material existence. The conflict that led to arson generally arose in the family or household (the basic unit of peasant society, consisting of the nuclear family plus farm maids and farmhands). It was a way to defend family honor, to get back at unloving parents or children, to settle scores in conflicts over inheritance, to avenge oneself against one's master, or to commit "social suicide" after the failure of a marriage. Schulte sees the psychological mechanism behind arson as essentially male, arising from the exclusion of a man from the household. Here, her psychological analysis enters the realm of speculation: "Being excluded from the circle around the fire may thus have meant not only the loss of family and household but, at a deeper psychological level, the loss of the mother and wife, the original provider of food and

warmth. Perhaps most arsonists were men because unlike the women, they had no independent access to the hearth, to food and warmth, and because they had never learned, as the women had, to protect the fire"(55). Peasants greatly feared arson, and showed no sympathy with arsonists. At the same time, village society tended to brand as arsonists or potential arsonists individuals who had a reputation for laziness or thievery. These outsiders hardly had a chance to escape from a web of social exclusion; because they were feared, they were ostracized and given no work. Homeless and destitute, such individuals in fact might have stolen or committed arson to avenge themselves for their exclusion from the village community.

Schulte argues that while the quintessential male act of violence sought redress, or at least psychological relief, by seeking attention, the most typical female act of violence was committed secretly, buried in the female sphere. Infanticide was generally committed by single farm maids, who hid their pregnancy and gave birth in secret. Their motivations had little or nothing to do with bourgeois concepts of sexual morality. In fact, as is well known, illegitimate births were not considered a disgrace in Bavarian peasant society, and were quite common. Couples often married later. Maids who had illegitimate children left them in foster care or with their parents, and women who killed their newborns were often already mothers. Schulte sees the most typical case as that of the maid who was unsure about the paternity of her child or who was impregnated by a man who clearly did not intend to ever marry her. Branded a "wanton" woman, a maid's prospects for future employment were dim, and the danger of destitution quite real. Schulte does not fully explore the more brutal cases of infanticide, which seem to imply rage. These could perhaps be tied to the sometimes cruelly authoritarian structures of the peasant household (hardly explored here), and could be the outcome of rape. Schulte does relate her analysis to what we know about attitudes towards children in traditional peasant society. The high child and infant mortality rate was tied to the practice of deliberate neglect (called *Engelmachen* in German) as a form of what was considered to be "postnatal family planning." Nevertheless, the utter lack of emotion on the part of both the women and the witnesses as well as the women's failure to try to baptize their children before death (customary in Catholic Bavaria) are somewhat surprising.

Poaching was a centuries-old rural practice, generally condoned by village society (though subject to severe punishment imposed by outside authorities). Schulte believes that this custom reflects the collective memory of ancient peasant hunting rights, lost in early modern times, as hunting became a privilege of the aristocracy. Peasants rebelled against the concept, imbedded in law, that forests and game could be private property. Though some peasants went poaching out of hunger or to protect crops from game, prosperous farmers also poached – out of habit rather than out of need. Illicit hunting was part of the initiation of young men into peasant society, as the author demonstrates in an analysis of numerous folk songs about poaching. Other songs, which told the story of a heroic poacher akin to Robin Hood, were paeans to peasant rebellion against outside authorities.

Schulte's study thus emphasizes the ways in which Bavarian peasant culture remained intact up until the eve of the First World War. It makes a modest contribution to the field. This readable, slim volume, originally a West German *Habilitation* (which first appeared in German in 1989), has been ably translated into English.