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“Inheritance, Succession and Familial Transfer in Rural Westphalia, 1800-1900.”

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1. Introduction

A classical argument in legal history has it that property is not a relation between persons and things but rather a relation between people (Sabeau, 1990, p. 18). Consequently, property rights are not a mere external determinant, but rather an integral aspect of gender relations. A closer look at the property rights of men and women will therefore help us to understand not only their respective chances to accumulate land or other holdings, but also their specific options to interact with people. An interest in the respective scope of action of men and women will necessarily lead us to the investigation of property. This includes an interest in how much land men and women had. Moreover, we are interested in the way property rights of men and women were defined and interpreted.

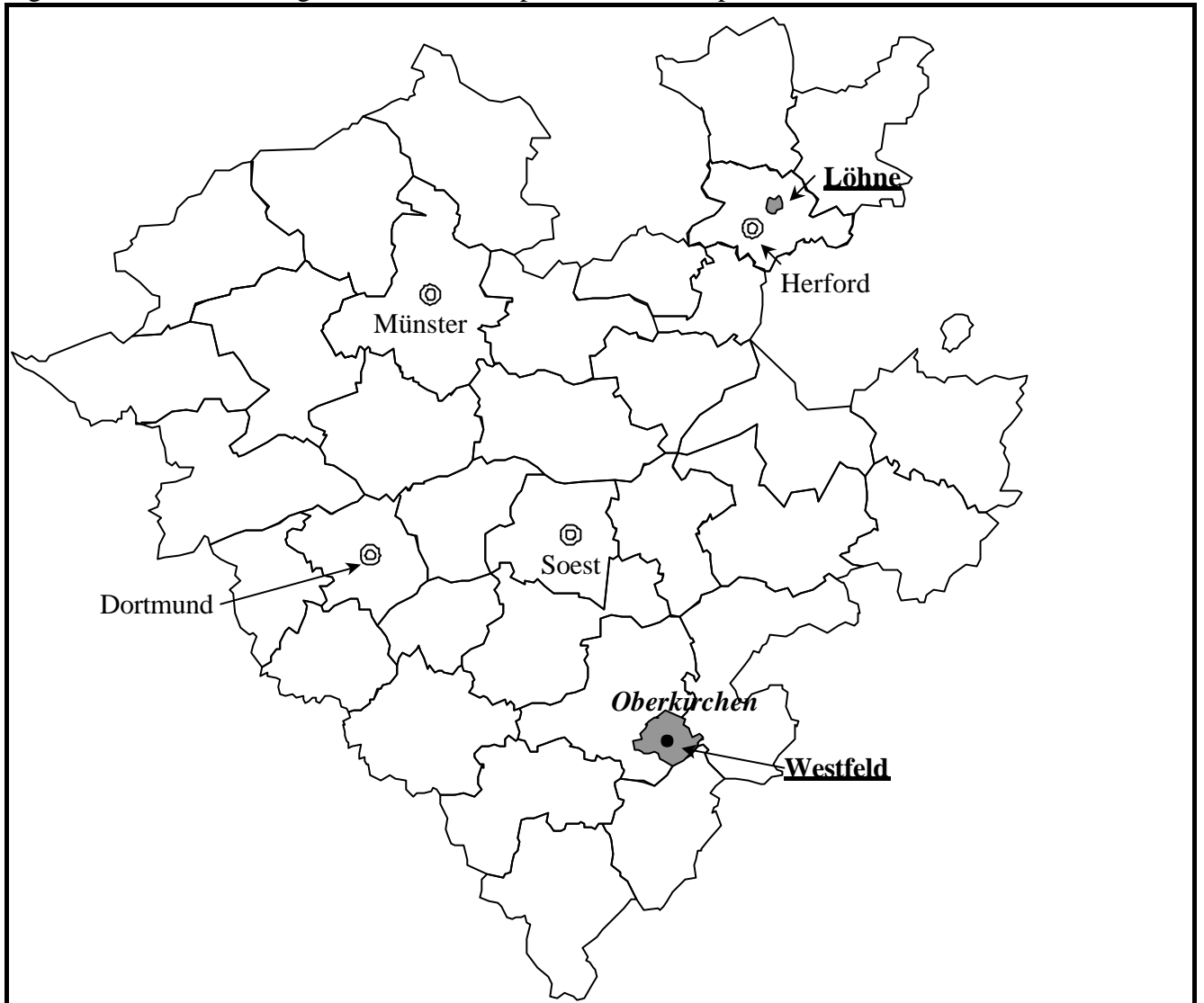
The most important spheres of laws we can look at concern succession and marital property. The first one is usually considered to divide Germany in two regions: in southern Germany peasant real estate was distributed among all inheriting children ('Realteilung'), while in the north-western parts one of the heirs succeeded in running the farm—property was transferred to one main heir (*Anerbe*), whilst the other heirs received claims ranging from temporal co-ownership of an undivided estate to mere claims to familial support, cash endowments, and hypothecs (Berkner, 1976, p. 73). The stereotypical *Anerbe*—as we can find him in contemporary discourse—was a male heir who succeeded to his fathers place.¹ From this perspective, men seemed to be privileged by their legal claim. But if that is so among the heirs, the situation of female and male co-heirs offers a counterbalance: co-inheriting women will be in a better position than their co-inheriting brothers. If most main heirs were male, the chances of female co-heirs to find a marriage partner with a legal claim to his parents' real estate were much better than their brothers' chances (Mohrmann, 1992, pp. 254-255; Schlumbohm, 1997, p. 423; Hohkamp, 1995, pp. 330-331). From this

perspective, it is an open question whether the overall position of sons or daughters was stronger.

Sons and daughters are not the only persons affected by the timing of property transfers.² The way in which property is transmitted and the point in the life cycle at which the property transfer takes place is also crucial for the old people, who transfer their property. Within a familial setting, the life transitions of the younger generation are connected to those of the older generation (Hareven, 1996, p. 5). So another central question will be if and how the legal situation and the practice of property transfer influenced the life chances of older men and women. Especially the position of widowed men and women and their strategies to secure their old age will be in the focus of this article.

In our paper we look at two rural places in 19th century Westphalia, a province in the western part of the former Kingdom of Prussia. Both communities are situated within a region that was (and is) characterised by the practice of undivided property transfer. One of them is *Westfeld*, a village of about 450 inhabitants. It is part of the Catholic parish *Oberkirchen*, located in a rather mountainous—not to say inhospitable—region in southern Westphalia. Here the conditions for agriculture were difficult, and many people were employed in other sources of income, including itinerant trade. Although farms were handed over undivided, legal constraints to division had been abolished during the Napoleonic period. The second place we look at is *Löhne*, near *Herford*, a Protestant parish with about 1.200 inhabitants. Here, the agricultural conditions were much better (although on a Westphalian scale, *Löhne* was still rather poor), and additionally people had the possibility to work in proto-industrial textile production (flax spinning by bound boarders, *Heuerlinge*). For most of the farms, there were formal legal impediments to subdivision up to 1848.

Figure 1: Examined Villages in the Prussian province of Westphalia



Map model: S. Reekers (1974). Gemeindegrenzen 1987, Suppl. to: *Westfälische Forschungen*, 26. Borders are those of the counties in the year 1865.

There is another important difference between the two areas we look at. While the overall pattern of succession in both areas is very similar, they differ widely in regard to marital property law. In *Löhne* married couples lived with joined property. At their marriage, both partners' property became one. The property was administered by the husband, but both partners were full joint owners of what they had owned separately before marriage. After the death of the husband, property and de facto administration of the entire property fell to the widow (Possel-Dölken, 1978, p.72).

In 19th century *Westfeld* we find another legal situation. Basically, Roman civil law ('Gemeinrecht') was valid in the former Dukedom of Westphalia Westfeld was a part of. This implied a system of separation of property in marriage (*ius dotale*). Each spouse kept his or her own property until it was transferred or bequeathed to children or other heirs. Women kept their property whether they were married or not. During the 19th century, some Prussian courts introduced a husband-friendly interpretation of the *ius dotale*: they claimed that the paraphernal property of the wife should be submitted to the administration and usufruct of the husband; other courts however reserved all rights to the wife (Possel-Dölken, 1978, p. 97). But even when female property was administered by the husband, it was secured against his grip in a case of conflict, and he was unable to transfer it to third parties.

Our discussion will follow the life cycle of rural property holders in the two villages. We shall first look at the younger generation (ch. 2): at those who took over the farm, and at those who left. Then we shall discuss the options of the older generation (ch. 3).

2. The young generation

Since in Westphalia peasant farms usually were not divided between several children, we have two groups to deal with: the main heirs who took over the farm, and their siblings who were portioned off and usually left the farm sooner or later. At first we shall examine the chances of men and women to become main heirs. If there is a preference for male successors, does that mean that women were excluded from succession as long as they had any living brothers? On the other hand, can we speak of a discrimination of daughters (and also sons) as co-heirs without examining their life course?

In our study, we examined a stock of property transfer contracts. We are reluctant to translate the German term, *Übergabevertrag*, as 'retirement contract' since they do not necessarily imply a change in the actual work and consumption routines on the farm. By

definition, they stipulate the transfer of property, not necessarily the retirement from work. The records in the contracts were linked to relational databases that have been built for a study on the land market (Fertig 2001). These databases give information on individual life courses (in other words, family reconstitutions of the two parishes), and on the size, quality, property claims, and hypothecs of parcels.

When looking at *Westfeld*, we can work with 58 contracts between two generations. This is the whole stock that has passed from the 19th century. These documents have been collected and linked with the database for Volker Lünemann's ongoing dissertation project.³ For *Löhne* we examined only a part of all extant peasant farm records; they have been evaluated in Christine Große's recent M.A. thesis (Große 2001). Here we have a sample of 50 contracts from 31 (out of about 100) farms. We decided to focus our study on contracts between two generations within families and to leave out other documents that concern property transfer. Our consideration was that these documents reflect the interests of all family members in a most valid way because of their character as a bargained agreement.

2.1 Peasant farm succession

Let us first look at the farm successors. In the transfer contracts in *Westfeld* property was usually transferred to only one person, undivided. There was only one case with a division of the peasant farm. In the year 1875 the widow Marianne Vorwald divided up the property to two of her sons and compensated a third son with some acres of farmland. The real estate consisted of some farmland Marianne Vorwald had been handed over by her mother and of more farmland her husband had bought together over a period of 30 years (# W228).

Table 1: Successors and retiring persons in *Westfeld*

	Couple	Widow	Widower	N	
Son		17	5	11	33
Daughter		9		3	12
Daughter and son-in-law		2	1	1	4
Son-in-law		2		2	4
Daughter-in-law (after son's death)				2	2
Children (heir community)			1	1	2
Brother-in-law			1		1
N		30	8	20	58

Source: Staatsarchiv Münster (StAMS), Grundakten (land records) Fredeburg.

We found only 6 contracts that transferred the property explicitly to more than one person. In 4 of these 6 contracts the property was handed down to a daughter and the son-in-law together. Only in two of those cases, there was a direct connection between the transfer and an ensuing marriage. In the other two contracts, the daughter and the son-in-law had been married for several years. In two cases the property was handed over to the children as an heir community without naming a main heir. In the remaining 52 other transfer contracts, the property was transferred to one single person, usually to a child of the retired couple or of the surviving spouse.

Table 1 shows the preference for male succession among the landowning families in *Westfeld*. In 57 percent (33 of 58) of the examined contracts the property was handed over to a son. In 50 percent of all cases (29) this was the eldest living son of the family. In 4 contracts the property was given to a younger son although an elder brother was still living.

Although sons were preferred to take over the property, daughters also could receive a holding. Even one brother-in-law took over a farm. In 2 contracts, a retiring couple and a retiring widower transferred their properties to unmarried daughters although in both cases elder brothers were alive. In the case of the retiring widower, the daughter should obviously replace the wife, who had died 6 months before the conclusion of the contract. The widower reserved the right to run the farm, but gave the property rights to his unmarried daughter.

Male succession was not pursued strictly: in 9 contracts the property was transferred to a daughter or a daughter and a son-in-law although younger brothers were still alive. Let us look at some of these cases in detail.

- The retiring couple Joseph and Maria Margaretha Belecke handed over the property to the eldest daughter and the prospective son-in-law. When the old couple decided to retire, their son was 4 years old—by far too young to run the farm. So the eldest daughter and her prospective husband were chosen as successors (# W25).
- In the contract of Franz Wilhelm Borchard and his wife Maria Anna, the property was transferred to the only daughter from the first marriage. The farm successor had half-brothers from the second marriage of her mother. These boys were compensated with a cash payment. The real estate was part of her mothers property and was not owned by her stepfather (# W27).
- The retiring couple Johann Hermann and Elisabeth Helwes was too weak to run the farm. So they decided to hand over to the eldest living child, the daughter Anna Maria Helwes, who married 3 weeks after the contract was made. Her brother was too young to take over. 3 months after the transfer, Johann Hermann Helwes died (# W47).
- The widow Theresia Vollmer handed over the farm to her daughter and the son-in-law, who already had run the farm for 4 years. Before that time the widow had run this farm on her own for 23 years. The unmarried younger brother received a compensation (# W 82)
- The widower Johann Hermann Anton König handed over his small estate to his eldest daughter. The two elder brothers had already married outside of *Westfeld*. The younger brother received a parcel of farmland as a compensation (# W 249).

- The widower Eberhard Jodokus Nüchel transferred his property to his daughter and his son-in-law. The younger brother has already received his compensation in form of support during his education as a teacher (# W114).

While these 6 cases of female farm succession can be explained, in 3 other cases (not listed) the reasons for not choosing the male succession are not really clear.

There was not always a preference to transfer the property to a consanguineal relative: In 4 contracts (listed below), the property was explicitly handed over to the son-in-law and not to the daughter. In 3 of these 4 contracts, the successor was the prospective son-in-law, and in 2 of these cases the contract was made contingent upon the future marriage.

- In the case of the Heimes farm, the property was sold to the prospective son-in-law, and a big share of the purchase price was used to compensate the younger siblings. The sons of the retiring couple were too young to take over the farm (# W38).
- The widower Johann Hermann Georg Rütting handed over his property to his prospective son-in-law, the younger unmarried son was compensated (# W47).
- The retiring widower Hermann Schmidt passed his property to his prospective son-in-law. The widower's only son of the was too young to run the farm(# W 208).
- The retiring couple Heinrich and Anna Gertrud Vollmers handed over their property explicitly to the son-in-law Friedrich Döpp and not to their daughter Maria Luzia. In this case, there was no possible male successor in the family (# W275).

In *Westfeld*, property transfers *inter vivos* followed a pattern of male primogeniture. But this dominating rule did not exclude differing strategies in the practice of property transfer between the generations. When brothers were too young, when the propertyholder was widowed, or when a suitable son-in-law was present, the property transfer could be adapted

to this situation. If necessary, the land owners in *Westfeld* were willing to adapt their property transfer to their specific needs and preferences, and to give their land to daughters.

Daughters not only took over the property in cases when there was no qualified son. Daughters, alone or in community with the son-in-law, could also take over the property even when a qualified son were available. In the cases of bigger holdings, the woman had to be the eldest daughter to take over the property in such a constellation.

In *Löhne* we also find a preference for male succession, as can be seen in table 2. Farms were given to sons twice as often as to daughters. Having a closer look at sibling groups, we can see that some successors had no siblings of the opposite sex: 8 female main heirs had no brothers, and 8 male main heirs had no sisters. Hence we cannot speak of gender preference in these cases. In 32 families there were both sons and daughters. Here three quarters of the successors were male, only 8 women took over their parents' property although they had brothers. It seems as if this solution was chosen mostly when families were in specific situations, for example if the former owner was widowed and ill, or if the sons were too young to take over during the next years. There were also brothers who had left their parents' farms, who had married and had been portioned off long ago, or who had left to find their way elsewhere. Perhaps these families were in situations that called for prompt action, while no male heir was at hand. But it is hard to say if daughters' chances depended upon such extraordinary situations, or if these findings are merely random.

In our *Löhne* data it is striking that daughters received their parents' property very often in common with their husband or their fiancé. We found only 4 women to whom the property rights were given alone. Commonly the husband or prospective husband was present at the recording of the contract, and he was regarded as the future co-owner of the peasant farm.

Women mostly became successors in combination with marriage. This looks as if for women, marriage offered the main road to property.

Table 2: Successors and retiring persons in *Löhne*

	Couple	Widow	Widower	N	
Son		14	12	6	32
Daughter		1	2	1	4
Daughter and son-in-law		9	2	1	12
Son-in-law		1			1
Daughter-in-law (after son's death)		1			1
Children (heir community)					
Brother-in-law					
N		26	16	8	50

Source: Staatsarchiv Detmold (StAD), D 23 B (land records).

But it would be hasty to interpret this as a gender difference. About a third of all successors was married at the time of handing-over, 40 % got married within three months after taking over, and another 15 % married between 4 and 12 months after they received the property rights. There were also sons, who became successors on condition that they married, respectively the contract was validated by the forthcoming marriage. Two examples: Johann Carl Friedrich Elstermeyer's mother kept the property rights and the usufruct of the farm until the day of his marriage with Anne Maria Elisabeth Krüger (# L1). Johann Friedrich Wilhelm Steinsiek took over his mother's farm in company with his bride-to-be on condition, that they marry each other (# L58). Similar stipulations can be found for female successors. There are only very few transfer contracts that had no connection with marriage. Apparently, it was of some importance that the handing-over installed a couple onto the farm.

There were more male farm successors than women who took over. But it took couples, not men, to own and run a farm. Hence we can speculate that female co-heirs had privileged chances to marry onto a peasant farm.

2.2 The co-heirs

In 50 of 58 contracts in *Westfeld*, compensations for the leaving co-heirs are mentioned. In 13 cases, a compensation for some of the co-heirs had already been paid. Most of these compensations had been paid at the marriage of a leaving co-heir, but had not been put in writing at the time.

In most cases the earliest moment when a co-heir could demand his or her compensation was the legal adulthood (25 years). Younger co-heirs might claim their compensation at marriage or when they left the parental household for good (e.g. emigrants). In some cases it was agreed that a gap of two years has to ensue after each paying-off of a co-heir.

From the transfer contracts it can sometimes be seen that the payment did not take place at the earliest possible moment. There are a few examples where compensations the retiring generation itself either had been granted in their youth or had to give to their own siblings had not been paid since nearly 20 years.

Typically, the compensation consisted of natural produce, things necessary to establish an own household like furniture, working tools etc., or a cash payment. In many cases a combination of cash payment and payment in kind was stipulated, and very often it was up to the co-heir whether they wished to be paid in cash or kind.

The amount of most compensations was evenly distributed to the co-heirs, although the kind of the compensation could differ. In some cases the costs of training and education to learn a craft, go to school or to study were part of the compensation, and were considered when the exact amount of the compensations was calculated.

In most of the contracts there was no serious difference in the amount of the compensation between the sexes. In some contracts, special achievements of a co-heir were honoured with a higher compensation.

- The merchant Heinrich Theodor Simon got 50 Taler more than the other co-heirs because he had worked for several years in his father's commercial enterprise (# W118).
- The amount of the compensation of the trader Heinrich Christoph Falke was 138 Taler higher than the compensation of the other co-heirs because he had helped to establish the new house of his parents and because of other work he has done for them (# W170).

In these cases, special achievements were honoured. In contrast, the compensation of the trader Franz Josef Nüchel was reduced (# W113) because he had spent 13 years trading in the Netherlands (as quite a few men from Westfeld did). In this time he had not been able to offer any help to his parents, but earned a lot of money. Therefore his compensation was reduced.

Most of the contracts in our *Löhne* sample contain compensations for the co-heirs. Almost half of the successors' siblings had got their compensation or at least a part of it when the transfer contract was made. Apart from 7 men and women who had emigrated to the USA, no unmarried child had been portioned off, including those who were of age. Reversibly, less than 20 % of the children who had married before the handing over were without a compensation at that point of time. In other words: Most children who left the farm and wanted to marry immediately received resources. When the farm was passed to the main heir, these payments got reckoned up, and the remaining payments were stipulated. If children were under age and unmarried at that time, they usually could require their portion when they came of age. Since no adult unmarried child had got a payment up to the day of handing over, co-heirs could benefit from these contracts in a specific way: From their brother or sister they could require the compensation without being married when coming of age, while parents would not pay them unless they married.

Table 3: Life course variables for heirs and co-heirs by sex, Löhne 1814 to 1860

	heirs		co-heirs		all	
	m	f	m	f	m	f
Mean age at 1 st marriage	26.9	25.2	25.8	22.7	26.3	23.1
% married locally	100	67	65	76	76	86
% boarders (<i>Heuerlinge</i>)	0	0	26	24	18	20
% farm owners (<i>Colone</i>)	100	100	32	54	55	61
N	17	9	34	50	51	59

Source: Data base *Familie, Bodenmarkt und Kredit in Löhne*

In table 3, we look at the differential chances of female and male co-heirs and heirs to get married and to become either a property-holder or a landless *Heuerling* in Löhne. The evidence analysed here is limited to cases up to 1860 in order to limit problems with data truncation: parish registers, the main source both on profession and on marriage, are available only up to 1874. For the later cases it is often rather difficult to find out what happened to a given co-heir. First, female co-heirs married earlier than female heirs. Why was that so? Of course, a marriage portion may make somebody more attractive and give her better chances on the marriage market. But in this perspective, an entire farm should raise a daughter's marriage chances even more. Instead, heiresses married later. As Le Roy Ladurie has emphasized, co-residence is an important aspect of impartible succession (Le Roy Ladurie, 1976, p. 42). A possible explanation for the high age at marriage of female (and also male) heirs is that they were expected to stay on the farm and work for their parents for a longer time than those siblings who left the farm.

Second, our assumption about the better marriage chances of female than male co-heirs is clearly corroborated. Female co-heirs often (54%) ended up as co-owners of a farm, whilst the majority of male co-heirs left Löhne. When we look at all siblings, co-heirs and heirs taken together, the chances to get married locally and to own a farm were slightly better for women than for men. Thus, a system of male farm succession, combined with marriage portions and joint marital property, does not lead to reduced chances for women of the younger generation.

Table 4: Life course variables for heirs and co-heirs by sex, Westfeld 1814 to 1860

	heirs		co-heirs		all	
	m	f	m	f	m	f
Mean age at 1 st marriage	30.2	25.0	30.2	25.8	30.2	25.7
% married locally	0,87	1,00	40	65	47	68
Mean acreage owned (Morgen)	78.4	73.8	121.1	14.8	90.6	27.0
% linked to land ownership	67	75	5	26	14	30
N	15	8	82	89	97	97

Source: Data base *Familie, Bodenmarkt und Kredit in Oberkirchen*.

Table 4 gives comparable evidence from Westfeld. Here, parish register data on profession are not as easily available as for Löhne. Moreover, social strata were not as clear cut as in Löhne, where most people ended up either as *Heuerlinge* (boarders or bound labourers for peasants) or as ‘Colone’ (farm owners). In Westfeld, some men were peddlers at some point in their life, whilst others were employed in the ironworks. There were many *Beilieger*, landless daylabourers with local denizenship rights. Owning some land—good for oats at best—did not necessarily imply that agriculture was one’s main source of income. In table 4, we therefore used some rather preliminary evidence from the record linkage between the contracts and our data base on landownership, which is based on the hypothecs registers. The record linkage is far from perfect: only two thirds of the male and three quarters of the female heirs can be identified in the property data. Still, the tendency is clear: in this mountainous region, male co-heirs tended to disappear from the landowning group—either to emigrate or to stay and work as day-labourers. Only a few of them ended up with considerable property (or rather, married to a holder of considerable property). Female co-heirs stayed put more often, but they or their husbands acquired only smaller holdings.

3. The retiring generation

We shall now have a closer look at the old generation. When people got older, they had to think about retirement. Basically they had to choose between two options: holding their property as long as they lived, or passing it over at a suitable point of time. The first option involved several problems: people got less physically fit at higher age, and the daily tasks on a peasant farm could be back-breaking. Sooner or later they could be dependent upon help from younger people. At the same time the succession at the peasant farm had to be determined timely, before all children made up their minds to find another place for living. From that perspective, it seemed to be advisable to find a way that guaranteed support for the old generation and security for their children when they stayed at home. To this end it could be useful to make a transfer contract. These contracts included stipulations about property, about 'household government' or farm management, and about retirement arrangements.

It did not always make sense to pass property to the young people while both spouses were alive. Therefore, we find three groups of persons who transferred farms: couples, widows and widowers. This allows to find significant differences in the capacity of acting and in the expressed interests of both genders.

3.1 Couples

a) Westfeld

In our 58 contracts we find 30 contracts between a retiring couple and their successors (see table 1, above). In each of these contracts agreements have been reached about the compensation of the old couple for the transfer of the property. In these 30 cases the husbands of the old couple retired at an average of 60,5 years, their wives at an age of about

55 years. The male successors took over at an average of 28,6 years, whereas female main heirs were 26 years on average.

In five cases the retiring couple reserved the right to run the farm while relinquishing formal ownership to the successor. The usufruct (*Nießbrauch*) ended when the older couple wanted it to end, or when the retiring husband died. In these five cases the transfer of the property rights did not put an end to the older couple's economic control of the estate.

In all 30 contracts it was taken for granted that the retiring couple should live together in one household with the successors in one household. No retirement arrangement (*Leibzucht*) was made, organizing the consumption rights of the retiring couple in a separate household removed from the farm house.

The contracts usually stipulated that the retired parents had a claim to support and food from the heir. In most cases, there was no defined amount of shelter, food and clothing, it just should keep the old couple on the level of their current living standard. In 11 cases the contracts stipulated that the heir had to provide free medical services for the retired couple. Half of the contracts additionally granted a monthly pocket money of varying amount ("*Taschengeld, Spielpfennig*") to the old couple. In nearly all cases these stipulations were connected with the duty of the retired couple to work as well as they could for the common household.

In many contracts an unproblematic coresidence of the retired parents and their successor was expected. In three cases any regulation for the case of a quarrel between parents and successor was explicitly refused as unnecessary. Only in half of the contracts certain regulations in the case of quarrel were made. Usually these regulations stipulated a monthly or annual cash payment that should enable the retired couple to run a household on their own. But only in one case this implied leaving the farm house. In case of trouble, most contracts reserved one or two rooms within the house for exclusive use by the retired couple.

In some cases, the amount of the cash payment was so high that it would lead the heir into trouble, especially because it was explicitly defined as cash payment. In these cases the right of the retired couple to demand the cash payment was a strong instrument to control the successors.

b) Löhne

In *Löhne*, more than half of the contracts were made by a couple (26 out of 50; see table 6 in the appendix). Like in *Westfeld*, women's age at retirement was lower than men's. Since wives often were a few years younger than their husbands, they became peasant women at an earlier age and they retired with their husband when he got old.

A look at the usufruct column in table 6 points to an important distinction between the two areas we look at. Property rights were not necessarily held by the same person who actually controlled the work processes on the farm, and gained property of its products ('usufruct'). This makes 'retirement' an ambivalent category. More than a third of these couples in *Löhne* (10 of 26) did not retire from leading the farm business. They handed over the property right, but they kept the right to reign over housekeeping and farming (*Hofregiment*). An interesting point is that there is only one contract where the man kept the right to reign as long as he wished, while his wife wouldn't have this right after his death. In the other 9 cases both spouses reserved the right to decide whether they wanted to retire and leave the power to their successor at any time or if they wanted to keep it for the rest of their lives.

Here we can notice that the position of peasant women in *Löhne* is very similar to their husbands' position. They are not only joint owners in theory but they have usually the same power to use their property rights, while the usufruct in *Westfeld* was never stipulated for the almost propertyless wives of peasants.

3.2 Widowers

a) Löhne

In *Löhne* we found only 8 contracts with widowed male peasants (see table 2, above). An explanation could be that men used to marry again when their wives died early. Among the 26 couples in table 2, there were 7 husbands who were married to their second wife. All of them had become widowers when they were less than 51 years old, while most of the men we see in the table on widowers were a little older when their wives died. Men did not marry again when they lost their wives at a higher age. It is astonishing that we also find two men who did not marry again though they were quite young (# L4 and L23). Instead, they ran the business alone for a long time, until they finally handed it over to one of their children. Let's have a closer look at these two cases:

- When Johann Gerhard Fischer's wife died in 1823, she left behind four little children of whom the eldest was seven-years-old Carl Friedrich Gottlieb. Two children died a few years later. In 1837 Carl Friedrich Gottlieb succeeded to his father although he had a younger brother who, as the 'Anerbe', had a legal claim to the succession (# L4).
- Likewise, young Friedrich Fischer succeeded to his father when he was just 21. When Carl Heinrich Friedrich Wilhelm Fischer's mother died he was at an age of 13. Although his father was just 43 years old, he kept his farm without a housewife until his oldest child was old enough to reign over his farm (# L23).
- The third case of a widower holding his farm for more than a few months is Johann Wilhelm Sohnsmeier (# L66). When his wife died, his oldest daughter was 25 years old—old enough to manage a peasant household. When she wanted to marry in 1835, her father handed over his property. He also ignored the legal claim of his youngest son.

We can notice that older widowers handed over their peasant farms as early as possible. If there were children who could enter upon their succession they handed over immediately. If their children were too young, they gave up their position as soon as possible—ignoring the rights of their *Anerben*.

b) Westfeld

In contrast to *Löhne*, in *Westfeld* we found a lot of contracts between male widowed peasants and their successors. The average age of the widowers in these 20 contracts was 65 years, 5 years above the average of the husbands when couples retired. A lot of men who became a widower at the age between 40 and 60 years married again. Women of the same age did so but rarely. This explains why retiring widowers were older. In 3 of these contracts the widowers relinquished the property rights to their successors, but reserved the right to run the farms business.

After becoming a widower at a higher age, most of the men in Westfeld handed over the farm quickly, if there was a successor in the right age. The contract between widower Johann Georg Selberg-Kesting, the owner of a big farm, and his eldest son Heinrich confronts us with an unusual case(# W36). When Johann Georg Selberg-Kesting wife died, his oldest son was at 36 years old, and already married since 8 years. Despite having a heir in the right age, Johann Georg Selberg-Kesting ran the farm for 5 more years. In this contract, the total amount of the compensations was quite high and the amount of the cash payment and reserved property in case of quarrel between father and son was fixed on a high level. To us, Johann Georg looks like a classical patriarch, a powerful old man who kept the young generation under control. It is important to see that most fathers were much more cooperative.

The contracts between widowers and their successors were quite similar to the contracts between retiring couples and their children. In all cases, the provision of food, shelter and clothing was agreed upon. In addition, half of the widowers' contracts stipulated

that the heir had to provide a monthly pocket money. In 10 contracts we find regulations in case of a quarrel between widower and successor, similar to the contracts between retired couples and heir.

3.3 Widows

a) Westfeld

In *Westfeld* we found only a few contracts between retiring widows and their successors. In none of these 8 contracts we find a stipulation for a usufruct. This low number of contracts between widows and heir was mainly caused by the marital property right. The *Dotalrecht* of the duchy of Westphalia was characterized by the separation of property between husband and wife. Each spouse kept the property he or she owned before marriage. After the death of one of spouses, the heirs of the dead spouse inherited his or her property while the surviving spouse only kept its own property. In most cases, this meant that the widow had no property after the husband's death, if she was not the owner of the property before marriage—and in most cases, she wasn't. Hence, there was but little property to be handed over by widows. Only in one of these 8 contracts we find a widow who transferred a farm she had run on her own for a long time after her husband's death. In the few other cases of widow farm owning widow, the contract was made quite quickly after her husband's death.

b) Löhne

We have almost twice as many widows than widowers in our *Löhne* stock of contracts. This is not surprising because women rarely married again when they were older than 40 years. In our section on couples (3.1, above), there was only one wife who was married for the second time. Out of these 15 widows, only 4 handed over their property within the next two years after their husbands' death.

Without going too much into detail we can state that at least in those cases when widows kept their property very long (# L22, L36, L39, L68, and L75), they did not use the option to give up their property right in favour to an older child. All of them waited until their youngest son was at least 24 years old and had attained his age. An almost extreme example is the widow in contract # L68. Her husband died in 1812 when she was 63. Her youngest son was born in 1782, he was at an age of 30 by his' father's death. From now on he worked on his mother's farm and ran the male part of the farming for 16 years. He obtained the property right of the peasant farm when he was 46. Without being the legal owner of the farm he portioned off his siblings, but he postponed marriage until the formal transfer of the farm.

Women as widows generally held their property much longer than widowers did. While men handed over as soon as possible, women procrastinated this stage as long as it seemed feasible. Only two women gave away the property right very soon and held only the right to reign over household and farming (# L32 and L56). Women apparently preferred to hold all rights in their hands as long as they could.

Another interesting point in *Löhne* are the stipulations widows made for their retirement. Although it was possible and legitimate to move into one of the small houses rented to boarders, in *Löhne* like in *Westfeld* old peasants usually declared their will and mind to stay in the same household as their successors. They expressed their belief in a more or less harmonic living together and reserved this alternative as a kind of second choice. Just a few persons also reserved the option to leave the farm at will—and most of them were widows. Most of them expressed their will to be unbounded at age. But a few contracts reveal women's uneasiness about their well-being.

- Anne Marie Catharine Schiermeyer declared that she did not want to live with strangers, and she prohibited every disposal of the farm (# L58).

- Louise Friederike Charlotte Dallmann wanted to get a higher monthly payment from her daughter's successor (# L73).
- Anna Maria Catharina Kuhlmann reserved the right to reign over the farm in case her son should die before herself (# L32).

Six more widows reserved the right to leave the farm and to obtain a monthly pension instead of living together with their successors or even at the same farm.

In our *Löhne* contracts, some issues point towards a distinct urge of women to secure their autonomy. And it seems as if women here were quite successful to get their way.

3.4 Succession and gender work roles

A look at the tables that deal with widowed people reveals an interesting pattern. In both villages we find a large number of widowers who gave away their property within one or two years after their wives deceased. In *Löhne* these findings contrast to the behaviour of widows, who generally used to reign over a peasant economy as unmarried proprietors for a longer time. Obviously men and women reacted in a different manner to the situation of widowhood. To find an explanation of this behaviour we have to start with a few thoughts concerning this situation.

Since a peasant economy rests on the distribution of tasks between the sexes there will be a gap after one spouse's death. A widower is in need for a female person which is skilful and willing to fulfil the arduous task of performing the female duties. In the same way a widow is dependent on male help.⁴ If they refused to marry again, as many did, they had to find arrangements with their children and, at the same time, they had to fill the deceased's position again.

Taking responsibility of a peasant household and farming was an arduous and long-term task that could hardly be fulfilled by servants. Servants made working-contracts for

short periods (commonly a year), which prevented long-term engagement and a distinct interest in the economy's welfare. To let a servant lead a peasant's economy could only be a makeshift solution (Mitterauer, 1986, p. 267). A long-term interest in a farm's welfare is more likely to be found with a family member who could expect to profit from managing successfully. But there are also differences between family members: a child who expects to take over the farm will be more ambitious than a child who knows that she or he will have to leave someday.

Since male farm-succession was clearly preferred in Westphalia, widows were in a better position than widowers. If they had an adult son who was willing and able to succeed his father's position, they could make him stay with her and work on their farm. In contrast, widowers had several problems with being in charge of a farm, but without a wife. If a son should take over the farm, the two men stood in a competitive situation instead of complementing one another. An adult daughter could prefer to go away in order to marry or to earn some money instead of working for her father or her brother's future property. Hence, a widower in general had two options: to give up his property to a (married) son immediately, or to make a good offer to a daughter in order to make her stay at home.⁵ If there was no adult son who wanted or could take over soon, it could be a good solution to hand over to a daughter or to promise a later retirement.

Table 2 shows if widowed peasants in *Löhne* made contracts with sons or daughters. How important was the problem of complementation of roles, when decisions on property transfer had to be made? In order to answer this question, we have to examine the situations of the families more carefully.

Amongst the widows, we find three women who handed over to daughters instead of sons:

- Louise Friederike Charlotte Dallmann could not be succeeded by a male heir—her only son had died at an age of 5. She handed over to her youngest daughter Auguste Clementine Roseline, who married a month later (# L73).
- Anne Marie Elisabeth Pelke handed over to the oldest of her two daughters. From her deceased husband's first marriage there was another living son, who dwelled nearby as a day-labourer. He had been portioned off by his father, so he had no more claim to an inheritance. Anne Catharine Ilsabein married three days after she took over the farm (# L14).
- Anne Marie Catharine Remmert handed over to a daughter six weeks after her only son Johann Carl Friedrich had died at an age of 28. Within two month this daughter married (# L56).

While the first two cases do not reject our hypothesis, the last one even confirms it. As long as the son lived, there was no need to act. After his death there was a male position at the farm to be filled again—the 18-years-old daughter Anne Catharine Louise Charlotte Engel brought her fiancé with her when she made the contract with her mother.

The situation of widowers seemed to be more problematic, hence more interesting to examine. Of eight widowers there were two who handed over to daughters.

- The first one, Johann Wilhelm Sohnmeyer (# L66) had a 25-years old daughter, a 21-year old son and several younger children when his wife died. When she married four years later, the explicitly mentioned 'Anerbe' was still too young to run a peasant farm (16 years old), and a marriage of the oldest son was not forth-coming for the next four years. Her fiancé brought enough money into the marriage to pay the lion's share of the other children's portions. Instead of letting the daughter go away it seems to have been a good choice to give her the farm.

- The other case (# L69) was quite similar. The widower Caspar Heinrich Knoop had three daughters of whom two were still married. When the third wanted to marry, the widower's sons were very young (12 and 7 years old). The widower arranged with his daughter and her fiancé that they should live with him and work for him as long as he wanted to reign over the farm; in return they gained the property right.

Of the six contracts where widowers handed over to sons, we have a lack of data in two cases. This means we have no information about duration of widowhood, or the marital status of the son. Two other widowers handed over to their adult sons immediately after their wives' death: Caspar Heinrich Gottlieb Usling (# L52) married within four months. On Carl Friedrich Gottlieb Schewe (# L82) we have no information about marriage.

Still there are two widowers who held their farm for a long time and handed it over to a son. Why didn't they hand over to a daughter, as others did and our hypothesis suggests? Both of them had only small children at their wives' death. We can not say why they did not marry again, and who might have managed the female work-tasks of the farm. We can only state that there were no adult daughters to accomplish this function, and that the widowers handed over to their oldest children as soon as possible (when those sons were just 21 years old). Carl Friedrich Gottlieb Eickmeyer (# L4) married within a year after taking over, and Carl Heinrich Friedrich Wilhelm Fischer (# L23) married within three weeks.

The number of widower cases is quite small, and unfortunately in some of these cases, additional information is missing. Yet there is some evidence that the need to fill both male and female peasant positions could be a factor when property transfer and succession were considered.

In our *Westfeld* contracts only one widow transferred her property to a daughter. In the other 7 contracts the widows transferred their property or their share of the property to a

male successor. Only in the case of the childless widow Maria Anna Clemens the male successor was not the son but the brother-in-law.

- The widow Anna Maria Theresia Vollmers handed over her property to her married daughter and her son-in-law (# W82). She had inherited the land from her own parents, and 27 years had passed after her husband's death. Since his death the widow had run the farm on her own and just after the marriage of her daughter the son-in-law took over the farm business. This agreement was fixed in a contract four years after the marriage of the daughter and the son-in-law. The younger brother, who was 24 years old when the contract was made, received only a compensation. Obviously in this case the widow was able to run the farm for a long time without another man to fill the gap the death of her husband left behind.

In contrast to *Löhne* we don't find widows who run a farm on her own with a an adult son for a longer time. This may reflect the weak property rights of widows in *Westfeld*.

In 3 cases we find male widowed peasants who handed over their property to a daughter. In two cases the property was transferred to the son-in-law, in one case the property was transferred as joint property to the daughter and the son-in-law:

- The widower Johannes Funke transferred his property to his unmarried daughter six month after the death of his second wife, although two older brothers were alive. He kept the usufruct of the farm. Obviously, the daughter should take over the position of the late stepmother. The transfer of the formal ownership was an incentive for the daughter to accept the new position in the household (# W65).
- The widower Eberhard Hoffmann handed over the formal ownership of the property to his unmarried daughter ten years after his wife's death. He also reserved the usufruct of the farm. In this case, too, an unmarried daughter took over the former position of the

deceased mother. But in this case there was no living son to become the heir, and in this family constellation the lack of a wife was no urgent problem since three older unmarried sisters were still living in the household (# W196).

- In the year 1871 the widower Anton König handed over his small farm to an unmarried daughter, but in this contract there was no usufruct stipulated for the widower. Two older brothers who had already married out of the village just received a compensation in form of a cash payment; the younger brother received a small piece of farmland (# W249).
- Two years after the death of his wife, the widower Eberhard Jodokus Nüchel handed over the property to his daughter and his son-in-law, who had already lived for a longer time in his household. The younger brother had already been compensated since he had received support payments for his studies (# W114).
- Six month after the death of his wife, the widower Hermann Schmidt transferred his small farm to his prospective son-in-law. At the moment of the property transfer, his own son was 15 years old (# W208).
- The widower Hermann Rüthing handed over his property to his son-in-law a few months after the death of his wife. In compensation, the unmarried 21-year-old son just received a cash payment and a piece of furniture (# W43).

Most of these contracts reflect an obvious need of the widowers to refill the gap their deceased wife left behind. In these cases the widowers integrated their daughter to fill the gap, in 5 cases by departing from male succession.

In 8 of the 11 cases that a widower handed over his property to a son, the position of the wife could be taken over by the daughter-in-law (or the prospective daughter-in-law when the marriage of the son would follow soon). In two other cases we don't have

information whether the succeeding son was already married or how long after the transfer a marriage took place.

- In the case of the widower Josef Siepe, who handed over his property to his unmarried and only son, the mother's vacant position could be taken over by the unmarried daughter who lived in his household. When 5 years later, this daughter married and left home, her brother and succeeding heir Kaspar Siepe married himself (# W237).

3.5 Strategies of the old generation

In our *Löhne* contracts some issues point towards a distinct urge of women to secure their autonomy. If there was a reservation of the usufruct when a couple handed over the farm, women were in a position to enforce a similar status as their husbands. Unfortunately, we do not know when the old people retired from these usufructs. There was no necessity to draw up another contract since all stipulations for a full retirement had been made in the property transfer contracts. All we know is that in our sample there were women who had this right and who survived their husbands. So it is not unlikely that these women had the chance to reign the farm.

Widowers had good chances to marry again after their wives' death, but not all of them did.⁶ Those who were over 50 years old generally did not. Instead of having a new family, they preferred to leave the business to a successor, and to retire. There were also two rather young widowers in *Löhne*, who decided to bring up their little offspring without creating a new family and having more children. All widowers gave up their farm as soon as possible—either they handed it over to an adult child (immediately or at the time of a marriage), or they had to wait until the oldest child had come of age, and handed over then.

Why did most women not remarry after they had become 40 years old (Table 5)? It was improbable that they would bear more children. But they owned a peasant farm—and

that should be very attractive in a society with distinct social inequality. So it is unsatisfactory to state that they could not find a marriage partner. In contrast there are good reasons to believe that a marriage was unattractive to an widow.⁷ As long as they remained unmarried, they were independent proprietresses of peasant farms—with a marriage they gave this status away. If a widow had an adult son who could run the male work-tasks and had in prospect to take over the farm, they could find an satisfactory arrangement for both parties. Widowed women had good reasons and feasible options to hold their status as long as they could and to stay independent and autonomous in a society dominated by men.⁸ An important point is that women did not have to worry about their well-being as long as they were secured by their property rights. But when they gave them away, they were worried, and they tried to fix settlements that guarded them against several threats. And it seems as if women were quite successful to get their way in *Löhne*.

Table 5: Rates of remarriage within 2 years in Löhne and Oberkirchen, by sex and age at spouse's death, 1830-1866

Parish	Sex		under 40	40 and over
Löhne	female	widowed	14	45
		remarried	14	4
		%	100%	9%
	male	widowed	18	46
		remarried	17	15
		%	94%	33%
Oberkirchen	female	widowed	22	38
		remarried	7	1
		%	32%	3%
	male	widowed	9	33
		remarried	9	11
		%	100%	33%

Source: Data base *Familie, Bodenmarkt und Kredit in Löhne*, Data base *Familie, Bodenmarkt und Kredit in Oberkirchen*.

In contrast to *Löhne*, widows in *Westfeld* were in a weak position to secure their old age in retirement contracts, because in most cases there was no or just a little property they could offer to their successors.

In our total stock of 273 contracts and testaments from *Westfeld* we have 16 contracts between widows and heir communities. In these contracts the heirs stipulated that the main heir must provide an amount of food and shelter for the surviving widow. In none of these contracts, though, a monthly pocket money was stipulated, as was usual in *Löhne*. Only in three contracts we find regulations in case of a quarrel between the widow and the main heir, providing a cash payment for the widow to run their own household.

Although the *ius dotale* protected the property of the wife against interventions of the husband by separating of the property of the spouses, this protection became a problem for widows because in most cases the husband was the owner the farm. The preference for male main heirs in combination with the separation of marital property was not only a problem for women of younger age but also for women of older age.

4. Conclusion

In both villages we found a clear preference for male succession, in *Westfeld* as male primogeniture, in *Löhne* as male ultimogeniture. Nevertheless in both places daughters or their husbands gained a third of all peasant farm transfers. Especially when their brothers were too young, the land owner was widowed, or when a suitable son-in-law was present, a transfer to a daughter or a daughter and son-in-law and therefore a departure from the dominating rule of male succession was often a preferred strategy.

Although men seemed to be privileged in terms of farm succession, the overall situation of peasants' female children was less dismal than one might assume. The chances to get married locally and to own a farm (or in the case of *Westfeld*, to get married with a farm-

owner) were slightly better for women than for men. Under the condition of male farm succession in combination with marriage portions and joint marital property in *Löhne* women were in a fair way to keep their parents' status. The system of separated marital property in *Westfeld* reduced the chances of women to receive property rights in form of ownership of a farm, but even under these conditions young women had better chances than men to get on a farm via marriage. It is important to remember that peasant farms were run by couples, not by main heirs alone. Hence a property transfer usually concerned two people of different gender.

In *Westfeld* women of the older generation were in a difficult situation concerning their old-age pension since in most cases they were not the property owners. Therefore their opportunities to negotiate for a good old-age pension were lower than in *Löhne* because in most cases they had nothing or little to offer. It was scarcely possible for widows in *Westfeld* to run a farm in an independent and autonomous position, as widowed women did in *Löhne*: Neither did they become single property holders after their husbands' death, nor could they gain usufruct rights when their husbands gave up the property rights.

The system of joint marital property in *Löhne* offered both, women and men, the same options to dispose of property and usufruct rights, and therefore similar opportunities to determine the timing and arrangement of their retirement. In contrast, the system of separated marital property under the condition of dominant male succession in *Westfeld* placed older women at a evident disadvantage. Through the transfer contracts, women in *Löhne* often let us notice their worries about their well-being. Women in *Westfeld* rarely had the opportunity to do so.

Appendix: Tables 6-11

Table 6: Retiring couples in *Löhne*

#	No. of land record	year of contract	husband's age	wife's age	successor's age	usufruct	size of real estate in Prussian Morgen	net proceeds in Prussian Reichstaler
L2	50386	1851	64	61	19	Yes	119.70	156.62
L8	50397	1822			27	No	46.15	69.20
L12	50397	1866	64	73	32	No	43.57	71.79
L13	50399	1820			17	Yes	26.28	59.64
L17	50401	1815	57	59		No	41.80	59.91
L26	50421	1824	39		21	No	9.60	12.41
L27	50421	1871	68	68	28	just husband		
L29	50425	1830			30	No	2.33	5.97
L35	50427	1844	63	57	26	Yes	6.64	5.49
L37	50430	1880	67		27	No		
L41	50089	1875	61		22	Yes		
L47	50092	1887	60	59	24	Yes		
L53	50096	1898	61			No		
L55	50104	1865	62	62	31	No		
L57	50105	1872	62	53	26	Yes		
L59	50108	1839	43	50	19	Yes	22.08	35.70
L61	50108	1872	55		29	No		
L62	50113	1832	66	48	22	No	14.96	33.67
L64	50119	1844	62	60	25	No	22.12	28.02
L65	50119	1884	65		29	Yes		
L67	50122	1864	49		23	No	24.76	45.29
L72	50127	1899	66	61	34	No		
L74	50133	1898		59	32	No		
L78	50151	1850	64	59		No	2.16	4.48
L79	50151	1882	58	56	28	Yes		

Source: StAD, D 23 B (land records).

Table 7: Retiring couples in *Westfeld*

#	No. of land record	year of contract	husband's		successor's		usufruct	size of real estate	net proceeds
			age	wife's age	age			in Prussian Morgen	in Prussian Reichstaler
W2	813	1862	68	56	27	No	14.91	8.42	
W6	815	1872	58	50	27	No	84.33	17.37	
W7	817	1844	67	57	35	No	56.85	17.85	
W25	826	1840	50	44	20 / 31	No	96.31	56.96	
W27	827	1875	53	49	28	No	72.02	25.18	
W31	831	1864	57	44	20	No	281.59	136.57	
W32	832	1860	71	59	30	Yes	87.89	37.51	
W38	831	1837	53	46	30	No	241.80	115.20	
W47	843	1832	56	52	25	No	147.93	59.40	
W48	843	1866	54	59	31	No	153.14	60.59	
W55	849	1867	71	56	30	Yes	233.00	87.46	
W58	851	1858	61	52	27 / 38	No	64.53	15.51	
W59	852	1889	69	58	30	No	51.66	18.31	
W83	862	1878	66	65	28	No	60.77	8.58	
W102	871	1883	62	62	29	Yes	0.14	0.25	
W104	871	1887	66	66	34	Yes	0.14	0.25	
W109	875	1855	55	58	26	Yes	1.88	0.53	
W118	879	1866	62	53	24	No	18.09	4.16	
W134	888	1850	62	47	22	No	14.67	3.99	
W169	895	1865	64	65	32	No	100.37	38.40	
W170	896	1851	60	51	30	No	5.07	4.07	
W183	889	1897	59	58	N/A	No	2.00	2.26	
W191	908	1889	76	65	22	No	6.10	4.46	
W202	924	1857	N/A	N/A	28	No	0.59	0.10	
W204	926	1871	60	59	26	No	1.05	0.27	
W210	931	1881	64	53	27	No	0.47	0.41	
W221	935	1883	60	50	25	No	0.49		
W222	936	1861	62	60	25	No	13.57	4.38	
W223	936	1893	57	60	25	No	12.49	3.74	
W275	915	1857	62	61	28	No	1.91	3.16	
W242	950	1899	56	50	28	No	0.64	0.09	

Source: StAMS, Grundakten (land records) Fredeburg.

Table 8: Retiring widowers in *Löhne*

#	No. of land record	year of contract	widower's age	years from widowhood to handing-over	Age at wife's death	Successor's age	usufruct	size of real estate in	net proceeds in
								Prussian Morgen	Prussian Reichstaler
L4	50388	1837	52	14	38	21	No	94.13	158.89
L7	50388	1885	75				No		
L23	50407	1864	51	8	43	21	No	26.93	44.81
L38	50433	1889	72			22	Yes		
L52	50095	1860	58	1	57	23	No	54.64	98.06
L66	50120	1835	57	4	53	29	No	20.48	21.57
L69	50127	1840	57	1	56	27	Yes	26.98	33.58
L82	50119	1869	57	1	56	28	No	2.14	4.19

Source: StAD, D 23 B (land records).

Table 9: Retiring widowers in *Westfeld*

#	No. of land record	year of contract	widower's age	years from widowhood to handing-over	Age at wife's death	Successor's age	usufruct	size of real	net
								estate in Prussian Morgen	proceeds in Prussian Reichstaler
W11	819	1872	59			33	No	5.89	6.37
W33	833	1857	67			38	No	60.54	21.02
W36	834	1868	63	5	58	42	No	207.22	97.72
W40	837	1851	59			28	No	98.28	20.54
W43	838	1863	65	1	64	25	No	0.41	0.44
W65	856	1860	67	1	66	29	Yes	67.80	20.86
W113	876	1849	66	1	65	35	No	126.71	59.03
W114	876	1881	67	2	65	34 / 43	No	123.29	61.07
W135	888	1854	61	1	60	26 / 33	No	14.67	3.99
W156	892	1872	69	0	69	32	No	0.19	0.40
W185	901	1900	88			55	No	0.51	0.09
W195	815	1901	72			35	No	3.48	3.95
W196	917	1888	58	10	48	21	Yes	6.26	4.13
W200	918	1899	70	23	47	N/A	No	35.30	8.35
W208	929	1864	57	1	56	29	No	2.35	1.09
W225	937	1860	63			33	No	13.54	2.93
W226	937	1892	65			33	No	13.54	2.15
W237	947	1866	57	8	49	23	Yes	10.30	6.87
W249	960	1871	66			30	No	1.80	0.62
W270	900	1850	64			33	No	0.09	N/A

Source: StAMS, Grundakten (land records) Fredeburg.

Table 10: Retiring widows in *Löhne*

#	No. of land record	year of contract	widower's age	years from widowhood to handing-over	Age at wife's death	Successor's age	usufruct	size of real	net
								estate in Prussian Morgen	proceeds in Prussian Reichstaler
L1	50386	1814	55	2	53	27	No	99.74	149.19
L14	50399	1824	48	3	45	21	No	26.28	59.64
L18	50401	1844	47	5	42	24	No	41.80	59.91
L22	50407	1837	53	12	41	24	No	26.93	44.81
L32	50426	1849	58	0	58	24	Yes	22.47	31.18
L36	50430	1838	64	11	53	25	No	18.16	22.20
L39	50436	1887	68	13	55	32	No		
L48	50175	1850	49	5	44	23	No	64.88	117.55
L50	50175	1898	66			25	No		
L56	50105	1837	54	1	53	18	Yes	20.41	30.54
L58	50107	1841	61	4	57	27	No	60.02	109.25
L68	50123	1828	79	16	63	46	No	10.69	16.69
L73	50129	1856	68	1	67	28	No	18.07	25.16
L75	50134	1826	69	6	63	25	No	2.00	6.18
L81	50189	1887	65			25	No		

Source: StAD, D 23B (land records).

Table 11: Retiring widows in *Westfeld*

#	No. of land record	year of contract	widower's age	years from widowhood to handing-over	Age at wife's death	Successor's age	usufruct	size of real estate in Prussian Morgen	net proceeds in Prussian Reichstaler
W3	813	1889	54	1	53	47	No	18.96	8.53
W78	860	1859	57	20	37	32	No	3.79	6.68
W82	862	1844	54	27	27	31 / 32	No	110.51	31.85
W171	896	1867	67	14	53	22	No	6.63	5.32
W189	907	1869	55	20	35	30	No	10	2.62
W197	918	1857	57	N/A		28	No	34.09	7.99
W228	938	1875	57	1	56	31	No	57.13	21.3
W271	900	1882	65	2	63	38	No	15.38	7.11

Source: StAMS, Grundakten (land records) Fredeburg.

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Endnotes

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- ¹ For the contemporary discourse see Rouette (2001).
- ² Anderson (1980), p. 51 emphasizes the importance of the way and the timing of property transmission for the structure, demography and quality of family relationships.
- ³ The dissertation is affiliated to the research project “Transfers of peasant property in 19th century Westphalia” under the direction of Ulrich Pfister and Georg Fertig (Historisches Seminar, University of Münster). The research is funded by the Deutsche Forschungsgemeinschaft.

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- ⁴ The need to refill these positions in the household is often emphasized, for example see Mitterauer (1973), Mitterauer (1975), Sieder & Mitterauer (1983), Ehmer and Mitterauer (1986).
- ⁵ In his study of 19th century Preston, Anderson noticed that a small majority of widowed father living with a married child resided with a married son, while widows were more likely to live with a married daughter than with a married son: Anderson (1971), pp. 56 and 144.
- ⁶ The higher rates of remarriage and the lower distance between the spouse's death and the new marriage by men are shown by many studies on remarriages of widows, for example Segalen (1990), Knodel & Lynch (1985); Van Poppel (1995).
- ⁷ For a model of remarriage propensity see Uhlenberg & Chew (1986), pp. 33-35.
- ⁸ For a change of the perception of widows' position and the wish of independence see Hahn (2000).