

## Domestic Secrets: Women and Property in Sweden, 1600-1857

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In *The Origin of the Family, Private Property and the State* (1884), Friedrich Engels posited a fundamental relationship between women's property rights, on the one hand, and changes in the social and political spheres, on the other. The later 20th-century efflorescence of social and women's history saw scholars explore this linkage systematically through studies of inheritance and family formation that provided an essential underpinning for interpretations of formative 'modern' phenomena such as the commercial, consumer and industrial revolutions.<sup>(1)</sup> Supplanted from the historiographical foreground by the linguistic turn and the rise to dominance of cultural studies, analysis of the gendered history of inheritance and its impact on wider social, economic and political systems receded from prominence for a decade or more. Recent years have, however, seen a revival of historical attention to the fundamental ways in which the modes and mechanisms by which families transmit (or fail to transmit) property across generations and over time have shaped European economies and states.<sup>(2)</sup> To this resurgent literature, Maria Ågren has been a major and formidable contributor.

In *Domestic Secrets*, Ågren offers economic, legal, social and cultural historians a masterly analysis of women's changing relations to property in Sweden from the early 17th to the mid 19th century. Beginning with a carefully crafted historiographical and methodological overview, the book successively considers topics that include the competing claims to land rights made by women, marital couples, kin groups, local peasant communities and the state; the evolution of compensatory practices in the face of a deterioration of land rights driven by proletarianisation; bankruptcy legislation and the emergence of a public sphere; and radical legal reforms by the Swedish state that culminated in the abolition of distinctions between lineage and non-lineage property in land. Clearly written and logically organised, *Domestic Secrets* focuses upon developments within Sweden, but situates these trends within wider comparative European (including

British) frameworks that extend the significance of this book's conclusions far beyond Scandinavian borders. A major intervention in women's legal history, Ågren's study asks fundamental questions about the structural, social and discursive practices that have shaped European women's access to landed property over time, and offers a series of intriguing answers to those questions, based on a wealth of original research in archival and printed primary sources.

Ågren's analysis is framed by the concept of 'domestic secrecy'. Borrowed from Swedish appeal court lawyers' habitual references to the marital estate as an *arcanum domesticum*, the phrase 'domestic secret' aptly conveys the opacity of the Swedish peasant family's property relations when viewed by the state's agents: when lawyers sought to distinguish between property held by husbands and wives in early modern Sweden, the legal and customary practices associated with lineage property ensured that 'they saw only a bewildering and obscure bundle of intersecting and conflicting rights' (p. 13). Creditors were frequent casualties of this well-entrenched domestic secrecy, which thwarted their efforts to make meaningful assessments of their debtors' assets and posed increasing obstacles to economic activity as commercialisation developed apace in the eighteenth century. In a newly commercial economy, moreover, the notion of domestic secrecy acquired new resonances. Whereas seventeenth-century peasant society, dominated by kin groups and their lineage property, had 'made the distinction between public and private meaningless' (p. 17), the eighteenth century witnessed the emergence of middle-class aspirations that lent domestic secrecy new meanings by associating it with novel conceptions of privacy closely linked to notions of respectability.

To address these interlocking changes in property regimes and social behaviours, Ågren adeptly combines analysis of the local legal structures that governed probate processes together with interpretations of the national legislation that guided bankruptcy and legal reform. Describing family law as 'nothing less than the hub of early modern economic life, both on a micro- and a macro-level' (p. 12), she builds her study upon data derived from examination of thousands of wills, inventories, case records of rural primary courts and legal documents published by litigants, but contextualises this localised material with analysis of Sweden's national legal code (dating from c. 1350) and the deliberations of its Diet (*riksdag*). This approach provides *Domestic Secrets* with a rich empirical basis and also animates it with lively case studies of individual wives, widows, husbands, daughters, parents, kin, debtors and creditors, whose hidden life stories are captured and illuminated by the records of their litigation. Ågren's dual attention to micro- and macro-historical analysis helps ensure that her individual examples are used to illustrate wider social and economic trends; her use of James C. Scott's arguments about modern governments' interested efforts to promote 'legibility' helps to situate these developments within the overarching process of state formation.

Lineage property lies at the heart of the transformations charted in *Domestic Secrets*. Early modern Swedish law distinguished sharply between inherited land (*arve*) and purchased land (*avlinge*). Whereas inherited land was held only on behalf of the lineage, and thus could not be alienated at will, purchased land could be freely alienated, by sale or will. Family members policed the disposition of their lineage property with great care: the legal right of *bördsrätt* gave kin the ability to veto sales of lineage property outside the confines of the kin group. By definition, lineage property precluded husbands and wives from sharing ownership of their inherited land; land purchased during marriage, however – although officially managed by the husband alone – was owned in common by husband and wife. Further complicating this system of property transmission was the two-fold nature of lineage in Sweden. Men and women belonged equally to their mother's and father's kin groups, and thus could inherit both through their maternal and their paternal lineage. To be sure, equal inclusion in the lineage group did not translate into equal property rights for men and women. Although in urban areas all children inherited equally, in rural regions peasant sons inherited shares of their parents' landed property twice the value of peasant daughters' shares. Nonetheless, Swedish inheritance law endowed peasant women with substantial property rights. In addition to her lineage lands, a wife gained property through a customary 'morning gift' bestowed by her husband upon marriage and also enjoyed the right to a third of the wealth accumulated with her husband over the course of their married life.

Protecting women's property rights was a vital function of lineage groups, local rural courts and the state's legal code alike. The early modern Swedish legal code restricted the husband's sale of his wife's land,

hobbling land transfers by a range of stipulations that included an obligation on husbands to offer land in the first instance to the wife's lineage group and an expectation that a husband offering his wife's lineage land to purchasers would at the same time offer twice this amount of his own lineage land for sale. By systematically analysing a sample of late sixteenth- and early seventeenth-century court records and teasing out from individual cases the discursive strategies deployed by spouses and their kin, Ågren demonstrates that in rural areas, 'married women's separate property was a reality and existed not merely in the letter of the law' (p. 35). Ågren is careful not to romanticise this traditional property regime. She emphasises that the law's depiction of wives as persons who stood in need of the state's protection from unscrupulous husbands implicitly suggested their vulnerable status within marriage, even as the legal code itself failed to protect women from the depredations of fathers, uncles, brothers and sons within their lineage group. Further, the legal code's fixation on landed property created both blind spots and legal loopholes. Thus when a wife's lineage property was alienated for specie – rather than for new land – it fell outside the normal restrictions on alienation and could be surreptitiously incorporated by her spouse as his lineage – rather than their common marital – property.

Over the course of the 17th century, and with accelerating pace in the 18th century, the law's two-fold distinction between inherited, restricted property in land and acquired, unrestricted landed property became increasingly problematic. Several factors combined to place new pressures on established property relations in this period. The rapid growth of Swedish iron production in the 17th century necessitated complex networks of debt and credit which the domestic secrecy that surrounded wives' property rights rendered vulnerable: only detailed local knowledge of a wife's property rights could allow a creditor to calculate her husband's available assets. From the early 18th century, moreover, new notions of privacy increasingly undercut the claims of kin, privileging instead the economic choices made by marital couples. In 1720, pressure to recognise this emergent system of values led to statutory reforms that restricted the circle of kin entitled to impede sales of lineage land by claiming *bördsrätt*. In a newly commercialising society, in which personal property increasingly augmented peasants' land, wills gained currency as testamentary devices, and legislation of 1734 mandated the creation of probate inventories to help regulate equitable distributions of estates. Orchestrated by elite urban men, these statutory reforms failed however to address vital areas of concern for married women, whose property was hidden from public view within the household. 'The law had always been blind to the fact that marital estates could contain valuable moveable property', Ågren concludes. 'From the early eighteenth century, it also became less attentive to the fact that the marital relationship could be a relationship of power' (p. 99).

Rising land prices in 18th-century Sweden – fuelled by changing tax burdens, population growth and legislative reforms that, from 1734, eased husbands' ability to access their wives' capital – were accompanied by a substantial expansion of the land market – powered by the state's sale of substantial Crown lands. As in Britain, an 18th-century enclosure movement sought to replace scattered strips of farmland with consolidated agricultural units. Together, these developments encouraged married couples to transfer wives' landed wealth into liquid capital, which could in turn be used to meet increasingly costly inheritance claims by siblings and to purchase land adjacent to existing property, so as to create compact farms. Helping to render couples' households economically viable in a period marked by increasing proletarianisation, these trends could also make wives' positions within the family financially precarious, by subsuming their inherited property within their husbands' landed wealth. In this context, peasant parents elaborated new compensatory mechanisms, seeking to protect wives from economic insecurity, for example, by creating detailed retirement contracts with their children that stipulated the ways in which widowed mothers' contributions to household property were to be recompensed by care in old age. Measures such as this, however, failed to reverse women's disproportionate loss of landed wealth in 18th-century Sweden. This trend was exacerbated by increased survival rates for young men (relative to the 17th century), a development that detracted from female land ownership by reducing the proportion of daughters who, in the absence of surviving sons, inherited their parents' farms.

Among the most innovative aspects of Ågren's approach is her discussion of the articulation of public opinion within different sectors of Swedish society. Whereas Habermasian models of the emergence of the

public sphere in the 17th century focus on urban society and the coffee house, Ågren argues persuasively that rural Swedish peasants created a robust institutional framework within which public opinion could be shaped and expressed. Their local courts, in which lay judges adjudicated the complicated inheritance disputes produced by the legal code's distinction between lineage and non-lineage property, constituted a key site in which a 'public' was constituted. For, the rural 'community constituted a local public sphere where the distinction between private and public had no meaning and where "public opinion" affected the outcome of private disputes', Ågren observes. 'Consequently, there could be no, or only a few, domestic secrets from the point of view of local people' (p. 62).

The 18th century saw this rural public sphere complemented by the emergence of a vibrant urban public sphere which – like the rural public sphere constituted by local courts – focused on the contestation of complex property rights. Assisted by a substantial growth in the number of printing houses, 18th-century Swedish men and women began to publish legal documents that chronicled their property disputes, in a bid to influence outcomes through appeals to public opinion. These documents provide Ågren with a rich evidence base for analysis of women's property rights, and offer an especially revealing optic onto credit relations and bankruptcy law. From 1767, expanding credit relations powered legislative reforms of bankruptcy in Sweden, introducing a new requirement that bankruptcy cases must be publicised in newspapers and creating enhanced mechanisms for debtors' wives to insulate their 'separate' property from the claims of their husbands' creditors. Together these changes encouraged women and their advocates to publish detailed and partisan accounts of their family's business and inheritance practices, and in so doing to expose their domestic secrets to public scrutiny. Often stretching over several generations and providing evidence not only of hidden assets but also of practices such as adultery, divorce, remarriage and defamation, these records 'disclosed domestic secrets but at the same time taught people something about the law' (p. 161). Ågren's evidence thus forces us to re-think the conventional histories of the emergence of the public sphere in Europe, both by underlining the extent and depth of urban public opinion in the 18th century and by suggesting that rural local courts provided effective vehicles for the articulation of public opinion even in the 17th century.

Ågren concludes her study by assessing the radical changes enacted by the Swedish Diet in the nineteenth century, reforms that included new rights to co-own a spouse's land (1807), equal inheritance rights for men and women (1845) and the abolition of the distinction between lineage and non-lineage land (1857). Although secular changes in economic practice clearly underlay these dramatic changes, *Domestic Secrets* demonstrates that they were also shaped by the discursive field created by property disputes that were contested within a variety of Swedish public spheres. These debates, conducted at both the local and the national level, ensured that despite the increasing currency of privacy as a domestic ideal, women's property often emerged in public disputes as a private matter that demanded a public audience. In this interpretation, the legislative reforms of the 19th century can only be fully comprehended if their genealogy is traced back for generations. As Ågren concludes, 'the reform era was the end point of developments that stretched as far back as 1700' (p. 198).

*Domestic Secrets* represents a major contribution to women's, legal and social history. Grounded in abundant archival and printed primary resources and conceptually astute, Maria Ågren's book will ensure that Sweden becomes an essential point of comparison for studies of women's property in the past. Inevitably, there are aspects of Ågren's argument that would benefit from further elaboration. Her occasional use of material from Swedish and British novels to illustrate women's property dilemmas, for example, begs the question of how compatible these source bases are: were the restrictions of genre that shaped fictional depictions of women's property woes the same or different than those that guided legal disputes over property? The book's emphasis on landed property also raises questions. In 1600, most Swedes were peasants whose property was overwhelmingly tied up with land ownership, but by the 1850s, longstanding processes of proletarianisation had stripped many families of their landed wealth. How were new forms of property depicted in the lively debates that animated Sweden's public sphere from the 18th century onwards? Did different discourses primarily develop along gender lines, or was class instead an increasingly salient force shaping property disputes – including disputes about women's property – in modern Sweden?

Scholars who seek to address these issues – not only for Sweden, but also for wider European and western histories – will benefit enormously from Maria Ågren's meticulous, comprehensive and thought-provoking study, which provides an admirable model for future social historians of the law to follow while also shedding new light on the comparative history of gender and the emergence of the public sphere.

## Notes

1. Key examples relevant for this review include Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class 1780–1850* (London, 1987), Amy Louise Erickson, *Women and Property in Early Modern England* (London, 1993), Jack Goody, *The Development of Family and Marriage in Europe* (Cambridge, 1986), and David Sabean, *Property, Production and Family in Neckerhausen, 1700–1870* (Cambridge, 1991).[Back to \(1\)](#)
2. Notable among these studies are *The Marital Economy in Scandinavia and Britain, 1400–1900*, ed. Maria Ågren and Amy Louise Erickson (Aldershot, 2005), *Family Welfare: Gender, Property, and Inheritance since the Seventeenth Century*, ed. David R. Green and Alasdair Owens (London, 2004), and Jan De Vries, *The Industrious Revolution: Consumer Behavior and the Household Economy, 1650 to the Present* (Cambridge, 2008).[Back to \(2\)](#)

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