

Chapter Four

The Boundaries of Debt

Bankruptcy between Local Practices and Liberal Rule in Nineteenth-Century Switzerland

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In the nineteenth century, the legal collection of debts was a drab affair, a routine that involved paperwork, deadlines, signatures, and receipts.¹ And yet these proceedings set the stage for unexpected occurrences, such as one occasion in summer 1829 when eight women from Oberweningen, an agrarian community in the canton of Zurich, sent a letter of complaint to the Commission for Administrative Disputes, a subunit of the canton's highest administrative authority.² They explained that their husbands had suffered "the tragic fate" of falling into bankruptcy and now their families were allowed only half a share of wood from the community commons.³ In their letter, the women requested that they receive the same share of wood as other members of their community. They signed the letter with their maiden names instead of their married names, and they were the ones who appealed to the commission—not their husbands, who had forfeited their civic rights and marital guardianship as a result of bankruptcy.⁴ Because of the bankruptcy, the women continued, the "household burden" had shifted to them and, using their own funds, they had kept their families from having to claim social assistance due to poverty. Thus they protested against being "treated as only half municipal citizens" with regard to the allocation of wood.⁵

The municipal council (*Gemeindevorstehererschaft*) reacted with indignation to the women's demand, arguing that the principle whereby every "upstanding"—that is to say, solvent—citizen received a full share of wood and a "bankrupt household" received only half a share had existed from "time immemorial." These "upstanding citizens," the municipal council proceeded,

were "often much plagued by bankrupts" who overburdened the community with "heavy loads." Thus it was only fair that the "disenfranchised householder" had to forfeit his share of wood.⁶ Families that went bankrupt strained municipal assets because, following customary practice, the municipality itself had to acquire the debtors' assets in municipal auctions in order to return them cheaply to the families.⁷ Furthermore, the council members emphasized the connectivity of debts and linked the laws regarding enforcement to the fabric of the community. Moreover, the municipal authority maintained that there had to be a "minimum threshold" that, with regard to "the use of civic benefits, individually still divided the upstanding householder" from the bankrupt, because otherwise "the poorer, debt-laden citizen will declare his insolvency with scornful laughter and visible glee."⁸

The example above, I argue, should be read less as a dispute regarding traditional rights to the commons than as a conflict regarding community membership and entitlements that was shaped by debts within rural society. Enforcement proceedings linked different symbolic and practical registers. The loss of civic rights due to bankruptcy entailed not only practical sanctions but also led to unexpected effects: opposite the social figure of the "disenfranchised householder," who had forfeited his citizenship rights, stood the bankrupt's wife, whose position of relative power over her husband challenged norms of gender tutelage and therefore gained enhanced visibility. This essay examines these contradictory social figures that between 1830 and 1870 were exhibited in the legal practices governing debt enforcement, and their relationship to indebtedness within the "workaday routine of livelihood."⁹

This essay argues that the boundary between legal norms and social practices by no means disappeared during this time period but rather became permeable: legal norms developed on the basis of social practices.¹⁰ In rural Zurich, the cycles of debt wove through the economic routines of daily life, whose industrialized conditions were based on long-term processes of proto-industrial production.¹¹ In the process, received practices meshed with changing commercialized conditions. This kind of interlacing of inherited practice and new regulatory approaches also manifested itself in political forms. Small-scale, communal bonds combined with new concepts of governance and turned Switzerland into a "laboratory of liberalism."¹² Changes in government—such as the establishment of a liberal administration in 1830, the religiously articulated protest movements of 1839–1841, the founding of the federal state of Switzerland in 1848, and the social movements that reenergized the political fabric in the late 1860s—constituted turning points in governmental rationality.¹³ Long established practices combined with mechanisms of liberal rule in a manner that was both routine and laden with tension. This becomes clear in the changing ways that central and

local authorities, as well as debtors and creditors, made sense of the legitimacy of debts and coped with insolvency.

Prior to being standardized into a Swiss federal law in 1889, the regionally diverse laws regarding enforcement consisted of a confusing variety of practices. The corresponding regulations had "accrued on the basis of routine," noted one legal expert.¹⁴ Contemporary jurists were amazed by the lean nature of proceedings, which could be settled almost entirely administratively and without complicated court cases. Enforcement proceedings rarely required any intervention by state authorities. Within the framework of deadlines and sanctions, participants largely resolved their differences themselves. In the nineteenth century, central administrators elevated such reliance on local practices of conflict resolution into a general principle, namely, "rule at a distance" with only limited central intervention.¹⁵ Liberal knowledge and expertise placed the auto-regulatory procedural methods of enforcement in a new light. Ever since the supervisory authority of the canton of Zurich began compiling statistics in 1858, it was repeatedly demonstrated how rarely it was necessary to initiate formal court proceedings. Thus the supervisory body pointed out that only one out of eight collection notices resulted in an appeal by the debtor, only one out of thirty-five requests for forced auctions actually required a subsequent auction, and appeals regarding mortgage-backed claims were filed in only one out of thirty-one cases.¹⁶ These statistics demonstrated how strongly the proceedings were based on informal regulation. Liberal law was used in combination with well-honed practices whose effects were largely felt outside the scope of juridical coercion and which proved to be at least as effective for participants as recourse to the letter of the law.

CONTOURS AND RHYTHMS OF DEBT COLLECTION

Many studies have established the continued importance of personal ties and the efficacy of received practices in debt relationships of the nineteenth century. This has cast doubt upon modernization narratives that once assumed the unimpeded institutional ascent of the modern banking system.¹⁷ Instead of imposing a general periodization, it is helpful to acknowledge the diversity of credit relationships. The literature has discussed the bond of obligation between creditors and debtors under the mantle of the moral economy—a concept that, since first elaborated by E. P. Thompson, has expanded and shifted.¹⁸ In recent scholarship, the moral economy no longer involves a binary between a supposedly early-modern framework of economic exchange and "utilitarian" industrial conditions. Instead of characterizing a specific epoch, the "moral economy" is now being used to view disputed matters in terms of various registers of legitimacy. Thus one can inquire

about the axes along which debt was socially assessed and expose the scale of value measurements that evaluated debt. I would like to explore in greater detail two such axes used to evaluate debt: first, the radius of the collectivity drawn into debts; and, second, the temporality of debts and their repayment.¹⁹ The legal regulation of the debt system outlined the societal boundaries and temporal parameters that, during conflicts, came up repeatedly for renegotiation. In the process, it formed social figures like the "disenfranchised householders" and created surprising visibilities, such as that of the eight protesting wives of bankrupts who in 1829 demanded their share of wood from the community commons.

Let us turn first to the contours of community that were at stake with respect to debts.²⁰ In rural Zurich, the enforcement of debts was tied to mass communication techniques such as the *Kirchenruf* (literally: church call). The *Kirchenruf* followed upon the third official demand for payment, the so-called *Schreckzettel* (literally: fright note).²¹ Thereupon the factual circumstances were read out by a municipal official on three Sundays in churches throughout the region. Divided into various classes, the creditors appeared at the final *Kirchenruf* for insolvency proceedings regarding the previously inventoried assets. The *Kirchenruf* was an information dissemination medium that derived from the old regime. For example, the weekly price of bread was read out from the pulpit, thereby emphasizing that bread came from the Lord; insolvency was pronounced from the pulpit as well.²² For the debtor, the *Kirchenruf* represented painful publicity. Both popular literary works as well as personal memoirs testify that debtors feared and fled from the *Kirchenruf*.²³ The action identified debtors and froze their assets as well as exposing them to public shaming. In the town of Lucerne in central Switzerland, bankrupt persons were exhibited on Tuesdays and at weekly markets, while a trumpeter ensured the intended furor. This approach was abandoned in 1848 because authorities deemed that newspapers and the official gazette now generated sufficient publicity and thought that this punishment of honor was inappropriate for bankrupt persons who were not guilty of "carelessness" (which was subject to correctional punishment) or "fraud" (which was punishable under criminal law).²⁴ Newspapers also increasingly took over the role of communication from the *Kirchenruf*. In 1805, legislators had considered the use of newspapers necessary only in the event that debtors engaged in far-reaching trade; in other cases the *Kirchenruf* in the debtor's hometown and neighboring communities was considered sufficient.²⁵ By the 1840s, however, this radius of face-to-face publicity was no longer considered adequate. The Zurich bankruptcy code stipulated that in communities where the *Kirchenruf* was still being used, "the same [should be] gradually replaced by a different announcement method."²⁶ The industrialized village of Wetzikon, for example, abolished the *Kirchenruf* in 1852 when a newspaper was introduced to the region.²⁷ The widespread distribu-

tion of newspapers and the official gazette created new channels for disseminating information, transforming the collectivities in which enforcement proceedings were pronounced.²⁸

Functioning as a second axis in the metrology of debt were the temporalities that established intervals of debt and turned the deadline periods of bankruptcy proceedings into contested dimensions.²⁹ During time periods called "legal standstills" (*Rechtsstillstand*), ongoing enforcement proceedings were interrupted and then only resumed once the "standstill" had expired. Appointed dates conformed to religious holidays and agricultural rhythms. In the 1820s, they were adjustable and locally formulated: in Zurich, the standstill for the summer harvest began when the first sheaves of rye were set up in a certain field to the west of the city (Sihlfeld); the fall standstill for the grape harvest lasted until the cathedral's wine cellar was closed.³⁰ In the 1830s, proceedings were interrupted for respite periods of no less than eighteen weeks of the year.³¹ Increasingly, cantonal legislators kept the deadline periods shorter and adjusted them to commercialized circumstances.

The official deadline periods were often quietly relaxed. Local bailiffs delayed enforcement proceedings and were especially reluctant to auction off seized assets. When the liberal government introduced new forms of judicial supervision and reporting after 1830, a constant stream of complaints by creditors regarding this laxity emerged, reaching its peak in 1855 with the filing of no fewer than three thousand complaints.³² Warnings issued to officials occurred especially often in the canton's northwestern agrarian communities.³³

The municipal bailiffs (*Gemeindeammänner*) followed a logic dictated by the concerns of local authorities. By means of the bailiffs' delays, they sought to reduce poor relief cases that would burden community resources.³⁴ In the previously described episode featuring the eight women from Oberweningen, the municipal councilors emphasized the costs incurred by the municipality as a result of bankruptcies. When in 1849 the supervisory authority questioned the officials in charge of the bailiffs, the officials maintained that "not enforcing [the auction] according to the strictness of the law" was very much "in the interest of the creditor," because more favorable results were achieved through settlements between debtors and creditors. Tearing a debtor from the fragile network of credit relationships was risky, they insisted. Thus, looking back to the crisis years of the late 1840s, the officials maintained that "in many cases, even with the best intention, the bailiff would be unable to conduct the auction in accordance with the statutory stipulations, if he did not want to . . . take away the debtor's credit completely."³⁵

Given their tacit leeway with respect to enforcement and their information regarding the asset situations of debtors, local officials held considerable

power in the village. The novella "Eine schweizerische Dorfgeschichte" (A Swiss Village Story) by the conservative journalist Johann Jakob Reithard features a bigoted bailiff as a protagonist who liked to "sigh and cradle his head when, at the public tavern table, he mentioned the names of those from whom he had had to collect debts by virtue of his office and of those who would probably soon fall into his hands."³⁶ In Reithard's didactic story, this official sought to benefit from the fate of unfortunate debtors by means of his insider knowledge.³⁷ Thus the legal system repeatedly drafted the contours for the dissemination of information in enforcement proceedings in new and different ways, thereby creating practical and symbolic community boundaries—boundaries that were narrowly and locally circumscribed by the *Kirchenruf*, for example, or adjusted for expanding credit networks and conveyed through print by means of official gazettes and newspapers.

THE FIGURE OF THE BANKRUPT

The conflict in 1829 between the bankrupts' wives and Oberweningen's municipal council erupted because the latter had refused to "place the [bankrupt husbands] in the same category with the upstanding householders."³⁸ Insolvency formed a process of intensive social classification. The "bankrupt"—that is, the insolvent male who had lost his civic rights and largely forfeited his legal capacity—constituted a figure of uncertainty. In the popular imagination, the bankrupt possessed a vivacious presence, as documented in the stories of the Swiss national poet Gottfried Keller (1819–1890).³⁹ In Keller's novella series *Die Leute von Seldwyla* (1856) (Seldwyla Folks), which recounts the events of small-town life in a fictional locality "somewhere in Switzerland," bankrupts made a frequent and casual appearance.⁴⁰ First, Keller described Seldwyla as a "paradise of credit." The younger members of the town, according to Keller, dedicated themselves to the "operation of a splendid traffic in debts" until they "must let go" and declare insolvency: the bankrupt individual henceforth continued to stay "at the place as a disempowered person and an outcast from the paradise of credit."⁴¹ The bankrupts constituted a parallel and counter-milieu to that of the speculative economy. The protagonist of the first novella entitled "Pankraz der Schmoller," having enjoyed a career as an adventurer in distant lands, returned to Seldwyla where he immediately "saw himself surrounded by an entire assembly of curious and pleasant bankrupts, like an old hero in the underworld rushed upon by shadows."⁴² Second, however, precisely because they constituted contrasting figures to the town's paper credit economy, these shadowy forms became commercially active. In Seldwyla, the "bankrupts and the elderly" were the productive ones, "hammering, sewing, cobbling, gluing, carving, tinkering."⁴³ Present and active, bankrupts were more than liminal figures of

"civic death." The various forms in which they appeared in Seldwyla corresponded with the presence of bankrupts in the legal theater of the everyday economy.

Political petitions provide another lens through which to observe this presence. Moments of regime change between 1830 and 1870 witnessed waves of petitions to the government. Questions regarding state citizenship rights also emerged in connection with the bankruptcy-induced loss of civic rights referred to as "honor consequences" (*Ehrenfolgen*). This led to subsequent shifts in administrative organization of debt collection. Many petitions demanded greater proximity to enforcement officers. Previously in the canton of Zurich, a senior official with four employees had issued instructions centrally from the cantonal capital to the municipal bailiffs; but the petitions submitted in 1830 and 1831 successfully requested a senior official in each of the eleven districts (*Bezirke*).⁴⁴ In the 1860s, the position of senior debt officer was abolished and its responsibilities transferred to the municipal bailiffs. Even smaller administrative units (*Kreise*) were presumed to be more likely to show consideration for cases of hardship and save administrative costs.⁴⁵ The increased importance of the local level within the overall supervisory system can be interpreted as a liberal governing technique that construed the municipality as a "natural" self-organized entity and henceforth allowed central authority to exercise control from a distance.⁴⁶

Political petitions linked the motif of the "bankrupt" to citizenship and manliness. The male's authority as a citizen translated into his position as the head of the family. The symbolic dimension of the bankrupt's precarious manliness went hand-in-hand with the practical forfeiture of his power of disposition.⁴⁷ An officially appointed supervisor monitored his finances and could refuse to approve his wife's monetary transactions. As the previously discussed eight women from Oberweningen emphasized in their complaint, they had taken on responsibility for the household assets themselves, and were thereby taking over some aspects of the gendered role of the male householder. Bankruptcy impinged upon the normative core of the masculine self that gained its integrity through the male's supremacy in the family and his undivided farmstead. In cases of insolvency, officials in agricultural regions wanted to keep transfers of property in the family.⁴⁸ Bankrupts' petitions expressed a closely intertwined concern over the loss of status in the family and the loss of control over real property. Obviously, the notion of an intact household was restricted to those segments of the population that presided over landed property. Thus insolvency law delineated an agrarian scope of application that in the case of Switzerland amounted to only part of the industrializing conditions marked by cottage industry and factory work. Nonetheless, there was something that extended beyond this narrow framework: rural financial transactions were anchored by real estate, because before new credit institutes and loan instruments expanded the financial sphere

in the 1860s, the debt certificates circulating in the canton of Zurich consisted almost entirely of mortgage-backed promissory notes.⁴⁹

The petitions countered the degradation of civic rights due to insolvency by calling for modified classifications. At the end of the 1840s, a petition "in the name of a large number of economically unfortunate fellow citizens" requested categorizing bankrupt persons according to the circumstances of their insolvency:

The cited constitutional article places all of those affected in this case in the same category; the businessman who has become bankrupt through misfortune, the one who because of a triviality met this adverse fate due to prosecutorial zeal or even malice, together with the one who squandered large sums or otherwise went about carelessly and caused many thousands of guilders of damages to his creditors.⁵⁰

Instead, the petition maintained, the authorities should divide the bankrupts into classes: "in faultless, unaccountable, or with greater indebtedness, according to the measure of guilt or innocence." The idea of faultless misfortune played a role in solidifying the notion of the factual coherence of the "economy" as something that was independent from the individual's endeavors. To be sure, the fact that bankrupts referred to economic crises was nothing new, and the vocabulary of "misfortune" was also long established.⁵¹ Nonetheless, the evaluation of individual misfortunes characterized liberal poor relief, which for its part drew from the traditional distinction between the "deserving" and "undeserving" poor.⁵²

What did, however, become more common against the background of this well-established rhetoric of misfortune were publicly observable indicators of economic fluctuation, such as bankruptcy statistics, which produced new evidence. The so-called Democratic Movement of the late 1860s mobilized with reference to the explosive increase of bankruptcies during the period's economic crisis; drawing support from petit bourgeois, agricultural, and some working-class forces, the movement pushed through revisions to the canton's constitution.⁵³ The bankruptcy statistics published by the Zurich cantonal high court since 1858 functioned as an economic barometer. They drew a picture of something invisible—the economy.⁵⁴ The oppositional newspaper *Volksblatt vom Bachtel* reported in 1867 that it would assemble the numerous bankruptcies from the cantonal high court's annual reports into a "small image that should show whether the canton's general social welfare was in a state of increase or decline." This "image" emerged from the annual bankruptcy figures, which had increased six fold within eight years and, in the opposition's opinion, indicated "a seriously unsettling cancer for the country."⁵⁵ The newspaper brought to the fore a special measurable category in the metrology of debt, namely, the "general social welfare of the canton." Aggregated from fragmented insolvency statistics, this totality denoted for

the authors a factual circumstance that required political remediation. They believed that, if the economy possessed a definite factuality external to individual behavior, then personal moral failings could be ruled out for some of the bankrupts. The classification system needed to be changed in order to make such distinctions, demanded representatives of the Democratic Movement. If a "family father" found himself in the "position of bankrupt status through adverse fate and unfavorable times," maintained one petition to the constitutional council, he should be more easily rehabilitated by means of a new law. And in the event that "for less well-off business people such a situation (as a consequence of adverse fate) should come to light through earnestly reviewed investigations and inventories," then "such a family father" is already "far more miserably and unfortunately situated . . . than all others" and therefore his creditors should lose the right to seize the debtor's assets at any time.⁵⁶

Conducting a precise inventory was supposed to enable the moral exoneration of the family father, who functioned in this petition as a highly charged rhetorical figure. The documentation is sparse and needs to be treated carefully. Yet it is striking how, in 1880 in Lucerne, a subsequent petition that requested a "classification of bankrupts" no longer spoke solely about misfortune but also about "happenstances." The petition wanted debtors to have the opportunity to prove

that they in effect became incapable of payment because of non-culpable circumstances and cases of misfortune. Up to now, the current legislation does not ascribe responsibility relating to such happenstances. . . . The classification of the bankrupts will effect a protection against complete dishonor, immorality, or turpitude and depravity for that person who, as a consequence of non-culpable cases of misfortune, falls into bankruptcy or becomes unable to pay.⁵⁷

Such alternative classifications did not pursue notions contrary to prevailing morality but rather sought to work out the logic of classification from within. This did not signify an end of "honor consequences" for economic failure but rather an increasingly objective form of moral evaluation.⁵⁸ The generation of statistics established social artifacts as objective facts.⁵⁹ This observation is in keeping with historical interpretations that postulate the emergence of new categories and objectifications of social phenomena at the end of the nineteenth century.⁶⁰

The demands made by bankrupts must, however, be precisely located. Whereas the "invention of the social" that has been ascertained by many historical studies was based on the logic of distributed risk in which insurance calculations dissolved the principle of individual responsibility, the notion of the bankrupt's non-culpable misfortune did not mean turning away from the moral imperative of responsibility. The demand for the exoneration

of non-culpable misfortune was based on an individualized moral diagnosis, in the course of which a bankrupt was supposed to prove his innocence.⁶¹ Yet what the argument of non-culpable misfortune shared with the social objectifications that emerged in the late nineteenth century was the idea of the economy as a reified structure of facts external to individual endeavor.⁶² The bankrupt's degradation through the loss of civic rights affirmed a delimitation in the metrology of debt. As shown by the cited petitions of bankrupts, however, this classification process did not remain uncontested.

CONCLUSION

Lately, attention has again been forcefully drawn to the ways in which debt constitutes a profoundly relational fact.⁶³ Recent ethnographic and historical studies have dealt with debts as social relationships and examined them with regard to their temporality and social topology. Debts mark a relationship that "happens in between; when the two parties cannot yet walk away from each other," as David Graeber's oft-noted work describes the relationship between creditors and debtors.⁶⁴ This article has tried to demonstrate that enforcement proceedings provided an arena in which everyday conflicts and transactions found expression in legal regulations. This led to incoherent situations, such as the surprising appearance of the Oberweningen wives in the summer of 1829, and to polymorphous figures such as that of the "bankrupt." Yet new forms of official oversight and transparency under liberal auspices did not automatically supplant received practices. In the legal collection of debts, liberalism did not replace but rather co-opted inherited practices, and the continual activation of received rules in accordance with new liberal agendas engendered a gradual change. Within changing moral pragmatics and a framework of individualized diagnostics that evaluated singular "misfortunes" of economic failure, distanced proceedings became increasingly entrenched during the nineteenth century.

This article has described this changing form of enforcement proceedings not so much as a concern that shifted from the early modern village collective to liberalism's self-regulating individual. Rather, it worked out the changing frameworks of mediation and methods for evaluating debt, both of which supported this transformation of legal imagination and everyday practice. Demands were increasingly made to include the category of non-culpable misfortune in the legal classification of bankruptcy. This was not the rationality of risks that—as historical studies have established with respect to the late nineteenth century—were distributed through the logic of insurance.⁶⁵ But the demands for a classification of bankrupts nonetheless contained the outline of the economy as an objective factual configuration, thus

drawing new contours and proposing a novel register of justification in reference to the ever-contentious legitimacy of debts.

NOTES

1. This is a modified and revised version of an essay entitled "'Rechtstrieb': Schulden, Personen und Verfahren im liberalen Kapitalismus (Schweiz, 19. Jahrhundert)," in *Die Ökonomie sozialer Beziehungen*, ed. Gabriele Jancke and Daniel Schläppi (Stuttgart: Steiner, 2015). The deliberations represented here trace back to a workshop at the Free University of Berlin. I would like to thank Gabriele Jancke and Daniel Schläppi for their helpful comments and for the permission to publish a revised translation. Likewise, I would like to thank the editors of this volume—Chia Yin Hsu, Erika Vause, and Thomas M. Luckett—for their suggestions, and the translator, Bernard Heise. All errors remain my own.

2. Regula Meyer, Regula Markwalder, Barbara Kistler, Regula Schütz, Anna Merki, Anna Binder, Barbara Ganz, Kleofea Zöbeli. A ninth signatory represented the heirs of Anna Mattis, who died prior to the end of litigation. Staatsarchiv des Kantons Zürich (hereinafter STAZH) KIII 212.1-3, Bezirk Regensberg, request to the Commission for Administrative Disputes (Kommission für administrative Streitigkeiten), 27 August 1829.

3. Regarding the corporatist structure of the municipal system, which, along with municipal citizenship's graduated entitlements and forms of status, remained in effect in Zurich beyond the Ancien Régime, see Rudolf Graber, *Zeit des Teilens: Volksbewegungen und Volkssunruhen auf der Zürcher Landschaft 1794–1804* (Zurich: Chronos, 2003), 97–98. On the "traditional multiple use" of forests in this part of the canton of Zurich, see Matthias Bürgi, "A Case Study of Forest Change in the Swiss Lowlands," *Landscape Ecology* 14, no. 6 (1999): 567–75. The literature about rights to the commons and the theft of wood is immense. Among others, see Richard Hölzl, *Umkämpfte Wälder: Die Geschichte einer ökologischen Reform in Deutschland 1760–1860* (Frankfurt a. M.: Campus, 2010); Jonathan Sperber, "Angenommene, vorgetäuschte und eigentliche Normenkonflikte bei der Waldbenutzung im 19. Jahrhundert," *Historische Zeitschrift* 290, no. 3 (2010): 681–702.

4. STAZH BVII 208.23, Bevogtigungs-Etat Amt Regensberg, for a record of maiden names and married names. Regarding gender tutelage in nineteenth-century Switzerland, see Annamarie Ryter, *Als Weibsbild bevogtet: Zum Alltag von Frauen im 19. Jahrhundert—Geschlechtsvormundschaft und Ehebeschränkungen im Kanton Basel-Landschaft* (Liestal: Verlag des Kantons Basel-Landschaft, 1994).

5. STAZH KIII 212.1-3, Bezirk Regensberg, request to the Commission for Administrative Disputes, 27 August 1829.

6. STAZH KIII 212.1-3, Bezirk Regensberg, Oberweningen Municipal Council to the Commission for Administrative Disputes, 21 November 1829.

7. In actual fact, municipal accounts registered deficits for the 1820s and notes for 1824/25 indicate that the municipality had to step in financially in a number of bankruptcies. STAZH BVII 208.22, protocol of municipal accounts of Oberamt Regensberg, January 1817–January 1834.

8. STAZH KIII 212.1-3, Bezirk Regensberg, Oberweningen Municipal Council to the Commission for Administrative Disputes, 21 November 1829.

9. To borrow E. P. Thompson's succinct phrase. See Edward Palmer Thompson, "Custom, Law and Common Right," in Thompson, *Customs in Common: Studies in Traditional Popular Culture* (London: The Merlin Press, 1991), 97–184, quote on 102.

10. Here I follow Simona Cerutti, "Microhistory: Social Relations versus Cultural Models?" in *Between Sociology and History: Essays on Microhistory, Collective Action, and Nation-Building*, ed. Anna-Majja Castrén, Markku Lonkila, Matti Peltonen (Helsinki: Finnish Literature Society, 2004), 17–40; Cerutti, "Normes et pratiques, ou de la légitimité de leur opposition," in *Les formes de l'expérience: Une autre histoire sociale*, ed. Bernard Lepetit (Paris: Albin Michel 1995), 127–49.

11. On credit as a medium of social contact in nineteenth-century rural Switzerland, see Alexandra Binnenkade: *KontaktZonen: Jüdisch-christlicher Alltag in Lengnau* (Cologne: Böhlau, 2009), chapt. 5; on proto-industrialization in Zurich, see Rudolf Braun, *Industrialisation and Everyday Life*, transl. Sarah Hanbury Tenison (Cambridge: Cambridge University Press, 1990); Ulrich Pfister, "Rural Land and Credit Markets, the Permanent Income Hypothesis, and Protoindustry: Evidence from Early Modern Zurich," *Continuity and Change* 22, no. 3 (2007): 489-518; Pfister, "Le petit crédit rural en Suisse aux XVIe-XVIIIe siècles," *Annales HSS* 49, no. 6 (1994): 1339-57.

12. Marc H. Lerner, *A Laboratory of Liberty: The Transformation of Political Culture in Republican Switzerland, 1750-1848* (Leiden: Brill, 2012); Gordon A. Craig, *The Triumph of Liberalism: Zürich in the Golden Age, 1830-1869* (New York: Charles Scribner's Sons, 1988); Barbara Weinmann, *Eine andere Bürgergesellschaft. Klassischer Republikanismus und Kommunalismus im Kanton Zürich im späten 18. und 19. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 2002); Elisabeth Joris, *Liberal und eigensinnig: Die Pädagogin Josephine Stadlin—die Homöopathin Emilie Paravicini-Blumer* (Zurich: Chronos, 2010).

13. For one such reading, see Martin Schaffner, "Direkte Demokratie: 'Alles für das Volk—alles durch das Volk,'" in *Eine kleine Geschichte der Schweiz: Der Bundesstaat und seine Traditionen*, ed. Manfred Hettling, Mario König, Martin Schaffner, Andreas Suter, Jakob Tanner (Frankfurt a. M.: Suhrkamp, 1998), 189-226.

14. Anonymous, *Zur Volksabstimmung vom 17. November 1889: Ein Wort der Aufklärung an das Schweizervolk zum Bundesgesetz über Schuldbetreibung und Konkurs* (Bern: Buchdruckerei W. Büchler, 1889), 6-7.

15. On liberal governmentality in nineteenth-century Europe, see, for example, Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003), quote on 100; Joyce, *The State of Freedom: A Social History of the British State since 1800* (Cambridge: Cambridge University Press, 2013); Simon Gunn and James Vernon, "Introduction: What Was Liberal Modernity and Why Was It Peculiar in Imperial Britain?" in *The Peculiarities of Liberal Modernity in Imperial Britain*, ed. Simon Gunn and James Vernon (Berkeley: University of California Press, 2011), 1-18; Chris Otter, *The Victorian Eye: A Political History of Light and Vision in Britain, 1800-1910* (Chicago: University of Chicago Press, 2008); Giovanna Procacci, *Gouverner la misère: La question sociale en France 1789-1848* (Paris: Editions du Seuil, 1993). On Switzerland, see Regula Argast, "Schweizer Staatsbürgerschaft und gouvernementale Herrschaft 1848-1920: Foucaults Konzept der liberalen Gouvernementalität in der Analyse der Staatsbürgerschaft," *Schweizerische Zeitschrift für Geschichte* 53, no. 4 (2003): 396-408.

16. *Acht und zwanzigster Rechenschaftsbericht des Obergerichts an den Großen Rath des Standes Zürich über das Jahr 1858* (Zurich: Obergericht, 1859), 56ff.

17. Claire Lemerrier and Claire Zalc, "Pour une nouvelle approche de la relation de crédit en histoire contemporaine," *Annales HSS* 67, no. 4 (2012): 979-1009; Clare Haru Crowston, "Credit and the Metanarrative of Modernity," *French Historical Studies* 34 no. 1 (2011): 7-19; Mischa Suter, "Jenseits des 'Cash Nexus': Sozialgeschichte des Kredits zwischen kulturanthropologischen und informationsökonomischen Zugängen," *WerkstattGeschichte* 53 (2009): 89-99, for a critique of modernization narratives in the historiography dealing with credit.

18. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 76-136; John Bohstedt, *The Politics of Provisions: Food Riots, Moral Economy, and Market Transition in England, c. 1550-1850*, (Farnham: Ashgate, 2010); Didier Fassin, "Les économies morales revisitées," *Annales HSS* 64, no. 6 (2009): 1237-66; Lorraine Daston, "The Moral Economy of Science," *Osiris* 2nd series, 10 (1995): 2-24.

19. Ute Tellmann, "Die moralische Ökonomie der Schulden," *Illinx: Berliner Beiträge zur Kulturwissenschaft* 3 (2013): 3-24.

20. For a stimulating discussion of community discourses related to debt, see Miranda Joseph, "A Debt to Society," in *The Seductions of Community: Emancipations, Oppressions, Quandaries*, ed. Gerald W. Creed (Santa Fe, NM: School of American Research Press, 2006), 199-226.

21. David von Wyss, *Politisches Handbuch für die erwachsene Jugend der Stadt und Landschaft Zürich* (Zurich: Orell, Gessner, Füssli & Comp., 1796), 183.

22. Braun, *Industrialisation*, 162; Felix Meier, *Geschichte der Gemeinde Wetzikon*, ed. Le-segesellschaft Oberwetzikon (Zurich: in Comm Höhr, 1881), 447.

23. Johann Jakob Reithard, "Eine schweizerische Dorfgeschichte," in *Neue Alpenrosen: Eine Gabe schweizerischer Dichter*, ed. Johann Jakob Reithard (Zurich/Frauenfeld: Ch. Beyel, 1848), 249-350, 338ff.; Fabian Brändle, ed., *Das lange Leben eines Toggenburger Hausierers: Gregorius Aemisegger 1815-1913* (Wattwil, Switzerland: Toggenburger Verlag, 2007), 62.

24. Staatsarchiv Luzern (hereinafter STALU) AKT 35.21 A.1, Motion of Council Member Hertenstein, 12 June 1848; Decree of the President und Grand Council for the Interim Suspension of the Public Exhibition of Bankrupts, 15 June 1848; Trumpeter Kaspar Sigrist to the Police Commission of the Canton of Lucerne, 8 January 1848.

25. "Hochobrigkeitliche Verordnung vom 16ten Juli 1805, betreffend die Auffallsverhandlungen, Pfandbücher und Pfandversilberungen," in *Officielle Sammlung der von dem Großen Rathe des Cantons Zürich gegebenen Gesetze und gemachten Verordnungen, und der von dem Kleinen Rath emanirten allgemeinen Landes- und Polizey-Verordnungen*, vol. 3 (Zurich: Johann Kaspar Näf 1808), 108-13, quote on 108.

26. "Gantordnung des Kantons Zürchs, erlassen vom Regierungsrat 9. März 1843, 21. 12. 1843 in Gesetzessammlung aufgenommen," in *Officielle Sammlung der seit Annahme der Verfassung vom Jahre 1831 erlassenen Gesetze, Beschlüsse und Verordnungen des Eidgenössischen Standes Zürich*, vol. 7 (Zurich: Staatskanzlei, 1843), 98.

27. Meier, *Wetzikon*, 447.

28. Analogous to this, one can consider the acoustic radius of the church bell, with which the sphere of the rural community was ideologically conjured during the epoch of urbanization, as elucidated in Alain Corbin, *Les cloches de la terre: paysage sonore et culture sensible dans les campagnes au XIXe siècle* (Paris: Albin Michel, 1994), 98ff.

29. For a foundational text on intervals in exchange relationships, see Pierre Bourdieu, "The Economy of Symbolic Goods," in *Practical Reason: On the Theory of Action* (Stanford, CA: Stanford University Press, 1998), 93-123.

30. Gottfried von Meiss, *Das Pfand-Recht und der Pfand- oder Betreibungs-Proceß in seinem ganzen Umfang: Nach den Gesetzen und der Uebung des Eidgen: Cantons Zürich/Ein civilrechtlicher Versuch* (Zurich: Orell, Füssli & Comp., 1821), 127-28.

31. "Gesetz betreffend die Schuldbetreibung vom 30. Brachmonath 1832," *Officielle Sammlung der seit Annahme der Verfassung vom Jahre 1831 erlassenen Gesetze, Beschlüsse und Verordnungen des Eidgenössischen Standes Zürich*, vol. 2 (Zurich: Friedrich Schultheß, 1832), 89.

32. In the Ancien Régime, officials had also dragged out proceedings, but starting in 1831 the annual accountability reports of the Obergericht—the Canton's second instance court and the supervisory authority in these matters—ensured a new form of transparency in these practices. See Braun, *Industrialisation*, 170; Erwin Kunz, *Die lokale Selbstverwaltung in den zürcherischen Landsgemeinden im 18. Jahrhundert*, (Zurich: Weiss, 1948), 29.

33. *Fünf und zwanzigster Rechenschaftsbericht des Obergerichts an den Großen Rath des Standes Zürich über das Jahr 1855* (Zurich: Obergericht, 1856), 34-35.

34. On municipal poor relief as a factor in the exclusion from citizenry, see Regula Argast, *Staatsbürgerschaft und Nation: Ausschluss und Integration in der Schweiz 1848-1933* (Göttingen: Vandenhoeck & Ruprecht, 2007), 250-51.; Helene Baltensberger, *Das Armenwesen des Kantons Zürich vom Armengesetz von 1836 bis zu den Revisionsbestrebungen der 60er Jahre*, (Zurich: Lang, 1940).

35. STAZH P.5.2.2. High Court of Canton Zurich, Supervision of the communal bailiffs by higher-level officials (*Schuldenschreiber*), January 6, 1849.

36. Reithard, "Dorfgeschichte," 269. On Reithard, see Claudia Weilenmann, "Johann Jakob Reithard (1805-1857)," in *Sagenerzähler und Sagensammler der Schweiz: Studien zur Produktion volkstümlicher Geschichte und Geschichten vom 16. bis zum frühen 20. Jahrhundert*, ed. Rudolf Schenda (Bern: Haupt, 1988), 223-44.

37. Reithard, "Dorfgeschichte," 309.

38. STAZH KIII 212.1-3, Oberweningen Municipal Council to the Commission for Administrative Disputes, 21 November 1829.

39. On the ways in which the national poet's narratives can be used for social-historical insights, see Manfred Hettling, *Politische Bürgerlichkeit: Der Bürger zwischen Individualität und Vergesellschaftung in Deutschland und der Schweiz von 1860 bis 1914* (Göttingen: Vandenhoeck & Ruprecht, 1999), 291–317.

40. Gottfried Keller, *Die Leute von Seldwyla*, vol. 1 (1856), in *Sämtliche Werke: Historisch-kritische Ausgabe*, vol. 4, ed. Peter Villwock, Walter Morgenthaler, Peter Stocker, Thomas Binder (Basel/Zürich: Stroemfeld, 2000), 7. Only a few selected novellas (without the passages cited here) have been translated into English.

41. Keller, *Seldwyla*, 8. See Jörg Kreienbrock, "Das Kreditparadies Seldwyla: Zur Beziehung von Ökonomie und Literatur in Gottfried Kellers Die Leute von Seldwyla," in *Gottfried Keller, Die Leute von Seldwyla. Kritische Studien—Critical Essays*, ed. Hans-Joachim Hahn and Uwe Seja (Bern: Lang, 2007), 117–34.

42. Keller, *Seldwyla*, 27.

43. Keller, *Seldwyla*, 19.

44. For an extensive discussion of the petitions, see Weinmann, *Bürgergesellschaft*, 204–67, especially 238–39.

45. STAZH M 2.18.1, Petition to the Constitutional Council No. 18, Neumünster, 12 May 1868, for a striking example of this argumentation.

46. Joyce, *Rule*, 100. See also Argast, "Gouvernementalität." On the municipality as the central entity in Swiss nationalism, see Oliver Zimmer, *A Contested Nation: History, Memory, and Nationalism in Switzerland, 1761–1891* (Cambridge: Cambridge University Press, 2003), 151; Zimmer, "Coping with Deviance: Swiss Nationhood in the Long Nineteenth Century," *Nations and Nationalism* 17, no. 4 (2011), 756–74.

47. Toby L. Ditz, "Shipwrecked; or Masculinity Imperiled: Mercantile Representations of Failure and the Gendered Self in Eighteenth Century Philadelphia," *Journal of American History* 81, no. 1 (1994): 51–80.

48. STAZH P 5.2.3 Bezirksgericht Regensburg on the bankruptcy act (planned and then enacted in 1857), 12 September 1855.

49. Gottfried Farnet, *Das zürcherische Bodencreditwesen unter den Anforderungen der Gegenwart* (Zürich: F. Schulthess, 1863), 2. On rural preindustrial financial transactions, see Markus Mattmüller, "Agrargeschichte der Schweiz im Ancien Régime, Bd. 2, Vorlesung im WS 1978/79 und SS 1979" (unpublished manuscript at Historisches Seminar Universität Basel, 1979), 365–92.

50. STAZH P 5.2.2, Petition by Jakob Bänz, Wülflingen, to the Grand Council, no date, ca. December 1849.

51. STAZH P 5.2.1, Petition Heinrich Freytag, dyer in Riesbach, and J. Däniker to the Grand Council, 28 March 1848.

52. On the epistemology of the singular case in middle-class philanthropy, see Christian Topalov, *Naissance du chômeur 1880–1910* (Paris: Albin Michel, 1994), 206ff.; on poor relief in the Canton of Zurich, see Baltensberger, *Armenwesen*.

53. Martin Schaffner, *Die demokratische Bewegung der 1860er Jahre: Beschreibung und Erklärung der Zürcher Volksbewegung von 1867* (Basel: Helbing & Lichtenhahn, 1982), 121–33, especially 123.

54. For this representation of the invisible against a different background, namely, the national bookkeeping of (semi)colonial states in the twentieth century, see Mary S. Morgan, "Seeking Parts, Looking for Wholes," in *Histories of Scientific Observation*, ed. Lorraine Daston (Chicago: Chicago University Press, 2011), 303–25.

55. *Schweizerisches Volksblatt vom Bachtel*, no. 85 (24 October 1867).

56. STAZH M 2.18.1, Petitions to the Constitutional Council, Petition No. 17, Caspar Meyer from Uster, 12 May 1868.

57. STALU AKT 35.21 a.15, Petition to the Grand Council of the Canton of Lucerne on the Classification of Bankrupts, 31 December 1880.

58. But also beyond the introduction of the 1889 federal law of debt collection and bankruptcy, the "honor consequences"—configured differently from one canton to the next—remained in place. Carl Schröter, *Die öffentlich rechtlichen Folgen der fruchtlosen Pfändung und des Konkurses in der Schweiz* (Berne, 1902).

59. On the political battleground and the uncertain epistemic status of statistics in the nineteenth century, see among others Mary Poovey, "Figures of Arithmetic, Figures of Speech: The Discourse of Statistics," in *Questions of Evidence: Proof, Practice and Persuasion across the Disciplines*, ed. James Chandler, Arnold I. Davidson, Harry Harootunian (Chicago: University of Chicago Press, 1994), 401–21; Jakob Tanner, "Der Tatsachenblick auf die 'reale Wirklichkeit': zur Entwicklung der Sozial- und Konsumstatistik in der Schweiz," *Schweizerische Zeitschrift für Geschichte* 45, no. 1 (1995): 94–108.

60. With various different perspectives, Topalov, *Naissance*; Jacques Donzelot, *L'Invention du social: Essai sur le déclin des passions politiques* (Paris: Editions du Seuil, 1984); François Ewald, *L'Etat providence* (Paris: Bernard Grasset, 1986).

61. As mentioned, such individualized diagnostics also characterized the liberal philanthropy of the nineteenth century. See Topalov, *Naissance*, 203ff., 360ff.

62. This is discussed more extensively in Suter, "Das Wissen der Schulden: Recht, Kulturtechnik und Alltagserfahrung im liberalen Kapitalismus," *Berichte zur Wissenschaftsgeschichte* 37, no. 2 (2014): 148–64.

63. For in-depth reflections on the relationality of debts, see Richard Dienst, *The Bonds of Debt: Borrowing against the Common Good* (London: Verso, 2011). I would like to thank Rebecca Karl for the reference to Dienst's book.

64. David Graeber, *Debt: The First 5000 Years* (New York: Melville, 2011), 122.

65. Donzelot, *L'Invention*; Ewald, *L'Etat providence*; Topalov, *Naissance*.