Kinship in Neckarhausen, 1700–1870

This work analyzes shifts in the relations of families, households, and individuals in a single German village during the transition to a modern social structure and cultural order. Sabean's findings call into question the idea that the more modern society became, the less kin mattered. Rather, the opposite happened. During "modernization," close kin developed a flexible set of exchanges, passing marriage partners, godparents, political favors, work contacts, and financial guarantees back and forth. In many families, generation after generation married cousins. Sabean also argues that the new kinship systems were fundamental for class formation, and he repositions women in the center of a political culture of alliance construction. Modern Europe became a kinship "hot" society during the modern era, only to see the modern alliance system break apart during the transition to the postmodern era.

This book is one of a series of monumental local studies coming out of the Max Planck Institute for History in Göttingen. It is the most thoroughgoing attempt to work between the disciplines of social and cultural history and anthropology, and it demonstrates successfully the power of microhistory to reconceptualize general historical trends.
Kinship in Neckarhausen, 1700–1870

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Cambridge University Press
to George L. Mosse

who taught us all about teaching
In Ersilia, to establish the relationships that sustain the city’s life, the inhabitants stretch strings from the corners of the houses, white or black or gray or black-and-white according to whether they mark a relationship of blood, of trade, authority, or agency. When the strings become so numerous that you can no longer pass among them, the inhabitants leave: the houses are dismantled; only the strings and their supports remain.

From a mountainside, camping with their household goods, Ersilia’s refugees look at the labyrinth of taut strings and poles that rise in the plain. That is the city of Ersilia still, and they are nothing.

They rebuild Ersilia elsewhere. They weave a similar pattern of strings which they would like to be more complex and at the same time more regular than the other. Then they abandon it and take themselves and their houses still farther away.

Thus, when travelling in the territory of Ersilia, you come upon the ruins of the abandoned cities, without the walls which do not last, without the bones of the dead which the wind rolls away: spiderwebs of intricate relationships seeking a form.

—Italo Calvino, *Invisible Cities*
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Abbreviations

B  brother
BM  Bürgermeister
D  daughter
F  father
fl  Gulden (florin)
FRKN  Frickenhausen
GRBTLG  Grossbettlingen
GRTZ  Grötzingen
H  husband
M  mother
NH  Neckarhausen
NTLF  Neckartailfingen
NRTG  Nürtingen
OBBHNG  Oberboihingen
OBENSG  Oberensingen
RDWG  Raidwangen
S  son
UNENSG  Unterensingen
W  wife
WLFS  Wolfschlugen
x  step
Z  sister
ZSHN  Zizishausen

Note: All dates follow German usage: day, month, year (12.2.1796 = 12 February 1796).
Abbreviations of sources

Gericht, Gerichts- und Gemeinderatsprotocolle, Neckarhausen
HSAS, Hauptstaatsarchiv Stuttgart
KB, Kaufbücher
Kirchenkonvent, Kirchenkonventsprotocolle, Neckarhausen
LKA, Landeskirchliches Archiv, Stuttgart
Nürtingen Stadtgericht, Stadtgerichtsprotocolle, Nürtingen
Oberamtsgericht, Nürtingen Oberamtsgerichtsprotocolle, STAL
Reyscher, August Ludwig Reyscher, ed., Vollständige historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze
RPTK, Realencyklopädie für protestantische Theologie und Kirche
Schultheissenamt, Schultheissenamtsprotocolle, Neckarhausen
STAL, Staatsarchiv Ludwigsburg
Vogtruggericht, Vogtrugerichtsprotocolle, Neckarhausen (Bescheid- und Rezessbuch)
On reading kinship diagrams

- male
- female
- person(s) of either sex
- deceased
- marriage
- divorce
- no surviving children
- descent
- step-relation
- immigrant
- emigrant

1 2 △
1 2 △
NRTG

3 4 △
3 4 △
GRTZ

5 6 △

7 8 △

9 10 △

6 is 5's MBS (mother's brother's son)
7 is 6's Z (sister)
8 is 7's MxBD (mother's step-brother's daughter)
3 is 2's W (wife)
5 and 6 are first cousins (Vettern)
6 and 9 are first cousins once removed
9 and 10 are second cousins
2 immigrated to Neckarhausen from Nürtingen
8 emigrated from Neckarhausen to Grötzingen
Glossary

German words are italicized when they occur for the first time in the volume or when attention is focused on their use.

affinal related by marriage
agnatic relations reckoned through father
Amt bureau; district
Amtmann officer, official, administrator
Amtsverweser temporary incumbent of an office
Bauer agricultural producer, peasant
Beständer contractor; farmer
Blutsfreundschaft kin or kinship by blood
Blutschande incest
Bürger enfranchised member of a locality, citizen
Bürgerausschuss committee representing locality inhabitants
Bürgermeister chief financial officer of a locality
Bürgerrecht citizenship, full rights in a locality
Bürgerschaft citizens of a locality
Bürgschaft pledge, bond, surety
clan group of people related through descent
cognatic relations reckoned through both parents
consanguineal related by blood
Conventsrichter church consistory elder
cross cousins cousins reckoned through parent’s different sex sibling
dot dowry
Döte godfather (relation to child)
Dote godmother (relation to child)
Ehesuccessor marital successor (spouse’s subsequent spouse)
Glossary

endogamy  marriage inside the group
exogamy  marriage outside the group
Familie  family; kin-group
Freund  friend; relative
Freundschaft  kinship; affinity
Gant  bankruptcy
Gegenschweher  co-(respective)-parents-in-law
Gemeinderat  local council; member of local council
Gemütlichkeit  comfort
Gericht  court
Gerichtsschreiber  court clerk, recorder
Gerichtsverwandter  Richter; member of the court; justice
Geschwister  siblings
Geschwisterkind  cousin
Gevatter(in)  godfather (mother) (relation to parents)
Gevatterkind  godchild (relation of parent to godparent)
Gevattermann  godfather (relation to parent)
Gevattersohn  godson (relation of father of child to godparent)
Grad  degree
Güterpfleger  warden, property overseer, or administrator
Hausmacht  political influence of a family
Herrschaft  lordship; authority, domination, dominion, rule; power; domain;
  seigneur
herrshaftliche Interesse  fiscal interests of the prince
heterogamy  marriage of unequals
Hofbauer  farmer; tenant of a large farm
homogamy  marriage of equals
hypergamy  marriage upward (by women)
isonymy  matching names
kindred  group of relatives related to an individual
Kindskind(er)  second cousin(s)
Kirchenkonvent  church consistory
Kirchenordnung  ecclesiastical code
Kriegsfrau  court ward (woman); correlative to Kriegsvogt
Kriegsvogt  curator ad litem; gender tutor; representative
Kriegsvogtschaft  gender tutelage
Landschaft  parliament, estates
Markung  territory of a locality
matrifocal  relationships centered on or constructed by a senior woman
matrilateral  relationship reckoned through mother
matriline  descendants through females of a common progenitrix
Mütterliches  maternal inheritance
Mundtod  incompetent, in state of civil death
neolocality  residence not defined by parents' residence

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Glossary

neonymy  creation of a novel name
Nutzniessung  usufruct
Oberamt  district
Oberamtmann  chief district officer (see Vogt)
ousta  household
parallel cousin  cousin reckoned through parent’s same-sex sibling
Partei  faction
Parteilosigkeit  neutrality
patrilateral  relationship reckoned through father
patriline  descendants through males from a common progenitor
patrilocality  residence according to father’s kin
Pflegekind  ward
Pfleger  guardian
Pflegschaft  guardianship
Pförfch  sheepfold
Rat  council; member of council
Richter  justice; member of the court (Gericht)
Schichten  social strata
Schultheiss  chief administrative officer of a village
Schultheissenamt  Schultheiss bureau
Schwägerschaft  affinity
Scriben  lower clerk
Sippe  kindred
Stadtknecht  town baliff
Stamm  root; progenitor
Stammgut  ancestral home; estate belonging to the chief line
Stand, Stände  corporate group(s); status; class(es)
teknonymy  naming by occupation or trade
Unteramtmann  deputy to the Amtmann
Untervogt  deputy to chief regional official
uterine  relations reckoned through mother
uxorilocality  residence according to mother’s kin
Väterliches  paternal inheritance
Verein  club; association
Vetter  cousin; earlier usage: uncle
Vetterle  Swbian dialect form for Vetter (diminutive)
Vetterlesgericht  a court full of relatives
Vetterleswirtschaft  nepotism; corruption
Vogt  chief regional official; representative; guardian
Waisengericht  orphan’s court
Waisenkind  orphan
Waisenrichter  justice of the orphans’ court
Waldmeister  forest administrator

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Preface

George Mosse once explained to his graduate students how to put a book together: take notes until the shoe box is full, throw the box out the window, and write. Ah, but we were young, and the smell of revolution was in the air. Social history, with its need for stakhanovite heroes, beckoned and promised to overturn our understanding of the past. We were to spend long hours in the archives, years filling out family reconstitution forms, and more years figuring out what to do with them, all the while (although we did not suspect it at the time) shunting data from one outmoded technological system to another. Today I see more clearly how astute the practical advice was, but I also see how much I was building on the sure foundations George had already provided and how pervasive his influence has been. He taught me to pay close attention to the symbols and ideas that have moved people in the past. There was no great leap, apart from methodological razzle-dazzle and less readable prose, from his kind of cultural history to my kind of social history. Most important were his broad understanding of what constituted political practice and his sympathetic grasp of concrete existence. He understood that just those areas of life that people develop to avoid power, flee self-interest, and obtain distance are as much inflected with politics and with material culture as anything else. He was practicing critical history long before there was a word for it. When I look back on my intellectual development, I think that George taught me above all else two essential things: history writing as the practice of irony and history teaching as a high calling, demanding discipline, care, and a great deal of humor. I recently had the chance to hear George lecture once again after more than thirty years, this time in Los Angeles. The audience was full of students from Madison in the ’60s – all of us reminded of an almost forgotten intensity of intellect and moral commitment. I want to dedicate this book to one of America’s most successful teachers. No one who failed
Preface

to hear Mosse lecture in the early '60s can experience history quite in the manner that we still do.

I have a second major debt, one that came later as I was puzzling out ways to incorporate social anthropology into the practice of history. During the academic year 1972–3, I had a Social Science Research Council postdoctoral fellowship to Cambridge University, where I spent the time in daily exchange with Jack Goody. Jack introduced me to that powerful and coherent school of British anthropologists who had studied and worked with Bronislaw Malinowski and A. R. Radcliffe-Brown. In conversations with Jack and his wife Esther, I worked out ideas about social reproduction and about the usefulness of a relational concept of property for historical and social analysis. Jack’s broad vision of kinship, his elemental good sense, and his interest in historical process have all had a profound effect on how I have thought through the problems in this book. He has always been far more interested in building on past scholarship than on novelty for its own sake. I think he got it right recently when he remarked, “It is an impoverished field that sees itself as having to discard its predecessors at each generation instead of critically building on their achievements.”

Like M. Jourdain, who found out that he had been speaking prose for forty years without knowing it, I had been practicing “microhistory” without being aware that it might have a name. I have left it to my former and present colleagues, Hans Medick and Carlo Ginzburg, respectively, to explain the assumptions behind the methodology. Simply put, I set out to examine kinship as an analytically distinct issue that required my database to be restricted to a single locality in order to reach the details that could not be had any other way. I found that kinship was an inordinately useful starting place for elucidating a social order and that the study of one locality was a most powerful heuristic device. Tracking everyday aspects of intra- and interfamilial exchange, patterns of marriage, care for orphans, cooperation in agriculture, habitual ways of doing things, and the promotion and placing of children connects kinship to matters of gender, politics, production, and culture. I found that a number of fundamental historical issues could not be made sense of without understanding kinship and without starting the inquiry in a controlled and restricted location. Take, for example, the problem of class. If class is about anything, it is about the coordinated and managed access to property. Just for that reason, property, and indeed class, remain incoherent in the absence of kinship. And seeing how they are connected requires a patient attention to small details. Fundamental matters such as the nature and composition of households, the social division of labor, the distribution of authority,


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the dynamics of social hierarchy, and the arrangement of political practices within gender-constructed milieus, all remain unintelligible without a thoroughgoing analysis of kinship. Furthermore, the more distanced the viewpoint, the easier it is to fail to grasp kinship as a coherent system. But the methods of microhistory have to tack continuously with those of comparative history in order to bring lives as they really are lived — locally, on the ground — into recognizable and discussable shape, not as generalized information but as alternative logics of patterned reciprocity. Comparison in its turn cannot be done in bits and pieces but involves a careful reading of complex social structures against each other, looking for variations in strategic coherence or unexpected consequences of different social dialectics.

In an earlier work on the village, Property, Production, and Family in Neckarhausen 1700–1870, I looked at internal family and household dynamics, examining relations between husbands and wives and parents and children. I argued that toward the end of the eighteenth century the opening up of the village to outside markets, the reconfiguration of agricultural output, and the intrusion of capital profoundly altered the sexual division of labor, relations between husbands and wives, the structure and ideology of the house, intergenerational distribution and control of wealth and productive resources, the patterns of authority, and the way property mediated relationships among family members. The fact that the more fluid economy of the village shifted interactions within and between families poses new questions for studying kinship in other places and at other social levels during the process of modernization. Just as in the earlier book I argued for a reworking of the theme of family and modernity, here I am arguing for a reconceptualization of gender and class in terms of sharply focused attention on kinship as a modern construction.

This book therefore takes as its theme the set of familial relations among individuals and households. Sometimes kinship studies confine themselves to marriage exchanges, but I am concerned throughout with the encompassing patterns of reciprocity as well as with their reverse side — with forms of behavior that refuse exchange, establish lines of fission, or set up practices of exclusion. Kinship is very much about identity, for, after all, within its dynamics people are socialized, recognized, and ordered into intelligible hierarchies. Thus the examination of kinship promises to link issues of pressing current concern about subjectivity to older ones of social practice. Thinking about both identity and kinship prompts, as I will show, consideration of parallel problems of memory and narrative construction. Kinship is based on recall, commemoration, and remembering old debts, and its basic working procedure explicitly or implicitly operates from within a repertoire of mutually constructed stories. Kinship displays recurring patterns, and even though in my analysis I constantly endeavor to tease out form and structure, I am well aware that they are the result of numerous everyday practices — activities such as getting together a plow team, competing for a young girl’s favor, discussing the fair allocation of building wood, or bidding on a village contract. Despite being embedded in mundane practices
and produced within them, kinship proves to be systemic. Although it is constructed in the give and take of daily life, in the end it offers a system of patterned expectations, a coherent set of constraints, and an arena in which claims and obligations can be negotiated with strategic intent and greater or lesser degrees of tactical finesse.

Opening up kinship reveals a largely unexplored terrain of political activity. In the analysis of the history of Neckarhausen, the rise of a market in land and the massive influx of capital for agricultural intensification provided an explanatory entry into the problem of reordered relations among kin. In a parallel fashion in the larger society, the processes of bringing together capital and distributing it cannot be grasped outside the politics of kinship. In nineteenth-century Europe, strategic support for families in crisis, in bankruptcy, and at stress points in the life cycle called upon the calculated if intermittent intervention of kin. Skilled negotiations among existing and potential kin were necessary to maintain entrances to and exits from social milieus and to police cultural and social boundaries. Within the dynamics of family occurred a large part of the ludic, festive, competitive, and charitable activities that configured political cultures. Part of the reason that kinship has not been systematically brought into the conceptual framework of the political has to do with the central place of women for configuring alliances between subpopulations, for maintaining the practices of code and symbol recognition so crucial for sexual and cultural attraction, and for training rules and practices into bodies. Class habitus grew out of the interplay among kin, the setting of which in the nineteenth century was staged mainly by women. Connubium was at the heart of class formation, and alliances were continually configured around the negotiating activities of women. Politics is not only about ideology formation and party struggles, but it is also about cultural struggles: fashioning mannered discourses, patterning everyday forms of social intercourse, and configuring the aesthetics of distinction. To get at such issues, I consider the finely spun networks of social interaction, the complex interplay of reciprocities, and the links between familial intercourse and social imagination. Both kinship and politics are about building the ties that bind, and much of what this book is about is understanding cultures of obligation. The argument that emerges here is the reverse of older understandings of the relationship between politics and class. Rather than social differentiation and class articulation leading to certain forms of intervention in the political sphere, power is far more autonomous and politics is an active force in configuring class formation and ordering relations between classes.

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I have many, many people to thank for helping me with this book. The initial lessons in social anthropology came from Robert Groves and George Bond during my first academic appointment at the University of East Anglia from 1966 to 1970. In 1968 Christopher Turner and I taught an interdisciplinary course on the history of the family and kinship in which I first outlined the problematic of
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this book. Many of the early methodological discussions took place at the University of Pittsburgh from 1970 to 1976, where Sam Hayes had brought together a remarkable group of innovative social historians. Larry Glasco talked me into using the computer to create a data base. With Jonathan Levine, the editor of *Historical Methods*, I discussed methodological practice for hours, and the happy occasion of long visits by Emmanuel Le Roy Ladurie and Edward Thompson strengthened my resolve to experiment with new ways of getting at things. Members of the peasant studies group at Pittsburgh encouraged me to read widely in comparative approaches to rural life. I also had help from a number of assistants. Sandy Dumin and Ella Jacobs keypunched and verified all of the parish register forms I had filled out. Eva Savol and Raymond Monahan prepared some of the tax records and inventories for keypunching by Lena Crnovic.

From 1976 to 1983, I was a fellow at the Max-Planck-Institut für Geschichte in Göttingen. The director, Rudolf Vierhaus, presided over an innovative, *eigen-sinnige* group of social historians concerned with the history of protoindustrialization, working class culture, and rural society. He was still a firm believer in basic research as the central role of such an institution, and I think that the recent publications of his group show that that form of ground-breaking scholarly pursuit is compelling and cannot be rushed. I found Alf Lüdtke’s interests in power and everyday life crucial for my own formulation of the issues. Peter Kriedte offered a superb knowledge of agrarian institutions. Jürgen Schlumbohm read and commented on every word I wrote. He has proved a constant friend. His own book on the parish of Belm is a model study of demographic and social analysis, one of the most profound works of microhistory I know. Hans Medick chose to work on a Swabian village not far from Neckarhausen. We spent an intense seven years discussing the ins and outs of sources, the uses of anthropology for historical work, and the meaning and practice of microhistory. Although I do not think I ever convinced him of the central importance of kinship, the argument owes as much to his skepticism as anything else. Loli Diehl and Gerlinde Müller redacted the complex marriage and estate inventories onto forms, which Kornelia Menne entered on the computer. The computerization of the entire data base was made possible by the system “Kleio,” developed by Manfred Thaller.

Many visitors to the Max-Planck-Institut helped me think through the issues: David Gaunt, David Levine, Jonathan Knudsen, Vanessa Maher, Gerald Sider, and Robert Berdahl. Above all, William Reddy was a congenial visitor. He has thought more profoundly than anyone else about how anthropology and history can speak to each other. He eventually read the first version of the manuscript, and his comments led me to recast the argument completely. He has also offered penetrating comments on the current version. Various members of the continuing seminar on family history and the Round Table in Anthropology and History discussed issues of family and kinship with me: Barbara Duden, Michael Mitterauer, Heidi Rosenbaum, and Regine Schulte. Karin Hausen at the Technical University in Berlin has been especially important in approaching my work with
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good humor and the right touch of ironic detachment. She introduced me to the Ernst Brandes texts, gave me leads to many sources, and prompted me to write the concluding two chapters. She has always been an engaged critic of my work, and many of the questions I have asked have grown out of conversations between us. I have gained many insights about Württemberg history over the years from talks with Carola Lipp and Wolfgang Kaschuba. I also learned a great deal from younger scholars at the Institute: Gadi Algazi, Michaela Hohkamp, and Peter Becker. I am particularly grateful to Bernhard Jussen for helping me think through the issues of godparentage.

Such a work as this could never have been written without the gracious and patient help of the staffs of various archives. For many years, the Württembergisches Hauptstaatsarchiv in Stuttgart was a home away from home. I want to thank the staff there, as well as at the Staatsarchiv in Ludwigsburg for establishing excellent working conditions and a professional atmosphere. Dr. Dietrich Schäfer at the Landeskirchlichesarchiv in Stuttgart offered welcome encouragement and assistance in getting the Neckarhausen parish material microfilmed. I have also benefited from assistance in Neckarhausen. When I first arrived in 1967, Bürgermeister Schwarz gave me permission to use the sources in the Rathaus, and Gemeindepfleger Hagenlocher arranged to let me have them microfilmed. The present Gemeindevorsteher, Willi Knapp, continued to allow access to the material and microfilming privileges.

During my years at the University of California (from 1983 to 1988, and since 1993) and at Cornell University (from 1988 to 1993), many colleagues and students have encouraged me and offered valuable critical readings. William Clark went through the first version as well as the current one line by line and offered brilliant structuralist readings. Scott Waugh thought it was important to keep the details. Isabel Hull read every word and gave me sensible ideas about how to revise and encouraged me to finish up. She was a delightful colleague and a major reason for missing Ithaca. Erik Monkonen liked the diagrams and all the details. Bernard Heise gave me amused comment and insisted on clarity. Christopher Johnson explained why my arguments were important. Ever since we started out in graduate school together, he has offered the challenging perspective of a socially committed historian.

I want to thank Frank Smith once again for being an encouraging and patient editor. Vicky Macintyre did a superb job reading her way into the rhythms of my prose and saving me from many inconsistencies. I was very pleased that she was willing to take on another monster manuscript from me.

All through the many years, my wife, Ruth, has been striding ahead into the informational future, while I have been making forays into the more settled terrain of the past. Twenty-five years ago, a graduate student remarked that we both seemed so spry. Now that the term might have some meaning, I have visions of us skipping off into the new age, continually wrangling about the gains and losses of the new technology.
INTRODUCTION
An introduction to kinship

We need only as much theory as necessary.

— Jack Goody, Expansive Moment

During the three decades it took to put this study together, visions of Casaubon danced in my head, while all about me scholarly interest in population studies and in kinship analysis was on a steep decline. With the recent loss of faith in social analysis, the basic weapons of the social historian’s armament, such as “class,” have been blunted or tossed aside. Yet I still find “class” a useful instrument, and in one way or another this book beats its way toward an argument that explains how kinship and class have interacted with each other during the modern era. The fact that these two concepts have been replaced in many disciplines by “identity” and “selfhood” has left me with the quixotic task of breaking a social-historical lance on the windmills of subjectivity.

In 1968 I set out to look at a relatively simple question arising from the widely held view among social scientists that modernization had fundamentally altered the nature of the family in Western civilization and that each social epoch was characterized by a dominant form of familial relations. People in Europe, so the story went, had once constructed their lives within a dense network of kin. Industrialization, urbanization, and monetization of social relations had allowed individuals and families to free themselves from traditional ties and enter into rationally calculated entrepreneurial activities or, by moving whenever necessary, to take up the opportunity to sell their labor in a free-wage market. Experts in development offered this successful transition in the West as a model for backward countries to emulate. In a future world economy premised on the tactical

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versatility of the nuclear family, obligations to extended kin were seen as a liability.

My question was twofold. First, I wanted to know if the generally accepted account of the European past was correct and what specific form the transition had taken – I was skeptical about offering an ill-conceived and little-understood model for underdeveloped areas of the world to emulate. Second, I wanted to know how the connections between and among families were patterned during the long pretransition period in which relations between people were supposed to have been dominated by a web of kinship. In a certain sense, where everyone is kin, no one is kin; that is to say, all the connections between kin could hardly carry the same meaning, moral exigency, or attitude. So the problem was to find a way to map the territoriality of kin in some particular context where there was enough detail to be specific about the degree to which people shaped their everyday lives with and without family and relatives. There was also a complex hermeneutic problem to be solved, which Françoise Zonabend has effectively sketched: “Ethnologists have shown that in those societies called archaic, people ‘disguise social and political maneuvers under the cloak of kinship’ [in the words of Lévi-Strauss]. We could ask whether our societies, called modern, do not attempt to disguise the genealogical imperatives of alliance under the cloak of politics and economics.” I came to see in the course of this study that the distribution of property cannot be explained without an understanding of kinship, and that the same is true of the structure of households, the division of labor, and the deployment of authority. I also found that a thoroughgoing analysis of kinship could help rehabilitate class and lead to a subtler understanding of women’s political practice, especially in the nineteenth century, which was when women supposedly disappeared into the realm of the private and therefore became effectively cut off from activity in the public sphere, the only “true” arena of political engagement.

In the late 1960s there were two tools at hand for investigating the kinds of questions that family and modernization posed. One consisted of parish registers. A decade earlier Etienne Gautier and Louis Henri had developed a method for examining demographic behavior at the village level that involved “reconstituting” individual families by a systematic exploitation of baptism, marriage, and burial registers. I thought that it might be possible to develop just such a grid

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in this study, but that I should add to it tax and land registers, debt and sale records, mortgage files — all kinds of lists — as well as minutes and protocols from police investigations and judicial hearings. As Jacques Dupâquier and Tony Wrigley later suggested, and as Hans Medick now has brilliantly demonstrated, expanded family reconstructions could provide social historians with their own microscopes. The second tool was a “genealogical” method that social anthropologists employed in their rich and fascinating literature on kinship. This method offered the necessary conceptual instruments and suggested the paths to follow in parsing the syntax of linkages turned up by family reconstitution. The fact that anthropology was usually based on close observation of everyday life in small localities offered a genial complement to a social-historical strategy based on records from a single village. By blending the practices of these two disciplines, I felt that the microhistorical approach of this study would surely produce exciting results.

Locating a suitable community to examine did not take a great deal of time. I wanted to find a village in southern Germany, since I was already familiar with the sources and archives in that area. I also wanted to find a village with traditional three-field agriculture and mixed stock and grain production, one of strong peasant character and not affected very much, at least in the eighteenth century, by protoindustrialization. The village had to be large enough to offer a variegated social life but small enough — so I thought — not to overwhelm the researcher with source material. But in the case of Neckarhausen, the Württemberg village I naively stumbled across, there happened to be between 300,000 and 500,000 pages of documents, far more, it turned out, than I had bargained for or could ever hope to exploit.


5 The term goes back to W. H. R. Rivers, “The Genealogical Method of Anthropological Enquiry,” *Sociological Review* 3 (1910): 1–12, repr. in *Kinship and Social Organization*, London School of Economics Monographs on Social Anthropology, 34 (London, 1968). Ernest Gellner, “The Concept of Kinship, With Special Reference to Mr. Needham’s ‘Descent Systems and Ideal Language,’” *Philosophy of Science* 17 (1960): 187–204, sees kinship structure as the manner in which a pattern of physical relationships is made use of for social purposes. Although his position has been challenged by Needham and others, I cannot see how kinship can mean anything if it does not mean at least this.

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I dealt with the economic and institutional history of the village in an earlier study, *Property, Production, and Family in Neckarhausen*. That book considered the "internal" workings of the family—relations between husbands and wives and parents and children—in the context of traditional farming and the exigencies of the agricultural revolution, inheritance, the domestic estate, and a developing market for land. This book deals with the relationships between households and between individuals beyond the nuclear family, and with the "external" workings of the family in the larger network of kin. The original intent was to follow kinship patterns from the beginnings of parish registers in the 1550s to the end of the eighteenth century, but richer source material and the chance to follow issues across the "traditional" and "modern" divide shifted the focus to the period between 1700 and 1870. The ability to study genealogies at a suitable depth has been made possible by a family reconstitution from 1558 to 1869, which provides a genealogical grid of more than 4,000 families. Such a study may look like a natural candidate for computer analysis, but that is not as straightforward as it may seem.

I began the study at a time when computers were more adept at processing the data of physicists than of poets. Conceptually and physically, all that a social historian could hope for then was fixed-format keypunching of a set of variables onto Hollerith cards. In the hope of future developments in computer technology and systems analysis and with the help of various programmers, I devised a free-format entry system that took hours of computer time on large university installations. Eventually, the machine-readable data were transferred from the punch cards to magnetic tapes, then to central-facility fixed disks, and finally to personal computer floppy, laser, and hard disks, which became part of an experiment to develop the historical database "Kleio" at the Max-Planck-Institut für Geschichte in Göttingen. During each of these stages, however, my interest was fixed on the ever-growing amounts of data and their analysis and not on the rapidly changing computer technology. The consequences and limitations of that choice, as well as many of the presuppositions of the analysis, are discussed in the appendix. Although all of the data are machine readable and although while in Göttingen I was able to generate several hundred genealogies by computer, I have not mastered the technology that would allow me simply to sit at a desktop computer and create any particular genealogy. Rather than invest long periods of time to make that possible, I always found it preferable to work out a table or follow a genealogy by hand through the printed-out family reconstitution to answer the burning question of the moment. I do not want to devote further space here to the technical details but merely wish to indicate the scope of the study and its intellectual cast: this is hard-core social history, and the reader

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* An account of the set of sources can be found in the appendix.

* The system was developed by Manfred Thaller. For an introduction, see Peter Becker and Thomas Werner, *Kleio. Ein Tutorial*, Halbgraue Reihe zur historischen Fachinformatik, Serie A: Historische Quellenkunde, Band 1, 2d ed. (St. Katharinen, 1991).
should be warned before proceeding that he or she will not come out of the experience unabused.

The original intent of this study was simply to map the set of kin relations for a particular "premodern" European population. (Categories of "modern," "traditional," and the like became radically destabilized in the course of the undertaking, even though they did not altogether disappear.) The conceptual tools and ways of thinking about kinship were developed primarily through considerable reading of British social anthropology, and in one way or another the strongest line of influence came from A. R. Radcliffe-Brown and Meyer Fortes, mediated through the work of and conversations with Jack and Esther Goody. The strength of that tradition seems to lie in its stress on "jural" relations, ranging from the social implications and cultural meanings of formal inheritance systems to both the institutionalized and the informal realms of rights, duties, claims, and obligations.\(^\text{10}\) A great deal of the social world can be encompassed when one can give a systematic account of the claims people make on one another and the obligations they assume.\(^\text{11}\) I do think that one needs to start there and not assume that kinship encompasses a particular domain, with particular properties in its own right.\(^\text{12}\) Kinship is embedded in a range of economic, political, and cultural phenomena and does not have an inherent meaning or a particular field of activity subject to its own rules or norms. Like Edmund Leach in his study of Pul Eliya, I usually view kinship in Neckarhausen as essentially "another way of talking about property relations," but perhaps it is best to take a less preprogrammed view and regard kinship as an "idiom" through which a great many relations are conceptualized and a great many transactions are negotiated.\(^\text{13}\)

\(^{\text{10}}\) Jane Fishburne Collier and Sylvia Junko Yanigisako, "Toward a Unified Analysis of Gender and Kinship," in Collier and Yanigisako, eds., Gender and Kinship, pp. 14–50, here p. 29, want to support the notion that gender and kinship studies are concerned with understanding rights and duties that order relations between people defined by difference.


\(^{\text{12}}\) Collier and Yanigisako, "Toward a Unified Analysis," p. 35, argue against asking how rights and obligations are mapped onto kinship bonds and instead suggest asking how specific societies recognize claims and allocate responsibilities.

\(^{\text{13}}\) Edmund Leach, Pul Eliya: A Village in Ceylon (Cambridge, 1961), p. 305, argues that the reality of kinship where he carried on research is found in its relationship to land and labor. Pierre Bourdieu, Outline, p. 35, makes the point that genealogical relations are never strong enough to determine relations between individuals on their own. There has to be shared interest or a "common possession of a material and symbolic patrimony." David M. Schneider, A Critique of the Study of Kinship (Ann Arbor, 1984), p. 8, insists that the "arbitrary segregation of a rubric like 'kinship', taken out of the context of the whole culture, is not a very good way to understand how
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Scholars tend to judge the extent to which kinship dominates a society from the range of overlap between a particular set of genealogical relations and some other set of functions. In Württemberg rural society, for example, in the course of the eighteenth century peasants were increasingly forced to seek credit to capitalize their holdings and to pay for ever more expensive new parcels of land. Mortgage money did not come from fellow villagers but from outside investors: merchants, pastors, officials, rentiers, and widows. It might be possible to argue that the function of credit was disentangled from kinship and to tally all such functions to determine roughly how much or how little kinship counted. But the problem is not so easily solved. In this example, it turns out that all mortgage applications went through a village mortgage committee composed of several members of the court (Gericht), and later the village council (Gemeinderat). The linking up of a particular landholder with outside capital was always monitored and controlled by village officials charged with judging the creditworthiness, solvency, and honor of their fellow villagers and was made possible by other members of the community who were prepared to risk their own property by guaranteeing payment of a loan. Through this kind of institutional arrangement, kinship and the hierarchy of familial reputation played a fundamental role in villager access to outside funds. Furthermore, it was quite possible for kin to manipulate the relationship through a variety of strategies, some of which are discussed in this book. The point is that kinship is not a special domain of obligations and rights (in this case, the obligation of kin to lend to one another), of emotional commitment and “amity,” but is itself a set of connections that vary not only from society to society but within each society itself. But this view of kinship does not put to rest all the issues. Each society has different systems or bundles of relations, which set up coherent patterns of their own. Pierre Bourdieu conceptualizes such sets in spatial


14 The notion of “amity” comes from Meyer Fortes, “Kinship and the Axiom of Amity,” in *Kinship and the Social Order. The Legacy of Lewis Henry Morgan* (Chicago, 1966), pp. 219–49. The point I am making here is similar to Maurice Bloch’s Madagascar example in “The Long Term and the Short Term: The Economic and Political Significance of the Morality of Kinship,” in Jack Goody, ed., *The Character of Kinship* (Cambridge, 1973), pp. 75–87. In this situation, moral commitment constitutes kinship, and kin can be relied upon over the long haul. In order to maximize the group of contacts, however, people put a great deal of work into relations with nonkin on a day-to-day basis, working with short-term balanced reciprocity.
terms, suggesting that each has its own habitual behavior and strategic possibilities, which overlap and reinforce the others at various points. Whatever patterns of relations and moral commitments a particular society establishes among kin provides a set of values and an arena of discourse in which an individual can negotiate. Claims made on others on the basis of kinship have to be understood both in terms of the internal coherence of the kinship system in a particular context and in terms of the connection of kinship to other patterns of social and cultural life.

The major alternative to the British functionalist school (Malinowski, Radcliffe-Brown, and their students) in the 1960s was offered by the French structuralists, who were little concerned with the practical everyday web of social and familial relations. Edmund Leach took Lévi-Strauss to task for this: “The reciprocities of kinship obligation are not merely symbols of alliance, they are also economic transactions, political transactions, charters to rights of domicile and land use. No useful picture of ‘how a kinship system works’ can be provided unless these several aspects or implications of the kinship organization are considered simultaneously.” Building on Marcel Mauss’s essay on the gift and taking a cue from Saussurian linguistics, Lévi-Strauss developed a theory of exchange that focused the discussion of kinship on marriage and marriage alliance. In some ways, his work was an elaborate theory of communication based on the idea that women circulate between groups of men in accordance with patterned systems of reciprocity. Other anthropologists were quick to point out that the exchanging groups are frequently composed of men and women together and that it is not always young women who are exchanged. It seems a mistake to abstract one moment out of a larger context of exchanges and isolate exchange itself from production and property relations. Furthermore, in structuralist ac-

16 See Collier and Yanigisako, “Introduction,” p. 6. Geertz and Geertz, Kinship in Bali, p. 31, view kinship as “only one mode of ordering rights and duties which must adjust to counterbalancing pressures and pulls of other modes.”
17 Geertz and Geertz, Kinship in Bali, p. 156, argue against the notion of a “kinship system” because it assumes that the “ordering principles of a society are partitionable into natural kinds only adventitiously connected.” Bourdieu would respond that the adventitious connection is the advantageous point. But he would agree with their idea that the importance of kinship symbolization varies from society to society. Furthermore, he would argue against Geertzian cultural holism and suggest that the variation is from class to class and family to family; see Bourdieu’s “Social Space.” See also Collier and Yanigisako, “Introduction,” p. 6.
19 On this point and the contrast between Lévi-Strauss and Radcliffe-Brown, see Service, Century of Controversy, pp. 89-97.
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counts, young women were not treated as right-bearing persons.21 As Christine Gailey notes:

Marriage exchanges, like household arrangements, are not the “core” of any kin-based culture. Even in patrilineal societies where women do leave their natal groups upon marriage, ties to the natal group are not necessarily broken with marriage: they can be transformed, expanded, or activated at strategic times. The claims established with marriage are far more complex than structuralists have indicated. . . . To reduce this complexity to women mediating men’s communication does not help our understanding of this range of claims.22

In the view of Radcliffe-Brown, social relations among kin are extensions of relations among siblings. The principle of the “unity of the sibling group” allows for different configurations of sibling pairs according to birth order, age, and gender, but whatever the constellation of emotional attachments, they provide foundations for the extension of sentiment to other kin.23 Without subscribing to his psychological assumptions about kinship construction, we might well find that sibling relations provide essential building blocks for structuring kinship.24

In eighteenth-century Neckarhausen, for example, productive, market, and political processes appeared to crystallize out of the web of kin a particular emphasis on brothers—which provided the agnatic twist (emphasizing relatives through the father’s side) inside a cognatic system (emphasizing relatives through both

21 This is one of the essential insights running through the work of Jack Goody.
23 Françoise Héritier, L’exercice de la parenté (Paris, 1981), pp. 36–53, took up this point and adapted it to structural analysis, arguing that the identity of siblings of the same sex and the difference of siblings of the opposite sex lie at the origin of the fundamental mechanisms of alliance. Jack Goody, The Development of the Family and Marriage in Europe (Cambridge, 1983), p. 136, sees the “unity of the sibling group” as a fundamental underlying feature of German kinship reckoning. In The Oriental, the Ancient, and the Primitive: Systems of Marriage and the Family in the Pre-Industrial Societies of Eurasia (Cambridge, 1990), p. 10, he questions the extension of sentimental bonds as the explanation for structural features of a system (vs. Fortes) and places the emphasis on property.
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parents). In the course of the nineteenth century, the core relations inside the sibling group came to be centered on the brother/sister (B/Z) constellation, which moved women into a central position in the practical construction of kin relations. But the shift presents a more general problem, since the brother/sister became the key sibling dyad throughout the property-holding classes around 1800. It may well be that we cannot provide a completely satisfactory explanation for such broad cultural shifts, but we can explore their consequences and compare the shape of social relations from class to class.

During the eighteenth and nineteenth centuries, kinship articulated with political processes and with the state in ever changing ways. In the eighteenth century, states went to considerable trouble to relax marriage rules prohibiting cousins and brothers and sisters-in-law from marrying one another, which left those families closely tied up with state service – among others – free to create tightly overlapping bonds of reciprocity and long-enduring alliances. At the same time and parallel to this development, an ever sharper discourse condemned the peculiar form of nepotism built around networks of cousins (Vetterle). I will argue that these two things are closely related. In Neckarhausen and throughout Württemberg villages, the critical term Vetterle appeared in the 1740s, precisely at the time that politically powerful groups in the village began to marry their second cousins, thereby creating interlocking syndicates to control the distribution of village resources more tightly. What went on at the village level was paralleled at the regional and state level. By the end of the eighteenth century, with the most prosperous elements of the society in the vanguard, closer forms of exchange had developed between allied families, while the critique of corruption – the illegitimate intermingling of private and public concerns – had reached a peak.

The political battle seems to have come to a head during the 1820s. After that date most of the stories told by historians cease to concern themselves with corruption and nepotism, and consequently with kinship. Once the crucial distinction between public and private became part of the basic assumptions of the politically active classes, interest in the private practices of families, except for

25 Héritier, L'exercice, p. 38, argues that the cross-sex sibling solidarity is never so strong as the parallel-sex one. But the shift to the B/Z attachment in Europe during the Romantic period belies this generalization.


27 I want to take the private/public distinction in the nineteenth century as constitutive of the kinship system that emerged during that period. The problem anthropologists now deal with has to do with the distortions of that legacy for current analysis. Rayna Reiter has made this point – see Collier and Yanagisako, “Toward a Unified Analysis,” p. 19. See also Marilyn Strathern, After Nature, pp. 188–90. John Camaroff, “Sui generis: Feminism, Kinship Theory, and Structural ‘Domains,’” in Collier and Yanagisako, eds., Gender and Kinship, pp. 53–85, here p. 65, associates suggestively the public/private dichotomy with class formation, a point I will take up in the conclusion.
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sexual pathologies and effective establishment of patriarchy, more or less disappeared. Yet there was a great deal of activity in the private realm that was not unrelated to the old problem of succession to office. No family could any longer openly act as if it had the right to a particular position in the state and to the spoils of office. And yet families were just as interested as before in promoting their young and placing them in strategic positions. I will argue that this called for a reconfiguration of the networks connecting families with one another and for forms of alliance that simultaneously created the possibilities of close enough integration to support coordinated activities and a proliferation of connections to other families. The increasing incidence of repeated marriages among consanguineal (related by blood) and affinal (related by marriage) kin was part of this two-pronged strategy for developing both strong and extensive kinship ties. The public/private distinction also masked the work women performed in kinship construction in the nineteenth century and hid the structural importance of their networks from social observers. The ideology of the nineteenth century continually contrasted structure (male) and sentiment (female). But as Jill Dubisch has argued, sentimental relationships are culturally constructed and bear “a structural significance which may be equal to (if not in some respects greater than) that of relationships between men.” “Moreover,” she goes on to say, “if kinship relations are not seen as confined to the domestic unit alone . . . then the broader role of women in kinship structures becomes more clear.”

As the following chapters show, a parallel process was also taking place in the economic realm, the logic of which is captured in the shift from a concern with caring for a patrimony to making strategic moves in a developing capitalist economy. In a village like Neckarhausen, for example, a person’s wealth and position at the beginning of the eighteenth century was determined for the most part by inheritance. It could be argued that throughout European society up to about that time social dynamics were dominated by a concern to inherit, maintain, and pass on an estate, a monopoly, or a craft. By the early nineteenth century, the nature of the game had already changed. In Neckarhausen, for example, a lively market in land altered the way resources were allocated in the village. Different kinds of networks were necessary if the land-holding classes were to dominate or impose some kind of control on the market. Similar shifts can be seen throughout German society. Heinz Reif has shown how the Westphalian nobility con-

28 Bourdieu, Outline, p. 41, suggests in a parallel situation that the opposition of public and private reduces the activities of women in kinship polities to the “shameful, secret, or at best unofficial.” In Germany, as I will argue in the conclusion, the “private” became reduced to the domestic, a realm of women’s activity that was embarrassing for men commenting on politics and public matters.

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verted from a caste that controlled public office to one that functioned as a regional elite. In Prussia the new age brought an active market in Junker estates and economic difficulties for many aristocratic families. Over a series of generations, opportunity for entrepreneurs along the Rhine centered economic activity around the expansion of firms in mining, metallurgy, and commerce away from the protective care of stable or scarce resources. Generating capital, obtaining access to credit, coordinating management skills, rescuing bankrupt families, and securing succession to office all took place in a reconfigured alliance system.

This alliance system created dense, overlapping, criss-crossing networks that played key roles in socialization, cultural integration, class formation, business networking, and the coordination of political opinion. Persistent alliances between families stressed horizontal relations and a reiterated integration through homogamy (marriage of equals). Perhaps the single most symbolic act both to acknowledge the social hierarchy and police the boundaries of class was marriage. And an increasing regulator of marriage alliance in the nineteenth century was the dowry, whose inflation can be chronicled over the period. But marriage had two goals: first, to integrate and tighten the bonds with equals and second, to increase strategic alliances with neighboring classes. Throughout nineteenth-century society, homogamy was coupled with hypergamy (the marriage of women upward in the social hierarchy). A key mechanism here was the dowry, which allowed wealth to pass from classes that generated it to classes of higher status but with more fixed resources. The history of hypergamy in Europe has not yet been written, but observers throughout the century and beyond have described holy or unholy alliances between the wealthy middle classes and the aristocracy, and a much older process when observed for the 1880s and 1890s has come to be thought of as a feudalization of the German bourgeoisie. What needs to be analyzed is the systematic passage of women upward in the social hierarchy, their assimilation into their new social stations, and their crucial political activities in


21 Nur Yalman, Under the Bo Tree: Studies in Caste, Kinship, and Marriage in the Interior of Ceylon (Berkeley, 1967), p. 180, makes a similar point: “The refusal to give women is the most forceful public statement that the other group is considered to be of lower rank.” He also argues that the practices of endogamy of local groups are the mechanisms by which larger ones – in his example, castes, but for nineteenth-century Europe, we could read “class” – without formal organization remain demarcated (pp. 205–9).

22 For a comparative South Asian example of the connection between dowry and hypergamy, see Yalman, Under the Bo Tree, pp. 172–80.

23 These issues will occupy our attention in Chapter 22. Ladislav Holy, Kinship, Honour and Solidarity: Cousin Marriage in the Middle East (Manchester, 1989), p. 113, argues that hypergamy is actually tied to lineage solidarity – in our context, read “class solidarity” – by ensuring that wives are of not higher status, which would cause children to identify with matrilateral kin. We will see that in nineteenth-century Europe group membership had a strong agnatic bias.
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mediating between their kin.34 We will find evidence of hypergamy in Neckarhausen and will look at the issue in comparative perspective in concluding chapters.

The texture and architecture of the book

The central argument of this study unfolds through the exegesis of a series of kinship diagrams. Not everyone is particularly interested in reading such schematic pictures, and hardly anyone would certainly want to read a great many of them. I have piled them up at considerable length partly out of a desire to explore the issues sufficiently and partly out of an impulse to substantiate my case, as any historian is wont to do. As I put the argument together over the years, I continually had to ask whether the patterns I was finding were significant, and if they were, then what was their meaning? I had no idea that the simple question I set out to answer would take so long to fathom. The manuscript went through many unreadable permutations, and this final text is considerably stripped down, with many dozens of diagrams set aside to spare the reader my own obsessions.

My basic approach here is to select a particular institutional arrangement (such as marriage or godparentage) or a recurring set of transactions (such as buying and selling land) and to systematically inquire about the degree to which kin interacted with one another.35 This entailed selecting a succession of pairs of people who had transacted some kind of business together and seeing if they could be located in one another's kinship universe. By working with a large enough sample of such dyadic relationships, I sought to map how people utilized, engaged, and cooperated with kin. I also wanted to know where the breaks and fissures in the community ran, when people disengaged themselves from or ignored one another, and how often people constructed relationships without taking kinship into consideration.

The available documents showed a number of connections that could be studied systematically over most of the period between 1700 and 1870. Needless to say, the decision as to which relationships needed to be examined had to do with the very nature of the sources. Nonetheless, each series of connections points up different aspects of patterned behavior and systemic regularities. The "indicators" that I can track are marriage alliance, godparentage, naming, guardianship, Kriegsvogtschaft (until 1828 women in any business had to be accompanied before a court by a Kriegsvoigt), loan guarantees and performance bonds, and property transactions (handled at length in Property, Production, and Family in Neckarhausen). By studying these as an interlocking system for any period, we can establish

35 The project was first outlined in "Verwandtschaft und Familie in einem württembergischen Dorf 1500 bis 1870: einige methodische Uberlegungen," in Werner Conze, ed., Sozialgeschichte der Familie in der Neuzeit Europas (Stuttgart, 1976), pp. 231–46.
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many of the structural parameters of kinship. But what we locate is the sedimentation, so to speak, of practices that are difficult to study directly. We may find, for example, that people begin to marry their cousins at a certain period or to construct names for their sons out of a combination of those of their paternal and maternal uncles, but we seldom, if ever, locate any explicit commentary on such matters in our sources. This explains in part the painstakingness of my approach. Much remains based on inference and the very fact of pattern and regularity. Throughout, I have sought to attain what mathematicians would call an "elegant" solution to the trail of calculation, which balances, I hope, the close attention demanded by the text.

The costs of developing a large number of genealogies to enough depth to carry out the exercises I set for myself were considerable. In order to make the project feasible, I decided to look at the interlocking structures of a series of cohorts evenly spaced throughout the period under consideration. Beginning with 1700, I chose five cohorts covering ten years each, spaced forty years apart. The size of each sample and the nature of the selection of data are discussed in the appendix, which also presents a complete set of tables for each cohort. There were quite dramatic shifts in the structure of kinship over the period considered in this book, but I found the repetition of the same method of representation for each cohort too unrelieved to maintain a reader's attention. I also wanted to experiment with different ways of getting at kinship practice and with different forms of narrative construction. As a result, the text presents the complete structural exercise for only the first (1700–1709), third (1780–9), and fifth (1860–9) cohorts. For the second (1740–9) and fourth cohorts (1820–9), I summarize the trends and then go on to tell stories. For cohort II, I recount an investigation into malfeasance in office by the Schulthiess (village headman) Johann Georg Rieth III, and for cohort IV, I narrate a series of thirteen short, interlocking biographies. In both of these sections I address social practice and ask how different people developed different tactics inside a larger, structured context of patterned kinship behavior. Before moving to the main body of the work, however, I discuss the political discourse about kinship prevalent in the eighteenth century and the political issue of "incest," particularly the way in which the state allowed or prevented various forms of alliance. The analysis concludes with a broad discussion of the context in which Neckarhausen kinship structures emerged, the conceptual and theoretical issues that this study raises, and the intersection of kinship with class and gender both in and beyond the village.

At this point, I need to provide a few guidelines for the reader. Kinship diagrams can be very off-putting to say the least, and the more complicated they

36 An early example is found in "Young Bees in an Empty Hive: Relations between Brothers-in-Law in a South German Village around 1800," in Medick and Sabeau, eds., Interest and Emotion, pp. 171–86.
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become, the more head-splitting they can be. But they cannot easily be dispensed with, since they so eloquently and trenchantly summarize a great deal of information. Nevertheless, they do not speak for themselves and sometimes require a great deal of explanation. I find myself caught between two different readerships: older anthropologists will find my dogged approach irritating (younger ones who no longer take an interest in kinship will be irritated anyway), and social historians will be mystified by explanations that seem too telescoped. I suggest that a reader who has difficulty with pictorial schemata of the kind that repeat themselves endlessly throughout this text take one of the longer examples in the first cohort and learn to trace out all the connections. That exercise can act as a tutorial in pictogram exegesis. In much anthropological work, such diagrams are used to summarize the results of an investigation, but here they are used almost exclusively as research instruments, as a means of locating those relationships that form the center of the investigation. This inductive approach is dictated in part by the nature of the sources and in part by the need for me to overcome my own skepticism about the results.

The basic conventions followed in kinship diagrams are explained in a note at the front of the book. There the reader will also find a key to the notations used, each of which should be read in its complete form whenever it is encountered. "FBSWZ," for example, should be read as "father's brother's son's wife's sister [cousin's sister-in-law]." Note that since "S" is reserved for "son," "Z" is used for "sister." Because it takes time to become familiar with these notations, reading them in full helps to demystify them. Even after receiving these helpful hints, some readers may not want to work through all of the examples. I have therefore tried to be clear, at the beginning of the more complicated cases, about what the reader can expect to find. The monographic description of the example is italicized, to allow the harried and hurried to skip over the detailed explanation. Nevertheless, one should try to work through enough examples to understand how the exercises have been carried out and to become familiar with the symbols and procedures. Each italicized passage is followed by a summary of the conclusions at that stage of the argument, which allows the reader to follow its gist apart from the demonstrations themselves. Scholars who become caught up in the representational possibilities of kinship diagrams and want to construct their own diagrams can find ample material on the subject in the appendix.

The main body of the text deals with various forms of social interaction, such as godparentage, but I am unable to say much there about the conceptual issues that each such indicator raises, nor am I able to highlight some of the overarching aspects of institutional arrangements. In the remaining part of this chapter, I want to outline some of these considerations. The unsuspecting social historian should be prepared to immediately plunge into a sea of arcane knowledge, while suspicious anthropologists should be forewarned that I will be treating in an all too brief and schematic manner matters with which they are all too familiar or have long since forgotten.
Marriage alliance

Marriage is only one aspect of a system of kinship and only part of a larger set of reciprocities. Nevertheless, it establishes more or less fixed lines that divide people from and connect people to one another. Marriage binds individuals together in a network of in-laws (affines), and it provides the foundation for charts of inheritance, succession, and identity. In particular societies, structural persistence can be established in other ways. In Neckarhausen, long-term ties were set up through godparentage, or what some anthropologists call “ritual coparenthood.” I do not know of anyone who has attempted to give a formal account of godparentage, but the literature abounds in attempts to account for systemic marriage patterns, and one of my tasks in this study has been to investigate whether marriage alliances in Neckarhausen lend themselves to formal analysis.

In their studies of kinship and marriage in the European past, French ethnographers and historians have frequently used elements of exchange theory developed by the structuralist Lévi-Strauss. Chapter 20 discusses at length the brilliant work in this regard by Gérard Delille, Pierre Lamaison and Elisabeth Claverie, and Martine Segalen. The issues raised there and their relevance to the analysis of Neckarhausen cannot be understood, however, without some knowledge of the basic principles and vocabulary of the structuralist approach.

One such principle, formulated by Lévi-Strauss, is that kinship systems can be divided into “elementary” and “complex” (and “semicomplex”) types, depending on whether or not formal rules dictate the choice of a spouse.37 Elementary types are found in simple, undifferentiated societies in which groups recruit their members according to the dynamics of lineal succession. Such societies prescribe certain kinds of choices for people on the basis of genealogical reckoning, and material interest is of decidedly secondary importance, if it is considered at all. By contrast, complex systems — such as our own — which are marked by social differentiation, set up negative (rather than positive) rules forbidding marriage within certain boundaries and subjecting it to calculations of wealth, class, education, sentiment, and the like.38 Because complex systems disallow alliance with the same set of relatives that the parents married into, marriages linking together one family in a particular generation cannot be the basis for reciprocity in the next. In fact, the decision to ally with some group

38 Goody, Oriental, p. 11, questions the very idea of kinship-dominated societies and finds it difficult to point to a kinship domain that is not also economic, political, and religious.
in one generation positively indicates that a new alliance with that group is to be forbidden for many generations (in the Protestant regions of early modern Europe, as we shall see, the span is three generations, and in Catholic regions it is four).

In elementary kinship systems, marriage can be “restricted” (within the bounds of direct reciprocity) or “generalized” (in the sense that wife givers and wife takers do not belong to the same groups). The classic form of restricted exchange is a marriage with the father’s sister’s daughter (FZD) where lineage A gives a bride to lineage B in one generation and in the next generation receives a bride in return (Figure 1.1). In such a situation, Lévi-Strauss argues, a society can be divided into as few as two lineages (moieties) to make the system work. The classic form of generalized exchange is a marriage with the mother’s brother’s daughter (MBD). Here, lineage A cannot receive brides back from lineage B but only from a third, fourth, or some other lineage. Such a system involves at least three lineages and the marriage form: A marries B marries C marries A (Figure 1.1). These two forms – FZD and MBD – are called “cross-cousin” systems because they are reckoned through parents’ siblings of the opposite sex and signal the alliance of different lines or lineages. The other kinds of cousin systems – parallel, FBD, MZD – do not suggest systematic reciprocity, and in the case of the FBD, argues Lévi-Strauss, imply its positive refusal. Cross-cousin marriages, by recognizing the practice of finding spouses outside the lineage group, are “exogamous,” while parallel cousin marriages are “endogamous.”

All the elementary forms of marriage exchange in the structuralist account arise in contexts of clear rules for lineage recruitment and the marking of people as belonging unambiguously to this or that lineage according to specified principles. Since in European societies the only rule is that one cannot marry anyone related to oneself – at least as far as effective social memory goes – systematic, continuing alliances cannot take place between groups, and neither restricted nor generalized forms of exchange are possible. Although there are ways for families to reinforce alliances during one generation (two siblings can marry two siblings, for example), the same man or woman cannot marry a second time into the same group, since the prohibitions concerning marrying relatives of a deceased spouse are as extensive as those against marrying one’s own relatives.

Lévi-Strauss’s distinction between elementary and complex systems of kinship rests on the assumption that whole societies are characterized more or less uniformly by a particular system of rules. Demographically, it may be impossible

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39 Note that in formal kinship analysis “exogamy” and “endogamy” are referenced to groups composed by descent. But the terms can be used more generally for marriages inside or outside villages, regions, status groups, occupational groups, wealth strata, classes, and the like. In the situation of ego-focused kindred, where one makes a distinction between near and far kin, endogamy can refer to marriage with near kin, and the like.

40 Goody, *Oriental*, p. 9, objects to ascribing inherent meaning to cross-cousin marriage. It takes different forms in different cultures.

41 See Ladislav Holy’s objection to this in *Kinship*, p. 62. Luc de Heusch, *Why Marry Her?: Society
for every man in a society to marry a MBD, but the answer to that problem lies in classification. All the women of the proper generation of a particular lineage that can or should provide wives can be ascribed the genealogical position of matrilateral cross first cousins (MBD) despite the fact that many of them are not linked to their prospective husbands by such direct genealogical paths.

Given the theoretical distinctions established by Lévi-Strauss, it comes as a surprise that ethnographers and historians have been finding in Europe patterns of marriage that in their formal characteristics imply the elementary forms of either restricted or generalized exchange. The difference is that the marriages of a group of siblings display now this and now that principle of exchange, and there is no uniform practice throughout a village, region, or social class. Pierre Bourdieu made precisely this objection to Lévi-Strauss’s structuralism, arguing that any particular marriage could be seen as meaningful only in relation to the totality of possible marriages. Some marriages can integrate groups more tightly by reinforcing ties already established, whereas others can go outside already beaten pathways to expand

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![Figure 1.1](image)

*and Symbolic Structures*, trans. Janet Lloyd (Cambridge, 1981), p. 13, remarks that different elementary forms belonging to a single structural family may exist within the same cultural region. Trawick, *Notes*, pp. 121–8, argues that in South India there can be matriline or patriline within a single marriage system.

42 Trawick, *Notes*, p. 128, points out that most analyses of marriage exchange are essentialist and ascribe one cause for one effect. But different actors in different social situations may be involved in marriage for conflicting reasons.
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the possible alliances of a family. The question is whether it is meaningful to analyze a "bricolage" composed of bits and pieces of elementary systems (MBD, FZD, MFBSO, etc.) in terms of formal exchange principles. Bourdieu’s categories of “integration” and “expansion” leave open that possibility by framing the issue in terms of the tensions set up by repeated reciprocities.

Throughout the study of Neckarhausen and the treatment of comparative material, I find two quite distinct periods, which may be labeled “classical” (the early modern period) and “modern” (the “long” nineteenth century). In the former, Lévi-Strauss’s characterization of society as “complex” applies, at least as a point of departure. There were no prescriptive rules of marriage, only the negative injunction precluding marriage within a more or less extended range of kin. Dispositions were exceptional, and the state/church with its increasingly long runs of baptism and marriage registers could enforce conformity to the rules. Nevertheless — as I shall show and as Delille, Merzario, and others have also demonstrated — there were forms of marriage among affines that conform to patterns of exchange found in Lévi-Strauss’s exegesis of elementary structures. It seems useful therefore to apply formal analysis of reciprocity to recover such mechanisms. In the second period — the modern — many of the previous marriage restrictions disappeared, and subsequently repeated exchanges among close consanguineal kin were allowed, as indicated by the occurrence of cross-cousin marriages among first and second cousins of all kinds. This development suggests new possibilities for reciprocity and alliances prohibited in the “classical” era. But one also sometimes finds examples that, according to Lévi-Strauss, deny alliance. These forms include marriage with the father’s brother’s daughter (FBD), in which case a young man finds a spouse in his own lineage instead of an allied group. Rather than being characterized by a single principle of alliance, the society contains shards of elementary forms joined with one another in such a way as to provide an interlocking system of alliance. Nevertheless, European kinship in the nineteenth century was strongly oriented toward exogamy in the technical sense that cross cousins were preferred over parallel cousins. Such a system puts a “high value on affinity,” on those ties that integrate people together within broadly equal social and cultural strata. Only by recogniz-

43 Pierre Bourdieu, Outline of a Theory of Practice, p. 57: “The choice between fission and fusion, the inside and the outside, security and adventure, is posed anew with each marriage.” See also Logic, p. 187, and also the entire chapter, “The Social Uses of Kinship,” pp. 162–99.

44 There is considerable interest in patrilateral parallel-cousin marriages (FBD) for the Middle East. The complex literature is brought together and analyzed carefully in a fine book by Ladislaw Holy, Kinship, which also contains a complete bibliography. Carroll Pastner argues that one should not see the FBD marriage as an isolated trait but as one part of an overall set of patterns: “Cousin Marriage among the Zikri Baluch of Coastal Pakistan,” Ethnology 18 (1979): 31–47, here p. 31.

45 Ladislaw Holy, Kinship, pp. 4, 31, 38, 62, 69, 110, argues against seeing a particular form as serving the same pragmatic function under different economic, political, social, and cultural conditions.

46 See Ladislaw Holy, Kinship, p. 117. Jack Goody, “Evolution of Kinship,” Edinburgh Lectures, MS, n.d., has an interesting observation. He points out that Lévi-Strauss sees cross-cousin marriages as creating ties of solidarity between social groups and as being characteristic of simple societies. Goody argues that cross-cousin marriages are more likely binodal and articulate with class in marriage regulated by considerations of property.
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ing those ties can a formal analysis penetrate the systemic qualities of modern Eu-
ropean kinship.

Another point to note is that anthropologists distinguish between unilineal and bil-
ateral (or agnatic/uterine and cognatic) systems. The distinction has to do with whether and how people are recruited to groups on the basis of descent. Even though British, in contrast to French, anthropology is associated with the notion of unilineal descent groups, Lévi-Strauss’s principles of exchange assume a set of lineages based on unilineal descent through either the father (agnatic) or the mother (uterine). These are precisely the groups that enter into relations of re-
peated reciprocity. In Europe, for the most part, such recruitment is not pos-
sible, since descent does not privilege the transmission of rights through exclusively male or female lines but recognizes claims bilaterally through both father and mother. In a “cognatic” system such as this, which recognizes relatives equally from both sides, the lines of descent continually converge only on groups of siblings. And the rules of marriage, since they are negatively stated, are said to be “ego-focused”: an individual cannot find a spouse from among those equally related through either parent. The “kindred,” thought of as a group of relatives emanating outward from an individual, cannot be conceptualized as a bounded group, since different individuals have different kindreds, and even cousins cannot be said to be members of the same collectivity. Therefore one problem in applying structuralist notions of reciprocity to kinship analysis is the absence of groups that might exchange with one another. In certain areas, characterized by farms that descend unbroken to a line of descendants, the “patrimony” might, however, provide just such an organizational node for reciprocity. Some histo-
rians have adapted the notion of patrimonial lines to this purpose and analyzed the circulation of dowries in terms of restricted and generalized exchange patterns. In the case of the Gévaudan, considered by Lamaison and Claverie, farm units provided structure in a cognatic system of kin reckoning where farms fre-
quently fell to daughters instead of sons.

gland and Europe became “prototypes” for societies without unilineal descent groups. Cognatic systems became “marginalized” in anthropological discourse and seemed either totally uninteresting or so familiar that they could not be successfully analyzed. Adam Kuper, The Invention of Primitive Society: Transformations of an Illusion (London, 1988), has written off lineage altogether.

48 Strathern, “Parts and Wholes,” p. 90, points out that tracing cognatic kinship in Europe has not produced groups or a “sense of convention or society.” Researchers find only an “endless recom-
bination of elements devolved from and focusing on individuals.”

49 Strathern, “Parts and Wholes,” p. 91, argues that the difficulty in dealing with Western kinship is that it is conceptualized as cognatic and is therefore “profoundly uninteresting.” “It disappears in studies of local communities or class or visiting patterns.”

50 Yalman, Under the Bo Tree, p. 223, provides a South Asian example in which descent groups do not exist. He argues—and this would go for Neckarhausen—that the more the endowments of women resemble those of men in kind and size, the weaker the cohesion of the descent group is likely to be.

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Apart from structural principles of impartible inheritance, no other tools have been available to allow historians to model reciprocity in the absence of lineage recruitment to groups. Ethnographer Martine Segalen has therefore attempted to refashion the notion of kindred for this purpose, suggesting that the interweaving of networks and overlapping of personal kindreds in southern Brittany gives a degree of recognizable structure to a system of open-ended groups. In the classic statement on the subject, J. D. Freeman argued that a repeated interweaving of kin through marriage could offer a fundamental coherence to recognizable kindreds:

If the marriage of cousins is continued generation by generation this results in a continuing consolidation of stocks and produces a closer cognatic network than in societies where the marriage of close cognates does not occur. This, I would suggest, is a most significant feature of some bilateral societies, for while they lack the large-scale descent groups of unilineal societies, their cognatic networks are close and cohesive and so of great importance in the multiplex relations of social life.

In Neckarhausen, where children of both sexes inherited equal amounts of land and farm complexes were broken up in each generation, the notion of patrimonial lines seems of limited use. Furthermore, the kind of regional kindreds analyzed by Segalen does not coincide with the large nucleated village settlement typical of Württemberg, at least before the nineteenth century. The church stressed cognatic kin reckoning in its table of marriage prohibitions, and the practical everyday interactions of people took place in recognition of kin traced in a balanced way through both parents. People talked about "lines" of property devolution but gave equal weight to property descending through maternal and paternal lines. Although inheritance, exogamy, and everyday behavior all suggest a completely cognatic system, some generations in Neckarhausen placed a systematic emphasis on agnatic relations (those traced through fathers), and on the "patrilineal" reckoning of kin, whereas other generations stressed uterine relations (those traced through mothers), with a "matrifocal" turn in alliance construction. But even then, one

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51 There is a similar analysis by Nur Yalman, Under the Bo Tree, pp. 189–90. In his Ceylon example, interconnectedness is reinforced repeatedly among people with many kinship links in common among themselves but few with other kindreds. Richard Feinberg, "Kindred and Alliance on Anuta Island," Journal of the Polynesian Society 88 (1979): 27–48, here pp. 328, 343–4, suggests that alliance reinforces integration. There is a cooperation between ritual, consanguineal, and affinal principles whereby people work out a set of cooperating, reciprocating, exchanging relationships. People constantly reach out and marry distant kin and thereby reinforce the weakest bonds. In his example, each generation composes different alliances from the last.


53 Martine Segalen, "Parenté et alliance dans les sociétés paysannes," Ethnologie Française 11 (1981): 307–9, here p. 307. Peasant France stresses "line" instead of "lineage" or "clan." Modes of devolution differentiate peasant areas. Zonabend, "Le très proche," p. 312, thinks that where patrilineal inheritance exists, there can be no patrilineal or matrilineal lines, but will show that in partible-inheritance Neckarhausen, patrilines developed.
must understand exchange without constituted groups. What developed in Neckarhausen and in most of Europe during the same period under consideration here were dense networks that offered cohesion and coherence, with a certain degree of open-endedness. Freeman emphasized the flexibility of such relationships, pointing out that the kindred in bilateral "societies present an individual with a wide range of optative relationships – relationships which, in the absence of any binding descent principle, it is possible for him to accentuate as he pleases or as suits his special interests." I do not want to follow Freeman too far here, because he seems to be moving toward assumptions of pure manipulation, although I do not believe that was his intention. As Emrys Peters has stressed, interlocking relationships imply by necessity interdependence and therefore “structure of some sort.”

In their analysis of rural French society, Tina Jolas, Yvonne Verdier, and Françoise Zonabend proposed the notion of “re chaining” to explain the pattern of marriage just at the point where bonds become weak. And others have presented elegant descriptions of systemic exchange that follow the construction of mutual obligation in the circulation of restricted goods, such as marriage endowments between families and homesteads, over many generations. But the problem with the notion of exchange developed in the structuralist account and refitted for historical analysis in European societies is that it abstracts a particular set of circulating goods – women, bridewealth, dowries – from the total set of prestations, exchanges, and property relations and from productive processes and the larger context of social reproduction.

The present account of Neckarhausen not only looks at the formal aspects of marriage alliance but also integrates marriage into the larger system of exchange. The purpose here is not to reify structures but to uncover the underlying practices that produce systemic regularities. The analysis remains structuralist in the sense that it is “about patterns [and] relations between relations.” But it is also about the underlying nature of practical, everyday transactions between people. Margaret Trawick describes the problem of marriage alliance in this way: “The continuity of a kinship strategy such as cross-cousin marriage may be attributed to a dynamic of unresolved tensions and unfulfilled desires as much as to the fulfillment of some function or the resolution of some conflict. . . . [W]e can see

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55 Hérétier, L’exercice. pp. 99–100, does not find groups pertinent to the operation of alliance. The only thing that matters is the redoubling of an earlier alliance – a marriage with a MBD, and so on.
56 Sperber distinguishes between systems that imply groups that exchange and those that set up “privileged” networks of matrimonial relations through “preferential” marriage. The latter are more fluid. See Luc de Heusch, Why Marry Her?, p. 32.
60 See Goody, Oriental, pp. 9–10. He stresses that the meaning of exchange varies from cultural area to cultural area.
61 Trawick, Notes, p. 135.
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kinship strategies as played out from the emotional habitus acquired in early childhood within the domestic family. This way of putting the matter suggests that the larger context of reciprocity in which children grow up provides the foundation for strategies of alliance construction through marriage. It also suggests that kinship is central to current theoretical discussions about "identity."

Godparentage

The analysis of godparentage in Neckarhausen remains rather schematic in this volume, largely because there is little direct evidence in the village court protocols about what godparents did for their godchildren or how they acted with regard to the parents they sponsored. I begin the analysis in each cohort by asking the simple question that lies at the heart of the book: did parents choose kin or "strangers" to be godparents for their children, and if they did choose kin, which ones? The answers to that question complete important parts of the map of kinship relations and offer another step in the assessment of the extent of the field of recognized blood ties or ties between people connected through marriage. This mapping exercise is of crucial importance and will be the chief analytical concern for each cohort. As each feature is delineated, the empty areas in the map will be gradually filled in, so that contiguities, overlaps, and uncharted areas can be assessed with greater precision.

In the literature, godparentage has been discussed in terms of a great many social relationships, but at least three of its functions seem fundamental. To begin with, godparentage extends kinship recognition and special friendship beyond those relationships already established by blood and marriage. Second, it appears to have a co- (or anti-)parental function. The godparent has certain ritual, spiritual, or (anti-)parental functions for a child and may substitute for a parent in a crisis situation, perhaps becoming the child's guardian, or may be the practical or symbolic pole that attracts a child away from the family. Third, the relationship can carry an element of asymmetry, hierarchy, or power, with the godparent acting as a patron for a client.

How godparentage is modeled here depends on the basic terms used to express the godparent relation in Württemberg: Gevatter(in) and Döte (fem.: Dote). The former term was the one used by parents for the godparent of their child or children. Döte was used by the child for his or her godparent, and this term could be used reciprocally; that is, the godparent could refer to the child in the

62 Trawick, Notes, p. 154.

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diminutive as Dörle. A distinction must also be made between those terms expressing a relation and those used as a form of address. I have found only one text—from another village from the 1740s—in which Gevatter or Gevattermann was used as a term of address. In that case, the social difference between the two individuals was significant, and the use of Gevatter expressed both moral asymmetry and an element of patronage. This kind of interaction could exist as long as a godparent was significantly older, wealthier, or better placed politically. But if godparents were chosen from close relatives or from the same age set, vertical relationships might be replaced by horizontal ones. And perhaps Gevatter as a term of address would be dropped. Over the course of Neckarhausen history, godparentage did not have a stable meaning. During the "classical" period, when marriage partners were chosen from outside an extensive range of kin, so were godparents. When endogamy developed, godparents then also came to be chosen from among close kin. In the first situation, godparents could function as patrons, whereas in the second that role was hardly possible. As indicated in my first volume on Neckarhausen, early in the eighteenth century godparents frequently acted as go-betweens in property transactions involving unrelated buyers and sellers and thus appeared to play an important mediating role. By the end of the eighteenth century, such a role in the economic life of the village had disappeared.

Throughout the period under consideration, Neckarhausen utilized godparentage to stress intensive rather than extensive relations. Although in a family with several or many children, ritual co-parentage offers the opportunity to construct a fairly extensive network, in Neckarhausen this possibility was not taken up. Once chosen, godparents continued to serve for each successive birth. This means that the relationship was continually reemphasized over the entire child-bearing phase of a family's life and well beyond. Quite often, of course, a particular person ceased to be a godparent, sometimes because of a quarrel but most often as a result of death or emigration. In such a case, the usual practice was to take on the son or daughter or another close relative of the godparent to continue in the position, maintaining as strict a continuity as possible. And another form of perpetuation provided stable relationships over long periods of time: frequently, upon remarriage of a parent, the same people acted as godparents who were godparents in the previous marriage. There are even examples in which, after the deaths of both of the original spouses, their "successors" in the household continued with the original godparents despite being completely unrelated to them.

These considerations throw light on the function of godparents for parents. Julian Pitt-Rivers suggests an "antiparental" aspect to godparents, arguing that parents attach the children to the family and to the past while godparents care for the individual child, for its spiritual particularity, and open the child up to the larger society. But the fact that godparents stood for all the children casts

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doubt on that interpretation here. The children of each marriage had quite separate sets of rights, and a great deal of inventory making and assigning of guardians was organized around this fact. However, godparentage does not seem to have been used to emphasize the individual children of each marriage in their divergent interests but in fact underlined the continuity of the house. The expectation that godparents might substitute for parents in the case of death is also not borne out. As explained later in the book, it was very unusual for godparents to take on the function of guardians. In the mid nineteenth century, a couple might choose a sibling or a cousin as a godparent, and another sibling or cousin as guardian, but no relatives ever held both offices for the same household.

All the evidence here suggests that the weight of the institution in Neckarhausen fell on the Gevatter relationship rather than on the Döte/Dote relationship. This would help explain a remark of Sebastian Franck in the sixteenth century suggesting that the Gevatter was a guarantor (Bürge) before God. It is the same word that is used to designate underwriting a loan or guaranteeing a person's conduct. The idea is that a guarantor suffers if the contracting party fails to fulfill his obligation. The notion of Bürgschaft has nothing directly to do with the child; rather, it is the task of representing the parents before the community as honorable, or perhaps guaranteeing the social conditions of paternity. But the point about Bürgschaft has other dimensions and in Neckarhausen leads once again to a reversal of expectations. In the nineteenth century the practice of underwriting loans and guaranteeing performance expanded with peasant indebtedness and increased mobility in the building trades. While godparentage may have been incompatible with guardianship, it was not at all incompatible with Bürgschaft. But in all of the examples I have been able to find, couples underwrote their own Gevattern. Rather than the godparent appearing as patron, he or she appears here as client. Bürgschaft in the two meanings of the term set up a direct reciprocity between social and material functions, reversing their direction in unexpected ways.

Godparentage appears to have been a diffuse, multifunctional institution, with an unstable valence and different meanings, not just over time but for different families. Like any kind of kinship connection, it carried moral weight — claims and expectations — and for that reason was subject to strain. In fact, there is a Swabian saying that attests to the possibility of conflict: "If you want to make someone your enemy, you must first get him to be your Gevatter."68 In a way, godparentage is a kind of argument about crucial social relations, claims to resources, and logical connections. As much as it was subject to individual strategy and flexible practice, as an institution it demonstrates many regularities and structural features. The choice of a godparent set up an enduring relationship and was all the more important because at the same time it excluded all those people not chosen. Since the shifts in the structure of godparentage correlate so closely with shifts in marriage alliance, as we shall see, despite the spareness of references

in those sources that could offer clues to its discursive meaning, its study will prove richly rewarding.

Naming practices

Childnaming is a significant, although largely ambiguous, aspect of kinship practice. Until recently, very little was known about the range of customs in Western Europe, and studies in the United States are just beginning.\(^9\) There are difficult theoretical and methodological issues to resolve in this field of study, even when the data seem straightforward. To begin with, a name recorded by officials may not be the name that the parents have given a particular child. Or the name given at birth may never be used or intended to be used in the form recorded. In Neckarhausen, Hans Jerg or Jerg will be recorded as Johann Georg, Burga as Waltburga, Catharina as Anna Catharina. Consideration of the difference between village usage and the practices of literate elites makes a general point: names have different meanings in different contexts. They can be used to differentiate individuals or to order people into higher entities of families, station, class, or age cohort. Inside a family, a name, such as Mark, differentiated one child from another in Western society of the early 1980s, but in the school classroom it served to connect the individual with the middle-class cohort born in the 1960s and frequently required a surname to distinguish among different boys. This was the case whether the child was attending school in England, France, Germany, or the United States. This very problem of individuation and classification is the first one to be considered in this book and is the one most frequently discussed by historians.

Naming is not an unambiguous act connecting or differentiating people in such a way that statistical changes point directly to changing patterns of family relations. Arbitrary meanings — such as extension of the lineage, recognition of the cohesion of kinship, denial of uniqueness — must not be assigned to the act of a father naming a son after himself. It would be just as easy to consider the practice a recognition of fundamental opposition, of the turnover of generations, as the first step of the father on the way to death. Just as the father and son will struggle over the property and the father will inevitably be the loser, so they will struggle over the name and the outcome will be the same. Attaching oneself or another to the past is a present social act that has meaning in the present struggle for symbols of power. But giving priority to the father’s name may be symbolic of the shallowest genealogical tracing, of a break between adult siblings, of the stress of each nuclear family as a productive unit. It is not a denial of the “uniqueness”

of the son but a marking out of a social field and a set of power relations or a move in the struggle for symbolic meaning.70

In Lévi-Strauss's account, names of different types—unique versus class—do not say anything about a difference in the object.71 Proper names and classificatory names are for Lévi-Strauss logical transformations of one another. At the one extreme, one is classifying the object, at the other oneself. For Lévi-Strauss, naming that classifies the child as member of this or that moiety, ramage, patrilineage, or household cannot be compared in quantitative fashion with naming that finds unique terms for each child in a society. That is because the first exercise is concerned with the name-receiver—the object—whereas the second is concerned with the name-giver—the subject. So one should not simply use statistical series to compare situations that cannot be compared, that are indeed logical transformations of each other.

In general my analysis of naming practices draws on reconstituted families giving the actual names bestowed on children and a map of the existent set of names in the kin network at the time of the child's baptism. Although one can derive statistics of name matching and show changes over time, the complex set of forces in play is difficult to discern here. It is important to understand, even when the facts seem to point in no particular direction, that naming itself does not mean the same thing from time to time and in different family constellations and class situations.72 It is not just that different people may take part in the decision but that different acts can be taking place altogether. In my consideration of naming, I try to examine the structure as it occurred at a particular time and to fit it into what is already known about other family practices. This in turn will provide a basis for further exploration of the dynamics of kinship. Some of the meaning of giving names to children will emerge only in later analysis.73

The names given to children at baptism were only part of a larger structure of naming in the village of Neckarhausen. In the first place, people were often not called by the names given in the baptismal register. This is clear from the register itself in the early years before the Thirty Years' War. Take the case of Catharina Stoll, who was baptized in 1588. Her father was given as Bastian, her mother as Margaretha, her godfather as Theus, and her godmother as Barbla. That is, her name was given in Hochdeutsch (or Latin), whereas those of her father, godmother, and godfather were entered in the manner by which they were probably called: Bastian (later Basten) instead of Sebastian, Theus instead of Matheus, and Barbla, instead of Barbara. The mother's name was recorded as Margaretha, but the next time a child was born, she appeared as Gretha. The

70 A fascinating study of naming and social power is provided by Bernard Vernier, "Putting Kin and Kinship to Good Use: The Circulation of Goods, Labour, and Names in Karpathos (Greece)," in Medick and Sabean, Interest and Emotion, pp. 28–76.
72 As Lévi-Strauss says: "the same term can, depending only on its position in a context, play the part either of a class indicator or of an individual determinant." The Savage Mind, p. 188.
73 We must also keep in mind that the act of naming can sometimes be more important than the name itself: David Maybury-Lewis, Akwe-Shavante Society (New York, 1974), p. 235.
father also had a nickname – Glemer or Glemser. These differences reflect distinctions between names as recognized by officials, those recognized by the family, and those current in the village. Different names might also be used to distinguish people at different levels and in different contexts.

By the sixteenth century surnames had already come to be largely fixed and seemed to designate people as a member of this or that family. From the beginning of my documentation (1560s), names were binomial, consisting of a family designation and a Christian name. Naming at baptism was only part of a larger context of naming, and it was not necessary for the villagers to know all the possible names available for an individual in all contexts. In some present-day situations, for example, in Spain and Cyprus, villagers are often completely unaware of surnames of people they know very well. Names used in transactions with outsiders are not necessarily those used in everyday communal social relations. In a village such as Neckarhausen, there was considerable overlap of names. Individual families did not take care to see that no other child in the village had the same name. Distinguishing among men with the same name was done by descent (i.e., by referring, for example, to “Hans Hentzler, son of Salomon”), or by occupation (Hans Hentzler, Weber), or by age or precedence (Jung Hans Hentzler, Alt Hans Hentzler). The use of “jung” and “alt” – occasionally “jung jung” or in combination with teknonymy – took place without regard to whether two individuals were father and son: they might not have been closely related at all. Above all, this way of naming underlines the generational shallowness of names. When Alt Hans died, the next oldest Hans became Alt Hans. In a similar fashion, a man differentiated from another man by incorporating his occupation into his name had no distinguishing mark to maintain him in village memory. There was a jumble of Hans Jerg Bauknechts kept track of by seniority, occupation, and filiation. After one of them died, the group names were reshuffled, and his name was replaced by that of a living person. As a result, villagers lost the ability to refer to him. As each generation succeeded the previous one, the stock of names was appropriated by the living adults just as land and houses were. Naming a son after a father rather than attaching a child to a long line of kin in fact makes the dead quickly indistinguishable from one another. The “struggle” over the name between father and son is one aspect of a larger struggle of several adults who share the same surnames and Christian names. Everything suggests that villagers developed sufficient marks to distinguish among active adults but not to distinguish between the living and the dead. As shown throughout the book, the names of the grandparent generation were seldom utilized for naming children, another argument for shallow generational reckoning.

One topic of primary interest here is the way that name giving in Neckarhausen

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75 A similar point is made by Geertz and Geertz, *Kinship in Bali*, p. 91.
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reflects salient features of the social fabric – or the structural fault lines between families and generations. The analysis proceeds on the assumption that naming a child can carry several meanings within itself. It is part of the structure of everyday relations among adults active in the struggle for consideration, honor, and esteem. Naming a child arises from the reproductive strategies of adults considered in the broadest possible way. Lévi-Strauss’s point, that one never names but classifies, suggests that giving a name is an act of tracing present lines of social force – a statement about or a move in the present social struggle. But, as he also notes, giving a name is usually a complex operation – not just about the subject or the object exclusively but about both at once. Forces of individuation and categorization can be in play with respect to the object – the godparent symbolically representing the child against the parents and the society – although exactly which parts of the contending aspects of social reality are represented by parents and godparents is open to discussion.76

A reportedly common practice in Württemberg at the end of the nineteenth century was for a boy to receive his first pair of pants or a girl her first dress from the person after whom they were named.77 Such a practice implies that the namesake was expected to be alive and maintain an active relationship with the family. It also fits into my argument about naming and generational rotation. It is precisely the namesake who marks a crucial step toward adulthood and the supplanting of the parents.

Guardianship

One of the obvious roles that kin play is that of guardian for orphans. In Württemberg villages, a guardian was appointed to defend a child’s interests and to look after his or her inheritance rights whenever at least one parent died. Although it seems to have been more usual to refer to a child as an “orphan” (Waisenkind) when the father was dead, whether or not the mother was still living, institutionally there appears to have been little difference. A guardian (Pfleger) was appointed to ensure that the property of a deceased parent was properly inventoried and that the rights of the children in relation to the surviving parent

76 Ramos compares the Truk Islanders studied by Goodenough, the Lakalai, and the Sanumá indians of Northern Brazil. According to Goodenough, naming practices and modes of address counterbalance other aspects of the social system. For example, on the Truk Island where group action is stressed at the expense of the individual, it is precisely the naming system that provides individual identity – there are no two individuals with the same name. Among the Lakalai, by contrast, individuals are not so bound up with group obligations and have ample opportunity to express themselves individually inside parameters of the social system. As a result, the naming system does not have to be used to express individuality and operates with cyclical patterns that emphasize specific social relations. Among the Sanumá, whose people often have three or four names, both individuation and categorization can be expressed at different times over a person’s lifetime. Ward H. Goodenough, “Personal Names and Modes of Address in Two Oceanic Societies,” in Melford E. Spiro, ed., Context and Meaning in Cultural Anthropology (New York, 1965).

77 Karl Bohnenberger, ed., Volksübliche Überlieferungen in Württemberg: Glaube – Brauch – Heil
dunde (Stuttgart, 1980; original 1904ff.), p. 87.
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were duly respected. The guardian stood by while the property was inspected and inventoried and saw to it that at each stage of their development the wards (Pflegekinder) were treated according to the law. Of course, the duties of the Pflegevater were greater when both parents were deceased, since he had to see that expenditures for the children were properly made, property sold or entrusted to a lessee, money invested, and rents or interest collected. All of these activities were recorded in proper accounts, which theoretically at least were read and inspected periodically before the "orphan's court" (Waisengericht) of the village. The guardian was in many respects a "co-parent," since he was responsible for the child's inheritance, care, education, and marriage plans, and in many cases where both parents were deceased took over the entire duties of a child's parents. In any event, it appears that when one parent survived, the Pfleger could be a real co-parent even if not concerned with the day-to-day situation of living together as a family group.

In general, a young person who had lost a parent was entrusted with a Pfleger until reaching adulthood. Technically, this occurred on one's twenty-fifth birthday. But anyone marrying before that age became fully responsible for his or her own affairs. Even after twenty-five, a young person who was not yet married often stayed under the care of a guardian. This would happen, for example, if a young artisan was off on his Wanderjahr, or was in the army, or temporarily absent or living elsewhere. By the mid nineteenth century, many young people emigrated to America and their Pfleger administered whatever property they left behind. In the eighteenth century, women remained in wardship (Pflegerschaft) until they married, after which they came under the administration of their husbands with a Kriegsvogt appointed by the court to represent them in any situation in which the husband was selling or encumbering family property. In the nineteenth century, young unmarried women were allowed to administer their own affairs (verwaltungsfähig) after the age of twenty-five and could declare their independence before the court.  

A problem that sometimes arose in these cases had to do with the interests of the Pfleger himself. In many instances, especially when the children were young, it was possible for him to use the resources of the wardship. At times the Pfleger could take over the lease of a property himself. On the principle that a Pfleger should not be indebted to his Pflegschaft, this presented a problem, and may have caused the authorities to disallow the direct leasing of land by a guardian or to bring it under tighter control: in any event, certain conflicts of interest were done away. By way of example, Schultheissen who had frequently acted as Pfleger in the eighteenth century were denied that right in the nineteenth century because of widespread abuse of the institution.

The chief interest in being a Pfleger was probably that it enabled one to do favors for others. A guardian could decide who should lease land and on what conditions. In this way one could receive monetary rewards or win friends by

78 Gericht, vol. 13, fol. 32 (23.11.1838) for an example. See Sabeau, Property, pp. 209–18.
dispensing patronage. At the same time, the Pfleger had to chase debts, a continual problem.\textsuperscript{79} It was one of the forms of Schultheissen power until the early years of the nineteenth century. Various court members functioned as Pfleger and because of their official status could gather small spheres of interest around themselves, which were especially important if individuals under guardianship had no close kin to protect them. Depending on the personal situation of the Pfleger and his kinship relation to his charge, claims on and obligations to the children could be in tension or divided up in various ways.

From many texts, it is clear that Pfleger were elected or selected by the Gericht.\textsuperscript{80} If there were no close relatives exercising claims, a member of the Gericht was named to the position. At times, the candidate had to meet specific criteria; the ability to write, for example, was a common requirement, especially where the liquidation of an estate was at issue.\textsuperscript{81} Since the Pfleger was required to keep a notebook (\textit{Raplat}) or ledger (\textit{Tabelle}), it would seem that being able to write was increasingly taken for granted. Because he would have many court appearances, it was also usually necessary to be a local resident. In the nineteenth century, a guardian appeared whenever the court called for a birth certificate or character attestation, say, because a young person wished to settle in another place, or marry outside the village, or take on any kind of responsibility such as a job as a builder. At times a guardian would have to put up caution money, which of course placed his own property in jeopardy. This practice seems to have increased in the nineteenth century, which meant that, given the risks involved, a man was likely to take on the job only because of kinship obligation, official responsibility, or profit.\textsuperscript{82}

Although the law promulgated in the sixteenth century already stated that the property of a Pfleger was tacitly pledged, unless adequate records were kept, the authorities found it exceedingly difficult to check up on anyone who took on the responsibility.\textsuperscript{83} The very fact that the Schultheiss could be a Pfleger in the eighteenth century suggests that money and social credit were to be gained from the institution. A big step toward bringing the practice under control was a move to deny the Schultheiss the right to become party to something he was supposed to regulate. In any event, various ordinances in the eighteenth and early nineteenth centuries openly admitted that the rules of Pflegschaff had often been violated, that receipts had not been properly recorded, that village officials did not oversee all the wards, that accounts were not properly kept or periodically inspected.\textsuperscript{84} They implied that many Pfleger could not even read and noted that it was usual for guardians to treat cash receipts from their own wards as their personal income. In the final decades of the eighteenth century, one of the

\begin{itemize}
\item \textit{Gericht}, vol. 11, fol. 98 (4.4.1828).
\item \textit{Gericht}, vol. 11, fol. 154 (29.10.1829), fol. 190 (19. 8. 1830).
\item \textit{Gericht}, vol. 6, fol. 94 (11.6.1805).
\item \textit{Gericht}, vol. 11, fol. 132 (23.3.1829).
\item Reyscher, \textit{Landrecht}, vol. 4, p. 320.
\item Reyscher, General Rescript (18–24.12.1748), vol. 6, p. 491, (10.9.1803), vol. 6, pp. 1788–91.
\end{itemize}
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major tasks of officials from Nürtingen was to see that every Pflegschaft was properly registered, that the village court as a whole and not just the smaller orphan’s court appointed guardians, and that all accounts were inspected at the end of the first year. They also made sure that the village magistrates saw to it that outstanding debts to Pflegschaften (quitrents, interest, principal due) were paid annually or secured by third parties. Each guardian was to be given a ledger in which to keep accounts presentable to the orphan’s court for inspection. According to the law codes, close relatives were expected to be appointed as Pfleger or to be part of the selection process. Selection could also be made by testament, although I have not yet found any written examples for Neckarhausen. Since there is occasional mention of parents choosing Pfleger, the will of a deceased parent may have been known to the court and thus would have been taken into consideration.

The evidence suggests that there were fewer effective controls on Pflegschaften in the eighteenth century and that guardians often took kickbacks, purchased land in disguised fashion, lined pockets while liquidating estates, and treated regular income as a personal perquisite. The emphasis would have been on the **right** of close relatives to hold wardships, with other relatives looking on jealously to protect their own interests. Relatives of the deceased parent would be intimately concerned about the fate of property that their kin had brought to the marriage. It would tend to create a bond between the maternal uncles and sister’s children in the interchange between Pfleger and father, or conversely, between the Pfleger and children against the mother’s male kin, who might wish to use their connection against those who rented a woman’s property or cultivated it for shares. When the matter is examined statistically, one finds close relations among children with both sets of uncles and aunts, but which set entered structurally into which relationships all depended on what the history of the family had been. For example, when a father died, the mother’s property and that of the children was left in usufruct. If the boys were old enough and physically present, they could do the plowing, harrowing, and other physically demanding and skilled agricultural tasks. However, the physical care of animals and the responsibility for complex agricultural organization was not usually taken on by the very young: all the sources suggest a prolonged adolescence. When the children were too young, the mother, if she did not marry immediately, might naturally accept her brothers and sisters’ husbands as people capable of running her fields, leasing them, or plowing, harrowing, and doing other heavy work. There were many carting jobs, such as carrying grain to be milled, which were strictly done by men. Whether this is seen as mutual aid or exploitation is not the point. Male work was necessary, and it was not done for free. The Pfleger, one would expect, would come from the deceased father’s side of the family. In supporting the property interests of the deceased husband and his children, he had to deal

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85 Reyscher, General Rescript (2.6.1788), vol. 6, p. 669.
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with the fact that all of the property was in the wife's usufruct. Thus the children's set of relatives consist of the mother and male relatives of the mother (MB) in the role of labor exploitation, control of the product, and a mixture of trust and suspicion. The father's male relatives in such a situation were expected to solicit on behalf of and represent the father's lineage interest - to see that sufficient manure was spread, the fields plowed often enough and with sufficient care to kill the weeds, the harvest kept dry, and all the grain accounted for. The number of ways to cut corners were enormous and called for a watchful eye and constant intervention. In this scenario, the FB would emerge as the figure of care, while the MB's role would be filled with tension. In cases where the father survived, however, he could do his own male work. There was no comparable tension-filled role for his male relatives equal to that of the MB in the first example. Since the male relatives of the mother were the ones to oversee the activities of the father, tensions would be distributed differently, according to whether the father remarried. The MB would be a key supporter of children against the new wife and her relatives or could act as an interloper where a father did not marry and all of his labor would pay off in inheritance for the children. In this bilateral system, where property fell equally to women and men, the role of the maternal uncle seems a possible source of tension. As discussed in later chapters, there was a bias, especially in the eighteenth century, toward naming children from the father's side of the family and a bias in continuing extended kin relations on the father's side. This tendency may be explained in part by the problem of caring for orphans and gives added force to the term "orphan" when used for children without fathers as well as for children with no parents at all.

In the nineteenth century, the bureaucratization of wardships gave less opportunity for exploiting opportunities offered by the system. In the first place, more of the agricultural work fell to women anyway, and the preparation of fields played less of a role in the total agricultural round.

In turn, women cared in essential ways for cattle and could offer one part of a yoke in exchange for having a field plowed. In any event, they were better placed to pay a "wage" for a job such as plowing rather than turn over the care of a field in return for a rent or part of the produce. A widow, however much she might rely on male relatives, was less likely to be the object of their claims. For a little paid plowing, a brother-in-law was as good as a brother. A woman was also capable now of trading her labor for male labor. The very fact that peasant women were able to exercise some independence in this area is shown by the increased number in this group who remained widows and kept ownership of land or usufruct rights in their own hands well into old age. The sale of land to women also points in the same direction. Whatever tensions there might have been between guardians and widows most likely pertained to her own competence as agriculturalist and householder - whether she was properly maintaining the property inherited by herself and her deceased husband, which in turn was to be passed on to the children.

87 For changes in the sexual division of labor, see Sabean, Property, pp. 148-56.
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Because a wardship offered less opportunity for exploitation and placed the Pfleger more at risk in the nineteenth century, it became something of a burden, more an obligation than a right. The Pfleger was often there to run interference for his charges, to petition for gifts from the village court, to solicit good testimonials to obtain a job or effect a marriage, to get financial support to emigrate. All of these tasks were ones of connection and political manipulation and suggest close coordination between male relatives of the mother and her in-laws, the blood relatives of her deceased husband. The surviving widower was in a slightly different position. He needed female labor or a substitute. Such labor could come from the children, a second wife, or female servants, but child labor became as important to the system as female labor. (That is the memory of many of the oldest villagers today – unremitting hoeing in the fields as children). The heavy inputs of sacrificial labor of a deceased mother would have been sorely missed, and close attachment would have developed for anyone mitigating the effects of a father’s drunkenness, violence, or wastrel life. In such a situation, the role of MB or even of FB could have been important. The intervention of guardians is repeatedly to be found in the sources from the nineteenth century. Whether in cooperation or in tension with the father, the “political” connections of Pfleger and the pool of relatives from which they were chosen were important considerations.

Kriegsvogtschaft

Until the third decade of the nineteenth century, married women and widows were represented in all official business by a Kriegsvogt. The term is derived from legal vocabulary, where the parties in a trial were considered to be “at war” (Krieg) with one another. Vogt has many applications but in general refers to a representative who is empowered to speak for, or represent, an institution or person. In this case, a Kriegsvogt “represented” his charge before the local court and in the conduct of legal business. The reciprocal term, Kriegsfrau, expressed an adult relationship in contrast to guardianship, where the reciprocal terms were Pfleger/Pflegekind (Pflegesohn, Pflegetochter). Until 1828, when the legal situation changed (see Volume I), a woman remained a ward essentially until she married if either of her parents were deceased. Legal business was carried on for her by her father or her guardian, or both together. Upon marriage, she came under the administration of her husband, but whenever any business was conducted that could affect her property situation, a court-appointed Kriegsvogt had to be present. The Kriegsvogt, selected by the woman herself, had to be formally installed before the Gericht, which often took place the first time a couple wanted


See, e.g., Gericht, vol. 1, fol. 141 (7.7.1762).

Sabean, Property, pp. 148-56.
An introduction to kinship

to borrow money or sell or purchase a strip of land. The Kriegsvogt was empowered to act on his Kriegsfrau's behalf in all matters and was called upon to take a formal oath of office. In general, Kriegsvögte represented those who were legal adults but who could not independently carry on legal business. They stood against the husband or against the Pfleger of the children, so that in any court situation antagonisms and potentially conflicting interests were formally recognized.

When a married couple appeared before the court, the job of the Kriegsvogt was to read all legal documents to the woman, explain their meaning, and obtain her consent. She was reminded of her "female liberties," which she could renounce, making her property attachable in case of debt or bankruptcy. When marital tensions arose, the Kriegsvogt was there to represent the wife, of course. The Kriegsvogt would be present at all divorce or separation proceedings, just as the Pfleger would be present for the children. Although mutual observation and control might have taken place between friends, kin, and neighbors, institutional concreteness was established in the figure of the Kriegsvogt. Kriegsvögte, Pfleger, and "close relatives" hedged in action or cooperated to create new opportunities.

Pledging

Little information is available on the way people stood surety for one another. There are enough texts from the eighteenth century to suggest that it was a common enough practice to back a loan or a mortgage with a guarantee from a third party. However, it is only in the early nineteenth century that the documentation becomes sufficient. The very fact that guarantees (Bürgschaften) were increasingly mentioned in official texts suggests greater control and an extension of the system, but certain kinds of documentation by and large escaped public notice. A letter of debt exchanged by two people might well be backed up by a third-party guarantee, but the facts are only hinted at when there is a dispute over a signature or the third party himself went bankrupt.

In the nineteenth century, it was increasingly necessary for purchasers of land at auction to post a bond by a third party. Therefore lists of names of guarantors (Bürgen) can be obtained from the register of land sales. The need for such assurances was compounded by the rash of bankruptcies in the 1810s and 1820s and by the high capital demands associated with agricultural intensification at the beginning of the nineteenth century. In addition, with more people working outside the village (taking on contractual work in road building, canals, carpentry, masonry and the like), guarantees were ever more necessary to ensure that the worker was both honest and competent. As the mobility of workers and con-

91 E.g., Gericht, vol. 1, fol. 30 (26.5.1750).
92 E.g., Gericht, vol. 1, fol. 132 (26.3.1761).
93 Gericht, vol. 4, fol. 18 (30.4.1785).
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tractors increased and they began negotiating in a larger market network, the migrant workforce became more tightly bound to the capital resources of the village. The wealth of Neckarhausen residents was put at risk every time a village carpenter repaired a roof in another village, a pavior put in a series of drains, or a trader sold butter door to door in another village or town. Changes in the nature of the economy, greater fluidity, and more contacts with the outside all forced people to cultivate relationships that would spread the risks. In their struggle to meet these challenges of the volatile land market and economic diversification, villagers grew more and more dependent on one another. They accepted risk for each other but at the same time acted as powerful restraints on each other's behavior. Practically every time people entered into new social or economic relations, village guarantees were sought. If a girl contracted to marry in another village, someone in Neckarhausen pledged his or her entire property that her dowry and savings were correctly stated. When a father took over his children's maternal inheritance in usufruct, he had to pledge his own property as a guarantee that he would maintain theirs. Upon migrating to America, a young person got someone to guarantee that he or she would not return as an impoverished burden on the community or that the money the village advanced would actually be used for the boat fare.

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Together, marriage, godparentage, naming, guardianship, transacting property, Kriegsvogtschaft, and pledging provide a means of determining how some of the interlocking ties of kinship created structure at different points in time. Such "indicators" allow particular aspects of reciprocity to be looked at synchronically, in their systemic interdependence, and diachronically, as they shift in the way they tack with one another over time. But structure does not lock individuals into specific kinds of behavior. Statistically at a particular moment, for example, many people might be looking to cousins for spouses, godparents, guardians, and the like, but this does not mean that everyone did so even when such candidates were available. Strategies were developed with continual observation and consideration of how other people made claims on one another. As one tries to take a measure of the system, one finds many kinds of reciprocal transactions that cannot be considered in terms of their everyday importance: aid in childbirth, plowing, support in tavern brawls, arranging work teams, offering job contacts, votes, advice regarding a sick cow, and so forth. Sometimes it is best to view how such things hold together through the prism of particular life histories. Precisely because no one methodology is able to capture the complexity of the subject, this volume approaches kinship through a variety of representational and narrative strategies. But before the systematic inquiry begins, it is essential to see how kinship became a central element of local political discourse in the eighteenth century and how a theological dimension of statecraft impinged upon the capacity of villages to configure certain modes of kin interaction.
Vetterleswirtschaft: Rise and fall of a political discourse

This study deals with a period of Württemberg rural history when a particular aspect of kinship became a charged political issue. The term "Vetter" (cousin) reverberates throughout the texts from the 1740s through the 1820s, usually in the context of social or political controversy. There are indications that by the second half of the eighteenth century oligarchical structures, coordinated through familial alliances, dominated the chief civil and ecclesiastical institutions of the country as well as county (Oberamt) and local government. In this chapter, I consider the origins of the specific discourse about cousins and differentiate the kinship logic of that period from what went before and after. My central concern is the formation of the particular language of kinship that accompanied a redeployment of power at the level of the village magistrates. People frequently referred to a local court as a Vetter-Gericht or Vetterlesgericht, alluding to the fact that its members were all closely related and acted as a tightly organized syndicate to coordinate the use of village resources, to dispense patronage, to channel various emoluments to themselves, and to defraud the central government of taxes, tithes, and other sources of income. The different ways kinship was talked about from period to period reflected considerable differences in social practice and the constitution of authority and power in village life. Although my focus – or starting point – is the village, much of what I have found is consistent with what others have found in towns, regions, courts, and capitals. The local setting allows me to observe the issues in a controlled environment and thus to speculate from a broader perspective about the links between more familiar social and political discourses and the arcane features of village and family life.

A good example of the situation at its height comes from the second decade of the nineteenth century. In 1817 the Württemberg king sent Friedrich List to Heilbronn to question a group of subjects who had decided to leave the country
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for the new world. They offered many reasons for doing so and reflected at length on the conditions that had made life impossible in their home villages. Burdensome taxes were high on the list, of course, but there were a host of other complaints as well. Politically, a central issue was faction – their term being partieisch – but they described the situation in terms that List would overlook when he later reflected on his interviews. They talked about networks of family faction, nepotism, and coordinate groups of cousins (Vettern). Jacob Hamp from Egolsheim put the matter simply: “The Schultheiss and Bürgermeister support each other because they are cousins and the other magistrates also cooperate because they are related together.” Johann Jacob Strähle, also from Egolsheim, concurred: “The magistrates are one family . . . at road repairs and other village jobs, bread is taken out of the mouths of the villagers.” In a similar vein, Sebastian Baumgart and others from Dahnenfeld reported: “The officials are related together and are simply one chain.” Also Christian Schwarz from Sulzbach mentioned: “My village headman himself made the suggestion that I should move to America because his own son-in-law has property bordering mine.” And two Bürger from Wilsbach warned about influence and collusion: “When a commisioner comes, he should be told that he is not allowed to lodge at the inn, because the innkeepers are magistrates and brother[s]-in-law to the Bürgermeister.”

Several connections made by the witnesses and the way they actually put the issues shed important light on the political dynamics of village life. Besides taxes and inflation, matters such as tithe corruption, bullying, packing seats on the village council, controlling credit, self-serving cooperation with higher authorities, irregularities in financial operations, and unfair allocation of taxes were all

3 Günter Moltmann, ed. Aufbruch nach Amerika. Friedrich List und die Auswanderung aus Baden und Württemberg 1816/17. Dokumentation einer sozialen Bewegung (Tübingen, 1979). Kinship also played a role for those who were leaving. Michael Munz from Möglingen testified: “I have news from relatives (Verwandten) in America, who have it good there. A cousin (Vetter), who is traveling with me, provided me with money” (p. 135). For examples of letters from “cousins” in America, see p. 149.
4 Moltmann, Aufbruch, p. 131: “Der Schultheiss und Bürgermeister halten zusammen, denn sie sind Vetter und die andern MagistratsPersonen halten auch mit, weil sie zusammen verwandt sind.”
5 Moltmann, Aufbruch, p. 132: “Der Magistrat ist eine Familie . . . bei Strassen-und Akkorden ist . . . den Bürgern das Brod vor dem Munde weg.”
6 Moltmann, Aufbruch, p. 166: “die Beame zusammen verwandt, und nur eine Kette sind.”
7 Moltmann, Aufbruch, p. 158: “mein Ortsvorsteher selbst hat mir den Vorschlag gemacht, nach Amerika zu ziehen, weil sein eigener Tochtermann Güter neben mir liegen hat.”
8 Moltmann, Aufbruch, p. 165: “wenn ein Commissarius komme, demselben noch aufzugeben wäre, dass er nicht im Wirthsahus logire dörfe, weil die Wirthe Magistratspersonen und Schwagher zu dem Bürgermeister seyen.”
coupled with the coordination of political practice through kinship. But in List's assessment of the situation, stress was put less on kinship than on class. He referred to factionalism, to a struggle between rich and poor, but completely suppressed any mention of political or social formations driven by kinship considerations. Such an interpretation would not have been out of line with the emerging social sciences, which were just beginning to adopt class as the key analytical concept for representing advanced societies. Kinship became something archaic, a principle ordered in terms of historical progress, a social formation fitting an earlier stage of human development, and a concept that was found inadequate for social analysis.

The political language of cousinship

An important question raised by the testimony of List's commission is whether such familial ties had always been part of village social and political dynamics. The answer is, family and kinship were indeed significant before the middle decades of the eighteenth century, but they were structured quite differently. The details of the two systems are the subject of the first two sections of this book, but in this chapter the aim is to introduce the issues as they were articulated in political language in many villages throughout Württemberg. The earliest text I have found that uses the word "Vetter" in a political dispute comes from 1755. Several inhabitants from the village of Ditzingen had brought charges against the Schultheiss, alleging that the chief magistrates made up a Vetterlensgericht (cousins' court). The actual relationships that were detailed involved an uncle and nephew (brother's son) and two men described as "co-parents-in-law" (Gegen-schweher - men whose children were married to one another), while the Schultheiss's only connection to the members of the Gericht was through godparenthood. The key figure in this case was Hans Jerg Rocher, the previous Schultheiss, whose nephew had sat on the Gericht before Rocher resigned as Schultheiss and rejoined it himself. He was the one with the co-parent-in-law

9 See Molmann, *Aufbruch*, p. 140. After a day of testimony, List summarized the issues in terms of political freedom, speaking of "all kinds of oppression that arose from civil conditions." In his final report, he remarked in general on repression, a lack of civil freedom, and pietist fanaticism but identified the concrete causes of emigration as high taxes, direct harassment by local officials, high costs of official records, delays in court, oppression by forest officials, and problems with landlords in the border areas of the kingdom. The recent harvest failures and inflation of food prices exacerbated the problems, he said. Interwoven in his account is a struggle between rich and poor (pp. 175–86).

10 For an excellent introduction to the historical development of the concept "class," see Otto Gerhard Oexle, Werner Conze, and Rudolf Walther, art. "Stand, Klasse," in *Geschichtliche Grundbegriffe*, ed. Otto Brunner, Werner Conze, and Reinhard Koselleck, vol. 6 (Stuttgart, 1990), pp. 155–284. It would not be fair to say that List's analytical concept of "class" was as articulated as that of Karl Marx, Lorenz von Stein, or Max Weber, but his whole approach makes class implicit, and the term itself occurs in such works as "Ackerverfassung."

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on the court and was godparent to the new Schultheiss. According to the villagers who brought the complaint, the corruption led by both Schultheissen had been made possible by coordination among kin on the Gericht.

The use of the term "Vetter" in this case points to relationships that were not actually based on cousinship. In fact, the word was used to designate all kinds of close relatives and could be extended to wider kin whose connection to the speaker was only vaguely known, or to anyone in a situation where one wanted to suggest a spirit of close familial cooperation.\textsuperscript{12} Such use of the word "cousin" is much older, of course, and historians are familiar with the long practice of nobles addressing each other as "Vetter" in letters. Nonetheless, after diligent search through the several hundred cases of village conflict contained in the commission reports in the Württemberg State Archives, I can find no political use of the word before the 1750s. It became fashionable to designate kin of all kinds in this manner just about the time that cousins came to play an important mutual role in a variety of social situations where they had not done so before. In other words, cousins became the structurally central element in the new kinship system, the beginnings of which, as I shall show throughout this book, are traceable to the 1740s and 1750s. The way the word "cousin" came to be extended to all kinds of relatives is parallel, of course, to the similar use of the term "nepotism," which literally, at least, designates nephews. In the Middle Ages, where the mother's brother acted as patron to the sister's son or the celibate churchman played a special role for his nephews, the key structural element of uncle and nephew made "nepotism" the apt phrase for kinship-centered politics as such.\textsuperscript{13} In the eighteenth and nineteenth centuries, the ordering of such politics around "Vettern" suggests that the coordinates of the system were the children and grandchildren of siblings.

Each village in Württemberg proceeded at its own pace in these matters and

\textsuperscript{12} See the article "Vetter" in Grimm's Wörterbuch. The word is derived from "Vater" (father) and originally denoted the father's brother and later the mother's brother (Oheim) as well. It is hard to date the shifts in meaning from Grimm's article, but it appears that by the sixteenth century at least, "Vetter" had come to refer to cousins (Geschwisterkinder) and in a more general sense any male relative. Fischer's Schwäbisches Wörterbuch gives a similar etymology. Fischer discusses the Swabian use of "Vetterle" in the context of nepotism: "Vetterleschaft," "Vetterleswirtschaft," "Vetterleswesen." A "Vetterlesgericht" is one dominated by nepotism. Mack Walker is one of the few modern scholars to follow "Vetterle" as a political concept, but he consistently derives the meaning from the uncle relationship and does not sufficiently take into account the semantic shift that seems to have occurred, at least in southern Germany, by the early eighteenth century. By keeping with "uncle," he gives a benign cast to the institution and introduces a generational connotation to the system in the eighteenth century that I do not think is there: see Walker, German Home Towns: Community, State, and General Estate 1648–1871 (Ithaca, 1971), pp. 56–63. Cf. the careful dating of the semantic shifts in Robert T. Anderson, "Changing Kinship in Europe," Kreuber Anthropological Society Papers 28 (1963), pp. 1–48, here 18–20.

few villages were likely to have been dominated politically by a cousin system throughout the whole period in which such politics were frequently commented upon. Nonetheless, there does seem to have been a general shift in concern and a change in the nature of the argument around 1740. The best and most extended text for the transition period that I have seen – provided for me by Hans Medick – comes from the village of Laichingen in 1738. The head magistrate wrote agitatedly and somewhat confusedly in his protocol book that people were not to address him familiarly as a relative. The passage is worth quoting in full because it demonstrates some of the linguistic strategies made possible by cousinship.

In this village, the bad practice of calling the chief officer, as well as other officials and strangers on official business, cousin, not at all to their credit, has gotten out of hand. [This happens] when one or another villager, whether closely or distantly related to him, comes to the bureau or court or to some other proceedings with an outsider or fellow villager [and] calls him cousin. Thereby it often happens that the other party is intimidated and considers the term to be partisan. In order to prevent this and do away with it, it is positively forbidden to anyone by a fine of one Gulden to call the officer cousin when he sits in his office or court and officially represents the person of his gracious prince and lord, since I am neither father, son, brother, brother-in-law, nor cousin in office and court. Therefore one should take heed and abstain from unnecessary cousin discourse.14

There is nothing in the quotation to suggest that the practice of calling the chief official of the town “Vetter” was new. But at least there was a new sensitivity about the inappropriateness of such an address. Certainly the various opponents in business before the court interpreted the use of such language as partisan, and the term “parteisch” is the one most often coupled with complaints about familial politics.15 Kin were understood to provide fundamental ties for coordinate interests and to provide the core personnel for local syndicates. And clearly townspeople were making a subtle or not so subtle claim for favor by adopting the term of address for the chief magistrate. A clear understanding of the precise situation here can help clarify the structure of kin transactions before the shift to a new political culture in the 1740s.

Constitutionally, Laichingen was a peculiar place. It had the characteristics of


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both a large village and a small town, but with a good degree of autonomy.\textsuperscript{16} Somewhat isolated on the Swabian Alb, it had a large territory (Markung) with extensive agriculture but was also important as a weaving village. Hence there was constant tension between Laichingen and the town of Urach, the site of the linen-cloth trading monopoly. It was also a hotbed of radical pietism, sending missionaries as far away as Pennsylvania, Labrador, and the West Indies. If it had been a mere village, it would have had a Schultheiss elected from among its own ranks as its chief official. But a town – which usually also functioned as the center of an administrative district – would have had a Vogt or Amtmann appointed by the duke. At this period in its history, Laichingen had a subprefect, or Untervogt (Unteramtmann). In 1738 the office was filled by Philipp Jacob Waiblinger, who not only came from the town, but was also son of the pastor. One brother was a corrupt toll collector and another succeeded him in office. Philipp’s uncle was the schoolmaster, married into the pietist Mack family, whose members were prominent town officials. Both families were linked through pietism and provided missionaries for the Moravian Brethren. Here is an illustration of the anthropological commonplace that the powerful and rich have more kin than the weak and poor. It is not just that powerful persons use their position to create lines of dependence and patronage in order to buttress their authority or extend their power; they also act as a dynamic center upon which people make claims and constitute themselves as part of the powerful individual’s kinship orbit. Whether Untervogt Waiblinger was conscious of the irony when he spoke of unnecessary cousin discourse can be left to an estimation of his pietist gravity.

The situation in this example was typical for the period before the 1740s, although the text was formulated precisely in the context of a reconfiguration of kinship and village politics. Every case that I have examined from the second half of the eighteenth century and the List commission protocols show an interlocking set of magistrates who coordinated their interests through kinship. Before the 1740s and 1750s, however, a partisan group existed within the village or town population as a whole, coordinated through its connection to one or more of the magistrates. The group of relatives connected to a particular individual made up his or her Freundschaft, an institution that has sometimes been thought of as a clan (Sippe), although the term “clan” implies rather too much. In the anthropological literature, clan denotes an association whose membership is recruited through inheritance and marriage and whose activities are coordinated through hierarchies based on age, or wealth, or ascriptive rules.\textsuperscript{17} And the members of a clan are conscious of themselves as a group. But the examples from Württemberg show no evidence of kinship consciousness beyond the networks developed by individuals out of various strands of patronage and ties of blood and marriage.

\textsuperscript{16} The “village” is subject to an extended and subtle treatment by Hans Medick in his 1992 Habilitationsschrift, \emph{Wehen und Ueberleben in Laichingen 1650–1900. Lokalgeschichte als allgemeine Geschichte} (Vandenhoek & Ruprecht: Göttingen, 1996).

\textsuperscript{17} See George P. Murdock, \emph{Social Structure} (New York, 1949), pp. 65–78.

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Rise and fall of a political discourse

Rather than an institutionalized clanlike collectivity, a Freundschaft was a shifting set of people in a particular person’s orbit, and this set constituted an “ego-focused” network peculiar to that individual. The distinction between ego-focused networks and more or less bounded groups recruited on the basis of descent is a central one throughout this book. Such networks are less stable than descent groups and are continually being reconfigured according to the social, economic, and political fortunes of the person at the center. They constantly have to be reproduced, as is reflected in the modern term “networking.” Sometimes the interlocking, overlapping intensity of a series of networks, together with the long-term association of families, “houses,” and individuals as patrons and clients of one another justifies the word “clan” in the European literature on kinship, although for reasons given in Chapter 1, I prefer “kindred.”

Early eighteenth-century kindreds

The Württemberg commission investigations from the early eighteenth century illustrate clearly how a magistrate or two could build a political position or create a following on the basis of kinship connection. In the village of Nehren, with a population of just under 500, the Schultheiss was removed from office for corruption, and in 1714 the villagers elected a member of the Gericht, Martin Dürr, to replace him. Dürr received a slight majority of the votes; however, several people petitioned to annul the election on the grounds that he had a very large kindred (Freundschaft) in the village. Predicting unrest and perhaps an open rebellion unless someone who did not have so many “friends” was chosen, they boosted the losing candidate whose votes had come from purely “unpartheyischen Persohnen.” And in a document listing all his relatives in the village, Dürr’s opponents concluded that his Freundschaft was steadily encompassing more and more people: “From this previously described kindred, it is to be considered how much this will spread among the villagers and increases indeed every day, although already complaints had been made about it many years ago.” In his report, the commissioner pointed out that it had been precisely the


HSAS, A214, Bü 921: “Auss diser vor geschribene Freindschaft ist zu Erachten, wie wirdt Es
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large Freundschaft of the previous Schultheiss that had been the cause of all the troubles. From the commissioner's viewpoint, the well-integrated kinship group had enabled the chief magistrate to cheat various ducal and village accounts dealing, among other things, with wine, excise taxes, tithes, threshing, and sheep-herding. During the 23 years that the newly elected Martin Dürr had served on the court, his Freundschaft had increased considerably. The entire report expressed the problem as one of the extension of kinship connection by an official into the community. Interlocking politics among the magistrates were not considered an issue, despite the fact that building a party within the Bürgerschaft had to include some fellow partisans from among the ruling officials.

The situation described here was similar to one in Schönau near Böblingen from the early 1720s. There the Schultheiss had been dismissed because of his disastrous conduct of office and many personal debts. The regional official (Vogt) had considerable problems finding a replacement, since a similar situation of partisanship built on kinship was to be feared: "He almost did not know where he could select a competent subject, since everyone hung together as one chain because of close relatives." In this early case, there had indeed been a packed court. The newly elected Schultheiss, Jacob Bender, was the niece's husband of the old one, whose corruption had led to a village rebellion and the arrival of troops. Bender's stepgrandfather was Bürgermeister, and his brother-in-law was on the Gericht. The Vogt referred to the situation as "deeply rooted nepotism and destructive collusion." The earlier Schultheiss, Jacob Rebmann, had helped elect his son and half-brother to the Bürgermeister offices, and the closest relatives of the Schultheiss held all the best village jobs. As often occurs in such cases, one villager could not remember any accusations against the Schultheiss, "without doubt because he was an intimate of the Scholtheiss, and his cousin." The Schultheiss pursued his office with "vengeance" (Rachgier) and "violence."

In some instances, a particular kingroup saw a magistrate position as belonging to themselves. In 1732 in Neckartailfingen, the Familie of the previous Schultheiss, having failed to have the successor elected from among their own ranks, "stood in hate against" the new one. The major opponent of the old Schultheiss, Michael Bliem, had been coopted onto the Gericht in order to silence him after the Heinrich Familie and their supporters "sought in every way and manner to bring him into their party."

And the Heinrich family tried to work their influence by bringing charges against the

sich under der Burger Schafft Ein raiasset, und also noch daglich vermehret, da doch schon vor
vienen Jahren daruber ist gelegt worden."

21 HSAS, A214, Bü 184, "Schönaich (Böblingen). Untersuchung der mehrfältigen Klagen der Bürgerchaft gegen den Schultheissen Jacob Rebmann, Unbottmässigkeit der Bürgerschaft und militärische Execution" (1721–43).

22 HSAS, A214, Bü 184: "dass er fast nicht wisse, wo er zu Schönau ein recht tüchtiges Subjectum nemen sollte, massen alles um der nahen anverwandtschaft willen wie eine kette zusammen hange."

23 HSAS, A214, Bü 184: "ohne Zweifel weilen er dess Schultheissen intimus und mit ihme Geschwisterkind."


25 HSAS, A214, Bü 739: "auf alle weiss und weg ihne in Ihre Partie einzubringen gesucht."
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new Schultheiss. At the beginning of their efforts, the son-in-law of the deceased Schultheiss visited the schoolmaster, Rommel, to get him to write up a few complaints. When that failed, they put pressure on his cousin to persuade him to cooperate. As Rommel put it: "Because the Schultheiss position escaped the Heinrich family, that is why so much trouble has arisen in the locality, since it has taken every opportunity . . . and gathered whatsoever was possible against the Schultheiss."

This case from Schönäich again reveals village politics organized around interlocking kindreds that solidified their position through connection to one or more officeholders. The story is filled with bloody street battles between factions, attempts to seduce enemies through bribes, and violence and intimidation on the part of the chief magistrate. The stakes were high: they consisted of both honor and livelihood. Despite the fact that different village strata were competing with one another here, the forces at play cannot be described as class politics. A poor relative of the Schultheiss was looking for pickings as a cowherd or field guard, or a well-connected carpenter would expect to get the sheep-barn repair contract. Kinship groups were vertically organized and frequently maintained their integrity by violent confrontation with competing "families." And it was a high-risk game to attempt to topple a Schultheiss. In Oeschingen in the 1730s, the plaintiffs had to sell their property to pay for the stiff fines and investigation costs for their failed attempt. Indeed, the Schultheiss profited by buying up some of the condemned property of his enemies.

A new alliance system

How did the political structure of kinship change after the 1740s, during the period of "Vetterleswirtschaft"? In the main, there was a decline in the prevalence of kindred or Freundschaften coordinated by one or two figures strategically placed among the magistrates – the Schultheiss, Gericht (from which the Bürgermeister were usually chosen), and Rat. Instead, the members of the magistrates, representing different families, systematically created alliances with each other. Men already on the court drew closer together by arranging the marriage of their children (thereby becoming Gegenschweher or co-parents-in-law) or by becoming in-laws of one another – one married the other’s sister, wife’s sister, brother’s widow, or the like. Similarly, men coopted their sons-in-law, stepsons, and occasionally, either illegally or with a formal dispensation, their sons and nephews onto the court. Prominent, of course, were cousins who served with one another. Although it was illegal for close kin to serve on the Gericht together, each institution – Schultheiss, Gericht, and Rat – was treated separately, so that,

26 HSAS, A214, Bü 739: "und weil dann die Schultheissen Stelle von der Heinrichsche Familie gefallen, so sey bisher alles ohnhell in dem Flecken entstanden, da sie allerhand gelegenheit gesucht . . . und was immer möglichen gewesen, wider den Schultheissen gesammelt."

for example, there was no legal impediment to having three brothers among the magistrates so long as one was Schultheiss, one was on the Gericht (and eligible to be Bürgermeister), and one was on the Rat. Many charges brought against a village political establishment suggested that the magistrates had become a syndicate of allied families. But the investigating officers frequently threw out the charges because there was no violation of the letter of the law. Nonetheless, for the purposes of this discussion, the list of relationships provided by the villagers indicates their views about which relatives were likely to act together in collusion.

Before moving on to the villagers’ notions about close relatives, I want to document briefly my contention about kin politics during the second half of the eighteenth century. This is just the first step in the argument, however: the complexities of kinship alliance will be the subject of the rest of the book. Unfortunately, the richly rewarding commission reports available for the eighteenth century do not exist for the nineteenth, so it is difficult to determine how long the system of Vetterleswirtschaft dominated rural Württemberg life. Elements of it are probably still alive today, and certainly it can be shown that the alliance system put into place around the mid-eighteenth century was still going strong through the 1860s. Yet the tight oligarchical control of village institutions by allied families does not seem to have survived past the mid-nineteenth century and was already challenged significantly earlier. The question of when the system broke apart will be taken up later. First, it is important to understand how villagers talked about kinship and power during the second half of the eighteenth century.

A typical case comes from Bissingen in 1756.28 In this instance, when members were elected to the Gericht they were not yet related, at least not as closely as they eventually were. The Schultheiss and one of the Richter subsequently became co-parents-in-law (Gegenscheher), and two of the Richter also became Gegenschweher. Two others were actually first cousins (Geschwisterkind, literally: siblings’ children), but during their tenure became brothers-in-law, and two others who were more extended (etwas weilläuffer) cousins also became brothers-in-law. The tax estimator was son of the Schultheiss, and the court clerk (Gerichtsschreiber) was his father-in-law. In this particular case, charges had been brought by one disgruntled villager who wanted the court clerk’s job, but most of the villagers had no complaint about the interlocking alliances of the magistrates. Such alliances were constantly being constructed: people with power arranged for their children to marry, and cousins sought to reinforce their interconnections by marriage.

There are many similar cases from the 1750s, when these political alliances were first being constructed.29 The coordinated administration of a village

29 HSAS, A214, Bü 1037, “Enzweybingen. Schultheiss Böhmler. Commissions und Inquisitions Acta” (1755–8); Bü 1111, “Lauterbach. Winntenden. Untersuchung . . . gegen Schultheiss und Richter” (1755–6); Bü 479; Bü 517; Bü 518, “Gerlingen. Commisarische Untersuchung verschie-
through kin could occasion complaints from disgruntled and disaffected individuals, or it could become the target of an opposition syndicate. In most cases the Schultheiss worked in collusion with the regional Vogt, or Oberamtmann, who quite frequently dismissed any charges brought by disaffected villagers. Only a more serious rebellion brought an investigation by an outside commissioner, who sometimes probed the connection between the village magistrates and county (Amt) officials. On many occasions, the issue was left vaguely understated: in Oberlenningen, several members of the magistrates "stand in rather close affinity and consanguineal relation, whereby it is indeed possible that the village has not exactly managed its income for the best." 30

The density of relations is illustrated by a 1771 case from Weinsheim near Maulbronn, where the "whole Rathaus was composed from one kindred." 31 The Schultheiss and a Richter (member of the Gericht) were first cousins. Two other Richter were the Schultheiss's brothers-in-law. Two of the Richter were co-parents-in-law. A member of the Rat was the Schultheiss's brother, and another the nephew of a Richter. The village of Dusslingen (1765) had a clear "Vetter Gericht," containing the son and brother-in-law of the Schultheiss. 32

The politics of village magistrates

What accounts for the systematic construction of alliances among village magistrates from the late 1740s onward? As genealogical evidence for Neckarhausen shows, the leaders in the redeployment of kinship were the magistrates themselves, who utilized both innovative marriage and ritual kinship strategies to coordinate their own interests and to refashion the village's intercourse with the state. Not until a whole generation or two later (1780s) would the wealthier landholders as a group adopt the same politics of alliance formation. The system, which eventually acted as a kind of matrix for class formation, was not in the first instance prompted by class interests or by class dynamics: during the first half of the eighteenth century both landholders and artisans were represented among the magistrates of a village such as Neckarhausen, and artisans were only
30 HSAS, A214, Bü 481, "Oberlenningen. Untersuchungs Commission ... wider ... Johannes Gollmer" (1755–7): "in zimlich genau-und nahe Freund und Verwandtschaft stehen, dahero freyliech auch kommen mag ... dass der Commun eben nicht zum besten, mit denen Revenu gehausset worden."
32 HSAS, A214, Bü 930, "Dusslingen. Untersuchung der von der Bürgerschaft gegen den Amtmann Bührer daselbst vorgebrachten Klagen und die unter der Bürgerschaft entstandene Unruhe betr" (1765–84).
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squeezed out of power during the ensuing decades. And although wealthier members of the village had greater opportunity to join the Gericht or become Schultheiss, the exclusive oligarchical monopoly of office by the village well-to-do characteristic of the later period was by no means evident around 1700. The beginnings of cousin alliances were worked out among the political leaders of the village, who included peasant proprietors and artisans, as well as both wealthy and more modest members of the village. Cousins could, of course, be important for people before the 1740s, as in the examples from Schönaich, where a man seemed ready to perjure himself for his Schultheiss cousin, and from Neckartailfingen, where a faction tried to corrupt a schoolmaster through a cousin.32 In both these instances, the reporting commissioner noted the details about the cousin connection because he knew his audience would immediately understand that the relationship established claims of support between people. After 1740 or so, villagers constructed a new alliance system through marriage, ritual kinship (godparentage), crisis kinship (guardianship), gender tutelage (Kriegsvogtschaft), property transactions, cooperation in production, and political coordination out of consanguineal relationships that had always been marked as potentially supportive but that were redeployed in a new network of social connectors, which redirected the flow of resources, emotions, and commitments. All of this remains to be demonstrated in subsequent chapters.

Every village had many resources to manage, whose distribution could affect the levels of subsistence of its members and the possibilities for accumulation. Any community with forestland provided ample opportunity for significant favoritism, but there were many other ways to give an edge to someone politically connected to the village administration – extra animals in the sheep or cowherd, a few days’ sheepfold on arable strips, pasture rights, a roof-repair contract for the Rathaus, inflated receipts, favorable real estate assessments, a good credit rating, or assignment of a wardship. But by far the most significant way to pursue advantage in a village was no doubt to gain control of the resources flowing out

32 In the case from Nehren just discussed (HSAS, A214, Bu 921), the plaintiffs objected to the election of Dürr because of his considerable Freundschaft in the village. The list of Freunde includes, among others, five brothers, a father-in-law, a son-in-law, three first cousins (Geschwisterkind), a brother-in-law’s nephew, a sister’s daughter’s husband, a brother’s daughter’s husband, a brother’s son, a sister’s husband, a sister’s husband’s brother (the previous Schultheiss), and a cousin’s husband, together with the closest relatives (nechster Befreund) of his wife – her three brothers-in-law, two husbands of her brothers’ widows, four first cousins (Geschwisterkind), and husband of her brother’s daughter. The couple also were connected to many people through godparentage. This list includes blood relatives up to nephews, the husbands of nieces, and cousins, and various affinal kin up to sister’s husband’s brother, cousin’s husband, and the marital successors of brothers (brother’s widow’s husband). Marriage brought a man the potential support of his wife’s kin, and successive marriages could be used to build a very large kindred.

34 On the institution of Kriegsvogtschaft, see Chapter 1 in this volume, and Sabean, Property, pp. 211–18. Whenever adult women appeared before a court to transact business, they were assigned a Kriegsvogt to assist them, to read and explain all documents, and to attain their consent. See also David Warren Sabean, “Soziale und kulturelle Aspekte der Geschlechtsvormundschaft im 18. und 19. Jahrhundert,” in Ute Gerhard, ed., Handbuch für die Rechtsgeschichte der Frau (Beck Verlag: Munich, forthcoming [1997]).

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of it, that is, the taxes, tithes, and rents appropriated in one way or another by the prince and state officials. A glance at the many commission investigations of local magistrates for corruption and malfeasance in office reveals that the internal politics of most villages came to revolve around the organization of deliveries of state levies, those payments collected under the rubric herrschaftliche Interesse: tithes on grain, straw, hay, and wine; excise taxes on wine and schnapps; tolls; duties on livestock sales; and rents on land held in tenure from the duke or some ducal institution, a large proportion of which were collected in kind.

Any village that hoped to shave some percentage points off the deliveries to outside institutions had to organize its responsible agents tightly. And, of course, a great proportion of the production of a village was at stake: some 20 percent of the grain and wine harvest was channeled to state storage barns and cellars, along with considerable amounts of straw and hay. All these deliveries were organized by village officers under the control of the busy and often corruptible county Vogt or cameral officials. There were ample opportunities to falsify the count of tithe sheaves on the field or to overlook a certain number of barrels of wine going into people’s cellars. Good, clean straw frequently left a village only to arrive inexplicably at the prince’s barns wet and sour. Many Schultheissen kept separate account books for threshed grain, one to keep track for themselves and another to present to cameral officers. All of this “fraud” — and I have indicated only a few of the myriad ways it could be carried out — could only have been successful in the presence of widespread collusion. The accountable village officers either had to have the cooperation of those in the know or must have been able to intimidate them sufficiently. Moreover, the system was clearly easiest to operate with the connivance of county officials, although villagers had to balance their own interests against those of outsiders. Even when a Vogt received payoffs for colluding in this or that fraudulent delivery, he did not know everything that was going on.

At the time, villages were greatly interested in minimizing what was appropriated by the prince and the state. But there was also an internal differentiation of those who profited from a conspiracy. Village members frequently gave tacit assent to cooperation among the magistrates, whose success brought many of them some kind of reward. Yet jealousy and dissatisfaction with the distribution of the spoils could lead to quarrels and the betrayal of village secrets to state officials. Furthermore, if the village was large enough, the disaffected parties could develop into contending factions that either peacefully alternated in dividing up the spoils or fought it out over the question of rights to participate in the system of corruption. By the mid eighteenth century, the whole situation had changed. The very fact that so many investigations of corruption were launched in 1755 indicates the state had mobilized to make the collection of dues more efficient. During that decade a reorganization, streamlining, and regulation of the village constitution was incorporated in a detailed handbook for village magistrates — the new Commun-Ordnung — which put into place an elaborate auditing system designed to balance and check local against county officials and admin-
istrative, clerical, and financial officials against one another. In the face of aggressive state monitoring of the flow of village tribute, villagers could protect themselves only by tightening the coordination of their resistance – and for that, the one effective instrument at hand was the close alliance of magistrates among themselves: through marriage if possible; through cooperation with uncles, nephews, and cousins; and through the flexible vehicle of ritual kinship.

The state’s more efficient collection was only part of the equation, however. A great deal more produce was now moving from the village to the ducal granaries, barns, and cellars, and new amounts of grain and the like were available for exploitation. The eighteenth century saw an expansion of viniculture and the extension of arable crops onto newly cleared or drained land. More careful measuring of the territory of each village made it possible to monitor the quality of arable and meadowland with increasing precision. The state also moved to develop a grain storage system and to this end called on every villager to contribute a certain amount of the harvest, which would provide reserves to draw on in case of a harvest failure. With the settling down of conditions after the Thirty Years’ War and a refilling of the villages with a dense population by the 1740s and 1750s, the traditional system of agricultural exploitation reached its height. A better-regulated and expanded bureaucratic apparatus was in a more advantageous position to see that such forms of surplus extraction as tithes yielded closer to their maximum return.

The grain tithe clearly illustrates the way in which village magistrates and coordinated syndicates were able to hold back some of the produce bound for state granaries. Until well into the eighteenth century, the characteristic manner of levying the tithe was to auction it off to the highest bidder after the village magistrates and county officials had estimated the return shortly before the harvest. Already in 1604 an edict from the duke mentioned “Parteien” who had conspired to rig the bidding. In 1660 a regulation spelled out how villagers managed to control the annual tithe auction: “Subjects secretly divide themselves up, making two, three, or more gangs, and come to an arrangement with one another to the effect that if one party this year leases the tithe, the next year that one steps back and gives place to the others in the queue.”

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36 During the 1720s and 1730s, officials undertook a revision of the tax valuation system for each village, measuring each plot of land and classifying it according to its productivity. The Steuerr revisionsakten are in HAS, A261.


38 “Anordnung gegen die heimlichen Uebereinkünfte bei Zehendverleihungen” (24.4.1660), in
conspiratorial bidding always had required some organization, but in the face of
greater pressure from outside officials, and perhaps also because of the greater
stakes, villagers had to coordinate their activities in a more integrated way, which
gave rise to a new alliance system. In fact, the first mention in an edict of kin
playing a role in collusive bidding occurs in 1735.39

In Neckarhausen, the reordering of the system took place around 1750, and
control of the tithe deliveries was the chief motive prompting oligarchical col-
usion, although administration of the grain reserves and wine excise taxes also
offered occasional opportunities for political maneuvering.40 As far as the tithe lease was con-
cerned, when village magistrates worked out a deal with the Nürtingen Vogt
involving kickbacks in exchange for greater village autonomy, some villagers were
squeezed out of the spoils. It was in this context that in 1751 two villagers, Adam
Falter and Hans Jerg Speidel, were censured and fined by the Vogt – Sattler by
name – for calling some of the partners in the annual tithe lease “scoundrels”
(Schelmen) and suggesting that the tithe auction was dishonest.41 The Vogt told
them “in the future to keep a better lock on their well-known, constantly too
wide-open mouths.”42 It is significant that the term “Vetterle” appears in the
records about the same time that villagers were commenting on issues having to
do with the tithe lease and that various officials were being disciplined for fraud-
ulent handling of grain reserves and wine excises. In 1749 Johannes Waldner was
very upset because he had not been coopted onto the Gericht, especially after he

Rotten machen, und sich dergestalten mit einander vergleichen, dass wenn die eine Parthey dieses
Jahr den Zehenden bestanden, selbige Künftiges Jahr zurück gehen, und die andere Anstehen
müssen.”

39 “Allgemeine Vorschriften hinsichtlich der genaueren Wahrnehmung des herrschaftlichen Interesse
bei der Frucht- und Wein-Verwaltung” (15.5.1735), in Reyscher, vol. 16, p. 591. See also “All-
gemeine Vorschriften die Wahrung des herrschaftlichen Interesse bei Zehen- und Gulthen-
betr.,” vol. 16, Abt. 2, p. 16: “Die heimliche- und in Vorausverabredete Gemeinschaft eines Ze-
hend-Pachts, welche sich öfters ganze Gemeinden, oder nach einem unter ihnen festgesetzten
Turnus abwechslungsweise einzelne Parthien der Orts-Einwohnerschaft, zu offenbaren Schaden.”
And see finally the “Ernd-General-Rescript für das Jahr 1808 . . .” (17.6.1808), p. 93.

40 There was an order from the Vogt to ensure that every village maintain a portion of grain in the
village reserve barn; Vogtgrügericht, vol. 1, f. 23 (3.2.1750). It was pointed out that at the 1749
wine harvest villagers had refused to take their grapes to the duke’s wine cellar to be pressed but
took them home. The Schultheiss was told to fine the whole village if necessary; f. 22 (3.2.1750).
The next year a Richter was fined and severely reprimanded for stealing two bunches of grapes
from a neighbor’s vineyard. Although the offended party had only wanted a reprimand, the Vogt
insisted on a fine because the herrschaftliche Interesse (tithe and excise tax) had been defrauded.
By the end of the year, he had even been suspended from his position on the Gericht; f. 28 (15.2.1751);
f. 30 (14.12.1751).


besser zäumen.” During that same year there was a case in which the tithe lessee and the Schult-
heiss had various sheaves and threshed grain delivered by one of the laborers to their own barns
instead of the tithe barn: vol. 1, f. 27 (15.2.1751). On that same date the Bürgermeister, Friedrich
Schober, was fined for not entering the sale of part of the village grain reserves into the account
book: f. 25.
had bought everyone drinks during his campaign: "It is now a right cousins court."\footnote{\textit{Vogtrugericht}, vol. 1, f. 12 (10.2.1749): "Es seye jetzo ein recht Väterlens Gericht." He was warned not to slander the village magistrates to whom he owed obedience and respect.}

In 1755 the Vogt in Nürtingen was removed from office for, among other things, colluding with the Neckarhausen Schultheiss over the tithe lease, and while still under investigation, he committed suicide.\footnote{HSAS, A214, Bü 740, "Inquisitions Commissions Acta über die . . . selbst entleibten Rath und Vogt Sattler zu Nürtingen" (1755).} Contrary to ducal regulations, he had worked out a deal with the Neckarhausen magistrates to allow each villager to take his or her own tithe sheaves home instead of leaving them in the field to be collected. From then on, the tithe was to be reckoned according to the dimensions of a parcel, not as before by counting out every tenth sheaf as it stood on the field. According to the investigating officer, this form of collection inclined bidders to be cautious. Not only did the best land end up with a tithe as low as the worst land, but people also delivered their worst grain. As a result, the duke ended up with less grain of poorer quality. Furthermore, there were rumors that the lessees had substituted even worse-quality grain than they had collected. The partners in the tithe lease were not put on oath, and they kept private accounts not subject to public review. They deducted various costs for meals, wages, and honoraria from the gross. And they produced accounts that estimated the size of the fields downwards and "sinfully" miscalculated the assessments. The whole system had been tried out in 1751/52, precisely when Adam Falter and Hans Jerg Speidel had spoken up, and the investigation of Sattler in 1755 alluded to considerably more conflict than had come before the local court. In his defense, Sattler said that Neckarhausen was a three-quarter-hour trip to Nürtingen and that many of the tithe sheaves disappeared on the way. He had left the entire responsibility to the Neckarhausen Schultheiss, who oversaw the collection registers and monitored each producer's share by himself. Sattler only carried out an estimation before the harvest and stood by as the tithe lease was auctioned in the presence of the entire Bürgerschaft. As far as the investigating commissioner was concerned, all of the evidence suggested that Vogt Sattler had been taking bribes from the lessees.\footnote{This case and the politics of village kinship will be discussed in greater detail in Cohort II, Chapter 10.}

Neckarhausen fits into this general picture of political conflict in the various villages of the duchy. During the late 1740s, a \textit{Vetterlesgericht} was established, just about the same time that a collusive system of tithe collection was worked out. The Schultheiss and Vogt collaborated with each other, and the Vogt used his office to suppress dissent in the village. He selectively proceeded against various villagers and made a great show out of protecting the "herrschaftliche Interesse" at the same time that he was helping set up a cartel in the village and taking bribes. Of course, he may have been more honest than he appeared and his suicide may have been the result of deep despair over unjust accusations. But
in that reading of the evidence, he had been used as a more or less willing tool by a newly established, clever, well-coordinated village oligarchy, led by the Schultheiss. In any event, issues of tithe collection made their way into the records for a few years early in the 1750s but then there followed many years of silence. It was only with the establishment of a system of tight coordination of kin around the village Gericht that corruption was openly talked about and entered the public record. Within a few short years, the oligarchy had commanded silence. The context of all of this will be investigated closely later on, but it should be recognized here that Neckarhausen constructed its Vetterle system about the same time that other villages across the duchy were doing so and that that system was closely bound up with the politics of surplus extraction.

The view from inside a village about what constituted an improperly packed court – a Vetterlesgericht – differed from that of state officials, who considered the matter not in terms of effective coordination of interests or the dynamics of alliance but from the letter of the law. Even then, individuals could petition for a ducal dispensation from its provisions, sending the plea through the county Vogt, whose backing was almost always approved in Stuttgart. Frequently, however, the Vogt simply accepted an election and reported on its results to the ducal council without mentioning the fact that relatives illegally sat together. Beginning with the law codes of the sixteenth century, the duchy forbade close relatives from sitting on the Gericht together, although there was never, as already pointed out, a problem with having relatives in the three parts of the magistrate system – Schultheiss, Gericht, and Rat. The principle throughout the eighteenth century was that court members could not be related up through second cousins, or as in-laws up to first cousins.46 Toward the end of the century, edicts were prom-

46 The Württemberg laws had always forbidden close relatives to sit on the magistrate assemblies together, although there had always been the possibility of a dispensation. There does not seem to have been too much practical control until the second and third decades of the nineteenth century. See “3. Hofgerichtsordnung” of 1557, in Reyscher, vol. 4, p. 109. The “2. Landrecht” of 1567 objected to people serving on a Gericht who were related by blood, vol. 4, p. 192. In the “3. Landrecht” of 1610, vol. 5, pp. 3–358, it was forbidden to have two members of a Gericht who were related to each other as second cousins or as in-laws up to first cousins (3. Grad Blutsfreundschaft, 2. Grad Schwägerschaft). According to the “General Reskript, die unstatthafe Verwandschaft der Stadt-und Amtsschreiber mit den Ober-und Stabsbeamten betr.” (25.7.1786), vol. 6, p. 668, these officials were not allowed to be, or become, closely related. This was specified more closely six years later in the “General Reskript, die unstatthafe Verwandschaft der Stadt-, Amts-, und Kloster-Schreiber mit den Ober-und Stabs-Beamten betr.” (19. 3. 1792), ibid., pp. 686–7, which said that they were not allowed to be related in the collateral line in the second degree of Verwandschaft or Schwägerschaft. The “General-Reskript, die Beschränkung der Dispensationen von der Verwandschaft zwischen Magistrats-Personen betr.” (13. 6. 1795), vol. 14, p. 1103–4:

“Die Magistrate . . . zum Theil aus mehreren Personen bestehen, welche mit einander gegen die Verordnung unsers Landrechts . . . verwandt sind.” Such people were supposed to get dispensations, which were not to be given out lightly. The “K. Verordnung, die Dispensation von dem Verbot der Verwandschaft unter den Mitgliedern der Gemeinde-Räte betr.” (19. 8. 1819), in ibid., p. 1202, said that to get a dispensation, the person had to be of excellent quality and win an absolute majority of votes. “See also the “Erlass des K. Justiz-Ministerium an den Puppillsenat des K. Obertribunals und Gerichtshofs in – betr. die Dispensations-Erteilung von zu nahe Verwandschaft, zum Behuf der Aufnahme in das Waisengericht oder in das Oberamts-Gericht” (4. 3. 1823), vol. 7, p. 1125. This contains a form for seeking a dispensation.
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uligated to restrict the possibility of dispensations, but as late as 1795 the wording makes clear that the principles were honored only in the breach. In 1819 the lawgivers still allowed dispensations where a candidate had won an absolute majority of the votes and was “well qualified.”

The villagers’ viewpoint

It would be useful to look at all the cases in which villagers perceived improper kinship combinations among village magistrates in order to determine which kinds of relatives, from their point of view, were thought to have coordinate interests.47 For the second half of the eighteenth century, I have found twelve

47 In Enzweihingen in 1755, the Schultheiss and Bürgermeister were brothers-in-law (leiblich geschwürgt), which was quite within the letter of the law, since there was no regulation against the Schultheiss being related to members of the Gericht, from which the Bürgermeister were chosen; HSAS, A214, Bü 1037. They “directed everything in the village, and the rest of the Richter were permitted to say practically nothing, but were there only to give their signatures.” In Buch near Winnenden in 1755, the Schultheiss and a Richter were brothers-in-law; HSAS, A214, Bü 1114, “Buch. Winnenden. Untersuchung ... gegen Vogt Pistorius ... und Schultheiss und Richter ...” (1755–9). Although all the Gericht and Rat members in Weilmindorf (1735) were closely related, only three members of the Rat were within the forbidden degrees as second cousins – which was not illegal because the law covered only the Gericht; HSAS, A214, Bü 276, “Weyll im Dorff. Commissions und Inquisition Acta ...” (1755–8). In Bissingen near Kirchheim/Teck (1756), upon election, none of the magistrates had been related; HSAS, A214, Bü 479. Now the Schultheiss was a co-parent-in-law (Gegenschwoger) with the most senior Richter. Two other Richter were also Gegenschwoger, and two were distant cousins who became brothers-in-law. Apparently two brothers were first cousins. Various officers of the village were close relatives of the Schultheiss, who had appointed his son as tax assessor and his brother-in-law as court clerk (Gerichtsschreiber). The “Vetterlenggericht” in Ditzingen (1755) mentioned earlier contained a co-parent-in-law, and uncle and nephew (Brudersohn), and a man and his godparent (Getatter); HSAS, A214, Bü 517. A nice example of in-law connections is provided by Gerlingen (1755); A214, Bü 518. One Richter’s grandson married the Bürgermeister’s daughter, and the Bürgermeister’s son married a Richter’s daughter. Two Bürgermeister were married to two sisters, and one Richter was married to the Schultheiss’s wife’s sister. The two tax assessors, one being the Schultheiss, were brothers. In Asperg (1756), the Bürgermeister was a brother-in-law (leiblicher Schwager) of the Schultheiss; HSAS, A214, Bü 551. Various plaintiffs in the village of Oeschingen were concerned about the Freundschaft among the magistrates; HSAS, A214, Bü 925. The son-in-law of the Schultheiss sat on the Gericht and had taken over many village offices, including the shepherd accounts, fire and building inspection, and fire and building wood conveyance (Holzteger). He in turn was the brother-in-law of the court clerk, who was a member of the Rat. Two first cousins (Geschwisterkind) were Bürgermeister (and therefore also on the Gericht). Each of them had a son-in-law on the Rat. Various members of the magistrates were co-parents-in-law. With regard to the “Vetter Gericht” in Dusslingen (1763), the Schultheiss’s son and brother-in-law were on the Gericht “wherein otherwise various prohibited degrees were also to be met with”; HSAS, A214, Bü 930. “In Weinsheim the whole Rathaus consisted of one Freundschaft” (1771); HSAS, A214, Bü 559. The Schultheiss and one Richter were first cousins, and with two others he was brother-in-law. One brother-in-law had a co-parent-in-law on the Gericht with himself. A brother of the Schultheiss was on the Rat, and another Rat member was nephew of a Richter. According to the Schultheiss, some of these people became related to each other only after elected, while the others got dispensations. In Neckarrems (1785) a father and son served on the Gericht; HSAS, A214 Bü 1099, “Neckarrems. Commissions-Acten ... in Klagsachen gegen Schultheiss Rösch ...” (1785–7). Freundschaft and Anverwandtschaft among the magistrates were the foundation of serious corruption in Undingen (1791); HSAS, A214 Bü 1023, “Undingen: Delation gegen Schultheiss Buaeh ...” (1791–1805). There the Schultheiss was brother-in-law to one of the orphan’s court
Rise and fall of a political discourse

cases in which villagers complained about their magistrates being too closely related or expressly referred to a Vetter-Gericht. Direct cousins played some role, especially between the Schultheiss and Gericht or Rat, the Gericht and Rat, and even among Rat members—all such relations being legal. But among Richter there were also a few first and second cousins, in principle subject to ducal permission. In one instance, distant cousins had drawn closer to one another through marriage. It is clear from the evidence (altogether nine instances) that the chief way of constructing an interlocking clique between the Schultheiss and the Gericht and Rat was through brothers-in-law. And villagers found a strategy of two men marrying two sisters to be prima facie evidence of collusive activity. Among Richter, the most frequent form of alliance was that of co-parent-in-law, where two older men cemented their relationships by arranging for the marriage of their children (seven instances). Here again there was nothing illegal, nor was there in the example of two men married to two sisters, or of a man serving with his brother’s son-in-law. But such relationships all elicited local complaints of “Vetter-Gericht.” And magistrates were also all criss-crossed with godparents.

A good example of the construction of alliance and the dynamics of village politics comes from Kleinheppach near Waiblingen (1791).48 The conflict there arose over the issue of coopting a new Richter who was related to other Richter already in office. In fact, he had two “brothers-in-law” and three “cousins” already serving, which gave him five of the seven votes. A delegation of the community spoke of an “increase [Vergrößerung] of our local Vetter-Gericht.” They complained that whenever a village position was open these cousins got together and selected the candidate. Whenever any matter came before the Gericht, this Familie made up the majority and always voted for its own Privat-Interesse. The Bürger were unable to change matters through protestations, especially because the Schultheiss failed in authority and Parteilosigkeit. Since he was a tippler and needed cash, he and his five cronies continually voted for some task to carry out that could earn him a day’s wage. The results of all this were clearly felt in every householder’s tax bill.

It was not, of course, simply that the new candidate was related to some of the Richter. They already were related to each other in multiple ways. Two of them were stepbrothers-in-law. One Bürgermeister was the uncle (mother’s brother) of the other, one of whom in turn had two “fourth-degree” in-laws on the Gericht. Two Richter were sons-in-law of a Bürgermeister’s brother. Two more were co-parents-in-law, and two were brothers-in-law. The commissioner pointed out that there was little legal problem with any of this. Although brothers-in-law could not serve together, stepbrothers-in-law could. It was not known if the uncle and nephew had obtained a dispensation, but they had served together for so long that they might as well continue to do

Richter and had another brother-in-law, a stepson, and a first cousin on the Gericht. Two members of the Rat were brothers. A Richter had a brother-in-law on the Rat, who was also a cousin to the Schultheiss and two other Richter. Two of the men responsible for investigating boundaries (Untergänger) were uncle and nephew.

so. Fourth-degree affinity was not a legal impediment. The two men who were brothers-in-law of a third were only in the third degree of affinity, which was not illegal. Co-parents-in-law were also not contrary to regulations. Although there was no indication that the two brothers-in-law had received dispensations, the matter was to be left alone, since they had served together for several years; however, the newly elected member was disqualified because he had a brother-in-law on the Gericht. I have represented here the kinship diagram drawn up for the investigation and redrawn it, so that the interlocking kinship ties can be clearly delineated (Figures 2.1 and 2.2).

Young Michael Kemmich was the man newly elected to the Gericht. His deceased father had served for eighteen years, and while there had allied with Georg Friedrich Enslen through the marriage of their children. The description of Kemmich's connections with the Gericht members was not entirely accurate. The three cousins were actually husbands of cousins of his wife. With one of these men, Johann Georg Fischer, he had reinforced the connection through a marriage of their children. His father-in-law, Georg Friedrich Enslen, served on the court, but his affinity with Lemberger (also a cousin of his wife) was indirect – a brother of his brother's wife. What appeared to
the villagers as a "Vetter-Gericht" did not involve any people directly related by blood, although men were undoubtedly understood to be capable of building alliances through their wives' cousins. And men associated with each other took the opportunity of second and third marriages to construct affinal ties. Or they arranged for the marriage of their children. Michael Kemmich, himself the object of such a strategy, in turn arranged for the marriage of his son with the daughter of his wife's cousin and one of his closest supporters on the Gericht.

The state's viewpoint

From the language and perception of "cousin" politics reflected in commission reports, it is clear that by the end of the eighteenth century the system had developed a remarkable degree of integration. As I have shown in my first study of Neckarhausen, certain aspects of cousin politics remained strong through the 1860s. The sale of land to cousins, which was already a central aspect of the property market early in the nineteenth century, continued to grow throughout the next seven decades. Nonetheless, it does seem to be the case that village courts packed with cousins played a smaller role after the 1830s, although it is difficult to gather evidence from scattered references. Certainly the situation as List found it in 1817 was widespread throughout the realm. An article by a village delegate from Lauffen in the Württembergischer Volksfreund in 1818 complained that the "chief difficulty in the great disorder in our village of Lauffen is... the chain of in-laws and cousins within the magistrates." An anonymous writer in

50 "Christoph Nellmanns zweiter Zuruf an die Gemeins-Deputierten zu Lauffen, in Der Württembergische Volksfreund. Ein Wochenblatt für Recht und bürgerliche Freiheit (Stuttgart, 26.3.1818): "Der Hauptgegenstand des grossen Unwesens in unserem Ort Lauffen ist, wie Euch allen bekannt, die
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the Württembergisches Archiv argued that in all of the local magistrates an "unlimited and continuous aristocratistm rules," which was subject to no control outside of itself and through coopation steadily replenished its ranks.\(^{51}\) In 1824 the parliamentary deputy von Seeger suggested that a village Schulttheiss could hardly avoid administering his office through family. In the rare instances where a communal headman saw the evils in nepotism, his own family would stand in his way. The interests of a single member were always protected by the coor-
dinated politics of all the relatives.

The family ties of the village chief magistrate are usually considerable before he takes office, but they increase through grown sons and daughters, who graft still more branches onto the already strong trunk through marriage. These family chains have the most disadvantageous consequences for public offices. In them lies the principal reason why order and policing so seldom can be found in the village.\(^{52}\)

All of the liberal writers in the two decades or so after the founding of the kingdom in 1805 found fault with the organization of village political life by familial factions. But the issue went well beyond the local level: it can be shown that Vetterleswirtschaft as a system of political organization developed at the level of state institutions and among the middle classes, at about the same time and at the same pace as this occurred in Württemberg villages.\(^{53}\) Tight oligarchal control had evolved within the dual privy council and the executive committee of the Estates (Landschaft) in a series of stages.\(^{54}\) In sharp contrast to seventeenth-century government, the privy council came to be dominated by a few families tied closely to court politics after 1712: "The favorite with her faction had so boldly taken control of all positions that sister [sic], brother, and son sat together in the Privy Council."\(^{55}\) By the 1740s, this kind of familial control extended itself throughout the organs of government. "Corruption" had spread like an "incred-

Kette von Schwägerschaften und Vetterschaften in unserem Magistrate, gegen deren nachheilige Folgen ich schon so vielfältig, aber leider vergebens, geklagt und gekämpft habe" (p. 134). A copy exists in the Göttingen Universitätsbibliothek under the call number: 8° H. Württ., 273. It contains many local petitions and notes about village and town conditions.

51 "Kritik des Verfassungs-Entwurfs der württembergischen Stände-Versammlung," in Württembergisches Archiv, 2 (1817), pp. 27–8. This liberal newspaper was printed in Heidelberg and reached three volumes from 1816–18. A copy exists in the Göttingen Universitätsbibliothek under: 8° H. Württ., 270.

52 "Vortrag des Abgeordneten v. Seeger die lebenslängliche Dauer der Gemeinde-Aemter betreffend" (1824), pamphlet, n.p., n.d. This 17-page pamphlet reproduced a speech given in 1824. A copy is to be found in the Göttingen Universitätsbibliothek: 8° H. Württ., 1005.

53 See the discussion in Walker, Home Towns, pp. 56–63.


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ible cancer,” and people complained about the “spreading disorder of familial aristocracy.”

Cousin politics in and beyond the village

Several general trends in the constitutional history of Württemberg in the eighteenth and nineteenth centuries should be mentioned at this point. During the eighteenth century, there emerged a system of kin-coordinated politics that encompassed court, parliament, and urban and county governments. One of its main components was a self-conscious, well-articulated middle class of officials closely tied up with a politics of marriage and family alliance. But toward the end of the century, liberal thought began to make a clear distinction between public and private interest. Everything that had previously been ordered according to familial and kinship concerns came to be seen as “corrupt”: Hegel dismissed the entire structure of family-coordinated government as a “fodder barn.” In his view, the development of the state should proceed as a dialectical working out of rationality, which would increase to the degree that the private possessions of the prince became public property and officials moved from being administrators of private property to administrators of state law. This distinction between “private” and “public” became the crucial analytical instrument for Robert von Mohl, Gustav Schmoller, and other nineteenth-century commentators on the development of the Württemberg state. At the heart of the constitutional battles after 1815, between political factions rooted in “old corruption” and the liberals or the champions of a revised administrative monarchy, was the issue of the relation of private interest to public exercise of office. The liberal reformer Kerner (himself the product of old ruling-family connections) dismissed Ludwig Uhland and his party of “Altrechtler” precisely because they were coordinated through kinship and defended the conditions that made their familial alliances possible: “They are all allied together through marriage (verschwägener) and grown together like dreadlocks (Weichselzopf) with the old system.”

Under King William I (1816–64), systematic steps were taken to develop an

61 Quoted in Hartmut Froschle, Ludwig Uhland und die Romantik (Cologne, 1973), p. 131.
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administrative apparatus completely divorced from private familial interests. The constant danger according to Schmoller — another descendant of Württemberg “old corruption” — was corruption and inertia: “In every larger body of officials, the danger always continues to arise, that it develop into a Vetternclique, that patronage corrupt it, that too many lazy sincere chasers infiltrate, who with little work want to pamper themselves and get rich, and that routine becomes master over fresh initiatives and self-sacrificing devotion.”

Every political history of Württemberg covering the first half of the nineteenth century mentions a radical structural change in the ten years or so after 1815. After that, one no longer hears about Vetterleswirtschaft. That was the old system, soundly defeated in the series of reforms under the new monarchy and the organization of political life around parties, driven in part at least by ideological concerns. In a system where kinship became something of an embarrassment, strictly relegated to the private realm, and difficult even to conceptualize, let alone treat as a subject for sociological investigation, the term “Vetterleswirtschaft” itself lost its familial moorings. Today it is used to refer to provincial corruption as such, the system of favors spread among local businessmen and politicians who have no necessary kinship connection at all.

In the village under study here, the relationship of kinship to political and administrative life gradually changed over time in part because the village was never an isolated unit. There was a steady interchange between it and the political institutions of the duchy and later the kingdom. Around 1740 — when Neckarhausen and many villages of the territory witnessed the rise of new familial alliances and the coordination of kin in new ways among their magistrates — the court, church, bureaucracy, and cities were subject to the same dynamics. Indeed, many a regional official, exercising his position within a well-articulated system of familial alliance, aided and abetted the establishment of coordinated practices of family and government in the villages under his charge. After the close of the Napoleonic Wars, the attack on the politics of kinship expanded from the bureaucracy and state government to the villages. In Neckarhausen the uncoupling of family from village government took place in stages over many decades and was replaced step by step by class politics. And yet class formation in the nineteenth century was closely tied up with kinship dynamics. Because systems of familial endogamy and class endogamy came to overlap and reinforce each other, it is now difficult to distinguish activity in one area from activity in the other. The more the government of the village became divorced from “private” interest, the tighter and more frequent became the ties between kin. The


more invisible family concerns became – as their role in providing entry to wealth and position grew less “public” – the more crucial they became in the everyday practice of class culture. These themes will occupy us throughout the book.

Gustav Schmoller quite rightly saw in the development of a rationalized, self-conscious, educated, and inner-directed bureaucracy a key to the effective separation of public and private (familial) concerns. He argued that over time a series of different aspects together created a “caste” of neutral officials whose only concern was the efficient and rational running of the state. Hence they devoted their attention to money wages, clear rules, instructions and controls, disciplinary statutes, a well-articulated hierarchy of offices, recruitment from various social classes, education, and established concepts of obligation and honor. In Neckarhausen, increased familiarity with handling bureaucratic documents, a differentiation of functions and professionalization of record keeping, the stabilization and regulation of magistrate wages, and the integration of the Schultheiss office into a more clearly articulated official hierarchy played a similar role. Already in the second decade of the nineteenth century, the county (Oberamt) court in Nürtingen became the court of first instance for many misdemeanors that had once been dealt with by the village magistrates. By the 1840s judicial and administrative matters had been divorced. The Schultheiss acted more as a court recorder than a judge, overseeing complaints, which were sent on to Nürtingen. In the 1820s the village hired a professional accountant from the outside to take up residence and maintain the mortgage and real estate records and to keep the various accounts that used to fall to the village Bürgermeister. By the 1860s the villagers actually elected such an accountant as their Schultheiss, who a few years later was succeeded by one appointed by the state. Until 1820, the Gericht and Rat were self-coopting, so it was possible to put family concerns openly in first place. The communal reform law replaced the Gericht with a Gemeinderat, whose members were elected at large in the first instance for five-year terms. Only after winning a second election did the incumbent assume a lifetime position. In a much larger village, with only three or four positions falling vacant each decade, the dynamics of village-wide elections based on neighborhood factions, occupational concerns, and differences in wealth determined succession to office. In such a situation, families had to mobilize parties and set up coalitions

65 Gericht, vol. 11, f. 104 (29.6.1828); f. 131 (20.2.1829). Earlier the financial officers of the village had taken their receipts and notes to a county clerk (Substitut) in Nürtingen to be drawn up into proper accounts; Gericht, vol. 2, f. 65 (21.1.1774); vol. 3, f. 66 (7.6.1781); Vogtürgericht, vol. 1, f. 136 (22.11.1786).
67 Gericht, vol. 9, f. 88 (3.6.1819). Later the first term of office was for two years.
66 In 1850 a villager complained that three men had been elected to the Gemeinderat from the “Upper Village” (where the poorer artisans and farm laborers lived); Gericht, vol. 15, f. 62 (25.11.1850). A year earlier, a mason complained that another man had said that “beggar boys” (Bettelbuben) from the Oberdorf had been elected to the Gemeinderat; Schultheissenamt, vol. 2, f. 202 (27.8.1849).
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to capture votes. In the long run and by the close of this study, village faction, with its hidden familial dynamics, had crept into regional and national party politics.69

"Vetterleswirtschaft" has always been viewed as the opposite of the modern, rational, and efficient form of bureaucratic and party political government. For the most part, it has been seen as a sure foundation for corrupt rule, and as an illegitimate confusion of private and public concerns. In this study, it is examined in the context of a particular political economy — through the links to property holding, agricultural and craft production, and state dynamics of surplus extraction. Such an approach not only opens a window onto kinship construction, but also draws attention to issues of class culture and class formation that extend beyond the period in which "cousins" openly constituted the public realm.

As this chapter has shown, kinship has been connected to political processes and structure in different ways at different times. But in the region under consideration, kinship was never a static set of principles or way of joining people together. Indeed, the very possibility of families allying with one another changed radically from period to period. The state created formidable rules that governed the kinds of alliances that could be entered into. At the same time, popular culture also established boundaries for licit and practical solutions to familial strategic aims. The early modern state was very much concerned with who could marry whom, and it connected and disconnected people through a "symbolics of blood."70 Thus the next logical step in this analysis is to examine the rules of incest.


The politics of incest and the ecology of alliance formation

The early modern state was greatly concerned with the kinds of alliances that its subjects could enter into. During the second half of the sixteenth century, when princes consolidated their power through the detailed elaboration of codes of law, every Protestant territory in Germany issued a precise and long list of prohibited marriage partners and decreed that the table of prohibited degrees should be read periodically in each parish church. In many of the ecclesiastical ordinances (Kirchenordnungen), more space was given to the issue of marriage interdictions than any other matter. Catholic territories remained under the rules established in canon law, but theologians and lawyers in that tradition were as busy as their Protestant counterparts elaborating the specifics and providing a theoretical justification for each detail.

The state, of course, was not a unified entity, even though the system of rules it provided established a uniform code for its inhabitants. Different discursive groups fed off separate traditions and texts, promoted alternative rules, and developed specialized vocabularies and systems of logical inference. The most elaborate schemas were worked out by theologians and jurists in competition with each other and with cross-references and rhetorical borrowings. But rulers frequently developed their own perspectives quite outside the exigencies of learned discourse. In this matter, as in most others, little work has been done on the degree to which the state responded to attitudes and values articulated within the cultures of different strata of the population, and it is quite possible that the conservatism evidenced in the law codes reflected a popular malaise prompted by initial Reformation tampering with incest prohibitions.


2 The issue is usually put in terms of an unwillingness to provoke the emperor or scandalize potential
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The Kirchenordnungen

With certain modifications, the system of marriage prohibitions established in Germany in the sixteenth century remained in force almost everywhere until the eighteenth century and continued to determine the conceptual schema in states such as Württemberg throughout most of the nineteenth. Despite their desire to differentiate themselves from medieval canon law, Protestant scholars and administrators kept a broad set of restrictions, which had considerable consequences for the kinds of alliances that families and households in cities and the countryside could make with each other. In general, the new laws forbade marriages between a wide range of people related by blood (in many states extending out to second cousins) or by marriage (here again extending out to second cousins of a former spouse or even sexual partner). Each rule in the ordinances was supported by some sort of an explanation, often reflecting the particular scholarship of the responsible theologians or jurists. They frequently culled their arguments from ancient texts to support positions already decided upon, and when taken together, their justifications demonstrate a number of tensions and an overall lack of coherence.

Some scholars relied on Augustine, who had suggested that the purpose of divine law was to force families to open themselves out to the larger community, to extend the circle of friends or the bonds of love between people—an early formulation of Lévi-Strauss's principle of exchange.3 Others thought the system of marriage prohibitions was a means of preventing certain families from concentrating property in their own hands.4 But neither of these arguments was elaborated at great length.5 I doubt that any state officials were referring to em-


4 "Hesse Reformationsordnung 1572," in Sehling, Evang. Kirchenordnungen, vol. 8, pp. 404-5: "Because among the common folk it is more common that those who are related to each other through blood or affinity undertake to marry because of their property and other matters."

5 The latter, a commonplace since the ancient world, has seldom been worked out for any concrete social system of property holding. A variation of the argument has been elaborated by Jack Goody, in The Development of Family and Marriage in Europe (Cambridge, 1983), pp. 88-156. In Goody's view, the practical logic of clerical exogamy rules in the early Middle Ages was to reduce the claims on familial property to ease transference of title to the church. Objections that cast doubt on a broad coordinated strategy for such a complex institution over such a long time seldom give much
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torical facts whenever they brought up this issue. But Augustine’s formulation was likely to have met with approval among particular social groups in sixteenth-century society. For many people, the strategy of extending the maximum number of people related to themselves made good social and political sense. In general, the degree of respect any individual of a particular social milieu received from the prince and his officials was governed by the size and coherence of his “Sippe,” or kindred. Felons could even be released from punishment for serious crimes to the bond of their relatives and “friends.” The roles that siblings and collateral relatives played for one another as guardians, given the demographic problems of the age, coupled with the rudimentary administrative capacities of the state, made it necessary to define a fairly large exogamous unit – that group so intimately tied up in multiple ways with one another as residual heirs, crisis administrators, and so on, that marriage within the group was precluded. Furthermore, although there has not been any analysis of kinship extension in the sixteenth century, anecdotal evidence and reference to the marriage registers for Neckarhausen suggest that the geographic area covered by marriages among rural folk, at least, was much larger than for any period before the second half of the nineteenth century. Exogamy rules enforcing marriage outside of a fairly extended set of relatives were in keeping with the practices of dominant members of rural communities, who maintained extensive and coherent networks of relatives well beyond the confines of a town or village.

The ecclesiastical ordinances emphasized two concerns in particular: proper relations in the “house” and the avoidance of pollution. Both of these concerns grew out of Lutheran theology, supported by academic philosophy and jurisprudence. Religious texts abounded with tension between Luther’s emphasis on incest prohibitions based on patriarchal authority in the household and parental respect and canon law notions of blood and pollution, both of which found support in pastoral rhetoric inspired by the Old Testament. According to Luther, thought to how practices are formed within culture. It seems quite probable that a link exists between cultural norms and property strategies. I find less convincing the thesis that endogamy is a realistic means in most property systems for concentrating the ownership and management of property. Discussions along these lines tend to be vague at best. Germaine Tillion, The Republic of Cousins: Women’s Oppression in Mediterranean Society, trans. Quintin Hoare (London, 1983; first published in France, 1966), p. 104, contests the idea that endogamy can be explained by the desire to “avoid excessive sub-division of family holdings.” Ladislaw Holy has recently looked at the arguments proposed for cousin marriage in the Near East and shown that the notion that the system is based on a desire to concentrate property does not explain very much. See Kinship, Honour and Solidarity: Cousin Marriage in the Middle East (Manchester, 1989), chap. 1.


The extant Urpheden (signed documents accepting a court judgment or sentence) from the sixteenth century in the Württemberg archives attest to a significant movement of families and family members over a considerable territory.

Robisheaux, Rural Society, pp. 95–100, has shown that certain features of the Lutheran ideology of marriage found ready acceptance among village patriarchs. Extensive exogamy rules were likely to agree with their practices as well. In this case Luther argued for a reduction in the extensiveness of such rules but was very quickly overruled.

Concerned to find unifying Reformation principles in the new laws, Karl August Moritz Schlegel,
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divine and natural law prescribed a fundamental power relationship between parents and children (respectus parentaelae), which expressed itself in strong hierarchies of age and gender.10 Certainly these ideas left their stamp on many of the formulations in the Ecclesiastical Ordinances, especially in those passages dealing with sexual relations between direct ascendants and descendants and seniors and juniors. The symbolics of this grid created such fundamental categorical oppositions that theologians always had more trouble with the marriage of a man with his same-age aunt than with his same-age niece.11 Although such commentators as Karl Schlegel were quite right that the ordinances adopted the new principle of paternal respect, they underlay the degree to which other notions determined the arguments in the ordinances and the two centuries of controversy that followed.12 Luther himself, very early on in his reforming career (1522), totally rejected canon law reckoning of the prohibited degrees and their extension beyond Mosaic specifications as based on non-biblical principles and rooted in papal greed for cash payoffs to dispense them.13 He, as well as a small number of writers up to the eighteenth century, interpreted the Mosaic prohibitions listed in Leviticus 18 and 20 (which will be discussed later in this chapter) as an enumeration without any inherent logical principles for extension. The list referred strictly to the itemized persons. Canon lawyers had adopted a reckoning by “degrees,” creating a balanced computation according to the substance any two people shared by descent (indeed, as will be seen, by marriage as well). Despite Luther’s forthright condemnation of such meddling with divine commandments, all of the Lutheran churchmen-administrators reintroduced the ca-

10 “Wolfenbüttel Kirchenordnung 1569,” in Sehling, Evang. Kirchenordnungen, vol. 6/1, pp. 219–20: “Warning: the fourth commandment of God (Exodus 20:12), you should honor father and mother. There can however be no greater and horrifying dishonor of father and mother and all those who are to be considered in the place of our fathers and mothers done by children than to be violated by them through incest (Blutschande) and polluted”; “Preussen Consistorial Ordnung 1584,” in vol. 4, p. 133; “Rostock Ehesachen 1581,” in vol. 5, p. 293: “If Adam were still alive, he could not come courting because he is the father of all people”; “Kurpfalz, Von der Ehesachen 1556,” in vol. 14, p. 223: “for such persons are among themselves as father and sons, mother and daughters. Therefore it is the case that if Adam lived today, because all women come from him and are reckoned as his daughters, he would not be allowed to take a wife from among them to marry”; “Emden Eheordnung 1596,” in vol. 7/1, p. 528: the passage argues that an uncle and aunt are to be regarded as being in the place of father and mother.

11 There was the additional problem that the Leviticus texts expressly forbade marriage with the father’s sister and mother’s sister but not with the brother’s daughter or sister’s daughter.

12 Schlegel, Darstellung, pp. 42–5.

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nonical rules, even if in slightly modified form, as well as the manner of reckoning, as they began to institutionalize the Reformation in civil and ceremonial law. I want to go into the laws of marriage prohibition because they were important for preventing or allowing certain marriage configurations I will be discussing in the study of Neckarhausen kinship and in the comparative excursus in Chapters 20 and 21.

The Kirchenordnungen made a clear distinction between incest proper and the wider set of marriage prohibitions. Although the wording was not always consistent, incest (in-castus impure, polluted, unholy) referred to divine or natural law prohibitions, neatly summarized in the Leviticus lists, whatever trouble scholars had in understanding the inclusion or exclusion of any particular relationship. The enumeration could be extended logically to include similar relatives, but beyond that the state had the right to include even more people - no longer to prevent incest directly but to discipline the population, raise their cultural level, or provide a protective zone around the essential incestual core.

Lutheran pastoral rhetoric was built around a notion of collective retribution, with Old Testament examples woven throughout the texts. Certain kinds of sin made the “land and people” subject to the full force of God’s wrath, and the motif of being driven from the land for the corruption of even one person was everyday stuff for sermon material and frequently made its way into the imagery of the Kirchenordnungen. Indeed, the Merseburg Church Ordinance warned that God had “often allowed whole kingdoms and princeloms, land and people, to be horribly ravaged and laid waste” for incest. Reaching back to Talmudic sources, theologians argued that the state had to build a buffer zone around the Leviticus prohibitions in order to ensure that no one would penetrate the barrier. State officials thought that the fundamen-

14 “Pommern Kirchenordnung 1542,” in Sehling, Evang. Kirchenordnungen, vol. 4, p. 368; “Merseburg Kirchenordnung 1548,” in vol. 2/1, p. 29: “none should commit this horror so that the land will not spit you out if you pollute it”; p. 34: “indeed do not pollute the land and people with such sins and lead [them] into misery and destitution as is taught us in the Holy Word as a horrible example, wherein we can see how hard God punishes incest (Blutschande) and fornication at all times.”; “Brandenburg Visitations- und Consistorialordnung 1573,” in vol. 3, p. 126: talks about land and people brought into misery because of horrible sins. God always punishes incest and fornication before other sins; “Mecklenburg Kirchenordnung 1557,” in vol. 5, p. 231: terrible punishment brings good fruit; “Hohenlohe Eheordnung 1572,” in vol. 15, p. 186: incest is a pollution and brings land and people into misery; “Grubenhagen Kirchenordnung 1581,” in vol. 6/2, p. 17; “Grafschaft Oldenburg Kirchenordnung 1573, in vol. 7/2/1, p. 1161: people should not pollute themselves or others with incest; that would bring God’s anger, including “fire and sword.” Polluting land and people brings misery and destitution. God punishes incest and fornication at all times. The text gives the example of a whole city being wasted for the sin of one person.

15 “Erfurt Policei Ordnung 1583,” in Sehling, Evang. Kirchenordnungen, vol. 2/1, p. 372: “because in all ways according to the common rule close affinity and relation is to be avoided in marriage and engagement for discipline (Zucht, also modesty) and reputation (Ehrbarkeit),” the second and third degrees of consanguinity and affinity in the unequal and equal lines are to be avoided. For an explanation of the method of counting degrees, see later in the chapter; “Mecklenburg Consistorialordnung 1570,” in vol. 5, p. 237: “In order to hold more decently and assiduously to [the rules against] intercourse (Vernischtungen) and cohabitation between the closest consanguines and
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tally wanton populace would always find the area at the boundary of a prohibition to be the most provocative, and that it was therefore imperative to move it far enough away so that they would not do any danger to the community at large by polluting the land.

Vying with the image of desire enhanced by prohibition was the constant fear that society’s light veneer of culture could all too easily be stripped away and humankind plunged into an animalistic orgy of incest. Parallel to a theme developed in the twentieth century by Lévi-Strauss, the theological message at this time was that culture began with incest prohibitions. Theological texts defined savage (rauh) as opposed to civilized people precisely as those without knowledge of incest rules. Such a picture justified the strong hand of the state, which was the only barrier between order and chaos.

affines which are expressly forbidden in divine law, we have included in our land and police ordinance on good grounds and with considerable advice also other degrees, such as between cousins (brüder und schwesternkinder)”, “Kurpfalz, Von der Ehesachen 1556,” in vol. 14, p. 224: “and because the first degree of affinity is not held by the common man willingly, then the second is also forbidden, indeed even the third degree of affinity is also forbidden”; “Kurpfalz Eheordnung 1563,” in vol. 14, p. 312: the passage argues that the common herd (Pöfel) exist in ignorance and wantonness. If they were allowed to marry their first cousins (Geschwistrigte Kinder), then they would also want to marry their siblings (Geschwistrigte). Thus it is imperative to forbid second and third degrees of consanguinity (first and second cousins). As for affinity, it is a question of discipline and propriety, and second and third degrees are forbidden there too; “Grubenhagen Kirchenordnung 1581,” in vol. 6/2, p. 104: all grades of consanguinity and affinity forbidden by God are to be observed; also forbid up to third degree on the equal line for consanguines and affines, which are forbidden by human convention propter maiorum reverentiam sanguinis; “Emden Eheordnung 1596,” in vol. 7/1, p. 529: “because in the Lutheran churches in order to avoid among the ignorant all scandal and vice because of this degree”; “Hesse, Reformationsordnung 1572,” in vol. 8, p. 406: marriage to close relatives beyond the Mosaic and imperial law is to be avoided for the sake of discipline and propriety.

16 “Wolfenbüttel Kirchenordnung 1569,” in Sehling, Evangelische Kirchenordnungen, vol. 6/1, p. 219: “Since for a considerable time there have been increasing reports that some shameless people, disregarding the fact that they are related by blood or affinity to the degree that they cannot be married according to divine or natural discipline and propriety”, “Merseburg Kirchenordnung 1548,” in vol. 2/1, p. 28: “Since in this wicked time when the godless increase enormously, p. 29: “Because many terrible cases happen almost every day, and out of ignorance, the common man touches too closely in the degrees... so that incest and blood violation are committed”; “Mecklenburg 1557,” in vol. 5, p. 211: “the folk is heedless”, “Kurpfalz Eheordnung 1563,” in vol. 14, p. 283: “thus it is found in daily experience that many people without any shame and against all discipline, law, and common decency, are so shameless and heedless that they promise marriage with those people which divine, natural, and civil law and ordinance not only do not allow but earnestly forbid and hold to be horrible and forbidding”; “Hohenlohe Eheordnung 1563,” in vol. 15, p. 180: argues that there are those who are breaking all rules and order and undertaking marriages that are horrible and detestable and against natural discipline and propriety; “Emden Eheordnung 1596,” in vol. 7/1, p. 528: “because new blood violation, which is a horror in the eyes of the Allmighty, takes place among the folk.”

17 Lévi-Strauss, Elementary Structures, pp. 12–41.

18 By the end of the eighteenth century, some commentators saw the incest rules and their refinement as having been instrumental in the development of the human race and perfectibility. See e.g., Christoph Friedrich Ammon, Über das moralische Fundament der Eheverbote unter Verwandten, 3 Abhandlungen (Göttingen, 1798, 99, 1801): “The path of mankind goes from innocence through guilt to education and perfection” (Abh. 2, p. 29).
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Still a third rhetorical element in the texts derived from Christian notions about sexuality and the body. Incest rules and the broader extension of marriage prohibitions were always associated with sexual discipline. The law not only ordered social reality but it also subdued the passions. A well-disciplined house might be filled with affection but its chief characteristic was respect, something that could be injured if marriage partners were too familiar with each other already as closely associated kin. But there is also a sense in the legal formulations that near relatives might arouse strong sexual passions and that extensive marriage prohibitions acted as a fundamental disciplining agent by making such people unavailable as sexual and marital partners. Although the general discussion of prohibited degrees gives no indication of which partners might pose the most danger and be the most alluring, the key peril – to judge from the enormous attention it received in the literature in the following century and a half – was almost certainly the sexual attraction of affinal kin such as the wife’s sister.

19 “Mecklenburg Consistorialordnung 1570,” in Schling, Evang. Kirchenordnungen, vol. 5, p. 236: “God desires special counsel and wisdom to be recognized by us as he does other virtues such as justice and truth, etc. to be exercised, and commanded and ordained chastity in his Word, so that we will recognize that God is a just, truthful, pure, and chaste God, who is horribly displeased by all fornication and shameful intercourse, and so that we distinguish this true, pure God from all obscene spirits, which drive people to shame and fornication, and on whom one can call with pure and chaste hearts. So that chastity will be recognized and exercised by people, God established the institution of marriage and ordained in His Word that men should not run amok like animals, but always have two people, a man and a woman, whom God has allowed intercourse, live together maritally and keep the one for the other his body pure and chaste, and avoid all intercourse (Vermischungen) which God has forbidden in His Word, and from which nature, as God created it, bears a horror and terror”; “Memmingen Kirchenordnung 1569,” in vol. 12, p. 264: although God allowed marriage with cousins, in order to bring discipline (Zucht), marriage is forbidden up to the third degree in the unequal line (first cousins once removed; the reckoning of degrees is dealt with later in this chapter); “Nördlingen Kirchenordnung 1597,” in vol. 12, p. 345. “Because in engagement not just that is allowed which is free [according to God’s Word] but that which is fitting and wholesome”; “Pfalz-Neuburg, Edikt über Eheordnung 1555,” in vol. 13: contains similar wording; “Kurpfalz, Von den Ehesachen 1556,” in vol. 14, p. 223: “since the civil magistrates have been commanded to maintain proper discipline among the subjects and to keep fitting order according to divine and natural law, and because the common herd (Pfeler) in these time have become so ignorant and wanton, that even siblings want to marry each other if marriage were to be allowed among first cousins, thus the prince despite the fact that marriage between relatives in the second degree on the same line [cousins] is allowed in divine and imperial law forbids such and also the third degree of consanguinity, so that the common man will be kept all the more orderly in obedience to divine, natural law.”

20 An Enlightenement theologian such as J. W. F. Jerusalem, Beantwortung der Frage ob die Ehe mit der Schwester-Tochter, nach der göttlichen Gesetzen zulässig sey (Branschweig, 1754), still argued for incest laws in terms of discipline. They hold desires in check. “There are no laws in the whole world to be found, which for the strictest maintenance of virtue, the consideration of humanity, and protection of the innocent, the stranger, and the needy, which are better instituted and adopted for external peace and to make morally good citizens and to impress upon them the feelings of humanity, justice, order, and modesty, than these” (p. 38). Well into the nineteenth century, conservative Protestant commentators interpreted incest laws in terms of discipline; see, e.g., Heinrich W. J. Thiersch, Das Verbot der Ehe innerhalb der nahen Verwandtschaft, nach der heiligen Schrift und nach den Grundsätzen der christlichen Kirche (Nördlingen, 1869).
Blood, pollution, and the wife's sister

Incest prohibitions were always expressed in powerful symbols of blood and pollution, and Protestant scholars, despite their ambivalences, found it difficult to get around the medieval conceptualization of incest as a tainting of blood.21 Indeed, the German word Blutschande, literally a “violation of blood,” is scarcely able to avoid such associations. But the heart of the matter did not lie in direct descent or in consanguineal relations as they are understood today. The rule against sexual union of father and daughter or mother and son and all ascendants and descendants was derived by the Protestant theologians and jurists most usually from patriarchal authority – respectus parentelae. The issue of blood played an ever more important role in the argument as the discussion moved away from descendants to collateral relatives and in-laws. The problem was to exclude from consideration marriage with the deceased wife’s sister or deceased brother’s wife and to bring both of these possibilities under the sign of incest or Blutschande.

Since the sixteenth century, at least, incest discussion has always been concentrated on one particular dyad at a time. During the “long” seventeenth century, the crucial pair was the wife’s sister and sister’s husband. Discussion centered on two biblical texts, Genesis 2:24, which argued that a man and his wife become one flesh, and Leviticus 18:6, which forbade intercourse between a man and the “flesh of his flesh.”22 Opinion was divided over whether the one-flesh idea was to be taken literally, metaphorically, or as a legal fiction, but the notion was never far away that the mixing of “semen” in intercourse made a man and a woman share the same substance and the same blood.23 Since people

22 In the authorized version, Leviticus 18:6 reads: “None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord.” Luther’s version: “Niemand sol sich zu seiner nehesten Blutsfreundin thun / jre Schambd zu blissen / Denn ich bin der HERR.” The words that are translated into “near of kin” or “nehesten Blutsfreundin” were transliterated from the Hebrew as “Sheer Basar” and literally scanned as “flesh of flesh” or “part of flesh” – in Latin, as “caro carnis.” The text was discussed in detail by Michaelis, the most influential Old Testament scholar of the eighteenth century, Abhandlung von der Ehe-Gesetzen Mosis welche die Heyrathen in die nahe Freundschaft untersagen (Göttingen, 1755), pp. 126–50.
23 All the fluids in the body were understood to be fungible; see Thomas Laqueur, Making Sex: Body and Gender from the Greeks to Freud (Cambridge, Mass., 1990), pp. 35–43; and Barbara Duden, The Woman Beneath the Skin: A Doctor’s Patients in Eighteenth-Century Germany, trans. Thomas Dunlop (Cambridge, Mass., 1991). See the following texts on “blood”: “Wolfenbüttel Kirchenordnung, in Sehling, Evangelische Kirchenordnung, vol. 6/1, p. 225: “Warning and Instruction. Because man and wife become one flesh through marriage, each one must keep [him or her] self from the other’s consanguines”; “Preussen Consistorial Ordnung 1584,” in vol. 4, p. 134: “because man and wife become one flesh through marriage, and all blood relatives of the man in whatever degree of blood relationship they are connected to the man, even in the same degree are they related to the wife in affinity”, p. 135: “Item even if a wedding or cohabitation (Beischlafen) does not take place, but one partner dies before the wedding, even then from discipline and propriety the [blood] relationship and affinity continue and are diminished neither through death nor any other circumstance, and even less abolished”, “Pommern Kirchenordnung,” in vol. 4, p. 367: “Arguments that is a horror and against divine and natural law to court anyone in “the blood.” A man leaves his father and mother and cleaves to his wife and they become one flesh, so that one sees that there is a great difference between parents and wife. He cleaves to his wife and sleeps with
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generated by the same parents also shared the same blood, intercourse between a man and his sister-in-law involved the same kind of act as an ascendent having sexual relations with a descendent or a brother with a sister: a man and his wife’s sister shared the same blood with his wife. Throughout the seventeenth century a number of celebrated cases demonstrated the obsession with the problem of the wife’s sister. In 1595 all of the Jews of Hildesheim were thrown out of the city because one of them had married his sister-in-law. A half century later (1649), a controversy broke out over a duke of Holstein’s marriage to his deceased wife’s sister, an example of an unhappy marriage that played its way out as a warning well into the eighteenth century. In 1681 a prince of Oettingen first married his wife’s sister and then called all of the interested theologians and jurists to a conference on the subject and published the papers. By the early

her, but he honors his parents and has a natural aversion to sleeping with his parents. The text offers examples from Aristotle including the stallion that committed suicide when it discovered that it had covered its dam, p. 367; “Mecklenburg Kirchenordnung 1557, in vol. 5, p. 211: man and wife are one flesh; “Rostock Ehessach 1581,” in vol. 5, p. 293: “And because man and wife become one flesh through marriage, and affinity grows out of carnal cohabitation, it is ignorance to argue that the marriage prohibition in affinity has its origins only in papal law and is not the same prohibition in consanguinity and affinity”); “Hohenlohe Eheordnung 1572,” in vol. 15, p. 180: argues that affinity grows out of consanguinity and is to be reckoned for both man and wife according to the same degree as consanguinity. A man has to keep himself away from his wife’s consanguines to the exact same degree that he has to keep away from his own.

Just this point was still hotly debated in the mid eighteenth century in two anonymous tracts: Bedenken über die Frage ob die Ehe mit des Bruders Witwe erlaubt sey? (Frankfurt and Leipzig, 1758), bound together with, Bedenken über die Frage Ob die Ehe mit des Bruders Witwe erlaubt sey? Samt derselben unständerd Widerlegung. The first found the blood tie to be a fiction (p. 57). The second argued that the first degree of affinity is not conceivable sine Idea consanguinitatis (p. 89). Only dissolute desires lead to marriage with the WZ and BW. In fact, God forbade them because what was involved was an expetio libidinis furioae. He explained the Levirate (the rule that a man had to marry his childless deceased brother’s wife to engender progeny in his brother’s name) in terms of a crucifixion of the flesh and on that account a domestic good. He argued that the concept of respectus parentelae was an innovation and that Leviticus 18 and 20 were only concerned with blood. “If consanguinity is the solum & unicum fundamentum on which all prohibiones hujus generis rest, as cannot be doubted, so the prohibition remains after the death of anyone who was the sumculum which tied me so closely with a tertio or tertia that she had to be called my caro carnis.” The author called for rigorous use of Mosaic law and noted that if a few dozen people were executed for adultery, it would scare the rest into behaving (no doubt). As for the rules of blood, disobeying them puts us back into a state of pure nature. He departed, however, from the notion of a man and wife becoming one blood through intercourse. He lay stress on the Leviticus 18:6 principle of a tie built on flesh of flesh, not on the physical sharing of blood. In the nineteenth century, a conservative Lutheran theologian still found no essential distinction between consanguinity and affinity – the grounds for both being the unity of the flesh; Thiersch, Verbot der Ehe, p. 27.

A defense was written by Christoph Joachim Buchholtz, Pro matrimonio principis cum defunctae uxoris sorore contracto: Responsum juris collegii JCTorum in academia Rintelensi (Rinteln, 1651). He argued that there was no real blood tie between brother- and sister-in-law, only a consanguinitatis simulachrum, p. 109.

eighteenth century, a theologian obtained a dispensation for such a marriage, which prompted a scurrilous exchange of books and the worry that such an example would open the floodgates to the common man. 27 In Württemberg, 75 percent of the cases of incest that came under official investigation involved “in-laws” of one kind or another. 28 The weight of the term “Blutschande” together with resistance to innovation point toward a fundamental unease about this key relationship, which no doubt was caused by considerations of the dynamics of rural and urban households and the problem of constant realignment of close social relationships due to early death and remarriage. Only in the course of the eighteenth century was this form of marriage made possible.

**An impediment to alliance**

One problem with a symbolism of blood and pollution was how to calculate the necessary distance beyond which the sharing of vital substance was no longer an issue. In the early Middle Ages, the prohibition extended “seven degrees” to sixth cousins related by blood or sixth cousins of a deceased spouse. An appropriate analogy was found in the Creation, which took six days to complete. Narrowing the prohibitions in 1215 to four degrees necessitated a new analogy, this time based on the four humors. With each degree, one humor was lost, until the blood was completely diluted. Such extensive prohibitions prompted a brisk trade in dispensations, and this was one of Luther’s chief objections to the whole system. Osianer, one of the architects of a modified canon law system, at first also objected to the medieval church solution as a corrupt device for papal income. 29 With this in mind, the Protestant states, when formulating their codes,
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indicated from the outset that dispensations would be unavailable. Some states prohibited marriage between relatives of the “third degree” (second cousins), both consanguineal and affinal, of the same generation, while others relaxed the degree a half notch by allowing one of the partners to come from the next older generation. But they generally excluded dispensations and for the first time took steps to allow the state to check relationships objectively: through the registration of baptisms, marriages, and deaths.

In the seventeenth century, a large literature arose on the advisability of allowing this or that kind of marriage, and various test cases and petitions led to a strengthening of the boundaries at some points and a loosening at others. Most states ended up with a system of dispensations, but until well into the eighteenth century the law prevented or impeded the formation of long-term or repeated alliances of two families by prohibiting marriage between first and second cousins or a second marriage into the “Freundschaft,” or kindred, of a deceased spouse. Just such alliances did develop in Neckarhausen in the eighteenth century, and a great deal of the analysis in the ensuing chapters will be devoted to their properties. But state law in the sixteenth and seventeenth centuries prohibited kinship formations of this kind and was especially concerned with preventing the renewal of alliances in the same generation with a person seeking a mate among his or her deceased spouse’s consanguineal kin. There are various explanations for this concern. It is possible that state officials wished to inhibit alliances that would challenge their access to each house. Or the law might have been a response to social and cultural assumptions about the circle of kin so necessary to guarantee property interests that endogamous marriage would create undue strain. Or it all might have derived from the magical properties of ancient texts. Most likely all three considerations resonated with each other.

Incest reconfigured

In the eighteenth century, the incest problem shifted focus. In the first place, middle-class commentators rethought the nature of the house/family in terms of their own experience and new principles of social logic and reconfigured the key dyadic relationship in terms of emotion and moral sentiment or rational altruism. In the dynamics of the new nuclear family, the issue was no longer how to align and realign houses through early death and remarriage but how to think about emotional attachment as the fundamental regulator of inner familial relations and the chief instrument for creating new ties between families. About the

immediately as example” (p. 291). See further to this case his letter to Georg Vogler, in vol. 3, pp. 298–301. His complete turnaround and acceptance of the principles of canon law reckoning by degrees is found in his “Von den verbotenen Heiraten” (1537), in vol. 6, pp. 407–33. Osianer’s book was crucial for developing Protestant doctrine. He saw consanguineal kin as collectively responsible for protection and discipline of women. The objection to marriage with affines is that they are our own “flesh and blood.”

30 E.g., Ammon, Moralische Fundament. The most influential writer was the Old Testament scholar, Michaelis. See Abhandlung, pp. 108, 146.
same time as the great student of Mosaic law, Michaelis, shifted the grounds of incest away from a discipline of the flesh and a symbolics of blood to moral reason or moral sentiment, almost every thinker came to identify the central incestual pair as the brother and sister. During that period, Protestant states effectively narrowed down many of the old prohibitions that had prevented intergenerational alliances between families — on the one hand because the objections to such alliances atrophied in the face of an increasingly powerful and bureaucratic state and new theoretical foundations for the family were worked out, and on the other hand because there were new and powerful popular demands for an end to such restrictions. How the state established the conditions for familial alliances can be seen in the law of marriage prohibitions as it developed in Württemberg into the nineteenth century.

Calculating the degrees

While the various Lutheran territories developed similar laws about marriage in the sixteenth century and departed from canon law in similar ways, over time they diverged a good deal. Until the end of the eighteenth century, Württemberg took a rather conservative position, which set it off from more progressive states such as Saxony and Prussia. Part of the task of this chapter is to specify the stages in the development of the Württemberg legal codes so that we can be specific about what was permissible for the Neckarhausen population at any particular time. Any discussion of the rules of marriage prohibition will seem rather arcane, but the degree of effort expended by theoreticians and administrators of our period warrants close attention to their detail.

In the “Marriage and Marriage Court Ordinances of 1687” (Ehe Ordnung und


32 Sources for the Württemberg laws, ordinances, edicts, and mandates are found in August Ludwig Reyscher, ed., Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze, 19 vols. (Stuttgart and Tübingen, 1828–51).

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[Ehegerichtsordnung](#), the text outlined how kinship between two people was to be reckoned for purposes of incest prohibition. The rules were based on the Germanic law of reckoning adopted progressively by the church in the period after the sixth century and definitively in the eleventh. Essentially the calculus distinguished between a vertical and a horizontal plane on which lines (Linien, Lini, lineae) were conceptualized, a perpendicular one to describe descent and ascent, a vertical one meeting the first at an angle to depict collateral relations, and a third and fourth used to figure degrees of relationship crossing these two (Figure 3.1).

Three rules were to be followed in reckoning degrees of relationship between two people. First, there are as many degrees on the vertical axis as there are people, not counting the person at the bottom or top, the point at which the calculation starts – or, from the bottom up, the number of generators, and from the top down, the number of generated. The second rule has to do with the collateral or side line when the two people concerned are on an equal, horizontal axis or line. There are as many degrees of relationship as people in either line away from the common or head “stem.” The third rule applies to the collateral line when the two people concerned are on an unequal, asymmetrical axis. In this case, the degrees are reckoned in relation to the person farthest away from the head.

To explain all this, the ordinance offered a diagram (Figure 3.2). In the ascending and falling line, between great grandfather (Aber-Aehni) Johannes and the great granddaughter (Aber-Enkel) Margaretha, there are five persons and four degrees, so that they are related in the fourth degree in the direct line. Friederich

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34 Reyscher, vol. 6, pp. 85 ff., 30 April 1687. The rules were to follow canon rather than civil law. The reckoning of parricide and incest were the same.

and Regina are related in the third degree of consanguinity (Blutsverwandtschaft) in the equal collateral line, because each is three degrees from the common root (Stamm), Johannes.

The description makes it clear that a Stamm is not a line but a person or a point, more a root than a stem. Friederich and Regina are on the same "line" or plane – in a generational sense – and equidistant from the root. One does not reckon the degrees by proceeding from one person to another, in this instance by counting six people (e.g., FFFSSD). Rather, one first determines a generational axis and counts back to a common ancestor. As Jack Goody points out, the Germanic mode of reckoning was based on the "unity of the sibling group," and despite the development of other ideas it continued to represent that notion. It is contained, for example, in the Württemberg description of first cousins as Geschwisterkinder (siblings’ children) and second cousins as Kindskinder (children of [siblings’] children).^36

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The laws of consanguinity also embody the notion of shared substance. If half of Johannes is in Jacob, half also is in Georg, and Eberhard has a fourth, and so on. Friederich and Regina each share an eighth of the substances of Johannes and Maria. In Württemberg legal reckoning, as in canon law, the substance shared by each of these people is blood. It comes to be shared by descendants through the equal commingling of their ancestors in intercourse. But it is not just descendants and ascendants who are related to each other in this way, as already pointed out, but affines as well.\(^3\) If a fiancé(e) dies, the survivor may not marry a close relation of the deceased until everyone is sure that there has been no mingling of blood (commixtio sanguinis).\(^3\) This means, for example, that marital or sexual partners have the same degree of relation to blood relatives of either of them. A man’s wife is in the first degree of affinity with his father (her father-in-law, Schwäher) and the latter’s second wife.

As shown in Figure 3.2, the third rule applies to the collateral line whereby the individuals are offset generationally (on an unequal line or plane). Martin is related to Regina in the fourth degree of consanguinity, since he is the furthest away from the head stem (Hauptstamm), Johannes.

Here is not the place to offer a history of canon and Protestant Church law on the subject of marriage prohibitions, but some knowledge of Mosaic law is necessary to understand the twists and turns of Württemberg practice.\(^9\) In Leviticus 18 and 20, a series of specific relatives are described as not marriageable – or, more true to the text, not available as sexual partners – with consequent punishments for violations (Figure 3.3).\(^4\)

Neither text mentions ego’s daughter. This may have been an oversight or simply taken as given. In any event, in the Leviticus accounts, the emphasis was on lineal ascendants and descendants and their wives, and death was the punishment for sleeping with the mother or father’s wife, with the wife’s mother, and with the son’s wife. The punishment was progressively reduced for other offenses: banishment for sleeping with a sister, and barrenness for sleeping with the brother’s wife, the father’s sister, and apparently the mother’s sister. As one proceeds to the side (B/Z) and down the line (SD, DD, WD, WDD, WSD), the crime diminishes in intensity. The prohibition against the WM, WZ, and WD was put into the context of polygyny and that against the BW was abrogated in case of the latter’s death, since the surviving brother was supposed to marry the widow to raise seed in the name of the deceased (the levirate). Altogether, the total set of prohibitions extended to full and half siblings, parents and stepparents, uncles and aunts, children and grandchildren, daughters-in-law, and wife’s

38 An example of the kind of trouble people could get themselves into is found in one case among many in the Württemberg archives: HSAS, A209, Bü 35 (17th century). A shepherd spent the night in bed with two sisters. After having intercourse with his own lover, he continued to do so with her sister, who was pregnant by his brother. This case of double incest led to his exile.
39 Good discussion can be found in Goody, Family and Marriage; New Cath. Encycl., s.v. “Affinity” and “Consanguinity”; Flandrin, Families in Former Times; and Duby, The Knight, the Lady and the Priest.
40 To simplify matters, I will describe the issues from the point of view of a male ego.
mother, sisters, daughters, and grandchildren. In this reckoning, there was no prohibition against the MBW to match the FBW; none against stepsiblings of parents; none against nieces, outside the context of polygyny; none against WM, WZ, or WD; and none at all against WMZ, WFZ, WMBW, WBW, and so on. There was absolutely no prohibition against first or second cousins.

As noted earlier, by the eleventh century the medieval church had systematized and widened the prohibited degrees to include sixth cousins and added affines up to the sixth cousins of the deceased wife. The Fourth Lateran Council (1215) reduced the extension of consanguines to the fourth degree (third cousins) and affines to the fourth collateral degree as well (third cousins of the deceased wife).\(^4\) Despite the fact that Luther had retreated to Mosaic law, when the Protestant state of Württemberg promulgated its first marriage ordinance (Eheordnung) in 1534, it railed against "bestial, insolent, and shameless" people who against natural honor (natürliche Erberkeit) married relatives of the second and third degree of consanguinity (Sippschaft) or affinity (Magschaft).\(^5\) According to the text, this had been going on for a long time and was getting worse, causing considerable scandal (Argernis). In the second marriage ordinance of 1553, the language was stepped up a notch: such marriages were against divine and natural honor and detestable (greulich) and loathsome (abscheulich) in the eyes of God.\(^6\) The rule was clearly stated in the second ordinance: no people related in the second or third degree of consanguinity or affinity, such as children of siblings (Geschwistrigte Kinder) and grandchildren of siblings (Kindskinder), or the deceased spouse's blood relatives of the second degree in the unequal line (WFZ, etc.) could marry

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or have sexual relations. This law is, of course, more extensive than that laid down by Moses. The main extension was to collateral lines, but a second marriage to a near relative of the wife was also prohibited. There was no problem with two sets of siblings marrying each other just as there were no such prohibitions under the Mosaic restrictions. As canon law put the matter, “Affinity does not beget affinity.”

In the Württemberg criminal code, sexual relations between parents and children and between siblings were all equal in severity, whereas in Leviticus the emphasis is on the direct line. In Württemberg, as in canon law, step-relations and in-law relations were equally affinal and seen as less serious than full-blood relations, while Leviticus considered the stepmother/stepson and father-in-law/daughter-in-law equal in severity to the M/S relation. Furthermore, in Leviticus 20, there is no mention of the stepfather/stepdaughter relation. In the next outer ring of relations in Württemberg law dealing with people related in the first and second degree of consanguinity (BD, ZD, FZ, MZ), again symmetricality was substituted for the asymmetry of the Leviticus prohibition, which fails to mention the BD and ZD. In Württemberg, one proceeded to count systematically one step at a time, making similar degrees similar in nature. It is a completely balanced system, totally cognatic, and built on the notion of shared blood and an understanding that each parent contributed an equal portion to the offspring. The less blood shared by individuals, the less serious the offense, a principle foreign to Mosaic law.

Dispensations

Even though a wide range of marriages had been forbidden since the early Middle Ages, until a serviceable set of parish registers was in place (begun in the 1560s but not usually consistent in most parishes until around 1600) and a well-regulated clerical bureaucracy was trained, it was quite impossible to forbid marriages among extended consanguineal kin to an unwilling population. Once the parish clergy had clear oversight and were willing to enforce the law, then dispensations offered a way for villagers to prolong or reshape their own practices.

44 One could also not marry an adopted child, godchild, or a child under one’s guardianship. Nor could a person marry his or her own son or daughter to his or her charge. These two rules are more conservative than most of the other Protestant church ordinances.


46 In 1586, a mandate dealt with the penalties for violating the marriage prohibitions, Reyscher, vol. 4, pp. 443–50. Although a distinction was made between people related in the ascending and descending line, such as F/D, M/S, grandfather/granddaughter, grandmother/grandson, and those in the first degree of consanguinity (Blutsverwandtschaft) in the side line (B/Z) whether full or half-siblings, both kinds of acts constituted incest (Blutschande) and merited execution. First-degree affinity (Schwägerschaft) (MH/WD, FW/HS, HF/SW, WM/DH, B/BW, H/WZ) was punishable by the pillory, whipping, and exile.

47 According to the 1586 mandate, second-degree affines and consanguines who slept with each other were to get 4 weeks in jail, and third-degree relatives on the equal or unequal line 14 days.

48 Really, not until the 1650s or 1640s could second cousins be reckoned from the registers.
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There are no continuous central records to find out how many dispensations were granted in Württemberg (although they were supposed to be written into the marriage registers), but more important, none tell us how many were sought for and turned down. In various ordinances and law code revisions, reference was made from time to time to popular pressure for dispensations. This discussion will pay close attention to the periods of such demand, but of equal concern is the extent to which villagers internalized clerically imposed laws or observed their own cultural values, which may or may not have agreed with the law. By the time the sixteenth-century codes were being formulated, there had been six hundred years or so of judicial/clerical practice. Yet little is known about the extent to which peasants observed canon law, whether the sanctions were severe for violations, or whether local clergy cared at all. One certainly must not assume that because the church told the rural population that they were not to marry their second cousins, that the latter were aching to do so, even if the promulgators of the Württemberg law codes in the late sixteenth century depicted peasants as violating natural law in an orgy of incest. As parish registers indicate, by 1740 not only were the prohibitions followed, but few dispensations were sought (or obtained), and an even wider circle of kin (see Cohort I) was avoided. Legal practice in Württemberg appears to have followed popular interests and values as much as it led them. I can find no complaints on the part of the clergy about widespread violations of marriage prohibitions such as one finds about fornication and adultery.

By 1628 the lawgivers were ready to contemplate dispensations, bringing up the issue of a surviving spouse marrying a relative of the deceased, specifically someone related in the second degree of affinity on the equal plane or line (first cousins). But not until 1687 were there extensive revisions of the dispensable degrees. The revised *Marriage and Marriage Court Ordinances (3. Eheordnung und Ehegerichtsordnung)* were far more detailed than before, as they now went into the specifics of the calculus of relatedness and took up the issue of dispensation. The law acknowledged that Württemberg prohibitions went far beyond Leviticus but argued that the 16 persons mentioned in that text were only examples and that one should include everyone of like degree. There could be no dispensations for people in the direct line (linea recta) ad infinitum, that is, no direct ascendants and descendents – F/D, grandfather/granddaughter, and so on. This prohibition extended to the second degree of consanguinity or affinity on an unequal line (ungleich Linie): uncles and aunts (FZ, MZ, etc.), nephews and nieces (BD, ZD), and spouse’s aunts and uncles, nephews and nieces. There

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49 Reyscher, vol. 5, pp. 397–8. The law stated that the duke was no more ready to grant dispensations in this case than for other degrees, leaving the reader unclear about whether petitions for release from legal restrictions had in fact been entertained even though with some reluctance before this date. Reference was made to the practice of people forcing the issue by getting pregnant. Local officials were to advise couples against such marriages but could send along petitions by widows or widowers with a good reputation, especially if they had minor children to raise.

50 Reyscher, vol. 6, pp. 85–90.
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could be no dispensation in the second degree of consanguinity on the same plane (linea aequalis) — first cousins — without almost unavoidable need (fast unvermeidliche Not). Dispensations were not to be given lightly for second-degree affinity on the equal plane (first cousins of a deceased spouse) or for second-degree consanguinity and affinity on an unequal plane (first cousins once removed). As an example of need, the code offered a poor widow with minor children (literally orphans — Waisen) who could not otherwise marry. Dispensations were allowed for those who were related in the third degree on the same line (second cousins) and who petitioned and appeared in the chancellery office — at significant expense and humiliation.

The law reiterated that relationships between affines were to be reckoned by the same system of degrees as for consanguinity. Specifically allowable without dispensations were marriages between a wife’s mother and her husband’s father, a stepson of a woman and her daughter from another marriage, two brothers and two sisters, a father and son and a mother and daughter, and two brothers, one with a mother and the other with her daughter. In none of these cases were the two contracting parties subject to shared blood such as a man would have with his deceased wife’s sister.

The situation around 1700

At the beginning of the period covered in this book, then, marriage was prohibited between two people related through blood all the way through second cousins, a prohibition less extensive than that maintained by the Council of Trent for Catholic territories — through third cousins — but more extensive than many Lutheran territories, which soon would strip down to the Mosaic examples.51 The prohibition was valid also for a widow or widower for blood relations of the deceased spouse up to second cousins as well. Such prohibitions made the redoubling of a marriage alliance in adjacent (first cousins) and alternate (second cousins) generations illegal as long as the prohibition was observed but did allow an alliance to be restructured after the lapse of three generations. Furthermore, considered from the point of view of a single generation, an alliance could not be maintained at the death of a spouse by making another marriage to a close relative of the deceased. Yet by the 1680s a system of dispensation was developed, lasting for over a century, which allowed second cousins without too much trouble, although a fee was charged. The difficulty arose, at least in theory, with each step closer in relationship up to first cousins, beyond which an absolute prohibition existed. The duke’s “abhorrence” of marriages between cousins was mitigated by his need for cash. In any event, by the late seventeenth century it appears that the zealousness of officials and their ability to reckon kinship with


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Introduction

the aid of 100-year runs of parish registers made a clear definition of the degrees necessary as well as a system of dispensations advisable. Above all, for present purposes it should be clear that there was no prohibition for second cousins once removed, third cousins, sibling exchange, and the like. Yet in Neckarhausen, at least, until the 1740s, no such marriages took place (see Cohort I). There does not seem to have been pressure from villagers to open up marriage to cousins or to close affines during that period. In fact, they observed a much larger circle of prohibitions than the law made necessary. Many kinds of alliances were made between families, but they were of very peculiar kinds. Despite the relatively extended avoidance of kin, the law did allow considerably more flexibility than was taken advantage of during the first 60 years after its promulgation. After that came first a trickle and then a flood of cousin marriages.

The politics of incest

At the end of the eighteenth century, a significant reform in the system of marriage prohibitions was discussed, and the number of dispensable relationships multiplied. Various church and state agencies were anxious, among other things, to bring Württemberg into conformity with other German Protestant states. The question in the first instance was whether the Leviticus prohibitions extended to persons of the same degree. The matter had been brought up in 1784 by a man seeking to marry the sister of his deceased wife and by another who wanted to marry the widow of his brother’s son. The Tübingen theological faculty argued that such marriages ought to be allowed, but the more conservative Consistory (ruling body of the church) was not inclined to do so. The Marriage Court itself voted to drop the matter then but was pressured into bringing it up again 12 years later, in 1796. Just how serious such marriages were taken can be seen from a case in 1730 in which the court physician in Urach had been allowed to marry his deceased wife’s sister’s daughter in return for 300 florins (the cost of a more than modest house in Neckarhausen or about 15 head of cattle). In 1754, a man had secretly married his stepbrother’s son’s widow outside the territory and had to pay a 100-ducat fine to return to live in Württemberg.

Apparently the 1780s saw a considerable rise in the numbers of dispensations sought (about 120 years after the system had been put in place). Some conservatives were afraid that a change in the law would cause positive religion to lose its grip on the population. The general consensus derived from reading Mi-

52 François Héritier, L’exercice de la parenté (Paris, 1981), pp. 97–106, has examined systems of alliance where extended exogamy rules can be thought of as encouraging marriage between third cousins. This was not the case for Neckarhausen.

53 Reyscher, vol. 6, pp. 715–68.

54 In the various debates, most of the anthropological positions of a later date were adumbrated. Some argued that there was a natural horror of marrying close relatives. Others saw in the prohibitions a political program whereby society would be knit together by forcing people to marry at a distance. A few were concerned that in-breeding would create degenerate offspring. Still others saw the issue to be good order in the house – free sexuality would bring moral breakdown at home. There
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chaelis was that the different political constitutions of ancient Israel and eighteenth-century Württemberg required different rules. However, the practical problem had to do with changing a law that had heretofore been regarded as the foundation of morality. The lawgivers feared that if a change was made, then all revelation would be considered invalid. If one broke the bond of positive religion, all hell would literally break loose.

The debate was framed in the context of biblical hermeneutics, on the one hand, and the principles of social and political order, on the other. The issues had to do with the relationship of the rules of incest to correct order in the house, care for orphans, and administration of property. By the 1790s, most commentators had accepted Michaelis's position that the prohibitions in Leviticus were rooted in the need to prevent corruption and sexual crimes in the extended Hebrew household. By this principle, the trimmed-down Württemberg household simply needed a law against sexual relations between siblings or between members of the direct line. For those for whom the central issue was caring for children, the wife's sister was in fact recommended as the best substitute for the deceased wife. But some argued that marriage with the brother's wife did not have the same arguments in its favor. Many people hesitated to allow an uncle who administered a niece's property to entertain any hope of marrying her to himself or to his son. Such reasoning had characterized the sixteenth-century debates when the state first formulated its legal principles. Inheritance, property holding, patriarchal values, and the socializing of children to familial obligations in the absence of state bureaucratic organization had encouraged such extended exogamy rules. By the late eighteenth century, so much was expected from officials, it was argued, that there was little danger that an uncle could misuse an orphan and that there was no longer a compelling reason to restrict his freedom.

The hermeneutic issue revolved around the specific persons mentioned in Leviticus and the ratio behind the list. If the grounds for excluding particular spouses such as the FBW derived from the peculiar conditions of Israel after the Exodus, then it was necessary to ask after their relevance for eighteenth-century Württemberg. Advice was sought from the Württemberg consistory, as well as those in several other Protestant states, from the Tübingen theological faculty, the Marriage Court, and the Privy Council. The list of discussable cases was composed of instances not mentioned in Mosaic law but not yet dispensable in Württemberg: deceased WZ, ZD, BD, WZD, WBD, BSW, ZSW, MBW, WFZ, WMZ.

By 1797 the Württemberg Estates (Landschaft) were pressing for long overdue reform. Extending prohibitions from persons to degrees was untenable; in fact, the idea was based on a significant error. Above all, it made no sense to declare certain marriages punishable and then allow exceptions. There were no current "political" or constitutional grounds for continuing any extensions beyond the

was nothing new in any of these arguments; see Goody, Family and Marriage, 56–9, and the discussion earlier in this chapter on the sixteenth-century notions.
Mosaic proscriptions, including the BW. To maintain a list based on an illusion, to forbid and then make exceptions, left people at the mercy of officials and demonstrated the arbitrariness of the state. The whole system seemed an attempt by the duke to collect fees, which in fact had risen considerably in the previous years. When the reform finally came on 16 September 1797, the ducal government kept the schema of prohibitions but widened the number of allowable dispensations (Table 3.1) and regularized the system of fees, making a handy profit from what had become an everyday practice.\(^{55}\)

As Table 3.1 shows, from time to time there is a lack of symmetry between prohibitions expressed from the points of view of males and females. The distinctions express a set of principles that emphasize male authority and agnatic kinship reckoning. Similar agnatic features turn up in the marriage system in Neckarhausen throughout the eighteenth century, which did not derive from the assumptions of bureaucrats and theologians. Yet the coincidence suggests some interaction between social practice and ideological formulations. In the prohibitions under I.A.2.b and c (for a man, his FZ and MZ, and for a woman, her BS and ZS) and the dispensable cases II.A.1 and 2 (for a man, his BD and ZD, and for a woman her FB and MB), for example, the difference has to do with generational superiority. The man could not marry a woman generationally superior to him, but he could take a wife who was generationally inferior. The principle of the FZ and MZ is warranted in Leviticus, but it was not extended to women, and they were not forbidden to marry uncles.\(^{56}\)

One of the most debated issues involving the Leviticus restrictions was the differentiation of the maternal and paternal uncles. In the end, the proscription of the FBW for a male ego was maintained, while the MBW became dispensable. The correlative FZH was not seen as a problem for a woman. What distinguishes the absolutely prohibited aunts-by-marriage from those for whom a dispensation could be obtained was whether two brothers existed in the senior generation. The prohibitions reveal assumptions about agnatic descent groups: a man from generation II is forbidden to take his paternal uncle’s widow as a wife. No other uncle/aunt combination was excluded. The principle of the “unity of the sibling group” that appears throughout this book emphasized an agnatic core, symbolized in the law code, past the late eighteenth century.

The problem of marrying someone who had fornicated with a sibling demonstrates a blind spot. The framers of the law were fully conscious of the situation of two sisters having a liaison with one man, but they did not mention the parallel situation of two brothers linked to one woman.\(^{57}\) Here, as elsewhere, there seems

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\(^{55}\) In 1808 the table of fees was revised. For a dispensation of first-degree affinity (WZ) and second-degree consanguinity on an unequal plane (e.g., MBW), it cost 28 fl. Third-degree consanguinity (second cousins) and third-degree affinity (second cousins of wife) cost 8 and 6 fl, respectively.

\(^{56}\) A slightly different logic is found in I.B.1.e and f (for a man, his xSD and xDD, and for a woman, her FxF and MxF) where the prohibition for a man is expressed as a downward extension and for a woman as an upward one.

\(^{57}\) Their lack of interest reverses the way the issue had traditionally been seen, with the BW more
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to have been a tacit premise about brothers forming a core social element, which
caus ed theologians, administrators, and lawyers to worry about some combi-
nations and not about others. Built into the schematic overview therefore are as-
sumptions about gender and power – senior and junior, old and young – and
about agnatic structures based on relations between brothers. These assumptions
will be explored in my discussion of the networks established by marriage. In
the meantime, one must keep in mind that some of the assumptions about gender
and social relations cut right through the social hierarchies.

* * *

Exogamy – marriage outside the group – and endogamy – marriage inside the
group – depend on the way a particular group is modeled. In today’s scheme of
things, a person is related in similar ways to the kin of both parents, and the
genetic substance is understood to be transmitted equally through both sexes. To
that extent, the current scheme is in complete agreement with canon law’s reck-
oning by degrees, wherein blood was understood to be shared equally by men
and women. Where the schemes differ is in the notion of sharing genetic sub-
stance or blood with people one is connected to through marriage. Reckoning
relationships cognatically (that is, equally through agnatic and uterine ties), as
pointed out in Chapter 1, creates particular problems for group formation. Each
individual – or, better, each sibling group – has a unique set of relatives, which
is shared with no one else. Kinship is said to be ego-focused. By contrast, em-
phasizing one set of relatives – either agnatic or uterine – allows recruitment to
a structured group, which, depending on the needs, desires, and traditions of a
society, can take on various tasks, from managing property to carrying out rituals.
When a cognatic system is coupled with extended exogamy rules, it not only
prevents the formation of groups based on familial recruitment, but it also con-
tinually fractionalizes the ties of any one house with all the others. Such a system
makes it difficult to develop and maintain coherent political structures based on
continuing, transgenerational kinship structures in competition with state and
ecclesiastical institutions. Thus it is in the interest of states with weak adminis-
trative systems to prohibit marriage strategies that can lead to the integration of
kindreds or clans.

From the point of view of village society as well, durable and expansive, well-
coordinated groups based on lineage recruitment could distort communal social
and political dynamics. But there were other reasons for creating extensive ex-
ogamy rules, extended to Freundschaften already linked by previous marriages.
With high mortality rates and frequent remarriage, any particular house was

strictly hedged in with taboos than the WZ. Two brothers having intercourse with the same woman
brought the commingling of their semen in one “vessel.” See Kettner, Gründliche Untersuchung,
p. 69. For an Enlightenment theologian such as Ammon, the WZ was no problem, but he found
“inner grounds” to object to marriage with the BW; Moralische Fundament, Abr. 3, p. 13. I think
the point for him involved the overwhelming moral, social, and emotional closeness of brothers,
an objection that did not hold, as far as he was concerned, for sisters.
Table 3.1. *Forbidden and dispensable relations, 1797.*

<table>
<thead>
<tr>
<th>Man</th>
<th>Woman</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Indispensable cases</td>
<td></td>
</tr>
<tr>
<td>A. Consanguinity</td>
<td></td>
</tr>
<tr>
<td>1. Direct line</td>
<td></td>
</tr>
<tr>
<td>a. M</td>
<td>a. S</td>
</tr>
<tr>
<td>b. Grandmother</td>
<td>b. Grandson <em>(Enkel)</em></td>
</tr>
<tr>
<td>1. FM</td>
<td>1. SS</td>
</tr>
<tr>
<td>2. MM</td>
<td>2. DS</td>
</tr>
<tr>
<td>c. D</td>
<td>c. F</td>
</tr>
<tr>
<td>d. Granddaughter <em>(Enkelin)</em></td>
<td>d. Grandfather</td>
</tr>
<tr>
<td>1. SD</td>
<td>1. FF</td>
</tr>
<tr>
<td>2. DD</td>
<td>2. MF</td>
</tr>
<tr>
<td>2. Side line</td>
<td></td>
</tr>
<tr>
<td>a. Z, xZ</td>
<td>a. B, xB</td>
</tr>
<tr>
<td>b. FZ</td>
<td>b. BS</td>
</tr>
<tr>
<td>c. MZ</td>
<td>c. ZS</td>
</tr>
<tr>
<td>B. Affinity <em>(Schwägerschaft)</em></td>
<td></td>
</tr>
<tr>
<td>1. Direct line</td>
<td></td>
</tr>
<tr>
<td>a. FW</td>
<td>a. HS</td>
</tr>
<tr>
<td>b. SW</td>
<td>b. HF</td>
</tr>
<tr>
<td>c. WM</td>
<td>c. DH</td>
</tr>
<tr>
<td>d. WD</td>
<td>d. MH</td>
</tr>
<tr>
<td>e. xSD</td>
<td>e. FxF</td>
</tr>
<tr>
<td>f. xDD</td>
<td>f. MxF</td>
</tr>
<tr>
<td>2. Side line</td>
<td></td>
</tr>
<tr>
<td>a. FBW</td>
<td>a. HBS <em>(judicial decree 1810)</em></td>
</tr>
<tr>
<td>b. WZ <em>(W divorced and living)</em></td>
<td>b. ZH <em>(when Z divorced and living)</em></td>
</tr>
<tr>
<td>c. Z of living sexual partner <em>(vitiator)</em></td>
<td>c. Sexual partner <em>(correum scort.</em> of living Z)</td>
</tr>
<tr>
<td>II. Dispensable</td>
<td></td>
</tr>
<tr>
<td>B. Affinity</td>
<td></td>
</tr>
<tr>
<td>1. WZ</td>
<td>1. ZH</td>
</tr>
<tr>
<td>2. WZD</td>
<td>2. MZH</td>
</tr>
<tr>
<td>3. WBZ</td>
<td>3. FZH</td>
</tr>
<tr>
<td>4. BW</td>
<td>4. HB</td>
</tr>
<tr>
<td>5. BSW</td>
<td>5. HFB</td>
</tr>
<tr>
<td>6. ZSW</td>
<td>6. HMB</td>
</tr>
<tr>
<td>7. MBW</td>
<td>7. HZS</td>
</tr>
<tr>
<td>8. WFZ</td>
<td>8. BDH</td>
</tr>
<tr>
<td>9. WMZ</td>
<td>9. ZDH</td>
</tr>
</tbody>
</table>

**Ordinance of the Marriage Court (1687)**

<table>
<thead>
<tr>
<th>Man</th>
<th>Woman</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consanguinity</td>
<td></td>
</tr>
<tr>
<td>1. Siblings’ children</td>
<td>1. Siblings’ children</td>
</tr>
<tr>
<td>a. FBD</td>
<td>a. FBS</td>
</tr>
<tr>
<td>b. MBD</td>
<td>b. FZS</td>
</tr>
<tr>
<td>c. FZD</td>
<td>c. MBS</td>
</tr>
<tr>
<td>d. MZD</td>
<td>d. MZS</td>
</tr>
<tr>
<td>2. All other relatives up to the third degree on the same axis <em>(gleicher Linie)</em> inclusive</td>
<td></td>
</tr>
<tr>
<td>B. Affinity</td>
<td></td>
</tr>
<tr>
<td>All the rest up to the third degree on the same axis inclusive</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** This table is based on the law of 23 March 1798 and was put together in a report of the Marriage Court in 1814. Various issues and problems that arose from time to time modified practice. In 1809 the petition of a man who wanted to marry a woman who had fornicated with his brother while they were both single was turned down for it was concluded that such petitions would never be accepted. In 1810 a similar judgment was passed on a petition to marry the sister of a divorced wife. In 1826 it was discovered that a woman had been married for 10 years to the brother of the man she had first had sexual relations with. Another case in 1829 involved a request for a subsequent dispensation where a man had married the sister of a woman he had slept with. It was ruled (in 1833) that the superintendent bishop *(Oberbuchof)* could dispense such cases. In many instances between 1797 and 1826, requests for marriage with the widow of the FB were denied. After that no one was turned down except in unusual circumstances.

**Source:** August Ludwig Reyscher, ed., *Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze*, vol. 6 (Stuttgart and Tübingen, 1828–51), pp. 764–5.
Introduction

constantly brought into realignment with other families. The rights of the chil-
dren or those of residual, collateral heirs – frequently also minors – and of both
married women and widows necessitated complex ties of godparentage, guar-
dianship, and gender tutelage, which continually called on the services of near kin.
In particular, the death of one spouse made necessary the appointment of a
guardian to represent the property interests of the line with respect to the chil-
dren and the collateral heirs. Marriage back into the same kindred or back into
one’s own consanguineal group confused and distorted interested and disinter-
ested roles and obligations.58 Of course, what was culturally established as a norm
did not always fit the interests of particular individuals. Overall, however, at least
in Neckarhausen, there was little desire to change the dynamics of alliance for-
formation before the 1740s. And the same considerations produced a widespread
conservatism in the population, to which lawgivers in the sixteenth century re-
sponded.

The medieval system – reconfigured and remobilized during the sixteenth
century – was modeled on sexual temperance, patriarchal authority, and disci-
pline. It fit extraordinarily well into the conceptualization of the “house” worked
out in Lutheran theology and juridical science, which provided the dominant
social model of familial relations well into the eighteenth century. It emphasized
the house as an effective and efficient property-holding unit with clear tax re-
sponsibilities and well-regulated procedures for succession. The developing ab-
solutist government created a cultural strategy to individualize each household
politically, while relying on a network of services and controls offered by sur-
rounding kin. In the mid eighteenth century, Prussian Chancellor Ludewig, a
keen observer of the exogamy rules, understood that their old meaning had at-
rophied in the face of a well-articulated bureaucratic state, which effectively mo-
nopolized all the physical force of a society.59 Durable alliances were no longer
a threat to state authority. Contrary to expectation, it is precisely within an
ideology of emotion and sentiment and a rhetoric of love, developed during the
course of the eighteenth century, that tightly coordinated, long-standing familial
alliances could develop. After, not before, the state lost interest in extensive
exogamy rules, both rural and urban populations clamored for the right to marry
cousins and sisters-in-law. “Love” came to form and reform more perfect unions,
ensured the efficient reproduction of class, and provided a mask for the interested
continuation of familial alliances over many generations. These are all themes
that will be developed in the following chapters and brought together in Chapters
22 and 23.

Marriage alliance was only one part of a system of linkages between individuals,
families, and households. During the period of extended marriage prohibitions,
precluding alliances between families over more than one generation, it was quite

58 Segalen, *Fifteen Generations*, p. 127, speaks of “patrimonial competitiveness” as an inhibition to
marriage.
Incest and alliance formation

possible to develop persisting relations through godparentage. Alliances between
groups could be formed out of production routines, property management and
exchange, debt, ritual kinship, crisis parenting, and gender tutelage. Different
strata combined these elements in different ways, and their relative weight and
patterned structures shifted kaleidoscopically over time. Even though marriage
was the most crucial means for connecting and disconnecting, for linking and
dividing, the set of ties has to be looked at as a whole before one can hope to
understand the interrelationships of what might be called the "political economy
of kinship." This is the task that will be undertaken in the remainder of the
book.