Title
From Clan to Kindred: Thoughts on Kinship and the Circulation of Property in Premodern and Modern Europe

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Until the middle of the eighteenth century, the biological makeup of an organism was ascribed to an individual instance of “generation”—involving conception, pregnancy, embryonic development, parturition, lactation, and even astral influences and maternal mood—rather than the biological transmission of traits and characteristics. Discussions of heredity and inheritance took place largely in the legal and political sphere. In heredity produced, scholars from a broad range of disciplines explore the development of the concept of heredity from the early modern period to the era of Darwin and Mendel. The contributors examine the evolution of the concept in disparate cultural realms—including law, medicine, and natural history—and show that it did not coalesce into a more general understanding of heredity until the mid-nineteenth century. They consider inheritance and kinship in a legal context; the classification of certain diseases as hereditary; the study of botany; animal and plant breeding and hybridization for desirable characteristics; theories of generation and evolution; and anthropology and its study of physical differences among humans, particularly skin color. The editors argue that only when people, animals, and plants became more mobile—and were separated from their natural habitats through exploration, colonialism, and other causes—could scientists distinguish between inherited and environmentally induced traits and develop a coherent theory of heredity.


This book is a remarkable achievement. It provides a new and rich history of heredity over the past few centuries, changing the interpretation of the term from the legal into the biological sphere. The editors have assembled a panoply of experts and provided an insightful and comprehensive overview that will be of lasting importance to historians and philosophers of biology.

Garland Allen, Department of Biology, Washington University in St. Louis
Heredity Produced
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Jed Z. Buchwald, general editor

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Mordechai Feingold, editor

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Staffan Müller-Wille and Hans-Jörg Rheinberger, editors

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Heredity Produced

At the Crossroads of Biology, Politics, and Culture, 1500–1870

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Francisco José de Goya y Lucientes, “Asta su abuelo (Up to his grandfather)” (Los Caprichos, n° 39), Aquatint, 1799. Courtesy Biblioteca Nacional de España, Madrid.
The essays assembled in this book reflect both the problems discussed and the results obtained during the first phase of a long-term, collaborative research project carried out at the Max-Planck-Institute for the History of Science (Berlin) since 2001 under the heading of “A Cultural History of Heredity.” The project aims at studying the juridical, medical, cultural, technical, and scientific practices and procedures in which knowledge of heredity became materially entrenched in different ways and by which it unfolded its often unprecedented effects over a period of several centuries. In its longue durée and transdisciplinary character, such a project is vitally dependent on the collaboration of experts from a broad range of disciplines, covering cultural history in its various subdomains of science, technology, medicine, economy, law, anthropology, and the arts.

Two workshops devoted to the management and reflection of hereditary phenomena from the late seventeenth to the middle of the nineteenth century were conducted to bring together such experts, and the present book took shape on the basis of deliberations conducted during these workshops. We decided to assemble a selection of workshop contributions and invited other contributions to systematically cover issues that came to be foregrounded in our discussions. In particular, they concern aspects of marriage regulation, property transmission, and kinship models in the legal context; the transmission of diseases as conceptualized in medicine; the roles played by natural history, breeding, and hybridization in narrowing down the recurrence of characters; the impact of systems of generation and theories of evolution; and the way the incipient discourse on humans—anthropology—relied on and shaped the perception of transgenerational phenomena.

Aside from the participants in the two workshops, the project has profited from discussions with individual scholars. In particular we would like to thank Raphael Falk (Hebrew University, Jerusalem), Jean Gayon (University Paris 1-Sorbonne), Chris Hann (Max-Planck-Institute for Social Anthropology, Halle), Jonathan Harwood
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Note

1. For documentation of these workshops and up-to-date information on the project, see http://www.mpiwg-berlin.mpg.de/en/HEREDITY/index.html.
2 From Clan to Kindred: Kinship and the Circulation of Property in Premodern and Modern Europe

David Warren Sabean

This chapter deals with changes in inheritance and kinship dynamics in Europe over the long term from the early modern period into the nineteenth century. I am going to argue that a shift took place during the second half of the eighteenth century away from a system that conceptualized relations vertically to one that conceptualized them horizontally, from kinship organized through descent and consanguinity to kinship organized around alliance and affinity.

While my intent is to look at broad historical shifts in the articulation of inheritance practices with the dynamics of kinship, there are great complexities and regional differences, of course, that have to be taken into consideration. And there are quite different issues to be dealt with when one takes class into account, since the ways families reproduced themselves in the town or the countryside, on the noble estate or the peasant farm, among officeholders or courtiers, entail considerable differences. A great deal of discussion about early modern inheritance remains at the level of legal norms, and for the purposes of comparison with notions of heredity, the analysis of doctrines, codes, laws, legal decisions, and innovations in the instruments of property holding is of considerable use. Nonetheless, some of the most important new research shows that practice cannot be deduced from legal norms or regional customs and that law can be a very flexible instrument. Understanding the logic of familial relations and shifts in family organization leads us to rethink the doctrinal history of law. Just how norms and practices of inheritance interface with other cultural ideas is an open question, one that will for the most part have to be set aside here, but that remains as a desideratum for future research.

2.1 Restricting Inheritance, 1600–1750

There is considerable evidence that from the late Middle Ages through the seventeenth century at all levels of society a process took place to restrict the number of heirs to
property or the circle of people who had access to familial property. This was almost always associated with an accent on agnatic relationships, such that generations of family members became associated with male lineages, patrilines, or clanlike structures defined through links from fathers to sons. This generalization flies in the face of all those regions that practiced equality of inheritance, a point to which I will come back. Yet it seems clear that a systematic institutionalization of primogeniture or inheritance restricted to one child, either the eldest, the eldest son, or a child chosen by the parents, developed in fits and starts from region to region and from class to class, sometimes earlier and sometimes later, but for the most part during the period from the fifteenth to the late seventeenth century. The famous case of peasant families in the Pyrenees or the Massif Central in France is a case in point. There, it has now been established, the practice of unicité (inheritance by one child only) was not a product of Roman law or an age-old custom, but a system of practices that developed its final form in the fifteenth and sixteenth centuries. As an example of a region that contrasts with these areas of small holdings and intense civic life, it was in the last decades of the fifteenth and first decades of the sixteenth century that the substantial farms of the south German Upper Swabia region established an inheritance system favoring the youngest son. In the fourteenth and early fifteenth centuries, farms had splintered through a process of partible inheritance into relatively small pieces, a process reversed in all the small territories of the region by the end of the fifteenth century. But first, before settling on a unique son to favor in the inheritance process, some of them made a prior move. From my early days in the archives, I remember the most impressive charter from the monastery of Weingarten that I have ever seen, loaded with a large array of seals, according to which women had never had the right to inherit any farms or parts of farms—the weightiness of the document obviously belying the facts of the situation.

In other words, one of the chief means of restricting inheritance during this period was first to exclude women, a move repeated in different social classes and in different European regions during the period. This does not mean that women were always excluded. For example, in the Gévaudan region, discussed by Lamaison and Claverie, what they call “patrimonial lines” developed among farmholders, whereby no particular heir was at the center of practices of succession but rather the patrimony itself, which sometimes, even in the presence of a male heir, fell to a daughter. What is important to stress, however, even in this case, is the exclusion of all the cadets (i.e., younger children) from succession. Eileen Spring in 1993 surveyed the legal issues and practices associated with entail and the strict settlement in England among the aristocratic and gentry classes. A crucial point to understand is that in the Middle Ages,
Despite common law favoring primogeniture, families often provided well for younger children, including daughters. But even more significant, with the rules concerning dower and inheritance by females in the absence of a male heir, considerable amounts of property would have fallen into the hands of women: Spring suggests a figure of 40 percent. Yet, from the late Middle Ages onward, the history of property law and familial practice was in the direction of strict primogeniture, patrilineality, and patriarchal rule, with the process taking its final form at the beginning of the eighteenth century.

According to Spring, the “extraordinary decline” in female succession led to familial relations being organized around succession from generation to generation of large estates that only marginally were charged with providing for younger sons, daughters, and widows. Two features of the system should be emphasized. The first is the device of the “strict settlement,” whose final form emerged around 1650. Essentially, it was a contract set up between the oldest son and his father on the son’s marriage, and spelling out the charges in advance for which the estate would be liable for all the children yet to be born. Thus sentiment and testamentary freedom were to be precluded from the beginning (see Vedder, chapter 4, this volume). The second feature derives from the history of dower, jointure, and portion. Essentially dower rights—which amounted to a third of the husband’s estate in the Middle Ages—were done away with in favor of a practice whereby the family of the bride provided a portion, to which the groom answered with a jointure, a sum to be drawn on in the case of his earlier death. From the sixteenth to the seventeenth century, the ratio of portion to jointure rose from 5:1 to 10:1. All during the marriage, the husband held the wife’s portion and received the income from it. The upshot of this system was to throw the entire costs of maintaining a wife and settling a widow back onto her own family. All of this simply reinforced primogeniture and patrilineal ideas. While changes to this system were fought vigorously by landed families throughout the nineteenth century, the restrictive, patrilineal inheritance practices were inimical to the new capitalist forces and were challenged by nineteenth-century reformers seeking to establish rules of equal division of property among the heirs.

There are parallels among other classes and in different European regions. A similar story can be told about the Saxon princes during the early modern period. As in England, it was actually the contract at marriage that was the crucial instrument in deciding the property rights of women. Ute Essegern has studied fifteen marriages within the ruling house of electoral Saxony during the seventeenth century. In each case, along with a marriage settlement that spelled out in detail exactly how the portion (Ehegeld) and jointure (Morgengabe) were to be accounted for, the princess
provided a *Verzichtserklärung*, a document giving up all her rights to inheritance and succession in her home territory. Essegern suggests that the amount of the portion provided by her family was related to the significance of the rights she was giving up. In any event, the exclusion of women at the moment when they married out was a device to support the concentration of property and regalian rights among male heirs, and just as with rural Upper Swabia and aristocratic England, the restriction of female rights in the interest of patrilineal principles preceded the move to primogeniture or single-son inheritance. There is another strong parallel with the English example. What the family of the bride provided as a portion far outweighed what the groom provided as jointure, although in Saxony the wife continued to be entitled to a dower (*Leibgeding*). This dower simply corresponded in value to the interest on the wife’s portion, originally provided by her family. Taking the data from all fifteen marriages, it is clear that as among the English aristocratic families, the wife’s family essentially absorbed all the costs of the wife’s establishment and dowerage.13

Bernard Derouet has been carrying out a series of detailed comparative studies of inheritance practices, family organization, and communal practices in rural France. His work on the southern French regions of impartible inheritance emphasizes a number of features already familiar to us from English and German aristocratic practices. He has also shown that areas of equal male inheritance (with the exclusion of women) like the Bourbonnais are to be seen as having more in common with impartible than the partible systems. After all the differences and distinctions are accounted for, these areas of restricted inheritance have in common the exclusion of the endowed child from rights to inheritance or a share in the economy of the familial enterprise, and once again, the crucial document was the marriage contract. Both the systems of *héritage intégrale* and equal male inheritance took their final forms at the beginning of the early modern period, in some places concluding the process of transition only in the seventeenth century. The effect was to create strongly patrilineal forms of succession, to prevent the partitioning of land, and to organize social relations around a property that persisted over time, giving cohesion to social memory and form to the circulation of goods and people in the neighborhood and region.14

While there are significant parallels in the different examples offered here, there are also significant differences. In the mountainous areas of France, “place” was at the center of the system. It was the farm enterprise that determined the dynamics of family, rather than the particular connection through kinship. In fact, Derouet claims, the principle of the French impartible inheritance systems is “residence,” which he contrasts with “filiation” in the systems of equal inheritance. The “house” is the key player, with ascribed obligations and exchanges with certain other houses carried
along through time, irrespective of the particular kinship relationships and alliances of the moment. The house gives the name to its members and offers the key structural support for both its members and its interactions with other similar units.\(^{15}\) Contrast this with new constructions of blood that appear among English landowners in the sixteenth century, where the bilateral confluence of different lines becomes obscured by the emphasis on the male line, such that aristocratic and gentry men conspire to disinherit their daughters in favor of their collateral male kin. Symbolically, at least, this comes down to the name that has to be passed on. By the eighteenth century, the terms of the strict settlement required that the male successor change his name in order to assume the inheritance.\(^{16}\)

These considerations suggest different ways of conceiving of inheritance, the constitution and configuration of line and lines, the symbolics of blood, and the ends and strategic concerns of property devolution. One can distinguish three different disciplinary ways of conceiving of intergenerational connection, devolution of substance, and kinship relation: the theological, the medical, and the legal. To take the theological model first: In the early modern period, throughout Catholic and Protestant Europe (with England as an exception as far as law but not practice is concerned), there were widespread marital prohibitions, forbidding marriage within quite an extensive range—second or third cousins.\(^{17}\) One had to marry outside, with someone who was “un-familiar,” someone outside the group descended from great- or great-great-grandparents. This is a negative way of describing those to which one had recognized ties of obligation. This theological representation developed a method of calculation that essentially spoke of shared substance, which diminished with distance but which gave no priority to relatives from the maternal or the paternal side. The medical discourse of the time offered both support and contradiction to this theological reasoning.\(^{18}\) Galenists thought that in the process of generation, both males and females produce seed. \textit{Sperma} was substantially blood, so intercourse was conceived of as a mingling of blood. This position fits quite well into the theological assumptions by suggesting equality of inherited substance. In contrast to this, the Aristotelian manner of representing generation fits much more clearly into a patriarchal model. It was constructed in terms of dissimilarity of substance, for the man contributed form through his sperm—understood as active, as idea, as thought—and the woman produced matter, blood, a passive substance on which the male sperm acted. These medical models offered different ways of thinking through connections in the different regimes of inheritance, and in at least one theological argument, these different ways seem to have played an important role. Galenists marshaled arguments against marriage with the wife’s sister and brother’s wife as essentially the same
relationship, while Aristotelians thought that they were quite dissimilar and were far more ready to give up the prohibition of the wife’s sister than they were that of the brother’s wife. They objected to the *confusio seminis* of two brothers in one receptacle. Finally, the legal codes, instruments, and customs could work along models similar to the theological or the medical ones.\(^{19}\) What needs to be underlined, however, is that law could be a very flexible instrument for the purposes of familial policies—the same legal norm could be used in quite different contexts to quite different ends. On the other hand, in Eileen Spring’s account of the English law of property, for example, attempts to solve the problem of primogeniture while caring for the younger children led to constant innovations in legal instruments and judicial opinions.\(^{20}\)

This flexibility becomes particularly evident when we turn to partible systems of inheritance. It is apparent that dividing property among all the children regardless of sex, models the flow of property in a parallel manner to the way theologians modeled the flow of blood or substance. While a unilinear way of reckoning can think of relationships passed along through one sex, systems of hereditary equality ought not, in principle, to be able to isolate such a group. Kinship terminology here introduces notions of an “ego-focused” kinship group, a kindred or *parentèle*—that is, the set of relatives proceeding out from a particular individual, each kindred being unique, with no two people having exactly the same one.\(^{21}\) This contrasts with a model of kin descended from a single ancestor who are conscious of themselves as a group and who can be designated as a “clan.” Many of the legal definitions and instruments for the administration of partible inheritance gained clarity and system during the late Middle Ages and the early modern period. In northern France—for example, where broad regions followed practices of equal inheritance—the customs were collected and published in response to royal decree during the fifteenth and sixteenth century.\(^{22}\) To give a German example, a sixteenth-century Württemberg commission compiled all the customs of every village of the realm and ostensibly then created a unified law of inheritance based on an abstraction from the differences or synthesis of their commonalities.\(^{21}\) In both cases, however, we know now that the very act of collection repressed many details, created uniformity where none had existed before, and gave much opportunity for intervention on the part of lawyers. The homogenization of practices as cultures of devolution developed took place both in partible and impartible inheritance regions in the transition to the early modern state apparatus.

There was one widespread instrument of family property policy to be found throughout partible inheritance areas in Europe that emphasized the collective right of descendants regarding the ownership of lineage property, namely, the *retrait lignager*.\(^{24}\) The systematic development of this institution, like many of the things
discussed so far, began in the late Middle Ages and spread throughout the early modern period. Essentially the right of retrait offered collateral kin the right to preempt the purchase of a strip of land or a building that was being offered for sale by a relative but—and this is important—at the market price. There was no hint in the practice of the claim to a particular family price. The right simply gave all those who descended from the original owner and who might have inherited the particular plot the right of access to ownership. Although the custom is to be understood as providing mutual familial rights to property along lines of descent, it did not restrict individual rights to ownership. In Württemberg during the course of the eighteenth century, a completely rational market for land developed, with any strip offered for sale at three successive village auctions. It was only after the top bid had been accepted that a relative could intervene and purchase it at the stated price. And, of course, it was only land that had descended through inheritance that was subject to such purchase. Anything bought on the market and resold had no kinship rights attached to it. To deepen the consideration of systems of equality, it is useful to make a clear distinction between inheritance and succession. While inheritance might be subject to equality, succession might not. For example, in a powerful or well-to-do peasant kindred, only one member might sit on the local council or court or serve among the magistrates. And there might well be more informal functions or positions subject to succession by only one member of the family. Furthermore, in many situations siblings, cousins, and siblings-in-law sold their bits of inheritance to someone in their group, who might be the designated successor to the father, the one chosen to serve among the magistrates, or the one to concentrate on farming, while others sought careers in other occupations. Regions where equality of inheritance emerged seem most often to have offered multiple occupations and a lively land market, which gave the opportunity both to create stability of a line (many families with many generations occupying the same positions as magistrates or village headmen) and the founding of new branches. Mobility in such a situation went together with well-integrated kindreds.25 So even in regions of equality, where the flow of property came down through males and females, there were institutions that developed from the late Middle Ages onward to recognize lineal thinking, to crystallize out groups of agnatically related kin, and to make succession in the male line possible.

A comparative study of all of the ways that families concentrated succession in Europe remains to be carried out. But in surveying the different examples offered so far, it ought to be clear that one of the breaks between the Middle Ages and the early modern period is the rise of a series of mechanisms to ensure the regulated descent of property and to define more and more carefully how the rights of inheritance and
succession were to be sorted out. The trajectory for many regions and strata was to restrict the number of siblings who had access to the main family goods (see De Renzi, chapter 3, this volume). There are various ways that this could be carried out, although even without clear rules, many groups developed familial decision-making practices that put the patrimony at the center of their strategies. Essentially family policy was oriented toward allowing just enough males to inherit as the economic conditions and the property mass allowed. The general trend among aristocratic families in Europe was to concentrate property in such a way that daughters had ever fewer claims on the substance of the estate and to keep the bulk of the property under the governance of one male heir. In some ways, the practice was most rigorous in Spain, where the form of entail known as fidei commissum goes back essentially to the beginning of the sixteenth century and made its way to Austria around 1600 and in the course of the seventeenth century to Hungary.

Heinz Reif and Christoph Duhamelle have studied the nobilities that controlled the eccelesiastical territories in northwest Germany and in the Rhineland. Here, in the course of the seventeenth and eighteenth centuries, the access to eccelesiastical preferment and office in the territories became restricted to people of noble birth. And over time, what constituted noble birth became itself ever more restricted. At the height of the system, any individual claiming noble status had to demonstrate sixteen quarterings—that is, all of his great-great-grandparents had to have been nobles. A feature of all of southern Europe was the development of urban patrician classes, which restricted access to one son of a family and insisted on noble status. In Milan, for example, a Congregation of Orders was established in the sixteenth century to monitor admission to the patriciate. By the early eighteenth century, it was necessary to show a hundred years of continuous family residence as well as noble origins.

To sum up the trend: official and eccelesiastical families organized a great deal of their social exchanges around goods that they controlled. Increasingly from the late middle ages onward, urban oligarchies or merchant companies developed, which controlled the access to power, position, or resources largely through descent and succession. That did not mean that there was no mobility, but most mobility was a matter of the slow multigenerational rise of families who carefully used their resources to further the family as a whole. The chief point here is that descent, succession, and inheritance determined life chances to a large extent and that families were organized around what one can conceptualize as “stable” properties. In such a situation, the word clan comes to mind, and sometimes the language of the time—Sippe, race, clan—suggests in one way or another social relations of a descent group. Clan emphasizes
descent from a common ancestor but does not preclude hierarchalization. In the English case, for example, younger sons and cousins were waiting in the wings to assume the family property, and Eileen Spring suggests the notion of “blood” as the key conceptual metaphor for the family. In the German ecclesiastical territories, the successors to noble properties and their clerical brothers, uncles, nephews, and cousins coordinated their familial resources under the leadership of the estate holders. Gérard Delille, in his exhaustive study of kinship, office, and property in southern Italy, has shown how cadet branches acted as clients to the older branches. In peasant areas, such as the Gévaudan, the property of cadet branches circulated back to the main branch after several generations, while the main house kept the junior branches in clientage. As for the issue of women and the main estate, among English and German aristocracies, considerable amounts of property were hived off in dowries to maintain the out-marrying daughters/sisters. The rise of primogeniture and other forms of agnatic descent should not be interpreted in an individualistic sense, yet it is clear that more research is needed to understand how the new dynamics of succession choreographed individual family members in an elaborate dance around the family estate.

2.2 Alliance and Affinity, 1750–1870

Many of the support structures for social reproduction described in the previous section were taken away or no longer continued to play the same role beginning in the decades around 1800, although the origins of the shift in many areas go back to earlier decades in the eighteenth century. Again, this was a long-drawn-out process that affected different classes and different regions at different rates. To risk overgeneralization, I would characterize this shift as one from vertical to horizontal relationships, from “clan” to “kindred,” from status to contract, from families organized around stable properties to families organized around capital, from downward devolution to horizontal exchange. It is not, of course, that people no longer thought in terms of descent. In fact bourgeois genealogical investigation only burgeoned during the nineteenth century, and one can find a continuing language of line or lineage in the literature of the period (see Vedder, chapter 4, this volume). Still, the weight of interaction shifted to a broad interaction of kin related by blood but especially by marriage. Affinity was indeed “elective,” with elements of choice, opportunity, familiarity, and desire. Knowledge of horizontally linked kin grew considerably during
the period. And the new marriage system set up linked families (patrilines), which interacted socially in newly intense ways.

My suggestion is that this also has a great deal to do with property. The new states coming out of the French Revolution or the Congress of Vienna reorganization of the German map did away with property in office. No one any longer had a right to office by descent or inheritance. Nevertheless the bureaucratic class reproduced itself, this time by furthering the ambitions of its young men through a network of interrelated families, promoting and placing them by arranging access to education, contacts with powerful individuals, and economic support during the long climb into secure positions. In a similar way, the new conditions of a capitalist economy changed the way families related to property. The issue was no longer to keep an estate intact but to grasp new opportunities offered by financial markets, trade, and commodity production. The new entrepreneur can only be understood in terms of the accumulation of capital through a network of kin. One can see, for example, with the mining and manufacturing firms on the Rhine, that each generation backed several young men, reorganizing their families around those who proved successful. Families created far-flung networks, exchanging children for education, as service personnel, and eventually as managers and owners of firms. If clan, based on unilineal descent, is the term that comes to mind for the earlier period, then kindred, comprising bilateral and allied kin, seems to work best for the nineteenth century. It is in this context that the new conditions of wealth and property thrust the weight of family dynamics toward alliance and affinity. It was then that certain forms of critique against nepotism and corruption and against primogeniture and entails became politically effective (see Vedder, chapter 4, this volume).32

This reorganization of kinship and the relationship of the family to property is complex and many-sided. Here I want to take up only two aspects in order to illustrate some of the issues of the change from an early modern to a modern system of alliance. One is the rise in endogamy from the middle decades of the eighteenth century and the other is a curious shift in the representation of incest during the same period. Examining these two related phenomena will allow us to return at the end to questions of property management and family dynamics.

Again, the best way to proceed is with examples, in this case one from a south German village (Neckarhausen) and the other from rural Naples.33 In these two examples, from quite different cultures and environments, the same kind of kinship reorganization took place in the later part of the eighteenth century, characterized in the first place by the rise of endogamous marriages, repeated alliances between the same families (thought of in terms of patrilines), perhaps best described in a short-
hand way as “cousin” marriages. Taking the beginning of the eighteenth century as
the starting point for analysis of Neckarhausen, I have found that villagers indeed
often married people linked to them through kinship but only through networks of
affines. This form, found all over Europe, has been given the name of *rechaining* by
Zonabend and has been brilliantly analyzed by Segalen, Derouet, and Delille, among
others.34 What never occurred in Neckarhausen in this earlier period was marriage
among consanguines (or blood relatives). There were no first-, second-, or third-cousin
marriages, no marriages to close affines (wife’s sister, brother’s wife, brother’s wife’s
sister, sister’s husband’s sister), and none to blood relatives of a deceased spouse. Thus,
alliances struck in one generation could neither be replicated in the same generation
nor in the next one, two, or three. Marriage typically connected families of differen-
tial wealth by connecting brothers-in-law to each other as patrons and clients. This
marriage system can be labeled *exogamous* in two senses: it coupled partners who were
not related to each other by blood and it made systematic alliances between families
over time impossible, continually breaking up class solidarity.

This structure contrasts markedly with that at the beginning of the nineteenth
century. The population had doubled (to 740), with the class of artisanal producers
and farm laborers growing considerably. Many villagers became involved in wage-
dependent labor outside Neckarhausen, and the village was undergoing agricultural
intensification and capitalization. With the new mobility came the possibility of mar-
rying outside the village in a much larger “field.” It was easier to avoid relatives and
kin in a larger village and a context of mobility, yet by this time a tight, endogamous
marriage system—in both senses of the word—had been constructed. Instead of
wealthy villagers marrying poor as before, newlyweds came to match their properties
more or less exactly.

We can take marriages from the 1820s as an example—25 percent were with kin. By
the 1860s 50 percent would be with kin. The difference with the early eighteenth
century had to do with the rise of consanguineal kin as marriage partners. Already in
the 1740s and 1750s, second cousins married each other, a practice well in place by
the 1780s. By 1800, many people sought out first cousins. Marriages between second
cousins reproduce alliances struck by grandparents, while those between first cousins
repeat exchanges made in the parents’ generation. Also new were marriages with the
deceased wife’s sister, other close affines, and sibling exchange. By the 1820s only one
family in ten failed to renegotiate an already-established alliance.

Exchanges took place within a pattern that emphasized descent traced through men.
The alliances were between “patrilines,” but there was no particularly preferred mar-
riage: members of two patrilines made several marriages over a short space of time,
which called for another spurt of exchanges a generation or two down the line. The point was to strengthen and redouble social ties that would atrophy if not recast. The system was open and flexible and allowed for reproducing relationships already constructed and for the construction of new ones. Such a tight endogamous pattern of alliances is “modern,” not archaic, certainly in the sense of being developed during a period of capitalized agriculture and wage labor. And it was closely tied to the formation of class relations in the village. Class differentiation went together with kin integration. Endogamous marriage alliances reproduced from generation to generation took place in a context of population rise, capitalization and intensification of agriculture, class differentiation, regional mobility, integration into wider markets, and decimation and increasingly rapid turnover of landed property.

There are several reasons for these changes, among which was the rise of a vigorous market in land, which worked as a distribution mechanism to integrate a developing set of relations among consanguineal kin. Given the intestate rules, which narrowed rights to lineal claimants, inheritance was a poor means for integrating kin in a situation of extreme fragmentation of land and growing stratification. The shift from an inheritance-driven system to one balanced more by looser exchanges of marriage partners and land among allied kin gave a familial function to the market. In the situation of an ever-growing market, networks between landholders were necessary to control and channel the access to resources. The development of cousin marriages among the landholders coincided closely with the opening up of the market. Allied kin developed coordinating linkages among themselves to control the distribution of resources. Around 1700, only about 10 percent of property transfers were outside the immediate family, and cousins played no role in the market. By the 1820s as much land changed hands over the market as through inheritance. Cousins were major players. Around 1800 artisans and construction workers in their turn began to adopt the new system of alliances. At a time when landholders began to marry first cousins, they began to marry second cousins. Here there was a difference: they tended to marry cousins in other villages, developing widespread geographic networks adapted to the conditions of mobile labor.

With the outline of the history of kinship in Neckarhausen as our guide, I want to show that what happened there was not unusual in a European context. I have chosen for comparison a study of rural Naples by Gérard Delille, who has examined closely villages in the Valley of the Irno, a region of small and medium peasant cultivators producing wine, citrus, and other fruit. In the area under consideration the shift from an exogamous to an endogamous marriage alliance system followed a similar course to that of Neckarhausen. Delille describes two essentially different systems of marriage
alliance for this region, one for the late fifteenth to the end of the seventeenth centuries and another developing progressively in the eighteenth century, emerging full blown in the nineteenth. As in Neckarhausen (and Germany as a whole) until the eighteenth century, the earlier system was characterized by negative rules—one was not allowed to marry within a set, wide range of kin. But here the same phenomenon of “rechaining” that has been demonstrated for many areas in France and in Neckarhausen could be found. While developing linked houses through marriages along affinal chains could create solidarities in one generation, with the exogamy rules of the Church, repeated alliances down the generations were precluded.

In the Kingdom of Naples, the rise of consanguineal marriages went together with the destruction of lineages at the same time as the same kinds of marriages ended the older form of clientage and brought about the restructuring of village politics in Neckarhausen. Delille shows that the system of lineages that had expanded and solidified during the sixteenth century and into the first half of the seventeenth century began to break down during the period of economic and demographic crisis between 1680 and 1730. By 1798, the old system was simply no longer there, having been replaced by isolated families and groups of no more than two or three hearths. Along with this change went ever-increasing rates of consanguinity and the selection of ever-closer consanguines as marriage partners. One even finds examples of uncles marrying nieces. And the restrictions regarding close affines disappeared as well—many men married sisters of their deceased wives.

Delille puts the change in kinship dynamics into the same context as has been found for Neckarhausen. For one thing, the market in land expanded considerably, and the price per unit of land rose to unheard of heights. As far as the possessing classes were concerned, the new endogamy was designed to prevent dispersion of property, but the poorer classes abandoned the old forms of reciprocity as well. Delille says that the phenomenon can be interpreted as the sign of a more and more profound fracture separating the different social classes. Propertied groups married in a more and more restricted circle of kin in order not to disperse and divide wealth.

What the material from the Kingdom of Naples and Neckarhausen shows is that the new class/kin endogamy was designed to provide multiple forms of exchange and the broad coordination of a class in its effort to manage credit, land markets, officeholding, and corruption, all of which could only have been done by real but flexible structures and a well-coordinated system of reciprocities.37 We have, then, two contrasting systems that succeeded one after the other—one built around clientage and vertical integration of groups (“clans”) and one built around class and horizontal integration, perhaps no longer of “groups” but of flexibly coordinated strata (kindreds).
These two similar narratives connecting two widely separated places suggest questions to ask about long-term trends in Europe as a whole. The rise of endogamy is less well documented than its fall around 1900. Most of the relevant studies, often carried out by biologists and geneticists, begin their analyses at some point in the late nineteenth or early twentieth century. All of the studies concur in the description of a high point in consanguineal marriages reached between 1880 and 1920, with a regular and sometimes abrupt decline to a point in the 1950s when such marriages became insignificant almost everywhere. A detailed study of four Pyreneen villages based on a complete family reconstitution showed that until 1790 there were few consanguineal marriages. After that, rates rose to a peak between 1890 and 1914. Kühn’s study of two Eifel villages found a similar rise. Alström studied first-cousin marriages in Sweden as a whole between 1750 and 1844 based on dispensation records (dispensations were first allowed in 1680). Before 1750 rates were under 0.2 percent. They rose to 1 percent in 1800 and reached 1.5 percent in 1844 when the requirement to get a dispensation was abrogated. Jean-Marie Gouesse has examined the rates of endogamy for Catholic Europe during the early modern period through to the twentieth century on the basis of papal and episcopal records of dispensations. Until the end of the seventeenth century there were few. The rates of dispensation only rose rapidly in the eighteenth century. Taking three dates 100 years apart (1583–84, 1683–84, 1783–84), the ratios were 1:11:55. But the trend continued. Between the 1760s and 1860s, for example, the rates for France increased elevenfold. Gouesse’s summary of the trend seems right—in Europe endogamy rose toward the end of the eighteenth century, reaching a high point between the mid-nineteenth century and World War I, and fell rapidly from the 1920s on.

Taking all the data together, it appears that for Catholic and Protestant Germany, Catholic Italy, Spain, France, and Belgium, and Protestant Sweden and Norway, the overall trend in the rise of endogamous marriage was similar. There was no statistically significant endogamy before the eighteenth century anywhere in continental Europe. The 1740s was the crucial decade in Neckarhausen for the change. In Sweden, France, Neckarhausen, and the four villages in the Pyrenees studied by Bourgoin and Khang, cousin marriage and other forms of close kin alliances were well in place by 1800 and only rose in numbers to reach a peak sometimes earlier and sometimes later but most often during the 1880s. Whatever relationship one uses to track the rise (uncle/niece, brother-/sister-in-law, first cousins, affines), the overall trend appears to have been the same throughout wide areas of Europe. However, different areas, different occupational groups, and different classes created forms of alliance quite different from each other. While some may have relied on reiterated first-cousin
exchanges, others made use of more extended consanguines, and still others integrated kindreds through highly flexible forms of affinal alliance. Published rates of consanguinity for urban areas follow the same trend but are consistently lower than for rural areas. The most famous such study was carried out by George Darwin (married to a cousin and offspring of a cousin marriage) on London and English towns in 1875. He established rates of around 4 percent for first-cousin marriages for the middle classes, peerage, and landed gentry, much higher than for the urban classes as a whole—between 1.5 and 2 percent. All of these forms began to be utilized in the eighteenth century and became crucially important for social organization in the nineteenth century—at different rates but everywhere.

2.3 Sentiment and Incest

In restructuring the alliance system, new mechanisms had to be put into place to channel familial energies and regulate socially sanctioned marital choices, which brings us to the topic of the representation of incest. With the new alliance system, families became the focal point for developing sentiment, managing cultural style, and directing erotic desires. Socialization into the aesthetics of choice was all the more important, given the fundamental problem of managing the flow of capital in the system of alliance. It would seem that the period from 1740 to 1840 was one where brothers and sisters schooled themselves in sentiment and developed for each other a language of passionate affection and love. Attachment for a future spouse grew out of feelings and moral style developed among siblings or sets of cousins who grew up together. The incredible outpouring of correspondence among pairs of siblings during the period offers us insight into the practices of the new intimacy. So too do the scads of novels, epic poems, plays, and theological treatises concerned with sorting out legitimate and illegitimate feelings brothers and sisters shared.

Quite a few commentators around 1800 tried to work out the differences in feelings toward the sister and the wife. Some put the issue in Kantian terms, suggesting that with one's wife there was always an objective moment that instrumentalized the relationship. The theologian Carl Ludwig Nitzsch thought that that element was sex. For him, the sexual drive was completely selfish, but he further thought that sexual desire developed only after a benevolent disposition was formed within the family—setting up proper objects of desire. And he makes two points. First, marriage in order to reduce its instrumental core ought to consider the alliance of two families, implying ties binding people from within the same cultural milieu. Second, whatever comes out of a marriage, the tenderness between spouses never attains the level of intensity
characteristic of siblings. Love between a brother and a sister is the model of purity, of selflessness, of a relationship as end in itself.

A crucial part of the new discourse about sentiment involves a consideration of marriage as something that takes place among people on the same cultural, class, and stylistic plane, a union of true equals and true intimates. If exogamy rules of the seventeenth century enforced marriage with the “stranger,” the new dynamics involved a search for the familiar, an attachment to a mirroring self. The developing brother-sister imaginary in the context of the shift in kin relations from vertical to horizontal underscored a system of marriage exchange that stressed homogamy—the search for the same rather than the other. The intense structuring of new social milieus through reiterated social and cultural exchanges of allied families made cousins objects of desire—often cousins raised in the same household. Work by Christopher Johnson on a large French bourgeois family network pushes the analysis in this same direction. In the extended family he studied, the rise of close, erotically charged brother-sister ties provided a new central focal point for familial dynamics, and the language of cousinship became conflated with that of siblingship. One sister (whose letters of longing for her brother bordered on the incestuous, according to Johnson) wrote to her brother about his impending marriage to their cousin: “habituated from your childhood to your chérie as a sister and she loving you as a brother, you have developed an affection that can only end with life itself.” Later in their marriage, the cousin/wife addressed her husband in her letters as “my love, my friend, my spouse, my brother.”

The issue of “same” and “other” is a very complex problematic for the period. At the same time that cultural milieus structured around the dynamics of interconnected families developed—those milieus within which marital choice was shaped and desire given focus—another discourse began to model male and female in terms of otherhood, although both were often understood in correlation with each other or seen as two parts of a necessary unity. Hegel’s contrasting of sibling and marital relations can stand for many other texts from the period. I see them as symptomatic of a social and cultural situation where like was seeking out like, where ever more active familial life provided cultural sites for the formation of desire, and where schooling in emotion and sentiment connected the problematic of sister and wife together. This is precisely what occurs in the middle of Hegel’s Phenomenology. It is widely known, I think, that the relationship between Hegel and his younger sister was very intense. Just after his marriage at forty, she had a nervous breakdown and was in an asylum for more than a year. Soon after Hegel died, she wrote a letter to his widow about Hegel’s childhood and personality development, then committed suicide. It seems to
me that this is foreshadowed in Hegel’s discussion of wife and sister in the chapter on
the “ethical world.” He suggests that the emotional tie for a woman was to marriage
itself, but hardly to the particular husband in question—at least in an “ethical” house-
hold. Or perhaps feeling is not really the issue, for her relationships “are not based on
a reference to this particular husband, this particular child, but to a husband, to chil-
dren in general,—not to feeling, but to the universal.” Everything is different, however,
with respect to the brother, because there is no sexual desire that disturbs the recog-
nition of self: “The moment of individual selfhood, recognizing and being recognized,
can here assert its right, because it is bound up with the balance and equilibrium result-
ing from their being of the same blood, and from their being related in a way that
involves no mutual desire. The loss of a brother is thus irreparable to the sister, and
her duty towards him is the highest.”53 In this passage, Hegel is essentially making the
same point as theologian Nitzsch, putting the stress on the horizontal and sentiment-
al relationships, rather than on the vertical and hierarchical ones. He has to be seen
in the context of redirecting the flow of property and learning to manage the com-
plexities of a reconfigured system of alliance.

Perhaps a systematic study of inheritance in the nineteenth century should deal
with such issues as the French civil code, which established equal inheritance as a
norm (resisted in complex ways in parts of France); the attack on entail by bourgeois
reformers in England and the disentailing laws after 1820 in Spain; the marriage of
heir and heiress in the Pyrenees or Gévaudan, which violated the old rules of exogamy
and the lineal stability of houses; or the abolition of the sale of offices in France (see
Wilson, chapter 6, this volume). It seems to me that however practices, institutions,
and laws might be at the center of analysis, looking at the way property circulated
both between generations and within generations presents a larger context in which
to examine the issues (see Vedder, chapter 4, this volume). And a further issue to be
pursued is changes in the nature of property and wealth. At the core of the problem
of both kinship and property in the cultures of early modern and nineteenth-century
Europe are concepts of lineage, race, clan, tradition, affinity, alliance, kindred, and
many other terms that capture ways of organizing both thinking and practices on
vertical and horizontal grids. It was not just landholders who developed strategies of
lineage in the early modern period but officeholders, merchants, pastors, university
professors, priests, and a host of others who organized themselves around different
forms of property, which they attempted to maintain through familially controlled
access. Modernization by creating new forms of wealth and rationalized state man-
agement did not undercut family and kin attempts to control the flow of resources,
but helped foster new strategies of alliance and a new ideology of affinity stressing
horizontal rather than vertical ties. This process put more weight in social reproduction on grasping new opportunities than on devolution of fixed estates.

Notes

1. Just this point is made in Spring 1993, 3–4.


3. This is discussed in Sabean 1972.

4. I did not note down the reference at the time, but the document is found in the source collection (Bestand) of the monastery housed in the state archives in Stuttgart.


6. This is the argument throughout Spring 1993.

7. Spring 1993, 93.

8. Spring 1993, 144.


13. Essegern 2003: I have made the calculations on the basis of the figures she provides on pp. 123–125.


17. On the issues of marriage prohibitions and the reckoning of kinship, see Sabean 1998, 63–89.

18. For the issues dealing with notions of blood, see Laqueur 1990, 35–43.

19. See De Renzi, chapter 3, this volume. For suggestive ideas on law, see Derouet 1997a.


21. See the remarks on “kindred” and “ego-focused” groups in Sabean 1998, 21, 43, 45, 85, 88, 417–419, 421.


27. Habakkuk 1953, 3.

28. Carr 1953; Schenk 1953; Macartney 1953.


30. Roberts 1953.


32. The argument here is dealt with at greater length in Sabean 1998, chapters 2, 22–23.


37. It was in the new interrelationships of family and economy that issues of heredity, inheritable traits, and creative energies were worked out. See the suggestive ideas along these lines in White, chapter 16, this volume.

38. A complete bibliography is found in Sabean 1998. For a few select studies, see Orel 1932; Saugstad 1977; Calderon 1983; Abelson 1979; Sutter and Goux 1962; Serra and Soini 1959.


42. Gouesse 1986.


44. Darwin 1875.

45. Among many other writings on the subject, see Prokop 1991, especially vol. 1, 52–53, 78–85.


47. A good example from among many is offered by Reiff 1979.
References


