



Kinship in Europe

*Approaches to Long-Term Developments
(1300-1900)*



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Kin Marriages

*Trends and Interpretations from the
Swiss Example*



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For factual and methodological reasons, marriage is one of the best indicators of the historical development of kinship in Europe. In factual terms, marriage established long-term connections between categories of people for all sorts of exchange processes and thereby represented the center of the reproduction of kinship networks. Methodologically, the use or nonuse of relatives for marriage alliances can be more easily and systematically ascertained from the sources than their use for other purposes. An important result of research is the observation that marriages between close relatives multiplied in the eighteenth and nineteenth centuries. This multiplication is to be observed in quite varied regional and chronological contexts. Jean-Marie Gouesse, for example, examined the marriages of very close relatives for many countries over a long period and registered a real boom since circa 1750.¹

We are still far away, however, from being able to comprehensively survey the European marriage trends of the last five hundred years. Additionally, their historical interpretation throws open quite a few questions. The problems already begin at the factual level. If one assumes that marriages in an earlier period were systematically made between distant relatives, then the multiplication of marriages between

closer relatives from the mid eighteenth century onwards could be understood as a contraction trend. Furthermore, the fact that this narrowing down was coupled with marriages between completely unrelated people points towards a disruption of the older structures of endogamy. This is the position that Gérard Delille has presented in various works over the last two decades. The thesis of David Sabean is different. He argues that in the early eighteenth century, a shift from exogamous to endogamous marriage practices occurred, which peaked around the year 1880. This shift was an expression of an intensification of kinship relations—in the course of modernization, a “kinship hot society” developed in Europe.² These two accounts differ from each other both in their starting point and their main focus. While the first one assumes a loosely defined endogamy in an early phase and points to an increase in exogamous marriages in the eighteenth and nineteenth centuries, the second one starts with predominant exogamy and points to a later increase in endogamy. Naturally, the differing assumptions about the direction of the trend influence the historical interpretation. General to the debate is that this change in kinship (and both theses emphasize change) opens a wide field of interesting problems.

The following chapter pursues two goals. It first sketches the history of the marriage of relatives in Switzerland from the sixteenth to the nineteenth century, and then attempts to answer the question of which direction one can interpret the historical trend. Was there a contraction or an intensification of kinship, and which arguments can be put forward regarding the kinship change?³

In the early modern period, the area that is now Switzerland consisted of an association of urban and rural territories, later called cantons. Some of them joined the Reformation in the sixteenth century, while the others stayed with the old Church. Under the pressure of the French Revolution, this loose association, or *Corpus Helveticum*, developed around 1800, for a few years into the Helvetic Republic; the founding of a durable federal state with a general rule of law and administration came only in 1848. The use or nonuse of kin as marriage partners and the related question of the historical place of familial exogamy or endogamy is to be observed in this area in two interconnected sources: in the marriage laws (primarily in the Protestant territories) and in the marriage dispensations (mostly in the Catholic territories).

Before we turn to these two indicators of marriage trends, it seems necessary to counter the idea that in small communities, generally all the residents stood in close relation to each other, and that they therefore could not avoid marrying relatives. The creation of models and calculations do not confirm this common sense assumption. Theoretically,

most people, even under relatively restricted conditions, had the choice of marriage partners among many unrelated people as well as a few relatives.⁴ Measured by lawmaking and the issuing of dispensations, these alternatives played a varying role in different historical periods.

Marriage Law

In canon law, the prohibitions on marriage between relatives remained, in essence, unchanged from the thirteenth until the early twentieth century. In the collateral dimension of blood relatives, to which I will limit myself here, they generally included relatives of the fourth degree. Great-grandchildren of siblings (that is, third cousins)⁵ were not allowed to marry, but more distant relatives were allowed. However, with special permission of the Church, one could marry inside this circle. The difficulty of getting a dispensation correlated to the closeness of the relation. In Catholic areas of Switzerland, the civil authorities and clergy occasionally debated the modalities of the dispensations and their theoretical justification, but the legitimacy of prohibitions itself was not questioned.⁶

Lawmaking developed differently in the areas that went over to the new confession. The reformers, prompted by questions regarding the allowance of marriages, fell back on Biblical texts and criticized the hierarchical and financially motivated issuance of dispensation: "What was formerly attained with dispensations and fees, should all be finished," dictated the Zurich marriage ordinance of 1525. Yet, the enactment of a binding law no longer perforated with special permissions proved quite difficult, because the Holy Scripture listed in Leviticus 18 and 20 only a limited number of forbidden relationships; even first cousins had to be allowed to marry, according to the Bible. In fact, liberalism ruled in Huldrich Zwingli's Zurich and in other allied areas during the early phase of the Reformation. But after only a short time, the prohibitions were again expanded; the negative reaction and the corresponding pressure from the populace may have been decisive. Marriages between siblings' children led to "many rumors, aggravation, indignation, shame, and repugnance among us and our neighbors." Even a marriage of relatives of the third/fourth degree could bring on a "clamor of some kinship."⁷

Important steps towards consolidation were two conferences in Zurich in 1533 at which delegates from Bern, Basel, Schaffhausen, and St. Gallen were present. Not the least of the reasons for the conference was the disputed question of kin marriage. The assembly, in its majority,

decided to extend the prohibition out to relatives of the third degree—a limit which, with a certain flexibility and an omnipresent uncertainty, became the norm for many Protestant areas, at least temporarily.⁸ After an especially conservative phase in the late sixteenth century, the rolling back of the prohibitions emerged as the dominant trend, similar to that in the German lands. In keeping with the political structure of the *Corpus Helveticum*, the change manifested itself in individual territories, and especially in localized areas, even on the scale of individual courts and communes. In 1591, Zurich renounced a briefly enacted prohibition on relatives of third/fourth degree. A little later, dispensations for relatives of the third degree were introduced; they were initially disputed, but were normalized by the eighteenth century. In 1667, the struggle over dispensations for relatives of the second/third degree began, and a century later, they were regularly issued. The development in the early modern period was similar in Schaffhausen. In 1737, Basel allowed marriages of relatives of the second/third degree, but then returned briefly to the customary dispensation practice, only to quickly organize that process more rationally. Things were taken a step further in Graubünden, where the disputes were sometimes decided by individual courts or communes. In 1766, the Protestant session made marriages of the second degree (first cousins) eligible for dispensations, which, according to the minutes, pained the clergy more than a little.⁹ Geneva seems to have been ahead of them all. John Calvin had attacked the canon marriage prohibitions in his early writings, but here again, the lawmaking of the sixteenth century acted conservatively. "Pour éviter scandale en ce qui de longtemps n'a point esté accoustumé," marriages between first cousins were forbidden and, in practice, the prohibition was extended further. In contrast, the authorities were later liberal and granted dispensations for marriages of first cousins, despite protests from the consistory. In 1713, the prohibition was lifted entirely, "puisque le mariage, dans ce degré de parentage, n'est point défendu par la Loi Divine." Such cousin marriages were obviously no longer so scandalous that they had to be prosecuted by the authorities.¹⁰

Thereby, Geneva anticipated the developments of the Helvetic Revolution, which in turn anticipated the developments in Swiss lawmaking in the nineteenth century. Shortly after its proclamation in the spring of 1798, the Helvetic Republic was swamped with appeals for dispensations from first cousins who wished to marry. These were approved by the authorities without exception and without demanding a fee. In light of their liberal role models in revolutionary France, any different stance would have been surprising. When the question of a general rule arose, the various opinions were expressed. Whether such

marriages were really “repugnant,” whether they simply served the “piling up of riches,” what natural law and Leviticus said about the matter, to what degree genetic disorders would be passed along—old and new arguments now flowed together in a multifaceted debate. The final draft, which was accepted by a considerable majority, determined the “freedom of the individual citizens” to be the first priority, with the result: “The civil law in the Helvetic Republic does not forbid marriages between first cousins or further degrees.”¹¹

The Helvetic Republic did not last long, so after a few years, the question again fell to the cantons. However, the change of opinion now accelerated on a broader scale. In Zurich, where, until the revolution, marriages of first cousins had not even been issued dispensations, the prohibition was dropped when fifty years later the civil law code was issued, the same code which was in part or in whole assumed by other cantons. With the enactment of the federal law regarding civil status and marriage of 1874, this liberal law was applied throughout Switzerland; the national civil law code assumed the same rule in 1907. In the preliminary commissions and in the parliamentary debates at both points, the marriage of first cousins was no real issue. There were “sanitary considerations” presented in opposition during the preparation of the civil law code, and an initiative was made to extend the prohibition anew, to which a third of the commission members agreed. Still, in comparison to the other problems facing the commission members and in comparison to the horror with which these relationships has been regarded at the beginning of the modern period, the reaction was limited.¹²

Thus, except for the canon rules, which for Catholics remained valid in their religious existence, the familial marriage prohibitions were rolled back three degrees over the course of 350 years. This is not the place to explore the multifaceted discourse that accompanied this change. Generally, we can assume that at no point did it represent a coherent whole.¹³ One of the emotional roots of the opposition surely lay in the ideas of sexuality and pollution. It was said in the early seventeenth century that, if the circle of possible marriages were pulled in too closely, “then soon great and serious, yes, damnable incest would be considered acceptable.” Similarly, in 1798, some argued that there should be a distance “fence” around incest: “It is better to be too strict with it than too mild.”¹⁴ In that period, the political argument was also popular: that the marriage of close relatives was merely an accumulation mechanism whereby money and property were concentrated in certain families. In the course of the nineteenth century, the new medical-biological view took the upper hand; that such marriages (which were particularly common among doctors’ families) were responsible

for every sort of bodily ailment.¹⁵ That the lawmakers repealed the restrictions despite every counterargument is thanks not just to the new relationship between state, church, and citizen, which had developed since the revolution. Earlier juristic practice had already had to take into consideration the values of the populace to some extent, and here it appears that large groups surmounted their aversion to kin marriages, because they were increasingly interested in marrying their kin.

Marriage Dispensations

We can best demonstrate this last point with a contrast to marriage law: the number of individual dispensations. In the Protestant territories, quantitative figures are difficult to produce because of the changing standards and record keeping practices. Yet, the widely renewed dispensation policies already give a hint, and the literature also offers some quantifiable figures. In Zurich, the number of approvals of marriages in the third degree slowly climbed after the middle of the seventeenth century and reached an average in the eighteenth century of twenty-five cases per year, whereby the expensive concessions became a fiscal consideration. In Neuchâtel, after an early phase that is difficult to interpret, there was a dramatic increase in petitions and dispensations at the end of the Ancien Régime. Until the middle of the eighteenth century, the authorities never had to decide on more than one petition for a marriage of relatives per year, but in the last quarter of the century, this accelerated to an average of seven per year.¹⁶

Long-term developments in the Catholic areas are easier to follow on a broader scale, because the constant canon rules offer a more valid comparison between various periods. Additionally, since the Council of Trent, care was usually taken to record approved dispensations in the parish records, so that their numbers can at least be approximately reconstructed for many areas. Table 11.1 represents a sample of fourteen localities from seven cantons, compiled in conjunction with available demographic studies. The marriage of relatives was mostly only cursorily and partially dealt with in these studies (marriage of relatives was not one of the standard themes of such studies in the 1970s and 1980s), but the recourse to available materials is a good starting point for the expansion of data and has the additional benefit that the figures are easily put into the context of the contemporary local demography. The tables (11.1 and 11.2) show an increase and a narrowing of the marriage of relatives from the seventeenth to the nineteenth century. In a first phase, the proportion of marriages between distant relatives especially climbed, and in a second

Table 11.1: Permitted Kin Marriages in Catholic Localities of Present-day Switzerland, Seventeenth to Nineteenth Centuries

Territory		1600	1700	1800	1900		
GR	Camuns etc.	—	28/0	38/0	38/2	31/2	29/9
GR	Tarasp	24/0	31/2	46/0	48/2	25/1	19/8
LU	Entlebuch	—	—	4/—	11/—	—	—
LU	Marbach	—	—	29/0	22/1	14/3	19/3
SO	Lostorf	2/0	2/1	6/0	12/1	16/0	11/6
SO	Oensingen	2/1	3/0	10/2	12/1	—	—
SO	Starrkirch	0/0	2/0	1/1	8/1	11/1	—
SZ	Freienbach	—	3/0	5/0	5/0	7/2	—
SZ	Muotathal	—	0/0	29/1	42/2	29/2	26/6
TI	Miglieglia	—	—	40/0	58/11	49/14	—
UR	Urseren	—	—	37/3	38/6	43/9	—
VS	Conthey	—	14/0	23/1	43/4	46/6	35/7
VS	Leuk	—	2/0	17/1	13/1	13/5	10/5
VS	Simplon Dorf	0/0	7/1	19/1	36/4	29/6	45/14

NOTES:

a/b

a = permitted kin marriages up to and including the fourth degree of kinship as a percentage of all marriages.

b = permitted kin marriages up to and including the second/third degree of kinship as a percentage of all marriages.

— no information: not registered or not investigated.

GR = Grisons, LU = Lucerne, SO = Solothurn, SZ = Schwyz, TI = Ticino, UR = Uri, VS = Valais.

The figures are sometimes based only on shorter periods within the fifty-year-period.

For sources and specific periods investigated, see Appendix 1.

phase, the alliances between closer relatives increased.¹⁷ In most areas, the indicated totality of kin marriages reached its peak between 1750 and 1850; afterwards, it declined, perhaps because of declining registration, too. On the other hand, in the nineteenth century there was an increase in the marriage of close relatives almost everywhere—on average three- or fourfold more than in the late eighteenth century. The marriage of first cousins, especially, became an increasingly common practice.

Concerning the large differences between localities, we can only say that considerable local and regional variations in Europe must be regarded as normal.¹⁸ A comment must be made, however, regarding the reliability of the sources. Without a doubt, the parish records used did not record all of the dispensations that were issued in reality, much less all of the marriages of relatives without dispensations. There was also considerable variation in record keeping; for example, in certain cases, local differences prove in the first instance to be differences in the quality of the available sources. However, it would be incorrect to assume that the records became generally more exact from the seventeenth to the nineteenth century. Already in the decades after 1600, the parish records in some places make a surprisingly disciplined impression; the clergy proved again and again that they were following the Tridentine rules regarding the issuing of marriage bans and the researching of possible disqualifications. The material for family reconstitution improved due to this conscientiousness, but the necessary motivation could also be withdrawn. This applies above all to the nineteenth century, when the state increasingly made dispensations a private matter, and especially after 1874, when dispensations were removed entirely from official records, so that we have only a few entries from the last decades of the nineteenth century.¹⁹

Table 11.2: Applications for Marriages of Close Kin in the Bishoprics of the Nunziatura di Lucerna, Sixteenth to Nineteenth Centuries

Time Years	Months	Territory	Applications -2nd/3rd Degree	Per year For CH	Proportion 2nd Degree	Proportion Consanguineal
1572-1584	156	BC	*1	* 0	-	-
1647	3	NL	6	** 16	33%	33%
1669	6	NL	23	** 33	13%	50%
1733-1734	14	BC	42	** 72	-	-
1809	12	NL	140	** 112	77%	90%
1817	12	CH	122	122	61%	81%
1869-1871	36	CH	839	280	69%	90%

NOTES: BC = bishopric of Constance. NL = Nunziatura di Lucerna before 1815, without the associated part of the Bishopric of Como. CH = Nunziatura di Lucerna after 1815, roughly corresponding to present-day Switzerland.

* The source mentions only dispensations up to and including the second degree (for all bishoprics).

** Estimate for CH based on the proportional figures from 1809 and 1817, subtracting only the large non-Swiss part of the bishopric of Constance.

SOURCES: 1572-1584: Archivio Segreto Vaticano, Fondo Benedetto XIV, bolle e costituzioni 4, fol. 108-20. 1647-1871: Archivio Segreto Vaticano, Archivio della Nunziatura in Lucerna 282, fol. 253-95; 278, fol. 485; 322, fol. 328-60, 304-15; 283, fol. 203-43, 416-22, 429-37, 474-75, 478.

Most dispensations were issued by the seven bishops whose dioceses include our areas of study, by the nuncio responsible for this area in Lucerne, and from the Pope in Rome. Generally, the greater the impediment to the marriage, that is, the closer the familial relationship of the couple, the higher up the hierarchy the dispensation was issued. In particular cases, however, the issuance of dispensations was again and again the object of controversy between the various officials, not least of all because of the substantial financial stakes which could be involved. The eighteenth century stands out as especially full of conflict; the nuncio's office disputed individual permissions with three of the bishoprics and with the Catholic confederation.²⁰ One explanation for the increase in disputes is the increase in the number of dispensations issued, which made the dispensations more lucrative. In Table 11.2 the available numbers of the applications for marriages between close relatives are listed (approved almost without exception), which were sent directly to Rome before the creation of the Lucerne nuncio in 1586, and were thereafter collected by the Nuncio and sent on to the Holy See. Because the dispensation procedure for these serious impediments to marriage was quite strictly regulated, one can assume that the figures represent a reliable indicator. As fragmentary as this source material may be, its message is just as unmistakable: the petitions for marriages between close relatives increased massively from the late sixteenth to the nineteenth century. This is valid, still, when one takes into account a certain centralization of the dispensation administration and the general increase in the population.²¹

Especially dramatic according to the available data, was the increase in the later phase, the period in which parish records are also dominated by marriages among close relatives. In the years before the suspension of the nuncio in Lucerne (1873) the negotiation of dispensations became a regular industry, dependent on preprinted forms and the telegraph.²² Furthermore, Table 11.2 shows that the marriage circles of the nineteenth century, even within close kin, had tightened relative to those of the seventeenth century (there is a higher proportion of marriages with relatives of the second degree or closer), and in-law relationships no longer played such an important role in marriages between relatives as they did in the earlier period (there is a higher proportion of consanguineous marriages). Above all, the first conclusion is easily confirmed at the local level in many parish records.²³

Generally, the developments in the area under study follow the international trend, which had its peak in the decades around 1900, and afterwards declined, sometimes abruptly. When the drop off in marriages between close relatives occurred exactly, I cannot say. When in

the 1930s the first studies on "incest" in remote areas first appeared, the process had probably been underway for some time. The researchers, motivated by racial-hygienic doctrines, assumed then that the populations under study had carried on the same narrow marriage practices forever and ever, despite indicators to the contrary. Many historical demography studies of the 1970s and 1980s followed them in this point. The evidence could have shown a clear increase in kin marriages over time, yet their interpretation only pointed to the high incidence in a later period and explained that the local endogamy had not allowed anything else.²⁴ Thereby they fell back, mostly without being conscious of it, on an old explanation: the formula *ob angustiam loci*—because of the constrictions of the locality—belonged to the standard justifications for dispensations (just as, in turn, opponents of the marriage of relatives pointed again and again to the broad selection of marriage partners).²⁵ Yet, over the long term, it is shown that marriages between relatives increased when the population was experiencing strong growth and many localities were becoming bigger. According to the assumption that there was constant local endogamy (not realistic, but supported by stereotype), people would then have increasingly married relatives exactly when they could have married an especially large number of unrelated people.

Contraction or Intensification of Kin Relations?

Here the question arises, who of the marriage partners really were regarded as kin and who were not? As is mentioned above, Delille is of the opinion that Europe, until the seventeenth century, was dominated by an alliance system that was characterized by marriages among relatives at degrees outside the canonical prohibitions. The reciprocity between family branches and individual families via the "exchange of women" played an important role. He therefore regards the multiplication of marriages between relatives of the forbidden degrees during the eighteenth and nineteenth centuries as a contraction, and the many marriages between unrelated people in this period as a divergence, from the earlier comprehensive endogamy. Generally this manifests the decrease in significance that kinship suffered during economic and social modernization. Empirically, Delille relies heavily on the analyses of genealogies. Theoretically, his thesis falls in with the tradition of structural anthropology founded by Claude Lévi-Strauss.²⁶ Of the problems that this approach presents, we want to address one central one—were marriages outside of the fourth degree regarded as mar-

riages between relatives at all? Or, said differently, how far did the consciousness of kinship reach, and where did it normally cease? These questions cannot be answered by genealogical research. They require an investigation of the meaning of such social relationships from the perspective of the historical actors to whom Delille gives little attention.²⁷

One such historical actor, whose understanding and practice within our area of study we can reconstruct, is Martin Peider Schmid. Schmid belonged to the village elite of the Grisons. In the years following 1770, he wrote a voluminous chronicle, which contains countless hints at this issue. As Schmid retold his sometimes bitter life experiences, for example, he put kinship in terms of friend and foe. The greater the number of relatives, the better one could defend oneself, "by one person standing up for the other, be it with good advice, with good help, or even with violence, which should only be used in extreme cases; of such great importance are relatives." In another instance, he thought about the words of the preacher who, in his Sunday sermon, argued against rolling back the marriage prohibitions and thereby said, "How praiseworthy it is, to keep on observing a good and exact family order." Schmid shared this point of view, above all, because through exogamous marriages, "more relatives are bound up together into one party."²⁸ He gauged the size of any given kinship network based on the number of first cousins. To him, they were "close" relatives. Second cousins he held for only "good relatives," and third cousins he regarded on occasion as "still a little related." At this distance, though, the relationships were uncertain, and in some instances, Schmid was only able to reconstruct them with the help of the inheritance history. From his remarks, it is clear, moreover, that the living or recognized kinship relations inside these circles also varied subjectively; naturally, not every person in the same category would be handled and remembered the same.²⁹

And how was it in the general population? The chronicler lamented at one point that the distant progenitors were no longer known in many peasant families, because to them work was important, but not their "name."³⁰ In fact, his personal horizon, which extended to the bounds of the canon rules, does not seem to be especially limited. A sign of this is the customary usage of kin denominators. The official documents of his home region teem with first cousins of the public clerks; they obviously found it difficult to distinguish and name closely related people in a neutral way. Second cousins of the clerks also appear in such sources regularly, but nowhere near as often as they should given their fourfold larger number. Further out, the use of family titles decreases dramatically. Third cousins were distinguished from other neighbors only sporadically or not at all.³¹ It seems, then,

that the kinship in this area was recognized out to the third or fourth degree, but surely not further.

Given the current state of the research, it is not easy to judge the situation in other parts of Switzerland. One indicator that can be used are the laws on legal disqualification or recusation. They were enacted to regulate and reduce the conflicts between public decision making and personal involvement due to kinship in court cases and in politics. So it was proclaimed in 1609 in the city of Bern that for some time, "with the exclusion of kinfolk much inequality has been wrought, and thereby disorder unleashed." In order to prevent such "abuses," the rule was issued that in elections, court cases, or other decisions, all blood relatives up to and including first cousins had to abstain.³² In the volumes of Swiss juridical sources published thus far, one finds disqualification laws citing specific degrees of kinship for eight cantons. Some of them were already issued in the fifteenth and sixteenth centuries; most were from the decades after 1600. The issue seems to have been an especially relevant one at that time, but it remained important in the eighteenth century, and in the nineteenth century, part of the regulations were incorporated into the modern law code. This process of systematization and clarification of kinship relations by the state is of interest in many ways, but here we want to limit ourselves to the range of kinship.³³ Most edicts set the disqualification limit on relatives of the second or third degree; in some cases the fourth degree was included. Only in one canton and for a short period do we find a law that extends to kinship *à l'infini* for certain cases.³⁴

As in the Swiss case, the majority of research from other parts of Europe shows that the range of the consciousness of kinship should not be overestimated. Raul Merzario demonstrates with many vivid examples in his investigation of the Como diocese how difficult it was for villagers of the early modern period to keep their genealogic memory straight or to refresh it for the clarification of possible impediments to marriage. According to him, the fourth degree of kinship was the distinct limit. Studies from France and from the German-speaking lands generally reach the same conclusions.³⁵ This is not to say that marriages between further distant kinship grades could not be the expression of purposeful politics—especially among the elites, for example, in the struggle for a dynastic right to rule passed on to a daughter. However, it is difficult to see how such marriages between distant relatives, in the case of normal society, could be the result of conscious strategies and, up to 1700, the basis for a comprehensive endogamous system of alliances.³⁶

With this, Sabean's thesis—that the multiplication of marriages between relatives in the eighteenth and nineteenth centuries should be

regarded as a shift from exogamous to endogamous marriage practices—gains plausibility. An entirely different interpretation is bound up in this thesis. Seen this way, the modernization process did not lead to a decrease in the significance of kinship, but rather, to intensification and increased importance.³⁷ Investigating how people perceived kinship can also improve the view of this particular period. As we have seen, first and second cousins were regarded in our area of study as “close” and “good” relatives, respectively, while third cousins were regarded as “only a little related;” the aforementioned tightening of permitted marriages of relatives in the nineteenth century appears, in this light, as a crescendo, even if the total marriages within the canon degrees decreased after 1850. The intensification thesis is also supported by studies from gender history and research on modern bourgeois society. They show from various perspectives and on the basis of entirely different sources how strongly Swiss society in the industrial century was characterized by kinship.³⁸

Furthermore, the intensification thesis is more plausible than the contraction thesis for the assessment of the long-term developments in lawmaking and administration. The intensification thesis assumes a dialectical relationship or a negotiation process between the values and interests of the population, on one side, and the public decisions of the church and the state, on the other. The formulation and administration of marriage laws could in some areas anticipate the development, but on the whole, they were dependent on general changes in public opinion. Against this, the contraction thesis ultimately relies on a natural tendency of premodern societies toward familial endogamy. That the “exchange of women” occurred in the degrees outside the canon rules is supposedly thanks only to the constant repression of Church and state authorities.³⁹ Historically, it is then difficult to comprehend why, in the Reformation period, the populace argued for exogamy and why the authorities gradually dismantled their comprehensive marriage prohibitions.

Conclusions

Since the nineteenth century, many intellectuals have assumed that kinship was an archaic organizational principle and that it could be disregarded in analyzing the modern West. For example, the author of the Swiss civil law code, Eugen Huber, wrote in 1901 that the restriction of the individual and the marginal role of the state in earlier times had given a tremendous role to familial associations, but that the traces of

kinship in the modern world were rapidly disappearing.⁴⁰ In any case, this assumption of a general decrease of significance may be applied more to the public representation of kinship than to its real use. Since the Enlightenment, the criticisms of dynastic principles, the conceptual separation of private and public spheres, and other causes have led to a diminishing of kinship in intellectual and political discourse. However, this does not mean that the development ran in the same direction at all levels. The difficulty of escaping from such *idées reçues* is demonstrated by the phenomenon of the marriage of relatives. It only represents *one* indicator relevant to the theme (one should consider other indicators), but for factual and methodological reasons, one should recognize it as critically important.

The area of present-day Switzerland, our area of study, has had a biconfessional character since the Reformation, and therefore allows a view at different variants of the process. The use or nonuse of relatives for marriage alliances is to be observed in two interrelated sources: in the marriage laws (primarily in the Protestant territories) and in the marriage dispensations (mostly in the Catholic territories). At the level of lawmaking, the marriage prohibitions were rolled back three degrees from the sixteenth to the nineteenth century. Around 1500, one could only marry his fourth cousin; by 1900, first cousins were acceptable as marriage partners. The dispensations for forbidden kin marriages, documented in local and central records, show a parallel development. They increased practically everywhere, and especially in the eighteenth and nineteenth centuries, became a common occurrence. In general, then, Switzerland followed a European trend which hit its high point around 1900. This shift hardly lets itself be reconciled with a general decrease in the significance of kinship. Research into the consciousness of kinship indicates that people did not systematically marry relatives of distant degrees in an earlier phase, and that there was no subsequent contraction trend, but rather that we are witness to a shift from exogamous to endogamous marriage practices. The use of kinship intensified and relatives became potential marriage partners during a certain phase of modernization.

Why? In the research, one finds a series of arguments based on demographics, economics, politics, and culture. Regarding the relevance of some factors, there is widespread consensus, while other explanations are still debated. Above all, arguments that link this shift in any way with demographic processes are disputed.⁴¹ Generally, socioeconomic explanations are greeted with more agreement. The intensification of kinship occurred before the background of an opening and expansion of the economy and state. In this situation it was important

to develop new strategies to appropriate resources and status. Since the inheritance of certain claims lost their value as society became more dynamic, many families shifted to more actively using kinship relations. For the process of class building, this was, as Sabean states, of almost infrastructural significance, because kinship endogamy formed the nucleus of class endogamy.⁴²

(Translation: Benjamin Marschke)

Appendix

1. Permitted kin marriages, according to local sources (for Table 11.1)

The unpublished studies can be found at the university institutes. The parish registers that I consulted to gather more data are cited in an abbreviated manner ("and PR"); their location can be found in the studies. Where the period under study does not correspond to a fifty-year period, this is specified in parentheses. The abbreviations "GR," "LU," and so forth, indicate the cantons (see Table 11.1).

GR: Giusep Bass, *Quantitative Untersuchung zur Bevölkerungsgeschichte der Lügnezner Pfarreien Camuns, Cumbel, Lumbrein, Pleif, Vigns und Vrin von 1650–1850* (unpublished Lizentiatsarbeit, University of Basel, 1977), p. 80, and PR (Camuns etc. 1651–1700, not for all parishes, 1851–1874); Jon Mathieu, *Eine Region am Rande: das Unterengadin 1650–1800. Studien zur Gesellschaft* (Ph.D. diss., University of Berne, 1983), p. 169, and PR (Tarasp 1629–1635 and 1646–1649, 1850–1875).
LU: Silvio Bucher, *Bevölkerung und Wirtschaft des Amtes Entlebuch im 18. Jahrhundert*, (Luzern, 1974), p. 51, and PR (Entlebuch 1710–1729, 1765–1781, Marbach 1710–1749, 1850–1855).

SO: André Schluchter, *Das Gösgeramt im Ancien Régime. Bevölkerung, Wirtschaft und Gesellschaft einer solothurnischen Landvogtei im 17. und 18. Jahrhundert* (Basel, 1990), pp. 383–95, and PR (Lostorf 1750–1774 and 1787–1799, 1800–1819, 1850–1869, Starrkirch 1620–1649, 1800–1829); Theo Ehrsam, *Quantitative Untersuchungen zur Bevölkerungsgeschichte im solothurnischen Mittelland im 18. und frühen 19. Jahrhundert* (unpublished Lizentiatsarbeit, University Basel, 1975), pp. 86–91, and PR (Oensingen 1750–1789).

SZ: Urs Peter Schelbert, *Quantitative Untersuchungen zur Bevölkerungsgeschichte der beiden Schwyzser Pfarreien Muotathal und Freienbach im 18. und frühen 19. Jahrhundert* (unpublished Lizentiatsarbeit, University Basel, 1976), pp. 45, 132, and PR (Freienbach 1801–1839, Muotathal 1681–1700, 1851–1874).

TI: Stephan Robert Epstein, *Miglieglia. Storia demografica e sociale di un paese, 1700–1849* (n.d. [after 1978, Historisches Seminar Basel SC 2901/27]), p. 29.

UR: Anselm Zurfluh, *Une population alpine dans la Confédération. Uri aux XVIIe et XVIIIe siècles. Démographie et mentalités* (unpublished Thèse de doctorat, Université de Nice, 1983), p. 349 (Urseren 1801–1830).

VS: Jean-Henri Papilloud, *Histoire démographique de Conthey (Valais) 1680–1830*, (Fribourg, 1973), pp. 95, 206–7, and PR (Conthey 1683–1700, 1801–1825, 1851–1875); parish registers Leuk, communication by Lydia Brunner (Leuk 1657–1699, 1850–1869, and 1880–1899); database of the Forschungsinstitut für die Geschichte des Alpenraums Brig, and PR (Simplon Dorf 1641–1649).

2. Legal disqualification due to kinship in Swiss juridical sources (for note 34)

All cited volumes from: *Sammlung Schweizerischer Rechtsquellen, namens des Schweizerischen Juristenvereins herausgegeben von dessen Rechtsquellenstiftung* (Aarau, later Basel, since 1898). Cited are exemption articles detailing the degree of kinship; given the current state of publication, they come from eight cantons. Articles issued before 1600 are cited in italics.

BE: Die Rechtsquellen des Kantons Bern, Erster Teil: Stadtrechte, vol. 5, pp. 180–81, 527; vol. 7, p. 567; Zweiter Teil: Rechte der Landschaft, vol. 1/1, pp. 186–87, vol. 2, p. 316, vol. 5, p. 312.

GL: Die Rechtsquellen des Kantons Glarus, vol. 2, pp. 706, 751, 752, 773; vol. 3, pp. 1020, 1032, 1039, 1089, 1481; vol. 4, pp. 1551, 1593, 1633, 1698, 1772, 1881, 1955, 1980, 1982.

ZG: Die Rechtsquellen des Kantons Zug, vol. 1, pp. 163, 439; vol. 2, p. 982.

SG: Die Rechtsquellen des Kantons St. Gallen, Zweiter Teil: Stadtrechte, vol. 1/2, pp. 29, 30, 171; Dritter Teil: Landschaften und Landstädte, vol. 1, p. 172.

GR: Die Rechtsquellen des Kantons Graubünden, B: Gerichtsgemeinden, Erster Teil: Gotteshausbund, vol. 1, pp. 306, 474, 522, 528; vol. 2, pp. 310, 353–54, 416, 544; vol. 3, pp. 91, 146, 242, 350; Zweiter Teil: Zehngerichtenbund, vol. 1, p. 358.

AG: Die Rechtsquellen des Kantons Aargau, Erster Teil: Stadtrechte, vol. 1, pp. 124, 372, 418; vol. 3, p. 213; vol. 4, pp. 154, 185; vol. 5, pp. 303, 334–35, 430; vol. 6, pp. 390–91; Zweiter Teil: Rechte der Landschaft, vol. 3, pp. 64, 271.

NE: Les sources du droit du Canton de Neuchâtel, vol. 1, pp. 156, 294.

GE: Les sources du droit du Canton de Genève, vol. 2, pp. 403, 423; vol. 3. pp. 183, 250, 570; vol. 4, pp. 115, 369, 576, 577.

Notes

1. Jean-Marie Gouesse, "Mariages de proches parents (XVI^e-XX^e siècle)," in *Le modèle familial européen. Actes des séminaires organisés par l'école française de Rome* 90 (Rome, 1986), pp. 31–61 (for Spain, France, and Italy).
2. Gérard Delille, *Famille et propriété dans le Royaume de Naples (XV^e-XIX^e siècle)* (Rome, Paris, 1985); idem, "Echanges matrimoniaux entre lignées alternées et système européen de l'alliance: une première approche," in *En substances. Textes pour Françoise Héritier*, ed. Jean-Luc Jamard, Emmanuel Terray, and Margarita Xanthakou (Paris, 2000), pp. 219–52; idem, "Réflexions sur le 'système' européen de la parenté et de l'alliance," *Annales HSS* 56 (2001): pp. 369–80; idem, *Le maire et le prieur. Pouvoir central et pouvoir local en Méditerranée occidentale (XVe-XVIIIe siècle)* (Paris, 2003); David Warren Sabean, *Kinship in Neckarhausen, 1700–1870* (Cambridge, 1998); for the first volume of the Neckarhausen study and a preview article: idem, *Property, Production, and Family in Neckarhausen, 1700–1870* (Cambridge, 1990); idem, "Social Background to Vetterleswirtschaft: Kinship in Neckarhausen," in *Frühe Neuzeit—Frühe Moderne? Forschungen zur Vielschichtigkeit von Übergangsprozessen*, ed. Rudolf Vierhaus et al. (Göttingen, 1992), pp. 113–32.
3. I have presented part of the following text in another context in "Verwandtschaft als historischer Faktor. Schweizer Fallstudien und Trends, 1500–1900," *Historische Anthropologie* 10 (2002): pp. 225–44. For discussions, support with the archival work, and translation I thank Lydia Brunner, Urban Fink, Peter Hersche, Gabriel Imboden, Benjamin Marschke, Liliane Mottu-Weber, and Simon Teuscher.
4. Under the assumption, for example, that in a village of five hundred people, every parent and grandparent had two siblings and kinship marriages out to and including the third degree were forbidden, then 84 percent of households would have been eligible for marriage (Sabean, *Kinship*, p. 101).
5. The most common (Germanic and canon) counting method counted from the siblings as the first degree of kinship outwards. Siblings' children (first cousins) were

kin of the second degree, and so forth. Regarding uneven generational relationships, one spoke, for instance, of kinship in the second/third or third/fourth degree.

6. In the Swiss overviews, the question was handled cursorily; see Friedrich v. Wyss, *Die Eheschliessung in ihrer geschichtlichen Entwicklung nach den Rechten der Schweiz* (Basel, 1878), pp. 47, 80; Eugen Huber, *System und Geschichte des Schweizerischen Privatrechts*, 4 vols., (Basel, 1886–1893), vol. 4, p. 336; Anne-Lise Head-König, "Forced Marriages and Forbidden Marriages in Switzerland: State Control of the Formation of Marriage in Catholic and Protestant Cantons in the Eighteenth and Nineteenth Centuries," *Continuity and Change* 8 (1993): pp. 441–65, here pp. 443, 455–56.
7. Citations: "was bißhar mit dispensieren und umb gelt erlangt worden ist, sol alles uß sin; vil Nachred, Eergerniß, Unwill, Schand und Abschühens bi uns und unsren Nachpurn; gschrey von etwas früntschaft." See "Rechtsquellen von Zürich," in *Zeitschrift für Schweizerisches Recht* 4 (1855), pp. 103–98, here p. 117; Walther Köhler, *Zürcher Ehegericht und Genfer Konsistorium*, 2 vols. (Leipzig, 1932/42), vol. 1, pp. 74, 78–84, 239, 244, 264–5, 316, 325, 332–3, 342, 361, 375, 379, 384–6, 402, 410; Thomas Max Safley, "Canon Law and Swiss Reform: Legal Theory and Practice in the Marital Courts of Zurich, Bern, Basel, and St. Gall," in *Canon Law in Protestant Lands*, ed. Richard H. Helmholz (Berlin, 1992), pp. 187–201; the usual interpretation of the renewal of the prohibition emphasized the foreign policy importance (consideration of the Catholic territories) at the expense of the domestic policy.
8. Köhler, *Ehegericht*, vol. 1, pp. 419, 426–28, 435, 439.
9. Paul Wehrli, *Verlobung und Trauung in ihrer geschichtlichen Entwicklung von der Reformation bis zum Untergang der alten Eidgenossenschaft. Ein Beitrag zur zürcherischen Rechtsgeschichte* (Turbenthal, 1933), pp. 10–11, 16, 78–88; Roland E. Hofer, "Üppiges, unzüchtiges Lebewesen." *Schaffhauser Ehegerichtsbarkeit von der Reformation bis zum Ende des Ancien Régime (1529–1798)* (Bern, 1993), pp. 203–10; Willy Münch, *Ehehindernisse und Ehenichtigkeitsgründe im Basler Stadtrecht*, typoscript (Basel, 1943), pp. 46–54; Christian Simon, *Untertanenverhalten und Moralpolitik. Studien zum Verhältnis zwischen Stadt und Land im ausgehenden 18. Jahrhundert am Beispiel Basels* (Basel, 1981), pp. 115–17; Hans De Giacomi, *Das Eheschliessungsrecht nach den bündnerischen Statuten* (Chur, 1927), 97–104; Jon Mathieu, *Eine Region am Rande: das Unterengadin 1650–1800. Studien zur Gesellschaft* (Ph.D. diss., University of Berne, 1983), pp. 167–68.
10. Alfred Martin, *Exposé de l'ancienne législation genevoise sur le mariage* (Genève, 1891), pp. 24–26; Köhler, *Ehegericht*, vol. 2, 505, 635, 667; in addition, personal communication by Liliane Mottu-Weber.
11. "Das bürgerliche Gesetz verbietet in Helvetien die Ehen unter Geschwisterkindern oder in weiteren Graden nicht." See Hans Staehelin, *Die Civilgesetzgebung der Helvetik* (Bern, 1931), pp. 236–44.
12. Jürg-Christian Hürlimann, *Die Eheschliessungsverbote zwischen Verwandten und Ver schwägerten* (Bern, 1987), pp. 66–79; and Schweizerisches Bundesarchiv Bern E 22/1985 and 1986 (materials relevant to the Federal Law Code of 24. 12. 1874).
13. Sabean, *Kinship*, p. 64; he also hints at modern anthropological arguments and their preformulation in historical texts.
14. "...da wirt bald große und schwäre, ja hochsträffliche blutschand für zulässig gerechnet; es ist besser, man seye hierüber zu strenge als zu gelinde." See Wehrli, *Verlobung*, p. 85; Staehelin, *Civilgesetzgebung*, pp. 245, 247.

15. Sabeau, *Kinship*, pp. 444–48; regarding medical consultations in view of bourgeois cousin marriages, see Albert Tanner, *Arbeitsame Patrioten—wohlanständige Damen. Bürgertum und Bürgerlichkeit in der Schweiz 1830–1914* (Zürich, 1995), p. 193.
16. Hans Bänninger, *Untersuchungen über den Einfluss des Polizeistaates im 17. und 18. Jahrhundert auf das Recht der Eheschliessung in Stadt und Landschaft Zürich* (Zürich, 1948), p. 34; Jeffrey R. Watt, *The Making of Modern Marriage. Matrimonial Control and the Rise of Sentiment in Neuchâtel, 1550–1800* (Ithaca, 1992), pp. 116–20, 175–78.
17. The limit for the marriage of close relatives was set here at the uneven second/third degree: as a rule the authors of the local studies subsumed these marriages under the second degree (as in Freienbach, Muotathal; implicit in Urseren), the Lucerne Nuncio followed a similar practice.
18. Sabeau, *Kinship*, for instance p. 407.
19. Examples of disciplined recording practices at an early point are Oensingen and Starrkirch; also the dramatic increase in Simplon Village does not reflect the quality of the sources; for the break of 1874, see note 12.
20. Archivio Segreto Vaticano, Archivio della Nunziatura in Lucerna 278, fol., 468, 477–80, 484, 485–91, 493–96, 498–553; Urban Fink, *Die Luzerner Nuntiatur 1586–1873. Zur Behördengeschichte und Quellenkunde der päpstlichen Diplomatie in der Schweiz* (Luzern, 1997), pp. 104, 117, 134; Alois Henggeler, *Das bischöfliche Kommissariat Luzern von 1605–1800* (Stans, 1906), pp. 152–55.
21. The population in 1650 of the area of present Switzerland has been estimated at 1.0 million. It climbed to 1.7 million by 1800, and to 2.7 million by 1870.
22. Archivio Segreto Vaticano, Archivio della Nunziatura in Lucerna 449, fol. 180–83, 360–434.
23. The increase of consanguineous marriages among kin marriages shows up less dramatically in our sample (Table 11.1); the nadirs do mostly fall in the period before 1750, but the differences are not very significant.
24. For the early studies, see Arnold Egenter, *Über den Grad der Inzucht in einer Schwyzer Berggemeinde und die damit zusammenhängende Häufung rezessiver Erb-schäden (Albinismus, Schwachsinn, Schizophrenie u. a.)* (Zürich, 1934); an example from the younger generation is the study of Conthey, cited in Appendix 1.
25. See *Rechtsquellen 1855*, p. 117; Köhler, *Ehegericht*, vol. 1, p. 402; Staehelin, *Civilgesetzgebung*, pp. 240–41.
26. Françoise Héritier, *L'exercice de la parenté* (Paris, 1981), pp. 137–67, considers marriages between distant relatives as a fundamental mechanism of the “complex” alliance systems, which operate with prohibitions and recognize no clear selection rules like the “elementary” systems; she tries to thereby integrate the European case in the anthropological exchange theory of Lévy-Strauss, which has difficulty with such systems. Delille’s position follows along here, but is in some aspects more complex; for his studies, see note 2.
27. In a brief, early passage, Delille treated the “mémoire généalogique” and concluded that the limit normally lay between the third and fifth degrees (*Famille*, pp. 286–8); however, at one point in his work, on the basis of genealogical sources, he discusses kinship marriages out to the eighth degree; the later, necessarily selective quantifications reach to the sixth degree (*Maire*, pp. 222–24).
28. Citations in Rhaeto-Romance, see Mathieu, *Region*, pp. 154, 170; briefly published in idem, *Bauern und Bären. Eine Geschichte des Unterengadins von 1650 bis 1800* (Chur, 1987), pp. 178, 184.

29. Citations in Rhaeto-Romance; Mathieu, *Region*, pp. 163–67; and idem, *Bauern*, pp. 182–83.
30. Mathieu, *Region*, p. 377; and idem, *Bauern*, p. 257.
31. I have never seen “third cousins” (*basdrins*) in primary sources, but see the remark in Jon Mathieu, “Die ländliche Gesellschaft,” in *Handbuch der Bündner Geschichte: Frihe Neuzeit*, ed. Verein für Bündner Kulturforschung (Chur, 2000), vol. 2, pp. 11–54, here p. 41.
32. “...im abtreten der fründtschafften vil unglycheit gebrucht worden, damit ouch unordnungen ingerisen.” See Hermann Rennefahrt, ed., *Die Rechtsquellen des Kantons Bern, Erster Teil: Stadtrechte* (Aarau, 1959), vol. 5, pp. 180–81, see also Simon Teuscher, *Bekannte—Klienten—Verwandte. Soziabilität und Politik in der Stadt Bern um 1500* (Köln, 1998), p. 77–78.
33. It supports the thesis developed by Teuscher, whereby the process of state building in the modern era led to the solidification of kinship; see Teuscher, *Bekannte*, pp. 75–113, 243–63.
34. For the nineteenth and twentieth centuries, see Rolf Geiser, *Über den Ausstand des Richters im schweizerischen Zivilprozessrecht* (Winterthur, 1957), pp. 3–4, 8, 42–43; for the older sources, see Appendix 2. The special case mentioned is Geneva, where at least from 1670 to 1692 there was no expressly mentioned exemption limit for criminal cases and votes; as mentioned above, Geneva shortly thereafter also became an exception regarding marriage prohibitions (see note 10).
35. Raul Merzario, *Il paese stretto. Strategie matrimoniali nella diocesi di Como, secoli XVI-XVIII* (Torino 1981), pp. 35–38, 141; Jean-Louis Flandrin, *Familles. Parenté, maison, sexualité dans l'ancienne société* (Paris, 1976), pp. 32–38; André Burguière, “La mémoire familiale du bourgeois gentilhomme: généralogies domestiques en France aux XVII^e et XVIII^e siècles,” *Annales ESC* 46 (1991): pp. 771–88; Christian Maurel, “Construction généalogique et développement de l'état moderne: la généalogie des Bailleul,” *Annales ESC* 46 (1991): pp. 807–25; Karl-Heinz Spiess, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters. 13. bis Anfang des 16. Jahrhunderts* (Stuttgart, 1993), pp. 42–43, 490–91; Margareth Lanzinger, *Das gesicherte Erbe. Heirat in lokalen und familialen Kontexten. Innichen 1700-1900* (Wien, 2003), p. 314; from an anthropological perspective: Jeanette Edwards and Marilyn Strathern, “Including Our Own,” in *Cultures of Relatedness: New Approaches to the Study of Kinship*, ed. Janet Carsten (Cambridge, 2000), pp. 149–66, here 157–61.
36. For a well-researched case, see Christophe Duhamelle, *L'héritage collectif. La noblesse d'Église rhénane, XVII^e-XVIII^e siècles* (Paris, 1998), here pp. 102, 129–31, 142.
37. For Sabean's studies, see note 2.
38. Above all, see the studies of Elisabeth Joris, Heidi Witzig, Albert Tanner, and Philipp Sarasin, as summed up in Mathieu, *Verwandtschaft*, pp. 228–30.
39. Delille, *Famille*, pp. 368, 380–81.
40. Eugen Huber, *Schweizerisches Civilgesetzbuch. Erläuterungen zum Vorentwurf des Eidgenössischen Justiz- und Poliziedepartements, Erstes Heft* (Bern, 1901), p. 96.
41. Jean Sutter pointed out the effects of the demographic transition; Delille stressed the consequences of the expansion of primogeniture; Sabean concerned himself with the partition of land parcels and the related labor practices; regarding the last, see Jon Mathieu, “Ein Cousin an jeder Zaunlücke. Überlegungen zum Wandel von Verwandtschaft und ländlicher Gemeinde, 1700–1900,” in *Politiken der Verwandtschaft*, ed. Margareth Lanzinger and Edith Saurer (Göttingen 2007).