

the necessitie of... Consult  
to all... ate

# The development of the family and marriage in Europe



FIRST, that they contracte not with suche persons, of God and the Lawes of the Realme.

SECONDELY, that they make no secreete contractes of elders, vnder whose authozitie thei be, contrary to godes

THYRDELY, that they contracte no change with any other vncle for a tyme, the lawes yet standinge to the contrarye.



Marriage is honourable amonge all

But whoremongers and adulterers God will iudge.

To auoide fornication, let every man haue his wife.

He that cannot containe, let him marry. For better it is to marry

Vnto the married I commaund, not I, but the Lord. Let not

if she departe, let her remaine vnmarrried, or be reconciled vnto

put away his wife.

**Jack Goody**

to any of the ki  
her shame: I am.

1  
2  
3  
4  
5  
6  
7

- 1. Grandmother.
- 2. Grandfathers' wife.
- 3. Mother.
- 4. Stepmother.
- 5. Fathers syster.
- 6. Mothers syster.

- 1. Grandfa
- 2. Grand
- 3. Father
- 4. Stepfa
- 5. Mother
- 6. Fathers b





*Studies in Literacy, Family, Culture and the State*

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*The development of  
the family and  
marriage in Europe*

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*The development of  
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JACK GOODY

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**Durum est ab aliquo filiis ac propinquis parum relinqui: multo est durius in aeternitate torqueri. (Salvian, *Ad eccl.* III. 51)**

**It is hard to leave but a little to sons and near ones; it is much worse to be tortured throughout eternity.**



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## *Preface*

There are some undertakings which, while they cannot hope to be fully scholarly in the professional sense, may be illuminated by a particular background of experience and thought, of theory and practice. My own curiosity about how European patterns of kinship, marriage and family came to develop as they did owed something to reading medieval drama, Scottish history, the works of Marc Bloch and George Homans on France and England, and the 'comparative sociology' of the nineteenth-century legal historians and jurists. In trying to make my knowledge somewhat more extensive and up-to-date, I am deeply in debt to a number of scholars on whose generosity and friendship I have presumed. The value of my links with *Past and Present* and with the *École des Hautes Études en Sciences Sociales* in Paris are apparent. Clemens Heller and La Maison des Sciences de l'Homme have always provided the right combination of interest and disinterest. And it was due to a timely invitation from Pierre Bourdieu that I was able to undertake a final revision over Easter 1982. Keith Hopkins, Keith Thomas, Edward Miller and Patrick Wormald read through substantial portions of the first draft, corrected many errors of fact and made many suggestions. Diane Owen Hughes read the second Appendix and her comments caused me to rethink and reformulate. Chris Dyer offered suggestions and emendations for Chapter 6. Peter Linehan, John Bossy, Keith Wrightson, David Sabeau, Robert Pollock and Bob Ombres supplied me with important references. Other colleagues at Cambridge and London, the late Munia Postan, John Hajnal, Alan Macfarlane, Peter Laslett, Tony Wrigley, Richard Smith, have stimulated my interest in various ways. If parts of my argument appear to challenge the trend of some of their more general assumptions (and I have left implicit rather than explicit the implications for theory, hypothesis and for practice), this should not be viewed as confrontation, but as an

attempt to suggest the advantages of refocussing the historical eye, of restating the problem from a different perspective.

On the anthropological side I owe a measure of thanks to those who did not consider that I was wasting my time by plunging into such deep waters; members of a series of seminars beginning at Nanterre (1979), Aix-en-Provence, Harvard, Berkeley, Santa Cruz, London, and especially at Stanford where, as a conjugal visitor to the Center of Advanced Studies in the Behavioral Sciences from December to April 1979–80, I found the right combination of intellectual stimulus, access to libraries and freedom to write. My thanks are due to Dan Sperber, Ernest Gellner, S. J. Tambiah, Gene Hammel, Lokki Pandey and Sylvia Yanagisako for arranging these sessions, as well as to Terry Turner for a less formal occasion and to the late Tom (L. A.) Fallers for a passing conversation. In Cambridge, Martha Mundy and Paul Sant Cassia helped sustain my interest and widen my knowledge.

In preparing the manuscript, I am most grateful to Norman Buck of the Library of St John's College for constant help over the years, to Cathie Roth, Jane Moon and Penny Clarke, for assistance with research, and to Anne Robson and Lucia Szeto for the labour of typing various versions. Patricia Williams and Sue Allen-Mills were, as always, the most helpful of editors.

In the final stages I was most grateful to C. R. Whittaker for reading the opening chapters and for making corrections and suggestions. Unfortunately I was at this point unable to follow up his doubts that A.D. 321 saw the beginning of the Church's right to receive inheritances. But he sees the extent of the donations of Constantine as crucial in the transformation of the Church, much of whose success depended upon its *elimonia*, its charity.

My approach to the material that follows may not always satisfy all the conventions of historical scholarship. I have not in every case used the 'standard' editions of works; sometimes because I did not always know what these were, and sometimes because I work in a peripatetic fashion and use what is available wherever I am. Also there are topics on which I should have read more and in more languages. But one has to compromise with the realities of the allocation of time and the desire to develop a line of argument in a field one can never, in an academic sense, make one's own.

# 1. *Perspectives*

For the last hundred and fifty years the study of the European family and marriage has been dominated by the growing preoccupation of scholars about their links with the great events that took place in the West at the outset of the modern period. What was the relationship of the family with the Reformation outside and inside the Catholic Church, with the growth of capitalism and the coming of industrial society? The question has world-wide implications. For the problem of 'the rise of the West', which gripped the intellectual imagination of Marx, Weber, and countless others, is closely linked with 'the uniqueness of the West'. What precisely did happen to marriage and the family at this period? What aspects of the pre-existing family might have assisted these changes? What features resulted from the new forms of socio-economic organisation?

Clearly the separation of production from the domestic group, the growth of non-familial education, the dispersal of kin, had important implications for the household. Demographically, the improvement in mortality and the control of fertility led to a sharp rise, followed by a drop, in the rates of population growth, a demographic transition that resulted in fewer and longer-lived children, and, according to some, in a radical change in our attitudes towards them.

Some of these developments, such as the demographic transition for example, clearly follow, even if they do not necessarily follow from, the vast socio-economic changes that have occurred in the West beginning in the sixteenth century. But were there earlier aspects of family, kinship and marriage that actually encouraged the mobility, the saving, the 'bilaterality', the 'love', the 'individualism' that is seen as characteristic of the modern world? Were these aspects peculiar to Europe, to Western Europe, to north-west Europe, or even to England? Some contemporary historians have seen features such as conjugal affection as following after, or developing

## 2 *Perspectives*

concurrently with, the rise of the West. Others see late marriage for men and women, the close elementary family, 'individualism', as being unique features of the European scene at an earlier period, which positively assisted the socio-economic transformations in that continent.

Here is not the place to examine these various arguments in detail. What I try to do in this essay is to approach the problem from quite a different perspective, different in both time and space. As for time, most of the historians, sociologists and economists who have tackled these questions have done so from the standpoint of contemporary concerns, looking from the present backwards to try and account for the rise of capitalism, for the advent of the Industrial Revolution or for those special features which they regard as unique to their own society. None of us can entirely divest ourselves of our cultural clothing, nor is such nudity always becoming. But one area where we need to exercise particular caution, indeed restraint, is in the study of the family itself, especially when examining the 'affective' aspects of the fundamental relations between its members, which we have all experienced from various angles. Assumptions based on an ethnocentric version of ameliorative evolutionism have to be worked over with special care. Looking back at the 'Bad Old Days' (the phrase used by Shorter in his history of the modern family) to see how things have 'improved' (neglecting on the way the higher incidence of divorce, suicide and mental breakdown) is not the most detached approach. Moreover, even to think of making an assessment of this (or any other) kind, we need to be quite sure of what we mean by concepts like love and lineage, individualism and patriarchy, not to speak of the more technical terms, because otherwise we are unable to assess similarity or difference, either before or after the rise of the West, or even when comparing the West as against the Rest.

Chronologically, the studies of these authors may begin in 1500 or 1800; conceptually, their orientation is backwards from today. The difficulty with this backward look is that it tends to overvalue the present – in either a positive or a negative way. The concerns of the present, one's own present, stand in the way of understanding the past, especially when one is offering, or more usually implying, some kind of causal or functional link between family and society. They lead to the adoption, as so often throughout the social sciences, or, indeed, in the folk concepts of everyday discourse (which

are not so very different), of a dichotomous approach that draws a sharp line between we and they, between modern and traditional, capitalist and pre-capitalist. But this array of binary categories has limited value when the problem is to try and analyse differences and similarities in patterns of family, kin and marriage over the longer term and the wider range. Everything 'traditional' gets lumped together in one undifferentiated mass, as is the case with Weber's concepts of 'authority' or with many notions of peasantry. Such dichotomies, rooted in the present day, inevitably tend to overstress the special, unique features of the 'modern'. A recognition of this deep-rooted bias should lead one to query hypotheses that appear to privilege the West, not simply in its technological achievement but in its spiritual and moral claims both before and after the sixteenth century. Was Protestantism quite such a unique theological and ethical force in economic affairs? Were capitalist social relations characteristic only of the West? Was the world of 'traditional authority', of Islam, Buddhism and Hinduism, of the 'Asiatic mode of production', really so different, then and now, as our categories and theories assume? Was it not these same 'static', 'traditional', 'despotic' societies that in the fifteenth century and before were intellectually, commercially and culturally 'modern', in contrast to a relatively backward Europe?

These questions highlight issues of great intellectual and historical importance. I raise them because my analysis of the structure and development of certain features of the European family focusses on a much earlier period than is often granted. I raise them to justify an approach to European institutions and attitudes that starts from the beginning of the present era, from the Mediterranean and Middle Eastern roots of the ideology which has been so pervasive over the last two thousand years, in domestic as well as in theological matters, in politics as in production. But in addition to a temporal and conceptual perspective on the family that tackles 'la longue durée' from the other end, I have tried to look at these European institutions and attitudes from the standpoint not only of our own past but from a comparative perspective that starts elsewhere. Hence the approach again differs from that of historians who seek to contrast their findings on the family with an undifferentiated traditional, pre-industrial, non-European, or 'anthropological' world.

My own starting point, at least in terms of field research, lay elsewhere, in West Africa. The research was concerned with domestic

#### 4 Perspectives

groups – their structure and sentiments, the role of the lineage, marriage arrangements – the whole area of what Morgan called consanguinity and affinity, what anthropologists now refer to as kinship and sociologists as the family; it is a field that covers the spheres of interest of Freud in the psychology of relationships, of Marx in the economics of production, and of demographers in the statistics of household composition. It was a subject that continued to be a central focus of my empirical research and theoretical problems, and it was mainly rooted in the African experience.

This research suggested that some general features of 'African Systems of Kinship and Marriage' (to use the title of a seminal collection of essays) stood out in contrast to those reported for the major societies of the settled areas of Asia, the Middle East and North Africa – for, like the distinguished editors of the series on African systems of politics, religion and kinship, I use the term Africa as a convenient 'shorthand' for Black or sub-Saharan Africa. It seemed that we needed to seek an explanation for these differences and similarities, an explanation which was not simply phrased in terms of African or Eurasian predispositions, whether cultural or genetic, but in the specific links of these features with other aspects of the social system, and particularly with the 'modes of production', the concerns of livelihood. The results of this enquiry were embodied in an earlier book, *Production and Reproduction: a comparative study of the domestic domain* (1976) where I tried first to predict, then test, the distribution of monogamy and polygyny, of dowry and bridewealth, of in-marriage and out-marriage, of adoption and terminologies for kin, which seemed to be linked to attitudes and sentiments within the domestic group on the one hand, and, on the other, to interests of a socio-economic kind.

This enquiry went part of the way to resolving, for me at least, some of the problems raised in comparing Black Africa with the major societies of Asia and Europe. But from the later Roman Empire onwards, the situation in Europe raised further queries, for family and marriage differed in certain important ways from the more general pattern of the major Eurasian societies, from what existed earlier in Rome and other parts of southern Europe, and from what continued to exist on the other, North African, shore of the Mediterranean. That was the problem. How was it that after about A.D. 300 certain general features of European patterns of kinship and marriage came to take a different shape from those of

ancient Rome, Greece, Israel and Egypt, and from those of the societies of the Mediterranean shores of the Middle East and North Africa that succeeded them? This was not true of all the variables I had earlier discussed – for example, monogamy and the dowry – but it did apply to some important aspects of the domestic domain which have influenced the course of social life until very recent times, and which continue to do so even today. The ones with which I shall be most concerned will be spelled out in the course of the next two chapters; others, perhaps not less important, will be discussed in the concluding chapters.

## 2. *Two sides to the Mediterranean*

From the vantage point of a broad, geopolitical approach to history, the unity of the Mediterranean world is an obvious fact of life. The French historian, Fernand Braudel, has stressed how the lives of its inhabitants from different countries were influenced by the problems and advantages posed by their common frontier on the inland sea, especially their shared experiences of changes in climate and in population, and their joint involvement in trade and warfare. But there was also diversity, consisting not simply of small differences but of broad oppositions. A recent historical study of the Spanish-African frontier insists that 'the separation of the Mediterranean world into different, well-defined cultural spheres is the main theme of its sixteenth-century history' (Hess 1978: 3); Latin Christian culture had always been opposed to Turko-Muslim civilisation throughout the Middle Ages, but now the opposition increased as the Crescent was surrounded by the Cross with its superiority of ship and gun.

The question of whether the emphasis should be placed on diversity or unity impinges very directly on the spheres of family, kinship and marriage. To some writers, especially from a northern viewpoint, the systems that obtain on the European and African shores now and in the past, seem to differ very radically. Yet others, stimulated not only by the works of Braudel but by the growing interest in 'Mediterranean studies', have been impressed by the common features in the daily life of the inhabitants of the two shores of the sea. The former emphasise the part played by descent groups, by close marriage and by polygyny among the Arabs in contrast with the societies of Europe to the north; the latter stress the common role of dowry, perceive bilateral elements in the schema of unilineal descent and point to the notions of honour and shame that mark the whole of the Mediterranean world.

The unitarian view is expressed very clearly by Solinas writing of

the contemporary Mediterranean family in a volume edited by Braudel: 'Among many Mediterranean peoples there is a remarkable continuity in the way of living and in conceptions of life in its moral, social, economic and biological aspects; sexual love, jealousy, respect towards the elders, filial love, feelings about death and beyond, all imply the same idea of the family' (1977: II,92). Stated in these terms the similarities should not be taken too seriously. There are few parts of the world in which this array of features could not be found and declarations of such a kind, which abound in the writings of Western historians of the family, must be judged for what they are, ethnocentric expressions of ignorance of the wider world. Looked at in a more precise and technical manner – and it is not easy to be precise unless we are technical, as many of the arguments about the European past bring out – there are some powerful similarities in daily life to be discerned when we set the Circum-Mediterranean area as a whole against the background of, say, Africa south of the Sahara (which I shall often call Africa for short). This contrast is specially marked if we raise our eyes beyond the striking features of the nomadic Bedouin tribes and focus upon the settled elements of the Middle East, the region which was the *fons et origo* of the early civilisation that eventually spread out to overwhelm a backward Europe.

These differences in forms of inheritance and marriage payment are related to differences in the systems of production, which in that earlier work (1976b) I saw as characterising the major societies of the Eurasian continent in contrast to those of Black Africa. In this context, the settled societies of the Middle East and North Africa formed part of the general Eurasian constellation. In that study I did not intend to elaborate a monolithic single-factor theory, nor yet one that failed to allow for counter-examples; to establish a positive association is already an achievement. Nevertheless, it was clear that after the end of the Roman Empire there were important differences in the domestic domain between the two sides of the Mediterranean that have since persisted over a long period. With regard to some of these features, the European shore runs counter to the general theory I proposed. Other areas, too, diverge with regard to close marriage for example, but we cannot simply leave aside the whole continent of Europe as a partial and unexplained exception, especially when evidence exists that in classical times Europe did not differ in these particular ways, and when the systems of marriage and the family in

that continent have been linked to the great socio-economic changes that took place there in modern times. It is a critical case, so we need to explore these differences and their historical development not only in order to elaborate the theory we have earlier proposed but also to try to throw further light on the question of the uniqueness of the West.

First we need to establish what these differences are by taking up the contrast between the two sides of the Mediterranean – Europe on the one hand, North Africa on the other – during the medieval and early modern periods.

A number of caveats need to be entered before beginning this enterprise. First, I will concentrate upon a particular set of features of marriage, family and kinship that arise partly out of my previous studies but mainly out of the accounts of early European writers themselves; I am concerned only indirectly with that important set of factors analysed by demographic historians under the heading of ‘the European marriage pattern’. Second, even when European features are examined in a comparative way by historians of the Mediterranean, the terms of the discussion need clarifying. And third, it has to be remembered that we are dealing with regions that vary regionally and hierarchically.

‘European marriage patterns’ were the subject of an article by Hajnal (1965) in which he draws a contrast between Western Europe and the totality of ‘non-European’, ‘traditional’ or ‘developing’ countries (including Eastern Europe). The main features of this pattern were delayed marriage for both women and men, and a high degree of celibacy, features that were linked demographically with relatively low crude rates of births (below 40 per thousand) and, less certainly, of deaths. Since women marry later than in other societies, there are more young adult females in the labour force who are able to accumulate wealth of their own. When they eventually marry and have children, they are more mature, a fact that suggests a particular set of relations between husbands and wives, and between parents and children, which may be associated with the existence of separate dwellings and smaller holdings for married couples.

The notion of the uniqueness of a late marriage for women and of frequent celibacy for both sexes may require some modification in view of the evidence from twentieth-century Tibet and from Roman Egypt, even if this is less substantial than one would like. In Egypt Hopkins writes of a ten-year post-pubertal delay for women

(1980: 333) while in a survey earlier this century among the Khams of eastern Tibet, there were numerous unmarried women and nearly 40 per cent of households had no married couple (Carrasco 1959: 69). The failure to achieve uniqueness would not make the facts any the less important to explain; it would tend to reduce the claims that this demographic regime is linked by a causal nexus with the rise of the West, that is, of Western Europe.

While Hajnal suggested that these patterns emerged in the late sixteenth century and were possibly to be linked with the development of capitalism and Protestantism, other writers have seen these same features as present in a yet earlier period, but characterising the north-west rather than the whole of Western Europe.<sup>1</sup> Some take the view that England was unique in these and other important respects, and Macfarlane has recently seen this singularity as including the presence of a strongly 'individualistic' streak, which he tentatively derives from its roots in the German woods (1978: 206). Those who find these features present before the sixteenth century see them as predisposing factors in the rise of capitalism.

I want to look at a different set of inter-related characteristics, which are not identical with those that have occupied the attention of demographic writers, historians of the modern family or sociologists of modernisation. This is partly because of the different direction of my approach but also because some of the features they have dealt with, such as the emergence of the nuclear family, love and individualism, seem to require a great deal of reconsideration and reformulation. The factors with which I am concerned are certainly linked with some of those variables; yet these factors are not ones that supposedly distinguish medieval from modern Europe nor yet pre-industrial (undeveloped) from industrial (developed) societies. On the contrary, the significant change seems to have occurred towards the end of the Roman Empire. In trying to specify how they differed, I am also attempting to explain why they differed and to analyse the process that led to the shattering of the unity of Circum-

<sup>1</sup> Hajnal himself thought that medieval villagers did not follow a 'European marriage pattern'; Razi has given support to this idea, finding that in the pre-plague period in the village of Halesowen in the West Midlands of England, marriages took place between the ages of 18 and 22 (1980: 63; also Dyer 1980: 234); however the basis of the calculations has been criticised by Smith (1979: 112), who, like Macfarlane, leans towards the view that the late marriage of women is early and English. See also Smith's valuable comments (1981) on Herlihy and Klapisch-Zuber (1978).

Mediterranean patterns. As a starting point it is useful to turn to one of the main meeting-grounds between the two sides of the Mediterranean in the medieval period, namely, the Spanish 'frontier', internal as well as external, between the Islamic and the Christian worlds.

#### 'EASTERN AND WESTERN STRUCTURES'

Of a number of very interesting contributions to the social history of medieval Spain, the most relevant is the account by Guichard (1977) of the encounter between what he calls 'Eastern' and 'Western' social structures as the result of the Arab invasion of the country in the eighth century. The background to his enquiry is the way in which the contact between the Christian West and the Muslim East has been viewed in the setting of Spanish history. Earlier historians regarded the 'Arab' conquest (711–1031) as constituting a hiatus in time, a devastating invasion that reduced the local population to servitude. Subsequent writers pointed out that most of the people stayed where they were, continuing the same practices as before, and that the invaders themselves adapted to these local traditions. Guichard contends that neither approach, devastation or absorption, is satisfactory, and that the Eastern and Western structures continued actively to oppose one another until the final withdrawal of the Moors from Spain to North Africa. Each group, conquerors and conquered, retained their separate ways of organising the domestic domain, ways that linked them with Europe on the one hand and the Middle East on the other.

What were the major features of these two systems? Guichard (1977: 19) presents a tentative model on the basis of six characteristics (see Table 1): (1) system of 'filiation' or descent; (2) the conjugal pair; (3) kin groups; (4) matrimonial alliances; (5) the position of women; and (6) notions of honour.

These characteristics, phrased in a variety of ways, have often been adduced in drawing contrasts between the social systems of Europe and the Middle East over the last thirteen hundred years. There is undoubtedly a difference of emphasis, in some features more than others, and to this we will return. However, if we look at these features from the standpoint not of Europe, or North Africa, but of Africa south of the Sahara, the differences in emphasis do, I suggest, seem rather slight. The same is broadly true of marriage

Table 1. *Western and Eastern structures* (according to Guichard 1977: 19)

	Oriental structure	Occidental structure
1 System of descent ( <i>filiation</i> )	Strictly patrilineal (only kinship in the paternal line counts)	Clearly bilineal (great importance given to the maternal family and to marriages ( <i>alliances</i> ))
2 Conjugal pair	has little strength because of patrilineality ( <i>agnatisme</i> ), polygyny and ease of divorce	The basic cell of social organisation because of bilineality ( <i>cognatisme</i> ), the tradition of monogamy, and the weakness of more extended kin groups.
3 Kin groups	Derived from the segmentary tribal system. The basis is the agnatic lineage ( <i>lignée</i> ), a group clearly defined in time and space in relation to an ancestor, bound together by <i>'asibiyya</i> (solidarity) and having a great influence at all social levels.	In the aristocracy alone, the ascending kindred ( <i>parentèle bilatérale</i> ), which does not exist in itself but only in relation to each individual, therefore having no continuity in time, nor cohesion in space.
4 Matrimonial alliances	The agnatic group has strongly endogamous tendencies. Preferred marriage is with the father's brother's daughter. To give a wife to another lineage ( <i>lignage</i> ) is dishonourable and the wife-takers are superior to the wife-givers.	Tendency towards exogamy. Endogamy is also found but for economic rather than social reasons. Marriage alliances are valued; women circulate, bringing goods and honour; the wife-givers tend to be superior to the wife-takers.
5 Position of women	Strict separation of the sexes and exclusion of women from the public sphere.	No rigid separation of the sexes; in the Germanic tradition, women appear to be able to play a public role and to have some political authority.

Table 1. (cont.)

	Oriental structure	Occidental structure
6 Notion of honour	Arising from being rather than having; feminine honour is passive, masculine honour, active.	Honour is tied to the possession of a title, a rank or riches; it can therefore be handed on and circulated in the social system.

transactions. The so-called brideprice payments among the Arabs, as is the case with the payments listed in the earliest European version of the 'barbarian' laws, were largely directed to the bride, not to her kin (though they may pass through her father) and thus constitute a form of what I have called 'indirect dowry'. I need to substantiate these points before examining what seem to me more significant differences and this makes it necessary to refer to some technical and definitional arguments about the nature of these features in a wider comparative perspective. These arguments are elaborated in Appendices 1 and 2. So that the chronological and thematic course of my essay does not become too interrupted, I refer yet a further discussion to Appendix 3, in which I broach the question, touched upon by Guichard, Macfarlane and others, of the bilateral nature of European institutions and the claim that this is revealed in the terms that were used to address and refer to kinsfolk. Here, as elsewhere, 'bilaterality' is a slippery concept to deal with but I would argue that it is implicit not only in all European systems but in all Circum-Mediterranean ones as well.

#### KIN GROUPS AND GROUPINGS: SUCCESSION, INHERITANCE AND DESCENT

The major focus of Guichard's attention is on 'the system of descent' and 'kin groups' (items 1 and 3) which, as his remarks imply, can well be considered together.<sup>2</sup> The presence of strong patrilineal groups in North Africa is also seen as directly linked to the weak

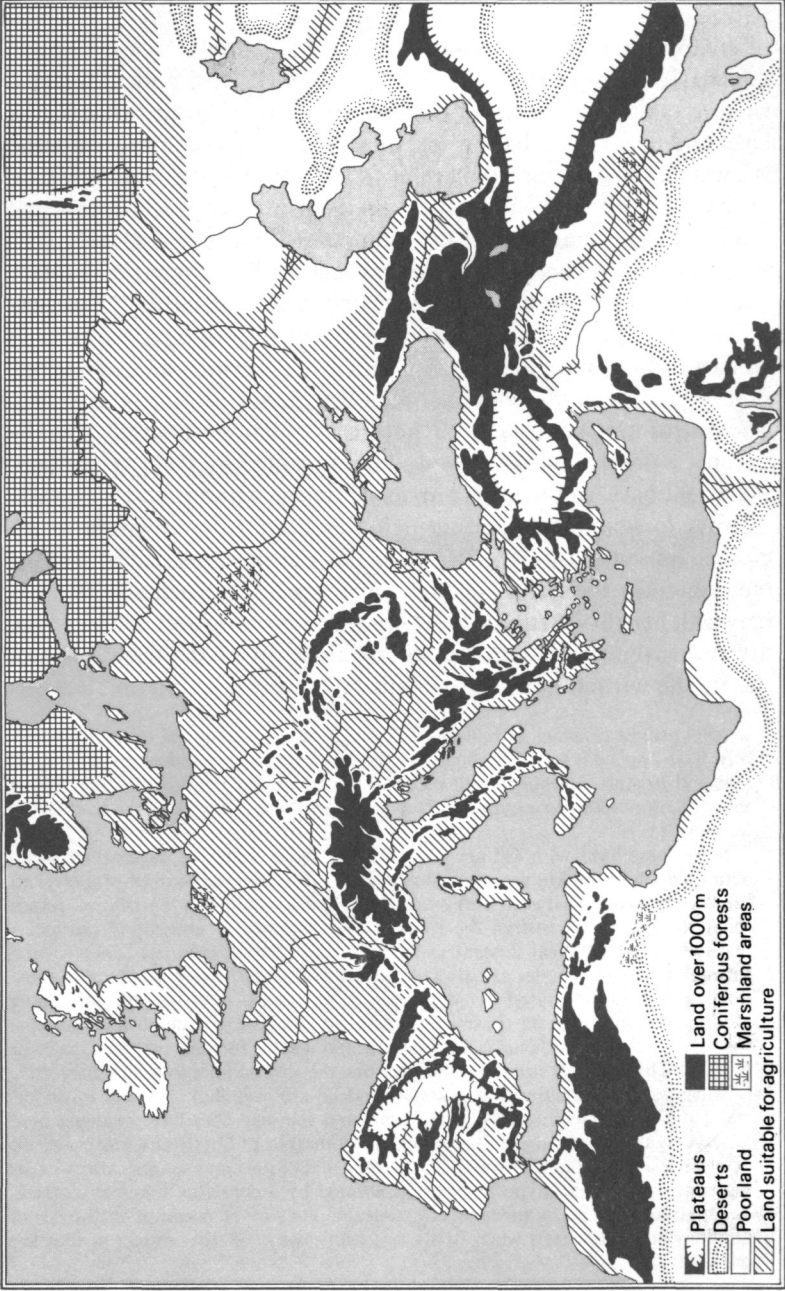
<sup>2</sup> In Table 1 I have translated the French term 'filiation' by the English 'descent'. In English anthropological usage the two terms have been distinguished, descent referring to eligibility to membership of a kin group (following Rivers) and hence to its genealogical framework. Some writers have confined the usage to unilineal

nature of the conjugal bond, to the prevalence of polygyny, the ease of divorce, and more generally to the low position of women, which Guichard considers under different heads (2, 4, 5 and 6). Here I want to take a closer look at the difference that is said to exist on the level of descent and filiation, partly with a view to shifting attention elsewhere. In so doing I shall refer to the African situation, now and in the past, because in this way one can place the European and North African material on kin groups in a more satisfactory perspective than has been provided by much earlier comparative work.

Here I return to my third caveat. In considering either the history of North Africa or developments in the European past, we have to be clear whether we are dealing with tribal or with settled regions (not to speak of differences between the classes within those areas). The role of kin groups and the nature of 'filiation' differed radically in each, a point that has been well documented by Peters (1976) for the recent past. In the settled areas Islamic law and practice allocate a dowry to women and permit them to inherit the conjugal property of their parents, though they may not enforce this claim, leaving their share in the hands of their brothers in return for other, less material, benefits (Mundy 1979). In those farming and urban areas, the extensive agnatic lineages so characteristic of the tribal peoples (where the written norms of Islamic law received a different weight-

descent groups (to clans or lineages), although others, taking the term more literally, have applied it to 'descending kindreds' and similar groupings that are recruited and organised around both paternal and maternal filiation. In English the term 'filiation' refers to parent-child links that are necessarily 'bilateral' in virtually all societies.

Since these links with kin are used across a wide variety of contexts of social action (eligibility to kin groups, succession to office, transmission of property, all kinds of behaviour between kin) we cannot oppose societies as 'patrilineal' versus 'bilateral', unless we restrict the usage to the presence or absence of particular features, e.g. patrilineal descent groups. In these varied contexts, links to and through males or females are always given a differential stress; to describe these differences I would myself avoid the terms 'patrilineal' and 'matrilineal', using paternal and maternal for the immediate links of filiation, masculine and feminine for those *to* males and females, and agnatic and uterine for those *through* males or females. These usages are not standard; but the distinctions to which they refer (not necessarily the terms) are essential (indeed are minimal) if we are to understand the variety of human organisations and the way they have changed over time. A significant number of problems in the analysis of family and kinship could be cleared away by more careful distinctions, definitions and usages. Many existing controversies and hypotheses are generated by ambiguities inherent in terms like 'patriarchal' and by the tendency to deal crudely in the presence or absence of qualities (affection, etc.) when it is more subtle ways of discrimination that are required.



Map 1. Europe: mountains and plains

ing) are less significant than bilateral ties. As Ibn Khaldun long ago pointed out, the solidarity of the lineage was radically modified in the urban setting; while some importance was still attached to carrying the same patronymic (the same 'surname'), any groupings that emerged were very different both from the segmentary lineages of the pastoral tribes and the kin groups of the farming population.

Europe itself was differentiated in a similar way until very recent times. In presenting his picture of the early modern period, Braudel has drawn a broad contrast between the civilisation of the plains and, on the one hand, the hill zones, and, on the other, the cleared forests of northern Europe. In the forest and on the hill, as later in America, all one needed was a pick and an axe to make the land productive. But in the Mediterranean plains, rich and powerful landowners were instrumental in the organisation of production, the optimum level of which could be achieved only by a disciplined social order. Egypt and Mesopotamia were never farmed by independent peasants. In Spain, travelling from the dry to the irrigated zones meant leaving behind a 'relatively free peasant to find a peasant slave' (1972 [1966]: 75), inherited from the Muslims with the irrigation system during their long occupation from the eighth to the fifteenth centuries. The plains, argues Braudel, were 'the property of the nobleman', in Spain, in Portugal, in Italy, as in the irrigated lands of the Moroccan Sous, where, once again, the gap between rich and poor was much greater than in the hill areas.<sup>3</sup> It was the same in the great plains of the Balkans, in Bulgaria, Rumelia and in Thrace, where the Turkish regime of large estates and serf-villages took strong root, as it never succeeded in doing in the mountains. Of course there were exceptions. In some plains, such as the early Roman Campagna, the lands of Roussillon in southern France, or in much of Provence, there were small and medium-sized farms; after 1486, Catalonia was a land of prosperous peasantry. Nevertheless, Braudel maintains, a general contrast is found. The difference had an important influence on the organisation of kin groups. For it was in the hill areas, the areas of freedom from the imposition of State and landlord, that clans played a significant role.

So in Europe, as in the Middle East, the settled agriculturalists tended to be more bilateral, while clan organisations, giving a

<sup>3</sup> On the difference between the French nobility of the highlands and lowlands, see Le Roy Ladurie 1978: 14ff,97.

greater emphasis to branching agnatic kinship, were found in the less accessible regions, not only among pastoralists but also among those involved in a predatory economy, though the two occupations were not always distinct. Indeed, the presence of such groups may have enabled the tribal systems of the Basques and Cantabri to meet the challenge of the Muslim invaders from North Africa more effectively than the inhabitants of the plains, since their similar segmentary organisation prepared them for the continual warfare that true resistance required (Glick 1979: 142).<sup>4</sup>

Although such differences existed in the organisation of kin groups and groupings, the contrast must not be drawn too dramatically. No kinship system is entirely agnatic; even where we find patrilineal clans or lineages (which should not be confused with the *lignages* of medieval scholarship, see Appendix 1), that is, large ramifying descent groups organised on a unilineal basis by means of recruitment through the father, kinship relations are almost invariably bilateral since ties also exist with and through the other parent, ties that are often of political and social importance. The same is true of matrilineal clans. The kind of rigid exclusion that is often posited by Guichard and other writers is rarely found, even when unilineal criteria are used by groups, and recognised by the actors, as a means of recruitment and organisation. For though descent groups are unilineal, kinship is everywhere bilateral.

In the period of the classical civilisations, forms of clan organisation appear to have existed right round the Mediterranean, as it still does among the pastoral peoples of North Africa and some hill tribes of the Balkans, and in very residual forms in Ireland and Scotland. In the early medieval period, the existence of patrilineal clans among the peripheral Celtic peoples is well attested (Patterson 1979). But there is also evidence of such groups among other Indo-European peoples. In

<sup>4</sup> The usage of the term 'segmentary' in the social sciences is drawn from Durkheim's analysis of the division of labour. It was employed by him with reference to the Kabyles of North Africa and subsequently in Montagne's study of the Berbers (1930); the concept was greatly elaborated in Evans-Pritchard's classic account of the Nuer (1940) and has since been widely used in social anthropology to characterise the process of association and opposition of nested social groups at different levels of inclusiveness. The word has been used for a certain type of non-centralised (or acephalous) polity, such as that of the typical Bedouin tribe, in which this process forms the basis of the political system; but I have argued elsewhere (1957) that such a usage is better avoided since, while the process is of great importance to 'tribes without rulers', it is in no sense confined to them.

reviewing the literature on Europe, Anderson remarks that although it is difficult to define the exact nature of the Celtic *clann*, the Greek *genos* and the German *Sippe*, we do find patrilineal, exogamous clans – of the type of the *gotra* of modern India – in the *fis* of Albania and the *plemé* of Montenegro, as late as the early part of this century (1963: 3–4). In the Eastern Mediterranean there is much earlier evidence of clans among the Ancient Hebrews, the Ottoman Turks, the Ancient Greeks, and the Romans – all civilisations that we know from the written word – although in general the importance of these groups appears to have been limited; they were certainly not exogamous, indeed their members were often encouraged to marry in rather than out. In the settled areas of Mediterranean Europe they disappeared altogether in the post-Roman period, even in their residual forms. But in North Africa a clan organisation was re-established, or reinforced, as a result of the seventh-century invasions of the Arabs, who had a strong tradition of nomadic pastoralism. This invasion entailed not only the substitution of a more diffusely organised Islam for the highly centralised Christianity of the Roman Church, but also the re-introduction of ‘oriental’ structures of kinship and marriage, that helped to set the northern shores of the inland sea apart from the southern littoral. I say re-introduction because Guichard (1977: 342) observes that the process of Romanisation, beginning with the defeat of the Carthaginians in the Second Punic War (201 B.C.), had led to the disappearance of the *gentilitates* in Spain.<sup>5</sup> Clearly it is difficult to know what kind of *gens* this had been, but the notion that Rome, and Roman Christianity, did away with clan organisation is in itself significant. Did the same occur in North Africa under Christianity? What happened when the Germanic peoples and other barbarian tribes over-ran the Roman Empire and occupied the Balkans, Italy, North Africa and Spain, and became converts to Christianity? Their laws reveal little emphasis on unilineal structures of any kind.

<sup>5</sup> Glick assumes that the *gens* of the Hispano-Romans was ‘patrilineal and agnatic’, in contrast to ‘the matrilineal systems of the Cantabi and Basques’ (1979: 142). Both are contrasted with the bilateral systems of later Europeans. As I explain in Appendix 1, by patrilineal systems of descent I mean the reckoning of membership to, or organisation of, a unilineal descent group, that is, a clan or lineage. Agnatic I use in a more general sense for relations through males. All systems are bilateral in one sense; but the word may also be used for societies where unilineal descent groups are absent. Bilateral societies may be given different values of agnatic or uterine emphasis depending on the context of interaction.

The difficulties in reaching an understanding of the social organisation of these early European peoples are many. For in the virtual absence of any indigenous writing before their conversion we see them only through Roman eyes, or else after contact with Rome, with Christianity, and with the developed economy of the Mediterranean, which transformed their societies in very radical ways. Among the Germanic peoples, the evidence of the Anglo-Saxons, those post-Roman settlers in a peripheral Roman colony, is in some ways the clearest. At the dynastic level at least, they operated by means of an agnatic genealogy by which local rulers traced their roots back to the god Woden, and even to Adam (Stenton 1971: 19; Sisam 1953: 305 and Bede's *History*); starting from this apical ancestor, the calculus appeared to spread out in the way that distinguishes the branching genealogy of a lineage from the lineal pedigree possessed by every royal house. However, at the local level of social organisation, we find bilateral groupings (specific personal and descending kindreds, not merely the universal bilateral reckoning of kinship) were significant in matters, for example, of inheritance and feud; given the diffuse nature of the authority structure of the kingdom, the protection given to individuals by such groupings of kin was a factor of great significance,<sup>6</sup> for in weakly centralised states, justice is more often obtained through organised self-help.

Whatever the situation may have been earlier, the Anglo-Saxon England we learn about from literature and records was marked by the absence of patrilineal clans – and hence of patrilineal descent, in the technical sense of eligibility for such groups, the criteria by which they are recruited or organised.<sup>7</sup> Kin groupings (or ranges) were bilateral; that is, they were neither recruited nor organised on a patrilineal or a matrilineal basis. Responsibility for vengeance spread out through maternal and paternal kin.<sup>8</sup> Nevertheless, given

<sup>6</sup> For a recent and very thorough discussion of early medieval genealogies, see Dumville 1977.

<sup>7</sup> On this topic see Philpotts 1913, Gluckman 1955, Lancaster 1958, Black-Michaud 1975, and other writers.

<sup>8</sup> In medieval Castile responsibility for violence was also a 'bilateral' affair (which Glick regards as 'Germanic'); vengeance for the murder of a relative was not a crime if the avenger had the same great-great-grandfather as the original victim (Glick 1979: 142). Gradually responsibilities shifted away from kin. Kinship solidarities, especially in the shape of the 'extended family', diminished in the high Middle Ages as public authorities ensured personal security; as the Church promoted the 'Peace of God'; as guilds and military orders replaced other ties; and as

that post-marital residence was usually virilocal, that is, women went to live with their husbands who in turn often resided with or near their fathers, and given that offices were by and large transmitted between men, the system of kinship had a definite bias in favour of the agnatic line. In another context, however, the 'bilateral' emphasis of the system received further underpinning in the way that property was devolved between the generations. Both men and women had claims on the funds established at the marriage of their parents, either in the form of an endowment at marriage or by way of inheritance at their death.

#### MARRIAGE TRANSACTIONS AND INHERITANCE TRANSFERS

A bride could receive transfers not only from her own but also from her husband's parents. The latter transfers I call 'indirect dowry', although many authors use the term 'brideprice' – misleadingly in my opinion since brideprice (now usually known as 'bridewealth' in order to avoid the implications of 'bridepurchase') is already employed for a very different kind of payment found in many sub-Saharan African societies. This problem is examined in greater detail in Appendix 2.

As a marital transfer or assign, dowry was characteristic of the major societies of the ancient Mediterranean, and probably of most, if not all, systems of clanship in Europe. The very fact that women as well as men are given these rights in money, goods or land means that the notion, and especially the practice, of clanship differed in certain important respects from the sub-Saharan African model. First, in Europe and the Mediterranean women acquired property from males as well as from females, at marriage, through inheritance, or both; this was so virtually from the earliest times of which we have knowledge. Under a bridewealth system of the African kind, women are the subjects of transfers of property between males at marriage, not the recipients of those goods; their inheritance is from other females rather than from fathers, brothers or husbands.

as urbanisation and colonisation fragmented kinship bonds. 'Feudal relations, involving the dependency of unrelated persons, were . . . substitutions for bonds formerly maintained within the kindred circle' (p. 143). I argue that the actions and ideas of the Church played a significant part in this process, but these important socio-political factors were also at work.