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# *The European Family* *An Historico-Anthropological Essay*

Jack Goody

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## Dowry and the Rights of Women

As we have seen, one of the fundamental features of European marriage, from earliest classical times to the nineteenth century, has been the allocation of parental, occasionally other, property to women at marriage in the form of the dowry. Indeed it is one of those features that goes back not only to the Bronze Age societies of the Near East but is a widespread aspect of all the major Eurasian societies in stark contrast to those of Africa and other similar economies.<sup>1</sup> It constitutes part of what I have called the woman's property complex and it may supplement or act as an alternative to inheritance at death or to other forms of transmission between the living.

### Dowry as Devolution

<sup>MB</sup> Dowry, I have suggested, ~~should be seen as~~ <sup>is</sup> part of the process whereby property is transmitted between the generations; such devolution includes not only inheritance but also educational expenses, marriage transactions (including dowry) and other transfers between the living. Regarding dowry transactions, attention has been called to the different forms these may take and it is claimed that I see dowry as excluding women from inheritance. <sup>MB</sup> That is not the case.<sup>2</sup> (I see both dowry and inheritance as part of an intergenerational process of devolution in which daughters have

access to parental property.<sup>3</sup>) Of course, it makes a difference if the property is handed down earlier rather than later. The problems involved I have discussed not only for inheritance (which I refer to as the King Lear situation) but also for succession to office (the Prince Hal situation).<sup>4</sup> Although often managed by the husband as part of a conjugal fund, the dowry continues to belong ultimately to the wife and her offspring, as we see in the arrangement made for her widowhood (dower, *douaire*) which were linked to the initial contribution made on her behalf. As has been emphasized for medieval London, marriage involved transfers to a 'partnership' (what I have called a conjugal fund) 'in which both partners and their families contributed capital and real estate to make a viable, familial, economic unit'. The announcement of the property exchanges and promises were made at the church door at the time of marriage, to secure ample witnesses.<sup>5</sup> When women lived longer than men after marriage, which they did especially with the later dowry of one third of the husband's estate for her life use. Widowhood gave her much greater legal and economic freedom. Her children too were provided for, the large majority being in the custody of their mothers, who frequently remarried when they were well-off. In sixteenth-century England one-third of widows remarried. In a class stratified society, families sought to preserve the status of daughters as well as of sons and therefore endowed them with property, usually less but sometimes more than their male siblings. Such transfers meant that they could try to make a 'match' within the same socio-economic group and so preserve the way of life of themselves and their offspring, as well as the reputation of their families. Marriage usually aimed to be within the same group rather than outside, although the Christian church insisted that close kin (sometimes most kin) should be excluded as potential partners.

### Marriage of Heiresses

Restrictions on the marriage of women were strongest when they were heiresses, that is (brotherless daughters who were eligible to inherit under the widespread Eurasian practice of direct inheritance, whereby property passed to the offspring, both females and males, before going to any collaterals (siblings or their children)). Heiresses were of course particularly attractive as spouses and their

wealth made it possible for them to bring husbands sometimes from lower groups or younger sons from upper ones, to come and live with them rather than their having to move to the husband's house, as in ordinary marriages. Under the demographic conditions that obtained some 20 per cent of couples might at the end of their lives find themselves with female rather than male heirs; as a consequence the heiress often played a dominant role in important spheres of family life.

One way of keeping family property in male hands was of course by adoption, but we have seen this was ruled out by the church, effectively in favour of the rights of daughters (and in effect of itself). The same applied to collaterals. The banning of the alternative (male-centred) strategies of heirship by the church meant that greater emphasis was placed on the transmission to brotherless daughters. That remains true today where rural property is particularly affected.<sup>6</sup>

### Women Endowed

The fact that brotherless daughters inherited as heiresses before male collaterals must perhaps qualify some current views about the fate of women. In the sixteenth century Bologna is described as a 'patrilineal society' in which 'the entire inheritance went to the sons, minus the considerably smaller share used to endow daughters, either for marriage or for the nunnery'.<sup>7</sup> That of course is a very considerable qualification to the notion of 'the entire inheritance' going to sons, since the dowry was not everywhere smaller than the son's share. And in any case with the 20 per cent of couples who died with no direct male heirs, it was daughters who inherited 'entirely'. Moreover such endowments are intrinsic to the system which aims at 'a union between economic and social equals' both in upper-class families and among the peasantry; endowment is a major mechanism for accomplishing a measure of 'class' in-marriage.

One historian writes of the High Middle Ages in Europe (1150-1309) in the following terms: 'most brides came with a dowry from their family and received a smaller marriage gift from their bridegroom or his parents. These two parts together made up a marriage portion [conjugal fund] which, after the death of the husband, provided for the care of the widow. The administration of the portion was entrusted to the husband who, however, could

act only with the consent of his spouse and her friends. After the husband's death, also, a widow was often appointed manager of the estate until the children reached majority. To recuperate her portion, a widow had precedence over all other creditors of an estate'.<sup>8</sup> They were hardly without rights.

### Women, Endowment and the Church

Such transfers continued to structure the majority of European marriages until recent times. In the early days of Christianity, as has been suggested by Gibbon and others, it made rich widows a potential object of attention by ecclesiastics who wanted to accumulate funds for the church. The teachings of canonists and theologians defended the wife's right to dispose of non-dotal assets as she wished, 'in particular for the purpose of pious donations and bequests'.<sup>9</sup> Such attention led in turn to protests by the families and by the state, but it continued to occur, especially in Catholic countries, until recent times.

These extensive ecclesiastical institutions had to be supported by endowments or gifts. The problematic involvement of the spiritual community in the alienation of family property was a continuing aspect of Christianity as can be seen from the analysis of Jesuit fund raising.<sup>10</sup> The order started in totally rejecting worldly goods for themselves, but since they were devoted to rechristianization and conversion the Jesuits discovered that they needed funds to acquire buildings and run an educational programme. So successful were they in this endeavour that 'this funding process . . . represents one of the largest private money-raising processes ever undertaken'. It came to be carried out very professionally, especially in their approach to widows. A married woman's dowry in patrician families in Italy in the sixteenth century was worth up to 20 per cent of the family's assets. This sum came under the husband's management but had to be invested to produce an income for the wife, of which she would have some for spending herself. That income she could use as well as non-dotal sums (for example, inheritance from relatives) for gifts, including ones to the church. As a widow she had much greater control and she could use her wealth to assist a priest, the 'father-confessor' on whom she often depended, sometimes in ambiguous ways; 'at the pivot of women's giving was a relationship between herself and her confessor'. That relationship did not go uncontested by families, who

might imply an element of forbidden sexuality. In fact the hierarchy sometimes had to intervene to restrain their own representatives. At Bologna the Gozzolini family considered itself particularly abused by the influence of the Jesuits over their women and the order there considered it prudent for a time to avoid legacies. Ignatius Loyola was concerned to reconcile the need for money to Christianize the world with the desire for good relations with the powerful. That was not always possible, leading to ambivalence towards the order and to its occasional expulsion, as from Venice in 1606. The vulnerability of the family fortunes fostered resentment. As a result, there existed an often fraught relationship between the funding of good works and family interests. It is probable, as some commentators have remarked, to interpret this problem in purely materialist terms. The history of the Jesuits shows that to be a limited interpretation of the impact of 'great organizations' such as the Christian church, whose spiritual activities necessarily altered family relationships partly because of the material demands. Both bequests and objections repeat events at the end of Antiquity and throw light on the continuing needs of the church and the demands it made, the contributions given, against family interests.

### Dowry and Class

The amount and even the possibility of dowry is related to class. The poor had little to offer, for the dowry was normally provided by the bride's parents; however in some cases an indirect dowry might be supplied by the parents of the groom or by some charitable foundation (often the church in Catholic countries) or else acquired by self-accumulation, that is, with the girl going out to work, saving her earnings and accumulating her own trousseau. Since it takes time to save in this last way, that process is clearly associated with a later marriage age for women and with the establishment of a certain measure of independence from their parents. With an earlier age of marriage, this mode of saving for a dowry would disappear, possibly leading to an increase in the number of informal unions.

In poorer families even provision by parents might be linked to the adolescent working for them, just as bridewealth is similarly linked for a boy in West Africa. That provision was supplemented by 'pin-money' (referring to the process of packaging pins in

paper, which was a source of personal income) carried out in one's spare time for an outsider such as a merchant. But a more secure way was to work outside the home on a long-term basis with the aim of saving money to establish oneself in marriage. One of the points that an analysis of kinship among the propertyless classes of western Europe in the nineteenth century brings out is that while there was little property to hand down, it was 'a common lower-class practice' for daughters to earn their own dowry.<sup>11</sup> However, parents did contribute to the costs of apprenticeship and schooling, in other words to educational expenses, in which they were sometimes helped by other kinsfolk. Self-accumulation was certainly one aspect of the European (especially the northern European) practice of adolescents going out to work on other farms as 'in-living servants'. At one level this was a 'rational' way of allocating labour, since any farm could keep what work-force it needed and dispense with the rest. At the same time the adolescents accumulated savings for the future, as they did if they went to work in the towns either in service or elsewhere; that constituted a form of temporary labour migration. Many of the migrants were females. Many pre-industrial cities in Europe were composed predominantly of women, often in service (whereas in African towns men are in the majority).

### Leaving Home

Girls would leave home as early as 12 to 14 years, sons two years later. The demand for girls in dairying was especially strong in livestock areas. With the development of manufactures in the late seventeenth century, employers came to the country looking for cheap labour and to be near the sources of raw materials and of water power, so that alternative forms of local employment increased, especially for women, although opportunities in brewing and the preparation of food had long existed. The increase in such employment, together with putting-out and cottage industry more generally (in other words, proto-industrialization), tended to keep children at home and possibly encouraged the substitution of work training for dowry, as in the towns. The parents trained daughters to do a job, and benefited from their labour before they left home.

### Roman Law and Common Law

There was a difference between societies under Roman law and those who followed common law. The first decreed 'let no marriage be found without a dowry as is possible', whereas under customary law there was greater flexibility, the principle being 'dote qui veut', 'endow who wishes'. While the first was carefully recorded by a notary in 'le pays du droit écrit', the country of the written law, under the common law a record was made only in cases of strict settlement among the aristocracy.

### Disappearance of the Dowry

The greater flexibility of common law practice may be associated with the fact that among urban workers in some northern countries such as England, the dowry tended to disappear earlier, being replaced by the notion, already existing in the poorer classes, of providing children with the education and training needed for work.<sup>12</sup> That change affected middle class practice but not until the end of the nineteenth century in England and some thirty years later in France. In many parts of southern Europe, especially in the rural Mediterranean, ethnographic reports show that dowry transactions continue to be important even in recent times as a way of establishing a married couple.<sup>13</sup>

### Dowry and Violence

In this shift away from dowry there may also have been some consequences for marital violence. In northwest Europe, where dowry disappeared earlier, a husband is two to three times more likely to murder his spouse than is a wife; in Languedoc (and possibly more widely in the south) the opposite is the case. The motive behind murder given by rural wives in the south is the desire to repossess their dowry and then to remarry. The dowry 'often entailed deep resentment by a wife that her husband was misusing her and her property and that his removal would allow her to repossess what was her own'.<sup>14</sup> This shows that the dowry was recognized as her contribution to the conjugal fund. Dowry disputes also figure among premeditated murders by men and

Hutton reports cases where wives have been killed because they did not finally bring what had been promised at the wedding.<sup>15</sup> That kind of murder is not found in the north. It was not so much the voluntary nature of the northern dowry that made the difference but rather 'the premature emancipation of working-class couples in north-western Europe from a parent-donated dowry'.<sup>16</sup>

From several points of view women in the northwest seem to have been less exposed to the extremes of marital violence than were Mediterranean wives. They could circulate more freely outside the home, could bring court cases themselves and later on were less influenced by father-confessors, so that their expectations of equal treatment may have been higher.

### Informal unions

In a dowry system, especially under Roman law, not all prospective partners could accumulate the necessary funds but instead they entered into an 'informal union'. Such unions were particularly likely to occur with servants working away from home and living in the relative anonymity of the town. As a consequence many children were born out of formal wedlock and their existence should lead us to modify the results of demographic analyses based on parish registers. In sixteenth-century England, one-fifth of rural children were conceived (not born) out of wedlock, less in the following century possibly because of the increase in clerical control in both Protestant and Catholic areas generally. That control gradually receded, especially in towns, and at the end of the eighteenth century in some French cities up to 17 per cent of births were out of wedlock. The estimates for both informal unions and non-marital births fluctuate considerably, depending upon the economic situation and upon political factors but it seems to have been particularly high in England after Hardwicke's Marriage Act of 1754 when it has been suggested that as many as half the unions in England were unregistered.<sup>17</sup>

### Changes in the Portion

The dowry has been seen as becoming increasingly formalized in the sixteenth and seventeenth centuries when 'women became bearers of liquid wealth'.<sup>18</sup> With the woman's property complex

they were always bearers of wealth (not always liquid but frequently mobile, of necessity; they moved, it moved) but the proportion of the family estate given to the bride, or demanded by the groom, varied and may at that period have risen above the rate of inflation, at least in upper groups. Higher dowries were likely to be more formalized but formality must also be a variable over time. It is doubtful if there was any unilineal development. Certainly at the end of the eighteenth century efforts were made in Spain to limit the amounts involved, as had happened elsewhere since the extent of wealth having to be handed over at marriage was a pre-occupation of the senior generation on many early occasions in European history.<sup>19</sup> In noble and other families the high level of the dowry may have led them to consider seriously the number and sex of their children, leading to a falling birthrate between the sixteenth and eighteenth centuries when the average dropped from four to two children. That meant a contraction of the time such women devoted to childbirth; in the French aristocracy at this time women had finished childbearing by the age of 25, giving themselves greater opportunity to pursue other interests, at court, holding salons and in general making France the paradise for (upper) women that the philosopher Hume and others perceived.

### The Ecclesiastical Dowry

A related feature of Catholic countries was the number of girls going into convents, which demanded a dowry but often a smaller contribution than marriage itself. Before 1650 three-quarters of the daughters of the Milan aristocracy entered convents. That was exceptional; elsewhere in Italy the proportion was one-third, which still reduced considerably the total fertility rate and dowry expenditure for this class. In England that possibly did not of course exist after the Reformation; daughters were more likely to marry out of their class, although a varying number remained spinsters – in the British peerage as many as 25 per cent in the eighteenth century, again reducing not only fertility but endowments too. However, aristocratic spinsters were then taken care of on the family estate, reducing the available wealth. In middle-class households too there were large numbers of unmarried women, often literate, who went to work as teachers, governesses, housekeepers, or even as authors. Lower down the social hierarchy

spinsters might cluster together like poor widows to save on expenses, but they still suffered considerable distress and lived less long than married women.<sup>20</sup>

### Critics of the dowry

While the economics of the dowry impinged upon the domestic decisions respecting women, that was mainly because they were recipients of wealth, sometimes more than their natal families (and at times too the church and state) thought they could bear. So that, in this and in other ways, dowry has not always been regarded as an unambiguous benefit to women. At the French Revolution some female reformers (and earlier too some religious ones like Arcangela Tarabotti in Venice in the 1640s) attacked the dowry system as a constraint on women. It is not clear what they would put in its place since they clearly wished women to acquire the property that Condorcet saw as the foundation of citizenship.<sup>21</sup> Rather they seem to be objecting to the management of these funds by their husbands.

Dowry then has been seen as limiting free choice and as constraining women in other ways, such as having to obey the wishes of their families. Some have seen it as linked with the maltreatment of women, as in the recent 'dowry deaths' of India. The latter problems generally arise when a dowry is thought to have been promised but does not materialize. As a result the bride may then be brutally treated.<sup>22</sup> However under certain circumstances (for example, that of 'the merry widow') the dowry which is settled on the woman but often managed by the man is a factor promoting her independence; in any case it gives her family a continuing interest in her fate. As for constraining the choice of partner, that is undoubtedly the case but such constraint is a feature not of dowry alone but of the whole socio-economic system of post-Bronze-Age societies that stratifies women as well as men; people are expected to marry within rather than without, like rather than unlike, either of their own volition or of that of their kith and kin. That is not to say that choice by partners, involving 'love', was not also a factor; as Hufon amply bears out, in most cases there was not a crude alternative between arranged and love marriages (the former 'traditional', the latter 'modern'), for parents would in general be ill-advised to ignore the wishes of the young and vice versa. Whatever the role of love insisted upon by some historians

in the eighteenth century, money was still involved in marriages, especially among the aristocracy.<sup>23</sup>

### Dowry and Divorce

What was the effect on the working of the dowry of the ban on divorce? One ancient historian notes that 'the women's property often gave Roman husbands an incentive to be attentive to their wives' wishes', since wealthy matrons could always divorce overbearing husbands. There is no evidence that this was the case in later Europe, for example in Florence.<sup>24</sup> Wealthy wives might still 'wear the trousers' because of what they had brought to the marriage, especially if they were heiresses. But they could not exercise the threat of divorce itself until the present century.

### Marital Contracts

Many marital contracts in south Italy, which in the eighteenth century often included the provision of a home (or of rent) by the bride's parents, note that the items provided constituted part of her inheritance, and a few specify that she renounce any further claim on the patrimony.<sup>25</sup> As has been remarked, the *dote* for southern Italy was 'a settlement' and the property received was hers, though it came under the husband's administration.<sup>26</sup>

The provision of such a settlement required a great deal of planning ahead, as has been observed for Locorotondo in Apulia, more so than in the case of inheritance.<sup>27</sup> Marriages required the accumulation of property to establish the new couple, in varying degrees of independence. As a consequence, marriage was often delayed so that the senior generation could organize the property transfer to both women and men. In general one would expect societies that gave large dowries, that is, with a woman's portion being roughly proportional to a husband's or a brother's wealth, to have later marriage, even when the bride and groom were not responsible for contributing to their own endowments, though that was not always the case.

### Dowry: Movable or Immovable?

It was not only the transmission of property to women and the timing of the transfer that was important but the nature of that property. In the case of an heiress the total estate was involved, including land and houses. But in other instances too women's dowry or inheritance might or might not include immovable property, with each possibly having very important consequences for social life. It seems to have been general in Apulia that women passed on urban houses to their daughters, and in these communities female solidarity was strong.<sup>28</sup> Meanwhile the old were looked after by their locally-resident daughters, potentially a more caring alternative to male-centred transmission. The link between care in old age, intergenerational settlements and pre-mortem gifts was clear in late medieval society and remains so in Mediterranean society today; it is a feature of most earlier societies without all-encompassing welfare provisions.<sup>29</sup> A change in the pattern of post-marital residence occurred in Apulia in the nineteenth century with fathers building places for sons in the country close to their own, a change associated with the intensification of agriculture demanded by the cultivation of vineyards. These were mostly day labourers and the pattern contrasted with the small proprietors of Calabria where the neighbourhood pattern was virilocal. The difference here was basically to do with the system of production which was central to family property. In Cyprus one finds the opposite trend, a move from transmission of houses to sons to transmission to daughters in order to attract proper husbands for them.<sup>30</sup>

The inheritance of houses by women obviously led to a measure of insecurity for widowers should their wives die before them. But in the much more likely case of the man dying first, the widow gained a great deal of security and did not find herself at the mercy of sons or step-sons, as she might in the opposite case.

The combination of dowry and dower has been related to the formation of the larger seigneurial ensemble, and particularly to its characteristic, what has been called the compensatory impartible mode of land devolution.<sup>31</sup> It is true that the dowry can often be regarded as a compensation for the woman being excluded from the inheritance of land, but the impartible or male-linked inheritance of land is only one possibility and dowry, both in land and in other forms of wealth, exists in many parts of Eurasia in the



absence of a seigneurial system (but not I think in the absence of complex land-based or livestock-based differentiation). Unigeniture (of the European type) is never anything but partial; there is always some compensation for younger sons as well as for women. Too close a link is made if one does not look comparatively enough.

### Dowry and the Position of Women

In generously acknowledging my work Secombe suggests that the conceptual framework 'renders an unduly positive impression of women's position in medieval families, minimising their oppression'.<sup>32</sup> I do not think I know of any simple way of assessing oppression, which certainly existed, at any particular time except in a comparative context. What I have argued is that any statement about the position of women must take into account the allocation to them of parental property, either as dowry or as inheritance. To see this as disinheritance is an error. This form of transfer is intrinsic to the system, not a temporary feature. Eleanor of Aquitaine provided an extreme example of what happened in a significant percentage of cases. It is essential to see inter-generational transactions as a totality and to understand gifts between the living (*inter vivos*), like inheritance, as part of the overall process of devolution which in a dowry system is 'diverging'. It is true that at marriage the husband often takes control of his wife's property, sometimes 'illegally' so, but the ownership becomes clear in the case of divorce. With the husband's death, the widow controls a dowry of one third of his estate. I am not arguing that these arrangements are not 'oppressive'; I am rather pointing to the difference with other types of society (for example, African cultures) in which women have no access to male property at all. The fact that in complex stratified societies they do is in my opinion related to the attempt of parents (not only fathers) to maintain the status of daughters as well as of sons.

It is the case that in England (as distinct from some parts of southern Europe) land was normally inherited by sons, in the landed aristocracy by entail. But cash dowries could be used to rent or buy land where there was a market. Secondly I have tried to make the point that in these systems brotherless daughters inherit land and chattels before the more distant males whom one might expect to benefit in a dominantly patrilineal ('patriarchal') system.

I do not see, as some do, women's property as being a breach of the 'patriline', a notion that I do not understand in this context, much less that of the 'conjugal patriline'.<sup>33</sup> If a woman inherits part of Aquitaine from her parents, or other property is bought in by her mother, it seems a curious inversion to regard this as a matter of the father's rather than the mother's line.

In conclusion the existence of dowry in Europe, and in Eurasia generally, was a central aspect of the family system, related to class differences that were relevant to women as well as to men. It structures the whole problem not simply of choice of partner but of the position of women throughout the marriage, especially after the death of the husband when widows often came to control what, in gross, was considerable wealth and which in earlier times they often channelled to the church. Wealth of course is not to be translated directly into authority and even power, but it makes an important contribution. In general dowry represented an empowerment of women.