Female Transmission in Comparative Perspective

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ABSTRACT: *To shed light on the women's part in family transmission of assets and power, we may observe that women, in France as elsewhere in Europe, were always party concerned in all devolutions of goods. The right of women to inherit their parents is even a common feature of European societies. Although some descendants, usually the men, may benefit some priority, an essential part of the inherited goods, passes down through women.*

Some anthropologists concluded that Western societies are bilateral to the core, although the two sides, the father's and the mother's, are seldom equally served. It remains anyhow that, being a heir to a fraction of her parental patrimony, the woman plays her role in the assets building of her own conjugal family, which owes her, more or less, a part of its well-being. Be it in urban or rural European societies, no married couple could be formed without some contribution from the man and the woman alike, irrespective of their later variable share in the household maintenance.

In Ancien regime France, there were substantial disparities according to place and social class in the way women inherited or were part to the administration of their own household – an effect of the disparate local laws. After a survey of these customs and laws, I intend to examine the cultural backgrounds of the French transmission patterns, before studying concrete cases of heiresses.

To shed light on the women's part in family statute and power transmission as well as in transmission of assets from a consideration of the French past inheritance patterns, first of all, we may observe that women, in France as elsewhere in Europe, were always party concerned in all devolutions of goods. The right of women to inherit their parents is even a common feature of European societies. Although some descendants, usually the men, may benefit some priority, an essential part of the inherited goods passes down through women.

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PATRIMONY TRANSMISSION: THE FRENCH LEGAL SYSTEMS

History of law notes profound disparities in the legal treatment of all parts of patrimony transmission through women – disparities which affect as well the nature of transmitted assets, their proportion to the patrimony as a whole, their legal statute. The various types of marriage contracts ought also to be considered. Then we have to take into account customary law systems which differed from province to province. Of course, we will have to consider these different jurisprudences as indicators pointing out varying conceptions of parenthood, differing gender valuations or diverging expectations concerning the role man and woman have to play in the household. But history of law already identifies main trends, which help us through this legal muddle.

a- Egalitarian or non-egalitarian transmission

There are two ways to approach inheritance devolution: either it is egalitarian, or there is, in the custom or law, a stipulation which gives a definite advantage to some heir – an advantage called a "preciput" – an endowment from the patrimony, before sharing out. Geographically, North of France is considered more or less of egalitarian type (Yver 1953, 1954, 1966) with some exceptions (Fauve-Chamoux 1998b); South of France would be inegalitarian. It is indeed an area of old roman law tradition – a "written law," as against the northern "customs" which would not be written before the 16th century.

Thanks to recent research,[1] we know better about the complexity of succession patterns in old times. This complexity is still to be read in the succession practices of our days, as shown after an inquiry by the public notaries about rural transmission in the last half-century (Goy et Lamaison 1985, Lamaison 1988): "In Southern France, the whole of rural estate is transmitted to only one child on the basis of a fictitious appraisal of value – which may reach down to 10% of the market value ... On the contrary, areas of strict egalitarian tradition, as Normandy, go on sharing rigorously land parcels." So it appears that knowing the text of past customs may be of some interest to understand actual practices.

1 For an updated overview of research in France, see Fauve-Chamoux, 2002.

For Northern France, Jean Yver mapped the different inheritance customs (Yver 1966), giving thus a very contrasted but reliable panorama of practices (Fauve-Chamoux and Ochiai, 1998). It would be indeed difficult to use it for mapping customs concerning only girls. More important, his mapping is using only one criterion - the inheritance devolution - which does not vouch for behaviours dependent on other criteria. According to this choice, the situation in South France would be very simple: only one heir-successor, exclusion of the other children, male or female, more or less endowed. Such a simplification does not fit with the variance of behaviours observed from Provence to Aquitaine.

b- Marriage "settlement in trust" (*régime dotal* with dowry) or joint estate (*régime de communauté entre époux*)

In the first case – settlement in trust –, when marrying, the girl receives a dowry which takes the place of inheritance. It remains her own property, her husband being only the manager. In the second case - joint estate - the assets acquired during marriage as well as those brought by each spouse when marrying are considered as common property of the two spouses, in the frame of contractual conventions. The "settlement in trust" was generally prevalent in South France; it was also the case in Normandy, to the North, where settlement in trust went along with a strict egalitarian treatment of all children, male and female alike. But joint estate was the case in the other Northern provinces.

Whatever the system, women received either a *dowry* when marrying or a part of the parental patrimony, at parents' death or, previously, as advancement. In the case of joint estate, the married women owned half the assets of the couple, in the case of settlement in trust, they owned only their dowry, which their husband managed. They could also receive a right on the assets of their deceased husband, the dower (*douaire*).

Life conditions in the household for the female surviving spouse depended thus both on types of marriage settlement and inheritance devolution. When married in joint estate, a widow could enjoy the prosperity of the family business or be crippled with debts. When married in trust, she could recover her dowry, and maybe a dower, or mourn her disappeared dowry due to the bad management of her husband.

Looking at history of law allows two conclusions about the transmission of assets through married women:

1) in all cases, married women were legal owners of a part of the couple's assets

2) It was always the husband's responsibility to manage the assets of both parts, even if his wife's consent was required when intending to sell a part of the joint estate. In principle, the dowry was not alienable. The marriage contract made all provisions for the marriage community assets.

If such is the general law, putting legal systems into practice allowed for some variations. For instance, a husband could give to his wife a power of attorney to manage the couple's assets, for instance in case of travel or disablement, or simply when he trusted her as a business woman. It was the case, in the 17th century with Mme de la Fayette, the famous author of *La Princesse de Clèves*. Her husband says to the notary that his wife, born Marie Madeleine Pioche, knows business much more than he does. Eighteen months after marriage, she gets by proxy "all power and right to take care and have an eye on every and all goods and transactions of their house, to receive every and all owed sums ... whatsoever the total sum may be." (May 6, 1656, cf. Dulong 1987).

Of course the wife has to account for her management as the man is legally lord and master in his household. It is still the case in 19th century rural Auvergne: as the husband try in Madrid to earn some money for a better life in the house, his wive, who heads it temporarily, does not omit to send him detailed accounts (Duroux 1992, 2001). There is always in a couple some compromise between law and practice. Of course, trust and fondness may be mutual between spouses, but we cannot help notice, with the case of Auvergne, some care by the women to display their attention for their husbands, and to be on their guard against any later criticism.

WOMAN AND PATRIMONY: THE SUCCESSION PRACTICES IN THE INEGALITARIAN SYSTEM OF SOUTHERN FRANCE

Let us consider now the cultural background related to the behaviours we are observing when women face the perspective of successoral transmission.

a- Ethnological data

Here we will analyze the case of women in South France, where, as we saw, assets are not transmitted to each child on a par, but where the dowry system is a common practice, for sons and daughters alike. Let us note that sometimes the settlement in trust for males is very similar to the one valid for females when, bringing a dowry, a male enters a family "as son-in-law" – when marrying a heiress to the estate. Such a custom is known since ancient times: Strabon, a Greek geographer in the first century, noted with some amusement that "by the Cantabres (a population in northern Spain), the one who brings a dowry is the husband, the women are heiresses and even are entitled to select the wife their brother should marry. These customs reveal a quite uncivilized gynocracy" (Strabon, III, 4, 18).[2] As a matter of fact, such customs were not at all signs of matriarchy or gynocracy, it meant only that the Cantabric people applied in

2 Strabon, Bude edition, Paris, 1966, p.78

full the law of *integral primogeniture*: the estate went to the first born, male or female, so that in about half the successions, the heir was a heiress.

This inegalitarian system favouring a heir or heiress, and excluding the other children who were more or less endowed, was usual in South France and in Alsace – that is in areas where small private tenures are prevalent, with an ideology giving more importance to the "house" – a socio-economic entity – than to "lineage." Hence historians and ethnologists are concerned with the strategies developed during the family course in order to favour or exclude such or such child. The case of heiresses is relatively simple, even if it is too often neglected by historians dealing with patriarcal models in Western societies (like Miller, 1998). Exclusion modalities concerning non-inheriting children are of main interest and are now under study (Fauve-Chamoux, 1998c, Bouchard, Dickinson and Goy, 1998).

In many cases, dowry is mostly a money donation. As the non inheriting male children receive also a donation – which in some parts of France is also called a dowry – , it is very instructive to compare dowries and donations, especially donations made to endowed girls' brothers: it is a way to approach the changing statute of women at different stages of the individual course, from the young female child to the marriageable girl, to the wife and later to the widow. But some women do not marry at all, and they experience a different life course: they may give their part of property to their eldest brother when they go on residing unmarried in the family "house"; some, who make a choice to take holy orders, do give their dowry to the church; the other ones, who live independently or as craftswomen, shall transmit what they have to their illegitimate children or to a member of their family, very often to a niece. Anyhow, never married women do transmit what they inherited or what they earn to the next generation. We cannot overlook their social and economic role.

Another interesting phenomenon is the conflict between tradition and new legal norms, as social researchers observed it from 1804 on – 1804 being the promulgation of the *Code civil* (cf Bonnain, Bourdieu, Derouet, Fauve-Chamoux, Goy, Le Roy Ladurie, Margadant, Salitot). General conclusion of those studies is that legislation change affected traditional practices much less than new socio-economic conditions, change in mentality and above all rural exodus, which all brought heavy disturbances to the usual pattern of family reproduction. Many were the children, who migrated elsewhere in France or to Americas, looking for a better life. Previously unheard of circumstances induced changes in female statute, as many of them had to take new responsibilities in their house. Tamara Hareven pointed out judiciously such a connection between individual time, family time and socio-cultural circumstances (Hareven, 1991; 2000).

b- The notaries and the ancient right: the patriarchal case of Provence

Which portion of the patrimony did the girls actually receive when marrying? How much? What is the nature of the assets included in the dowry? We find a concrete answer to these questions in the marriage contracts written in front of a notary a few days before marrying, indeed a godsend for the historian. Of course such a practice is not uniform in all areas, and more frequent in South France. For instance, in some valley of Haute Provence, practically all marriages were notarized in the 17th and 18th centuries.

We know that, in these areas, favouring a privileged heir, giving a dowry or donation was a way to exclude their beneficiaries from further inheritance to come of family landed property. More specifically, concerning women, some customary ancient rights did strictly limit their capacity to inherit, such as the *Statuts de Provence* (published in 1778): "Common wish by the fathers is to preserve the family name and dignity. And that can only be done through male children. Girls are the ultimate term and the end of the paternal family."[3] And it goes on: at the father's death, if intestate, the male children divide the patrimony, leaving for the girls a "legitimate" part. But which part? For two children, the boy receives 5/6th, the girl 1/6th. For two boys and one girl, each boy receives 4/9th, the girl 1/9th. So each boy receives an equal portion. An intestate father favours in fact his sons and a girl would not succeed as head of the household as long as there is still a boy alive (Collomp 1983). Haute Provence is known to be a patriarcal region, under Roman and Mediterranean influence (Collomp 1987; Bourdieu, 1998).

Juridically, the "legitimate" portion is also what younger brothers may receive when leaving the father's house, a portion more generous than the girl's dowry, as it has been verified. Let us note also that, before dying, the Provencal father may give his sons some additional donation in land or cattle.

Dowry is specifically the woman's patrimony, described in the marriage contract where she renounces explicitly any pretension to inherit her parents. But some ancient customs stipulate that this renouncement is only valid when the dowry is at least of an amount equal to the legitimate portion she would have inherited. Actually we know of very few contestations, as if father and brothers were cautious enough to give decent dowries.

The dowry belongs to the woman, but her husband or the head of the household, her father-in-law, is "master of the dowry," that is the manager. Of course this dowry is not included into the patrimony of the family-in-law. When marrying, the woman exchanges obedience for her father with obedience for her husband. When her advice is solicited, it is usually bad sign, meaning that their is some prospect to alienate part

3 Jean-Joseph Julien, Nouveau commentaire sur les statuts de Provence, 1778, t.1, p.441.

of the dowry, her consent being compulsory.

A childless wife may dispose over her dowry to a member of her own lineage, by testing. Often she constitutes her husband as her universal heir before dying, thus abandoning her dowry to his lineage. But no return of dowry to her own lineage is juridically possible, at least in Provence if she had given birth, even to a child who died.

The exact amount of the dowry is indicated in the marriage contract, the notary may also mention how much comes from the father and how much from the mother. Collomp (1983) calculated that, before the Revolution, the father's part was about 80%. He could then estimate that in Provence about 4/5th of the landed property was in male's hands while about 1/5th was in female's hands.

c- Which goods were included in a female dowry?

The bottom drawer (*trousseau*) – clothes, household linen ("which common friends appraised") –, is inevitably a part of the dowry (Fine 1987). Of course its value differs considerably according to the social statute of the families. In case of virilocal marriage, the *trousseau* is usually brought to the husband's house in a chest on marriage day. Dowry means also money, as much as possible, and we test once more here how much peasants were fond of coins. But integral payment was seldom, deferred payment usual, and not always in currency: it might be wheat, wool bales, cattle or services. When in currency, the dowry could amount to some money given yearly to the husband, for ten years or more. Except in Provence, the marrying girl may receive some land, meadow, house or part of house.

This dotal pattern is usual in the Mediterranean areas, but also in some other areas, such as Normandy or Alsace, as we said above. Typical is the fact that dowry excluded the girls from later parental inheritance. There is a reason behind such an exclusion, which may appear to be rigorous: It is the reaction of very small independent landowners confined in a stem family reproduction pattern where the father – the patriarch – keeps full authority until death. Tradition is such that one child only – usually a son in Provence, but maybe a daughter elsewhere- is privileged to pursue, in the "house," the continuity of its economic and social entity. Dowry has to be thought of as an element in the global family strategy. Frédéric Le Play points out how necessary is a good management of the household income, since it allows distributing money between children: The landowners in Lavedan "in order to endow their many children, do not tear to shreds the ancestors' patrimony, but share out with equity the net product of the common work between all offsprings of the old stem family" (Le Play, 1875, p. 98).

The good quality of notarial records encountered in France gave us precious indications about dowry practices and the eventual choice of a privileged child, male or female.

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THE HEIRESSES: MATRILINEALITY OR BILATERALITY?

For the statute of heiresses, we are indebted to F. Le Play who, as soon as 1856, was the first one to point out interesting transmission practices through females, in South France, at the foot of the central Pyrenean mountains, in the Lavedan valley. He observes there a right of primogeniture without gender distinction which he thought apt to favour indivisibility of the landed property on the long term: "Since 400 years, the Melouga family transmitted to offspring its modest estate with a stability apparently inspired by the fixity of the high mountains which culminate above their cottage" (Le Play 1875). Let us note that the Melouga family was not so modest, with a 18 hectares landed property – an area which meant then and in these mountains that they belonged to the "good houses." But Le Play did observe correctly a peculiarity of this family: for three times running the first born was a girl and thereafter a heiress. How did she marry? What happened with the estate?

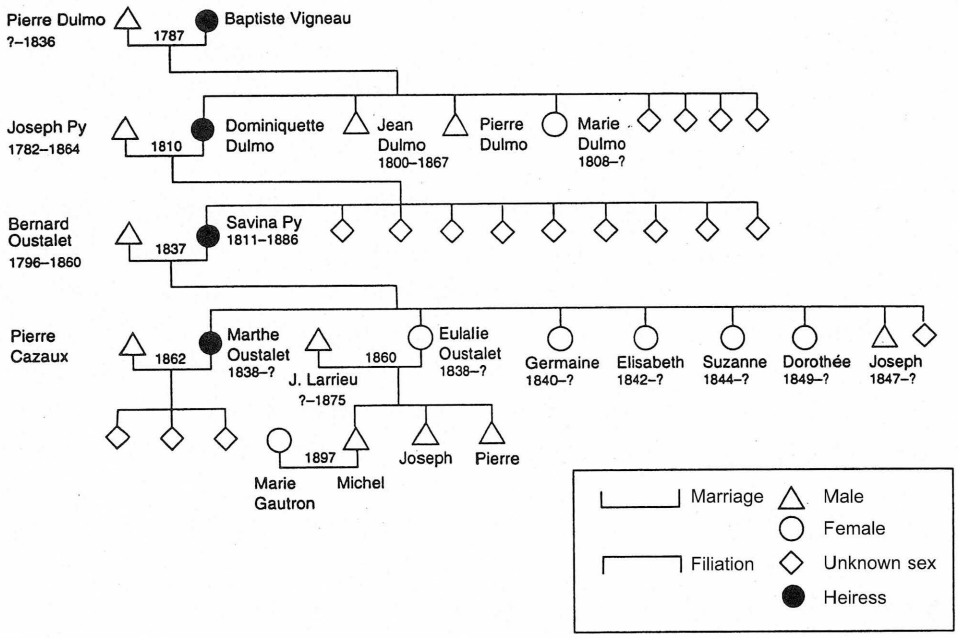
a- Marrying as son-in-law

In Auvergne and South-West France (Lozere, Agenais, Béarn, Pays-Basque, and other Pyrenean countries) things are not as in other regions, where the woman leaves her family when marrying and loses her name; on the contrary, the heiress here introduces her husband as "son-in-law" in her native house, and he takes the name of his wife's house, to which he brings a dowry. So it happened in the Melouga family, in Lavedan valley, the first-born in the last three generations was a girl, and we saw a son-in-law successively admitted in the family, Py, Oustalet and Cazaux. All sons-in-law take the Melouga name in the local community (cf Le Play 1875, p.262, Cheysson's commentary)

Marrying as son-in-law was a custom highly regarded in all South-Western France, to the opposite of Provence, in South-East, where remnants of ancient roman law (and customs) were such that a father would never be willing to make a choice of his daughter to succeed him. When a Provencal patriarch got only daughters, he would delay marrying the youngest, always hoping for the later birth of a son, not quite ready to admit a son-in-law in his house. Many sonless fathers died unable to make provision for their succession. An only girl, endowed and married, would only inherit in the absence of any other direct heir to her father. Anyhow her father had an absolute authority on her, now her husband has the same power. Le Play mentions the customs in Beaujolais, north of Lyon, where it is licit for a man to beat his wife as long as she does not die of it (Le Play, id., p. 261). Pyrenean customs do not rely on such a patriarcal system. They are bilateral.

Le Play notes the confusion amongst pre-revolution jurists with a formation in roman law - reluctant to acknowledge transmission of landed property through women

Fig. 1. Genealogy of the Melouga house in Lavedan valley



- when confronted to the old south-west tradition of parity between sons and daughters: so the jurist Nogues commenting on the custom in Bareges, his birthplace: "I confess indeed that our custom in the matter of succession sounds somehow odd, when taken literally, and as first reaction gives rise to a movement of indignation. But, it is to be agreed, things are utterly different when one knows the reasons behind it and when, as a second thought, we perceive that its purpose, as much as in the case of other customs, was to preserve the family goods, purpose which it perfectly fulfils."

Why? How does it happen that this transmission through heiresses did its job? We may mention four reasons, which Le Play already detailed.

1) *mother and daughter are temperamentally suited*: "the institution of heiresses, by nature, cuts an end to the conflict between mothers-in-law and daughters-in-law." And Le Play adds: "in our stem families of sharecroppers ... in the center of France, household disorganization is usually the result of rebellious daughters-in-law who always instil their grudge in their husband" (Le Play, 1875, p. 78).

2) *the advantage of early marriage: a natalist argument.* Le Play observes that a woman chosen as a heiress marries younger than non - inheriting girls, and thus her fertility period shall then be longer and overlap her mother's.

3) *a genetic argument.* Blood purity is not only an argument against societies allowing for multipartners women: "this organization was considered as a warrant against disappointment resulting from adultery, and as a sure way to preserve for the house the ancestors' blood (Le Play, 1875, p. 42)

4) *the argument of quietness: peace and continuity in the household.* In a society where men are apt to move around, women are more sedentary and thus may warrant stability and continuity in a family where generations are coresiding. "The characteristic authority of an heiress is also a domestic safeguard when men threw themselves wholeheartedly into seabusiness, unless they had to fight against ambitious neighbours" (Le Play, 1875, p. 42).

Let us note that the 1804 *Code civil* – which dictated egalitarian sharing out – had come into force 70 years before these writings were published! Le Play observed a female transmission practice between 1855 and 1860, so it is a fact that the custom of integral primogeniture was still the usual succession pattern in the Lavedan valley, as if the *Code civil* was an extraneous document, as if article 1 of the *Custom of Lavedan* (1769) was still in force: "male or female first borns alike are by perpetual trust heirs of the houses whose offspring they are" (Le Play, 1875, p. 259).

Such an integral right of primogeniture – *aînesse intégrale* – is attested in other parts of the Pyrenean mountains, for instance in the Basque country, where women inherited the privileged portion and position in about half the cases (Marie-Pierre Arrizabalaga 1998). The specificity of this area is worth our attention.

b- Women and succession in the French Basque country

Unlike the central Pyrenean area, the Basque country did not give rise to many studies (Cordier 1859, Lafourcade 1989). Marie-Pierre Arrizabalaga reconstructed longitudinal histories of more than 150 houses (called *etche* in the French basque country). She traces carefully the eventual change of practice after the Revolution and how marriage and succession strategies progressively managed to adapt to *Civil Code*. Actually the old transmission pattern survived – a typical stem-family pattern in an undivided peasant house –, but practice changed: compensations due to the non-inheriting children increased significantly; and non heirs who would not or could not marry in the village made a choice to migrate instead of remaining in the house as bachelors under the authority of the eldest child.

Using an assortment of rich archival sources, Arrizabalaga could follow house by house the change in family behaviour due to the legal pressure originating in the *Code civil* and the differing outcome for the other children than the heir/heiress, in Sare and other villages. She marks down clearly how the situation of women facing transmission changed, even in the stem-family frame. Before the Revolution, integral primogeniture was the rule in Pays Basque, based on ancient customs called *Fors* (Goyhenetche 1985, Grosclaude 1993), with the result, as we already saw, that half of the inheriting successors were males, half were females. This gender ambivalence appears clearly in the *Customs of Labourd* (one of the three Basque districts).

The *Code civil*, in 1804, imposed abolition of primogeniture – and integral

primogeniture which favoured first-born women –, egalitarian inheritance, and above all landsharing. Reconstitution of family histories and succession papers enabled Arrizabalaga to establish that landowners – during the course of 19th c. – went on transmitting landed property to only one child, being successful in maintaining a large majority of estates undivided. Very few were divided and sold.

Absolute primogeniture was still common in the 19th century, but no more an exclusive practice. Before 1850, two thirds of the landowners transmitted to their first-born (52.5% to daughters, 47.5% to sons); one third of the patrimonies went to another child (40% daughters, 60% sons). Thus absolute primogeniture is no more the rule, as it was the case before the Revolution, but, significantly, the gender balance is still preserved for first-born as for others. Women have still a good chance to inherit the land. The 19th century does not favour any masculinization of the transmissions. We still would like to know if the choice of an heir/heiress belongs to the exclusive competence of the parents – caring about the continuity of the *etche* and choosing the apter or the more disponible (*available*) amongst their children – or if the decision was collective, with the intention to respect more or less life choice and will of the children (as shown in the Lot by Gervais 1992).

In a large Basque family, the heir/heiress had to wait until his co-heirs reached adulthood and leaved the house to marry. Some, who would not wait, chose another life, receiving a dowry and renouncing any ulterior compensation. The second half of the 19th century was indeed a time when urban jobs increased and diversified, foreign countries were much more accessible, hence an important migration of the first-borns, and the necessary consequence: succession going to the later - born, and an increased chance for women to inherit – women being usually less prone to leave the native house and the family or cultural surrounding. It would explain why first-born girls inherit more often than first-born sons, in spite of change in mentality, and maybe as a consequence of such a change.

There was of course some change during the 19th century, but we do not observe any gender segregation or discrimination in the Basque society. Of course absolute primogeniture is disappearing, but gender ambivalence stays on. One may think that in the end the successor is the most motivated of the children. Traditional strategies tending to maintain a sole heir, as we saw, were rather in favour of women. But there would be another drastic change in the course of the 19th century, due to the pressure of the *Code civil* and the circumventing practices. How was it done?

c- Maintaining a sole heir: the strategies

Before the Revolution, as soon as he/she married and was a party to the marriage contract, the (male or female) heir – in coresidence with the parents – knew that he/she would be responsible sometime later for the house and the land; he also committed

himself to transmit the patrimony to the next generation. More than a full owner, with complate rights to dispose of the property, one may consider this person as a "depo sitory" for a family good which he/she accepted to transmit (Anne Zink, 1993, p. 178-180).

In the 19th century, he or she became a legal owner, with full liberty of use or alienation, but only when both parents were dead, not as soon as he/she married. Actually a marriage contract was still an expression of disposals to come, but real ownership was out of the question as long as the parents lived. In order to escape parcelling up and egalitarian sharing, the parents made use of the *Code civil*, article 913, which allowed parents to give to one child, through donation when living or by will, a definite part of the patrimony besides the legal egalitarian portion. This gift could amount to one third of the patrimony when there were two children, one fourth in case of three children, etc. It was rarely sufficient to cover financially the transmission of landed patrimony as a whole to one child, at least it gave the possibility to transmit the house itself. So the heir/heiress had also to buy out his brothers and sisters. All studies insist on these two points: the common use of the advantage – "le préciput" – which the law allows transmitting to one child; more or less fictitious buyings back from the other children in order to reconstitute the original landed property

After 1804, the parents could thus guaranty their old age and supervise the transmission strategy until the day of their death, and the privileged heir/heiress had more time to collect money for compensation to the other children. There is the reason why, in the Pyrenees, the dowry of the party which became aggregated to the family, called "*l'adventice*" (son- or daughter-in-law), had to be mostly paid in money – as a first step towards the compensation due to non-heirs, subsequent steps being the savings which the household could spare year after year. Theoretically the dowry was property only of the beneficiary party, but money circulated.

COMPARING PAYS BASQUE AND PYRENEAN BARONNIES

Pays Basque and Baronnies, both in the Pyrenees, are about 100 miles apart, so it would be of interest comparing practices in both areas. In Esparros, the main village of Baronnies, I could trace the history of each house and household members through vital events, three well-preserved historical cadastres (1663, 1773, 1826 and the more recent ones) and censuses. It stands out that, from three Ancien regime patrimony, one only was practically entirely preserved by the first World War.[4] I noted also that numerous new houses were founded from 1820 on, corresponding to a sudden demographic growth (Fauve-Chamoux 1995) and to the independent establishment of

4 Esparros, cf. Fauve-Chamoux, 1994, 1995.

non-inheriting children who until then had remained more often in the family house. These new houses were not all that miserable, although poor in land or deprived of it, since an active craftmanship developed (wood, textile), and also because free access to community-controlled mountain pasture allowed raising of cattle. The movement lasted until the 1840s, after which the local spouse market seems to shrink, young people being sensible to the roaring locomotives which began circulating in the near by valley, generating migration streams towards big and small cities, if not Argentine or Panama. After the First World War and its corteges of the dead, the survival of houses often depended on the devotion of some younger child, so that it may be said that ultimogeniture then took the place of primogeniture.

Marriage age and successoral statute

In Esparros, before the Revolution, women marrying before age 20 were mostly heir's wives. Heiresses were a little bit more aged, but will marry younger and younger with the 19th century (one fourth of the heiresses marrying between 1810 and 1850 were aged less than 20).

In Esparros, as in the neighbouring village Laborde (Bonnain 1986), the wife party to a "stem marriage" is clearly younger than the wife of non-inheriting children starting a family and a new house. Distinguishing heirs/non-heirs is not enough to understand the age differences when marrying; we have also to consider the type of marriage: whether it implies continuation of a stem family or a creation of a new house. Non-heirs and non-heiresses marry much later than heirs, they must wait for their dowry to be available or, when poor, work as long as needed to amass their nest egg before establishing a household. A non-inheriting man marrying a non-heiress could be more than 30 years old. The three tables below allow comparison of age at marriage in Esparros and Pays Basque according to successoral status – heir, *adventice*, or non-heir – of females and males.

In pre-revolutionary times, Basque heiresses married one year later than in Baronnies (Table 1). The difference increases after 1800, as Baronnies heiresses marry younger and Basque later (Table 2). In that last case, our observation does not confirm the theory of early marriage for heiresses postulated by Le Play. But very significant is the fact that, in both areas, non-inheriting men and women marry much later, particularly men, when they are not an *adventice* – spouse to an heir/heiress. Let us note that all men, in the Basque country, marry exceedingly late. Apparently, Esparros parents were not waiting for their younger sons to establish themselves, to marry the heir or heiress, as Basque parents did.

Table 1.

Mean age at first marriage, before 1800, according to successoral status, by sex, comparing Pays Basque and Pyrenean Baronnies (Esparros)

	Females		Males	
	Esparros	Pays basque	Esparros	Pays basque
Heirs	24.5	25.4	27.5	34.9
Adventices	24.7	26.6	29.6	29.3
Non-heirs	24.9	26.9	31.5	29.3
Together	24.8	26.5	29.1	29.8

Source : Arrizabalaga, 1998, p.140; Fauve-Chamoux, 1994.

Table 2.

Mean age at first marriage, 1800-1849, according to successoral statute, by sex, comparing Pays Basque and Pyrenean Baronnies (Esparros)

	Females		Males	
	Esparros	Pays basque	Esparros	Pays basque
Heirs	23.5	27.4	26.9	31.2
Adventices	23.0	26.6	28.1	32.0
Non-heirs	24.4	27.8	30.8	31.6
Together	24.3	27.5	29.1	31.3

Source : Arrizabalaga, 1998, p.140; Fauve-Chamoux, 1994.

Table 3.

Mean age at first marriage, 1850-1899, according to successoral statute, by sex, comparing Pays Basque and Pyrenean Baronnies (Esparros)

	Females		Males	
	Esparros	Pays basque	Esparros	Pays basque
Heirs	23.1	25.1	29.0	31.6
Adventices	26.3	25.7	29.9	30.3
Non-heirs	26.4	27.4	30.9	31.5
Together	25.9	27.1	30.0	31.2

Source : Arrizabalaga, 1998, p.140; Fauve-Chamoux, 1994.

CONCLUSION

I evoked here the transmission of goods through women as we may approach it from juridical and patrimonial angles. I considered essentially the French case in the 18th and 19th centuries, which entails the consequences of the 1804 *Code civil* legislation.

Marriage, inheritance, and family transmission reveal the patterns and evolution of all peasant organization. Publications on these matters by historians and anthropologists have been important in France since the late 1970's (Fauve-Chamoux 2002). By general consent, the old reference to a double-faced France, egalitarian north, inegalitarian south, is still worth sustaining, but we all know that the least prepossessing monograph is apt to reveal an extraordinary complexity as soon as it analyses the processes families used in their effort to perpetuate themselves while giving transmission privilege to such or such child.

Until now, heirs, much more than heiresses, have been studied, particularly in specific social groups such as nobility or elite (Bourdieu and Passeron 1964, Bourdieu 1998). Now recent historical research concerning areas with inegalitarian family reproduction attest that the role of heiresses was often underestimated. Actually they looked often after the house continuity – usually when there was no appropriate male heir –; transmitting most of the family behaviour patterns rested on them. Wives, mothers or widows, heiresses knew how to adapt to socio-economic change while transmitting cultural traditions.

Of course the role women played in family transmission varied with time, legislation and custom. This role is all the more obvious when they happen to be in charge of micro-economic entities as these "houses" which took a preponderant place in the French meridional family systems. Patriarchy and patrilinearity are important in Provence as in other Mediterranean countries, but most of South-West France must be considered as practicing some parity between sons and daughters. Heiresses enjoy a strong authority over their "house." We argue that female transmission patterns observed here (Auvergne, Lozere, Agenais, Béarn, Pays-Basque, and Pyrenean Baronnies) are to be considered in a bilateral perspective and as belonging to a pre-Roman stem-family system of reproduction.

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