

FEMALE PRIMOGENITURE IN THE FRENCH BASQUE COUNTRY

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ABSTRACT: *Basque inheritance practices in the nineteenth century were peculiar because, despite the French Revolution and the egalitarian laws of the Civil Code, families continued to transmit their property to one child (single inheritance), of either sex (male or female) as long as it was the first-born child (“aînesse intégrale”). Actually, in the nineteenth century, Basque families’ inheritance practices evolved to the point that they no longer transmitted their property only to their first-born male or female child but also to a younger male or female child. The situation evolved even further in the second half of the century. While the number of young men who emigrated or married out was much greater than that of young women, fewer sons remained in the family house. Instead, many young women were available to perpetuate family traditions. Consequently, farm owners often selected their heirs preferably among their first-born daughters or else among their younger daughters who elaborated new strategies to keep the family assets together with their husband’s help and contribution. The purpose of this paper is precisely to point at developing trends of female inheritance (first-born or younger daughters) in the Basque Country in the nineteenth century, the reasons for these changes, and the way property was transmitted despite families’ succession practices which gave the first-born child unconditional right to full inheritance.*

Male or female primogeniture in the Basque Country has shaped Basque families’ household structure for centuries and has been rigorously put into practice in order to secure single impartible inheritance and protect the family house (known as “etche” in Basque). These practices date back from the Middle Ages at least (and perhaps even earlier), yet were written down as codes only in the modern era with the intention to institutionalize the system and legalize traditional family practices. Written Basque customs later allowed families to maintain single inheritance and male or female primogeniture as common practices in the French Basque Country, even after the legalization and the implementation of the egalitarian inheritance laws of the French Republic, compiled in the Civil Code in 1804. Thus, the French Basques’ single inheritance customs of “aînesse intégrale” traditionally advocated for patrilineal or matrilineal successions depending on the sex of the first child. According to the customs, the entire property had to be transmitted to the first-born child, either the first-born son (patrilineal property transmission) or the first-born daughter (matrilineal property transmission), who, despite impartible inheritance, could not exclude completely his or

her siblings and was consequently forced to provide them with a dowry. What was essential is that the institutions of the “family house,” to which all residents were attached and whose name each of them carried, survived the revolutionary laws, that family households continued to structure as stem families, and that the family property remained intact. Only in these circumstances was the house (*etche*) economically viable so as to perpetuate the Basque family culture and family values from one generation to the next.

With the implementation of the Civil Code in 1804, Basques’ patrilineal or matrilineal single inheritance practices (*aïnesse intégrale* practices) should have disappeared in the course of the nineteenth century, yet families elaborated new, specific strategies to make sure that the house and property remained intact and continued to be transmitted to one child, preferably the first-born male or female child who inherited all property assets while compensating the other siblings for their shares of the inheritance. The analysis that follows aims at demonstrating that French customs of single impartible inheritance were not just codified to institutionalize practices, but they were indeed inherent to families’ culture. The customs or “Fors” only gave a legal status to traditional family practices that were essential for the survival of the stem family, of the house, and of the eco-demographic equilibrium of the Basque villages.¹ These practices were so inherent to family culture that, despite the Civil Code, they continued to exist in the French Basque Country in the nineteenth century. Household heads made sure that the family house survived and therefore strove to keep all property assets together. Yet, besides the Civil Code, new developments in the nineteenth century affected traditional family practices, namely industrialization, urbanization, and emigration. On the one hand, many men were drawn out of the villages and settled in towns, cities and overseas. On the other hand, as more and more men departed permanently, more and more women had the possibility to inherit the family house and property in replacement of their departed brothers. These heiresses were not necessarily first-born daughters, but younger daughters as well.

This paper will outline the traditional Basque customs of patrilineal and matrilineal primogeniture practices of “*aïnesse intégrale*” to demonstrate that legally first-born female children had as equal chance to inherit the family house and property as first-born male children. In the course of the nineteenth century, however, French Basque families were forced to implement new forms of single inheritance, often

¹ Because communities were generally small and had limited economic opportunities for non established, non propertied individuals and households, each family could only secure inheritance to one child and establish another into a propertied family. Farms could not be partitioned for fear to no longer be viable for the family. Hence, single inheritance was vital for the house to continue to exist. Only a profitable family business could be transmitted from one generation to the next. The system of single inheritance thus guaranteed stability to both families and communities. Though one child inherited all, families elaborated strategies to help the other children to settle more or less comfortably. This is an issue we will not analyze in this essay, yet the author dealt with it in other articles (see bibliography).

allowing first-born or cadet women to inherit more often than men, especially in some villages. Why did households transmit property to women and how did that affect inheritance practices and household structure?

THE FRENCH BASQUE CUSTOMS IN THE ANCIEN REGIME

Until the sixteenth century, the French Basque Customs constituted specific oral family and community laws and practices which were passed down from one generation to the next and which conformed to rigorous local political, economic, and social rules guaranteeing collective stability and family harmony within each community. Single inheritance constituted the founding pillar of these customs to keep together the family house and assets which could not survive economically if partitioned. This system was vital because it guaranteed economic stability to families and the eco-demographic equilibrium of communities. As a general rule, one child inherited the family house and land, one married into a house, one or two remained single with the heir, and if there were other children, they emigrated. In 1454, King Charles VII of France ordered that all local customs in France be written in order to institutionalize family practices and outline all possible local and community practices in the sphere of communal administrative, economic, and social laws. In this context, officials from each of the three provinces of the French Basque Country, Labourd,² Basse-Navarre,³ and Soule,⁴ wrote down their customs or “Fors” which became the legal documents to rigorously enforce single inheritance in the Ancien Regime.⁵ All the customs or “Fors” in the French Basque Country, completed in the late fifteenth century and early sixteenth century, remained unquestioned as they guaranteed families and communities their long-term demographic equilibrium, their economic survival and their social stability until the French Revolution when the Civil Code was implemented and forced families to compensate each of the children equally.

The customs reflected the peculiarity of family traditions in the French Basque Country. They provided specific rules which regulated the three major elements of family settlements: first, the selection of the heir (“aînesse intégrale”), second, the choice of the spouse and the timing of marriage, and third, siblings’ rights. Household heads had little flexibility in the selection of the heir, who was to be the first-born male

2 *Coûtumes générales, gardées et observées au País et baillage de Labourt, et reffort d’icelui*, Bordeaux, J-B Lacomee, 1760.

3 Eugene Goyeheneche, *For et coutumes de Basse-Navarre*, Bayonne, Elkar, 1985.

4 Michel Grosclaude, *La Coutume de la Soule. Traduction, notes et commentaires*, Saint-Etienne-de-Baigorri, Izpegi, 1993.

5 Major studies analyze French Basque inheritance practices in the Ancien Régime. The most important ones are: Jacques Poumarède, *Les Successions dans le Sud-Ouest de la France au Moyen Age*, Paris, Presses universitaires de France, 1972; Anne Zink, *L’Héritier de la maison. Géographie coutumières du Sud-Ouest de la France sous l’Ancien Régime*, Paris, EHESS, 1985; Maïte Lafourcade, *Mariages en Labourd sous l’Ancien Régime. Les contrats de mariage du Pays de Labourd sous le règne de Louis XVI (étude juridique et sociologique)*, Bilbao, Universidad del País Vasco, 1989.

or female child of the family. The customs asserted the superiority of the first-born child over his or her siblings to guarantee the perennality of the family property. Only in rare circumstances (illness and disagreements between heirs and parents) was the second-born male or female child selected to become the family heir. When household heads married twice, the first-born male or female child of the first marriage inherited the family property. This occurred even when the children of the first marriage were all female children and those of the second marriage were both male and female children. Women therefore were considered on equal footing with men, could play a role as important as men in the decisions related to the family business, and had equal responsibilities in the transmission of the family property to the next generation.

Household heads could not dispose of the family property and select the heir of their choice, their role being to manage the property and house and to transmit it intact to the next generation. They did not have the full ownership of the property because they could not sell land without the approval of all living parents and siblings. Instead, their legal status was that of “transmitters” of the house and property. They had however decision-power over the heir's life as the first-born male or female child could not marry without parental consent, especially if he or she was under age. The older and younger household heads agreed to share equally the responsibilities, the expenses, and the revenues from the family property. The association which was thus created was known as an association of “coseigneurie,” both older and younger heirs partaking in the administration of the family property and sharing the same working and living space. Basque households therefore were organized in a complex manner, the stem family.⁶ Considering the significance, the importance and the responsibility involved in the peaceful and successful transmission of the family property from one generation to the next, households' major concern was to marry their first-born child at the right time, to the right person, and in a manner which guaranteed the survival of the family house and the full transmission of the family property. The young couple had to marry young enough to secure an heir for the next generation but not too young to avoid the house to be overcrowded. Thus, heirs married late sometimes, after some of the siblings' departure from the house in order to allow the two household heads (old and young) to be able to support each of their depending sons and daughters. In addition, the heir's spouse had to be wealthy enough to bring cash money into the house to provide at least one of the heir's siblings with a dowry at the time of departure from the family house. Not all siblings received a dowry. Those who did not receive a dowry however were allowed to reside in the family house through their life as unmarried siblings. They had a share in the decision-making process of the house and were therefore

6 See article by Marie-Pierre Arrizabalaga, “The stem family in the French Basque country: Sare in the nineteenth century,” *Journal of Family History*, Vol. 22, No. 1, January 1997, 50-69.

consulted by heirs.⁷ How were these customs implemented in the nineteenth century?

HEIRS AND HEIRESSES

According to the customs, first-born male or female heirs had an equal chance to inherit the family property and house. They became the household head in charge of the management of the family business and responsible for the successful transmission of the entire property to the next generation. Were these practices still implemented in the nineteenth century, with the enforcement of the egalitarian laws of the Civil Code? Using family reconstitution and property transmission archives, I will analyze families' inheritance practices in the nineteenth century, trying to determine whether families were able to implement single inheritance practices to the first-born male or female child in the nineteenth century. In order to complete this analysis, I used the family reconstitution of 120 couples over three generations in six different villages,⁸ couples who married in the early years of the nineteenth century, whose children and grandchildren were respectively born between 1830 and 1860 and between 1860 and 1900. I used the civil records of all the towns and villages of the French Basque Country and of Bayonne and Pau to reconstitute the life of nearly 3000 individuals who were related to these 120 couples. Subsequently, I searched for the inheritance records of these families through the nineteenth century succession records⁹ in order to determine how property was transmitted. The research thus completed showed that indeed, French Basque families perpetuated the then illegal single inheritance practices, making the first-born male or female child sole heir and owner of the family property and house, as in the Ancien Régime. Inheritance practices however evolved in the course of the nineteenth century, allowing more and more women, either first-born or cadet, to inherit the family assets. The analysis below will demonstrate that, in some villages, families continued to rigorously transmit the family property to the first-born male or female child, while, in other villages, families transmitted all assets to younger, male or female children, most notably to first-born or cadet daughters, as the data on tables 1 and 2 show.

⁷ The right that unmarried siblings residing in the family house kept was known as "droit de chaise," the right to contribute in the decisions of the house. They enjoyed that right as long as they did ask for their share of the inheritance and did not receive a compensation for their share of the inheritance.

⁸ The analysis is based on the study of the family reconstitution of 120 couples married in the early nineteenth century, twenty in each of the six different villages, 20 in Sare (a mountain village in the province of Labourd), 20 in Aldudes, 20 in Mendive (two mountain villages in the province of Basse-Navarre), 20 in Alçay (a mountain village in the province of Soule), 20 in Isturits, and 20 in Amendeux (two lowland villages in the province of Basse-Navarre). For each of these 120 families, we reconstituted the lives of the 120 couples from birth until death (240 individual lives), those of their 591 children and their spouses, and those of their 1039 grandchildren and their spouses, a total of almost 3000 individual lives.

⁹ For this analysis, I consulted the Cadastre of the six villages and the surrounding villages, the P series of the nineteenth century in the Departmental Archives of the Pyrénées Atlantiques Department, in Pau. I also consulted the records of the "Enregistre ment" or "Mutations après décès" documents, the Q series in the Archives.

Table 1.

Female or male primogeniture in the first half of the nineteenth century:
second generation

Rank	Female	Male	Total
First-born	21 (52.5%)	19 (47.5%)	40 (66.7%)
Cadet	8 (40.0%)	12 (60.0%)	20 (33.3%)
Total	29 (48.3%)	31 (51.7%)	60 (100%)

The data derived from the analysis of the 120 families clearly show that indeed, in the first half of the nineteenth century, families continued to practice the inheritance traditions of “*aïnesse intégrale*” despite the implementation of the Civil Code which forced them to equally divide the assets between all the children. The large majority of the first-generation couples who owned property transmitted their house and land to the first-born male or female child of the family in the period between 1830 and 1860. Indeed, two thirds of the heirs were selected among first-born female or male children, 21 being daughters and 19 sons (see Table 1). We can conclusively argue that French Basque families in the first half of the nineteenth century perpetuated the traditional, ancestral family practices of “*aïnesse intégrale*” or male/female primogeniture. Property was then transmitted to the first-born child, indifferently through the female (matrilineal descent) or the male (patrilineal descent) line.

Despite the predominant attitude in favor of first-born male or female inheritance in the first half of the nineteenth century, one third of the first-born sons and daughters did not inherit. These were mostly men who did not inherit because they had received a dowry to marry into a propertied family as heiresses’ spouses (5 cases). Others remained single in the family house (2 cases) or emigrated to America (5 cases). Even more extraordinarily, first-born children married a wealthy artisan (one woman), inherited from another branch of the family (one case), entered a convent (one woman), had illegitimate children (4 women), therefore had married without parental consent and were consequently denied inheritance.

The above analysis of family practices shows that indeed the great majority of household heads transmitted property to the first-born male or female child. When first-born children refused or were denied inheritance, heirs were generally selected among second-born children, but not necessarily. When families did not respect the ancestral traditions of male or female primogeniture (“*aïnesse intégrale*”) in the first half of the century, women had fewer chances to inherit the family house and property than men, 8 daughters compared to 12 sons were heiresses (see Table 1). Despite occasional circumstances, the French Basque families remained traditional in the implementation of the customs and the respect of the family culture, a situation which was not to last

in the second half of the nineteenth century.

The men and women who inherited from the 60 first-generation property owners in the period between 1830 and 1860 and those who married into a propertied family (26 cases) continued to practice single inheritance transmitting their house and land to one of their children in the period between 1860 and 1890 approximately, yet they did not necessarily select their first-born male or female child as their single heir, as the traditional customs specified. Indeed, in the second half of the nineteenth century, the inheritance practices of male or female primogeniture (“*aînesse intégrale*”) were far less rigorously implemented than before. Indeed, a little over half of the families transmitted their property to their first-born sons or daughters, a total of 47 out of 86. Among these first-born heirs, 30 were daughters and 17 only were sons (see Table 2). Clearly, family practices dramatically changed in the course of the century, allowing most of the first-born daughters and fewer first-born sons to inherit the family house and land. By then, first-born daughters had probably a greater chance to become the “seigneurs” or transmitters of the family assets than first-born sons (63.8% for first-born daughters to 36.2% for first-born sons).¹⁰ The departure of many of the first-born sons was thus responsible for the decline of the strict implementation of male or female primogeniture. While male primogeniture declined, female primogeniture continued to prevail in the nineteenth century. When first-born sons did not inherit, property was transmitted either to a younger daughter or a younger son. Consequently, women had a greater chance than men to inherit the family property in the second half of the century (57% against 43%). Among these heiresses, almost two thirds were first-born women. Thus, female primogeniture prevailed over male primogeniture.

Table 2.

Female or male primogeniture in the second half of the nineteenth century:
third generation

Rank	Female	Male	Total
First-born	30 (63.8%)	17 (36.2%)	47 (54.7%)
Cadet	19 (48.7%)	20 (51.3%)	39 (45.3%)
Total	49 (57%)	37 (43%)	86 (100%)

Among the 39 first-born children who did not inherit, 15 emigrated to America. They received a compensation for their share of the inheritance and settled in America where an uncle had sometimes emigrated decades earlier. Five first-born sons or daughters

¹⁰ On the issue of inheritance and women’s destinies besides inheritance, see article by Marie-Pierre Arrizabalaga, “Basque women and migration in the nineteenth century,” *The History of the Family. An International Quarterly*, to be published in 2003, 22 pages.

did not inherit because they were given a decent dowry to marry into a local propertied family. This was a solution which families and heirs appreciated as it allowed first-born children to settle without waiting for the siblings to become old enough to get married. In that case, the second-born child inherited. Besides, emigration or marriage with an heir, 6 first-born sons or daughters did not inherit because they either refused the responsibilities of the house or were denied inheritance for incompetence. Though they were denied their primogeniture rights, they were not forced out of the house. On the contrary, they were welcomed to reside in the family house with the heir or heiress through their entire life. Some families had more restrictive legal and religious prerogatives for inheritance as 8 of them did not allow their first-born child to inherit because they had been conceived out of wedlock or had illegitimate children prior to parental consent. Finally, four potential heirs relinquished their rights to ownership because they decided to serve the church and one became civil servant. Thus, men often decided to leave the house or the village, allowing more and more women to inherit. Why did female inheritance predominate then?

FEMALE PRIMOGENITURE

There were many reasons why women had greater chances to inherit in the second half of the nineteenth century. French Basque families had to adapt to new circumstances, most notably in the second half of the nineteenth century. Indeed, economic opportunities in the French Basque Country were limited, not allowing new property owners to establish themselves as farmers.¹¹ Men withdrew from inheritance because they had greater economic opportunities elsewhere resulting from industrialism. Some did settle as artisans in villages, yet they had better opportunities in cities or overseas. Clearly, many moved to local towns where they were hired as craftsmen, to cities such as Bayonne where demand for artisans was high, especially in the shipbuilding industry. More importantly, opportunities opened in America where many emigrated, most notably to Argentina and Uruguay, but also Central and Northern America (Mexico, Cuba, California and New Foundland).¹² This was a solution which men, whether they were first-born or cadet sons, envisioned as a way to make a rapid fortune and avoid conscription.

It is difficult to determine whether these first-born sons and daughters

11 The analysis of the Cadastre allowed me to realize that hardly any new houses, if any, and therefore hardly any new households were created in the course of the century. Land was scarce and common land was not put for sale to individual families after 1830 (the date of the first land registers or Cadastre). Young household heads could not hope to settle as property owners in the villages.

12 Read William A. Douglass & Jon Bilbao, *Amerikamuak. Basques in the New World*, Reno, University of Nevada Press, 1975. This research demonstrates that Basques' emigration in the nineteenth century and the twentieth century evolved, from Argentina and Uruguay, to Chile, Mexico and other central American countries, to North America (the United States and Canada).

voluntarily withdrew from inheritance, were encouraged to leave the family house, or were denied the right to have access to the ownership of the family house and property. What is certain though is that some first-born women and many first-born sons did not become heirs. Who inherited then? Were the heirs the second-born sons and daughters, as in the first half of the nineteenth century? Had cadet women as equal chance as cadet men to inherit?

The analysis of the data on the families is conclusive on three points. First, single inheritance prevailed as part as all families' succession practices through the nineteenth century, despite the Civil Code. Even when first-born sons or daughters did not inherit, one child only was selected to take over the family house and property. Hence, single inheritance survived changes in the nineteenth century, most notably the Civil Code which obliged families to partition their wealth equally between all their children. With the use of dowries of unequal values according to children's rank, families managed to keep all property assets together.¹³

Second, cadet daughters had as equal chance as cadet sons to inherit the family property in the first half of the nineteenth century. Indeed, to replace the 39 first-born sons and first-born daughters (mainly first-born sons), 19 (48.7%) were cadet women and 20 (51.3%) were cadet sons (most of them being second-born sons and daughters). It appears that families did not hesitate to transmit property to their cadet daughters. It was probably an honor to inherit the family property and be in charge of the family house ("etche jaun" or "etche jauna").¹⁴ Family culture taught first-born daughters and first-born sons that they had primogeniture rights which granted them a special treatment over their siblings. When these first-born children did not inherit, they gave cadets hopes that they could then benefit from this special treatment. They therefore did not hesitate to assume the duties of their departed first-born siblings and the full responsibility of the transmission of the family assets and culture.

Third, families no longer limited the selection of the heir or heiress among their first-born sons or daughters. They did not even limit the selection of the heir among their second-born sons or daughters or among their cadet sons only. In the second half of the nineteenth century, it appears that, families adopted very open attitudes towards inheritance, granting heirs' rights to first-born or cadet, sons or daughters. Anyone in the family could inherit the family property, thus putting siblings in competition for inheritance. When first-born sons and daughters did not inherit in the second half of the nineteenth century, any child could inherit, the second, third or fourth child, but also sometimes the fifth, sixth, seventh child. It was perhaps better for household heads

13 On similar issues, see synthetic works by G. Bouchard, J. Goy & A.-L. Head-König (eds.), *Problèmes de la transmission des exploitations agricoles (XVIIIe - XXe siècles)*, Rome, Ecole française de Rome, 1998. See bibliographies for other references.

14 In Basque, "etche jaun" is the title given to the son responsible of the family house (the man of the house) and "etche jauna" is the title given to the daughter (the woman of the house).

to allow younger sons and especially younger daughters to inherit because older siblings could depart from the family house, thus avoiding long celibacy until they were allowed to marry and settle in the family house. When first-born sons and daughters did not inherit, household heads were given the opportunity to select the most suited, docile and hard-working child to take over the property. They selected the first-born or cadet daughters because men preferred to emigrate and women were willing to perpetuate family traditions. Heiresses were perhaps perceived as more docile, obedient, and faithful to traditions than men. In addition, sons-in-law were forced to submission, allowing household heads to remain in control of the family business longer.¹⁵

Was it that honorable though by the end of the nineteenth century to inherit the family house and property considering that the heir or heiress could not dispose of the assets and had to struggle through his or her life to collect the money to compensate the siblings for their shares of the inheritance? It seems that inheritance provided heirs and heiresses with a status that they probably cherished. Yet they had limited options with regards to marriage. They were obliged to marry someone that was able to bring a dowry into the house, having to wait for many years sometimes to get married, before some of the siblings residing in the house departed or married out.¹⁶ In addition, as older household heads lived longer, younger heirs and their spouses were to submit to them, forced to abide by parents' rules until they retired or died. The status as heir or heiress was not so popular when the size of the property was small, many of the property owners in some villages possessing a few acres of land only. Such ownership only secured them a life of hardship and deprivation. Some, therefore, preferred to emigrate even if they needed to borrow from emigration agents. Inheritance practices however varied according to the size of the villages, their wealth, their population and the markets around them.

DIFFERENTIATED PATTERNS ACCORDING TO FAMILIES AND VILLAGES

In two of the six villages, Mendive and Isturits, families' inheritance practices remained close to the ancient customs, the large majority of the household heads transmitting the entire property to the first-born son or daughter especially in the first half of the nineteenth century. Indeed, in *Mendive*, a mountain village with great agricultural potentials and the presence of a regional market, in Saint-Jean-Pied-de-Port,

15 On cadets' fate in France, see synthetic works by Gérard Bouchard, John A. Dickinson and Joseph Goy (eds.), *Les Exclus de la terre en France et au Québec (XVIIe - XXe siècles)*, Sillery, Quebec, Septentrion, 1998.

16 On the issues related to siblings' destinies before and after the heir's or heiress's marriage, see article by Marie-Pierre Arrizabalaga, "Structures familiales et destins migratoires à Sare au XIXe siècle," *Lapurdum*, 1997, II, 237-255 & "Réseaux et choix migratoires au Pays Basque. L'exemple de Sare au XIXe siècle," *Annales de démographie historique*, 1996, 423-446.

where farmers could sell their agricultural surplus and their cattle, the business was prosperous and therefore, few people in the villages departed, especially to towns and cities. When they could settle as propertied farmers therefore, they did not hesitate. First-born sons or daughters of the propertied household heads in Mendive, therefore, rarely relinquished their rights as heirs, even in the late nineteenth century. Most of the first-born sons and daughters of the second and third generations took over the family business. Families in *Isturits* behaved in a similar manner. In this lowland village, there were few property owners, yet they were wealthy ones and therefore almost all first-born sons or daughters accepted to become heirs, finding the family business profitable and their status as heirs honorable. Consequently, most first-born children accepted the status of heirs, both in the first half and the second half of the nineteenth century. When they relinquished their rights and status, families selected a younger son rather than a younger daughter to inherit the family house and property, making sure that a hard-working son, one they could rely on, took over the business. These two communities therefore remained very traditional, counting generally on first-born sons or daughters to run the farm, and only occasionally on cadet sons.

Two other communities, Aldudes and Alçay, elaborated radically different inheritance practices, allowing mostly first-born or cadet women to take over the family business. First, these two villages were isolated, populated mountain villages. Most of the property owners owned a few acres of land and the surplus population had no chance to establish themselves in the village or nearby as land was rare and craft opportunities limited. Those who inherited a property had small revenues and large families. The family culture therefore had come to encourage most of the children to depart from the village, many of whom went to America. As their emigration networks expanded, more and more people preferred to emigrate to America rather than establish themselves in the village. As time went by, more and more first-born sons emigrated, relinquishing their rights as heirs in favor of cadet daughters, many of the cadet brothers settling in America with them as well. In *Alçay*, emigration networks developed in the second half of the nineteenth century. Consequently, only then did more and more first-born sons relinquish their rights generally in favor of cadet sisters. In *Aldudes*, none of the first-born sons became heirs in the first half of the nineteenth century, all settling in America instead. As emigration became a popular option for men in Aldudes, many of the first-born sons did not inherit, allowing the first-born or cadet sisters to run the family business for them. It is not so much poverty that led these men to establish themselves in America, but the possibility to do better as property owners or artisans in America. Another reason led these first-born sons to depart to America rather than settle as property owners in the village. They did not want to be forced to conscription. They therefore escaped to America both for economic reasons and to avoid conscription, a situation which favored women who then became heirs of the

family house.

The two other villages, Sare and Amendeuix, continued to practice first-born male or female inheritance but also cadet inheritance as well. *Sare*¹⁷ was a wealthy mountain village where farmers owned rather large properties for a mountain village. It was located close to urban market places, most notably in Saint-Jean-de-Luz. In the first half of the nineteenth century, most first-born sons and daughters inherited the family business, which seemed to be considered as highly profitable and honorable. In the second half of the nineteenth century, however, with massive emigration from the port of Saint-Jean-de-Luz and Bordeaux, most of the first-born sons demanded a dowry and emigrated to America, allowing cadets, especially cadet daughters to inherit. In *Amendeuix*, there were very few property owners, all of whom transmitted their property to cadet daughters in the first half of the nineteenth century. In the next generation, half of the houses were transmitted to first-born sons or daughters (two daughters and one son), yet when first-born children did not inherit, the property was transmitted to cadet sons.

What clearly appears in this analysis is that in the course of the nineteenth century, more and more first-born sons accepted other options but inheritance. They emigrated to America, married heiresses in the village and nearby villages, remained single in the family house, or opted for a different career (in the civil services or in the church). Economic opportunities in France and abroad, due to the spread of industries and the growth of cities, opened and many men probably found departure agreeable as they could settle more comfortably, improve their social status, and avoid conscription. In such circumstances, more and more women became heiresses. They actually had greater and greater chances to inherit the family house and property, whether these women were first-born or cadet women. It is difficult to know whether household heads selected first-born or cadet daughters as heiresses out of necessity (as a result of men emigrating massively to America) or by choice (daughters and sons-in-laws being more docile). Nevertheless, they sacrificed strict male and female primogeniture (“*aînesse intégrale*”) to secure single inheritance, thus allowing one child to transmit all family assets from one generation to the next and making the family house viable economically through the nineteenth century.

17 On Sare, see Marie-Pierre Arrizabalaga's published articles on Sare in 1996 and 1997, as well as the UC. Davis dissertation on Sare (See bibliography).

EFFECTS OF GREATER FEMALE INHERITANCE ON PROPERTY TRANSMISSION STRATEGIES

Female inheritance clearly contributed to the pervasive survival of family traditions and customs, yet female inheritance radically changed inheritance practices in the course of the century. Female inheritance, whether these women were first-born or cadet, did not change the fundamental practices of single inheritance, which alone guaranteed families' economic survival and villages' eco-demographic equilibrium. It was essential for families to keep "houses" intact, to avoid land partition between siblings and to secure the economic viability of farms. Whether single inheritance benefited the first-born male or female children in the early nineteenth century or the first-born or cadet, male or female children in the second half of the nineteenth century did not really matter as long as properties remained undivided and were therefore transmitted intact from one generation to the next.¹⁸

Female inheritance did not change household structure in the nineteenth century either. The stem family remained the model for all propertied households, older household heads sharing the same working and living spaces as younger household heads, with sometimes unmarried siblings (especially first-born children who relinquished their rights to inheritance). Occasionally, young household heads even had to live and work with unmarried aunts or uncles, or with unmarried brothers or sisters, or both. The stem-family form of the household did not last through the young household heads' life cycle though.¹⁹ It was generally interrupted half way through the cycle after older household heads, uncles and aunts had died, after all siblings' departure from the family house and until the next generation's heir or heiress was allowed to marry into the house.²⁰ Nevertheless the general household patterns remained that of the stem family, as before the French Revolution. The Civil Code did not change this situation dramatically, though more and more siblings departed from the house permanently and at a younger age. Families made all efforts to go around the law to avoid partitioning land between siblings. The analysis of the land registers should have brought into evidence that, with the Civil Code, many families were forced to sell their property to compensate each of the siblings for their equal share of the inheritance. Yet, the registers of the six villages and of surrounding villages which I consulted in detail show that hardly

18 On other Pyrenean models, see works by Georges Augustins, Rolande Bonnain, Antoinette Fauve-Chamoux, Agnès Fine, Anne Zink, among others.

19 On the argument of the life-cycle development of stem-family households, see article by Lutz K. Berkner, "The stem-family and the development cycle of the peasant household: an eighteenth-century Austrian example," *American Historical Review*, 1972, 77, 2, p. 398-418.

20 On that matter, read article by Marie-Pierre Arrizabalaga, "The stem family in the French Basque Country: Sare in the nineteenth century," *Journal of Family History*, Vol. 22, No. 1, January 1997, p. 50-69.

any houses disappeared and hardly any land changed hands.²¹ What did female inheritance change then?

Female inheritance as a new property transmission system was the result of many nineteenth-century circumstances which were outlined above, namely, the limited economic opportunities in the rural French Basque Country, the opening possibilities in towns, cities and overseas as a result of industrialization, urbanization, and better transportation, greater freedom of movement enhanced by the Civil Code which imposed equal inheritance yet granted greater individual freedom. Men departed from the family house to enjoy a better life and avoid conscription. Women, whether they were first-born or cadet, had a greater and greater chance than men to inherit. In some communities, especially the wealthier villages, they had an equal chance as first-born children and valued the status that was associated with the position as heirs. In poor, isolated mountain villages, however, first-born or cadet sons did not accept to inherit the family property because small property brought them hardship and deprivation, having to make it through life and compensate all siblings for their shares of the inheritance. Emigration secured them a better life, greater freedom of movement, and a way to escape conscription.

Female inheritance changed property transmission strategies considerably. Indeed, the ancient customs granted young heirs, male or female, all rights over the property inherited from his or her parents. They could not sell land without all surviving parents' and siblings' approval. Heirs, male or female, were the transmitters of the house and land which were to be passed down intact from one generation to the next. They were in control of the property, had the responsibility to make it as profitable as possible to be able to provide the siblings with a dowry. Their spouses had no power over the property. They brought a dowry which was incorporated into the property and invested into the "house," and which generally used to compensate one or two of the siblings with a dowry. They made no profit from the dowry because, when they died, they only owned their dowry. In such circumstances, Heirs' spouses were "co-seigneur" of the property but not "co-owner."

With female inheritance and the Civil Code, male spouses managed to get rights over the property which their wife inherited. They were often in charge of the hard work on the farm, brought a dowry into the household, a dowry which was used to purchase one or two of the siblings' shares of the inheritance. In the first half of the nineteenth century, spouses male or female, did not benefit from the investment of their dowry into the household. They brought an amount of cash in the early part of the

²¹ I searched through the "cadastre" or land registers of the six villages and all surrounding villages to find out whether families sold their land. Actually I noticed rather few land sales, properties being transmitted entirely to decedents. If families were forced to sell, the land would be partitioned and sold to different people. That was not the case. Families made all efforts possible to keep the property together and in the hand of the family.

marriage, and died possessing the same amount of money as the one they declared in their marriage contract. They made no benefit from this investment. As time went by, in the course of the nineteenth century when the Civil Code was gradually enforced, heiresses' spouses made sure that they benefited from the investment they made on the property with their dowry. They became "co-owners" of the family house and property, on equal footing as their wives. If men had continued to inherit the family house and property, it is possible that this development would not have happened, their wives being unable to pressure families to make them co-owners of the assets. As heiresses' spouses contributed greatly to the well-being and prosperity of the business with their hard work and their dowry, they were in a better position to impose some of the laws of the Civil. Yet, they only became legal co-owners of the inherited property upon the older household heads' death, therefore later in their life. Until then, they had to submit to the older household heads.

Heiresses faced a new situation as men wanted to emigrate early in their life and needed family help to depart to America. Families had to gather sums of money for the departing sons or brothers. This put great pressure on old and young household heads who could only gather limited sums of money at a time, especially in isolated mountain villages. It appears that many of the departing siblings departed from the family house and the village to America with little and no money from their families. Families did go into debt to help these siblings, yet in the second half of the nineteenth century, emigration agents contributed to facilitate massive departure to America. It gradually became convenient for families to encourage emigration because most of the departed siblings never returned to the village to demand their shares of the inheritance. It was not uncommon that small-propertyed household heads' siblings received a couple of hundreds of francs before departure and withdrew from inheritance, donating the rest of their shares of the inheritance to the heir or heiress, the one who accepted to perpetuate the inheritance traditions and remained in the family house. They knew that if they demanded their shares, they could only get a small compensation, the value of the property being too small and the number of siblings too numerous. Women therefore best secured the Basque traditions of the family house. As many women remained in the family house, perpetuating family traditions, departed siblings could not only maintain their ties and roots to that house but they could also visit occasionally. This situation seemed to satisfy everyone.

CASE STUDIES

The two cases that I selected derived from the two villages where female inheritance became the predominant inheritance pattern, namely Aldudes and Alçay. The first case explains family inheritance practices among small property owners and the second

case among larger property owners. In *Alçay*, Dominique I. married Marie who inherited her parents' property of about eight acres at the time of her marriage in 1806. In the early nineteenth century, Marie's parents were able to transmit the house and property intact to one child as in the Ancien Régime. Marie was sole owner of her parents' property until she died, though her husband invested his dowry on the property (399 francs only), accepting to use it to compensate one of his wife's siblings. Together however, Dominique and Marie purchased land during their marriage, of which they became co-owners.

Dominique and Marie had four children, three daughters and one son. The first-born daughter inherited from the family house and property at the time of her marriage with Philippe A. in 1839. In her marriage contract, she received one fourth of the property (the "préciput" share), the extra share of the inheritance to which she was legally entitled according to article 913 of the Civil Code.²² Her husband Philippe brought 1500 francs as a dowry which he used to purchase one of his wife's siblings' shares of the inheritance. During his life, he purchased the other shares of the inheritance, worth 5050 francs total. Philippe and Engrace, who had three children, transmitted their property to their first-born daughter, Marie, at the time of her marriage with Ignace I. in 1875, yet she relinquished her rights to inheritance because she and her husband departed to America. Ignace probably used his dowry to settle in America, with the hope to return to the house after a few years of savings in America. Meanwhile, Pierre, the second-born son, took care of the family house and property, waiting for her sister's return from America. As his sister never returned from America, Pierre was in charge of transmitting the property to the next generation. For his part, the third-born son, Pierre, never received his share of the inheritance, lived in Cuba for more than fifty years, where he probably fared well. For retirement, he returned to the family house where he died in 1936. Thus, in the first half of the nineteenth century, medium-sized property owners perpetuated the traditional single inheritance practices known as the "aînesse intégrale," transmitting the family house and property to the first-born child, male or female, unless the first-born child relinquished primogeniture rights.

Inheritance practices in wealthier families showed great diversity in the nineteenth century, some families transmitting their property to their first-born son or daughter at each generation, others to their cadets, to their cadet daughters generally. Jean A. and Catherine married in 1808 in *Aldudes*. Catherine inherited her parents'

22 Article 913 of the Civil Code, one child could receive an extra share of the inheritance, in addition to the equal share he or she was entitled to, on equal footing with his or her siblings. When a family had one child, the "preciput" share was valued to half of the inheritance. With two children, the share was worth one third of the value of the property. Finally, with three children or more, this share was valued to one fourth of the property. In the case of Dominique and Marie, their fourth-born daughter, Engrace, received a share worth one fourth of the inheritance, the other three fourths to be equally divided between all siblings.

property of 18 hectares, her husband bringing a dowry of 900 francs. The only information the succession documents provided is that both Jean and Catherine managed to purchase the siblings' shares of the inheritance, with no further detail. Together, they had eight children. The property was large enough to be attractive. As the tradition wanted, the family transmitted the extra share to their first-born daughter, Marie, when she married Michel in 1830. Together, they purchased many of the siblings' shares of the inheritance. Indeed, Michel's dowry (worth 1500 francs) helped to purchase Antoine's share of the inheritance (the second-born son) with 1500 Francs. Later, Marie and Michel also purchased the other siblings' shares of the inheritance: Jean (third-born) departed to America, Marie (fourth-born) married Pierre E., an heir, Jean (fifth-born) married Marie B., an heiress, Elizabeth (sixth-born) married Gratien S., an heir, Jean (seventh-born) also went to America, and finally Marie (eighth-born) married Martin, an heir. All younger siblings who married into a propertied family married people who owned much smaller properties than their parents. It was probably impossible to collect large dowries for each so they could marry wealthy property owners. How did these property owners transmit their property to the next generation?

Marie (first-born) transmitted her property to her first-born son, Michel; Antoine (second-born) to his second-born daughter (his first-born son residing in America); Marie (fourth-born) to her fourth-born daughter (her first-born son settled in America, and the two others decided to remain single in the house); Jean (fifth-born) to his second-born son (the first-born son who chose to depart from the village); Elizabeth (sixth-born) to her first-born daughter; and Marie (eighth-born) to her fourth-born daughter (the three older siblings residing in cities or abroad). The analysis of these families demonstrates that wealthier families transmitted their property to their first-born children as the tradition wanted, inheritance being honorable and providing a high status within the community. Among small farmers however, property transmission practices were less predictable. Indeed, rarely did first-born sons or daughters inherit the family property. Actually, in most cases, women inherited, whether they were first-born or cadet, the men preferring to settle in cities or most commonly in America. Families called on women to take over the family property and counted on them to perpetuate family traditions because men chose to depart to America instead. We must conclude arguing that whatever decisions families took and whatever strategies they used to select the heir or heiress, they sacrificed the first-born male or female inheritance practices of "aînesse intégrale" to advantage one child, any child, most commonly women. What is certain is that single inheritance prevailed and each family's property, no matter the size, survived the century and continued to exist and to be transmitted almost intact well into the twentieth century.

CONCLUSION

It appears that “*aïnesse intégrale*” practices was indeed becoming a rarer practice in the French Basque Country by the end of the nineteenth century as property was no longer transmitted to the first-born son or daughter but more and more often to daughters, whether they were first-born or cadet. It was probably fortunate that women accepted to continue their parents’ work in the village because many of the men, especially wealthier property owners’ sons, preferred to emigrate to America. In this way, families preserved the vital traditions of single inheritance intact, making sure that properties were not partitioned and that the houses were transmitted intact from one generation to the next. Though first-born male or female inheritance declined, female inheritance among first-born or cadet daughters became the most common inheritance practice, especially in poor villages where emigration was massive (Aldudes and Alçay). It is not certain whether men willingly avoided inheritance in order to fare well in America or to avoid conscription. Nevertheless, fewer and instead fewer men inherited and departed from the village, the region, and France.

There were advantages to female inheritance though. Families were secure that women did perpetuate families’ values best and successfully transmitted the family house and property to one child. Thus women replaced men and became sole guarantor of traditions. Women were probably considered as docile heiresses whose faithfulness to traditions and to family values and whose obedience to parental authority were undeniable. Household heads willingly accepted their sons’ departure because they never returned from America to demand their equal share of the inheritance. They were then able to choose the heiress best suited for inheritance. In addition, sons-in-laws, who often came from smaller propertied families, probably showed themselves docile and were forced to hard work and discipline with the hope to share ownership with their wives after the older household heads’ death in the second half of the nineteenth century.

The effects of these new inheritance practices were various on parents and on heirs. The old and new laws (the customs and the Civil Code) gave older household heads control over their house and property until their death. The heirs or heiresses thus became the legal owners of all property only when both parents passed away. Heirs received one quarter of the assets at the time of his or her marriage only. Whether the heir be a son or daughter, he or she had to obey and submit to his or her parents’ authority for a long period of time after marriage. While the heir or heiress was sole owner of the family property even if the spouse’s dowry was used to purchase the siblings’ shares of the inheritance in the first half of the nineteenth century, the situation evolved considerably in the second half of the nineteenth century as sons-in-law and daughters-in-law became co-owners of the house and property and couples

were able to dispose of the family assets as they wished. By the end of the century, it had become honorable and advantageous to accept to marry an heiress of higher status, as together they could co-own a wealthier house and property, a status which sons-in-laws had no hope of obtaining until the second half of the nineteenth century.

By the end of the nineteenth century, the ancient traditions of single inheritance remained intact as first-born or cadet, male or female continued to inherit all family assets. In the same way, the stem-family structure remained predominant as older and younger household heads continued to share the same living and working spaces as in the Ancien Regime. These practices were able to survive under the conditions that the strict implementation of the traditional practices of “aïnesse intégrale” be sacrificed.

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