

The Hajnal thesis before Hajnal: The pre-history of the European Marriage Pattern

PD Dr. Georg Fertig

Historisches Seminar der Universität Münster

Domplatz 20–22

D-48143 Münster

phone +49 251 83 243 80

fax +49 251 83 243 57

e-mail [georg.fertig@uni-muenster.de](mailto:georg.fertig@uni-muenster.de)

Version: March 3, 2004

## Abstract

Why did Western Europeans traditionally marry late, and not universally? Hajnal's "European Marriage Pattern" has often been interpreted in terms of a societal control of niche transfer. This interpretation is strongly influenced by pre-Hajnalian continental European population theory. Households are defined as units of production, consumption, and control. I investigate the discourses and social practices where this inadequate interpretation originated. Three historical contexts for the niche interpretation are identified. First, when early modern theorists of the state discovered the need for self-regulation, they turned to the household as its main agent. Second, conflicts about marriage arose between upper and lower classes in continental Europe during the 19<sup>th</sup> century. Then, a tradition was invented that marriage had always been a societal privilege of the propertied. Third, the distinction between reluctant marriers and early marriers was ethnicized during the 20<sup>th</sup> century, when the niche mechanism was attributed to Germanic peasants, and overpopulation to Slavs.

## The Hajnal thesis before Hajnal: The pre-history of the European Marriage Pattern

### *The Hajnal thesis? What Hajnal thesis?*

John Hajnal bears but a limited responsibility for what has come to be known as the Hajnal thesis. In his famous paper of 1965, Hajnal (1965: 134) quite explicitly made clear that the "primary concern of [his] account has been the mere existence of the pattern" of late and non-universal marriage in Western Europe, and that "[this] aspect should be kept distinct from the search for explanations." Ever since, these exculpatory remarks did not save Hajnal from being identified as a standard reference for one particular explanation of the European Marriage Pattern, the land niche model. According to this model, which has been especially popular among historical demographers during the 1970s, European couples willing to marry had to wait until a self-sufficient "niche" or "position" was transferred to them, typically a farm the husband's father bequeathed to his son. Therefore, the death of a landowner and the marriage of a new couple were linked events. This mechanism, it is assumed by many authors, helped secure the balance between population and economic resources. Hajnal (1965: 133) himself has made this interpretation of his paper plausible by arguing that "[in] Europe it has been necessary for a man to defer marriage until he could obtain an independent livelihood adequate to support a family." Although the niche thesis certainly offers a legitimate interpretation of Hajnal's paper, it is not without alternatives, and as Hendrickx (1997: 25) has recently emphasized, Hajnal called it into question himself.

In the niche version of the Hajnal thesis, strong assumptions are made on two issues, none of which can quite explicitly be found in Hajnal's text. First, it is assumed that the resources which are used for household formation can be described as a *niche* or "Stelle" (position), in other words, the stable holding of a self-employed householder such as a peasant or a craftsman which guarantees that its holder will not become a burden to his wider family or community. This assumption is not trivial at all. In the sociological or economic (as opposed

to juridical or theological) sense, marriage is defined as household formation. But what is a household? If, as Hajnal (1965: 132) states, “the household is the principle unit of economic production as well as consumption,” then the availability of input goods, such as land, for this production (or income generating) unit is a necessary precondition for marriage. But if the household is defined as a consumption (or income pooling) unit, the availability of land will not be an issue, although the formation of such a consumption unit will still have its price. Obviously, a Big Topic of social history is addressed here: the loss of functions—especially, productive functions—sustained by the household during modernization.<sup>1</sup>

Second, it is assumed by the land niche model that marriage is a *privilege*, that there is some kind of cultural or societal mechanism by which it is determined the “position” of which couple is sufficient, so that they may marry, and whose “position” is not sufficient, so that the societal license for marriage cannot be given (Pfister 1994: 24). Typically, “positions” are assumed to be transferred as a whole, and mostly by means of inheritance in the male line, as opposed to the land market. In this case, the decision who is entitled to marry is very straightforward: only those men may marry who inherit property or whose bride is an heiress. This has consequences for the notion of balance between population and economy that is brought about by the niche mechanism. According to the niche model, balance is the object of strategies, something people know about and intend. In society, people consciously adjust their decisions to incumbent risks and problems.<sup>2</sup> An alternative to this sociological approach is presented by microeconomic theory which emphasizes equilibrium as an unintended result of individual planning, coordinated by an “invisible hand.”<sup>3</sup> This issue should be kept apart from the issue of household functions. It rather relates to another Big Topic: Did the market as an anonymous, unconscious, and non-intentional way of coordinating people’s plans emerge during modernization, or has it always been decisive?

Since the early 1970s, quotations of Hajnal and the European Marriage Pattern have been used as references for the niche model in numerous discussions of marriage behaviour in western Europe. One example, and presumably also an important step in the mutual transfer of demographic concepts across the Channel of England, was the conference organized by German social historians in Bad Homburg in April 1975, the papers of which have subsequently been edited by Conze (1976). Among the participants of this conference and of three pre-conferences since 1973 were some of the most distinguished family historians and historical demographers and population sociologists both from the English-speaking and the German-speaking countries. In the published conference proceedings, the niche argument is discussed Peter Laslett (1976: 13-14, including a reference to Hajnal), Linde (1976: 35–36), Schofield (1976: 152), Castell (1976), Imhof (1976: 206, quoting Hajnal), and Medick (1976: 267, also quoting Hajnal). Imhof’s (1976: 206) reading of Hajnal seems to be quite representative. He argued that the high age at marriage he found in his classical study on the Hessian village of Heuchelheim should be understood in terms of “the Hajnalian ‘European marriage patterns’..., that is, a ... uniquely high age of marriage in (west) European populations which was based on a unique socio-economic development since the high Middle Ages until the early nineteenth century, according to which the societal licence for marriage was contingent upon the ability to provide for a wife and children, that is, a position which allows full earn-

ings.... One has always attempted to prevent [Malthusian positive checks] e.g. ... by raising the female age at marriage” (my translation). In this interpretation, an aggregate parameter such as female age at marriage is deliberately set by society in order to achieve a specific purpose, that is, the prevention of famine. Clearly, Imhof attributes not only the pattern to Hajnal, but also the explanation, and he makes it quite clear that “positions,” “societal licences,” and an intentional regulation of population growth are crucial elements of that explanation. Notably, Imhof’s reading of Hajnal in the context of the niche model is far from atypical. In the 1990s, many historians still understood the Hajnal thesis in terms of high ages at marriage, high celibacy rates, and a societal control of the marriage decision based on the transfer of production units across generations. For example, George Alter (1991: 1) claimed that in Hajnal’s view “[the] central feature of [marriage] behavior is the requirement that newly married couples must form economically self-sufficient households.... In an agrarian society this implied waiting for parents to pass the farm to the next generation, or the long, arduous process of saving enough to buy a farm.” In other words, you need a farm in order to get married.<sup>4</sup>

Hajnal’s own interpretation of the European Marriage Pattern is less straightforward, although the niche reading of his 1965 paper is not quite unjustified. As we can read in his text<sup>5</sup>, Hajnal’s main interest is directed to the question of the relatively high standards of living found in “Europe.” On the one hand, “late marriage brings about wealth”; on the other hand, “wealth may equally cause late marriage.” In this context, Hajnal argues that marriage requires an “independent livelihood adequate to support a family.” It is at this point that he discusses the need to “wait till land became available” as a possible explanation for the European Marriage Pattern (Hajnal 1965, 133). On the same and the next page, Hajnal calls the wait-for-land explanation into question himself since the mechanisms linking the death of a male owner and the marriage of his son are unknown and especially since female marriage behaviour—which is crucial in a demographic perspective—cannot be explained by the model. Thus, the gist of Hajnal’s 1965 paper is not that Europeans married late and not universally because of a specific mechanism or social rule, but simply that they did behave in this way. His cautiousness in giving any explicit explanation seems understandable given his conviction that a “full explanation of the background of European marriage patterns would probably lead into such topics as the rise of capitalism and the protestant ethic” (ibid.: 132)—quite a treacherous ground.

Consequently, only bits and pieces of a Hajnal thesis beyond the mere existence of a “pattern” can be detected in the 1965 paper. It seems clear from the text that the formation of a household—understood as a unit of both consumption and production (ibid.: 132)—is an important context for decision whether or not to marry, and when. But the crucial elements of the niche theory—the issues of position and privilege—are left undefined by Hajnal. It is not made clear if the concept of wealth causing late marriage (ibid.: 133) is valid for those who are not wealthy, in other words, the criteria are left undefined for what is a position and what is not. It is not made clear who “insisted on a certain standard of living... as a prerequisite for marriage” (ibid.)—the couples themselves, their parents, or the local authorities, in other words, whether marriage was a privilege granted by “the society,” or an individual decision made on one’s own risk. Also, the question of inheritance is left open: although Hajnal (ibid.)

speculates that impartible inheritance systems or what he calls “the European stem family” (ibid.) might cause the European Marriage Pattern, he also acknowledges that there may be other “social arrangements” (ibid.: 134) that played a role—a society where land circulates on the market does not seem to be excluded from the models speculated about by Hajnal, nor does the practice of partible inheritance.

What kind of society had Hajnal in mind when he wrote his classical paper? There is a certain tension between his argument and the concept of “peasant society”. According to his article of 1982, what Hajnal had in mind was not a peasant society in the sense of Chayanov (1923), where there are is neither a labor nor a land market. Instead, Hajnal claimed that the existence of a labor market was crucial for the functioning of the system. He even argued that the European Marriage Pattern provided the cultural context where Adam Smith’s economic theory could be developed (Hajnal 1982). Still, Hajnal’s concept, even in the more explicit 1982 version, cannot simply be equated with free market capitalism—he does not say very much about the land market, and the labor market is not free in the sense of modern economic theory, since it is a market in the bound labor of servants. The niche model, as discussed at the Bad Homburg conference, also seems more limited in scope than the type of society Hajnal had in mind. It is tailored to a society of noble landowners, dependent peasant producers, a limited number of master craftsmen, and servants. It assumes the existence of a labor market only for unmarried, semi-free laborers. This is clearly an extremely unrealistic assumption for many parts of Western Europe, where day laborers, proto-industrial producers, and other sub-peasant strata were common during the early modern period as well as during the nineteenth century. As far as inheritance is seen as the main channel of land transfer, the niche model downplays the notion of a land market. According to the model, it is no option to form new households based on expected income from dependent employment, credit, alms, or parental support. Obviously, the niche theory makes strong assumptions about the institutional context of marriage, and it assumes fundamental changes between historical epochs. We may therefore understand it as an “elaborate” interpretation of Hajnal’s European Marriage Pattern.

#### *Alternative interpretations*

Not explaining the European Marriage Pattern, but alluding to quite a number of relevant explanatory contexts may have contributed a lot to the paper’s popularity. Since Hajnal did not formulate the Hajnal thesis, his readers were forced to do so. My discussion of “the Hajnal thesis before Hajnal” will be aimed at explaining why the Hajnal thesis was read the way it has been read, rather than explaining the arguments that have influenced Hajnal himself—an issue that could probably be clarified by himself in a more efficient way. But let us first ask more explicitly, if Hajnal could—and should—have been read differently. Indeed, there are variations in the way in the way the European Marriage Pattern has been interpreted in the literature on family history and demography.

One option is to explain the European Marriage Pattern without referring at all to the availability of “niches” in the sense of production units. Such explanations focus on neolocal household formation: could not wage laborers or protoindustrialists demonstrate a reluctant marriage behaviour as well as proprietors? For laborers, too, marriage is a risky and important

step. Hajnal's second paper corroborates this view. In that paper, he dropped all references to the niche mechanism, and he made clear that a "household, for our purposes, must be defined as a housekeeping or consumption unit" (1982: 481). Moreover, he quoted from an Austro-Hungarian source that "[all] those should be counted in one household... who do not cook for themselves" (1982: 483). We should note that this concept is conform to the concept of a household in economic and sociological theory, where households coordinate consumption, the firm is the main unit of production, and separation of the two is crucial (Weber 1921, ed. 1978: 379). In this view, it does not take a land niche to form a new household, but pots and pans. Obviously, this is a very important difference—forming a consumption unit and cooking for one selves may be a big endeavour for young people, but it is a small thing compared to forming or taking over a firm. As to the issue of marriage as a privilege, nothing is said at all in the second paper. The "formation rules" presented in the second paper are again descriptive rather than normative, and nothing is said about whose obligation it is to see that they are carried out (Hajnal 1982: 452).

We might distil a concise explanation of the European Marriage Pattern, that is, an alternative to the elaborate niche reading of Hajnal, from his second article as well as some conceptual papers from the Cambridge Group and their intellectual neighbours.<sup>6</sup>

(1) *Neolocality*: Marriage entails household formation.

(2) *Household functions*: Households are independent consumption units in the sense that each of them provides welfare for its members, but they are not self-sufficient in the sense that their production is aimed at satisfying their consumption. Forming a new household implies that the former (parental) consumption units are no longer responsible for their ex-members.

(3) *Subsidiarity*: In case a household fails in providing for its members, the community or territory is responsible. There is a hierarchical and subsidiary system of provision for the needy, the main elements built on households, communities, and states.<sup>7</sup>

(4) *Costs of marriage for children*: Since marriage ends parental responsibility for a child's consumption, it is costly for the children. This raises the age at marriage as well as the celibacy rate.

(5) *Costs of marriage for communities and states*: Since marriage creates externalities for communities and states, these are interested in controlling the marriage decision and in enforcing the norm that such external costs should be kept at a minimum.

(6) *Input goods*: The availability of input goods (factors) such as land and credit is no precondition of marriage, and the circulation of these goods is therefore not strictly linked to marriage behaviour. Land circulates in small or big parcels, within the family system or on the market. Credit is available for households.

(7) *Labor*: Income is generated from the labor market as well as from self-employment.

(8) *Agency*: Demo-economic balance is primarily an unintended result of individual action.

In this view, we would read Hajnal as a theorist of neolocal household formation and the need for a marriage fund. According to such a concise interpretation, marriage was a

costly step in western Europe since it typically ensued in the formation of a new consumption unit—neolocal either in the sense of setting up a completely new household, or of taking over the headship of an existing household (for this understanding of neolocality, see Smith 1993a). This led to a high age at marriage, non-universal marriage, and most importantly, a marriage behaviour that was elastic to the fluctuations of the economy. Marriage ages and celibacy rates would be influenced in this view by institutional variables, but only indirectly. The responsibility of the collectivity for support in hard times would make it easier for the parental family to withdraw from responsibility for the new couple's consumptory needs (Laslett 1988). The institution of life-cycle servitude would make it easier to wait, earn, and save money. But direct institutional control of the marriage decision would then not be crucial to the system, nor would the availability of land or the “chain between reproduction and inheritance.” We might note that the model rests upon the issue of costs, and largely ignores the incentives to marriage (Guinnane 1991; see also Engelen and Klep 1998). Despite the latter shortcoming, understanding marriage as neolocal nuclear consumption unit formation offers a more simple alternative to the elaborate interpretation of marriage as a controlled transfer of consumption-and-production units.

As opposed to the concise model, a formal summary of the elaborate thesis could be drawn up as follows.

(1) *Neolocality*: Marriage entails household formation.

(2) *Household functions*: Households combine the functions of production, consumption, and domination. Households are self-sufficient in the sense that their production is aimed at satisfying their consumption. Forming a new household implies that the former (parental) households can no longer use the labor of their ex-members for production, that they are no longer responsible for their consumption, and that they cease to control their children's everyday life.

(3) *Subsidiarity*: In case a household fails in providing for its members, producing enough, or regulating the behaviour of its members, these obligations are taken care of by the community or territory. There is a hierarchical and subsidiary system of provision for the needy, of economic production, and of social control, built on households, communities, and states.

(4) *Costs of marriage for parents and children*: Since marriage ends parental responsibility for a child's consumption, it is costly for the children. This raises the age at marriage as well as the celibacy rate as long as the timing of marriage is decided by the children. Since it also ends the child's contribution to the parental household income, it is costly for the parents. This also raises the age at marriage and celibacy rate as far as marriage is controlled by the parents.

(5) *Costs of marriage for communities and states*: Since marriage creates externalities for communities and states, these are interested in controlling the marriage decision and in enforcing the norm that such external costs should be kept at a minimum.

(6) *Input goods*: Since households are production units, input goods (factors) are needed for their formation. In the absence of factor markets, e.g., in a society dominated by

noble landowners, these are available only through the family system, that is, by marriage or inheritance. It is not assumed that credit is available for young households.

(7) *Labor*: Since the household is a unit not only of production and consumption, but also of domination, those who work in these households do not have the status of free workers but rather of semi-free servants. Employers therefore are able to control the marriage decisions of their employees.

(8) *Agency*: Demo-economic balance is primarily an intended result of social control.

Obviously, the second list is more complicated, and it will fit a smaller group of social settings. As far as they differ from the concise list, most points in the second list are derived from the definition of a household as a unit of production, consumption, and control. Point 6 leads our attention to the question if factor markets do exist. This is not crucial in the first version. Most advocates of the niche thesis seem to hold that in an agrarian society land is not available on the market, but through the family system. This assumption is not necessary even if we do define the household as a production unit. Point 8 (agency) also sets the two readings of the European Marriage Pattern apart without being strictly derivable from the definition of the household.

For the purpose of explaining the European Marriage Pattern, the more simple version may be preferable, following the rule of Ockham's razor, which suggests that unnecessary assumptions should be dropped. The concise interpretation may be sufficient for explaining the European Marriage Pattern, and it is certainly better suited for explaining its persistence than the niche thesis.<sup>8</sup> Still, it is not the purpose of this article to test this alternative, or to disprove the niche model—indeed, the niche mechanism may be valid for understanding the marriage behaviour of specific social sub-groups in specific places or periods in time, although probably it is not too helpful for understanding entire social systems such as “pre-industrial Europe”. The problem this article is aimed at clarifying is rather, why Hajnal's readers did not restrict their interpretations of the European Marriage Pattern to the concise model, and why did they refer his thesis to the concepts of the household as a production unit, and marriage as a privilege? It is the aim of this article to clarify the ways Hajnal's readers were prepared to read (or misread) his classical paper—not the paper itself.

In the following sections, I will explore three contexts that seem to be relevant for the reception of Hajnal: The eighteenth century tradition of population theory the niche mechanism has been invented in, the social practice of conflicts about reproduction that formed the background for the perception of marriage as a privilege during the nineteenth century, and the design of an elaborate theory of marriage-based population control during the twentieth century. All of these contexts are situated in the German-speaking parts of central Europe. This is so because the theory of marriage as a niche transfer among the privileged has been developed in that area between the eighteenth and the twentieth centuries.

*“une place où deux personnes peuvent vivre commodément”*: The “niche” as an eighteenth century continental European invention

Before claiming that the niche mechanism was invented by continental European theorists, we will have to rule out one other obvious suspect, Robert Malthus. Hajnal (1965: 130) himself,

when describing the “main theme of [his] paper” as “not new,” referred to Malthus. Could it not be that the elaborate interpretation seemed self-evident because in the Malthusian tradition of population theory, marriage control and niche transfer were prominent topics? Indeed, it is well known that Malthus at least in the second edition of his work described marriage as the main variable that made the working of the “preventive check” possible and consequently offered an alternative to high death rates, low living standards, and other “positive checks” (Malthus 1803, ed. 1989). And indeed, references to the niche mechanism as well as to marriage regulations can be found in the historical and ethnographic sections of Malthus’s work. For instance, he mentions Plato’s concept of marriage regulation (ibid.: vol. 1 136–137, chapter 1,13), and more important, he explicitly discusses the link between marriage and mortality as a preventive check in his chapters about Norway (ibid.: vol. 1 148–157, chapter 2,1), central Europe (ibid.: vol. 1 193–202, chapter 2,4), and Switzerland (ibid.: vol. 1 215–228, chapter 2,7). In Norway, Malthus (ibid.: vol. 1 150) argues for example, “vacancies in houses and employments must occur very slowly, owing to the small mortality that takes place”, so that peasants had to wait until they were able to raise a family. A similar argument is made for Switzerland (ibid.: vol. 1 219), another country inhabited by virtuous peasants according to its contemporary image. The wait-for-land thesis thus has indeed already been known to Malthus, and it is obviously much older than Hajnal.

In the chapter on what Malthus calls the middle parts of Europe, his sources for the niche thesis become clearer. First, he cites Montesquieu as saying that “wherever there is a place for two persons to live comfortably, a marriage will certainly ensue.” Montesquieu’s argument is optimistic in the sense that he favours population growth. In contrasting growing young and stagnating old nations, Montesquieu can also be read as a theorist of homeostasis: he claims that “la difficulté de la subsistance” will arrest population growth if necessary.<sup>9</sup> Second, it becomes clear from the next couple of pages that the German population theorist Süßmilch (1761: 141–143) is Malthus’s main source on population regulation in central Europe.<sup>10</sup> Similar to Montesquieu, Süßmilch was a population optimist. The first edition of his main work was published a few years before Montesquieu. However, what has become Süßmilch’s most seminal argument can only be found in those editions that he published after *L’esprit des Loix*. This argument was that in each village, there was a limited number of holdings, and whenever these were all filled up, the marriages stopped “by themselves.” Marriage was the decisive variable that made the functioning of a self-regulating demographic-economic system possible, without any intervention by the benevolent government. As Josef Ehmer has made clear, the text is central for the “positions” argument as well as for the idea of demographic homeostasis. According to Süßmilch and his followers, the economic space was thought to be divided into a limited number of self-sufficient positions or niches. Since marriage required possession—usually, by inheritance—of one such niche, overpopulation was avoided. Malthus (1803, ed. 1989: vol. 1, 198) cites this argument explicitly, although he rejects Süßmilch’s optimism. It is however important to see that the privilege argument is absent here: according to Süßmilch, no formal societal licenses or other interventions are necessary for demographic homeostasis to operate in villages (Ehmer 1991: 34–38).

Malthus clearly was aware that marriage could be regulated, and he did include the issue of position transfer across generations in his ethnographic discussion of continental Europe. But his own analyses and policy recommendations for England were quite different. Therefore, the popularity of the niche argument cannot be attributed to his influence. Malthus could rather be claimed as the founding father of the concise version. The society discussed by Malthus (1803: vol. 1, 250–266) in his chapter on England encompassed not only farm owners and servants, but also wage laborers who had no inherited familial resources to rely upon, and whose marriage behaviour was regulated by the fluctuation of real wages. Malthus insisted on the economic independence of new households—but only in the sense that they should not rely on alms, not in the sense that they should form production units. Also, direct institutional control of marriage decisions is not an integral part of Malthus’s concepts. Rather, the decision to marry is seen as something close to a model capitalist’s weighing of profits and costs (for the instructive example of Charles Darwin, who listed up the pros and cons of his own marriage, see Macfarlane 1986: 4–5). The individual who weighs the costs and benefits of his decision to marry can be found both in the theoretical chapter where Malthus (1803, ed. 1989: vol.1, 16–24) introduces the concept of “checks”, and in the ethnographic chapter on England. Indeed, the importance of real wages or of the terms of trade for protoindustrial producers has been documented much better by scholars who worked in the Malthusian tradition, than the possible impact the circulation of factors within the family system had on marriage behaviour (this includes the classic work by Mendels 1970; Wrigley and Schofield 1981). In the Malthusian tradition, institutional controls of marriage such as inheritance forms and servitude should not be expected to be necessary prerequisites of an elastic marriage behaviour—the only institutional context that is, in a negative way, crucial for Malthus, is the absence of a traditional poor support system. Neolocality, on the other hand, is at the very core of Malthusian thinking about marriage. As such, the concept is again not new at all—as Smith (1993b) has emphasized, the equation of marriage with household formation can be found with writers such as Adam Smith (1759) and John Locke (1690), as well as in the Old Testament. Since the “Curious History of Theorizing” about neolocality is already well known, and as neolocality is central to both readings of the Hajnal thesis, in the rest of this article I will not explore the long pre-history of that issue, but rather focus on the issues of niches and privileges.

The most important contribution of German eighteenth century population theorists is that they rejected the need for direct intervention in population policy. Instead, they constructed a harmonious homeostatic system where the population would follow the growth (or decline) of economic opportunities. This argument is more similar to Adam Smith’s “invisible hand” than to those of earlier cameralist theorists such as Johann Joachim Becher (1668: 33) who had argued that direct interventions—“*geheime Handgriff*” or secret manipulations—were necessary in order to secure the right proportion between “*Nahrung*” (economy) and “*Leute*” (population). Süßmilch’s and Montesquieu’s German followers such as Justi (1760: 247–263)<sup>11</sup> claimed that interventions should remove the obstacles of population growth and broaden the economic basis of the population. Justi based his population theory on the concept of “*Stellen*” (positions). Positions in Justi’s sense will best be understood as income generating units, or in Montesquieu’s less specific words, “*une place où deux personnes*

units, or in Montesquieu's less specific words, *'une place où deux personnes peuvent vivre commodément.'* Justi argued that it was the obligation of the state to create as many of these "places" as possible, with the consequence of a sustained and "balanced" population growth that in turn made the state more powerful and "happy." The concept of "niche" or "position" was central to the economic policies developed by eighteenth century German theorists of the benevolent bureaucratic police state.<sup>12</sup> All income-generating activities were thought to be assigned to a fixed number of households who were entitled to them and followed a logic of satisfaction of needs rather than profit maximization. It ensued from the interests of early modern bureaucrats to speculate about homeostatic social structures that made their goals more easy to reach without requiring any direct intervention by the government. This may explain why theories of self-regulation such as those offered by Süßmilch, Montesquieu, and Justi were popular among members of the bureaucratic elites in the first place.

To focus on the household as the main agent of self-regulation also was embedded in early modern bureaucratic practice. eighteenth century political theorizing was strongly influenced by Aristotle's concept of the house, and the state itself was seen as a household, as an encompassing *oikos* (Bauer and Matis 1988). To create a "balance" between demographic needs and economic possibilities was, first of all, the obligation of a government that viewed itself as performing the role of a good father. If policymakers wanted to find any agent in society to whom they could delegate these obligations, the most obvious potential ally was, again, the house-father. Early modern administrators followed a policy of the house. This policy constructed and strengthened that basic unit of "traditional" European society in the first place, and it entailed a specific view of gender, generational, and labor relations (Rebel 1983; Sabeian 1999: 88–101). Most important, the systematic place of labor in Aristotelian theory was servitude (or slavery) within the household. When we read the theorists of the time, e.g., Wolff (1736), the theorist of "enlightened" despotism who shaped the outlook of several generations of Prussian bureaucrats (and wrote a preface to Süßmilch's work), we will not find abstractions from what he observed in his own time, but normative concepts which he inherited from Aristotle, including a model of the labor relation within the house which is developed out of Aristotle's concept of slavery.<sup>13</sup> Servitude as an institution was privileged by many police ordinances. Since marriage traditionally ended servitude, ordinances demanded that certain periods of notice should be given, or that a replacement should be offered by the servant. Paid work within the family was discouraged, and parents were ordered to send any children whose work they did not need into other households as servants (see e. g., Landes-Ordnung 1715, part 9, title 4–5 [no pagination]). Authorities insisted on servitude as the appropriate form of employment for unmarried individuals; self-employed or day-to-day work by unmarried individuals was strongly objected. Work by the day by unmarried persons was just a special case of what bureaucrats labelled "sitting on one's own hand" or "smoke." To such solitary dwellers it was forbidden to spin wool, or to carry on other trades, to peddle herbs or even to plant cereals (for examples, see Könnecke 1912: 347–348, 354–356; for a Westphalian Example, see Göbel 1988: 248–249). Household forms with blurred labor and family relations such as servantship for one's own parents were discouraged, and non-nuclear households were even systematically ignored in the production of household lists.<sup>14</sup> Of

course, relying to other households, the community, or the state on aid was also discouraged at least in theory—households as a political construct were meant to be self-sufficient, and begging and stealing should not be their main economic bases. In their dreams—as far as they published them—, German bureaucrats envisioned a landscape of isolated self-sufficient nuclear-family farm holdings, without all the beggars, day-laborers, boarders and small owners who predominated life in clustered villages (Reinhard 1767; Schlettwein 1780–1782).<sup>15</sup> It seems that the emphasis advocates of the niche explanation lay on servitude and self-sufficient farming is connected with this much debated concept of an encompassing house (*Ganzes Haus*). The concept of *Ganzes Haus* has been developed into a cornerstone of folklorism by the conservative German author Wilhelm Heinrich Riehl (1853), and into an anti-liberal economic theory by the influential social historian Brunner.<sup>16</sup>

*Demographic conflicts and marriage as a privilege: the invention of a tradition*

When we want to understand why a certain tradition in historical demography assumes the circulation of multifunctional household positions in a society of peasant housefathers and servants to be the cornerstone of demo-economic balance, we have to look at the eighteenth century and at continental European authors such as Montesquieu and the German cameralists. But this does not explain the emphasis on marriage as a privilege that is evident in the elaborate niche thesis. Marriage as a privilege has only become a central issue in the context of what might be labelled “demographic conflicts,” that is, social and political conflicts about life course opportunities. A traditional world view of “limited good” may explain some of these conflicts. However, they were particularly manifest during the nineteenth century.

Even during the eighteenth century, population optimism had been the doctrine of a minority. Before the advent of Justi’s populationism, the common wisdom was that there were too many people. To be sure, complaints of overpopulation mostly referred to the number of solitary dwellers, craftsmen and other heads of households, while servants were in demand at least from time to time. As the cameralist and enlightened bureaucrat Reinhard (ca. 1767; on Reinhard see also Liebel 1965) pointed out around 1767, in the early eighteenth century everybody used to complain that the world was full of people, and that was before a period of population expansion which in Reinhard’s view considerably contributed to the economic growth of southwest Germany. The overpopulation argument was typically linked to demands that immigrants should not be allowed to settle in a given place, and that marriage of the younger generation should be controlled. This traditional popular view of population can be understood as an “image of limited good”, as the conviction that it is only possible to play zero sum games and that every additional person, be it child or immigrant, will cost somebody else a portion of his ‘*Nahrung*’ or entitlements to economic well-being (Foster 1965). For instance, resistance against population optimism was strong among the conservative Lutheran estates of Württemberg who argued that the scarcity of economic resources in comparison to the population was the main problem that pushed emigrants outside the country (Hippel 1984: 63).

In the early and mid-nineteenth century such conservative views became more generally accepted, and population pessimism prevailed again (Matz 1980; Sieferle 1990). In this

context Malthus was received primarily as a population pessimist, and also as an authority who justified social inequality in biological opportunities. But other than in England, German discussants did not agree with Malthus's *laissez-faire* approach since in the German political tradition the state was ascribed a pro-active role in securing the interests of its subjects. While in England, the most radical readings of Malthus were that he supported a *laissez-mourir* policy (Sieferle 1990: 103–104; for a provocative fake proposal published by English anti-Malthusians, according to which the surplus children of the poor should be killed systematically, see *ibid.*: 165–6), the most radical and widely discussed German proposal was to “infibulate” (temporarily sterilize) those young men of 14 years and older who could not yet support a family (Weinhold 1827)<sup>17</sup>—a fertility strategy based on state intervention as opposed to a mortality strategy based on the absence of state intervention. Weinhold's terrorist proposal was not carried out, but other state based fertility strategies were.

These institutional fertility strategies were closely linked to the conviction that marriage should be a privilege, and that balance could only be achieved as an intended result of social control. During the early and mid-nineteenth century, the dangers of “pauperism” were widely discussed in Germany. Pauperism was seen as a new kind of poverty, dynamic and threatening to the social order. In this perspective, a view of historical change was emphasized that led from order to chaos. The logic of capitalist market society, lack of discipline in the lower classes, and most important overpopulation were seen as the main causes of pauperism by Weinhold and his fellow pessimists. In a zone including the southern part of the German speaking countries, but also Hanover and Mecklenburg, an elaborate system of marriage control was developed during the pauperism debate. In these areas a “political consensus,” that is the consent of the political community—or, in east Elbian Mecklenburg, the local noble lords—was necessary for marriage.

When we look at the geographical scope of the community consensus, three issues arise. First, there is a dimension of *ancien régime* versus modernity. Areas without property restrictions were Prussia as a whole as well as those Bavarian areas on the left bank of the river Rhine that had been part of France during the French Revolution. In Hesse, resistance against marriage restrictions was strongest among representatives from former parts of revolutionary France, too (Matz 1980: 144). Prussia was also leading in putting an end to the system, which in northern Germany had to make way for a liberalized mobility law in 1866, in Austria except its most western parts in 1869 (Mantl 1997: 161), in southwest Germany when the Empire was founded in 1871, in Bavaria in 1916 (Matz 1980: 174), and in Tyrol in 1921. In Prussia however, all subjects were entitled to settle in every community, and its poor support system was not based on community membership but on residence. Therefore, communal marriage restrictions consequently made little sense in Prussia. Second, the political consensus can be linked to the liberal and “communalist” (Blickle 1997) tradition of the German-language southwest in a somewhat ambiguous way. As Karl Braun, the liberal member of the north German federal parliament conceded in 1868, marriage restrictions had mostly been pushed forward not by the princes and governments, but rather by the liberal parliamentary estates (Matz 1980; see also Braun 1868). The German speaking parts of Switzerland, core of early modern “communalism”, were even among the few territories where property based

marriage restrictions actually were enforced prior to the nineteenth century. Third, there seems to be a cultural or language border involved: In Tyrol, Italian-speaking areas had less marriage restrictions, as was the case in French Switzerland (Head-König 1993; Mantl 1997).

The contemporary justifications for this system were conservative in the sense that it was seen as a re-installment of older restrictions. However, the effectiveness of eighteenth century attempts to ban the poor from marrying is doubtful, as is the very existence of such attempts prior to 1700 in most territories. It is a myth that all possibilities for poor people to marry were cut off by harsh laws in early modern central Europe (for a different opinion, see Pfister 1994: 31). When in Trier a short-lived ordinance prohibiting poor marriages was issued as late as 1779, poor people interpreted this as an innovation that touched upon the foundations of Catholic religion. Consequently, they instructed their children to give an ironic answer when questioned in school about the number of the holy sacraments: “there are seven holy sacraments for the rich, and six for the poor” (Kohl 1985: 151).<sup>18</sup> The Catholic church authorities of Mayence even emphasized that marriage restrictions other than parental consensus would violate the “natural and Christian liberty the marital estate is privileged with”—in other words, marriage could not be treated as a privilege precisely because it was a privileged estate.<sup>19</sup>

A restaurative rhetoric of marriage restriction was engendered by nineteenth century demographic conflicts: The local upper classes insisted on re-gaining a power over the life courses of the poor their predecessors actually had not had, and thus invented a tradition of marriage control. Württemberg, during the nineteenth century one of the states with the harshest restrictions, may serve as a case in point. That country experienced a very explicit debate, which in turn has influenced many contemporary observers and historians. I will discuss this case at some length in order to demonstrate how and when marriage control was read into legal practices.

As elsewhere, demographic conflicts in Württemberg mainly revolved around two issues: immigration and marriage. In 1807, all marriage restrictions except those based on canonical law and military duties had been abolished (Matz 1980, citing a *Generalrecript* of 1 Oct. 1807, printed in Reyscher 1828–50, Vol. 15.1, p. 157), and in 1828, a new law on local citizenship was enacted, which forced communities to accept immigrants (such as foreign marriage partners of local citizens, typically from other places within the territory of Württemberg) in case they were able to conduct an independent trade, had a good reputation and met a minimum wealth requirement. “Overpopulation,” a widespread argument to exclude outsiders, was no longer accepted as a reason to withhold citizenship from foreigners. Other than immigrants, the children of citizens were entitled to citizenship without any qualification (Citizenship Law of 15 Apr. 1828, see Matz 1980: 43). This law was criticized in parliament by representatives of the communities, because it seemed to allow marriage to citizens independent of their poverty (Matz 1980: 115–117). In reaction to these protests, an effective system of marriage control by the communities was installed in 1833, which remained in force until 1871. According to the law of 1833, not only the young and the non-citizens were subject to the community consensus, but also adult children of local citizens. Those who did not have a sufficient “Nahrungsstand” (enduring income, livelihood) were not allowed to

marry. People should be considered of insufficient livelihood if they did not have the personal ability to conduct an independent trade and if they simultaneously lacked sufficient property for supporting a family (ibid.: 119). In other words, the law excluded proletarians from marriage (for individual examples, see ibid.: 217; see also Kaschuba and Lipp 1982: 288–328), but not poor independent artisans and proto-industrialists. Consequently, it was strongly criticized as being far too tolerant by spokesmen for the communities as well as by members of the parliament and university professors. Despite this apparent laxness, nuptiality restrictions affected thousands of poor couples in Württemberg until the restrictions were abolished in 1871 (Matz 1980: 201–218).

Württemberg's marriage restrictions have been interpreted as a carry-over or restoration of the past by those contemporaries who demanded their introduction as well as by abolitionists such as Braun.<sup>20</sup> This interpretation has been followed by most historians. For instance, in her important study on social institutions in Württemberg, Ogilvie (1997: 45, 61) argues that communities could “prevent poor people from marrying” at least since the early eighteenth century. A related view was taken by Weishaar, the author of a law handbook published in 1831 (Weishaar 1831: 133–136)—that is, after the citizenship law and before the introduction of the community consensus. According to Weishaar, the exclusion of poor people from marriage was based on a series of twelve seventeenth and eighteenth century regulations, which he claimed were still valid. In order to understand why marriage regulations have been labelled “traditional” since the nineteenth century, it is helpful to look at the source cited by Weishaar: a collection of the dispersed ordinances on Württemberg marriage law published in 1791 by Hartmann (1791). That collection can be read as an attempt to construct a coherent law book, organized into orderly chapters and paragraphs, from a wide array of minor ordinances (*Generalrescripte*, *Specialrescripte*) as well as some more elaborate laws (such as *Ehe-Ordnung*, *Kirchen-Ordnung*, *Land-Recht*, *Landes-Ordnung*). Hartmann's § 41 summarizes twelve of these minor ordinances as saying that the authorities have to check whether poor couples can make a living, especially if they are young or rural citizen's children (*Bürgerskinde[r] auf dem Lande*). In the subject index (ibid.: 434), this paragraph is summarized as saying that *Armut* (poverty) was *ein Ehehindernis*, an obstacle to marriage similar to close kinship or impotence. Hence, the image of marriage as a traditional privilege for those who are not poor seems to be clearly established by 1791.

How does the virtual law book constructed by Hartmann relate to the actual legal system of Württemberg? Looking at Hartmann's sources, cited extensively in the appendix of his work, is helpful again. In addition to the short-term ordinances (*Rescripte*), it is also important to look at the major law regulating marriage, the *Ehe-Ordnung* (statute on marriage, “Dritte Ehe-Ordnung und Ehe-Gerichts-Ordnung vom 30. April 1687”, Reyscher vol. 6, 85-165), which is not cited by Hartmann as making marriage a privilege. Whilst the *Rescripte* were directed at officeholders only, and published only once, the *Ehe-Ordnung* was directed at all Württemberg subjects, and read in church service twice a year.

Some of the regulations found in the statute as well as the ordinances run patently counter to modern assumptions about traditional marriage. The late seventeenth century *Ehe-Ordnung* warned against marriages that were *not* based on “lust, love, or affection”.<sup>21</sup> Also,

when we browse through Hartmann's collection, it quickly becomes clear that marriages of the very poor were in fact legal at least during the seventeenth century. Those who were very poor, and did not want to have dance and music at their wedding, were explicitly allowed to marry on Sunday (Hartmann 1791: 71, with references to *Große Kirchenordnung* and several ordinances, e.g., 15 Feb. 1660). It is hard to understand how this can be reconciled with the notion of a demographic regime that excluded the very poor from social reproduction.

Moreover, looking both at the fundamental *Ehe-Ordnung* and at the twelve more ephemeral ordinances cited by Hartmann reveals that first, the community had no procedural competence in allowing or disallowing marriages, in contrast to state and church. This is a decisive difference to the situation after 1833 (a similar point is made by Matz 1980: 121; Kaschuba and Lipp 1982: 301; but compare Ogilvie 1997: 45). According to the *Ehe-Ordnung*, the pastors were even allowed to wed foreigners with locals regardless whether or not the local authorities would accept the immigrating partner as a new citizen (Reyscher 1828–1850: vol. 6 p. 143, part 3 chapter 1 § 15). Before the wedding, pastors had to publish the couple's marriage three times (*ibid.*: 142, part 3 chapter 1 § 14). In case any problems arose, neither the pastor nor the local mayor was allowed to make decisions. Instead, the pastor had to report to the regional church and state authorities (*Special*, and *Beamte*) in such cases (*ibid.*: 135, 148–149, part 3 chapter 1 §§ 1-2, part 3 chapter 2 § 4).<sup>22</sup>

Second, marriage regulation was basically seen as an issue of timing, not of definitely excluding the unfit. The underlying assumption in most regulations as well as in the statute was that young people do come of age sooner or later, but that they must be encouraged to wait. To be sure, the ability to “nourish oneself in a household with God and in an honourable way” was a fundamental criterion for marriage according to the first paragraph of the *Ehe-Ordnung*. However, this ability was described by the law as being contingent upon human capital, not financial capital or niche inheritance.<sup>23</sup>

Third, the *Ehe-Ordnung* followed the pre-Tridentinal canonical understanding of the time dimension of marriage—which is ignored by the sociological and demographical view of marriage as household formation: The marriage did not begin with the wedding service in church; the pastor confirmed the marriage but did not establish it.<sup>24</sup> From this understanding, a serious control problem ensued. Given the couple's decision to marry and given the consent of their parents, the authorities were strongly interested to have them go to church as quickly as possible in order to avoid early cohabitation (Reyscher 1828–1850: vol. 6 pp. 144–145, part 3 chapter 1 § 21). Property or age based marriage restrictions however required that the pastor refused to perform a wedding ceremony although the marriage had already legally been established. This was not totally impossible; however, the marriage statute ordered that even those children who had given their consent to marry without asking their parents should rather be gaoled than refused a wedding ceremony (*ibid.*: 144, part 3 chapter 1 § 19). Also, in case the parents did not agree to give a marriage portion, such failure of niche transfer did not constitute a reason to postpone the wedding (*ibid.*: 146–147, part 3 chapter 1 § 29).

Given a legal framework that gave a strong say to the couples and their parents, a limited control function to the pastors and regional authorities, and no institutional role to the local community, the twelve minor ordinances cited by Hartmann and Weishaar have to inter-

preted very carefully. The first of these ordinances (*Generalrescript* of 24 May 1663, in Hartmann 1791: 248–249), issued in 1663, ordered that parents should not keep their adult children with themselves, allowing them to marry and live in small newly built houses. In order to prevent that these married house dwellers required too much alms and wood, the parents were ordered to send children they did not need to other places, where they should work as servants. This is a very Hajnalian ordinance insofar as it emphasizes servitude and the nuclear household. It is also notable that communication runs through state channels and the parents: the regional officials are told to inform the local mayors and council members that the parents should not allow their children to marry where their labor is unneeded. None of the later ordinances used this channel of communication, which may suggest its success was limited.

An important institutional innovation was brought about by the second ordinance, issued in 1712 (*Generalrescript* of 22 June 1712 § 9, in Hartmann 1791: 266–267) and addressed at the regional church authorities. Following the example of Saxe Gotha, the church authorities were required to examine if the new couples had a sufficient knowledge of the Lutheran faith, and if they were able to get a livelihood. Such a bridal exam was not generally required before. According to the *Ehe-Ordnung* (Reyscher 1828–50: vol. 6 pp. 135–136, part 3 chapter 1 § 4), only those betrothed who were not personally known to the pastors should be examined before they could be proclaimed, and only their ability to pray and their knowledge of the catechism had to be examined, not their income. And according to a second provision cited above (*ibid.*: 144, part 3 chapter 1 § 18), young people should not be married in case they had not learned their trade or husbandry—again, human capital, not niche possession, was at issue. In Württemberg, thus, the bridal exam seems to have been a weak institution until the early eighteenth century, when, in reaction to lawmaking in other territories, it was made compulsory and linked with a component of income control (on the bridal exam in Zurich, which included an investigation of the couple’s wealth as early as 1611, see Bänninger 1948: 67–73).

The third ordinance (*Generalrescript* of 11 Aug. 1714, in Hartmann 1791: 289) is not printed by Hartmann, but cited in the fourth ordinance (*Generalrescript* of 17 May 1727, in *ibid.*: 297–298). The regulation of 1712, it transpires from the latter ordinance, had never been carried out. Moreover, the argument is again given a twist towards human capital formation: young people who have not learned enough should not marry too early because they will not be able to make a living. The fifth ordinance (*Generalrescript* of 10 Apr. 1728, in *ibid.*: 307–308) adds that invalids should not marry. This is quite a radical regulation insofar as for the first time, marriage restrictions are not phrased in terms of timing, but of the exclusion of an entire group. However, human capital—physical human capital, which is lacking to the disabled veterans—is the central topic again, not the possession of an inherited niche. The sixth ordinance (*Generalrescript* of 3 and 7/9 Feb. 1729, in *ibid.*: 310–312) adds more complaints that the pastors and officials do not care at all about the marriage restrictions for young people. The regional church and state officials (*Special* and *Vogt*) should examine how the couples are going to make a living. In case the officials and pastors continue to neglect this ordinance, the governments will draft the young men who are not yet able to marry, thus paying

for their keep until they are able to do so themselves. The seventh ordinance (*Generalrescript* of 11 Aug. 1732) is not printed, and in the eighth ordinance (*Generalrescript* of 9 Mar. 1733, in *ibid.*: 325–326)<sup>25</sup> the marriage limitation policy is entirely shifted to a pure age limitation: Men should be at least 25 years old before they may marry. Although this criterion was easy to verify, enforcement seems to have been difficult since the ninth ordinance (*Generalrescript* of 11 Sep. 1733, in *ibid.*: 326–327) spells out the procedures for granting exceptions to the age limit, as do the tenth (*Generalrescript* of 23 June 1735, in *ibid.*: 328–330) and eleventh ordinance (*Generalrescript* of 17 Nov. 1735, in *ibid.*: 330–333). The last ordinance (*Specialrescript* of 9 Dec. 1745, in *ibid.*: 363), directed at one of the regional offices only, repeats that the regional church authorities have to verify with the state authorities that the young couples can make a living.

Was poverty a legal impediment to marriage during the seventeenth and eighteenth centuries, as suggested by the author of 1791? The answer is yes and no. Yes, because the central state and church authorities intended that only those should marry who would not rely on alms for survival. No, because the restrictions referred to life cycle poverty, not class poverty as after 1833. The canonical understanding of the time dimension of getting married made it impossible for the authorities to use any strategy other than procrastination, warning off, minimum age and compulsory service requirements—that is, strategies that would affect age at marriage rather than the definite celibacy rate. Whoever decided to marry with the consent of their parents could not be hampered forever. Moreover, it transpires both from the frequent repetition of ordinances and from regional demographic evidence that even the age restrictions were not dutifully carried out by the authorities, and were ignored by more than 25 per cent of the newlyweds (Maisch 1992: 230–232).

It is obvious from the laws cited that a community control of marriage did not exist before the nineteenth century; control was exerted by the regional state and church authorities. But marriage—and the demographic conflicts that are connected with it—is closely linked with a second area of conflict, immigration. And communities did have a strong say in the admittance of foreigners—in Württemberg and elsewhere. Lucassen (1996: 45–49, 217) has even suggested that the ethnogenesis of “gypsies” should be interpreted in the context of the exclusion of the foreign poor from migration and citizenship. Many of the cases cited by Ogilvie as support for her thesis that a community consensus was in force during the 18<sup>th</sup> century involve the admission of potential husbands or wives from outside (Ogilvie 1997: 61–63).<sup>26</sup> Under the citizenship law of 1828, communities lost much of their ability to exclude outsiders. They were compensated for their retreat in one field of demographic conflict, migration, by additional competences in the other field, marriage control.

Generally, the weakness of marriage control before 1830 is not surprising since the eighteenth century was also a phase of growth for rural proto-industries. The growth of industry outside the home towns provoked much critical comment during the eighteenth and nineteenth centuries. Spinners and weavers who founded numerous households in protoindustrial areas were seen as disorderly and undisciplined. Especially in Switzerland, pastors complained that now couples married who could not rely on any resources besides their labor. Such complaints contributed to the popular image that in the past, population growth was controlled through a

disciplined marriage behaviour, while nowadays, the young people do as they please. Notably, the Swiss case is different insofar as marriage restrictions for the poor were in force a couple of decennia earlier than in Germany. Therefore, it is more understandable that in that country, contemporary critics of proto-industrialists contrasted old and new marriage patterns. These traditional Swiss criticisms of protoindustrial marriage behaviour have influenced the debate on proto-industry through Franklin Mendels who based his views of peasant *vs.* protoindustrial marriage behaviour basically on the pioneering work by Rudolf Braun. Braun in turn drew extensively upon eighteenth century critics.<sup>27</sup>

Historical change however occurred in the opposite direction: during the nineteenth century, the local marriage control system became much more rigid and effective, and attempts to exclude the poor from marriage were more frequent both in discourse and practice (Mantl 1997; Matz 1980; Sieferle 1990). As Walker (1971) has argued, the German small-town areas with a high level of communal rights experienced a lower population growth than other areas. Population growth was perceived by contemporary observers as surplus population. To claim that marriage should be a privilege was just another way of saying that marriage should be restricted to the privileged: those strata were labelled as “overpopulation” who did not belong to the local elites (see also Head-König 1993; Matz 1980). As Walker (1971: 398) argues, “[the] protective and exclusive social mechanism of the home towns ... operated precisely to that effect of creating ‘overpopulation’ while holding back population growth.” A slightly different interpretation is given by Ehmer (1991: 74). According to him the effect of marriage restrictions was not very strong in terms of restricting population growth, but they were of utmost importance in securing the control of local elites, masters and owners over their dependents.

Another important debate developed during the nineteenth century around peasant property rights, inheritance, and the unequal relationships of siblings. Many authors have argued that land is not just a commodity (the classical statement is Polanyi 1944). Before the nineteenth century, most arable land in central Europe had been in some way under indirect nobility control. While peasants worked and typically owned the land, manorial lords—supra-owners—had the right to be paid a rent from the land. The circulation of a varying proportion of all parcels among peasant sub-owners and between generations was under manorial control. It was in the interest of manorial lords to prevent the subdivision of farms. Seigniors—like communities—were obliged to help their dependents in case of need, and if the returns from the land were consumed by unproductive but growing families, that was not in their interest. Hajnal’s view that land transmission in Europe was mainly impartible is subject to much qualification. If manorial control was strong, the death of a peasant owner implied that property rights fell back to the lord, who typically would give the land out to a child of the former owner. Regional customs preferred either the eldest or the youngest male child. Marriage opportunities for non-heirs were depressed, although medieval noble control of land had not formally excluded the non-heirs from marrying—in fact, the *enlope lude*, non-inheriting children of medieval Westphalian peasants, were not legally excluded from marriage (Schütte 1990). In many areas, impartible transmission was what the seigniors wanted, while strong peasant rights went with the right to buy, sell and bequeath fractions of holdings (a very use-

ful and detailed treatment of the various forms of peasant property rights in a southwest German context can be found in Hippel 1977). Since the legal rationale for impartible inheritance, the super-ownership of the seigniors, were abolished during the nineteenth century, a controversy started about the virtues of age and gender prerogatives in the transfer of land, and impartibility came to be a cornerstone of the image of a “good peasant” (Riehl: 1851; see also Rouette forthcoming). If peasants were in control of land transfer, subdivision among all male and female children was the norm since according to the inheritance laws of the Empire, every child had equal claims to the property of the deceased parents. Subdivision of farms was perceived as inefficient by some cameralists and economists. When manorial rights were abolished during the nineteenth century, subdivision was perceived as the logical consequence, and although in closed-inheritance areas such as Westphalia most larger farms were transferred by testament, longstanding controversies were fought by peasant and nobility spokesmen in order to ensure that daughters and male non-heirs could not split up the farm. Peasant organizations—some of them led by noblemen—were organized who popularized the *Hofidee*, the idea that the main imperative of peasantry was to keep the farm together. Again, the “traditional” was constructed rather than destroyed in the course of modernization. The dichotomy of “good peasants” vs. “bad peasants” (Riehl) was popular among nineteenth century intellectuals: dispersed farming plus keeping the farm together plus marriage discipline vs. village settlement plus subdivision plus early marriage. As Annette von Droste-Hülshoff observed, the early marrying village peasants of Paderborn even had a darker skin than the virtuous dispersed farmers of Münsterland (1842, ed. 1996: 63–101, esp. 75–79, 87–92).

*Europe vs. the East: twentieth century syntheses*

In second third of the twentieth century, the niche concept was taken up by Ipsen (1933a, 1933b, 1940), who was, between 1933 and 1945, a leading figure in German sociology and what would become social history.<sup>28</sup> Before Ipsen, population had been considered an economic issue; Ipsen was the first to make it a part of sociology in Germany (Ehmer 1992/93: 60). He combined a conservative theory of peasant society with a population theory that used race as its central category. Ipsen was strongly influenced by Riehl; indeed, he re-published some of Riehl’s work (Riehl 1935). Riehl’s “good peasants” show up in Ipsen’s theory as Germanic, the “bad peasants” as Slavic (including some racially degenerate sub-dividing Franconians, Ipsen 1933a: 50). German and other “Germanic” rural societies were distinguished from their Slavic and Western European counterparts by the *Hufenverfassung*—a specific landholding pattern imposed on German and other peasants by the nobility, mainly but not exclusively for purposes of taxation. The land market did not contribute to peasant society as conceptualized by Ipsen (ibid.: 37). Instead, Ipsen emphasized the economic role of the early modern police state in imposing the a pattern of *Hufen* upon the peasantry, that is of peasant holdings that are sufficient for the needs of a family.<sup>29</sup> Population is defined by Ipsen as the process of interaction between a given trade and kinship community, and its environment.<sup>30</sup> Balance—or what Ipsen calls “self-regulation of the population within the economic space”<sup>31</sup>—is possible because the population is always in tension with the economic space or

space for living (*Lebensraum*). This tension leads to phases of population growth after depopulation, it induces emigration when the space is insufficient, but it can also lead to a breakdown of autoregulation during phases of overpopulation. The economic space, in turn, is a historical product. Ipsen (ibid.: 429–430) describes the pre-1815 type of society as a “closed system,” which led to a 400-years-period of “standing population.” In this period, the economic space was limited by the sum of positions, a concept common both to the Germanic peasant and the medieval artisans (ibid.: 437–438). The populationist policies of the absolutist state and the Prussian liberation of the peasants produced new economic space, but they also provoked an unchecked population growth beyond due limits, especially in Slavic regions.

The most thorough empirical attempt to support Ipsen’s theory has been carried out by his student Werner Conze, who in his later years became the teacher of many West German social historians, editor of the influential study series *Industrielle Welt*, and who successfully established the family as a research subject in modern German social history. Conze’s *Habilitation* thesis (Conze 1940) investigated the introduction of the *Hufen* structure in the Grand Principality of Lithuania around 1550—an event situated precisely at the Hajnal line in terms of both geography and time. The reform entailed a loss of peasant property rights and the introduction of a three-field-system; as Conze claimed, it also introduced the rule that only one nuclear family should live on each *Hufe* (ibid.: 122). Apparently, the reform was accepted by the ethnically Baltic Lithuanians, while the ethnic Slavs rejected this German way of life and continued to follow their “small peasant instincts,” that is, real partition, complex households, and ensuing overpopulation. After the war, Conze elaborated his population theory into a theory of proletarianization. He argued that in the old European type of society, the lowest class—the “Pöbel” or “marginal existences”—had a very precarious chance to marry and to have surviving children (Conze 1954, ed. 1985). This changed during the late eighteenth and early nineteenth century when a new proletariat grew rampant, engendered according to Conze by the old sub-peasant and sub-master classes. Conze’s use of the pauperism literature was intrinsically affirmative: Weinhold, he argued, “put his finger on the problem” of the lower classes correctly when he proposed that beggars and servants should not be allowed to marry before they could provide for themselves and a family (ibid.: 55). Conze’s statements on the causes of population growth are slightly ambivalent: on the one hand, he mentions falling mortality as the main cause; this is probably an early reflexion of demographic transition theory. On the other hand, he emphasizes the increase in nuptiality as a cause at least for the case of east-Elbian Prussia (ibid.: 51). The latter explanation is central to his argument, based on a demographic reading of Hegel<sup>32</sup>, that the “process of the ‘generation of the *Pöbel*’” created an essentially new and revolutionary situation during the nineteenth century since in earlier periods, the lower class population growth had never “broke[n] out of its confines and threatened to blow to pieces a finely balanced social structure,” as it now did (ibid.: 55).

Another standard reference for the niche theory is Mackenroth (1953) who formalized Ipsen’s scattered remarks about the pre-industrial system of population autoregulation in his *Bevölkerungslehre* of 1953. Although Mackenroth was an economist, he labelled his work “theory, sociology, and statistics of population” which reflects the success of Ipsen’s attempt to claim population as a sociological topic. As Ehmer (1992/93: 66) has emphasized, there is

little new in Mackenroth's pre-industrial population system as compared to Ipsen's theories, although the political concepts of the two authors are quite different, Mackenroth not being interested in race. The main elements of the elaborate version are clearly visible in Mackenroth's work. This holds especially for the concept of the peasant and artisan family household as an integrated unit of consumption and production—a unit that was dissolved by the industrialization process and the loss of functions undergone by the family (e. g., Mackenroth 1953: 361–363). But also the issue of privileges is central to Mackenroth's model. He argued that the authorities supported the niche mechanism in order to “socially sterilize” (ibid.: 422) non-owners who consequently had to work as servants. Both servitude for the unmarried and the impartible transfer of holdings to the newlywed couples are crucial institutional elements of his model. The empirical basis of this theory, as given at the time, was weak, and the theory was essentially an outflow of normative concepts. Mackenroth, apart from referring to Ipsen, just quoted a couple of early modern police ordinances that ordered servants, poor, or young persons not to marry, such as were issued in Bavaria in 1616; he interpreted these as a functional equivalent to earlier seigniorial regulations, which however remained undemonstrated (ibid.: 427).<sup>33</sup>

After Conze's work, little empirical research on pre-industrial Europe has been done that followed the concepts outlayed by Ipsen (for an unconvincing exception, see Conze's student Krüger 1977). To be sure, Mackenroth's work has exerted some influence on the pathbreaking work of the Cambridge Group (emphasized by Sokoll 1992: 420)—but then, real wages seem to be a far more crucial determinant of English population growth than the familial flow of resources. Nevertheless, the niche concept is still widely accepted in German demographic and social historical research (for scepticism, see Schlumbohm 1996). German students of historical demography will encounter the argument on the first pages of their textbooks (Marschalck 1984; Pfister 1994).<sup>34</sup> The niche argument has also been particularly seminal in the debate on protoindustrialization, where Tilly and Tilly's (1971: 189) formula has frequently been cited, that the availability of cottage industry raised fertility “by breaking the chain between reproduction and inheritance.” Again, very little empirical, life-course level or family reconstitution research has been carried out on those early types of rural economy that allegedly were transformed at some time by protoindustrialization—in other words, we still do not know how strong the “chains” ever were before, allegedly, they were “broken.”<sup>35</sup>

### *Conclusion*

When Hajnal wrote his classical paper, the Hajnal thesis was thus already in place. If we want to understand “the Hajnal thesis before Hajnal” or the discourse on European marriage patterns that preceded Hajnal's paper and that he could draw upon, we have to distinguish description and explanation. Defining age at marriage and celibacy rates as distinctive patterns for Western Europe was Hajnal's genuine contribution. As an attempt at explanation, Hajnal's paper has blended into a broad theoretical tradition of thinking about marriage and its institutional contexts. In this tradition, the household, the transfer of land, and servitude have been the subject of debates for a long time, as have been the advantages of late marriage. The two decisive elements of these older explanations of European marriage behaviour—the concept

of the family household as a multifunctional unit of production and reproduction, and the concept of institutional control of lower class reproduction—are not derived from empirical work such as Hajnal's but rather from early modern normative discussions, and from the deep conflicts between social and national groups that have shaped European societies—especially in Central Europe—during the nineteenth and twentieth centuries. If we want to find out to what degree and under what circumstances niches and privileges actually mattered for marriage behaviour in past times, we will have to stop treating the thesis that has been named after Hajnal as an undisputable fact, and it will be helpful to be aware that alternative explanations of the pattern he described are still possible.

## Notes

- 
- <sup>1</sup> The loss of functions is a classical topic in family sociology, emphasized among others by Laslett (1965) and Mitterauer and Sieder (1982).
- <sup>2</sup> This interpretation is made explicit by Schmid 1990: 1.
- <sup>3</sup> Siegenthaler (1999: 287–289) emphasizes that processes towards the state of changes in the direction of economic equilibrium should be understood as the unintended result of individual actions, regardless of any social strategies. In the field of historical demography, a comparable concept of equilibrium is argued by Lee (1993).
- <sup>4</sup> See also the other contributions in *Journal of Family History*, 16, No 1 (1991); for more examples of the niche interpretation of Hajnal, see Mantl 1997: 16; Hendrickx 1997: 24–25; Pfister 1994: 11, 25; Medick 1976: 267–268; Devos 1999: 101–132.
- <sup>5</sup> Hajnal's (1965: 130–134, esp. 133) interpretation of the EMP is limited to few pages of his 1965 paper.
- <sup>6</sup> I found the following papers particularly stimulating, although the “concise” list is not exactly copied from either one of them: Laslett (1988) Smith (1993a) and Smith (1986).
- <sup>7</sup> Implicitly, Christianity might be added to this hierarchy. A typical rule is that foreign (Christian) alms seekers are to be accepted in case a territory is unable to provide for its poor. See for instance the Roman Imperial Police Ordinance of 1530 (“Römischer Kayselicher Majestät Ordnung und Reformation guter Polizey [...] zu Augspurg 1530,“ in Schmauß and Senckenberg 1747, Vol. 2, pp. 332–45), 343. See also Scherner (1979).
- <sup>8</sup> The persistence of the European Marriage Pattern is identified as a major problem by Alter 1991: 2–3.
- <sup>9</sup> Malthus (1803, ed. 1989: vol. 1 193), quoting Montesquieu (1748, ed. 1976: 688–689): “Partout où se trouve une place où deux personnes peuvent vivre commodément, il se fait un mariage.”
- <sup>10</sup> Süßmilch's niche argument can first be found in the second edition of his work, published after Montesquieu's *Esprit des Loix*. It is absent from the first edition (Berlin 1741). Malthus did not read German himself, but seems to have had several helpful persons available who read and excerpted Süßmilch's work for him, partly in Latin. His quotations of “Susmilch” refer to various editions and are mostly wrong (see editor's comments in Malthus 1803: vol. 2, 341–342).
- <sup>11</sup> See also Justi (1760: 177): “Wenn zwey Menschen eine Stelle sehen, wo sie ihre Nahrung finden, und sich durch ihren Fleiß und Arbeit die Nothdurft und Bequemlichkeit des Lebens erwerben können, da heirathen sie einander.” The formula is directly derived from Montesquieu. A similar concept of “positions” is used by the anti-physiocrat Pfeiffer (1778–1804: s. v. *Bevölkerung*): “Unsers Ermessens kommt die ganze Sache darauf an, daß in einem Staate viele Stellen vorhanden sind, auf welche sich fleißige Menschen ernähren können.” In Pfeiffer's view, the population growth is contingent upon “daß der Staat (!) viele Gelegenheiten verschaffe, worauf und wodurch sich viel Menschen ernähren und in den Stand setzen können, Getraide und andere Lebensmittel zu kaufen.”
- <sup>12</sup> For an overview of German cameralism, see Maier 1980; Raeff 1983.
- <sup>13</sup> Esp. Wolff's (1736) treatment of the “herrschaftliche Gesellschaft” (despotic society) in chapter 4. Wolff also wrote a preface to Süßmilch's work. See also Kössler (1997).
- <sup>14</sup> E.g., Prussian police officers were ordered in 1756 to count married children as inde-

pendent even if they lived in the same house as their parents, see the ordinance printed in Behre (1905: 184–185).

15 Schlettwein also emphasized that there was no need for a pro-active population policy (1780: 8 and *passim*). A classical statement of the dispersed-settlement thesis is List (1842).

16 See Brunner 1951 and 1956; Brunner's work has found widespread acceptance until the 1970s, see e. g., Medick 1976; but has recently been criticized sharply, see e. g., Jütte 1984; Opitz 1994; Trossbach 1993.

17 Notably a serious proposal as opposed to the English provocative one mentioned above.

18 Although this example nicely demonstrates how irrelevant marriage restrictions for the poor have been during the eighteenth century, Kohl (1985: 152)—in accordance with the niche theory he adheres to—claims that the legal need for a full position was abolished by the French occupants in the 1790s.

19 Church ordinance of the Archbishopric of Mayence (1670/87, *Bischöfliches Kommissariatsarchiv Heiligenstadt*, O 1 Churmainzische Verordnungen), chapter 9. The “natural right” to marry was also emphasized by 19<sup>th</sup> century opponents of marriage limitation, see Matz 1980: 125.

20 For example, the department of the interior demanded as early as 1817 that “the older laws restricting the marriage of poor people” should be reinstated (Matz 1980: 114; see also Braun 1868: 26).

21 Parents are warned not to force children into marriages that are motivated by parental material interests or kinship alliances, and not by the children's “*Lust, Lieb oder affection*” (Reyscher 1828–50: vol. 6 p. 91, part 1 chapter 2 § 5).

22 It is not entirely clear from the legal sources if an identifying document (a *Trauschein*) had to be issued by the regional authorities before the publication in church took place. This was the case in neighbouring Baden-Durlach (see Land-Recht 1710, part 3 title 10). Identifying documents can obviously be used in a control function in the sense of a concession. A similar system may be suggested by a Württemberg ordinance of 1729, which made it the joint obligation of the regional church and state authorities to see to it that new couples had their livelihood (*Generalrescript* of 3/7/9 Feb. 1729, in Hartmann 1791: 310-2).

23 “... die zum Ehestand tüchtig und nunmehr so verständig worden, daß sie sich im Hauswesen mit Gott und Ehren ernehren können” (Reyscher 1828–1850: vol. 6 p. 90, part 1 chapter 1 § 1). See also vol. 6 p. 144, part 3 chapter 1 § 18: “wann Sie aber offenbar zu frühzeitig sich verhelichen wollen, und der junge Gesell sein Handwerck und Feld-Bau, die junge Tochter aber das Haushalten noch gantz nicht gelernet, so sollen sie ... darvon abgemahnt, oder ... mit der Ehe-Bestättigung gar noch eine Zeitlang aufgehalten, und dahin gewiesen werden, vorhin jedes sein Geschäft zur Haushaltung und Leibs-Nahrung nothwendig wohl zu erlernen, und alsdann ererst [sic!] die Ehe von Christlicher Gemein bestättigen zu lassen.” See also *Generalrescript* of 10 Aug. 1588 (Reyscher 1828–50: vol. 4 p. 454): young people have to learn the art of useful householding before marrying.

24 See e.g. the wording in the *Ehe-Ordnung* (Reyscher 1825–50: vol. 6 p. 144, part 3 chapter 1 § 18-19). The couple is labelled *Ehe-Leut* as soon as they give their consent to each other, even if they do so without parental consent. See also Wüstenberg (1991). On Lutheran Baden-Durlach, Zwinglian (Reformed) law is similar, see Bänninger (1948: 23). For an overview of canonical and reformation marital law see Saf-

ley (1984: 11–41), but note that on p. 31, he mistakenly ascribes a role in the process of marriage to the “municipal chancery” of sixteenth century Basel; this is a misreading of “Kanzel,” pulpit, and thus overemphasizes the role of the community.

25 Consequently, it is not true that “community councils compelled men under age 25 to petition the duke for dispensation to marry” (Ogilvie 1997: 61); it was the government, not the community, who did so.

26 Most of the marriage regulations reported by Ogilvie (1997: 61, footnote 140; 62, footnote 144) referred either to immigrants or to the issue of marriage age, and the wealth regulations she cites were clustered at the very end of the period studied by her. See also Ogilvie (1996).

27 See Mendels’s (1970, ed. 1981: 22–24) argument on the process which changed the demographic parameters in proto-industrialized regions: “the age at marriage” was before proto-industrialization “regulated by the necessity to inherit ... and hence by the death of the household head”. The only external reference given by Mendels for this argument is Braun (1960). Braun discusses these processes on pp. 59–89, which are mostly based on the contemporary literature from Zurich. Zurich had extremely early marriage restrictions based on wealth, see Bänninger (1948: 46), citing an ordinance of 1648. For another early Swiss case of marriage regulation based on wealth see Schmidt (1995: 196–197). In Berne, a community veto on the marriages of juvenile poor was installed in 1714, and on the marriage of adult poor (that is, over 25 years) in 1743. Head-König: 1993: 456–459) gives mostly nineteenth-century examples.

28 See also Zinn 1992; Ehmer 1992/93. On continuity and discontinuity between Ipsen’s national-socialist “people’s history” and post-war social history see Lehmann and Van Horn Melton 1994; and the brilliant new study by Etzemüller 2001.

29 The concept of the German *Hufen*-peasants is also central to Otto Brunner’s work. See especially Brunner (1951), where he emphasizes the dichotomy between Germanic and Slavic family forms, and equates the non-Slavic with the “European”.

30 Ipsen (1933b: 426) defined population as “the urge with which a race fills its space of domination in a vivid way”; “race” being the “community of food and blood in the sense of the old Roman *commercium et connubium*” (my translation).

31 “Selbstregelung der Bevölkerung im Lebensraum” (Ipsen 1933b: 429).

32 “Erzeugung des Pöbels”: Hegel 1821, ed. 1952, vol. 7, 318-9 (§§ 244-245). The English edition *Philosophy of right*, transl. Thomas Malcolm Knox (Reprint Oxford: Clarendon Press 1967), 77 gives “creation of a rabble of paupers.”—Other than Conze’s reading implies, Hegel refers to downward social mobility, not to population growth.

33 These ordinances should however be interpreted in a context of labor control rather than population control (compare Könnecke 1912: 754–755).

34 However, no reference is made to the niche model in the important introduction by Imhof (1977).

35 A negative effect of paternal death has been found by Van Poppel, De Jong and Liefbroer (1998). In an eighteenth century Dutch context however, the age of first marriage of farmers’ and laborers’ sons (as opposed to cottagers) was increased if paternal death occurred later (see Schellekens 1991).

## References

- Alter, George. 1991. "New perspectives on European marriage in the nineteenth century," *Journal of Family History* 16: 1–5.
- Bänniger, Hans. 1948. „Untersuchungen über den Einfluß des Polizeistaats im 17. und 18. Jahrhundert auf das Recht der Eheschließung in Stadt und Landschaft Zürich,“ Dissertation: Universität Zürich.
- Bauer, Leonhard and Herbert Matis. 1988. *Geburt der Neuzeit: Vom Feudalsystem zur Marktgemeinschaft*. Munich: Deutscher Taschenbuch-Verlag.
- Becher, Johann Joachim. 1668. *Politischer Discurs von den eigentlichen Ursachen deß Auf- und Abnehmens der Städt / Länder und Republicken*. Frankfurt: Zunner.
- Behre, Otto. 1905. *Geschichte der Statistik in Brandenburg-Preussen bis zur Gründung des Königlichen Statistischen Bureaus*. Berlin: Heymann.
- Blickle, Peter. 1997. *Obedient Germans? A rebuttal: A new view of German history*. Charlottesville: University Press of Virginia.
- Braun, Karl. 1868. "Das Zwangs-Zölibat für Mittellose in Deutschland," *Vierteljahrschrift für Volkswirtschaft und Kulturgeschichte* 20: 1-80.
- Braun, Rudolf. 1960. *Industrialisierung und Volksleben: Die Veränderungen der Lebensformen in einem ländlichen Industriegebiet vor 1800 (Zürcher Oberland)*. Erlenbach-Zürich: Rentsch.
- Brunner, Otto. 1956. "Das 'ganze Haus' und die alteuropäische 'Ökonomik'," in idem., *Neue Wege der Verfassungs- und Sozialgeschichte*. Göttingen: Vandenhoeck & Ruprecht, pp. 33-61.
- . 1951. "Europäisches Bauerntum," *Geschichte in Wissenschaft und Unterreicht* 2: 400-411.
- Castell, Adelheid Gräfin zu, "Forschungsergebnisse zum gruppenspezifischen Wandel generativer Strukturen," in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 161–72.
- Chayanov, Alexander V. 1923. ?????????? ?????????????? ??????????. English translation: *The theory of peasant economy*. Homewood, Illinois: Irwin 1966.
- Conze, Werner. 1940. *Agrarverfassung und Bevölkerung in Litauen und Weißrußland*, Vol. 1. Leipzig: Hirzel.
- . 1954. "Vom ‚Pöbel‘ zum ‚Proletariat‘. Sozialgeschichtliche Voraussetzungen für den Sozialismus in Deutschland," *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 41: 333-364. English translation: "From 'Pöbel' to 'Proletariat': The socio-historical preconditions of socialism in Germany," in Georg Iggers (ed.), *The social history of politics: Critical perspectives in West German historical writing since 1945*. Leamington Spa et al.: Berg, pp. 49–80. 1985.
- (ed.). 1976. *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*, Industrielle Welt 21. Stuttgart: Klett-Cotta.
- Devos, Isabelle. 1999. "Marriage and economic conditions since 1700: The Belgian case," in eadem and Liam Kennedy (eds.), *Marriage and rural economy: Western Europe since 1400*, CORN Publication Series 3. Turnhout: Brepols, pp. 101-132.

- Dorn, Valentine. 1905. *Eine Abhandlung über das Bevölkerungsgesetz*, Vol. 2. Jena: Fischer. [Droste-Hülshoff, Annette von]. 1842, ed. 1996. "Westphälische Schilderungen: Aus einer Westphälischen Feder," in Bodo Plachta and Winfried Woesler (eds.): *Annette von Droste-Hülshoff: Sämtliche Werke*, Vol. 2. Frankfurt: Deutscher Klassiker-Verlag.
- Ehmer, Josef. 1992/93. "Eine 'deutsche' Bevölkerungsgeschichte? Gunther Ipsens historisch-soziologische Bevölkerungstheorie," *Demographische Informationen*: 60–70.
- . 1991. *Heiratsverhalten, Sozialstruktur, ökonomischer Wandel: England und Mitteleuropa in der Formationsperiode des Kapitalismus*, Kritische Studien zur Geschichtswissenschaft 92. Göttingen: Vandenhoeck und Ruprecht.
- Engelen, Theo and Paul Klep. 1998. "Declining economic utility of children in various agricultural worlds: The Netherlands, 1889–1960)," in Timothy W. Guinnane and Paul Johnson (eds.), *The microeconomic analysis of the household and the labour market, 1880–1939*, Proceedings of the twelfth International Economic History Congress, Madrid August 1998, Session B 17. Sevilla: Fundación Fomento de la Historia Económica, pp. 11–25.
- Etzemüller, Thomas. 2001. *Sozialgeschichte als politische Geschichte: Werner Conze und die Neuorientierung der westdeutschen Geschichtswissenschaft nach 1945*, Ordnungssysteme 9. Tübingen: Oldenbourg.
- Foster, George M. 1965. "Peasant society and the image of limited good," *American Anthropologist* 67: 293–315.
- Göbel, Gerhard. 1988. *Bevölkerung und Ökonomie: Historisch-demographische Untersuchung des Kirchspiels Siegen in der Nassau-Oranischen Zeit, 1742–1806*. St. Katharinen: Scripta Mercaturae Verlag.
- Guinnane, Timothy. 1991. "Re-thinking the western European marriage pattern: The decision to marry in Ireland at the turn of the twentieth century," *Journal of Family History* 16: 47–64.
- Hajnal, John. 1965. "European marriage patterns in perspective," in D. V. Glass and D. E. C. Eversley (eds.), *Population in history: Essays in historical demography*. London: Arnold, pp. 101–143.
- . 1982. "Two kinds of pre-industrial household formation system." *Population and Development Review* 8: 449–94.
- Hartmann, Johann Georg. 1791. *Geseze des Herzogthums Wirtemberg.... I. Theil, welcher die Ehegeseze enthält*. Stuttgart: Hartmann.
- Head-König, Anne-Lise. 1993. "Forced marriages and forbidden marriages in Switzerland: State control of the formation of marriage in catholic and protestant cantons in the eighteenth and nineteenth centuries," *Continuity and Change* 8: 441–65.
- Hegel, Georg Friedrich Wilhelm. 1821. *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, Berlin. Edited by Herrmann Glockner, Stuttgart: Frommann 3<sup>rd</sup> ed. 1952. (= *Idem, Sämtliche Werke*. Jubiläumsausgabe). English edition: *Philosophy of right*, transl. Thomas Malcolm Knox, Reprint Oxford: Clarendon Press 1967.
- Hendrickx, François M. M. 1997. *'In order not to fall into poverty': Production and repro-*

- duction in the transition from proto-industry to factory industry in Borne and Wierden (the Netherlands), 1800–1900*, IISG Studies and Essays 26. Amsterdam: Stichting beheer IISG.
- Hippel, Wolfgang von. 1977. *Die Bauernbefreiung im Königreich Württemberg*. Forschungen zur deutschen Sozialgeschichte 1.1–1.2. Boppard: Boldt.
- . 1984. *Auswanderung aus Südwestdeutschland*. Industrielle Welt 36. Stuttgart: Klett-Cotta.
- Imhof, Arthur E. 1977. *Einführung in die Historische Demographie*. München: Beck.
- . 1976. “Ländliche Familienstrukturen an einem hessischen Beispiel: Heuchelheim, 1690–1900,” in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 197–230.
- Ipsen, Gunther. 1933a. “Agrarverfassung: III. Landvolk: Soziale Struktur,” in *Handwörterbuch des Grenz- und Auslandsdeutschtums*. Vol. 1. Breslau: Hert, pp. 37–52.
- . 1933b. “Bevölkerung: I. Bevölkerungslehre,” in *Handwörterbuch des Grenz- und Auslandsdeutschtums*. Vol. 1. Breslau: Hert, pp. 425–463.
- . 1940. “Agrarische Bevölkerung,” in Dimitrie Gusti (ed.): *Arbeiten des XIV. Internationalen Soziologenkongresses*, Mitteilungen B 1. Bucuresti: Internationales Soziologisches Institut, 8–22.
- Jütte, Robert. 1984. “Zwischen Ständestaat und Austrofaschismus: Der Beitrag Otto Brunners zur Geschichtsschreibung,” *Jahrbuch des Instituts für deutsche Geschichte Tel Aviv* 13: 337–62.
- Justi, Johann H. von. 1760. *Die Grundfeste zu der Macht und Glückseligkeit der Staaten oder ausführliche Vorstellung der gesamten Polizey-Wissenschaft*, Vol. 1. Königsberg: Hartung.
- Kaschuba, Wolfgang and Carola Lipp. 1982. *Dörfliches Überleben: Zur Geschichte materieller und sozialer Reproduktion ländlicher Gesellschaft im 19. und frühen 20. Jahrhundert*. Untersuchungen des Ludwig Uhland-Instituts der Universität Tübingen 56. Tübingen: Tübinger Vereinigung für Volkskunde.
- Könnecke, Otto. 1912. *Rechtsgeschichte des Gesindes in West- und Süddeutschland*, Arbeiten zum Handels-, Gewerbe- und Landwirtschaftsrecht 12, Marburg: Elwert.
- Kössler, Reinhart. 1997. “Wage labour and despotism in modernity,” in Tom Brass and Marcel van der Linden (eds.), *Free and unfree labour: The debate continues*, International and Comparative Social History 5, Berne: Lang, pp. 91–106.
- Kohl, Thomas. 1985. *Familie und soziale Schichtung: Zur historischen Demographie Triers 1730–1860*. Industrielle Welt 39. Stuttgart: Klett-Cotta.
- Krüger, Hans-Jürgen. 1977. *Die Bevölkerung im Vest Recklinghausen vom Ende des 16. Jahrhunderts bis zum Beginn der Industrialisierung*. Koblenz: no publisher.
- Landes-Ordnung. 1715. *Landes-Ordnung der Fürstenthümer und Landen der Marggraffschafften Baaden und Hachberg ....* Durlach: Hecht.
- Land-Recht. 1710. *Land-Recht der Fürstenthümer und Landen der Marggraffschafften Baaden und Hachberg ....* Durlach: Hecht.
- Laslett, Peter. 1965. *The world we have lost*. London: Methuen.

- . 1976. "Familie und Industrialisierung: Eine 'starke Theorie'," in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 13–31.
- . 1988. "Family, kinship and collectivity as systems of support in pre-industrial Europe: A consideration of the 'nuclear-hardship' thesis," *Continuity and Change* 3: 153–75.
- Lee, Ronald. 1993. "Accidental and systematic change in population history: Homeostasis in a stochastic setting," *Explorations in Economic History* 30: 1–30.
- Lehmann, Hartmut and James Van Horn Melton (eds.). 1994. *Paths of Continuity: Central European Historiography from the 1930s through the 1950s*. Cambridge: Cambridge University Press.
- Liebel, Helen. 1965. *Enlightened bureaucracy versus enlightened despotism in Baden, 1750–1792*, Transactions of the American Philosophical Society 55.5. Philadelphia: American Philosophical Society.
- Linde, Hans. 1976. "Familie und Haushalt als Gegenstand bevölkerungsgeschichtlicher Forschung: Erörterung eines problembezogenen und materialorientierten Bezugsrahmens," in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 32–52.
- List, Friedrich. 1842. "Die Ackerverfassung, die Zwergwirtschaft und die Auswanderung," *Deutsche Vierteljahresschrift*, 20, No. 4: 106–91.
- Lucassen, Leo. 1996. *Zigeuner: Die Geschichte eines polizeilichen Ordnungsbegriffs in Deutschland 1700–1945*. Cologne/Weimar/Vienna: Böhlau.
- Macfarlane, Alan. 1986. *Marriage and love in England: Modes of reproduction, 1300–1840*. London: Blackwell.
- Mackenroth, Gerhard. 1953. *Bevölkerungslehre: Theorie, Soziologie und Statistik der Bevölkerung* (Berlin: Springer).
- Maier, Hans. 1980. *Die ältere deutsche Staats- und Verwaltungslehre*. Munich: Beck.
- Maisch, Andreas. 1992. *Notdürftiger Unterhalt und gehörige Schranken: Lebensbedingungen und Lebensstile in württembergischen Dörfern der frühen Neuzeit*, Quellen und Forschungen zur Agrargeschichte 37. Second Edition. Stuttgart: G. Fischer.
- Malthus, Thomas Robert. 1803. *An essay on the principle of population; or a view of its past and present effects on human happiness* ("The version published in 1803, with the *variora* of 1806, 1807, 1817 and 1826"), ed. Patricia James, Vol. 1–2. Cambridge: Cambridge University Press, 1989.
- Mantl, Elisabeth. 1997. *Heirat als Privileg: Obrigkeitliche Heiratsbeschränkungen in Tirol und Vorarlberg, 1820 bis 1920*, Sozial- und Wirtschaftshistorische Studien 23. Wien: Verlag für Geschichte und Politik.
- Matz, Klaus-Jürgen. 1980. *Pauperismus und Bevölkerung: Die gesetzlichen Ehebeschränkungen in den süddeutschen Staaten während des 19. Jahrhunderts*, Industrielle Welt 31. Stuttgart: Klett-Cotta.
- Marschalck, Peter. 1984. *Bevölkerungsgeschichte Deutschlands im 19. und 20. Jahrhundert*. Frankfurt am Main: Suhrkamp.

- Medick, Hans. 1976. "Zur strukturellen Funktion von Haushalt und Familie im Übergang von der traditionellen Agrargesellschaft zum industriellen Kapitalismus: Die proto-industrielle Familienwirtschaft," in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 254–282.
- Mendels, Franklin. 1970. *Industrialization and population pressure in eighteenth century Flanders*. Dissertation Univ. of Wisconsin. Reprint: New York: Arno Press 1981.
- Mitterauer; Michael and Reinhard Sieder. 1982. *The European family: Patriarchy to partnership from the middle ages to the present*. Oxford: Blackwell.
- Montesquieu, Charles Louis. 1748. "De l'Esprit des Loix ou du rapport que les loix doivent avoir avec la constitution de chaque gouvernement, les mœurs, le climat, la religion, le commerce, & c.," in idem, *Œuvres complètes*, ed. Roger Caillois, Vol. 2. Reprint Paris: Gallimard, 1976, pp. 229–995.
- Ogilvie, Sheilagh. 1996. "Population growth and state policy in central Europe before industrialization," Working Paper of the Centre for History and Economics, King's College. Cambridge.
- . 1997. *State corporatism and proto-industry: The Württemberg Black Forest, 1580–1797*. Cambridge Studies in Population, Economy and Society in Past Time 33. Cambridge: Cambridge University Press.
- Opitz, Claudia. 1994. "Neue Wege der Sozialgeschichte? Ein kritischer Blick auf Otto Bruners Konzept des 'ganzen Hauses'," *Geschichte und Gesellschaft* 20: 88–98.
- Pfeiffer, Johann Friedrich von. 1778–1804. *Deutsche Encyclopädie oder Allgemeines Real-Wörterbuch aller Künste und Wissenschaften*. Frankfurt: Varrentrapp.
- Pfister, Christian. 1994. *Bevölkerungsgeschichte und historische Demographie, 1500–1800*, Enzyklopädie Deutscher Geschichte 28. Munich: Oldenbourg.
- Polanyi, Karl. 1944. *The great transformation*. New York: Farrer and Renshaw.
- Raef, Marc. 1983. *The well-ordered police state: Social and institutional change through law in the Germanies and Russia, 1600–1800*. New Haven: Yale University Press.
- Rebel, Hermann. 1983. *Peasant classes: The bureaucratization of property and family relations under early Habsburg absolutism, 1511–1636*. Princeton, New Jersey: Princeton University Press.
- Reinhard, Johann Jacob. 1767. "Ein Traum," in idem, *Vermischte Schriften*, Vol. 7. Frankfurt: Mucklot, pp. 929–982.
- . ca. 1767. "Versuch einer practischen Betrachtung über die Ursachen des schlechten Fortgangs verschiedener angegriffener Land-Oeconomie-Verbesserungen in rheinischen und schwäbischen Landen sambt einigen Vorschlägen," unpublished manuscript, in *Generallandesarchiv Karlsruhe* 65/1030, fol. 76r-76v.
- Reyscher, August Ludwig (ed.). 1828–50. *Vollständige, historisch und kritisch bearbeitete Sammlung der württembergischen Gesetze*, Stuttgart and Tübingen: Cotta.
- Riehl, Wilhelm Heinrich. 1935. *Die Naturgeschichte des deutschen Volkes*, compiled and edited by Gunther Ipsen, Kroeners Taschenausgabe 122. Leipzig: Kroener 1935. Based on Riehl, *Die Naturgeschichte des Volkes als Grundlage einer deutschen Social-Politik*. Stuttgart: Cotta 1854.

- . 1851. *Die bürgerliche Gesellschaft*. Stuttgart: Cotta.
- Rouette, Susanne. Forthcoming. “‘Heiratsbände’—Bauernfamilien, Verwandtschaft und Besitz im münsterländischen Diestedde im Übergang vom 18. zum 19. Jahrhundert,” in Silke Lesemann and Axel Lubinski (eds.), *Ländliche Ökonomien. Arbeit und Gesellung in frühneuzeitlichen Agrargesellschaften* (Potsdamer Symposien 5). Wien: Böhlau. **[forthcoming – check citation!]**
- Sabean, David Warren. 1990. *Property, production and family in Neckarhausen, 1700–1870*, Cambridge Studies in Social Anthropology 73. Cambridge: Cambridge University Press.
- Safley, Thomas Max. 1984. *Let no man put asunder: The control of marriage in the German southwest: A comparative study, 1550–1600*. Kirksville: The Sixteenth Century Journal Publication.
- Schellekens, Jona. 1991. “Determinants of marriage patterns among farmers and agricultural laborers in two eighteenth-century Dutch villages,” *Journal of Family History* 16: 139–55.
- Scherner, Karl Otto. 1979. “Das Recht der Armen und Bettler im Ancien régime,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte/Germanistische Abteilung* 96: 55–99.
- Schlettwein, Johann August. 1780–1782. “Sätze, welche allgemeine Evidenzen für alle Berufe in der menschlichen Gesellschaft zu seyn scheinen,” *Johann August Schlettweins Archiv für den Menschen und Bürger* 1 (1780): 3–12; 2 (1781): 3–9; 3 (1781): 3–13; 4 (1782): 5–20; 5 (1782): 5–10. Leipzig: Weygand.
- Schlumbohm, Jürgen. 1996. “Micro-history and the macro-models of the European demographic system in pre-industrial times: Life course patterns in the parish of Belm (Northwest Germany), seventeenth to the nineteenth centuries,” *The History of the Family* 1: 81–95.
- Schmauß, Johann Jacob and Heinrich Christian von Senckenberg. 1747 (eds.). *Neue und vollständigere Sammlung der Reichs-Abschiede, welche von den Zeiten Kayser Conrads des II. bis jetzo, auf den Teutschen Reichs-Tägen abgefasset worden: Sammt den wichtigsten Reichs-Schlüssen, so auf dem noch fürwährenden Reichs-Tage zur Richtigkeit gekommen sind*. Vol. 2. Frankfurt am Main: Koch.
- Schmid, Josef. 1990. “Demographische Homöostase: Mythos oder heuristisches Konzept?,” in Dietmar Petzina and Jürgen Reulecke (eds.), *Bevölkerung, Wirtschaft, Gesellschaft seit der Industrialisierung: Festschrift für Wolfgang Köllmann zum 65. Geburtstag*. Hagen: v. d. Linnepe, pp. 1–17.
- Schmidt, Heinrich Richard. 1995. *Dorf und Religion: Reformierte Sittenzucht in Berner Landgemeinden der Frühen Neuzeit*, Quellen und Forschungen zur Agrargeschichte 41. Stuttgart: G. Fischer.
- Schofield, Roger. 1976. “The relationship between demographic structure and environment in pre-industrial Europe,” in Werner Conze (ed.), *Sozialgeschichte der Familie in der Neuzeit Europas: Neue Forschungen*. Stuttgart: Klett-Cotta, pp. 147–60.
- Schütte, Leopold. 1990. “Enlope lude und Verwandte: Bezeichnungen für eine soziale Randgruppe in Westfalen im Mittelalter,” *Vierteljahrschrift für Sozial- und Wirtschaftsge-*

- schichte* 77: 29–74.
- Sieferle, Rolf Peter. 1990. *Bevölkerungswachstum und Naturhaushalt: Studien zur Naturtheorie der klassischen Ökonomie*. Frankfurt am Main: Suhrkamp.
- Siegenthaler, Hansjörg. 1999. "Geschichte und Ökonomie nach der kulturalistischen Wende," *Geschichte und Gesellschaft* 25: 276–301.
- Smith, Daniel Scott. 1993a. "American family and demographic patterns and the Northwest European model," *Continuity and Change* 8: 389–415.
- . 1993b. "The curious history of theorizing about the history of the western nuclear family," *Social Science History* 17: 325–53.
- Smith, Richard M. 1986. "Transfer incomes, risk and security: The roles of the family and the collectivity in recent theories of fertility change," in David Coleman and Roger Schofield (eds.), *The state of population theory: Forward from Malthus*. Oxford: Blackwell, 188–211.
- Sokoll, Thomas. 1992. "Historische Demographie und historische Sozialwissenschaft," *Archiv für Sozialgeschichte* 23: 405–425.
- Süßmilch, Johann Peter. 1761. Die göttliche Ordnung in der Veränderung des menschlichen Geschlechts aus der Geburt, dem Tod und der Fortpflanzung desselben erwiesen. Second Edition. Berlin: Verlag des Buchhandels der Realschule.
- Tilly, Richard and Charles Tilly. 1971. "Agenda for European economic history in the 1970s," *Journal of Economic History* 31: 184–98.
- Trossbach, Werner. 1993. "Das 'ganze Haus': Basiskategorie für das Verständnis der ländlichen Gesellschaft deutscher Territorien in der Frühen Neuzeit?," *Blätter für deutsche Landesgeschichte* 129: 277–314.
- van Poppel, Frans, Jurjen de Jong and Aart C. Liefbroer. 1998. "The effects of paternal mortality on sons: Social mobility: A nineteenth-century example," *Historical Methods* 31: 101–112.
- Walker, Mack. 1971. *German home towns: Community, state, and general estate, 1648–1871*. Ithaca: Cornell University Press.
- Weber, Max. 1921. *Wirtschaft und Gesellschaft: Grundriß der verstehenden Soziologie*, first published Tübingen: Moor 1921. English translation: *Economy and society: An outline of interpretive sociology*. Berkeley: University of California Press 1978.
- Weinhold, C. A. 1827. *Von der Übervölkerung in Mitteleuropa und deren Folgen auf die Staaten und deren Civilisation*. Halle: Anton.
- Weishaar, Jakob Friederich von. 1831. *Handbuch des Württembergischen Privatrechts*, Vol. 1. Stuttgart: Metzler.
- Wolff, Christian. 1736. *Vernünfftige Gedancken von dem gesellschaftlichen Leben der Menschen und insonderheit dem gemeinen Wesen*. Fourth Edition. Frankfurt: Renger.
- Wrigley, E. A. and Roger S. Schofield. 1981. *The population history of England, 1541–1871: A reconstruction*. London: Arnold.
- Wüstenberg, Kurt. 1991. *Evangelisches Eheschließungsrecht in der Markgrafschaft Baden-Durlach: Seine Gestaltung und Entwicklung in den ersten eineinhalb Jahrhunderten nach der Einführung der Reformation, 1556–1700*). Veröffentlichungen des Vereins

für Kirchengeschichte in der Evangelischen Landeskirche in Baden 44. Karlsruhe:  
Evangelischer Presseverband für Baden.

Zinn, Alexander. 1992. "Gehaßt oder instrumentalisiert? Soziologie im Dritten Reich aus der  
Perspektive des Reichsministeriums für Wissenschaft," *Zeitschrift für Soziologie* 21:  
347–365.