

The House System in the Pyrenees Traditions and practices since the Modern Era Japan 2011

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Introduction

- The Pyrenees, a region of non-specialized farming and small property owners
- The Pyrenees: a region depending on single inheritance
- Hence the House system
 - Unequal inheritance for the survival of the house
 - One heir
 - Excluded siblings

I. The House System

1. Definition of the Pyrenean House

- A family, social, and economic unit
- A family unit: one household, one family group
- A social unit: a group with a say in the community
- An economic unit:
 - o A house with working spaces, living spaces, and storage spaces, one located in one storey of the family house
 - o A house at the center of a piece of land which sustains the family and secure its survival
 - o The house and land are what give value and existence to the House
 - o The ownership of the house and land and its survival over time is what dictates the house system and the rules or Customs.
 - o The House means the building and land, but also the family lineage, the family blood, the family line, and the family name
 - o The members of the household are named by the name of the House (the original name of the house, as the first owner chose)

2. The house system (as dictated in the *Customs* of the 15th and 16th centuries)
- In the context of small property ownership and limited ecological resources in the Pyrenees, the family house and land could only support one group of individuals or household and could not be divided into smaller portions for fear of bankruptcy
 - The family house and land could not be divided because it could not sustain two households or more
 - The house system therefore imposed single inheritance or the transmission of all family assets (the house and land) to one child from one generation to another
 - The House system not only involved the transmission of the house and land to one child, it also involved the transmission of the family name (reflecting lineage and blood).
 - Single inheritance was the only way to protect the family line in the community, as well as the economic viability of the family house and the economic demographic equilibrium of the community
 - Without the system, the family, the community and the region could suffer economic instability and crisis, perhaps destruction
 - The Pyrenean Customs therefore dictated the rules which imposed single inheritance and thus protected the house from partition and bankruptcy
 - The Pyrenean Customs which sustained single inheritance imposed various regulations upon the heir and his or her spouse; and upon the excluded children. It outlined:
 - o The selection of the single heir to inherit the family house and land
 - o The marriage of the heir, the spouse and the dowry
 - o Their obligations towards the parents and the excluded siblings
3. The selection of the single heir according to the Customs
- All Pyrenean customs have in common the selection of the one child to become the heir of the house
 - Depending on the area, the choice of the heir differed

- In the Basque Country, Lavedan and Bareges until the eighteenth century, the heir was the first-born male or female child, a system which required the selection of the first-born child only, yet with no gender distinction (male or female primogeniture: *aînesse intégrale*). There women had equal rights and position as men. What distinguished children between them was not gender but birth-rank, the first-born one enjoying all the rights and privileges in the house to the detriment of the others
 - In Bearn and the Baronies, the heir was the first-born male child of the family, a system known as male primogeniture, one which excluded women from inheritance altogether. There women could never inherit land unless no sons were born in the family. In this case, the first-born daughter inherited the house and land and brought a son-in-law into the house
 - In French Catalunia, the heir was one of the sons, any of them but it had to be a son. In this system, women were also excluded from inheritance, as in Bearn and the Baronies, unless no sons were born in the family. Only in the absence of sons could women inherit.
4. The marriage of the heir, the spouse and the dowry
- The day of the marriage was the day when the heir or heiress inherited the family assets, namely the family house and land, and became the young heir"
 - Inheritance did not take place when parents died but when the next generation heir got married, established himself or herself in the house with the spouse, and had a family there.
 - The heir did not have to wait until his or her parents died to be entitled to the succession (house and land)
 - When he married, he became the "maître jeune" (young masters) and the parents the "maîtres anciens" (old masters)
 - Together they managed the family business. They shared the decisions and divided farm tasks between them. The revenues of the farm were shared by all the residents
 - The spouse was not any spouse; he or she had to pay his or her way into the house

- He or she brought in a dowry which was sizable and incorporated into the house. He or she came from a propertied family of the same social status
- Marriages between an heir or heiress and another person were endogamous, within the same social and professional background and status
- The dowry was a cash amount which had to be made available upon the marriage
- Before being incorporated, however, families waited until the young couple gave birth to the first child, to make sure that the next generation heir had children and to avoid having to return the dowry to the spouse's family in case of death or the absence of descendant
- Once the young couple gave birth of the first child and that the child survived birth, the family could dispose of the spouse's dowry
- Hence the trial marriage and early births, the women being "tested" for pregnancy, the subsequent, rapid organization of the heir's marriage (within six months), and the birth of the first child within eight months after the marriage
- Upon the child's birth, Pyreneans practiced the "couvades". The father of the newly-born child took the position of the wife in bed to hold the child and receive congratulations from the family, friends, and members of the community.

5. Their obligations towards the excluded siblings and the parents

- Heirs and their spouses however had obligations towards the house and the parents
- First, they had to work hard in order to at least maintain the house and land intact, viable and prosperous so that they could transmit at least intact to the next generation.
- Besides, they had to save enough to settle at least one of the heir's siblings
- The spouse's dowry was a major contributor to the successful settlement of one of the siblings
- Once the dowry was transmitted to the heir's parents upon marriage and that the first child was born, the dowry was used to marry one of the children to an heir or heiress in the community or nearby.

- In this manner, two children in each family were decently settled, the heir and one of the siblings, the next one in line.
- Both became property owners, as their parents, one as an heir and the other as a spouse's heir. Both enjoyed the same status and power in the family and in the community as the parents, the heir or heiress having greater powers than the spouse though
- In any case, all within the house and as a result of the *Customs* sustaining the House System enjoyed the status in the community
- In exchange for this status, the heir and the spouse had to house, feed and care for the elderly heirs/parents. The latter could not be sent out of the house. They lived in the house through old age and retirement, and until death. They could not be disowned. They maintained their status as property owners even when retired. They still had a say in the decisions around the house and the business.
- Thus, inheritance upon the young heir's marriage did not mean that parents lost control of the house. Decisions and powers were shared between the old and new masters/generations
- The young heir and spouse also had obligations towards the younger siblings
- One of them, the next one in line, married into a local propertied family and this was possible because of the heir's spouse's dowry
- The families however could rarely settle decently more than two children
- When there were three children (and this was the average number of children per family in the Pyrenees before the nineteenth century), the third child, male or female, was forced to celibacy in the house
- This excluded child could not receive a dowry to marry into a local propertied family. Usually, the family did not have the financial means to provide him or her with a dowry
- As a result, this child was forced to celibacy in the house, a life of services for the heir in exchange for lodging, food, care, and retirement in the house
- Cc: The house system thus imposed the stem-family form and secured economic-demographic stability in the community

II. The Stem-Family system and its stabilizing effects

1. The Stem-Family household form

- The stem-family form derived from the house system and it was prevalent in the Pyrenees until recently
- In order to maintain the house system which necessitated single inheritance and therefore the non-partition of the family assets, families had to secure well-being to all its members
- Parents, the heir, the spouse, and the siblings were all cared for by the system in the family house
- Parents were care for through life by the heir and spouse
- The heir received all assets in exchange for transmitting the assets intact at least to the next generation and for taking good care of his or her parents until they died
- The spouse bought his or her way into the house with the dowry and was therefore secured food, lodging, care and retirement in the house too (so long as children were born)
- One of the children was married into a local propertied family thanks to the heir's spouse's dowry. The dowry which the heir received from his or her spouse was given to the sibling who could then marry into a propertied family
- All was about transferring dowries from one family to another
- Finally the third child remained single in the house with the heir, under his or her authority and in his or her services. In exchange for a life of services in the house, the unmarried siblings was cared for through life, retirement and death
- Thus, for the system to work, all these people received protection and care in the house and lived under the same roof
- At the time of the heir's marriage, the household may comprise a number of people
- Aging parents and perhaps an uncle or aunt lived with the young heir, his or her spouse, their children, and one of the heir's siblings
- Depending on family size, this may lead to a cohabitation of nearly 10 people together under the same roof, and perhaps more, especially in wealthy families which could afford larger families and therefore a larger cohabitation.

- Cohabitation may last a number of year, despite the late marriage of the heir and spouse (25 for women and 27 for men)
 - Slowly, members of the family died, aging parents and uncles/aunts first, or departed sometimes
 - What was then left in the end, were the heir/spouse/sibling and the next generation children
 - The household may end up in a simple form before the next-generation heir married into the house and had children
 - Subsequently, the process repeated generations after generations, the stem-family form reflecting the mechanisms of local social reproduction
- 2. The stabilizing effects of the stem-family form**
- The system had a stabilizing effect on the family and the community
 - The system self-reproduced itself
 - One heir at each generation
 - The heir's spouse producing a dowry which was used to settle another child
 - Two children in each family was secured headship and/or heirship: one in the family house and the other at another family's house
 - The unmarried siblings served as potential replacement for the heir or the spouse in case of death
 - They also helped in the house. Men worked in the farm work and women around the house and the caring of the poultry
 - When the male owner of the house died, the unmarried male sibling took over the responsibilities of the farm work until the next-generation heir took over
 - When the female owner of the house died, the unmarried female sibling took over the responsibilities around the house and the poultry
 - These unmarried siblings thus secured continuity to the house in case of accident or death
 - These responsibilities might even involve re-marriage with the unmarried sibling or another sibling, in order to avoid returning the dowry to its original owner.
 - Similarly, the stem-family system secured the eco-demographic stability of the house system and the community

- Single inheritance made it possible the continuity of farms as undivided economic units which remained unchanged and therefore prosperous over time
- As a consequence, the system secured economic stability within the community, with the same number of houses, the same number of households, and a stable population over time

III. The House System since the Civil Code

1. The Civil Code

- The system worked for centuries until the French Revolution which put an end to all local privileges on August 4th, 1789.
- Customs existed even before they were written down in the late 15th or early 16th centuries, as requested by the king of France, Charles VII, in 1454
- In the Basque case, they seem to have existed in Roman times
- These Customs prevailed until the Civil Code of 1804 which imposed the obligation to partition all assets between all the children, male or female
- The Civil Code imposed equal inheritance between siblings, male and female, or the equal partition of the family assets (the house, land and other assets) between the children.
- The new law made old, unequal practices illegal. It was supposed to make impossible to perpetuate the house system, the stem family system, single inheritance, the transmission of the house and land to one child, and the exclusion of the other children
- Parents could not transmit all the assets to one child who could then settle in the house with them and take care of them until they died
- Yet partition could weaken the economic survival of the families and the communities in the Pyrenees, as Frédéric Le Play argued in the nineteenth century, hence the need go around of the law in order to perpetuate the house system, the stem-family form, and single inheritance and secure economic stability to the community.
- The traditional unequal system however became illegal, the children being entitled to an equal share of the assets and in the position to request this legal share according to the law

- Yet Pyreneans in the course of the nineteenth century made the efforts, generally successful, to continue these unequal, single-inheritance practices
 - Families had to adapt the customs to the new law, to the children's demands, and to new demographic, economic, and social conditions
 - As the following case study on the Basques will show, families managed to successfully perpetuate single-inheritance practices, the stem-family system, and the house system.
- 2. New strategies for the selection of the heir and spouse**
- The heir or heiress could no longer inherit the family house and land upon marriage
 - He or she was no longer entitled to full succession as in the past
 - Parents could no longer secure him or her the house and land, the full transmission of the family assets intact, as in the past
 - New strategies had to be elaborated to avoid partition, the breakdown of the family business into smaller business, the impoverishment of the business, and perhaps its bankruptcy
 - The law also imposed new regulations which protected individual interests rather than the interest of the house, the family, its lineage, and its blood line
 - Parents could not disown one or several of the children
 - Each child was legally entitled to an equal share of the assets, to receive upon parents' death only
 - They had wait until parents' death to legally claim their share
 - Families used the law to perpetuate aspects of the ancient customs, the traditional rules, and single inheritance. How did they proceed?
 - The law allowed to advantage one child with one half of the assets upon that child's marriage when there were one child, one third of the assets when there were two children, and one quarter of the assets when there were three or more children
 - As families had three to four children on average, the extra share to be transmitted to whoever parents wanted, prior to succession, and separately from the shares to be equally transmitted to all the children, generally amounted to one quarter of the family assets

- Thus with the Civil Code, the selected heir or heiress who married into the house received one quarter of the family assets in advance (instead of all the assets), when parents were still alive
- That child was secured a greater share of the family assets
- According to the law, the selected child received the quarter share or extra share of the assets, and his share of the rest of the assets; that his share of the three quarters of the assets left.
- When there were three children, the three-quarter share was to be divided into three. With four children, the remaining assets were to be divided into four, with five children, in to five etc....
- As a consequence, with three children, the heir or heiress was entitled to a quarter of the assets, with four children, 18.8% of the assets, with five children, 15% of the assets, with six children, 12.5% of the assets etc...
- So generally speaking, with three children, an heir or an heiress was entitled to 50% of the assets (25% with the extra share and 25% with the legal share), to 43.8% of the assets with four children, to 40% of the assets with five children, to 37.5% of the assets with six children etc...
- As the heir or heiress was secured the ownership of 50% (or less) upon marriage, they had to elaborate strategies to collect the rest of the assets.
- The dowry played a major role in these strategies.
- When the first child of the next generation was born, the spouse's dowry was incorporated into the house. It was used to acquire a additional share of the assets
- As the spouse's dowry was usually equal to the heir's or heiress' extra share, a value that amounted to one quarter of the assets, it allowed the young couple to acquire additional assets, that 25% of the assets, which was used to purchase siblings' assets, those to which one of the siblings (with three children) was entitled and which he or she could use to marry an heir or heiress in the community.
- Thus, with parents' donation and the dowry, the heir or heiress and his or her spouse controlled half of the family assets
- They had until both parents' died to collect the rest of the assets

- In order to avoid early partition, parents not only donated an extra share to the selected child but also made a mutual donation so that the surviving spouse controlled the assets until death and inheritance could not be dealt with until both died
- When children were young and the selected child had not been selected, the surviving spouse owned a quarter of the assets which belonged to the other spouse in property and one quarter in usufruct.
- When the selected child had received his or her extra share, he or she owned 25% of the assets and the surviving spouse 25% in usufruct
- Until the other spouse died, inheritance could not be dealt with
- Thus the young heir or heiress owned 25% of the assets and the surviving spouse 25% of the assets in usufruct. The other siblings could not claim their share of the assets until the surviving spouse died.
- This gave the heir and his or her spouse time to collect the rest of the assets
- How did they proceed?

3. The compensation for the excluded siblings

- It was impossible for families to require that siblings relinquish their legal share of the inheritance
- In any case, one of the children at least could receive his or her share, 25% of the assets when there were three children
- It seemed that for sure, two out of three children received their legal shares of the assets
- Most often, one child was to be compensated subsequently
- What happened to him or her?
- This child had to wait until both parents died to claim his or her share
- The heir and his or her spouse then had time to save money for that child to receive his or her compensation
- Most of the time, the family managed to collect some money
- The strategy was to collect extra money to compensate the third child in advance, before parents' death and to have that sibling sign a legal act that stated his or her full compensation, though lower than the legal share,

- A lower, early compensation was often accepted because the young sibling needed the money to settle down
- Thus the heir and his or her spouse were able to collect an extra share of the inheritance by collecting money to donate a lower, yet early compensation for the sibling's legal share of the inheritance before parents' death.
- When the young siblings remained single, he or she received no compensation, yet donated his or her legal share of the inheritance to the heir or the next generation heir.
- When these options were impossible to exist, the young sibling had to wait until parents died. By then, it was late in his or her life. He or she often relinquished his or her share of the inheritance altogether
- This was the case of many of the unmarried young siblings in the community, in cities or in America. Some of them who fared well by then, helped the family to pay the succession dues and to keep the family house and land together and to transmit intact to the next generation
- Thus with early settlements or donations, rarely were houses sold. Most of the houses remained undivided and were transmitted intact to the next generation through the nineteenth and the twentieth century (as the *Cadastre* shows)
- The situation was more complex when there were more than three children.
- The heir or heiress and spouse still controlled half of the assets, as earlier explained but there were more siblings to be compensated
- It was again impossible to compensate them all. One received a share of the heir's spouse's dowry, as earlier explained. One or two others received an early, lower compensation and departed from the house. Occasionally in these cases, younger siblings received nothing. They seemed to value the house because they accepted to donate their share of the inheritance without compensation.
- They sacrificed their inheritance for the sake of the family house, the family lineage/blood/name, and the House system.
- That was the only way for the system to survive over time, across the nineteenth and the twentieth centuries

- Rarely did young siblings take families to court in order to force them to pay the share of the inheritance they were entitled to
- This would have caused high indebtedness and perhaps the bankruptcy of the family house. As hardly any of the houses were sold, this probably did not happen.

IV. Consequences of the Civil Code on the new inheritance system

1. Consequences on the old and young heirs: concessions on both parts

- Parents were in sole and complete control of the house until their death
- The young heir or heiress however was secured of only 50% of the assets with the extra share and with the dowry
- It was no longer interesting for the selected child to inherit because he or she was no longer secured full inheritance
- Besides he or she had to wait until parents' death to take control of the house
- Often the heir or heiress had to wait until some of the siblings departed before they could marry and inherit the extra share
- Before departing, parents had to loan money to finance the siblings' departure
- As America was an option for the sons, parents had to find hundreds of francs to finance the departing child's departure to America
- The heir or heiress inherited the extra share but also had to deal with the debt, which was later paid for with the dowry of the spouse.
- The payment of the debt allowed the heir and spouse to own the departed sibling's share of the inheritance
- More and more first-born son or even younger sons refused to assume these heavy responsibilities and departed with the goal to return to the house later, once most siblings are gone
- The problem is that many of these departed siblings never returned to the house. They had received money to depart to America where they sometimes fared well. They later refused to sell their wealth in America to return to the house.
- They asked another sibling to take over
- What happened was that the ones often willing to take over the responsibilities of the house were the younger sisters

- In the end, more women inherited the family house.
- There followed practices of female inheritance
- The traditional male or female primogeniture which had prevailed until the French Revolution no longer prevailed
- The system which emerged out of these new practices, strategies and decisions was the undifferentiated male – female, first-born or younger inheritance
- More than half of the heirs were first-born or younger women
- In any case, the selected child was no longer the first-born, male or female child, but any child, first-born, younger, male or female and among these possibilities, more and more a first-born or younger female child
- Thus, the Civil code had great impact on the single inheritance system, the selection of the single child and on the strategies to transmit the assets intact to the next generation
- The Civil Code also had an impact on the destinies of the excluded children, men and women

2. Consequences on the excluded siblings: migration

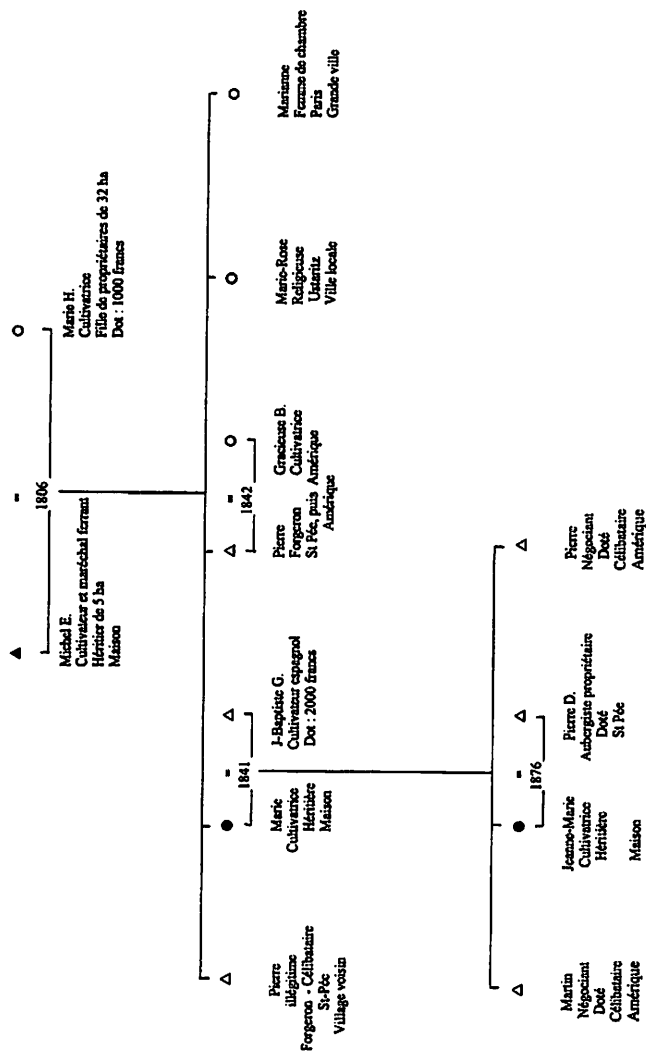
- The excluded children were entitled to an equal, legal share of the family assets which they could claim after their parents' death
- This right did not exist before
- The Civil Code also granted greater freedom to individuals
- They could now enjoy this freedom greatly with industrialization, urbanization, and emigration, which opened new employment opportunities, both to men and women
- Excluded children had greater options besides inheritance, service, and celibacy in the house
- They could find better, more stable jobs in towns, cities and overseas
- Many took advantage of this freedom to find ways to secure themselves a decent, equal, or better life elsewhere besides the family house
- More and more of the excluded children departed from the Basque Country to build a new life elsewhere

- Research has indicated that excluded children had greater migration options: a lot of the women migrated to towns and cities while a lot of the men migrated to America
- The men who did not inherit or marry an heiress and who departed to America sometimes received a compensation for their shares of the inheritance, compensation which they used to pay for their passage across the Atlantic and settle down in America, buy land and start a business. These men often fared well. They were property and/or business owners.
- The younger women who did not inherit or marry heirs, often settled in towns and cities. They rarely received their shares of the inheritance. As they worked (as maids, shop attendants, seamstresses, or weavers) and gathered a dowry alone before getting married, some married propertied artisans or civil servants and experienced a stable or upward social mobility. Those who remained single, however, did manage to save money but preferred to live an independent life though they experienced stable or lower social mobility.
- Thus men and women from rural propertied families in the Basque Country had different migration, professional, and social destinies depending on their sex, their marital status, their migration destination, and their professional choices.
- In the end, the house system, single inheritance, and the traditional family values survived over time, until recently

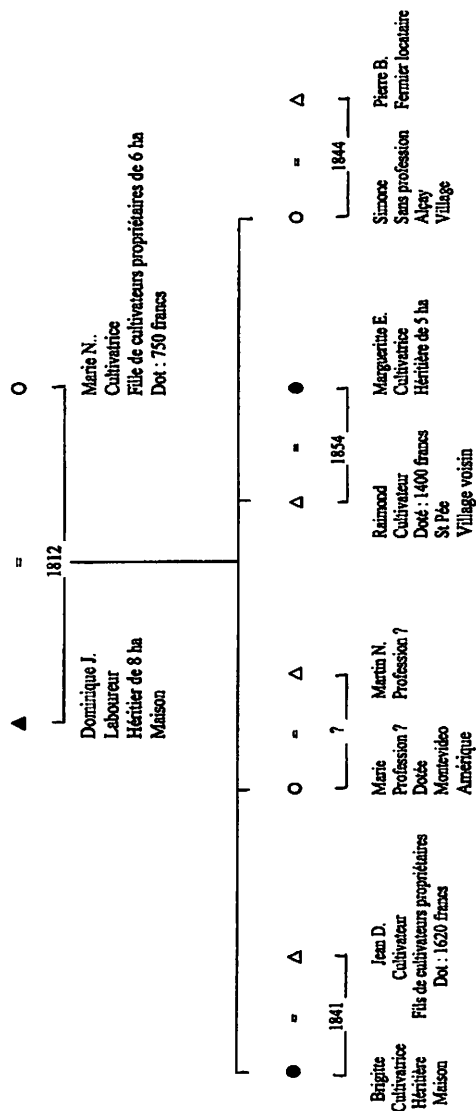
V. Case studies

Here are some case studies on family strategies and destinies based on the use of some family reconstitutions.

Généalogie 1: la famille E. de Sare



Généalogie 2: la famille J. de Alçay



Généalogie 3: la famille S. de Amendeux

