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THE DEVELOPMENT OF INCEST REGULATIONS IN THE EARLY MIDDLE
AGES: FAMILY, NURTURANCE, AND AGGRESSION IN THE MAKING
OF THE MEDIEVAL WEST

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THE DEVELOPMENT OF INCEST REGULATIONS IN THE EARLY MIDDLE AGES:
FAMILY, NURTURANCE, AND AGGRESSION
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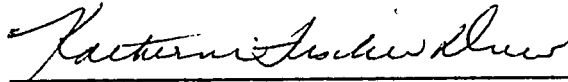
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JOHN HOWARD FOWLER

A THESIS SUBMITTED
IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE

DOCTOR OF PHILOSOPHY

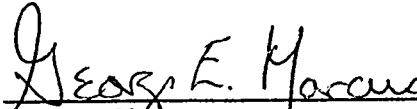
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APRIL, 1981

ABSTRACT

THE DEVELOPMENT OF INCEST REGULATIONS IN THE EARLY MIDDLE AGES: FAMILY, NURTURANCE, AND AGGRESSION IN THE MAKING OF THE MEDIEVAL WEST

by

JOHN HOWARD FOWLER

This study examines late Roman and early medieval sources for evidence concerning changes in the legal restrictions on marriage choice and choice of sexual partners. The data so derived serve as a base for examining theories in the social sciences concerning the etiology and function of the incest ban in human societies. A thorough examination of such theories, along with historical data, provides a possible synthesis of various social science views. A causal connection between the level of incest awareness in a society or in individuals and the levels of intrasocietal or individual aggression is shown.

The synthesis so developed is dependent on a careful examination of nurturant relationships between fathers and daughters and between mothers and sons. The ramifications of the nurturant and oedipal elements on social behavior are therefore examined closely. Societies obsessed with maternal goddesses and female saints, for example, will be societally characterized both by lowered ranges of incest bans and by individual aggression towards dominance. An evolutionary rationale is provided which the author finds reflected in a historical dynamic.

Cognitive and functional uses of the incest ban are also explored. The ban against incestuous relations with affines is seen as a control tool to mute intrafamilial rivalries and thus to ensure a familial stability which would function to add some stability to the pattern

of early medieval kingship. Godparentage networks and the incest bans between members of those networks are also explored, it being concluded that the incest ban was essential to maintaining the integrity of spiritual kinship networks.

Early Germanic marriage patterns are also examined. It is shown that there was a persistent pattern among the Germanic peoples of patrilineal cross cousin marriage. This pattern fits well with the level of aggressive competition in the society, and the church was never able to break it completely.

The whole study has implications about the nature of the church's growing antifemininity and antisexuality during the period of the early middle ages. And the evolutionary and historical dynamic proposed can possibly be applied to a wide variety of societies, including our own.

ACKNOWLEDGEMENTS

A work of scholarship, if it is worth anything, is the culmination of all the scholar's previous training and experience. Likewise, a scholar, if he is worth anything, is himself the sum of the aid and the influence of all those people who have touched his life over the years. To thank every one for his help would seem impossible. But some individuals should be singled out.

The members of my committee, Professors Drew, Wiener, and Marcus, were patient beyond belief. To this day, I suspect, they have severe doubts about the validity of what I have said, yet they were fair enough to accept the scholarship in what I had to say on face value. Professor Drew in particular has been gracious and supportive, not only throughout the writing of this work but throughout my entire career at Rice--a better patron and mentor one could not have.

My earlier training was also fortunate. Work with David Harry Miller of the University of Oklahoma History Department prepared me to think in cross-cultural terms. And my long association and friendship with Dr. William S. Cooter, who has greatly influenced my work, began there. Another friend should also be mentioned--Mrs. Mary G. Winkler, who took time from her own work to read and argue out every point of this dissertation with me.

Finally, I should mention my sister Janice Owen, who supported a great deal of my research out of her own pocket, and my brother, Dr. James H. Fowler II, who nagged me, cajoled me, supported me, and commiserated with me throughout the long process of my graduate

career. Perhaps the warm, supportive friendship that I have with these siblings of mine is at the root of this whole dissertation. The warmth I have received from them makes it nearly impossible for me to understand the attitudes of historians who say that the warfare between siblings is natural and inevitable. My own fortunate experience has convinced me that it is not.

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ABBREVIATIONS FOR COMMONLY CITED SOURCE COLLECTIONS

- CIG-----Walter, Ferdinand, ed., Corpus Juris Germanici Antiqui.
Three volumes. Berlin: G. Reimer, 1824.
- H&S-----Haddan, Arthur West, and Stubbs, William, eds., Councils and Ecclesiastical Documents Relating to Great Britain and Ireland. Three volumes. Oxford: Clarendon Press, 1869; lithographic reprint, Oxford: University Press, 1964.
- Hefele---Hefele, Charles Joseph, A History of the Christian Councils from the Original Documents. Five volumes. Translated and edited by William R. Clark. Edinburgh: T. & T. Clark, 1894; reprint edition, New York: AMS Press, Inc., 1972.
- LeClercq-LeClercq, Caroli de, ed., Concilia Galliae, A.511-A.695. Number CXLVIII-A in Corpus Christianorum, Series Latina. Turnholt: Typographi Brepolis Editores Pontificii, 1963.
- Mansi----Mansi, Johannes Dominicus et al., Sacrorum Conciliorum Nova et Amplissima Collectio. Fifty-three books in sixty volumes. Paris: H. Welter, 1900-1927.
- McNeill--McNeill, John T., and Gamer, Helena M., Medieval Handbooks of Penance: A Translation of the Principal Libri Poenitentiales and Selections from Related Documents. Records of Civilization, Sources and Studies, xxix. Columbia University Press: New York, 1938.
- MGH CRF--Boretius, Alfred, ed., Capitularia Regum Francorum. In Monumenta Germaniae Historica: Legum, Sectio II. Two volumes. Edited by Societas Aperiendas Fontibus Rerum Germanicarum Medii Aevi. Hannover: Impensis Bibliopolii Hahniani, 1893, 1897.
- MGH SLI--Societas Aperiendis Fontibus Rerum Germanicarum Medii Aevi, ed. Monumenta Germaniae Historica: Scriptores Rerum Langobardorum et Italicarum Saec. IV-IX. Hannover: Impensis Bibliopolii Hahniani, 1878.
- MGH SRM--Societas Aperiendis Fontibus Rerum Germanicarum Medii Aevi, ed. Monumenta Germaniae Historica: Scriptorum Rerum Merovingicarum. Seven volumes. Hannover: Impensis Bibliopolii Hahniani, 1885-1920.
- Migne----Migne, J. P., ed., Patrologia Latina, Cursus Completus. Two hundred twenty-one volumes. Paris: Migne, 1844-1864.
- Munier---Munier, C., ed., Concilia Galliae, A.314-A.506. Number CXLVIII in Corpus Christianorum, Series Latina. Turnholt: Typographi Brepolis Editores Pontificii, 1963.

CHAPTER ONE

HISTORY AS ETHOLOGY

I have found, increasingly, that, to find out why Late Roman society changed as it did, I have had to go to the intimate realities of men's lives--to their patterns of deportment, to their relations with women and children, to their methods of education, their tastes, their use (and abundant misuse) of leisure, to the heavy lumber of ideas in the back of their minds, and to the intimate, but no less real, disasters and excitements involved in their attempts to live at peace with themselves, their families and their near neighbors. In doing so, I am well aware that I have wandered off some of the royal roads of ancient history.

- Peter Brown, Religion and Society in the Age of Saint Augustine.¹

In the late sixth century, Brunhild, queen mother for one branch of the Merovings and herself a Visigothic princess, met with Guntram, the over-king of the Franks, to discuss the marriage of her daughter Chlodosind to her first cousin once removed, Reccared. Chlodosind's sister, Ingund, had already been wed to Reccared's brother, Hermangild, but had been foully and outrageously abused by the Visigoths when she went to live with her husband. Guntram, apparently more concerned about his niece's safety than was her own mother, opposed the marriage, and in order to prevent it he called a synod which was to discuss, among other things, the nature of the church's incest bans.² What the outcome of that synod was we do not know, but Chlodosind did go to marry Reccared.

This Brunhild who had initiated the controversy in the court of Guntram was herself apparently always in the center of controversy, conspiracy, and violent family intrigue. Acting as regent for her grandsons Theuderic and Theudebert, she at one time controlled Burgundy and Austrasia. Throughout the last decades of the sixth century, she

conspired to pit her husband against his own brother and then her son against his uncle and cousin.³ Once Guntram's son, Chlotar, had been broken by Brunhild's grandsons, she set these brothers against each other by claiming that Theudebert was the product of an adulterous liaison and that Theuderic was therefore sole ruler of the Franks.⁴ Theudebert united with his cousin Chlotar against his own brother.⁵ But in 607, perhaps as a peace offering, Theuderic invited Chlotar to be godfather to his newborn son, Merovech.⁶ This child was illegitimate, and Brunhild apparently had enough influence over her grandson to block any marriage he might make, despite the objections of St. Columban.⁷ When Brunhild hounded St. Columban out of the kingdom, Chlotar used his exile as an excuse for launching a propaganda campaign against Theuderic.⁸

Between 610 and 612 the brothers Theudebert and Theuderic were again at war with each other, with Theuderic denouncing Theudebert as a bastard, buying off Chlotar with the duchy of Dentelin, and--in 612--invading Austrasia and cutting Theudebert's army to pieces.⁹ He then met and captured Theudebert and executed his nephew, Theudebert's son. Theuderic then turned on his cousin (and spiritual co-father) Chlotar, but died in 613, at least according to one story being poisoned by one of his retainers who was outraged that the king had planned to marry his niece, Theudebert's daughter.¹⁰ At this juncture, Austrasian magnates led by Pepin and Arnulf invited Chlotar to be sole king and rose in revolt against Brunhild, who was now trying to rule through a great-grandson.¹¹ The old queen was captured and executed in a gory manner. Theuderic's sons Sigibert and Corbus were executed;

Chlotar's godson Merovech was spared. Thus began the rise of the Arnulfings (predecessors and ancestors of the Carolingians) and the decline of the Merovings.

So much for the royal road of early Frankish history. The reader who first approaches this little tale is likely to be appalled by the events portrayed. Adultery, incest, betrayal of family, the violence of brother against brother, conspiracy and hatred--all seem to be swarming together in this little domestic squabble among the Merovings. But the most surprising thing about these events is that, while they have been studied extensively by historians (interested as historians usually are with "origins"), very little comment has been made on the rationale behind these events. The general concensus among historians would seem to be that anyone would expose her daughter to possible torture, murder his nephews, marry his niece, or make war on his own brother in order to gain or keep a kingdom. Considered objectively, such an assumption would seem to be at least a little risky. How is it that, if most historians love their own siblings, respect--or at least put up with--their parents, indulge their children, and operate daily in an atmosphere which requires mutual trust in the exchange of promises and favors--how is it then that historians can ignore the vast discrepancy between the patterns of their own lives and the lives of the people they study?

Certainly one element acting to preserve this discrepancy is the historian's normal adoption of a Hobbesian approach to human nature. That is, man is considered to be by nature a faithless, violent, and short-sighted creature; only his institutions--his government, his

religion, the pressures exerted by his peers--can control this raging beast. From that point of view, man is always at odds with his society, just as a trapped animal is at odds with his cage. The study of history then becomes the study of cage-construction--that is, the study of how institutions are formed and how they operate to control and direct human behavior. This Hobbesian approach is nowhere better exemplified than in the modern historiography of the middle ages. Usually the middle ages are divided into two periods. The earlier period, the so-called "dark ages," is depicted as showing man at his worst, his basic nature completely expressed, with no church firmly in place to guide him, no government powerful enough to coerce him, no order, no security, and no sure and stable institutions. Haltingly from the time of Charlemagne, and more surely in the tenth and eleventh centuries, new institutions were formed, based upon the bonds of fealty enforced between men, until finally, with the full flowering of feudalism, base human nature was once more encaged, controlled, conquered.¹²

All of this is a compelling, if somewhat pessimistic, picture. But is it true? Is it just possible that human nature, as historians usually understand it, is not constant and unchanging? Could it be that different social conditions not only call up different immediate responses, but also affect how different societies will react for generations? And could the nature of these changes be in some way regular and predictable, not subject to the random vagaries of particular individual decisions but amenable to analysis on the scale of whole societies? One of the main purposes of this study is to answer these questions in the affirmative.

We know that self-sacrifice and self-denial appear to occur in every society; but we also know that some societies seem to overflow with examples of cooperativeness and consideration for the benefit of all, while others are poor in such examples. Conversely, every society produces a number of individuals who are greedy, self-serving, aggressive, envious, and untrustworthy; but some societies would seem to specialize in the production of such unsavory creatures. Why do these differences occur? Clearly, some sort of approach to this problem is basic to our understanding not only of history but of humanity itself.

Now, the modern field that concerns itself with questions about the intrinsic nature of man, his instincts and his behavior, is ethology. Ethology, like its lineal ancestor social contract theory, concerns itself with the question of what man was like in a "state of nature." Indeed, the only real differences between modern ethologists and eighteenth century contract theorists lie in their differences in their notions of the nature of nature--in the notion, for example, of biological evolution--and in the modern notion that man in a state of nature was already a social animal, whose evolution was dependent as much on social constraints and necessities as it was on the raw survival of the individual.

For all of its trappings of science and biological understanding, ethology remains more of a speculative art than a science. That is, the conditions and events of the past are presupposed or posited, seldom if ever shown. This speculative tendency does not appear to be a necessary part of the field, but in practice it always appears in the works of ethologists. True, some of these speculations seem well

enough grounded. The shape of the hand, for instance, its dexterity, its flexibility, and its power would seem to be good indicators of the correctness of the supposition that man evolved as a toolmaker; and the logic of such an evolution would imply that tools were being made by hands that were still in the process of evolution towards more efficient toolmaking. Archeological data would seem to bear this out. But the evolution of the mind cannot be confirmed by archeology. We simply must assume that just as man's hand evolved to make finer tools, his mind evolved to conceive those tools and to use that hand to create and operate them. Good enough, but how do we deal with more ephemeral--but terribly important--ethological notions like "territoriality?"

Until man became literate, we have no way of knowing for certain whether he felt the need to stake out claim to bits of terrain as his personal possessions. All of the evidence usually presented to prove the validity of such notions is usually drawn from synchronic or achronic sources. That is, ethologists look at the behavior of other animals or at modern human behavior and try to use these sources of information to make meaningful statements about the nature of human behavior in the past. Thus statements are generated which purport to explain what happened diachronically (i.e., through time), purely from the evidence of what appears to be happening now. Using the static present to explain the flow of events in the past seems like a strange practice. Ethology is the study of the evolution of human behavior; it should not be intrinsically necessary for it to practice such a backwards-looking methodology. That it does so practice such a methodology is probably attributable to the heavy modern influence of the social sciences.

The social sciences are severely limited in their ability to say anything about the passage of time and its effects on social structures. Psychology and sociology, for example, can tell us much about the patterns of variation between individual personalities in particular social settings, but they would seem to be helpless in the face of describing the evolution of the mechanisms of human personality--quite simply they have not been collecting the type of data that their fields require over a long enough period of time. Millenia, at least, would be required. Anthropology has some advantage in being able to avoid making many culture-bound statements, but it is likewise limited because it does not have a deep enough time scale to be able to monitor events through time. These are all new sciences, relatively speaking, and their subjects seem static and unchanging. How then can they make statements about long-term change?

This problem of how to cope with change would seem to be at the heart of the flight of the social sciences from causal explanations. In the literature of the modern social sciences we are constantly reminded of the fact that only correlations are "scientific." Certain things nearly always seem to happen in conjunction with other things, but we can never assume that one thing or set of things "causes" another. Indeed, some modern philosophers of the social sciences have argued that it is logically impossible to make "laws of directional change."¹³ Well, given the proper set of assumptions, a philosopher can prove anything he wants. Nevertheless there seems to be a deep-seated need in most people for causal explanations. Causality is too fruitful a device for a creature who regularly tries to control his

environment to give up on completely. If we are destined to think causally anyway, it will do us little good to eschew causality simply because its misapplication might be dangerous or because we have never yet successfully applied it to the confident prediction of the patterns of human behavior. Rather, we should strive to control our causative impulse, to direct it where it is valid and to use it where we dare.

Now, despite some modern usages of the word "cause" the word at its base implies connection through time. That is to say, all causal statements are implicitly historical statements. Some thing in the past caused this thing in the present; or some thing in the present will cause some thing in the future. Causality is always diachronic and asymmetrical. That is, the causative event precedes the caused event in some temporal sense, and the changes effected are irreversible. It would seem to follow that anyone who wishes to understand the causes of human events must study human history. In this sense, if we can say that ethology is the study of the causes of human behavior and its evolution, then we must say that the proper field of ethological study is historical study.

Ethologists themselves seem to be oblivious to this point. They move between the modern era and the lower paleolithic without a single stopover in the knowable past. Part of the problem would seem to be an implicit assumption that in fact goes against the very grain of ethology itself--the notion that once man became "civilized" evolution stopped, that modern man is controlled by instincts put in place before, say, the invention of the wheel, and that the problem of civilization has always been to control, contain, or vastly redirect these

instincts. That hardly makes sense. The key assumption of modern ethology is in fact that man has always been a social animal, that the evolution of human beings has always been in a social context. Man's relatively recent conquest of his physical environment through the use of agriculture, metals, and non-human sources of energy has in fact enhanced that evolutionary environment. Extraneous circumstances--predators and the like--were eliminated. Furthermore, the rapid increases in population that came along with agriculture, the increased demands for growing room for such populations, the selective pressures of war, social stratification, and so on, would have all of them heightened the evolutionary pressures on human populations. It would appear, then, that the very mechanisms that drove man on to develop the civilizations he created would be enhanced and accelerated in their growth by those same civilizations. Again, a study of those environments, those technologies and cultures that man himself created for himself would seem to be the most fruitful area of study for the ethologist. Again, the proper field of ethological study is history.

Still, we would be utter fools to abandon the advances made by the other social sciences. Understanding human behavior is an extraordinarily complex process. We need all the help we can get. What we have to say about human behavior must fit with what the most acute students of modern social behavior say is going on around us in the present; we may therefore not abandon the works and insights of the sociologists. We must be certain that what we say makes sense in the context of the private histories of individuals so carefully charted and explored by the psychologists. We must be certain that our conclusions are valid

cross-culturally; and therefore the insights and techniques of the anthropologists are invaluable. And we must be certain that the behavior patterns we discover can be fit into the biological and evolutionary framework developed by the ethologists. In short, we must ignore the traditional boundaries between academic fields and examine the past not only with those tools historians have developed over several centuries, but with as many tools belonging to other social scientists as we can borrow or steal. If what we are doing is to be called history, that is only because long tradition has made the past the exclusive province of historians. Names do not matter; what is important is the enterprise of trying to make some sense out of the changing patterns and evolution of human behavior.

Once having established the ground rules for our enquiry, we may now return to the enquiry itself. We began by asking what causes some societies to be torn apart by aggression, while others seem to be able to operate within a framework of cooperativeness. We argued that institutions per se cannot explain this variation and that the answer must be sought in the mainsprings, as it were, of human personality. We proposed that civilization and technology do not mute the operation of inbuilt or instinctive personality mechanisms but rather may well enhance them. If human beings evolved in a social framework, if man is at the heart a social animal, then it would stand to reason that mechanisms which controlled and directed his social behavior would be those which are most strongly expressed (and perhaps even destructively enhanced) by his social systems. And at the base of the mechanisms which control this social animal's social interactions must be a

mechanism which determines how--under any given external conditions--he will react to competition or offers of cooperation.

An ethological viewpoint would incline us to view the problem in evolutionary and genetic terms. The necessities implicit in the survival of the species and the improvement of its gene-pool, particularly in a social animal, would require the evolution of such a mechanism. And since that mechanism is critical to survival, it should be intertwined at the least with mechanisms having to do with reproduction. In purely human terms we can say that the amount of competitiveness or cooperation in a society is somehow related to the marriage rules and sexual regulations of a society. Lest the reader think that this conclusion is a trifle sophistic or over-facile, he is invited to reread the opening two pages of this chapter. In this example at least, the intertwining between modes of violent competition, sexual excess, restrictions on sexuality, and intrafamilial violence seems apparent. And the more one examines history, the more this sort of intertwining seems to come to the fore.

The insight that sexual taboos and violence may be related in any given society is not completely original with this study. As we shall see in the following chapter, a certain amount of work has already been done in the social sciences--and in particular in anthropology--on the relationship between the incest taboo and societal violence. Various explanations for this relationship have been offered. All seem to fail at one point or another. In general, however, it is agreed that customs of exogamy are strongly related to taboos against incest, and that both are strongly related to the general ability of

members of a society to affiliate peacefully with others. There is also a general agreement that the wider the circle of persons is with whom one may not marry or have sexual relations, the wider the systems of alliance within the society will be. All of this places the early medieval historian in a particularly advantageous position, since of all historians he is in the best position to trace the changes in incest regulations over the longest period of time. And if these changes can be traced over several centuries, we may well go far towards replacing this correlation discovered by the anthropologists with a causal, historical statement.

There are, of course, several specialty areas of history that cover time-spans of equivalent length to that covered by the medievalist. But the medievalist has at his disposal a remarkably good set of records concerning the regulation of sexuality and marriage. For reasons which will be discussed below, the early Christian church was critically concerned with such matters. Thus, despite the usually accurate notion that evidence from the "dark ages" is scanty and not amenable to deep analysis, it so happens that we have a relatively large number of documents remaining which deal with Church councils, synods, and canon law, virtually all of which deal with some aspect of sexual regulation. As a result, tracing the changes in sexual regulations and customs in the early middle ages is in some ways easier than tracing the equivalent changes in any other pre-modern culture.

There is also some level of agreement between scholars of the period over the general levels of social violence in the West from the second century BC to the eighth century AD. The pattern is an oscillating one. In the first century BC violent struggles dominated political behavior.

In the first and second centuries AD external and public violence seems to die back, but instances of personal violence and treachery continue to rise. In the third century, this progressive rise in treachery is unleashed in better than fifty years of civil war that especially savaged the western portions of the empire. So far as internal developments were concerned, the West was more or less quiet in the fourth and fifth centuries--the major source of violence being the inroads of various barbarian groups. Still, as is evident in the letters and other records of the time, a certain malaise had begun to set in. During most of the sixth century, the West seems on the way to a limited recovery of internal peace, or at least until the spectacular events of the late sixth century began the rapid dissolution of the Meroving dynasty. The seventh century witnessed extremely violent interactions as the various branches of the dynasty contended for power and the families of local magnates joined the struggle for their own benefit. The eighth century is characterized by a gradual restoration of social order and internal peace, under the aegis of the Church and the Carolingian monarchy, but the ninth sees that peace broken apart by a resurgence of internal and dynastic struggles for power.

Set against this oscillating pattern of violence and relative peace, we can see a progressive pattern of changes in the nature and extent of incest prohibitions. From the Hannibalic War to the early principate there was a steady breakdown of restrictions against close inbreeding. This breakdown would seem to have halted in the second century, but by that time the ancient structure of the gens had been virtually destroyed. At the beginning of the fourth century,

especially in the West, there is a new emphasis on regulating sexual behavior, in particular concerned in re-emplacing disregarded laws of exogamy and in reestablishing the structure of the patriarchal family. The fourth and fifth centuries saw the reintroduction of affines into the circle of sexually outlawed relationships. The fifth and sixth took up the problems involved with collateral relationships. But while the Church was reconstructing such bans, the rulers in the West were contracting dynastic marriages that flew in the face of these very bans. We begin to see a strong disparity between sacral regulation and secular practice. This disparity is nowhere better illustrated than in the political and dynastic machinations of Brunhild that we have mentioned above. By the time Brunhild was killed, the damage that she and her contemporaries had done was apparently irreversible. Again the West had to rebuild family structures. The most successful family in this rebuilding was that of Arnulf and Pepin, which allied itself firmly to the Church and seemed to take great care to follow and even elaborate upon the restrictions that the Church was calling for. These Arnulfings managed to continue the extension of the various taboos against inbreeding, ultimately even including godparentage relationships into the circle of tabooed relatives. But there is evidence that such reforms were superficial. By the beginning of the ninth century, demands that local churchmen should enforce these extended taboos on pain of excommunication were becoming more common, while the penalties for violating the bans seems to have become lighter. Why this reversion occurred is open to question, but possibly it is related to the fact that the church was trying to make

changes more quickly than they could be assimilated into the social fabric.

In all of these changes there would seem to be a pattern. For a couple of generations there is a gradual erosion of the rules of exogamy. Then there comes an outbreak of societal violence. This would seem to have triggered another period of decay, followed by even more violence. Such violence would on occasion bring to the fore certain individuals or families or--in the case of the early medieval church--institutional groups that seemed to be, for the times at least, preternaturally good at forming alliances. This should not be surprising, since in an age when alliance is difficult those who can ally may end up with a competitive advantage. Significantly enough, these individuals or groups, once in power, would almost invariably attempt to reintroduce more stringent sexual regulation. The process is almost dialectical: violence breeds lowered incest taboos which in themselves make further violence more likely. But violence can also bring to the fore cooperative individuals who attempt to widen incest taboos and who--if they are successful--tend to hold further societal violence in check. The complex interplay of these elements is the stuff of history. We will attempt to elucidate it as best we can.

But first we must look at current theories about the nature of the incest taboo. A cursory examination of the opinions already expressed on this most important of social regulations should at least provide insights into the nature of the problem and its extent. By using these insights carefully and with an eye to causal and historical concerns, we should be able to develop a theory which combines many

of the elements of these modern points of view while at the same time having a high degree of predictiveness.

NOTES FOR CHAPTER ONE

- ¹ (London: Faber & Faber, 1972), 17.
- ² Gregorii Turonensis, Historia Francorum, ix, 20 (MGH SRM 1:374-79) (hereafter, Gregory of Tours).
- ³ Chronicarum Quae Dicuntur Fredegarii Scholastici IV, 14, 16 (MGH SRM 2:127) (hereafter, Fredegar); Liber Historiae Francorum, 37 (MGH SRM 2:306-307); Paulus Diaconus, Historia Langobardorum, IV, 11 (MGH SLI, 120).
- ⁴ Liber Historiae Francorum, 38 (MGH SRM 2:307-309).
- ⁵ Fredegar, IV, 20, 25 (MGH SRM 2:128, 130).
- ⁶ Ibid, 29 (MGH SRM 2:132).
- ⁷ Ibid, 30-31 (MGH SRM 2:132).
- ⁸ Ibid, 36 (MGH SRM 2:134-38); Ionas, Vita Columbani, 24, in Bruno Krusch, ed., Ionae, Vitae Sanctorum Columbani, Vedastis, Iohannis, in Scriptores Rerum Germanicarum in Usum Scholarum ex Monumentis Germaniae Historicis Seperatim Editi (Hannover: Impensis Bibliopoli Hahniani, 1905) (hereafter, Ionas).
- ⁹ Fredegar, IV, 37-38 (MGH SRM 2:138-140); Paulus Diaconus, Historia Langobardorum IV, 40 (MGH SLI, 133).
- ¹⁰ Liber Historia Francorum, 39 (MGH SRM 2:304-10); Ionas, 58, says he died in a fire; other sources indicate dysentery.
- ¹¹ Fredegar, IV, 40-42 (MGH SRM 2:140-42).
- ¹² The views expressed in this paragraph are a synopsis of Marc Léopold Benjamin Bloch, La Société Féodale: La Formation des Liens de Dépendance (Paris: A. Michel, 1939). Bloch's work is still held in something approaching reverence by modern Frankish historians.
- ¹³ See, for example, Maurice Mandelbaum, The Problem of Historical Knowledge: An Answer to Relativism (New York: Liveright Publishing Corporation, 1938), especially 203-272. Mandelbaum's explorations of causality lead him into some very interesting semantic dead-ends; unfortunately, it cannot be the business of this dissertation to explore these. Suffice it to say that pragmatically and psychologically causality always seems to imply some sort of priority.

CHAPTER TWO

FORMULATING A VIABLE HISTORICAL THEORY OF INCEST AVERSION

Virtually every human society practices some form of incest aversion. Many researchers, especially those influenced by modern psychology, tend to deal with incest as if it were a real thing, as if at the core there was a real and definable set of human behaviors which can always be called incestuous. But even though every society does practice some sort of aversion, the forms of that aversion vary so much that it would seem incautious to posit that there exists some real and definable notion such as incest. Even if there are some taboos that are virtually universal it would seem safest to speak of incest only in terms of textual societal definition. Thus, when we speak of the widening or narrowing of incest taboos in this and subsequent chapters, it should be understood that we are speaking only of the expansion or contraction of societal definitions of the incestuous.

Still, even though we admit that we are looking only to the forms of societal definition of the incestuous, we must admit that there do seem to be some taboos that are respected universally, e.g., that between mothers and sons.¹ Many writers on the subject would view the existence of these universally respected core taboos as evidence for an instinctive basis for incest aversion. Others, however, point to the many instances in history and ethnology in which the taboos are broken for special cases or by special persons and argue that an instinct that can be so easily by-passed is hardly an instinct at all. For these writers, incest aversion is a cultural phenomenon, completely explicable in terms of the necessary forms of human social and political interaction.

Thus, at the heart of the controversy over the origins and uses of the incest taboo lies the argument between "nature" and "nurture," the question of how much of man's behavior and talents stems from his genes and how much stems from his environment or his culture.

Those who would see the avoidance of incest as instinctive are forced to find an evolutionary rationale for such an instinct. The most common explanation is that incest or close inbreeding leads to genetic drift or to the reinforcement of potentially harmful or even lethal genes. Anthropologists usually begin their discussions of this argument with the work of E. A. Westermarck, who, in the late nineteenth century, argued that close inbreeding inevitably leads to a general vitiation of a species.² Modern studies of children of incestuous matings tend to confirm that there is some deleterious effect in human inbreeding.³ Indeed, although there are numerous exceptions to the rule, most land animals seem to avoid sexual relations with very close relations, siblings, or parents.⁴ But close inbreeding over several generations should provide its own cure. Inbreeding is, after all, the best way to reinforce beneficial genes and to weed out lethal or deleterious ones. In fact one could argue that in a limited ecology, where population must be kept in check, a certain level of inbreeding is all to the good, leading simultaneously to a high abortion and infant mortality rate and to a reinforcement of beneficial genes; there therefore seems no cogent reason for developing an actual instinct against inbreeding. Further, it has been argued that, among primitive human beings, while inbreeding within the nuclear family might occur from time to time, the demographic realities of short lifespans, late

pubescence, and the wide child-spacing brought about by breast-feeding and high infant mortality make exogamy for the most part an absolute necessity;⁵ again, there would seem to be no clearcut evolutionary use for a definite instinct.

A stronger genetic argument could be made (although I have never found it in the literature)⁶ for the dangers inherent in the reinforcement of beneficial genes within a small self-contained community. As a species, we have spread to just about every conceivable ecological niche. As a result, we run the constant risk of enspeciation, of separating into dozens of mutually exclusive subspecies. Only two techniques seem available for ensuring that genetic material continues to be spread throughout the species. One is warfare and rapine, a method used extensively by human beings but which has in itself obvious dangers to the continued visibility of the species. The other is the development of some strong mechanism which will compel exogamy. With unrestricted exogamy a single beneficial gene could, in theory, be shared by every human population in less than 60 generations--say, 1500 years. Of course, exogamy is seldom unrestricted, but it is seldom as restricted as we might normally think. Rarely has any group been isolated from the main body of humanity for any significant length of time. Taking a mate from one's neighbors must ultimately always lead to a wide-spread dispersal of genetic material.

Even if we accept that some sort of mechanism encouraging exogamy exists in human beings, whether for the short-term benefits of avoiding birth defects or for the long-term benefits of maintaining species unity, we must still pinpoint the mechanism by which this exogamy is fostered. Such a mechanism must account for the fact that quite often

cross-cousin marriages are both allowable and preferred while parallel cousin marriages in the same society are prohibited,⁷ why father-daughter incest is much more common than son-mother, and--indeed--if incest aversion is inbuilt, how and why any taboos or legal restrictions ever arose on the subject. Also, despite various ethological studies, while we must grant that incest aversion of some sort exists in many other species, we cannot assume that the mechanisms employed by other species are the same as the ones we ourselves employ. Other animals might well face many of the same evolutionary problems as we do--how to avoid losing too large a percentage of one's none-too-plentiful young, how to avoid breaking up into numerous subspecies, and so forth. And their solutions may have many of the same results as ours. But while the problems presented to each species are the same and the solutions found have the same result, there is no reason to assume that each species uses the same set of internal mechanisms to arrive at its own solution. To understand the human aversion to endogamy, we must deal with the human motivations.

The two subjective motivational approaches to the mechanism impelling exogamy that are most commonly cited are both based on how it feels to contemplate incest. The first was proposed by E. Westermarck, and is based on our having an absolute horror of any suggestion of a sexual relationship with anyone who has raised us or whom we have been raised with.⁸ Westermarck predates Freud, so he finds no explicit evidence of incestuous urges; but just before his discussion of incest, he discusses what he calls the Law of Similarity, that like tends to mate with like.⁹ What keeps the Law of Similarity from operating

within the family is an instinctive horror of sexual connection with close relations. Thus his work implies that there is a natural tendency to inbreed that is only counteracted by a strong internal force of guilt and horror. Occasional lapses into incest he attributes to a "vitiation" of instinct.

The other feeling explored in the literature is that one's close kin are simply sexually uninteresting. Seymour Parker discusses the many instances in animal breeding in which mammals simply lose interest in the females they are caged with.¹⁰ Robin Fox talks about the fact that often one's mate becomes uninteresting after a while--that it is not unusual for sexual activity to be stimulated between long-term mates by a change in hairstyle, clothing, or the like.¹¹ This "familiarity breeds contempt" argument goes back to the pioneering work of Havelock Ellis.¹² But it seems inadequate to explain the unusual severity of laws against incest in many societies. One might better argue that disinterest in one's parents and siblings has nothing to do with boredom with one's mate in most cases, that such disinterest is in fact a way of isolating or denying the horror that would occur in most people should they admit to sexual interest in their close relations. Still, neither horror nor disinterest are explanations of incest aversion; they are merely descriptions of the feelings one might have upon contemplating the act. To explain the causes for such feelings, we must turn either to culture and social structure or to psychological structure.

When discussing cultural or psychological explanations of incest aversion we must be very careful to distinguish between that aversion

and exogamy.¹³ Making this important distinction, B. Z. Seligman believes that incest taboos are a subset of the rules of exogamy.¹⁴ That is, one may be allowed to have sexual relations with someone whom one may not marry, but one may marry no one whom one may not have sexual relations with.¹⁵ Seligman also finds that exogamic rules are generalizations of incest taboos, all of which are ultimately generalizations of mother-son and brother-sister taboos. What the etiology of these core taboos might be she leaves open, although there is a tendency for her to deal with them as innate or instinctive.

Most anthropological theoreticians, however, rely on cultural explanations of the incest taboo, and so they tend to reverse Seligman's causal sequence, making exogamy and its demands the causal agent in the design of the pattern of incest aversion. To these theoreticians cultural patterns dictate the form of marriages to be made, and the form of marriages dictates the idea-structure of sexual morality that is inculcated into every child. Once a society has hit upon a workable social structure, it has the power of enforcing the morals appropriate to maintaining that structure on the individual psyche.

The most succinct expression for explaining the culturological origins of exogamy (and therefore moral incest aversion) was formulated by E. B. Tylor and adopted by Leslie White.¹⁶ What it says is that marriage is a form of alliance between familial groups. Such alliances bring together relatively large numbers of individuals into a single cooperative group, which has a tremendous competitive advantage over other, smaller groups. Once this form of alliance is begun in a region, the choice for any one primitive family very quickly becomes, "Marry

out, or die out." Since all human societies have at one time or another passed through historical stages in which alliances between families were vital for the preservation of the individual and the family, rules of exogamy (and therefore of incest aversion) are virtually universal. Such a theory has obvious advantages: It can explain why there exist taboos and why--considering the inevitability that some individuals will not internalize such taboos--there are always some people who violate the taboos. But it should also explain why incest taboos have different ranges in different societies--the less the family must depend on alliance, for example, the narrower the range of forbidden sexual partners should be. Unfortunately for the theory, the very case we are studying here directly contradicts such a conclusion. At just the period when the Frankish State and the Church were providing a more institutional, less familial form of government, they were also insisting--as we shall see--on an extension of the range of exogamy. This is not, of course, to state that exogamy is unimportant in the formation of wide-scale alliance systems. Even if we should discover that the core aversions are innate, there would still be a wide range of uses for the emotions underlying the aversions. Such emotions might well be transferred to non-instinctive relationships in order to give force to marital customs which are to the benefit of the survival of the culture. After all, the innate need to fuel the body can be satisfied by gruel or by haute cuisine. It may well be advantageous to say, "Your parallel cousin is the same as your sister, and so you may not marry her." But the force of such a statement would seem to come from the innate fact that the sister is to be avoided.

The most systematic and influential (as well as the most extreme) expression of this culturological approach is to be found in the work of Claude Lévi-Strauss.¹⁷ Lévi-Strauss is mainly concerned with the structures of alliances and how those structures in and of themselves have a logic which compels certain forms of society and internalized morality to come into being. His approach can best be described as a sort of naive ontological essentialism. The realm of Nature he sees as having no rules whatsoever; it is a pure chaos of particulars without law, direction, or meaning. At the same time, Nature is absolute; that is, Nature is made up of universals that have no arbitrary or conditional quality to them. Against this he sets the realm of Culture, which is organized by manmade rules and orderings; Culture is therefore arbitrary and conditional. Incest taboos therefore have a special fascination because they represent a natural (and therefore Universal) regularity in the patterns of the arbitrary (i.e., in Culture). His explanation of how these two realms can ever interact is vague, but basically he assumes that cultural rules must have some level of universality in order to deal with the natural problem of preserving the biological existence of man. "Nature," he says, "makes alliances necessary; Culture defines the modalities of all such alliances."¹⁹ Furthermore, "the primordial role of Culture is to ensure the existence of the group as group."²⁰ It therefore seems to follow that there are no incest prohibitions in Nature; the Culture will develop any such prohibitions it needs to assure the biological survival of the group. Such survival must be founded on alliances with other groups. To secure these alliances, men exchange women under

their control. This, in turn, requires them to sort women into two groups--women for use and women for exchange, or (to put it more genteelly) women one may marry and women one may not.²¹ The number of ways women may be sorted into such categories is limited only by the strictures of logical self-consistency. Stripped of its metaphysics, all of this seems to be just a more abstract way of saying that a culture adapts to preserve the group when the group is faced with the choice of marrying out or dying out.

But if culture exists to preserve the group as group, we are left with no explanation for the relative inflexibility of culture. Throughout history, whole peoples have died out rather than change some aspect of their culture. And as many times as alliance might have been useful for preserving the group, there have surely been a great number of times when non-allignment, neutrality, and endogamy also served the preservation of the group. Furthermore, once child-rearing is completed, modern, institutionalized societies probably have little need for any sort of familial alliance; why then are the core taboos (and even those extended to collaterals, in many cases) left intact? If we assume that these core taboos are instinctive, then our question is easily answered.

We must also note, however, that a system based on the inevitabilities of child psychology, on--what we will call for want of a better phrase--the politics of infant autonomy,²² on the necessary interactions between a child and his parents and the necessary lessons he learns therefrom, will also predict that the core taboos will form and remain in most individuals throughout their whole lives. In order to under-

stand incest aversion, then, we may well have to turn to the psychology of the individual.

An early approach to the psychology of incest aversion is the myth created by Sigmund Freud in Totem and Taboo.²³ According to this myth, primitive humans lived in hordes dominated by a single, older male. As they matured, the younger males were expelled from the horde by the older male, who wished to preserve his monopoly over the sexual favors of all the females of the horde. At some point the younger males united, attacked the older one, killed him and ate him. But their guilt over such a horrible act led them to deny themselves the very fruits of their victory; instead, they agreed among themselves that the women of the horde--their mothers, sisters, aunts, and cousins--were to be taboo. While this is no place to review the whole of Freudian psychology, it should be obvious that Freud here is reproducing the basics of his analytical system in a quasi-historical framework: Mother is nurturant and benevolent; Father is a frightening competitor for Mother's love, attention, and sexual favors. In an attempt to emulate the Father by possessing the Mother, the child comes into direct conflict with the Father as a frightful, castrating figure. And even if Father is overcome, the child feels compelled to perform an act of limited self-castration, denying himself the sexual license he desired with the Father's women.

Anthropologically, of course, this reconstruction makes little sense--the father often is not the dominating and terrifying figure that he apparently was in late nineteenth century Vienna. True, many writers are fond of reciting the awful competitive struggle of Chronos,

Saturn, and Zeus, each to castrate the other, but they fail to note that the more universal myth of the ancient world was that of the Mother Goddess, who might have been nurturant and fruitful, but who also required the real or psychological self-emasculation of her devotees. Our only conclusion can be that some societies (ours included) artificially distinguish between beneficial nurturance and threatening nurturance, assigning these two halves of a natural whole to different persons, or at least to different gods. Nurturance in and of itself would seem to be both necessary to a child and terribly threatening to him. On the one hand, he must be fed; on the other, he may not choose what he is fed. Nurturance would thus seem to be a direct threat to autonomy. Indeed, we will argue that the politics of autonomy is nothing more than the pattern of a child's struggles to protect himself from the malevolent aspects of nurturance.

Freud's view of pre-history has recently been revived and synthesized with the views of Lévi-Strauss by Robin Fox, one of the few anthropologists to do serious and respectable work in ethology.²⁴ This revival may be one of Fox's least successful efforts. According to Fox, Freud raised the proper questions and looked to the proper direction, but, due to the sketchiness of our knowledge in Freud's day, his picture of primordial man was inadequate. In place of the older male in the primordial swarm, Fox posits a small hierarchy of dominant males in a primordial horde of proto-human savannah primates. These dominant males--themselves dominated by an "alpha-male"--monopolized the sexual favors of all females entering oestrus. If a subdominant male wished to gain a portion of this valuable reproductive

monopoly, he must learn to "equilibrate," that is, to use his cerebral cortex to blunt his reproductive drives, to play for time and opportunity. Males successful in such equilibration re-entered the gene-pool, with the result that the cerebral cortex evolved at a fantastic rate. But the inbuilt cortical mechanism for controlling inexpedient sexual or aggressive drives was expressed as a feeling of guilt over displays of sexuality or aggression. Ultimately, instead of the whole Freudian band attacking the father in one surge, each individual subdominant male must play out the drama on his own. As the hordes grew larger and more complex, and as the cortex developed enough to allow for verbal signalling (and therefore rules, and therefore institutions) males came to be peaceably initiated into the dominant hierarchy, but they still had to be very careful to avoid sexual advances towards women who belonged to other men, especially so since these other men were now advanced enough to be getting food as well as sexual favors from their women. Thus, a system of exchanges of women under the supervision of a male gerontocracy developed. Restraint and guilt had to be heightened even further to insure that the would-be initiate did not inadvertently destroy his chances to enter this dominant cartel over women.

Now, Fox admits that this system does not particularly explain why women grew brainier too. At its base, his theory suggests that women are property, to be used or exchanged, not in themselves agents of natural selection. This suggestion is well within the anthropological and psychological tradition--even though incest aversion in women must be explained somehow, Freud does not speak of subdominant daughters

out to kill the Old Woman. When Lévi-Strauss speaks of marriage systems, even those which involve uxori-local residence, he refers to systems of sister-exchange, never brother-exchange. And in Kinship and Marriage, Fox himself managed to define most marriage systems structurally by postulating four rules, number three of which is that men always control.²⁵ That seems to me to be a very dubious proposition. True, as will appear below, the politics of autonomy might well predispose males towards affiliation (and therefore towards the building of alliances through whatever means are available) and might also predispose women to specialize in nurturance relationships (including the acceptance of dominance or control by others, and thus a greater willingness to be the means available). But I will also argue below that competition for dominance arises out of (mostly maternal) nurturance. That women's roles in natural selection and in the structuring and functioning of alliances has been overlooked seems surprising. Yet such seems to be the tradition of the social sciences. Since we choose to look at the entire dynamic of the family in order to attempt to understand the etiology and uses of the incest taboo, we cannot so easily ignore the role played by mothers, daughters, and wives.

Women are, after all, the "bottleneck" in population increase. Their decisions about whom to mate with are therefore more important than those of men. Quite likely, there was greater evolutionary pressure on women to "equilibrate" than there was on men. An example that springs to mind immediately is the modern American application of the so-called "double standard" to mating practices. The double standard states, in effect, that males are always sexually receptive, while

females are sexually selective. We would posit that males do indeed compete with each other in male prestige hierarchies. But females also compete among themselves. For the females, the sign of victory is to monopolize one or more high class males. Male status is ratified by the discovery that one male is being competed for more intensely than another. This may sound overcomplex, but in action it is so natural a process we hardly even take note of it. Consider, for example, this tale from Gregory of Tours about the parents of the Frankish king, Clovis I:²⁶

Childeric...whose private life was one long debauch, began to seduce the daughters of his subjects. They were so incensed about this that they forced him to give up his throne. He discovered that they intended to assassinate him and he fled to Thuringia...and took refuge with Bisinus and his wife Basina....
/When/ Childeric knew for sure that the Franks wanted him back...he left Thuringia and was restored to his throne. Now that Bisinus and Childeric were both kings, Queen Basina...deserted her husband and joined Childeric. He questioned her closely as to why she had come from far away to be with him, and she is said to have answered: "I know that you are a strong man and I recognize ability when I see it. I have therefore come to live with you. You can be sure that if I knew anyone else, even far across the sea, who was more capable than you, I should have sought him out and gone to live with him instead."

Pretty clearly, Gregory considers Basina to be less than decent. Still, the way the tale is structured says a lot about opinions on the relationship between the sexes in his time. If Basina is merely flattering the king, it is interesting that she chose the form of flattery which emphasized Childeric's power and potential. If she is being truthful, she is revealing a drive to gravitate to and "capture" the highest status male around.

If it seems we have belabored this point, the reader should note that it is an extremely important one. The blindness evinced by the

majority of social scientists to the selective roles of women is astonishing. Pushed to their limits most social science theories would seem to argue that women are property to be used in complex prestations of gifts and exchanges. Such notions can be traced to the heavy early influence of the school of Durkheim, and in particular to the writings of Durkheim's student, Marcel Mauss. In his 1925 book, The Gift, Mauss speaks of marriage as an exchange, although to his credit this is at most an aside or an unexamined assumption.²⁷ What he is really concerned with is the social psychology of giving, especially in the primitive potlatch. The real point of the book--and it is a point with which we are in agreement--is that to receive a gift without reciprocating is a painful and debilitating experience for most adults, and that systems of primitive exchange--be they exchanges of persons or successive potlatches of goods--must be reciprocal or violence and aggression will ensue.²⁸ But note that it is the recipient who usually faces the choice of repaying a gift or initiating violence! One way or another, he must retrieve his self-respect, his mana, his manhood--his autonomy. In short, he must fight for his autonomy against an aggressive act of nurturance.

This point, that nurturance presents a clear threat to personal autonomy, is raised by Yehudi Cohen.²⁹ According to Cohen, the child finds it necessary to erect and maintain "boundaries" around himself. In order to assert his own autonomy he must become well-defended from the encroachments of others on his own self. A parent or a sibling already has an enormous amount of power over a child. To add sexual dependence would be too threatening. Furthermore, sexual release, in

and of itself, creates a momentary vulnerability, an openness and weakness that could be exploited by the other. Unless such a vulnerability is clearly reciprocal, the individual is endangered. In fact, one might argue that it is reciprocity that provides the answer to the threat posed by nurturance. If nurturant relationships imply that one figure is dominant while the other is passive and receptive, then the child, in search of autonomy, might find the need to explore relationships built on reciprocity, on affiliation, on mutual touching.

From this dichotomy between nurturant relationships and affiliatory ones we might expect to see some sort of relationship between a society's general ability to promote reciprocal interactions and the extent of its incest taboos. K. Kortmulder has shown such a relationship.³⁰ Although his idea of what constitutes an aggressive society is somewhat impressionistic, Kortmulder points out that in general the wider the incest taboos in society, the lower the level of aggression. His causal argument is admittedly culturological, based in essence on alliance theory: societies which have wide rules of exogamy are forced to build wide networks of alliances, which themselves serve to lower intra-societal violence. Note, however, that the correlation he has discovered does not have to have the causal explanation he suggests. We might just as easily say that a widened range of incest taboos frees the individual to specialize in affiliatory styles of relationship, so that the aggressive struggle for dominance is not made into a very wide portion of his interrelational horizon.

This function of incest taboos as a means of lowering nurturant models of behavior, and therefore of re-routing behavioral models away

from the aggressive struggle for dominance, also helps to mute intra-familial conflict. Talcott Parsons points to the value of exogamy in providing the child with two families of orientation.³¹ That is, if the values and ideas of the father's family are unacceptable, the child can always lean more heavily on those of the mother's family, or vice versa. Conversely, Bronislaw Malinowski suggests that the incest taboo allows for smoother cooperation within the nuclear family, both by removing sexual jealousies and by providing clearly delimited role structures within the family.³² For him, the confusion caused in the family by assigning nurturant and sexual roles to the same individual would cause such chaos in the running of the family that that confusion must be avoided at all costs. What both Parsons and Malinowski are aiming at is a concept of the family not as a unit of physical survival but as a unit for education in basic roles and values. The child absorbs ideas about roles and duties which will be the framework for his whole lifetime's outlook. On the one hand he must have the opportunity to select from a wide range of rules; on the other, the rules available for his adoption must be fitted into a harmonious whole. We see here in the abstract world of ideas and values the same style of dichotomy proposed by Westermarck. On the one hand, there is a drive outwards towards autonomy and personal selection; on the other, there is a sort of Law of Similarity, which demands that like be fitted to like, that coherency must be maintained.

Now, it should be the spirit of the medievalist to save as many of the phenomena as possible. After all, the medieval intellectuals whose work he reads were most often concerned with the problem of

creating a synthesis which would reconcile widely variant authorities. In this spirit, we can happily point out that none of the insights we have mentioned are totally off the mark. Theories that explore the feelings of horror, disinterest, or guilt connected with the thought of incest have much to tell us about the personal rationale of incest aversion. Culturological and even structural explanations have much to tell us about the uses of incest aversion and exogamy in forming complex societal interrelationships of alliance and mutual aid. Psychological studies which discuss, in effect, the politics of the family and the politics of autonomy point the way towards an explanation of both the near universality of incest taboos and the occasional personal lapses within the framework of these taboos. And ethological studies may serve to point us to an undeniable fact, that any explanation of incest taboos or exogamy must take into account the biological nature of man and the conditions governing his evolution.

Nature--if we may personify her for the moment--works with the tools at hand. There are, for example, universal requirements governing the shape of airfoils, the distribution of body energy in animals, and so forth, which serve to set limits to the diversity of flying designs possible for animals. Yet the bat flies on a thin membrane of skin, the bird on feathers, and the beetle on chitinous wings. In the same way, Nature's solution to problems involving the preservation of the genetic viability of a species will be molded out of the basic characteristics already inherent in the particular species. Ideally, one would design for a mechanism which allowed for the most rapid spread of beneficial genes, while reducing the dangers of reinforcing harmful

ones. The mechanism should be responsive to environmental realities, so that it will produce slightly different mixes of responses when the animal is hard-pressed by its environment than when it is not. Such responsiveness would include a possibility that on occasions the entire mechanism could be overridden; after all, there might arise occasions when it would be better to risk a harmful reinforcement than to lose a whole genetic strain. Given these design criteria, a direct and absolute instinctive prohibition against endogamy would not be the best design choice. A better method would be to work through the necessary interactions of other mechanisms with each other and with the world to produce a "circuit" which makes inbreeding highly unlikely, while preserving it as an option in times of necessity. What one would want is a dynamic interaction of drives, each of which involves an interrelationship to the real-world environment, all of which working together might produce the appropriate response by controlling or modifying reproductive behavior. If a group is hard-pressed by other species or by other groups of conspecifics, for instance, it might prove useful to relax the aversion to inbreeding in order to insure some sort of reproduction--all the better if that relaxation would also entail an absolute increase in aggressiveness or cause fierce intrafamilial rivalries that might force the group to reexamine the customs or behavior patterns that might be aiding in the group's decline! On the other hand, if the group is by and large successful, the genes or the patterns of behavior which brought about that success should be spread as widely as possible, and the mechanism should work to encourage wide systems of exogamy.

Now man is a creature who lives in his mind as much as he lives in the world. Ideas, perceptions, rules, and understandings are as much a part of his environment as climate, or soil, or flora and fauna--perhaps more. As such, he is the ideal object for Nature's artistry. Incest aversion is, after all, a complex behavioral rule. And man specializes in rules. When Nature turns to us the tools she has to work with are so basic to us we seldom think of them as instincts (perhaps that in itself is the surest sign of their universality and thus their instinctive character).

Man is instinctively a rule-making animal--by logical extension, by metaphor and analogy, by comparison, by dint of every possible avenue of conjecture, he constantly makes, destroys, and remakes his picture of the universe (or some part thereof). One may argue that some people seem more obsessed with rules and rule-making than others, but on the whole, we may say that all men live in a world of rules, whether they make most of them themselves or simply adopt the rules made by others. Individuals who specialize in the exploitation of this instinct--scientists, scholars, artists, and the like--can attest to the exhilaration implicit in discovering or creating new consistencies within their picture of the universe. But inconsistencies or anomalies that will not fit into the neat structure of the rules are as painful as consistency is pleasurable. If the anomaly is intractable, if one's whole complex set of rules about the way the universe behaves is threatened, one seems to have a choice between facing the horrible task of tearing down much of the beautiful structure of ideas that one has built up over the years or of isolating the anomaly and steadfastly

refusing to examine its implications.³³ Significantly, the two subjective approaches towards how it feels to contemplate incest that we have mentioned above follow the same pattern--one may feel horror, or one may refuse to admit to any feeling at all.

Man is also instinctively drawn to the nurture of infants.³⁴ By this I do not mean that we all desire or enjoy the prospect of being in the presence of small and as-yet ill-formed humans. But the presence of an infant or a small child seems to call out a series of nurturant responses in virtually all adults. Even those who find children annoying, if pressed, will admit that a part of the annoyance stems from the fact that it is much harder to ignore children than it is to ignore adults.

Counterbalanced against this drive to nurture is a drive towards autonomy, a need to feel in control of one's own life, a resentment or fear of encroachments upon one's freedom of action. Just exactly how strong this resentment becomes probably depends on the outcome of the political struggle for autonomy. But it is always present, and it will graft itself onto the personality structure in one form or another. These two instinctive drives, towards nurturance and towards autonomy, when combined with the instinct to make rules which structure our perceptions of the world hierarchically, all working together, are, as we will see, enough to explain the virtual universality of some sort of rules of exogamy and incest aversion, while at the same time explaining the variability these rules have from culture to culture and from time to time.

In order to understand how this mechanism works, we must first

review the nature of sexuality and the growth of sexual awareness. From the beginning of this century, thanks of course to the work of Freud, it has become an accepted notion that sexual awareness does not suddenly spring up at puberty but has been with the child in some form or another virtually since birth. The first peak of sexual awareness usually comes between the ages of two and five, and from then until puberty sexual awareness is present but is muted by other, more pressing concerns--peer relationships, role-modeling, and so forth. This is not, however, to suggest that an infant's sexuality is the same sort of direct and purposive complex of ideas, rules, roles, and objects as the sexuality of adults. Rather, we would posit that sexuality in very young children is really a sort of heightened sensuality; that is, it represents a growth out of the pleasure of being touched, caused by the early and inevitable discovery that being touched in certain areas is more pleasurable than being touched in others. Since it is the nurturant parent who touches one most (most usually, the mother), one begins by modeling one's first ideas about what a sexual object should be on that parent.

But touching is, at the heart, a reciprocal matter. If I touch your shoulder with my hand, not only is my hand touching you, but your shoulder is touching me.³⁵ There is in touching, then, an immediate reciprocity which lends to heightened touching--sexuality--a permanent ambience of reciprocity. But nurturance is not reciprocal. When one is nurtured, one is an object, subjected to the will of others. For the male child, the double role of mother as nurturer and sexual object sets up an anomaly which is bound to grow more and more glaring with

every year. Since nurturance is asymmetrical (i.e., non-reciprocal) while sexuality is symmetrical (i.e., reciprocal), nurturance can be said to present a threat to personal autonomy while sexuality is a defense of autonomy. Whoever has seen a small child attempting to stuff food into its parent's mouth has witnessed a child attempting to turn a dangerous attack on his autonomy (being fed) into an immediately reciprocal act of mutual feeding. And many adults apparently express their sexuality by taking turns at "babying" each other. Thus we might say that the potlatch, as Mauss understands it, has its basis in a half-way solution to the problems implied in the politics of autonomy, the need of an infant to reciprocate to preserve his autonomy.

To a great extent, these infantile needs are inchoate. Lacking experience and verbal facility, the infant is incapable of forming any hard and fast rules about what he is trying to do, or why. He builds and shatters perceptual systems like he builds and shatters stacks of blocks. In terms of his ordering and defining human relationships, he must develop a reliable system of rules for sorting individuals or whole types of relationships into a coherent pattern. And because of his infantile experience, the first sorting dichotomy is inevitably between asymmetrical and symmetrical relationships. Usually, one will find that the symmetrical styles include relationships like friendship, contractual relations, and the like. The asymmetrical relationships include both sides of the nurturance relationship, both dominance and acceptance, taking as well as giving. Because childhood is a time of experimentation in sorting relationships, children are apparently capable of sluffing off the effects of what in an adult, with his

fixed metaregulatory system well in place, would be extremely damaging. So, for example, studies in American culture seem to indicate that incestuous episodes have little lasting impact on children, but past puberty incestuous acts can cause extreme and often permanent damage.³⁶

This distinction between the effects of pre-pubescent and post-pubescent incestuous episodes points the way towards an understanding of the differences between adult sexuality and infantile sexuality. The important factor in these differences has to do with the nature of memory. An infant's desire to be touched in a particularly pleasant way may well be ultimately sexual, but it is not sexual in the sense that a similar adult desire would be. We cannot as adults regain our infantile naiveté. Every instance or experience we remember has not only its actual content but a content composed of every idea or experience we have had since the experience occurred. What is more, this later experience is not an "overlay" on some true experience but rather acts to transform the content and meaning of the original experience in such a way that no past experience may be truly remembered. All of our past is, in a sense, a complex myth that is continually growing, evolving, changing. In a real sense, every man is his own historian; and every day he rewrites his entire personal history, making a myth of his past to serve the needs of his present.³⁷

But even in memory, reality has a certain intractability. The structure of our personal mythology must remain internally consistent. And when two different mythological substructures intersect in one event or on one vital relationship, and when the positions taken by that event in the two different structures are mutually contradictory,

then that event can be said to be dangerously, even painfully, anomalous. So long as we are children, such an anomaly is inconsequential--we have little invested in the ill-formed and ephemeral myths of childhood. But by adulthood, the structures we have erected are usually useful, complex, and generally fixed. To contemplate a basic anomaly as an adult threatens to destroy our whole life's work of ordering and understanding the world in terms of a single metaregulatory system.³⁷ No wonder the reaction to the most basic anomalies tends to be a studied ignorance or a sense of loss, terror, and anger!

We could of course deal with these dangerous, anomalous cases by admitting that, by adult standards, we were not quite sane when we were children, that we had no fixed system of intents or perceptions. But this admission would be a denial of every victory we made as a child in our struggle for autonomy, would call into question the entire self-constructed mythos of our past.³⁸ Once we give due attention to these self-constructed myths of the history of our selves, once we understand the importance of the adult's self-designed image of his childhood struggle for autonomy, we are well on the way to unravelling the skein of interactions between culture, history, personal perceptions, and the structure of the family. The central thread throughout all this fabric of interrelationships is the incest taboo.

As we have said, incest aversion in the male stems from the fact that for the male, at least, the mother is both the major nurturant figure and the first "target of opportunity" for emerging infantile sexuality. When these two forms of relationship are reviewed in the adult memory, contradictory propositions are generated: Mother is

nurturant; Mother is the sexual object. Nurturance implies an asymmetrical relationship, in which one partner is a child (even a mere object) and the other is an adult (a free person). Sexuality implies a symmetrical relationship, an ad hoc, immediately reciprocal partnership between two adults (or free persons). Nurturance is therefore a denial of personal autonomy, while sexuality is a ratification of it. Relationships involving superiors and inferiors--patrons and clients, masters and slaves, lords and peasants, dignitas et clementia--are relationships that have been "sorted" into nurturance models. Relationships involving contractuality, mutuality, reciprocity, or mediation have been sorted into the affiliatory model of mutual touching, a model which in adults is dominated by interpretations of touching as sexuality.

This is not to say that sexuality in the adult is never sorted into nurturance hierarchies. There are a lot of half-way positions and odd mixes that can occur. If one or both of a sexual pair cannot successfully mold his sexual drives to the pattern of infantile sexuality, we might well expect to find in the adult relationship elements of excessive nurturance. The sexual urge is fairly powerful, and the individual rule-making animal will usually feel obliged to fit it into his adult hierarchies where he can. Still, how I am to deal with you depends in great part on the outcome of my struggle for autonomy, on which roles I have managed to sort into the model of affiliation based on my infantile sexuality and which roles I have had to leave in the hierarchy of nurturant models. This, in turn, will depend on the intensity or extent of the incest taboos I have internalized or developed. If, for example, my second cousin is sexually tabooed to me, she will

tend to be viewed in my internal metaphor system as an analogue of my mother. Since I have striven for autonomy against the nurturance of my mother, will not want the relationship with my second cousin (or, by analogy, her brother) to fall into a repetition of the dangerous contest of who is to nurture whom; I will therefore have strong reason to sort the relationship "second-cousin" into affiliatory modes. Note the apparent paradox: Affiliatory roles are dominated by heavy overtones of infantile sexuality, but the sorting towards affiliation is caused by a denial of potential sexual access. No doubt this leaves a residue of tension in such relationships which makes for a wide range of cultural and ideological play. But it also gives the individual a tremendous amount of practice in forming non-dominant affiliatory relationships.

Another way of looking at these same processes is to see the dynamic described as one which has the potential to muddy or to clarify the distinctions between role behaviors. Many readers of the draft of this work, for example, have objected to my use of "nurturance" in its strictest sense, purely as that subject-object relationship that exists between parent and child. They argue that "nurturance" is generally understood to include all those warm human relationships which involve touching, feeding, caring for. The fact that this blurry area exists in the language would seem to indicate that even the best of us have some difficulty in drawing clean semantic distinctions about emotions which are very basic and about needs which are universal. Given this tendency to confuse roles in intelligent and perceptive adults, is it any wonder that the structure of human roles is so confusing to infants

or adolescents? I would imagine that no one ever completely clarifies the distinction between nurturant roles and affiliatory ones. But if a child has warmly nurturant parents, and those parents are very much aware of the distinctions between their nurturant roles and their affiliatory ones, and the cultural values a child learns very early from his parents and peers stress a heightened awareness of incest prohibitions (and thus role distinctions), then the child will develop strong distinctions between roles himself and will most likely be less inclined to try to fit adult-adult relationships into nurturant, parent-child modes of interaction.

Clearly, cultural rules are important in this process of sorting or clarification. In the realm of culture, incest taboos are used not only to ensure exogamy and thus alliance, but also to preserve culturally sorted styles of interpersonal relationships. Indeed, the whole distinction made by most social scientists between the cultural rules of exogamy and the (possibly) innate rules concerning incest aversion begins to become hazy. Exogamy may be a rule that is enforced by generalizing innate personal incest taboos. But such rules also subtly change the nurturant styles of a society and the ideational impressions of the adult towards his infantile experience. There thus exists a constant feedback relationship between cultural norms and demands and nurturant styles. In stable societies, this feedback ultimately leads to a functionally homeostatic system in which cultural needs dictate the styles of nurturance employed, those styles of nurturance dictate the outcome of the politics of autonomy, and that outcome dictates cultural needs and norms. Unstable societies may be defined as those

in which something--usually ecological, economic, or external military pressures--interferes with one link in this chain of feedback. Stable and unstable are, of course, relative terms; but by employing them while we closely monitor the relationships involved in cultural norms and nurturant styles we can possibly go a long way towards explaining the varieties of societal change.

Viewing this process in terms of sorting or clarification certainly brings us a long way towards explaining the antisexual and anti-feminine stance of the medieval church.³⁹ In both the East and the West, the ideal model of political and social organization was that of an ordered hierarchy of dominance. Using our theory, we should find that, among the political classes at least, incest taboos were relatively narrow and that there was little impetus therefore to discover affiliatory patterns of personal relationship. And in subsequent chapters we will see evidence for a relatively restricted circle of incest aversion, despite the church's early call for a wide extension of the taboo. Such a concentration on nurturance relationships must have made women (each of them, after all, a representative of nurturant motherhood) seem dangerous, malign, and repulsive--especially those women who refused to opt for the passive and infantile role of permanent virginity. Because women were so dangerous, all sexuality became horrible. The most common solution to this dilemma was, of course, to switch places with Mother, to turn all sexual relations into exploitative uses of women as objects. But many extreme cases no doubt gave up sexuality altogether. These latter individuals found a haven in the Church and provided the Church with a seemingly permanent distaste for women and

sexuality. But the avoidance of all sexual connection might itself be considered kind of universal incest taboo. A great impetus was therefore provided to sort all relationships into models of mediation and affiliation, or at least to find clear distinctions between the two modes of behavior. Thus it would seem that there is an intrinsic relationship between the loathing of women and the practice of brotherly love in early Christianity. Certainly, there were curious admixtures of dominance and affiliation in both the secular and the sacred institutions of early medieval Europe. Each person does his own sorting a little bit differently. But in general there is both a functional and a causal relationship between monks and priests, on the one hand, who could almost magically bring about exchanges of information, property, and so forth,⁴⁰ and secular rulers whose whole energy was spent in the aggressive quest for dominance.

Idea structures are therefore tightly bound to cultural rules and familial structures, so tightly bound that we must digress for a moment to unravel some aspects of the relationship. The fact that internalized cultural rules and personally developed rules have a wide area of overlap somewhat obscures a basic fact. We have tried to show that the motivating energy for marriage rules, no matter how exterior cultural demands have modified or directed it, stems from the child's almost inevitable earliest experiences and his political struggle to assert his autonomy in the face of nearly overwhelming nurturance. The relationship between these inevitabilities of infancy and the seeming arbitrariness of culture cannot be expressed by any simple-minded "nature-nurture" dichotomy. Rather, there is a spectrum of degrees

of freedom to be considered. Where choices are almost inevitable is the nurture-ward portion of the spectrum; where choices are absolutely arbitrary is the culture-ward part. Thus, that a male will develop an aversion to considering his mother as a sexual object seems almost universally inevitable; but the color or shape of a pot seems utterly arbitrary. The problem lies in the middle, where choices are only somewhat constrained. Modern anthropologists, seeking economic, political, or ecological explanations of the rationale behind culture, generally so gravitate towards this area of partial constraint that, to all intents and purposes, the modern definition of culture tends to overlook or ignore its arbitrariness. "Culture" so understood, because it is subject to partial constraint, is subject to a kind of Darwinian selection. Thus, if a culture cannot reproduce itself in succeeding generations because of some dysfunctionality in its methods of dealing with such constraints or because it lacks the means to indoctrinate succeeding generations, it will become subject to rapid changes until such time as everyone in the group dies out or the survivors hit upon techniques that do insure both immediate functionality and recruitment of new members.

Economic, political, ecological, or educational restrictions will therefore impose themselves on a culture in such a way that the arbitrariness of cultural invention will not result in an infinite number of possible cultural patterns. In fact, the number of viable culture-types is probably fairly small. We should not be too surprised to find that there are apparent regularities between kinship systems and the economic, political, or ecological constraints in the regions

where such systems are found. Nor should it appear surprising when we learn that such regularities are elusive and that exceptions can be found to every proposed model which tries to show a strict relationship between the type of constraint in operation and the style of social organization. So far as culture is concerned, the material intran-sigencies of the world are restrictive, not prescriptive.

But the more we move along our spectrum towards inevitability, the more restrictive limits to variation begin to look like prescription. The necessity of educating the young to continue the culture is very close to the absolutely inevitable portion of our spectrum. We have already mentioned that the logical distinction between rules of exogamy and incest taboos is somewhat blurred by the consideration of the feedback relationship between nurturance styles and cultural demands. Considering the educational demands of culture further blurs that distinction. The key point is that it is conceivable that there are in some societies certain persons whom one may have sexual contact with but whom one may not marry.

To explain this strange phenomenon, we must understand that casual sexual relations are epiphenomenal. In forbidding sexual connections, societies make a distinction between one-time connections and long-term connections. Only those relationships which are analogically very close to the prototypical anomalous case must be forbidden absolutely. In more distant relationships, repeated sexual access seems required to bring home the analogical import of the sexual partner. Once we eliminate sheer boredom from our consideration, this gradual wearing down of our resistance to analogy is probably the main element

operating in the observations and actions that have led to the "familiarity breeds contempt" explanation of incest aversion. As a man's mate begins to function in maternal roles, for instance, he is faced by a woman who is gradually coming to resemble his mother more and more. He is experiencing in later life what he experienced early with his sister--as she internalized and experimented with maternal roles, she became, by analogy, a little mother.

Now, as a general rule, the picture two brothers or two sisters learn of "maleness" or "femaleness" is going to be closer than the pictures internalized by a brother and sister. A child's perception of sex role models, after all, must be heavily influenced by which role he expects to assume as an adult. Thus, the family roles internalized by the children of two sisters or of two brothers (parallel cousins) are more likely to be similar than those internalized by the children of a brother and a sister (cross cousins). When one adds to this likelihood the tendency in many cultures to make analogous terms for same-sex siblings in the ascending generation (in Latin, for example, the pater's brother is patruus, the mater's sister is matertera), the parallel cousin quite often provides the individual with too many close analogies to the parent. Thus, we should expect to find (and do find)⁴¹ cases in which sexual activity with parallel cousins is marginally allowable, but permanent sexual bonding (i.e., marriage) is reserved for the next outer circle of distance, the cross cousin.

We may well ask why not total exogamy? Why, considering the danger of one's cousin-mate's suddenly beginning to appear too like one's

parent, are any kind of cousins accepted, much less preferred, as mates? The answer lies in the fact that cultural and familial roles must be maintained across the generations or the family--or even the society--will fall apart. Basically, the members of a family or a culture must understand each other better than they understand outsiders. The goals of fathers and sons, for instance, must be very much alike, or a rivalry will erupt between them. But a child is raised by two parents, has two "families of orientation." Both parents must therefore share values and outlooks which are very similar. We usually do not think of it this way. What we say we want is someone who understands us, or someone who is virtuous (which is as much as to say someone whose standards of virtue are similar to ours). This is especially critical in societies with a low rate of literacy, no formalized educational institutions, and very poor communications. In such societies, there would be a very strong tendency to make marriage choices as close to the limits of unacceptable "closeness" as possible. True, continued habit over the generations of this sort of selection may well make marriage customs look like one of those elegant structures drawn by Lévi-Strauss; but all such structural or diagrammatic explanations, it seems to me, are valuable only as heuristic models, not as explanatory ones.

Again we must emphasize that a marriage requires two choices. The man decides and petitions; the woman decides and then accepts or rejects. Even in societies where petitions and decisions to accept or reject are controlled by the family, there remains a residuum of female selection in all human mating. By overlooking this salient fact, by

dealing with women as if they were property, many social scientists have glossed over the very real question of incest taboos in women. Are they the same as those in men? Do they spring from the same sources, have the same strength? These are not frivolous questions, since it is women who are the bearers of culture. By this I mean that biological necessity imposes upon women the task of being the primary nurturers and educators of children. The values of the mother will probably be passed on to the child more strongly than the values of any other adult. This educational function is both explicit (i.e., involves early directive training of the child) and implicit (i.e., involves the mother's particular style of nurturance in the child's political struggle for autonomy). But in male children the politics of autonomy is set into motion by the inevitable fact that the mother is both nurturant and the first sex-object. In women, while the mother might be the first object of infantile sexuality, the retrojection of adult sexual roles will find no maternal anomaly, since the mother was a woman and the (sane) adult woman will not view women as personal sex-objects.

Now, if incest aversion were purely cultural we should find that, since women are the primary culture-bearers and since women have no barriers to complete identification with their mothers, women's incest aversion behavior should be more consistent than men's. Unfortunately for such theories, the very reverse seems to be true. Generally speaking, son-mother incest is the rarest form of incest, while daughter-father is the most common.⁴² If the child is seen as actively initiating or cooperating in an incestuous act, then we must conclude that

internalization of incest aversion is more inevitable in males than in females. In a sense, we could say that--at least in the extreme cases of there being only one nurturant parent present--men's incest aversion springs from the politics of autonomy, from the inevitable, while women's springs from culture, the arbitrary. And since we are looking for the portion of the mechanism which is variable, which responds to external constraints, we should probably pay the closest attention to the development of these arbitrary aversions in female children.

There is a wide range of styles of aversion available for the female to assimilate. What she does assimilate depends on the impact upon her of various males--the father, the uncle, or other household male--during the critical first few years of her life. If a male parent is present and is highly nurturant and attentive then she is more likely to form the same sort of anomaly we have described as developing in infant males. She will therefore be more likely to be caught up in the politics of autonomy, more likely to use incest aversion to solve the problems of that politics, and thus more likely to sort her views of human relationships into affiliatory modes. An affiliatory mother will adopt cultural values which will greatly aid her offspring in becoming affiliatory. On the other hand, if the father is inattentive or absent on a daily economic quest or on extended journeys for warfare or trade, each succeeding generation of little girls will be more likely to adopt purely nurturant role structures and to adopt incest regulations purely as a part of culturally sanctioned custom. The nurturing of female babies is thus the key element in understanding the feedback relationship between the politics of autonomy

and the arbitrariness of culture.

When we spoke of Nature, personified as an engineer, we spoke of the necessity of creating a mechanism which would heighten a group's aggressiveness when it was hardpressed and make it more amenable to scattering its genes when it was not hardpressed. We can now say that that mechanism involves the relationship of the father to the daughter. Because women are needed to keep up the population, it is men who fight wars. A society racked with warfare will have many families whose males are dead or nearly permanently absent. Severe economic pressures will serve the same function; the father may have to hire himself out to foreigners or he may simply have to so increase his workload at home that he is virtually absent from the home. In any of these cases, the only long-term solution to the problem of paternal absence is to produce more aggressive males, who might thereby be so aggressive that they will succeed in reducing the pressures on the group. Thus, when fathers are absent, mothers raise the children alone; when mothers raise the children alone, more and more of the children's views of the world are sorted into nurturant categories; the more relationships that are sorted into nurturance, the more important dominance will become in the society; and the more dominance is the theme of the society, the fiercer the aggression in the society will become. The converse pattern is also true; if aggression successfully increases the range or level of ease of a society, there will be more fathers living to stay at home with their families; if there are more families with fathers, more little girls will develop widened incest prohibitions; the more little girls provided with widened incest prohibitions, the

more children there will be who sort their categories of human relationships into modes of affiliation, reciprocity, and alliance.

This elegant, if brutal, mechanism explains the persistent historical pattern of peoples who sweep into an empire or state with unstoppable violence in one generation, and yet who are themselves easily overrun a couple of generations later. The historian's myth seems to be that they were softened, weakened, and corrupted by the fleshpots they had conquered. Rather, we may say that they were softened, weakened, and made decent by the fact that the men were suddenly freed to return to the wholesome pleasures of home and hearth. Likewise, the viciousness of harem intrigue may be explained by the virtual absence of the father. The constantly recurring relationship, best illustrated in our own ghettos, between a culture's violence and its sentimentality about motherhood also suddenly becomes explicable. And the institutionalization of paternal neglect of daughters in a wide variety of highly successful cultures (i.e., whole civilizations) can also be seen functionally as a tool for artificially maintaining the society's aggressive edge. There is no question that the theory presented here has potentially wide application for explaining much of what has happened in history. But even if we can say that it is self-consistent and universal in its applicability, we must still ask "Is it correct?"

To find out if the theory is correct, we must apply the scientific method, testing our hypothesis against the real world. In terms of individual psychology in modern American society, we can make our test very easily, thanks to the work of Richard Sarles, who has

examined many of the case histories of incest in America and has composed a composite picture of the typical family in which father-daughter incest is reported.⁴³ In this typical family, the father tends to be introvertive, incapable of maintaining close friendships outside the family; he is also psychopathic, unable to form tender relationships; in general, he is paedophiliac, both socially and sexually immature. The mothers tend to be extremely passive, immature, and strongly dependent on their own mothers; they usually assign maternal or nurturant roles to their daughters. Almost always they have given up on sexual relations with their husbands, and usually they countenance or even actively aid their daughters in making sexual advances toward their own husbands. The daughters themselves seldom feel any shame or guilt about their activities and quite often are the obvious instigators of sexual play with their fathers. Translated into our terminology, this dismal family dynamic would read as follows: The fathers show an almost complete lack of affiliatory skill, and are almost completely dependent on dominance (psychopathic) or infantile nurturant (passive, paedophiliac) behaviors. Their range of behavior is to treat others as objects or to be passive objects themselves. The mothers are even more tightly fixated in nurturance roles; since they cannot make any sense out of affiliatory or reciprocal relationships, they cannot even enjoy their own sexuality, and usually become bored or disinterested in sex. They seem to be creatures who have lost every battle in the struggle for autonomy, who have come to terms with remaining infantile, powerless, and used. Even the natural nurturer/nurtured relationship with their daughters is inverted. And the daughters, exposed to these

dreary devotees of nurturance and dominance never quite get the chance to develop any sense of affiliation. They amorally dominate their mothers and most usually their fathers as well. So far as illuminating the pattern of the individual incestuous family goes, then, our hypothesis works remarkably well.

A tentative cross-cultural examination would also seem to corroborate our hypothesis. Martin King Whyte has recently used statistical methods to examine various aspects of the status of women in the over two hundred societies reported on by the Human Relations Area Files.⁴⁴ In societies in which there exists a complex governmental structure or intensive agriculture there is a marked decrease in women's domestic authority. Domestic authority in this case is defined as having the ultimate say over the manner infants are to be raised and what young children are to be taught. In our terms, in societies which require a broad range of cooperation and affiliatory skills, women lose sole authority in the care and raising of children. Conversely, societies wracked by endemic warfare or constant internecine feuding show a rather high correlation (the highest in the whole study, as a matter of fact) with increased women's domestic authority. It would seem then that there does exist the sort of cross-cultural correlation we would expect if our causal hypothesis were correct.

We have thus addressed the ethological considerations which must underlie any discussion of a behavior which has instinctive characteristics. We have brought together the insights of many different social scientists into a unified causal theory. We have shown that that theory would seem to be upheld by studies of case histories of

incestuous families in modern America. And at least one cross-cultural check very impressively seems to verify much of what we have hypothesized. But since the theory is causal and is about change, the ultimate test must be a historical one. If we are correct, we should find a pattern of change that would indicate that wherever there existed a sudden rise in the general level of social instability and violence, there would be a subsequent narrowing of incest taboos to meet the crisis. This narrowing ought to be accompanied by a fear and loathing of the sexually active woman, and a consequent imposition of heavy sanctions on women who do not remain virgins. It should also lead to a tradition of male celibacy, as victims of extreme nurturance retreat to asexual roles. In time, we should expect to find some groups achieving a limited success in this atmosphere of violence. Such groups may well be those which have the competitive advantage of being able to hold together alliances in a cultural framework full of contending individuals who are not so capable. If so, such groups will be the ones who begin to insist on a widening of incest taboos. If the widening is extreme, they will have no choice but to depend on developing educational institutions as a means of imposing a coherent value structure on the society and eliminating the need for close inbreeding to maintain such a coherency. Very likely, the first attempts to institute all these changes will fail--the use of one's children to maintain one's "presence" in relatively distant lands, the tendency of the new educational institutions to fall into the patterns of dominance and patronage, the necessity of using individuals to achieve one's ends who do not fully understand or share one's values--all of these, and more, will present

such an inertia that the first attempts can only be seen as pattern-laying ground-work for later attempts.

Specifically, we will be examining Western Europe from the third to the beginning of the ninth centuries. In outline, we will find that the Church and the Empire had already developed fairly wide incest taboos by the end of the second century. That pattern is generally maintained in the East. But the West was ravaged in the third century by generals grasping for the purple and by barbarians grasping for loot and land. From that time on, the West becomes increasingly strident in its demands for a celibate clergy and for sanctions against lapsed virgins, while continuing to present the Roman Church with queries about the nature and extent of the Church's incest prohibitions. The pattern of Western politics emerges as dangerously fratricidal--brothers kill brothers, sons revolt from fathers, cousins slaughter each other with seeming impunity. One family in Austrasia almost miraculously managed to keep itself intact. The descendants of Arnulf of Metz, himself a churchman, apparently relying heavily on the mediation provided by the church, showed--up until the reign of their most famous scion, Charlemagne--a tremendous capacity (at least for the times) to cooperate without killing each other off. This is not, of course, to say that there was no friction between brothers or cousins--only to point out that among the earlier Carolingians this friction seldom led to bloodshed. But something went radically wrong in Charlemagne's time. Even with the insistence on developing godparentage as a tool of acculturation and the development of the first schools, the strains of empire began to erode this cooperation. Charlemagne's son was actually deposed

by his offspring. The empire was subdivided by warring brothers, and ultimately the family ceased to exist as a political force.

Much of the explanation for these events lies in the genetically programmed mechanism that controls the relationship of nurturance and affiliation, aggression and incest aversion. In subsequent chapters, we will attempt to show in detail just how this worked.

NOTES FOR CHAPTER TWO

- ¹ See, for example, Richard M. Sarles, "Incest," Pediatrics Clinics of North America 22.3 (Aug., 1975): 633. (Hereafter, Sarles.) This is not to say that incestuous relationships do not show up in myths or in customs of divine kingship. But the essence of the miraculous is that it breaks the rules with impunity. The very fact that incest is so common in myths of origin may have to do with the high magic they represent.
- ² Edward Westermarck, The History of Human Marriage, third edition (London: MacMillan and Co., Limited, 1903): 333. (Hereafter, Westermarck.)
- ³ Morton Adams and James V. Neel, "Children of Incest," Pediatrics 40 (1967): 55-61; Eva Seemanova, "A Study of Children of Incestuous Matings," Human Heredity 21 (1971): 108-128. These studies are not completely without their flaws. They deal with individuals who, by and large, are failures in our society. There remains an open question whether or not these particular individuals might have had a surplus of bad genes to express. Even more seriously, the studies do not study multi-generational effects.
- ⁴ Not that animals instinctively know their blood-relations, but rather that an animal will usually not mate with conspecifics he has been raised with; David F. Aberle et al., "The Incest Taboo and the Mating Patterns of Animals," American Anthropologist 65 (1963): 253-265. The insight that some sort of "imprinting" in infancy is the factor that leads to the aversion is, essentially, traceable to Westermarck: 320-30.
- ⁵ See, for example, Marian K. Slater, "Ecological Factors in the Origin of Incest," American Anthropologist 61 (1959): 1042-1059. True, the argument seems to be that since incest was generally impossible in primitive society, it became institutionalized as a taboo. But obviously, if a thing is impossible, there should exist no taboos against it. The key to unraveling this argument seems to me to be that sexual intercourse or play is possible long before mating is possible. The net result of such an argument is therefore that incest taboos are not intrinsically related to reproduction and therefore are only partially related to rules of exogamy.
- ⁶ Norbert Bischof, "Comparative Ethology of Incest Avoidance," in Robin Fox, ed., Biosocial Anthropology (New York: John Wiley & Sons, Halstead Press Books, 1975), 56-58 (hereafter, Bischof), does however point out that inbreeding destroys the advantages of bisexual reproduction techniques, and will thus lead to a very "shallow" gene pool.

- 7 Parallel cousins are the children of two brothers or two sisters; cross cousins are the children of a brother and a sister. Obviously, the genetic distance between parallel cousins is the same as between cross cousins.
- 8 Westermarck: 290, et passim.
- 9 Westermarck: 278-89.
- 10 Seymour Parker, "The Precultural Basis of the Incest Taboo: Toward a Biosocial Theory," American Anthropologist 78 (1976): 285-305.
- 11 Robin Fox, Kinship and Marriage: An Anthropological Perspective (Harmondsworth, Middlesex, England: Penguin Books, 1967): 74. Fox's argument is, of course, much more complex. He does manage to cover or allude to virtually every theoretical approach to incest. Unfortunately, the format of the book did not include any extensive foot-noting. (Hereafter, Fox, Kinship.)
- 12 Havelock Ellis, Sexual Selection in Man, part three of Studies in the Psychology of Sex, Volume I (New York: Random House, 1942): 204-209. Fox, Kinship: 60, 75, somewhat inaccurately attributes this view to Westermarck and sees Westermarck and Freud as being in opposition.
- 13 At least for the moment. The distinction, by the bye, is usually impossible to make in medieval canon law, where nupsere, copulare, in conjugium ducere, and similar formulations are used indiscriminately (or so it would seem) to describe both marriage and the sexual act.
- 14 Brenda Z. Seligman, "The Problem of Incest and Exogamy: A Restatement," American Anthropologist 52 (1950): 305-315.
- 15 Marriage here, I think, should be understood to have its broadest definition, as a permanent or semipermanent sexual bonding, as opposed to casual or ephemeral relationships. This is the distinction that we will pick up below in our discussion of cousin-marriage.
- 16 Leslie A. White, "The Definition and Prohibition of Incest," in Nelson Graburn, ed., Readings in Kinship and Social Structure (New York: Harper & Row, Publishers, 1971): 325-337. White is reviving the views of Edward B. Tylor as they appeared in "On a Method of Investigating the Development of Institutions Applied to the Laws of Marriage and Descent," Journal of the Royal Anthropological Institute 18 (1888-1889): 245-272.
- 17 Claude Lévi-Strauss, Les Structures Élémentaires de la Parenté (Paris: Presses Universitaires de France, 1949): 13-31, 39, 592-617. Levi-Strauss so dominates the field of modern kinship studies that most modern studies can be seen almost as mere glosses

on his work. In the 1978 Social Sciences Citation Index (Philadelphia: Institute for Scientific Information, 1978), for instance, the number of articles citing Structures Elementaires or subsequent work is nearly three times the number citing any article from the highly prestigious journal, American Anthropologist in the three years 1976-1978. Even so, most of these glosses can be dismissed, since even those writers who choose to attack Lévi-Strauss seem compelled to enter into his strange epistemological framework. (Perhaps the best attempt was made by Rodney Needham, Remarks and Inventions: Skeptical Essays about Kinship /London: Tavistock Publications, 1974/: 61-68, et passim, which finally finds the whole system so unworkable that the author makes the /to a medievalist, typical/ retreat into a nominalist denial of the existence of any real thing as an absolute and universal notion of incest.) We prefer to deal with the problem at its root, on a more commonsensical epistemological ground. Suffice it here to say that Nature and Culture probably do not form a clean dichotomy, but rather are directions on a spectrum, that it is the cultural end of the spectrum which appears arbitrary, while nature seems to abound with regularities, and that--given the everyday experience that people often act against their genetic self-interest in the name of ideas or customs--we would be more accurate in saying that the group exists to preserve the culture as culture.

- 18 Needless to say, he is confusing psychology with epistemology. True, man is a rule-making animal. But whether the rules he discovers are part of some system of ontological logical necessity, merely convenient self-consistencies, or real pictures of the actual pattern of the universe is unknowable--and for the most part irrelevant.
- 19 Lévi-Strauss: 39.
- 20 Ibid.
- 21 Lévi-Strauss: 519.
- 22 This odd use of the word "politics" is in line with the usage of Ronald D. Laing, The Politics of Experience (New York: Pantheon Books, 1967). While I have not specifically cited Laing in this work, the reader should be aware that many of his concepts, including that of dealing with the structures of memory as a form of myth, are derived ultimately from that book, Laing's The Self and Others: Further Studies in Sanity and Madness (London: Tavistock Publications, 1961) and Thomas S. Szasz, The Myth of Mental Illness: Foundations of a Theory of Personal Conduct (New York: Hoeber-Harper, 1961).
- 23 Sigmund Freud, Totem und Tabu: Einige Übereinstimmungen im Seelenleben der Wilden und der Neurotiker (Leipzig und Wien: Hugo Heller & Cie, 1913): 131-33. We call it a myth because it seems to be more a metaphorical description of individual psychology grafted onto an evolutionary rationale than a serious exploration of pre-history.

- 24 Robin Fox, "Alliance and Constraint: Sexual Selection and the Evolution of Human Kinship Systems," in Bernard Campbell, ed., Sexual Selection and the Descent of Man, 1981-1971 (Chicago: Aldine Publishing Company, 1972): 282-331. From my treatment of this article in the text, the reader might assume that I found little of value in it. This is untrue. In fact, what makes it so annoying is that it seems so very nearly right!
- 25 Fox, Kinship: 31.
- 26 Gregory of Tours, Historia Francorum II.12, translated in Lewis Thorpe, Gregory of Tours: The History of the Franks (London: Penguin Books, 1974): 128-9. Elements of this tale are no doubt apocryphal. Still it represents a delightful window for peering into the attitudes and perceptions of sexual roles in the sixth century. It also, by the way, illustrates Gregory's Christian misogyny. Female selection would also seem to account for the numerous instances in which, even in highly patriarchal societies, marriages are quite often arranged by mothers or by the children themselves. Once so arranged, they are presented to the fathers as accomplished facts. This commonly occurred in the families I have observed in Tripoli, Libya, and also seems to lie at the root of the many Germanic laws concerning raptus, which quite often appears to be a form of mutually agreed upon elopement. See, for example, The Burgundian Code, XII.3 & .4 translated by Katherine Fischer in The Burgundian Code: Liber Constitutiones Sive Lex Gundobada; Constitutiones Extravagantes (Philadelphia: University of Pennsylvania Press, 1949): 31; Laws of King Liutprand 114.XI, translated by Katherine Fischer Drew in The Lombard Laws (Philadelphia: University of Pennsylvania Press, 1973): 193. While such laws often apply penalties to the act of marrying without permission, they do paint a picture of what seems to have been a real social problem: how to control women, who obstinately refuse to fall into the pattern of complete patriarchal control.
- 27 Marcel Mauss, The Gift, translated by Ian Cunnison (New York: The Norton Library, W. W. Norton & Company, Inc., 1967).
- 28 Ibid.: 11 et passim.
- 29 Yehudi A. Cohen, The Transition From Childhood to Adolescence: Cross-Cultural Studies of Initiation Ceremonies, Legal Systems, and Incest Taboos (Chicago: Aldine Publishing Company, 1964): 159-74. Cohen looks on the need for privacy itself as an instinct--probably this is an unnecessary complication.
- 30 K. Kortmulder, "An Ethological Theory of the Incest Taboo and Exogamy," Current Anthropology 9 (1968): 437-49.

- 31 Talcott Parsons, "Social Structure and the Development of Personality: Freud's Contribution to the Integration of Psychology and Sociology," Psychiatry 21 (1958): 321-40, especially 331-36.
- 32 Bronislaw Malinowski, Sex and Repression in Savage Society (London: Routledge & Kegan Paul Ltd., 1953): 229-52. A careful reading of this extraordinary passage will reveal that Malinowski has the same doubts about infantile sexuality as I will show. He also relies heavily upon the retrospective aspects of human memory, the tendency I will speak of below of the human adult to reinterpret radically the experiences of childhood.
- 33 The historically oriented reader might well be reminded here of Thomas S. Kuhn, The Structure of Scientific Revolutions (Chicago: University of Chicago Press, 1962). What Kuhn proposes in the body of scientific rules is what I am proposing happens in each individual's complex of rules about the nature of human roles and personal interrelationships.
- 34 I am of course simplifying here. I suspect that the basic tendency to nurture in adults is heavily overlaid by one's own experience as a nurtured child and by the results of one's own political struggle for autonomy.
- 35 Quite often the process of establishing personal boundaries leads us to learn to ignore or even deny this fundamental fact. Exploring this development would probably require an extensive study of the attitudes towards the flesh and the self and how they arise from the complex of instinctive interreactions we are discussing here. But the subject appears so complicated that we will have to reserve it for another, later work.
- 36 Sarles, 641; Bischof, 60-61.
- 37 Bischof, 56.
- 38 I suppose that, in effect, this is what prolonged psychoanalysis does. But even here one could argue that one of the main tools of such analysis is to provide a ready-made mythological system as a substitute for an inconsistent or wildly dysfunctional one.
- 39 That there was such a stance is beyond doubt. Consider the series of letters between Pope Gregory I and Augustine, his missionary to Britain; Bede, A History of the English Church and People, translated by Leo Sherley-Price, revised by R. E. Latham (New York: Penguin Books, 1978): 71-83 (Baeda Venerabilis, Historia I. 27). Among minor questions about church institutions that are discussed, there are lengthy discussions over incest, pregnancy (whether an expectant mother should be baptized), post-partem uncleanness (how soon may the mother return to the church, how soon may she resume sexual relationship with her husband), menstruation (whether a men-

struating woman is too unclean to enter church or take communion), cleansing after sexual relationships, and the accidental sexual pollution of priests. One of the more recent authors to comment on this antifeminine and antisexual stance is Samuel Laeuchli, Power and Sexuality: The Emergence of Canon Law at the Synod of Elvira (Philadelphia: Temple University Press, 1972), who finds it already in force by the end of the third century. He relates it to a general growing hatred and fear of sexuality in the ancient world but admits that at the moment our understanding of this critical issue is vague.

- 40 For the functioning of churchmen acting as societal mediators and the importance of celibacy in the making of such a "holy man," see Peter Brown, "The Rise and Function of the Holy Man in Late Antiquity," Journal of Roman Studies 61 (1971): 1-34.
- 41 Among, for example, the Gonja of West Africa: Esther N. Goody, Context of Kinship: An Essay in the Family Sociology of the Gonja of Northern Ghana, Cambridge Studies in Social Anthropology, no. 7 (Cambridge: University Press, 1973): 73-76.
- 42 Sarles: 634.
- 43 Sarles: 635-38.
- 44 Martin King Whyte, The Status of Women in Preindustrial Societies (Princeton, New Jersey: Princeton University Press, 1978), 130, 159, et passim.

CHAPTER THREE

THE ROMAN BACKGROUND

He came to Further Spain as a judge. While he was travelling around convening court under the authority of the governor and he had come to Cadiz, he happened to view the statue of Alexander the Great in the temple of Hercules and was almost struck down by his own obscurity, since he had done no memorable deed even though he was already as old as Alexander had been when he had conquered the world. He gave up on his tour and determined to return to Rome in order to capture some opportunity for greater things, because in his sleep that following night he was horrified--since he had dreamed he had raped his own mother--and the sooth-sayers had excited his hopes by interpreting that this portended he should hold sway over the whole world, since that mother who seemed to be his alone was in fact none other than the Earth Herself, who is the parent of us all.

Suetonius, The Divine Julius, 7.

We have posited that incest regulations, or at least customs regarding the limits of exogamy, will vary historically in such a way that the wider the range of relatives with whom marriage or carnal relationships are prohibited the lower the level of violent competition for positions of dominance there will be in any given society. But unspoken incest taboos are often very hard to discover, and any estimation of the relative level of violent competition would seem at first glance to be a matter of subjective judgment. Fortunately, our theory also points to other, related indicators of lowered incest aversion. The inability to clarify nurturant and infantile-sexual relationships would naturally lead to a greater sentimentality about motherhood, quite often to a stronger emphasis on mother-goddesses. The image of women would become ambivalent--the dichotomy between virgin and whore would become stronger. In complex societies, some families would have "traditions" of closer inbreeding than others; such families should be identifiable over several

generations. In otherwise stable societies, if our theory is correct, these families would act as disruptive influences and might well be responsible for the destabilization of the society as a whole.

Now, in order to study the incest regulations of the early middle ages, we must at any rate discuss developments in the Roman republic and empire. Fortunately for our research, we may also use this same period for a first approximation test for our thesis. Roman historians have concentrated for generations on the problems of "decline and fall," on problems of societal violence and organizational dysfunction, and on the prosopographic and alliance linkages between the families of the ruling elite. We therefore have a fairly objective set of standards for the levels of violence and non-cooperativeness in the Roman polity in the period stretching from the Hannibalic War to the collapse of the empire in the West.

We must, however, begin by admitting that there were few explicit changes in incest regulations during the entire history of the Roman state. The major bar was on marriage within the patria potestas.¹ That is, all ascendants and descendants were disallowed from inter-marriage, as were collaterals removed only once from a common ancestor (i.e., uncles, aunts, nieces, and nephews). Cross cousins and parallel cousins were for a time also disallowed, but this regulation fell into disabuse sometime in the late republic or early empire, and was not revived until the time of the Christian emperors, Honorius and Arcadius.² Along the same lines of connection through the patria potestas, step-children, step-parents, adoptive children, and adoptive parents were also prohibited.³ Adoptive siblings were apparently held

to be incapable of forming a marriage while both were under the same patria potestas.

Although these relationships seem to include a great number of persons within the ban, they are in fact fairly narrow restrictions, with very few collateral connections. Indeed, they seem to be virtually the bare minimum set of bans structurally necessary for the suppression of intra-familial rivalry. That is, the function of the bans was simply to insure cooperation within the gens. Since the state itself was a sort of alliance between corporate and virtually self-sufficient gentes, we can agree with the alliance theorists at least to this extent: the ban on intra-gentile marriage probably served to relieve competitive pressures within the gens while creating a gentile exogamy which was useful for forming those very alliances which cemented the early republican aristocracy into a single cohesive unit.⁴

By the end of the republic, however, even these meagre bans were being attacked or ignored. The problem of kinship by adoption was never satisfactorily solved; certainly, no aversion was felt against the marriage of siblings by adoption when the adoption had taken place after the siblings became adults. By the end of the republic, even juvenile adoptees had no legal or emotional impediment to marriage, while adoption out of a gens allowed remarriage back into it. Livia, for example, was a Claudian whose father was adopted by a Livius and who herself married a Claudius.⁵ How close she was in blood relationship to her husband is open to question. Augustus clearly broke the same restriction when he married his daughter Julia to his adoptive son Tiberius.⁶ Of course, one could argue that there were good

dynastic reasons for such inbreeding. But before we dismiss such marriages so easily, we should note several features. To begin with, despite the dicta of alliance theorists, we see in these marriages a situation in which close intramarriage has become a more rational solution than outbreeding and alliance. Also, we should point out that the fact that such marriages are "expectable" is in itself an interesting connection between the drive towards monarchy and the willingness to inbreed. But most importantly, we must ask the question of how it came about that certain families could produce individuals who were willing to make such rational marriages, how in fact such marriages were psychologically possible.

The obvious solution to this psychological problem--to examine Roman discussions of incest--will not serve. In fact, there are few lengthy or theoretical discussions of incest per se until A.D. 49, when Claudius requested a senatus consultum to allow him to marry his fraternal niece, Agrippina.⁷ At that time, it was argued that while this was an innovation, other innovations (such as cousin-marriage) had already been allowed, and that expedience would serve as a reason. Still, interestingly enough, the senate allowed marriages with fraternal nieces but specifically disallowed those with sororal nieces--as if, despite the formal patrilineality implicit in Roman law, one's relations through females were considered to be closer to one than those through males. It may of course be that the senate had no desire to contract the ban any more than was necessary to satisfy the emperor. But the increasing importance of imperial mothers in subsequent generations should make us suspicious of such a facile

explanation.

If this discussion in A.D. 49 is the first of any substance about incest, we must ask if there is any other relationship which, as it were, partakes of the incestuous, that might be so closely related to psychological urges towards incestuous behavior that it obscures our view of the matter, by subsuming problems related to incest under a different category, one which at first sight appears to represent a totally different problem. We find such a category when we consider the Roman problems with adultery. Augustus himself was responsible for the Lex Julia de Adulteriis, a law which is usually considered to be a response to the princeps's disgust with the behavior of his own daughter. But since that law predates the death of Agrippa, and therefore most of Julia's romantic adventures, we might well ask if Augustus had more in mind than just controlling her. In point of fact, adultery had become a major social problem in Rome. It was believed that adultery was one of the major threats to the mos majorum, the very fibre of Roman moral character. That is, the Roman matron who gave into the amorous advances of a young man was considered incapable of instilling in her own children a sense of the virtue and fidelity that was required to maintain the republic.⁸ The relationship between sexual fidelity and political fidelity was seen as crucial, and the key to that relationship was seen to be the education instilled in sons by their mothers.

If we can find a relationship between adultery and incest, then, we can, in effect, "save" this Roman viewpoint. That is, if the Roman pattern of adultery contained elements of the incestuous, we should be

able to say that the Romans were at least looking at the same set of problems we have already isolated, albeit from a different definitional angle. What we need is reportage from the interior--self-conscious explorations of what adultery actually meant to the man and woman who participated in it. And we find that that reportage exists, in a purely Roman literary art form which concentrated on adultery and on the young poet's longings for his adulterous sweetheart--the elegy.

Although dependent in some ways on the models provided by the Greeks, the elegy was probably the most uniquely Roman of all ancient art forms. The creators of the form would seem to have been Catullus and Cornelius Gallus. The other major writers in the elegaic tradition were Tibullus, Propertius, and Ovid. It was Catullus who set the themes. His love poems seem about equally divided between castigations of his mistress as an evil and manipulative creature and tender lovesongs witnessing his devotion to her. Interspersed with these are poems about Cybele and Attis (e.g., XXV, LXIII) and poems in praise of virginity (e.g., XXIV, LXI, LXII). These various poems do not represent such a "grab-bag" of various approaches towards sexuality as one might think. The mistress, who is considerably older than the poet, is viewed purely in terms of what we have called nurturant styles. She is the poet's puella, or she is the savage moecha who dominates and tortures him. Catullus III is particularly revealing in this respect. The poem, supposedly about the death of his girlfriend's pet sparrow (passer) mourns the bird's passage through the jaws of death, into that "dark place from which they say that no one ever returns." Because it appears to be one of Catullus' few clean poems, this little

verse has for generations been a favorite of schoolmasters. But in fact the word passer seems to be slang for "penis."⁹ Words used in poems II and III to describe the bird, his motions, his pecking, etc. (nitenti, appetenti, pipiabat, and so forth), all have secondary sexual connotations. Once this has been discovered, it takes little imagination to uncover what that dark place "that eats up all that is beautiful" might be. Amusing as the poem may be, underlying it is therefore a perception of castration in sexuality. It seems not at all surprising that the same poet would effusively praise virginity (and therefore female harmlessness) and worshipfully recount the horrid story of Cybele and Attis.

If Catullus set the themes for elegaic poetry, Cornelius Gallus was credited by the ancients with setting its forms and pattern. We know little of Gallus' life or work. The gentile name Cornelius might indicate that he was a member of a lesser stirps of the Cornelii, or one of their freedmen, or a descendent of a non-Roman chiefly family who had connections with the Cornelii.¹⁰ The cognomen Gallus is usually interpreted to refer to his place of origin, Gallia Narbonensis. As we shall see below, his connection with the Cornelii is in itself suggestive. Right now, we should point to the fact that the term gallus was regularly used for a priest or devotee of Cybele. And even if "Gallus" does refer to his homeland of Narbonensis, it just so happens that the worship of the Great Mother early supplanted emperor worship at Narbo,¹¹ and may have itself been accepted in a syncretism with a native mother goddess. Gallus' political career took him from obscurity to the prefectureship of Egypt, from which he was deposed and executed

on trumped-up charges, because of his "envious and ungrateful" attitude.¹² From this sketchy evidence, some elements do seem to cluster together: He was somehow connected to the Corneli; he was somehow connected with the worship of the Great Mother; he was seminal in the development of the elegaic tradition, which in itself was centered on adultery; he was considered to be envious and ungrateful, which is to say, he had difficulties in giving and receiving, in the whole pattern of reciprocal behavior.

Similar patterns may be seen in the works of the later elegiasts, Tibullus, Propertius, and Ovid. The poet's beloved is married and from ten to fifteen years older than the poet. The poet is continually attempting to intervene between the beloved and her husband, both of whom are old enough to be his parents. According to P. Grimal there is a sado-masochistic relationship between the poet and his mistress.¹³ There is also a confused dichotomy between libertine behavior and the praise of virginity. And there is a constant recurrence of themes relating to the Mother Goddess. For Catullus, this goddess was Cybele. For Gallus, she may have been some Gallic goddess, Cybele, or even--considering the poet's Egyptian connections--Isis. The mistresses, at least, of Tibullus, Propertius, and Ovid were all worshippers of Isis.¹⁴ That Ovid claimed his personal life was above reproach could not protect him from Augustus' sentence of exile; nor would it seem to be an accident that Ovid, so punished for his participation in a literary tradition that glorified adultery, was the last of the major elegiasts.

Given the elements we have mentioned--extreme dependence on nurturant styles of behavior, sexual passion for older women, praise of

virginity, worship of mother goddesses, castration fears, and occasional sado-masochistic outbursts--we are justified in calling this Roman style of adultery incestuous. At any rate, the anthropologist Jack Goody has pointed out that viewing some sorts of behavior as adulterous or incestuous is often merely a matter of societal categorization.¹⁵ The example he uses is the relatively clear-cut one of sexual relations with one's brother's wife, which in one sense is adultery and in another is incest. But it hardly seems likely that this is the only possible example. When we see a consistent pattern that includes attractions to a much older woman and a drive by the younger lover to separate his beloved from her husband, we must, I think, accept that this pattern has a strong element of the oedipal and the incestuous in it. And clearly when this pattern includes a strong emphasis on mother goddesses, we must look at the whole problem of mother goddesses in the Roman society in much greater detail.

In the beginning the Romans seem to have had no Mother Goddess as such. The goddess Venus, a goddess of sexual passion, was perhaps as close as the earliest Romans came to such a deity. But as Roman supremacy in the eastern Mediterranean increased, Venus increasingly took on the role of Aphrodite, becoming a life-giver, if not the life principle itself.¹⁶ Three of the earliest and most important devotees of Venus in this aspect were Cornelius Sulla, Pompeius Magnus, and Julius Caesar, all of whom worshipped her as Venus Genetrix. Of course, Caesar was supposedly descended from Venus (and his funeral pyre was near an altar on the rostrum which "resembled" her), but the claims of the Cornelii and the Pompeii to such a worship were--to say the least--

rather weak. Despite the association of Venus Genetrix with such successful military rulers, her cult was never apparently very great, and very soon she was relegated back to her role as a goddess of lust. In her place, two much more ancient cults were imported from the East by what was to be called the Graecophile faction of the Roman aristocracy--Cybele and Isis.

Cybele-worship was introduced in Rome in 204 B.C., as the result of a supposed consultation of the Sybilline books. The story is that the Romans, unable to expel Hannibal from Italian soil after nearly half a generation, found a prophesy that if the Idean mother were brought to Rome, all invaders would be expelled from her soil.¹⁷ Now, in fact, Hannibal was already virtually defeated. There would seem to have been no good reason for such extreme measures. Still, under the sponsorship of the Claudii and the Cornelii Scipiones, the goddess--a meteoric rock--was brought from Asia Minor. The association of these two gentes with Cybele-worship was maintained for several centuries thereafter.

This Cornelian-Claudian association with Cybele shows up in the careers of the Gracchi, for example. The mother of Tiberius and Gaius Gracchus was the daughter of Scipio Africanus and their sister married Scipio Aemilianus. Tiberius married the sister of Appius Claudius Pulcher, while Gaius married Appius' sororal niece, Licinia. Thus these two Sempronii were tightly bound to the leading stirpes of the Cornelians and the Claudians. Tiberius's political power came, in part, from his patronage of the kingdom of Pergamon, the holder of the original shrine of Cybele, a kingdom ruled by Attalids--whose very name implies descent

from or devotion to Attis.¹⁸ Claudian devotion to Cybele may also have had some connection with the otherwise "pranksterish" involvement of the gangleader Clodius in the rites of the Magna Mater, a scandal that spoiled his usefulness to Caesar. To make this connection even tighter we might point to his sister Clodia, with whom Cicero accused him of incest, who was also involved in the Magna Mater affair, and who is traditionally supposed to have been Catullus' mistress, Lesbia.¹⁹ About the same time, or just a little later, the Cornelian connection shows up in the career of Cornelius Gallus. Once the principate was firmly established, the Claudian gens seems to have taken exclusive control of the Cybele cult. At least we know that Livia was wont to have herself represented as Cybele (even if Augustus was uneasy with the idea of being represented as Attis).²⁰ Probably under his wife's influence, the princeps allowed representations of the Mother on the Altar of the Augustan Peace.²¹ Tiberius and Claudius legislated on the cult of Cybele and recalled with some pride their ancestress Claudia Quinta, whose virtue was supposedly instrumental in bringing the cult object ashore in 204 B.C.²²

The associations of Isis appear somewhat later. We have noted that the sweethearts of three of the elegaic poets were worshippers of Isis. Several attempts had been made in the republican period to import her cult to Rome, but that worship only came to stay in the period of the principate.²³ In fact, we hear only occasionally of the goddess until the Julio-Claudians were overthrown. Then we discover that Otho was a worshipper of Isis.²⁴ Domitian, too, was a worshipper of Isis-- at least he saved himself by disguising himself as one. In fact, the

Flavians gave particular favor to all the Egyptian gods.²⁵

In the age of the Antonines, the aristocracy tended to express things much more abstractly. Yet the view that man is caught up in a dichotomy of nurturance, that he actively controlled others or must remain stoic to the depredations of others on his own self, actually seemed to grow more pervasive in the society. Worship of specific goddesses seems to have percolated down to the lower classes, as Apuleius' Metamorphoses would indicate. Among literateurs and aristocrats the old gods were being replaced by feeble abstractions; the most prominent of these was surely Fortuna, who to all intents and purposes took on the role of the earlier mother goddesses. J. H. W. G. Liebeschuetz has found such a dependence on Fortuna in Lucan and Tacitus, which he attributes simply to a breakdown in the political order.²⁶ A more precise interpretation of this dependence can be found, I should think, by looking at Quintus Curtius' Alexander, in which Fortuna has replaced virtually all the gods as the being by whom all generals swear. Fortuna is she who allows defeat or gives victory. Virtually every one of the set-speeches in this second century history begins or ends with a prayer to or oath by Fortuna. All success and all failure are seen to come from her.

What appears to be happening in these changes of aspect of the goddess is a shift in names and rites, not in psychological reality. Various cults would seem to have been the family possessions of various dynasties. To begin with, the Mother as Cybele was the possession of the Claudii and the Cornelii. Sometime in the second century this ownership seems to have become exclusively Claudian, probably due to the marriages of the Gracchi to daughters of the Claudian house.²⁷

Sulla Felix switched his loyalty to Aphrodite (Venus Genetrix); the subsequent dictators, Pompey and Caesar, followed suit. The marriage of the adoptively Julian Octavianus to the previously Claudian Livia merged aspects of the Magna Mater with those of Venus Genetrix in such a way that the goddesses' maternal aspects were saved while Attis was ignored or suppressed. The overthrow of the Julio-Claudians would seem to have (perhaps necessarily) entailed the overthrow of Cybele worship, but not goddess-worship; in place of Cybele, Isis became the Mother of the Imperial family. And when the Flavians were overthrown, Isis was displaced by the bland, stoic goddess Fortuna. Despite this change of cultic preference, however, the worship of a female deity who controlled one's destiny, who granted all that was good and evil, and who was essentially capricious in her granting of victory or defeat--this worship was maintained until well into the third century.

It would stand to reason that those gentes that had captured a cult of the mother goddess would produce women and mothers who took a particularly aggressive and evident role in Roman politics. This seems to be the case. A certain Sempronia, for example, whose exact connections are unknown but who was quite likely related to the Gracchi and thus to the Claudii and Cornелиi (and who was the probable mother of Decimus Brutus, Caesar's assassin),²⁸ is mentioned by Sallust as being the center of the Catilinarian conspiracy. Clodia, the sister of Clodius, we have mentioned above. There is also Livia herself, whose involvement in the politics of the early principate is well-known. The two Agrippinas, both the daughter of Julia and her daughter, were characterized by their aggressiveness, their ambition, and their

production of sons (Caligula and Nero) whose cruelty, polymorphous perversity, and reputation for incestuous behavior have become almost legendary.²⁹ No one who looks at the dynastic history of the Roman empire can help but be impressed, I should think, by the consistent pattern that that history presents, one of ambitious and dominant mothers and their cruel and perverse sons.

It may of course be argued that accusations of incestuousness or perversity were standard political invective in the ancient world.³⁰ And of course, some might also point to the fact that the Claudians in particular were always depicted as haughty, ambitious, and licentious in Roman historiography. Yet the roots of that historiography hardly extend much earlier than the last years of the republic; quite possibly the stereotypes of earlier Claudian behavior were formed on the model of later Claudian actions; the historians whose work is left to us were writing from the standpoint of the late republic and early principate and with a very static view of social or personal character development. And despite the charges that accusations of incest were standard rhetoric, it is difficult to find any of these "standard charges" being levelled against anyone not closely connected with the Claudians, Cornelians, or Julians. Furthermore, even the most libelous invective must have elements of believability, otherwise such fine rhetoric is wasted. The more efficient way to explain such charges is to accept that on some level they contained an element of truth. Our notion that there is a strong connection between the rise of cults of the Mother, the monopolization of such cults by certain families, the rise of those families to positions of ambition and influence that allowed them to

topple the republic, the predominance of female influence in the subsequent history of Rome, and the charges of sexual perversity--most especially incest--levelled at these families and their close associates and dependents--that notion would seem to provide a more efficient explanation of many of the attitudes and many of the charges levelled against many of the leading members of the Roman aristocracy.

We would not, of course, dream of stating that this shift to more incestuous modes of thought and behavior was the sole element in the fall of the republic or the collapse of the empire. Economic, social, and political malaise quite obviously all played a part in these two, probably related catastrophes. We are however suggesting that a shift in internalized sexual regulations was one of the many necessary causes for the collapse, none of which in itself was sufficient. What we are asking is, "whence came the personal motives behind the Roman revolution?" "why did certain persons opt for competition for power and glory rather than for the more assured rewards of aristocratic cooperation?" "how did it suddenly become possible for certain families to give up a century-long and fruitful tradition of mutual benefit and to aim instead for regnum?"

Several scholars seem to have come close to answering these questions. Arnold Toynbee, in his Hannibal's Legacy,³¹ argued that the Hannibalic War had far-reaching and permanent effects on Roman society. According to Toynbee, the key to the collapse of the republic and to the rotting away of Italian economic and demographic strength which ultimately led to the collapse of Roman control in the West is ultimately to be found in the deracination of the Italian peasantry caused

by the seventeen year war with Hannibal and the wars of the subsequent century of imperial expansion. The countryside was simply robbed of its small peasant farmers, either because their farms were destroyed or because their men-folk were killed or kept absent by extended campaigning. Aristocrats moved into this vacuum, repeopling the countryside with slaves and tenant-farmers, who were not subject to military conscription. As available Italian manpower decreased, the republic had to depend on volunteers of doubtful loyalty, men who could be bought by the most ambitious general. This explanation does depend on a view of human nature that assumes that ambitious aristocrats will always exist to take advantage of deracination. The advantage of our theory is that it explains the mechanism of this deracination, how it is internalized; and since aristocrats were even more likely to be killed or absent from home, it explains how the aristocracy was deracinated to the point that they could bring themselves to use deracinated peasants against their fellow aristocrats.

Such changes in the psychological make-up of the aristocracy ought to be reflected in the rhetoric of the aristocracy. Ronald Syme, in his book, The Roman Revolution,³² concentrates in part on the changes in political rhetoric at the end of the republic. Traditional calls for the preservation of the mos majorum were being ignored in favor of the rhetoric of personal dignitas and clementia. That is, an insult to one's dignity was ample reason for going to war. If one were successful in such a war, one consolidated one's position by granting clemency to the vanquished. Put in the context we have developed, we can translate dignitas as the psychological equivalent to "autonomy"

or "dominance." Clementia in both psychological and practical terms is "nurturance." In short, for these ambitious generals and emperors, the choice seemed to be between preserving one's personal autonomy against any slight or become subjected to nurturance and non-autonomy.

These same political catch-words as well as a general abandonment of the old patterns of alliance and cooperation can also be viewed as symptoms of the rise of (fundamentally amoral) individualism. According to Chester Starr,³³ this rise was associated with an adoption of Greek ideals by certain of the aristocratic gentes (most particularly the Cornelii Scipiones and the Claudii Pulchri). By their assimilation of Greek philosophy, these gentes freed themselves from tradition and began to remake the Roman philosophy and religion in the image of Hellenistic ideals of the individual. Starr sees this "renaissance" of the individual as primarily a good thing, but admits that it caused serious political problems. But how could it be otherwise? Except for those Hellenistic leagues and empires which were built more on military force and naked power than on the ability of aristocrats to cooperate effectively, the Greeks never managed to produce any stable polity which transcended the limited confines of the city-state. Certainly, the most important problem facing every emperor was that he could not trust his generals, Greek-style individualists as they were. Augustus was forced to cut the number of legions in half. Subsequent emperors became ever more stingy of military honors and jealous of military success. Stripped down to too few legions, with victory denied to them, the frontiers were made exceptionally vulnerable to the inroads of barbarians. And when centuries of Roman

incursions into the Germanic homelands had deracinated those peoples into aggressive and untrustworthy neighbors, the empire had no satisfactory defense.³⁴

In discussing the aristocracy of the second century, Peter Brown assesses the problem head-on.³⁵ Once the principate had been firmly established, the ruling class, "which had been committed for generations to competitions in power, honor, and reputation," turned for a while to basing their conflicts within the framework of the Antonine hierarchy of power. But when the rewards of such ordered and channelled competition began to fail in the wake of economic and demographic dislocation, the "old-fashioned decencies" that had veiled this struggle collapsed. And with them collapsed political order. Brown finds a consistent behavior pattern among these aristocrats; when they lost control, when cooperation became too difficult, they would break down into infantile fits of anger, biting, and kicking--usually directed against dependents and almost always followed by masochistic gestures of atonement.³⁶ In the handbooks on dreams published in the second century, Brown finds a consistent dream which was supposed to indicate future political misfortune, in which the dreamer dreams he is urinating on his political friends or on the people gathered together in the stadium to watch the various violent competitions. Such dreams and such infantile behavior indicate for certain an aristocracy in the process of almost psychotic deracination.

Viewed outside of the long, historical time-framework, this breakdown in the psychological stability of the aristocracy is inexplicable. Viewed as a link in the chain of historical events, this change suddenly

makes a great deal of sense. The very stresses which were induced to build and defend an empire came back to ensure its destruction. There is a certain justice in this internal process of rise and fall, so much so that it might be held suspect as a glib truism. For that reason it is important to remind ourselves that we have described the process in detail. The conflicts which weakened and destroyed first the republic and then the empire were not simply the result of the temptation presented by the vast wealth and power that the empire brought. If anything, one would suspect that the richer the loot the less violent the competition would be over divvying it up. If men were basically reasonable, an equitable division of the empire could have continued. If men were basically competitive and untrustworthy, the empire would have never been gained. If men were basically trustworthy, the empire would never have fallen. The truth is that, in this realm of discussion at least, men are not basically anything. Human nature as we generally understand it is the product of a somewhat delayed response to environmental pressures.

This response is delayed because it in itself is bound up in a multi-generational shift in the political dynamics of the family and the changes in ideals and personality styles that that shift brought about. In discussing classical Rome, we have seen that some families were more advanced in their assimilation of such changes than others. Other families and individuals, of course, were particularly reticent in changing.³⁷ But the ultimate result was what Michael Grant has called a "persistent thread of disunity," which ultimately undermined the empire.³⁸ The fatal blow to the West came in the chaos of the

third century. Even though political control was reasserted in the West in the fourth century, that region was already shattered, its cities destroyed, its commerce dead, its peoples more than decimated.³⁹ In fact, what happened in the West was so severe and so long in happening that a whole new deracination was set into motion. When we look at the synodal records and ecclesiastical letters from the fourth and fifth centuries, we can gain a picture of extreme social disarray. Along with that disarray we find demands for increasing strictures on lapsed virgins, calls for clerical celibacy, and attempts to rebuild the most basic incest prohibitions. In many ways it looks as if the family itself had to be re-invented.

NOTES FOR CHAPTER THREE

- ¹ J. A. C. Thomas, Textbook of Roman Law (New York: North-Holland Publishing Company, 1976), 421 (hereafter, Thomas, Textbook); Gaius, Inst. 59-61; Justinian, Inst. I.10.1-.2.
- ² Justinian, Codex 5.4.19; 5.8.1; Tacitus, Annales XII, 6.
- ³ Thomas, Textbook, 422.
- ⁴ This point was made as early as 1864 by Numa Denis Fustel de Coulanges, The Ancient City, Willard Small, trans. (Garden City, New York: Doubleday & Company, Anchor Books, 1955) (hereafter, Foustel de Coulanges).
- ⁵ Suetonius, Tiberius 3.
- ⁶ Suetonius, Augustus 65; Tiberius 7.
- ⁷ Tacitus, Annales XII, 5-6; Suetonius, Claudius 26. The closest thing to a discussion before this date would be Cicero, De Legibus ii, 9 (22), which proscribes incest as a capital crime against the gods, punishable by the pontifices. Several Catullan poems do accuse enemies of incest, but how seriously these are to be taken, except perhaps as projection, is open to question; Catullus, Carmina XC, CXI, etc.
- ⁸ J. H. W. G. Liebeschuetz, Continuity and Change in Roman Religion (Oxford: Clarendon Press, 1979), 93-95. (Hereafter, Liebeschuetz). Horace, Odes III, 6. Compare this to Catullus, Carmina XC, which mocks the supposed incest of Gallus (N.B.!) by predicting a prodigious birth.
- ⁹ This was first pointed out to me by Professor Ian Thomson, formerly of the University of Oklahoma Classics Department.
- ¹⁰ Ronald Syme, "The Origins of Cornelius Gallus," in Ronald Syme, Roman Papers, two volumes, E. Badian, ed. (Oxford: Clarendon Press, 1979), 1: 47-54.
- ¹¹ A. von Domaszewski, "Magna Mater in Latin Inscriptions," Journal of Roman Studies 1 (1911): 51-56. For priests as galli see, e.g., Otto Kiefer, Sexual Life in Ancient Rome, Gilbert and Helen Highet, trans. (London: Routledge & Kegan Paul, Ltd., 1938), 191 (hereafter, Kiefer).
- ¹² Suetonius, Augustus 66.
- ¹³ Pierre Grimal, Love in Ancient Rome, Arthur Train, Jr., trans. (New York: Crown Publishers, 1967), 168 (hereafter, Grimal). Using

Propertius as the extreme example, Grimal notes the sado-masochistic flavor of many of the so-called romantic encounters in the poems, and reminds us of Propertius' expressed desire to be treated by his beloved as if he were her child or her brother.

- 14 Guy Fau, L'Émancipation Féminine dans la Rome Antique (Paris: Société d'Édition "Les Belles Lettres," 1978), 101; p. 99: "The emancipation of women seems to have been bound up with the practice of secret rites, one of which could not have helped but have been that of Isis." Ovid's favor towards this cult was probably what led to his exile: "What else could explain Julia's conduct and Augustus' rigor?"
- 15 Jack Goody, "A Comparative Approach to Incest and Adultery," British Journal of Sociology 7 (1956): 286-305.
- 16 Grimal, 42-45.
- 17 Livy, History xxix, 10-14.
- 18 Ernst Badian, Foreign Clientele (244-70 B.C.) (Oxford: Clarendon Press, 1958), 173-74; Plutarch, Tiberius Gracchus 14.
- 19 Plutarch, Cicero 29.
- 20 Maarten J. Vermaseren, Cybele and Attis: The Myth and the Cult, A. M. H. Lemmers, trans. (London: Thames and Hudson, 1977), 178. For details of the genealogical relationships described, see Appendix A. Note especially the brother-sister pairings in three of the generations of the Claudii; if Claudia Quinta was a special functionary of Cybele in her generation and Clodia was one in her day, we might also expect that the Claudia who married Tiberius was also such a functionary--the heir to all Pergamon bringing that kingdom to the priestess(?) of a Pergamese goddess.
- 21 Chester G. Starr, Civilization and the Caesars: The Intellectual Revolution in the Roman Empire (New York: W. W. Norton & Company, The Norton Library, 1965), 51 and plate IIb.
- 22 Claudius also showed special favor to the "Venus" of Mount Eryx in Sicily; Suetonius, Claudius 25.
- 23 Kiefer, 127.
- 24 Suetonius, Otho 12.
- 25 Liebeschuetz, 181.
- 26 Ibid., 142.
- 27 It should be noted that Tiberius Gracchus was dispatched by a Scipio Nasica, a lineal descendent of that Nasica who was chosen

to lead the goddess into the city with Claudia Quinta. A disgruntled jealousy may have been part of his motives, then, or an insistence by the Senate that the faction clean its own house.

- 28 Ronald Syme, Sallust (Berkeley and Los Angeles: University of California Press, 1964), 133-34.
- 29 Note that Caligula's mother, Agrippina I, had virtually lost her father to public service under Augustus; Nero's mother, Agrippina II, lost her father when she was four years old.
- 30 J. P. V. D. Balsdon, Roman Women: Their History and Habits (London: The Bodley Head, 1962), 115-16. For attested inbreeding in the Julio-Claudian line, see Appendix B.
- 31 Arnold J. Toynbee, Hannibal's Legacy: The Hannibalic War's Effects on Roman Life, two volumes (London: Oxford University Press, 1965).
- 32 Ronald Syme, The Roman Revolution (Oxford: The Clarendon Press, 1939), esp., 57-58, 152-57 (hereafter, Syme, Revolution).
- 33 Starr, esp. 17-18, 255-77.
- 34 On the inability of Roman generals to cooperate, even during the late republic, see Syme, 211f. On Roman deracination of Germanic society, see the beginning of chapter four, below, and William S. Cooter, "Pre-industrial Frontiers and Interaction Spheres: Prolegomenon to a Study of Roman Frontier Regions," in David Harry Miller and Jerome O. Steffen, ed., The Frontier: Comparative Studies, vol. 1 (Norman, Oklahoma: University of Oklahoma Press, 1977), 81-107 (hereafter, Cooter, "Frontiers").
- 35 Peter R. L. Brown, The Making of Late Antiquity (Cambridge, Massachusetts: Harvard University Press, 1978), 38-47.
- 36 Ibid., 40.
- 37 Quite possibly, the emperor Augustus was one of the few leaders attempting to reestablish cooperation in any meaningful way. The Lex Julia de Adulteriis, his expulsion of new men and foreigners from the Senate, and his general swing towards Catonian and Pompeian models would appear to be part of such a policy. Suetonius, Augustus 66, says that the princeps was very faithful in friendships. Perhaps most telling was his attention to muting competition in small things like dicing; *ibid.*, 71.
- 38 See the remarks of Michael Grant, The Fall of the Roman Empire: A Reappraisal (Radnor, Pennsylvania: Annenberg School Press, 1976), 10 *et passim*.
- 39 See, e.g., David M. Nicholas, "Medieval Urban Origins in Northern Continental Europe: State of the Research and Some Tentative Conclusions," Studies in Medieval and Renaissance History 6 (1969), 53-114.

CHAPTER FOUR

OUTLAWING AFFINEAL INCEST:

RESTRUCTURING THE ARISTOCRATIC FAMILY IN THE WEST

The picture still commonly held by educated non-specialists of the fourth and fifth century family--both the Roman and the Germanic--is one of rather extensive patrilineal clans or familiae.¹ In such clans, the senior individual in the senior line rules, perhaps on occasion basing his decisions on the advice and consent of other members of the family, but nevertheless in almost absolute control of the familia--his wives, his sons, their wives, the family slaves and retainers, and so forth. There is some reason to doubt the correctness of this neat picture of patriarchal authority. While this particular dissertation cannot go into all the variations of family structure possible during the period, we can suggest that the patterns of incest aversion adopted by a society say a lot about the structure of the family in that society. As we will see, the fourth through sixth centuries saw a radical change in the structure of societally sanctioned definitions of incest. And there is a general trend in the changes in these regulations that suggests that extensive patrilineages were only beginning to be invented in this period. Whatever the ur-Germanic or ancient Roman clans may have looked like, whether or not they were similar to those family structures that began to emerge under the Carolingians, there is little or no evidence of the historical continuity of such structures in the late ancient or early medieval periods. Indeed, there is quite a bit of evidence to suggest that such family structures had broken down completely in the second and third centuries and that

the subsequent centuries saw an intentional radical restructuring of the Western familia, making it more patrilineal and patriarchal, more powerful and all-encompassing than it had been in centuries.

Among the Romans, lineage through the mother had--as we would have expected--become more and more important during the first and second centuries.² Indeed, women had been allowed to keep a great portion of their own property, and should they predecease their husbands, that property was to be held in reserve for their own children.³ But from the end of the third century, restrictions began to be placed on this sort of inheritance. In AD 319, for example, Constantine removed the restrictions which kept fathers from making use of property that their children had inherited through the children's mother.⁴ Constantine also eliminated the legal penalties directed towards celibacy and childlessness,⁵ and he limited the right of accusation of adultery to husbands and near kinsmen.⁶ In short, after the chaos of the previous century, the relationship between husband and wife and the accepted range and power of the family were beginning to undergo redefinition. Other laws affecting the familia are in evidence, as well. A Novel of Valentinian expressly forbade the fleeing of servile members from the familia as a particularly heinous form of ingratitude.⁷ Fugitive coloni were to be returned.⁸ Freedmen might be reinslaved for showing ingratitude towards their former masters, or towards the children of those masters.⁹ Freedmen might not accuse their former masters of capital crimes.¹⁰ And so on...

Out of all these various regulations, a picture of the familia of the fourth and fifth centuries does emerge. To a great extent, the

non-servile members of the familia consisted of a rather small nuclear family with generally only one adult generation in residence. No one outside this nucleus, with the possible exception of very near kinsmen, had any right to interfere with its workings. Even the government's traditional right to attempt to secure a higher birthrate was abrogated. Agnatic succession and paternal control were being reasserted. The dependent retainers of the familia--slaves, coloni, and freedmen--were to be more thoroughly subordinated. Women's rights were to be kept in check. The enemies of lineage survival, celibacy and childlessness, were no longer to be considered of concern to the state, ironically just at that time when the state was beginning to attempt to reestablish a more extensive structure of patriline. No doubt these restrictions would have been kept had it not been for a concurrent rise in the social appreciation of the supposed spiritual value of celibacy and mortification of the flesh.¹¹ Even so, the general trend towards patriarchal control and agnatic succession can be illustrated by a late fourth-century letter of St. Ambrose.¹² In AD 393, a generation before any supposed agnatic Germanic presence was in Milan, Ambrose was called upon to judge a situation in which a father (possibly a Roman governor in Africa) had attempted to force his son to marry a girl who was the boy's own niece. The father had married two women and wished the son of one marriage to marry the daughter of a daughter of the other. When the son objected, the father pointed out that the two to be married had no direct paternal relationship and that there was therefore no kinship between them. Needless to say, Ambrose took the son's side. But the point is that among the Romans at least some prominent

individuals by the end of the fourth century were already beginning to perceive kinship as agnatic and not cognatic.

Among the Germans, despite traditional viewpoints, there seems to be little real evidence for any extensive clan structures. Certainly by the time there are recordings made for their kinship terminologies, we find that that terminology is much more sparse than that of the Romance languages. Anglo-Saxon, for example, uses the same terminology to describe both patrilateral and matrilateral cross-cousins and parallel cousins, hardly the sort of usage one would expect from a group that was arranged into strong agnatic clans.¹³ This lack of appropriate terminology could of course be the result of the fact that many of the Germanic groups were recently migratory and that clan structure had been disrupted by the migrations. But even among the primitive Germans, the evidence for extensive kinship networks is vague. Tacitus does report that there were strong emotional ties between sister's sons and maternal uncles but that inheritance was through the patriline.¹⁴ But in no place does he imply any more wide-ranging relationship than ascendants, descendants, and first generation collaterals. Even the feud seems to be inherited only through the father or other "close kin." All of the evidence taken together gives no justification for the idea of a primitive structure of patriarchal bands.

In examining the most primitive Germanic laws left to us, Katherine Fischer Drew finds that most of this law must be understood in the context of the new situations the various Germanic peoples found themselves in when it became necessary for them to write down their laws.¹⁵ While she admits that customs like compurgation and the blood-feud might

indicate an earlier heritage of clan organization among the Germans, she attributes the character of the laws as we have them to the need to delineate expressly the rights and obligations of peoples confronted with a pattern of settlement in relatively small family groupings. In short, there is in Drew's work an impression of considerable change and development in inheritance, blood-feud, and compurgation procedures--all of which are tied, of course, to family structures--at exactly the same time as we have posited (based on our study of incest regulations) a change in internal family organization. The base on which all of these customs, old and new, were built was the kindred, a shifting and poorly defined group of close relations. The kindred was ego-centered, and therefore varied from person to person; it was not a corporate body to which one belonged. And there seems from the records to be very little way to tell directly who, beyond one's own parents, siblings, and offspring, were considered kindred for any particular purpose. All we can say is that the kindred was that group of individuals upon whose goods or person one felt one had a claim or who felt they had a claim on one's own goods and person. Such a notion is not incompatible with the structure of the family which we seem to have found among the Romans, and it is highly likely that there was little perceptible difference in Roman and German views of the kindred by the end of the fifth century.

When we look at the earliest German law codes, we find that the extensions of the kindred are very poorly defined indeed. At first glance, the Lex Visigothorum would seem to be an exception, but it is plainly influenced by late Roman legal commentaries.¹⁶ Even with this influence, the law is confused. The normal pattern of Germanic law is

simply to list a few close and obvious kin relationships (parents, offspring, siblings, parent's siblings) and then to close the section of the law with a catch-all phrase like "and other near kin." The Visigothic Law adopts the Roman method of counting degrees and then attempts to define who is included under each degree. But beyond the third degree, the code's compiler seems to have run into serious problems. Clearly, he is copying from sources he does not fully understand, and he is afraid to change their wording even if it seems inconsistent. The closing phrases of sections four, five, and six (on the fourth, fifth, and sixth degrees) read: "This cannot be put more clearly." "This cannot be presented except in these very words." "It is impossible to explain this more clearly than I have already done." In the fourth degree consobrini are listed as being only the children of two sisters; but then in the same section they are listed as the children of the maternal aunt or the maternal uncle. Sobrini are listed in the fifth degree as the children of great aunts and great uncles on both sides. But in the sixth degree we find consobrini listed as the children of sobrini. Part of this problem can be solved if we conclude that all same generation collaterals were to be called consobrini. But we still have no hope of untangling the self-contradiction in the fourth degree. We can posit that the confusion has something to do with trying to keep a consistent terminological system alive in the face of a change from bilateral kinship to agnation. But the most certain thing about this code is that the author was himself uncertain about the compilation he had made. If this is our best example, we must, I think, conclude that the Germanic peoples had a

very vague notion themselves about what constituted the kindred.

If we look ahead to the eleventh and twelfth centuries, we find that the descendents of these peoples had an extremely well-defined notion of their place in the kindred.¹⁷ In fact, much of our notion of primitive German kinship would seem to come from perhaps too much enthusiastic reading backwards from later centuries. In reality, it seems quite likely that such structures were not hold-overs from primitive customs but were rather the culmination of several centuries of conscientious innovation and invention. The questions we should ask, then, are not those about the primitive origins of extensive kindreds but about how it happened that those kindred networks came to be invented. How do we get from the agnatic, more or less nuclear family of the fifth century to the relatively wide bilateral kindreds of the eleventh? Certainly one of the most important devices in effecting such a change must be a change in incest regulations. Almost by definition, since incest is the act of having sexual relations with someone who is one's own kinsperson, every relationship added to the general ban on incest increases the range of those persons who are in one's kindred. Any such widening will have that effect to some extent. But some particular types of widening might well have more political and social effect than others.

Consider again our remarks in Chapter Two. Narrow kindreds and narrow ranges of incest aversion would seem to be related to the relatively high levels of early medieval intrasocietal violence. If we assume--and for this period there is no evidence for any other assumption--that the church's aversion to sexuality is its primary motivation

for extending incest bans, we still do not have to assume that secular rulers were extending the bans for the same reasons. That is, churchmen might well be operating by the semi-conscious psycho-sexual criteria we outlined above, while at the same time the ruling members of the aristocracy were attempting to mold the direction of society in such a way that the alliance theorists we have discussed would immediately understand. In that case, we should find the church attempting to extend the bans uniformly, while the state was concerned with extending the bans on particular kinds of relationships. And given the fact that the immediate problem facing secular rulers was how to control thousands of distinct individuals, we should not be surprised to find that these rulers were most enthusiastic about including sexual relationships with affines within the definition of incest. After all, under primitive conditions, the easiest way to rule individuals is to organize them into extensive agnatic clans and then to rule the clans. And as Malinowski pointed out, incest regulations serve to mute competition within families over sexual issues, which competition would otherwise undermine the unity of the family.¹⁸ Given that bans against mothers, daughters, and sisters are already in place, the next step for an agnatic clan is to ensure that the males in the family will not find themselves competing for the same women. That is, the next step is to introduce a whole series of bans on sexual relations with one's brother's wife, one's son's wife, and one's father's wife. Thus the state, in the hope that it can control the society by organizing it into internally harmonious agnatic clans, will focus on installing strong regulations against incest with affines.

Put simply, we should (and do) find that, while the church and the state were working hand in hand to prohibit incest among affines, the church's interest would not be so strong as the state's. With very few exceptions, it is the state that initiates the widest demands for extra-affineal marriage and which prescribes the harshest penalties for violation of the ban. The church's concern with affineal incest seems by contrast rather derivative, stemming more from a desire to outlaw any sexual activity it can rather than by any special concern for affineal relationships. That at least was the original position. There finally came a time when the state had succeeded only too well, when some of the families that they had fostered were operating with such internal harmony that they presented a severe threat to the ruling families. But by this time the church had integrated the idea of outlawing relations with affines, as it were, into its conscience. Thus by the ninth century, it was the church and not the state that had taken the lead in formulating regulations concerning affines.

A survey of the synods and decrees in the third to the ninth centuries would seem to bear out these conclusions. The church's role is very limited until the reign of Pope Zachary in the eighth century. That reign coincides (more or less) with the final victory of one magnatinal family--the Carolingians--over all the other families in the Frankish empire. After the mid-eighth century it was the church which took over the leading position in regulating sexual and marital relationships between affines. The church had to contend with the scriptural injunctions in Leviticus and Deuteronomy,¹⁹ and it also had to retain a

reasonable level of self-consistency with its earlier decrees. Furthermore, the church was concerned with maintaining bilateral consistency in the regulations. While the Biblical injunctions and many of the secular decrees seemed designed to build and safeguard the patri-line, the church's intent was to restrict what it considered to be sexual excess on either side of the family.

There are two phases of legislation clearly discernible in the period covering the first eight centuries of Christianity. In the first, we find a rather rapid development of regulations that seem to be bringing the practices of the church in line with the secular law of the third and fourth centuries. In the second phase, we suddenly find that these earlier decrees are left in abeyance. There is a general retrogression in the extent of the regulations in the late fourth and early fifth centuries, followed by a rebuilding of--and sometimes considerable extension of--the previous regulations. In general, as we will see, this observation holds good for regulations concerning affineal incest, collateral incest, and incest with spiritual kin. But the process is least clear in the matter of affineal incest, quite probably because the church had not elaborated the ban that much to begin with. Still, in 236 Pope Fabianus had outlawed marriage to a deceased wife's sister or a deceased brother's wife, and though the Latin is unclear there seems to be an added restriction that anyone related to the deceased to the fourth degree was also to be banned.²⁰ It is hard to be certain about this regulation, which appears only in a canon law collection a thousand years later. The Council of Elvira in 309 banned only a wife's sister or a wife's daughter.²¹ In 314 the

Council at Neocaesaria outlawed relations with the brother's wife.²² In the late fourth century Pope Julius I, legislating primarily for the West, added the wife of any consanguine (degree unspecified) to these restrictions;²³ the East would seem to have followed suit: in a letter Basil of Caesaria outlawed the brother's wife, wife's sister, and father's wife, assigning to breakers of the ban, interestingly enough, the penalties due to adulterers.²⁴ And in 402, a council at Rome under Innocent I added one's mother's brother's wife (uxor avunculi) to the ban.²⁵ The penalties set at this council were the same as those for fornication in general.

In this early phase of regulation it is clear that the church had not yet subsumed the notion of sexual relations with affines under the category of incest. Further, if we take the decrees of Julius I and Innocent I together we have to conclude that it had become a matter of debate whether maternal relatives were to be included in the kindred. Technically, in Roman law consanguines were lineal ascendants and descendants on the father's or on both sides along with their immediate siblings. Thus, the mother's brother could have been considered as much of a consanguine as the father's brother. The fact that the mother's brother had to be mentioned specifically so soon after Julius' decree would indicate that the society was undergoing a rapid shift away from a bilateral notion of the kindred.

The next evidence of clerical concern with this problem of affineal incest comes in the sixth century. The beginnings of this new concern were very modest. A council at Orleans in 511 simply referred to the prohibitions concerning the wife's sister and the brother's wife.²⁶

But political events soon began to bring the question to the fore. It seems that a certain Stephen, a chief financial officer in Burgundy, had married his deceased wife's sister Palladia. A small council met in the spring of 517 to declare this union invalid and to insist that Stephen and Palladia be separated.²⁷ In September, a larger synod was held at Epaon, at which all manner of sexual problems were discussed. Incest with affines was still to be dealt with as a form of adultery.²⁸ Relations were to be disallowed with the brother's wife, father's wife, father's brother's wife (relictam patrui), mother's brother's wife, and the sister by the same mother and father of one's own wife (fratergermanam uxoris). In 533 another Synod at Orleans followed suit somewhat by adding the father's wife to the previous decrees made at Orleans.²⁹ In all cases, the punishment was separation and penance for an undefined period of time.

Stricter forms of punishment very soon became evident, however, apparently at the same time that sexual contact with affines became firmly fixed as a genuine form of incest. At Clermont in 535 a synod held as a part of Childebert's conquest of Burgundy declared that connection with one's brother's wife, wife's sister, wife's daughter, mother's brother's wife, or father's brother's wife was to be considered incestuous; the perpetrators were to be expelled ex ecclesiae matris.³⁰ Note that this movement from penance to excommunication and from being defined as adultery or fornication to being defined as incest took place under royal aegis.

Possibly in response to this synod at Clermont, or in preparation for the upcoming synod at Orleans, several letters seem to have passed

between Pope Silverius and Caesarius of Arles concerning the problems involved in the marriage of affines, in particular the problem of the brother's wife.³¹ In some cases this could be the levirate, sanctioned by the Old Testament, and therefore not only not forbidden but required. Nevertheless, it was agreed that all such marriages should be considered illegitimate. Rather, the church decided to reinstate the full strictures of Old Testament law without the exceptions provided by scripture. Caesarius himself was present at the third synod of Orleans (538), which did reinstate all these prohibitions--father's wife, wife's daughter, brother's wife, wife's sister, father's brother's wife, and mother's brother's wife.³² In recognition of the novelty of this full reinstatement, the synod did allow those who had already married in ignorance of these provisions to remain married. In 557 a council at Paris repeated the same prohibitions, adding only the wife's daughter's daughter.³³ And in 567, the second Council of Tours summed up all of these prohibitions by reissuing the pertinent passages from the Scriptures, the canons of Epaon, and those of subsequent synods.³⁴ On the face of it, the provisions of this council should have been adequate. But in fact there is evidence of some resistance to the decrees. In 585, for instance, a local council at Auxerre limited itself to prohibitions within the nuclear family--father's wife, wife's daughter, brother's wife, and wife's sister.³⁵ A decree from the last decade of the sixth century attributed to Gregory I takes a major step backwards by prohibiting only the wives of nuclear agnates--father's wife, son's wife, and brother's wife.³⁶ A canonical letter circulated at the same time adds only the wife's mother to the list.³⁷ The explanation for

these changes is somewhat complex. Even the most basic prohibitions seem to need reissuance from time to time. Isolated local groups were brought along more slowly than the main centers of secular and ecclesiastical control. Where political control is less evident (and in some ways we must consider Gregory a politician) there is more of a tendency to fill in the gaps, to maintain a generational symmetry in the regulations. Thus, if father's wives are outlawed to sons, then son's wives should be outlawed to fathers; and if daughters-in-law are outlawed, so should mothers-in-law be banned. Once such a symmetry was established, a full century would lapse before the church would deal with affineal incest without secular prodding.

The church's renewed interest in the problem would seem to be related to the late seventh century influx of Celtic monks into Europe. These monks brought with them a tradition of the use of penitentials, comprehensive handbooks to be used to assign penances for every conceivable sin, which penitentials were to become, especially through the agency of Hrabanus Maurus, the major tool of clerical control of morality in the subsequent middle ages. One of the earliest works in the literary tradition of the penitentials was the one supposedly written in Britain by Bishop Theodore. In it we find that no one may marry anyone who has been married to any relative within the third degree.³⁸ This is simply the basic ban which the continental church had settled upon. But some editions of this penitential add symmetry to this decree by stating that no one may marry anyone related to his wife to the third degree.³⁹ This latter prohibition meant that a wife's niece, aunt, grandmother, and granddaughter were also to be banned.

Possibly, the only reason for this ban was to provide symmetry, but there is at least one piece of evidence that indicates that the marriage of affines had a peculiar significance to the Britons. In the Anglo-Saxon Chronicle it is mentioned that in 616 King Eobald reverted to paganism and so married his father's widow.⁴⁰ This reversion and the king's incest are treated as if they were synonymous; it is tempting to speculate that in Britain the remarriage of affines was an intrinsic part of some particular pagan custom or rite. In any case, the Celtic tradition seems to have opened up more questions of what qualified to be defined as incest. At the same time, the penances set in the penitential tradition were relatively light. By the 730's even the Roman tradition was falling into line with this light treatment, penance to continue for only five or ten years in most cases.⁴¹

The secular tradition is much more harsh in the early years at least. According to the Theodosian Code marriage to a brother's wife, whether widowed or divorced, or with a wife's sister was prohibited; the offspring of all such marriages were to be considered illegitimate.⁴² Under Honorius and Theodosius such connections were classified as incest.⁴³ Justinian's Codex strikes down the levirate, even if the widow is a virgin.⁴⁴ The Institutes prohibit marriage with a wife's daughter or a son's wife, equating them both with one's own daughters, and they also prohibit marriage to a father's wife or a wife's mother, equating these with one's own mother.⁴⁵ They do allow, but specifically discourage, marriage to the daughter of an adopted daughter or the daughter of a former wife.

The Germanic law codes also became increasingly stringent on this matter. The Burgundian Code, probably the oldest of those extant, mentions as incestuous adultery only fornication with parentes (kinsmen) and with the wife's sister.⁴⁶ Nothing is said about remarriage; the wording of the law implies that the wife is still alive. The penalty for violation of this law was a twelve solidi payment and the enslavement of the sister to the king. The Visigothic Code is also aimed at sexual rather than marital relations. In it, no one may have sexual relations with a woman who has had sexual contact with his father, his brother, or his son.⁴⁷ Violation of the law was to be punished by loss of all property, exile, and penance. Under Rothair, the Lombards were prohibited from marrying the wife of a father or brother and the daughter of a wife, on penalty of a one hundred solidi fine for the man and the loss of half the woman's mundium.⁴⁸ The eighth century Lex Alamannorum included a clause absorbed into the Lex Baiuvariorum which called for loss of property and enserfment to the fisc for anyone marrying his wife's mother, son's wife, wife's daughter, father's wife, son's wife, or the wife of any cognate.⁴⁹

Several points can be made about this set of early Germanic codes. To begin with, the older the law code is, the more limited the extent of definite affines who are listed as sexually inaccessible. Also, the earliest laws concern themselves with the spouses of living relatives and are about fornication (i.e., sexual competition) rather than about remarriage. And the penalties in these codes are exceptionally extreme. Many of the differences between papal and governmental attitudes can be seen in a decree of Liutprand's.⁵⁰ Acting under papal

urging, he decreed that connections with one's father's wife, brother's wife, wife's daughter, or wife's sister were illicit, and that the children thereof were illegitimate and could not inherit. At the same time, a Council at Rome declared that marriage with the wife of a brother, father, son, or any other cognate was anathema.⁵¹ Strangely, it is the Lombard decree that seems more bilateral, and I must admit that this particular case is difficult to explain. Possibly, we have here a Papal-Lombard quid pro quo, but that cannot be proven. The papal regulation is three generations deep, while the Lombard one is only two deep. If these two decrees are related, I would suspect that the papal one is attempting to deal with a wider range of peoples than just the Lombards and is therefore dealing with many more localized centers of reticence or social inertia than that of the Lombards. The Lombard decree, on the other hand, contains nothing in it that was not already in the laws of Justinian and Theodosius. Liutprand was giving away nothing to accede to the request of the pope. Just as importantly, the penalties demanded by these two decrees are of wholly different levels of severity. The Roman code anathematizes the act of incest. The Lombard decree punishes the actors in an incestuous connection. The church allowed penance; the state doled out perhaps the worst punishment short of death or exile that it could.

The historian of Italian Law, Carlo Calisse, looking perhaps too exclusively at the Germanic component in these laws, has concluded that there was one primitive German punishment meted out to all perpetrators of incest, and that was exile.⁵² Harsh fines, demotion to servile status, the loss of legitimate heirs--he sees all of these as simply

mitigations of the original penalty. Yet, by and large these penalties are confined to violators of bans against intra-affineal connections.⁵³ And these connections were only beginning to be seen as illicit in the fifth and sixth centuries. Our argument is that the Germanic rulers of the period were faced with an anomic horde of individuals, their own former warbands, over whom they wished to set up a systematic system of rule and the most convenient system available was that of setting up powerful extended family groupings who could be dealt with as corporate bodies. From this argument, the harsh penalties against intra-affineal incest make sense. One simply could not allow the competition between brother and brother or between father and son over the same woman to destroy the corporate body of the family. Over and over the first step towards developing a stable kingly line was to ensure that the disharmonies brought about by affineal incest were muted or eliminated. This is not just true of these earliest Germanic groupings: the modus vivendi worked out in the ninth or tenth century between the Danes and the nascent Saxon kingdom included one prohibition against syblegerum (incest), viz., against two brothers lying with the same woman.⁵⁴

Early Frankish law shows this harshness very clearly. None of the early versions of the Salic law concern themselves with the problem of incest between affines. The first royally sponsored regulations would seem to be those mentioned above that were adopted by the synod at Clermont in 535. It would seem safe to assume that very similar, if not precisely the same regulations were in effect for the nucleus of the Frankish territory. A decree by Childebert II in 595 made connections with one's brother's wife, wife's sister, and father's brother's

wife illegal; connection with one's father's wife was punishable by death.⁵⁵ In 613 Chlothar II added an edict to the canons of the fifth council of Paris, calling for death to those who forced illicit marriages; some of the illicit forms of marriage listed by this council were those with one's brother's wife, wife's sister, wife's daughter, father's brother's wife, and mother's brother's wife.⁵⁶ Thus, down to the time of the last effective Merovings we find an increasing stringency directed against affineal intermarriage and incest. The very fact that Chlothar's descendants became the virtual captives of families of magnates who were able to cooperate as families in gaining military and political honors would indicate that this strategy worked only too well.

Indeed, we find from the time of Dagobert on a "softening" of the decrees against affineal connections. In a capitulary of 630, Dagobert calls only for separation of those who have married their wife's mother, son's wife, wife's daughter, brother's wife, wife's sister, or even their father's wife.⁵⁷ It is almost as if, once the familiae had been firmly established, the stringency of the law could be relaxed. Indeed, so much as tradition would allow, it was to the advantage of the ruling family to search for more controllable institutions than the familia and to allow a loosening up of familial ties. At any rate, the problem seems to have been studiously ignored for over a century. When it surfaces again in 752 a synod at Worms under Pepin seems to have been particularly mild.⁵⁸ The wording of the canons has begun to take on a bilateral quality. Thus instead of prohibiting sexual relationships with the wife's daughter and the wife's mother, the prohibi-

tion is against sexual relationships with a mother and daughter. This change in wording circumvents the problem of determining whether either of the women is a legitimate sexual partner. In doing so, it shifts the problem of affineal incest away from the realm of marriage, kinship, and alliance and deals with such acts as a matter of sexual contagion. The same synod also prohibited a brother from fornicating with anyone his brother had previously had sexual relations with. The punishment due was purely that of penance. True, just a little later there was circulated a version of the Salic Law which included the Roman provision that the children of the marriage with a brother's wife or a mother's brother's wife were to be considered illegitimate and could not be heirs.⁵⁹ But all in all it looks like the first two actual kings of the Carolingian line had chosen to depoliticize the entire question of incest with affines. In 813 Pepin's son Charlemagne presided over a council which simply declared as anathema anyone who fornicated with a wife's daughter, two brothers, two sisters, or a father and son.⁶⁰ The monarchy, once established itself on the basis of close intrafamilial cooperation, perhaps intentionally undercut the cooperation within other families by turning the whole problem over to the church. Since this same monarchy was closely associated with the church and was actively fostering educational institutions, godparentage institutions, and reforms within the institution of the church itself, it apparently felt safe in allowing the structure of the magnatial family to fall into disharmony, little suspecting that in the succeeding generations that same disharmony would be felt all too close to home.

Another reason for this Carolingian backing away from the problem

might be found in the problems the Frankish emperors were beginning to face with attempting to rule a polyglot and politically diverse empire. We have already suggested that one reason for the occasional backpedalling and repetition in the church's decrees was that the church was not legislating for a single unified society but instead had to keep dealing with localized pockets of inertial resistance to change. As the state became co-extensive with the church, the state inherited the same problem. There is a real sense in both the political and religious writings of the day that the society's institutions and regulations were over-extended, that there were definite and uncomfortable cultural divisions within Christendom. The letters between Boniface the missionary and Popes Gregory and Zachary are especially poignant in this regard.⁶¹ Boniface, arriving from Britain and having been trained in a combination of Anglo-Saxon and Roman practices, finds the customs and religious scruples of the Rhineland difficult to comprehend; the people he is dealing with allow marriages he would disallow and disallow those he sees no objection to. Zachary is bothered by the demands for special dispensations by the Germanic peoples; they seem to be demanding their own folklaw of religious strictures. Some Germans are claiming the right to marry the widow or ex-wife of their mother's brother (relictam avunculi) or the ex-wife of a consobrinus (cousin, more or less; see chapter five). In general they demand the right granted by Gregory I to their Anglo-Saxon brothers to marry relatives in the fourth degree of kinship. Zachary argues that Gregory's lenience with the Anglo-Saxons had set a dangerous precedent. In council at Rome in 743, Zachary repeats the most basic injunction against the

marriage of affines: one may not marry one's brother's wife, nor the wife of any cognate.⁶² As in the Carolingian law, the laws of the church had to begin all over, the most basic principles had to be reiterated.

The form of this reiteration is significant. The ban against the brother's wife is conjoined with a ban against the wife of any cognate. This joining together of a specific case with a more abstract rule is indicative of the sort of rule-making mechanism the church regularly used. What we have here is an abstraction made from a concrete case, from a specific case to a general rule, with implied applications back to a whole set of specific cases. One aspect of this method is, of course, that the churchmen were applying to canon law the very psychological method which we have posited lies behind the psychological justification for the extension of the incest taboos beyond the primary anomalous case. There is also, once the process of extension is begun, that same drive we have spoken of for complete self-consistency. That is, the churchmen did not view the process of making new regulations or of rescinding old ones as an act of invention. Rather, the abstraction was implicit in the specific, and the abstraction itself implied more specifics. To a great extent there were to be no new regulations, simply new ramifications of the old. This is evident in the few discussions we have left to us of the problem of two brothers marrying two sisters or a father and a son marrying a mother and a daughter.⁶³ In these cases, one senses that there is a great desire on the part of one or another of the parties discussing the case to outlaw such a connection. But there is no justification for such a ban, nothing from

Roman law, the scriptures, or the church fathers to justify what can only be read as a sense of queasiness. Even though the emotional aversion was there, the church was bound by its own cognitive method.

This drive for self-consistency could at times lead churchmen to ignore the very scriptures they were supposed to be citing. In the scripture, for instance, the prohibition against marrying one's brother's wife has an important exception in the custom of the levirate.⁶⁴ Yet in twenty-eight of the cases we have cited in this chapter the brother's wife is outlawed, and behind almost all the other restrictions there lies a prohibition which derives from this one specific prohibition. Apparently, if the method does not allow one to invent scripture, it can allow one to ignore scripture. In the search for emotional and intellectual consistency, a minor and poorly understood point of Hebraic law could be thrown out. The church was not ignorant of the custom. Zachary writes to Boniface, for example, that he is aware that the practice seems sanctioned in the Old Testament, but that it is nevertheless wicked and detestible and that the church must not countenance it.⁶⁵ The strength of his revulsion seems real, not rhetorical. That same revulsion is expressed in the next century by the great medieval theorist of sexuality, Hrabanus Maurus.⁶⁶ Hrabanus bases his argument on the Biblical notion that marriage makes two flesh one. Because we are kin, my flesh is one with my brother's. When my brother marries, by virtue of the sanctity of marriage, his wife's flesh becomes his and, by extension, mine. The horror of sexual approach to someone of the same flesh is very real. And since the church recognized no legitimate sexual activity outside of marriage, any sexual activity was equivalent

to marriage in its ability to make two fleshs one. In this sense, there is something very like a communicable disease metaphor involved in the early medieval notion of sexuality. If one man sleeps with a woman who sleeps with another man who sleeps with another woman who sleeps with me, then whether I will it or not my flesh is inextricably bound with the flesh of that first man's. A term which continually shows up in these canons and letters to describe fornication is contagio carnalis, carnal contagion.

The levirate is inconsistent with any such notion of sexuality. If my sister-in-law's flesh is already transubstantiated into my brother's flesh then there is no need for my flesh to be joined to hers and every bit of the horror of sibling incest connected to the possibility of doing so. The Hebraic notion of affineal incest does not use this notion of the flesh for justification, even though the union of the fleshs is an Old Testament notion. Instead, it relies on the notions of honor and shame. Sexual relationships with one's brother's wife are said to reveal his nakedness and thus bring him to shame. Relations with his widow may be a way to continue his name and his lineage and therefore bring him honor. Thus, in ancient Israel the levirate was necessary; in medieval Europe, it was impossible.⁶⁷

The outline of the development of notions of affineal incest in the early middle ages is not an easy one to follow. Even the division we have made here between the differing motivations of church and state is probably an over-simplification. After all, the kings and lords who ran the church were usually members in good standing of the ruling elite, and the social and familial backgrounds of both were substantially

the same. Still, the decision to join the church hierarchy was somewhat a matter of personal choice. There was some selective distinction between the attitudes and goals of churchmen and statesmen. There is also a difference to be found in the practical dynamic of these two institutions. So perhaps we are not over-simplifying over much.

The church appears to have had little interest to begin with in regulating marriage or sexual activity between affines. For the most part early regulations follow the lead of the state. But over the centuries sexual activity between affines began to be defined as incest. As this identification became firmer, the church began to take a more active role in exploring the ramifications of this form of incest. There is a consistent pattern of the church's attempting to make regulations concerning affineal incest bilateral and symmetrical over several generations. There is a consistent striving for internal consistency in the written tradition of these regulations. But the process of the expansion of the ban was not one of linear progress. Over and over the church found itself having to deal with the geographical expansion of Christianity, having to drop back and repeat the process of instituting the most basic prohibitions.

In contrast to the emotional and intellectual strivings of the church, secular rulers appear to have viewed regulations against affineal incest as convenient tools of statecraft. Beginning with almost no such regulations, secular rulers seem to have invented them in order to bring order out of the chaotic kingdoms they had so recently conquered. The motivating force behind their regulations would seem to have been a desire to create a societal structure of internally har-

monious agnatic clans that might hopefully be more easily controlled than bands of adventurous thugs and collections of isolated farmers. Laws concerning inheritance, landholding, oathhearing, and so forth were useful in creating these clans, of course. But so too were laws which removed intrafamilial jealousies over women and which encouraged wide-spread alliances through exogamy. But there came a time when all of these regulations taken together produced agnatic lineages with too much power, too much internal harmony. From the eighth century on the ruling elites begin to have a vested interest in discouraging agnatic lineages. A bilateral view of the kindred begins to re-emerge which places new emphasis on inheritance through women, women's control of property, and so forth. At the same time, the harsh early penalties against affineal incest are allowed to lapse--a little sexual disharmony in the other fellow's clan begins to sound like a good idea. Ultimately, secular leaders began to place their hope in the church as an institution. If control could be kept over the church, the church could be trusted to control the forms and modalities of kinship.

Closely related to these intertwining developments was the development of a whole new set of concepts about the restrictions implicit between blood relatives. Regulations concerning affineal incest did not spring up in a vacuum. Indeed, as we have said, the church's first great surge of interest in affineal incest seems to coincide with the recognition that rules about such incest could be designed to follow the model of regulations concerning incest between blood kin. Furthermore, one of the main institutions which was being developed to

replace clan organization in the early medieval West was that of godparentage. But as this institution grew it also began to take on the characteristics of kinship, complete with its own set of incest regulations. It is to these two problems--collateral kinship and spiritual kinship--which we must turn in the following two chapters.

NOTES FOR CHAPTER FOUR

- ¹ The still classic study on this problem is Bertha Surtees Phillpotts, Kindred and Clan in the Middle Ages and After: A Study in the Sociology of the Teutonic Races (Cambridge: Cambridge University Press, 1913). The work is a valiant attempt to dispel popular (and still common) notions that the Germans were organized into strictly agnatic clans rather than into bilateral kindreds. Thanks to the influence of Phillpotts' work, in this chapter, we will use the term "clan" rather more loosely, to indicate not agnatic lineages but rather kindred groupings in which the modal behavior is weighted heavily towards a kind of corporate solidarity along patriline.
- ² See, for example, Karl Ferdinand Werner, "Liens de Parenté et Noms de Personne: Un Problème Historique et Méthodologique," in Georges Duby and Jacques Le Goff, ed., Famille et Parenté dans l'Occident Médiéval, Collection de l'École Française de Rome, 30 (Palais Farnèse: École Française de Rome, 1977), 13-18, 25-34, and Martin Heinzelmann, "Les Changements de la Dénomination Latine À la Fin de l'Antiquité," in *ibid.*, 19-24.
- ³ E.g., Senatusconsultum Orfitianum (AD 128); Ulpian, Reg. 26.8; Justinian, Inst. III.3.2.
- ⁴ Cod. Theodos. 8.18.1; Thomas, Textbook, 524-5, would seem to see the progression as a linear one--the ultimate rights granted to women under Justinian being simply the culmination of a long, virtually unwavering expansion of rights for women. This interpretation would seem to be an artifact of the precedential nature of laws and legal history in general. In fact, as we hope we are demonstrating, the rights granted to women varied along a much more cyclical pattern.
- ⁵ Cod. Theodos. 8.16.1 (AD 320).
- ⁶ Cod. Theodos. 9.7.2.
- ⁷ Val. N. 31.2, Cod. Theodos.
- ⁸ Cod. Theodos. 5.17.1 (AD 332).
- ⁹ Cod. Theodos. 4.10.1 -.2.
- ¹⁰ Cod. Theodos. 9.6.1. -.2.
- ¹¹ See for example Peter Brown, A Social Context to the Religious Crisis of the Third Century A.D., Protocol Series of the Center for Hermeneutical Studies in Hellenistic and Modern Culture, 14 (Berkeley; Center for Hermeneutical Studies in Hellenistic and Modern Culture, 1975).

- 12 Ambrosius Paterno Epist. (Migne 16: 1183-86).
- 13 G. S. Ghurye, Family and Kin in Indo-European Culture, University of Bombay Sociology series, 4 (Bombay, India: Times of India Press, 1955), 229-31 (hereafter, Ghurye).
- 14 Tacitus, Germania 20, 21.
- 15 Katherine Fiacher Drew, "The Law of the Family in the Germanic Barbarian Kingdoms: A Synthesis," Studies in Medieval Culture 11 (1977), 17-26.
- 16 Lex Vis., IV, i (CIG 1:491-93).
- 17 A recent article on southern Burgundy, Georges Duby, "Lineage, Nobility, and Chivalry in the Region of Macon during the Twelfth Century," in Robert Forster and Orest Ranum, ed., Family and Society: Selections from the "Annales: Economies, Sociétés, Civilisations," Elborg Forster and Patricia M. Ranum, trans. (Baltimore: Johns Hopkins University Press, 1976), 16-40, would seem to be arguing that this trend reached its peak in the late tenth and early eleventh centuries, with subsequent organization of the kindred trending back towards the maintenance of a specific patriline formed around the control of an ancestral patrimony. Duby sees this trend as a part of the growing exclusiveness of the elites and a growing tendency to avoid the dispersal of elite property through marriages that would lend social mobility to those who did not have adequate property, i.e., in fact a move to destroy upward and downward social mobility.
- 18 See the discussion of Malinowski in Chapter Two, n. 15, above.
- 19 Leviticus 18: 4-20; Deuteronomy 27: 15-24.
- 20 Decreta Fabiani Papae (Mansi 1: 785-6).
- 21 Can. 61, 66 (Mansi 2: 15-16).
- 22 Can. 2 (Migne 66: 444).
- 23 Julius I Papa Decretum X (Mansi 2: 1266).
- 24 Basil to Amphilochius of Iconium, can. 22, 128 (Mansi 2: 1202-18).
- 25 Can. 11 (Mansi 3: 1137-38).
- 26 Orleans I, can. 18 (LeClercq 9-10).
- 27 Lyons, can. 1 (LeClercq 39).
- 28 Epaoon, can. 61 (LeClercq 31-32; Hefele 4: 114). This restriction, that the prohibited wife's sister must be the child of both the same

mother and father as the wife is not repeated except in those collections which are directly citing Epaon. One senses that Stephen won his case by the technicality that Palladia was only his first wife's half-sister.

- 29 Orleans II, can. 10 (LeClercq 100).
- 30 Clermont in Auvergne, can. 12 (LeClercq 107-8).
- 31 Letter, Pope Silverius to Caesarius of Arles (Mansi 9: 9-10).
- 32 Orleans III, can. 11 (10) (LeClercq 118-9).
- 33 Paris III, can. 4 (LeClercq 207).
- 34 Tours II, can. 22 (21)(LeClercq 185-191).
- 35 Auxerre, can. 27-30 (LeClercq 268-9); date somewhat uncertain.
- 36 Gregorius I Papa Decreta (Mansi 10: 436-8).
- 37 Epistola Canonica, 4 (Migne 56: 891).
- 38 Penitential of Theodore, sec. 27 (H&S 201).
- 39 Penitential of Theodore, sec. 28 (McNeill 211; not in H&S).
- 40 The Anglo-Saxon Chronicle in J. A. Giles, ed. and trans., Bede's Ecclesiastical History of England: Also the Anglo-Saxon Chronicle, (London: George Bell, 1907), 316.
- 41 Excerptum a Beato Gregorio Papa III editum, ex patrum dictis canonumque sententiis... (Mansi 12: 291).
- 42 Cod. Theodos. 3.12.2 (AD 355).
- 43 Cod. Theodos. 3.12.4 (AD 415).
- 44 Just., Cod. V. v. 8.
- 45 Just., Inst., I. x. 3, .6, .7, .9.
- 46 Capitula Legis Burgundionum 36 (CIG 1:321).
- 47 Lex Vis. III .v.6 (CIG 1: 487).
- 48 Rothair's Edict 185, in Katherine Fischer Drew, trans., The Lombard Laws (Philadelphia: University of Pennsylvania Press, 1973), 86 (hereafter, Drew, Lombard).
- 49 Lex Alamannorum 39.1 (CIG 1: 211); Lex Baiuvariorum 6.1 (CIG 1: 261-2).

- 50 Liutprand's Edicts 31 (AD 723, cap. II), in Drew, Lombard, 160.
- 51 Rome, can. 5-9, AD 721 (Migne 67: 343).
- 52 Carlo Calisse, A History of Italian Law, Layton B. Register, trans., The Continental Legal History Series, 8 (London: John Murray, 1928), 300-312.
- 53 Although not of course entirely. As sexual or marital relations with affines became more and more defined as incest, there is a tendency for all of these acts to be treated the same in the law.
- 54 Laws of Edward and Guthrum 4.1, in F. L. Attenborough, ed. and trans., The Laws of the Earliest English Kings (New York: Russell & Russell, 1963), 104-5.
- 55 Childebert, Decree, para. 2 (CIG 2: 9).
- 56 Paris V, can. 16, 18 (LeClercq 280, 285).
- 57 Dagobert II Capitulary (Mansi 17b: 68).
- 58 Worms, can. 2 (Mansi 17b: 161-2); our remarks about wording should not be taken to imply that this is the first time such a style of wording is used. Rather, it is from this time on that we can see a growing and consistent use of such precision in wording.
- 59 Circa AD 798, tit. 14 (Mansi: 17b: 292).
- 60 Moguntium, under Charlemagne, can. 56 (Mansi 14: 63-76).
- 61 Boniface, Epist. 49 (Migne 89: 746); Zachary, Epist. 2 (Migne 89: 920-21).
- 62 Rome, can. 5, AD 743 (Mansi 12: 383).
- 63 The case of Brunhild's daughters is one such example. See also, the nearly contemporaneous responses of Gregory I to the missionary Augustine, as cited by Bede. Augustine's fourth question is on this very topic; Gregory replies that while it is distasteful to form such marriages, they are no where in scripture forbidden (H&S 1:20). See also Penitential of Theodore sec. 28 (H&S 3:201).
- 64 Much of the following discussion on the levirate among the Hebrews is taken from Louis M. Epstein, Marriage Laws in the Bible and the Talmud (Cambridge, Massachusetts: Harvard University Press, 1942), 77-144.
- 65 Letter 57, Zachary to Boniface, AD 744 (Monuments Germaniae Historica: Epistolae Merovingici et Karolini Aevi, T.1, 314).

- ⁶⁶ Moguntinum under Hrabanus Maurus, can. 30 (Mansi 14: 899-912).
- ⁶⁷ This connection between notions of the flesh in "carnal contagion" and the doctrines of transubstantiation is intentional. Psychologically at least, one's notions of the nature of one's own flesh and the nature of God's flesh in the mass are parallel. Significantly, I should think, the West has spent more time arguing over the nature of the mass and the substance of the elements of the mass than any other Christianized area.

CHAPTER FIVE
PROHIBITING SEXUAL AND MARITAL RELATIONS WITH
CLOSE COLLATERALS

Once we have separated out those regulations dealing with affines in the early medieval canons and capitularies, we can turn our attention to those regulations which deal with what we tend to think of as genetic kinship. But as we turn to this problem we find ourselves facing a terminological morass. True, most of the terminology for kinship does not change during the period we are examining.¹ But one set of terms does change constantly, both from region to region and from time to time. Unfortunately for us, that set is the set of terms which deal with cousin relationships.

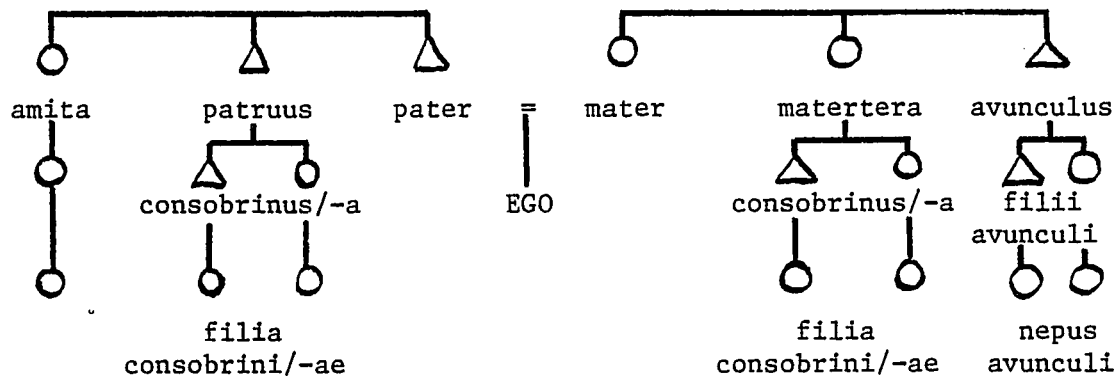
Even in this terminology, most of the terms seem to remain stable. The problem is that the most stable terms are the ones which are least used. The most used terms, consobrina and sobrina, are used, abused, and in cases conscientiously twisted so that it becomes increasingly difficult to understand exactly what relationship is being referred to. Clearly the terms referred to some sort of collaterals, but which ones?

Logically, there are four distinct types of first cousins: the children of one's father's sister, of one's father's brother, of one's mother's sister, or of one's mother's brother. At least one of these groups is always referred to as consobrini. In canons 31 and 32 of the Synod of Auxerre we find, for example, the following:

31. Non licet consubrinum, hoc est, quod de duos fratres aut de

- duas sorores procreantur in conjugium accipere, nec qui
 ipsis nati fuerint, in conjugio societur.²
 32. Non licet, ut nepus avunculi uxorem accipiat.

These relationships may be visualized by the following stemma:

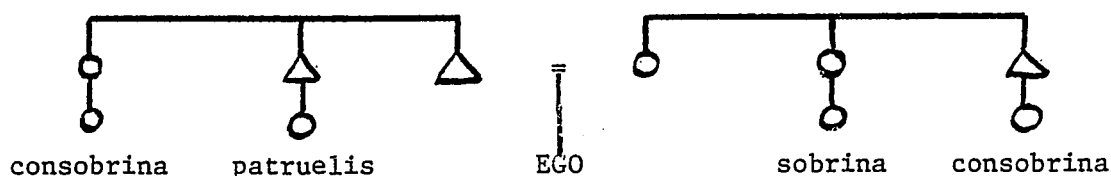


Now, if the nepus (i.e., nepta) avunculi is prohibited, then the filia avunculi, being closer in relationship to EGO than the nepus is almost certainly prohibited. (In the next descending generation, the children of consobrini--males--have been added in order to remain parallel with the construction of nepus avunculi, which does not specify the sex of the parent of the nepus.) The children of the patruus and of the matertera are consobrini, and thus in this text at least the term seems to refer to parallel cousins. Children of the amita and of the avunculus are cross cousins. Note that the prohibition against marrying the nepus avunculi eliminates the possibility of marriage to the matrilineal cross cousin, but in no place does the text say anything about the patrilineal cross cousin. Indeed, the text as it now stands allows patrilineal cross cousin marriage for males and matrilineal cross cousin marriage for females. We might well infer from this that men were somewhat expected to marry back into their father's lineages, while women were expected to marry back into their mother's lineages.

Of course, the omission of the father's sister's daughter in this regulation might be an oversight, but I think we should assume that the bishops gathered at Auxerre were reasonably competent. A more plausible explanation of this supposed omission might be that, despite the set of definitions given in the text, there are aspects of the definition of the word consobrina that we do not fully understand, which in themselves would have implied that the father's sister's daughter should be considered as included in the ban. The definition of certain types of cousin relationships by the exact relationship of their parents comes directly from the tradition of Roman law, and we must therefore ask ourselves what that tradition was and how its terminology was used to construct these sixth century regulations.

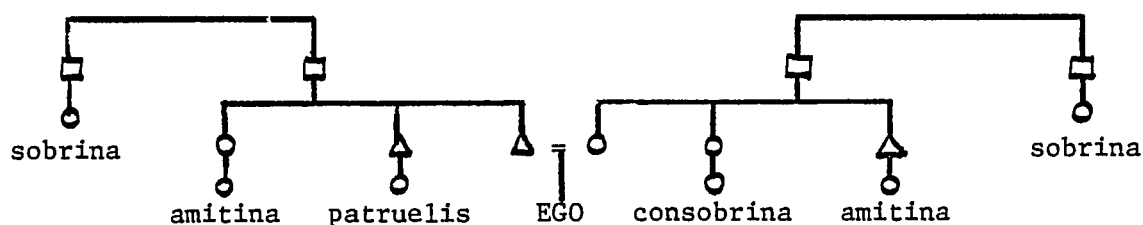
From the earliest times Roman law showed a certain amount of confusion in this matter of cousin terminology. This confusion seems to have stemmed from the fact that the earliest terminology was instituted when kinship was reckoned only agnatically. The terms sobrina and consobrina are both cognate with soror (sister), and would seem to have originally referred to the sister's children or the father's sister's children.³ When the system began to develop into a cognatic one, the addition of maternal relatives into it apparently caused a displacement of some of the terms. Consobrina came to indicate a cross cousin on either side (since it had originally referred to the paternal cross cousin). The maternal parallel cousin received the term probably originally reserved for the sister's children, sobrina. Aelius Donatus, in his fourth century commentary on Terence's play Hecyra,⁴ states that for Terence (second century BC) the children of a brother and a sister

were consobrini, while sobrini were born of two sisters and patrueles of two brothers:



By this system, consobrini were cross cousins and sobrini and patrueles were parallel cousins--for consobrini the direct opposite of the system we found in the sixth century!

In the second century AD, Gaius in one passage defines the children of two brothers as patrueles and the rest as consobrini.⁵ But in this passage he is concerned only with the agnatic privileges of inheritance, and so isolates only the pure agnatic heir. In another passage he restricts his definition of consobrini to those born of two sisters.⁶ Those born of two brothers are patrueles; cross cousins are amitini. He does note, though, that in common parlance all but the patrueles were generally referred to as consobrini. As for sobrini, Gaius defines them as the children of all great aunts and great uncles, whether on the paternal or on the maternal side:



Consobrina has moved from being a cross cousin to being a parallel cousin, while sobrina has moved out of the range of first cousinage

altogether. These changes make more sense than is immediately apparent. Transition to a cognatic system of nomenclature could not have happened overnight. For a long time kinsmen through women must have seemed more distant than those reckoned agnatically. While the terms were taking on new meanings, this notion of relative distance must have been as important as the purely structural positions one might see on a chart. The closest collateral to yourself in your own generation was the patruelis, since he was firmly connected to you through two males. The most distant from you would be the sobrina, since she was connected to you only through two females. Somewhere in between was the consobrina, who was at least connected to you through one male. As Roman law and society gradually became less dependent on purely agnatic family structures, and therefore began to place more dependence on the horizontal alliances afforded by a widened awareness of cognatic connections, the original structural connotations of the words tended to fade (although, imbedded as they were in the written tradition, they never ceased to have some effect) while the connotations of relative distance began to play a part in the formation of a new terminological structure.

Patruelis still remained the closest relation, but consobrina was apparently too vague and distant to retain its position. Instead, an adjectival form of amita (father's sister) was inserted, on the pattern of patruelis (the adjectival form of patruus, father's brother). And since this term displaced consobrina on the father's side, it also had a tendency to displace it on the mother's side. In turn, consobrina displaced the more distant sobrina, leaving that term free to refer to even more distant collaterals. But such a displacement, a veritable

domino effect, could not have occurred without confusion. At some period consobrina could have been argued to have referred to every first cousin position but that of the patruelis. This ambiguity was probably in itself enough to make consobrina permanently into a sort of non-specific term for any variety of cousin, despite the fine precision required by the legal tradition. Similarly, the legal tradition seems to have had (grudgingly) to accept wider and wider circles of collaterals under the catch-all term of sobrini. Shortly after Gaius, for example, Ulpian included even the children of patruelles as sobrini.⁷ And, as we have seen in the previous chapter, by the time of the Visigothic Laws there was at least one tradition that would define all same-generation collaterals as consobrini and all different-generation collaterals as sobrini.

As imperial law and history went beyond the times of the great jurisconsults, the importance of agnation in determining kinship seems to have continued to decline. A passage in Paulus seems to imply that in his day even the soror patruelis was often referred to as the consobrina.⁸ This sort of development for the word consobrina fits very nicely with the observations we have made about the second and third century decline of the agnatic gens. But the situation left behind by these changes was apparently one of such confusion that the commentary of Donatus had to explain the non-legal usages of Roman kinship terminology to other literate Romans. There was, as we have said, an attempt in the fourth and fifth centuries to reinforce agnation in the West. Thus, by the time we get to the sources of the Visigothic Law we find a cousin terminology which seems to be a confused mixture of

generalized and non-specific terms with usages that seem to be designed to reassert a sort of asymmetry in lineage. Sobrini were the children of all cousins.⁹ But a division is apparent in the law between maternal and paternal cousins. Those on the mother's side received the catch-all term consobrini, while those on the father's side retained the specific names patruelis and amitina.

This same tendency towards asymmetry can be seen in the slightly later Institutes of Justinian.¹⁰ At first glance, the definitions in the Institutes look very like the ones developed by the jurisconsults. The children of two sisters are definitely consobrini, but so too are the children of two brothers, though some authorities are still cited to state that these latter are patruelles. If parallel cousins have a shared name, then it stands to reason that there should also be a shared term for cross cousins. And indeed the children of a brother and a sister are referred to as amitini. So far so good, but if the Visigothic code is evidence of the late Roman tendency to reintroduce agnation into the kinship system, the author of the Institutes may have found himself faced with a similar problem. He dealt with it by the clever introduction of asymmetry, viz., he stated, "amitae . tuae filii consobrinum te appellant, tu illos amitinos," i.e., "your father's sister's children call you consobrinus, but you call them amitini." In short, all the texts which say that amitini are cross cousins are deftly reinterpreted to mean that only paternal cross cousins are amitini!

Very likely, the synod at Auxerre was familiar with the Institutes. The obscure passage in the Institutes that seems to give two contradic-

tory names to the child of the avunculus (mother's brother) is nearly by-passed by referring to the child of this child. The child of the amita is omitted completely. But since the circumlocution was found for the child of the avunculus, there is no reason to assume that a similar one could not be found for the child of the amita. The omission must have been intentional. The term sobrina is also conspicuously absent. But since sobrini could have been interpreted to mean the children of any cousin, to prohibit it would have been to prohibit any cousin. Apparently, to avoid outlawing marriage with the amitina, the circumlocution, "qui ipsis nati fuerint," was inserted.

The problems facing the bishops in council and the later Roman compilers of the law were essentially the same. They had to balance the demands of an often self-contradictory written tradition against the immediate needs and goals of their own society. The legal tradition from Gaius on had always granted that at least the mother's sister's daughter was to be called consobrina. That tradition had also inherited a tendency to distinguish between cross and parallel cousins. At the beginning and end of this Roman tradition there had been periods in which this terminology was supposed to distinguish sharply between maternal and paternal relatives. To a certain extent, there was a tendency to resolve these internal contradictions by simply referring to all cousins as consobrini and all other collaterals as sobrini. But ignoring the past in a literate tradition is not simple. As late as the seventh century, for example, Isidore of Seville was still relying on a literary tradition (probably through Donatus) that made consobrini into cross cousins.¹¹ In one sense, the very weight of

this tradition would seem to have made clear regulation impossible. But in another sense, the contradictions in themselves allowed a certain amount of creativity and flexibility. Properly phrased, a regulation could appear to be within the tradition while in fact being designed for specific contemporary needs.

In many ways the canon law on incest was formulaic. A phrase used once in a popular synod would have a way of being repeated in all succeeding synods. So long as the succeeding synods understood and agreed with the intents of the original synod, all was well. But tremendous complications could occur when a succeeding synod either misunderstood or disagreed with the purposes of a previous one. The canon on incest from the synod of Epaon, for example, was widely quoted and misquoted throughout the West. It states that the range of illicit marriages includes those with consubrinae subrinaeque, but it does recognize this as a new prohibition and allows those joined together previously to remain together.¹² After Epaon almost every synod which dealt with incest used some variant of this same set of terms to refer to incestuous connections between collaterals. But within a century, one begins to get the impression that the repetitions are purely formulaic, that the authors have become either deliberately or unintentionally unsure of just what is meant by the terms employed, particularly those authors writing from the most Germanized sections of the West.

Councils at Clermont (in 535),¹³ Orleans (538),¹⁴ and Tours (567)¹⁵ seem to present no real problems in this regard. Generally, their prohibitions are in line with those of Epaon. But synodal

records from Paris and Auxerre do present difficulties. It is almost as if in the more Germanized portions of Christian Europe there was a genuine resistance to giving up all forms of cousin marriage. We have seen that at Auxerre there was a loophole left for marriage with one's patrilinear cross cousin. The third council of Paris only lists mother's sister and father's sister (along with wives of father's and mother's brothers) as outlawed.¹⁶ Any sort of cousin is conspicuously absent from the list. When the term consobrina does finally appear in the canons of a Parisian council (613) it is listed in a strange manner: "consobrina vel relictæ idem patrui atque avunculi."¹⁷ The form vel...idem ought to indicate an appositive connection between consobrina and relictæ. At the most, the phrase outlaws ex-wives and daughters of uncles; no mention is made of the daughters of aunts. A similar construction from later editions of the canons of the synod at Agde (507) adds to the borrowed canon from Epaon the important words vel filia to the section of the canon which had read relictæ avunculi...aut patrui.¹⁸ Since the canon already outlaws consobrinae and sobrinae we must conclude that the emendation was designed to outlaw the maternal cross cousin; again, the paternal cross cousin is conspicuously absent. The date of this emendation is unclear, but taking it in conjunction with those canons from Paris and Auxerre, we would assume that it was made in the early seventh century.

These synodal decrees were apparently in accord with the outlook of the Frankish monarchy. A capitulary from 630 of Dagobert II will only go so far as to outlaw filii fratrum and filii sororum; all other cousins and the term consobrina are not mentioned.¹⁹ As late as 756

a council at Metz under Pepin lists consobrinae and sobrinae in what might be a consciously bilaterally symmetrical series of terms: brother's daughter, sister's daughter, granddaughters, consobrina, sobrina, father's sister, mother's sister.²⁰ From the form of the listing, the implication would seem to be that consobrinae were patrilateral and sobrinae were matrilateral cousins; quite possibly, the sequence goes from least distant to most distant. If both of these stylistic hints are useful, then we might conclude that again the amitina was being left out of the listing of prohibited marriage partners. Furthermore, the Carolingian version of the Salic Law prohibits marriage with nieces or with "certain other degrees of consobrini";²¹ the implication is that consobrina was to be understood as a very vague term for collateral relationships which was too vague to permit specific prohibitions. In 793 Charlemagne's son Pepin, as king of Italy, issued a capitulary which defined, as illicit, marriages with a consobrina or an insobrina.²² Unfortunately, insobrina is a hapax legomenon; DuCange guesses that it might mean the child of a consobrinus.²³ But since neither Lombard nor Frankish law seemed much concerned with prohibitions in the fifth degree, insobrinus more likely refers to some sort of first cousin. Possibly the word was used simply to fill in the gaps that the term consobrina might leave. Or the word sobrina could have been meant, and the whole prohibition could have been formulaic.

What we seem to have here is a persistent pattern among the post-migration Germanic peoples of preferential cross cousin marriage and a (perhaps growing) preferential patrilaterality in marriage choice. Such a pattern would be optimal for peoples living in widely dispersed

"occupation" settlements, since it would serve both to put some psychological distance between one's marriage partner and one's own mother, while nevertheless ensuring that cultural and familial values were re-fortified in every generation by reintroducing collaterals back into the family. The disadvantage of such a system would, as I hope I have made clear by now, be that it can only be maintained in families that have a very low level of awareness of or aversion to the incestuous; thus a certain edge of competitive violence would remain in such families. That competitive violence would fit well with the task before such families, one of controlling and supervising the activities of the much more numerous native populations that they had so recently conquered. As a matter of fact, this "fit" between family style and political task is so functional that we need to ask whether it was a recent innovation or a primitive style.

Obviously, it would be a useful buttress to our theory to find that primitive Germanic peoples practiced a vastly different pattern of marital preference. Unfortunately, what little evidence there is would seem to be too ambivalent to say exactly what the earliest patterns were. Tacitus tells us that among the Germans there were strong ties of affection between the mother's brother and the sister's son.²⁴ Such ties would be quite consistent either with a system of bilateral nuclear families or with a system of cross cousin marriage. Much more interesting is the confusion found among most Indo-European speakers in the terminology for uncle and grandfather and for nephew and grandson.²⁵ In Latin, for example, nepos can mean either a nephew or a grandson; the maternal uncle, avunculus, is literally a little grandfather, avus.

If systematic cross cousin marriage were practiced, then in every generation my father's uncle would be my uncle's father; thus in the second generation above my own, uncles and grandfathers would tend to be confused. Thus, an Indo-European custom of cross cousin marriage seems likely. But whether one can safely move from 2000 BC to AD 100 with no intervening evidence is open to question. Once an original kinship term is lost, it can only be resupplied by circumlocutions. In English, for example, we have to say "uncle on the mother's side" instead of using a term like avunculus. As a general rule, it would seem that the earlier the kinship system of an Indo-European language was codified by being written down, the richer that terminology was in non-derivative terms for different kinds of kinsmen. We have already spent much time showing how the words consobrina and sobrina were gradually denuded of meaning by being forced to serve the purposes of many different styles of familial organization. And the Teutonic languages as a general rule are the poorest in non-derivative kinship terms. This would seem to imply that the peoples speaking these languages had changed the outlines of their kinship systems several times before those languages were finally recorded.

It would be well, then, to refer again to the recent work of W. S. Cooter, whose work implies that the Roman presence on one bank of the Rhine had the effect of destroying the economic and ecological integrity of the whole Rhine valley, and that that destruction led to the collapse of any sort of social stability in the area.²⁶ What Cooter leaves in abeyance is how this deracination of the Rhine led to the undermining of sacral kingship among the Germans and to the rise of

warrior bands. The theory we have proposed bridges that gap. So far as the Roman army was concerned German young men were virtually forced to leave their homes to serve in it and become Gastarbeitern. Others were enslaved or were killed protecting their homes from Roman raiders. The women were left to raise the children. By the time of Tacitus, this process had been going on for several generations. And every generation of Germans would seem to have become fiercer. Under such circumstances, maternal relatives would have become very important--the avunculus might well have been the only male relative at home and alive. At the same time, any wide rules of exogamy or incest aversion would have wasted away. Thus, those German hordes who swept down on the empire were created by the empire, in a sense, and since our earliest sources only describe them when they were in the process of being so created, we have no records of what the truly primitive (i.e., pre-Roman) Germans were really like. We may as well be pragmatic and consider the situation as we find it in the fourth century and beyond as the true beginning of the Germanic peoples.

For these primitive Germans we do find a very strong pattern of cross cousin marriage. Even though the Church had called for an incest prohibition extending to seven degrees of relationship,²⁷ virtually every mission into the West had to settle for less. That less was being settled for was made very specific in the first major mission sent to the pagan Germans. Gregory I found himself allowing marriages in the third and fourth degree just to secure the conversion of the Anglo-Saxons.²⁸ In 517 the bishops at Epaon are conscious of the existence of cousin marriages in Burgundy (probably among the Burgundians) and

are careful not to dissolve these unions ex post facto. The third synod of Orleans in 538 is equally clear that such prohibitions should not dissolve pre-existing marriages. The Frankish decrees we have mentioned also seem to be looking for a loophole for cousin marriage. As we will see below, Pope Zachary is troubled by the same problem when dealing with the Lombards, and Boniface, working with the Rhenish peoples is having similar troubles. There thus seems to be evidence for a custom among virtually all of the Germanic peoples of some sort of cousin marriage. Thus also, the problem lasted in the West for at least three centuries.

It is doubtful, of course, whether there was a truly rigid system of required marriage partners among the Germans. We have intentionally used the word "preference." By this we mean that if there were an amitina available for marriage, she would be the most desirable marriage choice. But that desirability would not seem to have been based on a single simple principle of selection; rather it was the result of the confluence of a whole set of goals and attitudes. To see these attitudes in action, we need only turn to the problems facing Boniface during his missions to the Germans. He writes Pope Zachary that he has come across one noble who claimed to have papal dispensation to marry a woman who was viduam avunculi sui quae et ipsa fuit uxor consobrini sui et ipsa illo vivante discessit ab eo, a woman who was the widow of the man's maternal uncle and who had been married and then divorced from the man's own consobrinus.²⁹ Since Boniface in no place mentions that the woman in question is a close relative of the avunculus but does continue by saying that the man felt he had a right to marry

within the third degree, we are left with an almost insoluble tangle of relationships to unravel. Consobrinus in this case is almost certainly a parallel cousin. If the mother's sister's son is intended, our example would indicate a tendency to retain women within the matriline. If, as seems more likely, the consobrinus is a father's brother's son (or surely Boniface would have made more of the connection between the avunculus and the consobrinus), there would be evidence of retention of women in the patriline. The alternation between the two generations, with the woman being connected in the matriline in one generation and in the patriline in the next would tend to support a possibility that there was a tendency towards cross cousin marriage, with the woman in question being used in lieu of a paternal aunt in one generation and in lieu of a patrilateral cross cousin in the next. Whether the woman really held either such relationship to the man in question is unknown; the point is that under the circumstances she would tend to be dealt with as if she held both.

If the above reconstruction is correct, there would seem to be a strong tendency towards agnation involved in the family structure of the Germans in the eighth century, so strong that the actual position and relationship of women was considerably vaguer than that of men. A very strange capitulary from 757 states that if two persons are married and they are found to be related in the fourth degree, they should not be separated; if they are related in the third degree they should be; and if one is related to the other in the fourth while the other is related to the first in the third they should be separated.³⁰ This is difficult to understand. One gets the impression that a distinction is being

made here between maternal and paternal lineage, that relationship through women is being counted differently than that through men. In this same light we should note a capitulary of Charlemagne's from 803, which punishes with loss of one's hereditas the debaucher of one's mother, sister, father's sister, or nepta (niece or granddaughter).³¹ Debauching women related to one by other women is not mentioned. If the hereditas is quite literally a patrimony, the restriction makes a certain amount of rough sense. What we have here is a fusion of several notions: the notion of kinship vis-a-vis sexual responsibilities and restrictions has been made congruent with the notion of kinship vis-a-vis inheritance and property relationships.

The Franks and northern Germanic groups were not the only groups showing this pattern of patrilateral cross cousin marriage. In the council of Rome of 743 Zachary bitterly attacks the compromise made by Gregory in dealing with the Anglo-Saxons.³² All of the Germans were demanding special dispensations; the Lombards in particular were citing the Anglo-Saxon compromise. Since they were using that precedent, it would seem that what they were calling for is the right to marry their cousins.

Taken altogether, these various sketchy bits of evidence would seem to indicate that the Germans in the earliest period we can penetrate to were practicing a regular pattern of cross cousin marriage. There may have been some tendency toward patrilaterality in the beginning, but that is unsure. What is certain is that such a tendency appears to have grown stronger over the centuries, keeping fairly well in step with the increase in those restrictions we have already

discussed concerning affineal incest. Such a pattern is about the minimum range for peoples who still retain some notions of bilaterality in the kindred. And if our theory is correct it would certainly produce generation after generation of warriors. And as leadership in this warrior tradition became more and more identified with a heritable patrimony, marital choices, inheritance, and leadership became inextricably bound together in one system of kinship.

Among the Romans, the secular law would seem to have arrived at the same narrow kinship structure independently. Degrees of kinship for purposes of inheritance never changed much; if anything there was a widening of the range for intestate succession.³³ For centuries, seven such degrees were counted. The determination was usually made by counting the number of generations upward to a shared ancestor and then downward to the individual in question. Thus, my second cousin once removed, the son of my second cousin would share with me a common ancestor, my greatgrandfather (his greatgreatgrandfather); there are three generations ascending to my greatgrandfather and four descending from him to his greatgreatgrandson; thus my second cousin once removed is related to me in the seventh degree. In a bilateral kinship system with serial marriages the counting can get more complicated, but the system does tend to give an accurate representation of shared genetic material.³⁴ But the rationale for the system, of course, was one of shares in tangible property. The interesting thing is that these degrees of shared interest in property diverged widely from the system of shared recognition of kindred feeling that is witnessed by the

changing system of incest regulations.

In the beginning of Roman history the familia was the collection of all persons and property under the control of a single, agnatically inherited patria potestas. But the kindred extended ever so slightly beyond these bounds, including at least those women who had married out of the familia, and quite probably their children. But even as the Roman inheritance system began to take on a more cognatic flavor, the range of the kindred, at least as measured by the extent of the incest ban, was actually shrinking. Indeed, we have seen above how in the later Republic and early Principate individuals had been freed to marry cousins, fraternal nieces, and adoptive siblings. We have also pointed out that this deterioration of incest regulations was both the result of and contributory to the chaos of untrustworthiness and competition that ultimately led to the collapse of the West in the third century. Once that chaotic period was past, the regulations regarding incest with collaterals were not immediately reimposed. In fact, as we pointed out in chapter four, the first priority of the reconstituted state in the fourth and fifth centuries was to reestablish agnatic lineages, at least in part through insisting on bans against marriage to affines. For such a purpose, the general rule of prohibiting marriages within the same patria potestas would seem to have been enough.

But once the lineage had begun to be repaired and once Christianity was firmly in place as the religion of the state, then the state did make some minimal moves towards outlawing incest with collaterals. In 342 Constans and Constantius corrected the exception that

had been made to allow Claudius' marriage with Agrippina by outlawing all marriages to fraternal or sororal nieces.³⁵ The punishment for such a crime was to be death. In 396 Arcadius and Honorius backed off from this death penalty, but they did disallow the children of such marriages from being legitimate.³⁶ In 405 marriage with all consobrini was outlawed; importantly enough, these were specifically defined as the children of two brothers, two sisters, or of a brother and a sister.³⁷ But succeeding emperors seem to have let such decrees fall into abeyance. At least in the late fifth century the emperor Zeno complains that they have;³⁸ and all he feels called upon to reinstate is the ban on nieces and brother's wives. In short, there would seem to have been as much reticence among the Romans as among the Germans in this matter of outlawing marriages with collateral kin. If the state was fairly worried about sexual relations between affines, it was not overmuch concerned with regulating incest between physical kinsmen. Such regulation was left to the will and initiative of the church.

We have already tried to suggest why the church had this will to ban sexual excesses of any sort. As a developing institution, the church was in a very ambivalent position. On the one hand, from the time of Constantine on, the church began to take on the role of being the primary institution in the society for controlling social and moral interactions. On the other, the church was by its very nature revolutionary, set against the concerns of the world or at least indifferent to them. This dual role meant, among other things, that the priests and bishops entering the hierarchy could not be depended upon to share common goals or outlooks. Many--if not most--in the upper

reaches of the hierarchy were younger sons or nephews who probably had little choice in entering the church and who tended to operate in their offices as if the office were similar to the secular offices held by their brothers and cousins. But there were as well a number of "volunteers," individuals who entered the church because the life it offered them was in some way more congenial than the life they had left. And we might well ask what would make someone volunteer for a life of official poverty, discipline, and celibacy. Even if membership in the hierarchy provided obvious advantages, these advantages would surely have had to have been weighed against the obvious disadvantages of such a life. Apparently, to many of the volunteers such disadvantages did not seem so terribly burdensome. In the matter of sexual abstention, for a great many individuals celibacy or perpetual virginity must have appeared as a positive good. Such people would add a continual leaven of antisexual feeling to the church. The more antisexual the church became, the more it would attract antisexual personalities; the more of these it attracted, the more antisexual it would become. Thanks to the imposition of celibacy, the church had to recruit from the society at large in every generation. It stands to reason, then, that we should be able to isolate many of the mechanisms of this growing antisexuality in secular society. Since most early medieval characters seem licentious enough, we cannot simply assume that the whole society was growing more and more concerned about sexual impurity. Rather, we should look for a mechanism which brings about extremes in sexual behavior.

What we have suggested is that when incest awareness is very low in a society, incest regulations will be narrow and the punishments for

incest relatively light. But if the awareness is very low, many individuals will find it virtually impossible to fix upon extra-familial sexual objects. For these individuals, all women would slip by almost imperceptible unconscious analogy into being images of their own mothers; all sexuality would therefore be tainted by the horror of autonomy robbing nurturance. Under such circumstances, any escape from sexuality would not appear as a disadvantage but as a downright comfort. A church so leavened by such individuals would undergo many of those transformations noted but little understood by historians: The church would become the Mater Ecclesia, which both warmly protects and sternly disciplines her children. There would be a tendency for individual self-infantilization and therefore self-objectification; the flesh would on occasion be viewed as a mere thing, the container of the soul but not a part of it, an object to be mortified or tortured. Women would be viewed as loathsome and dangerous, especially those who were functioning as adults; there would be a great tendency to infantilize women, to make them impotent by enforcing female virginity. (In this light, what a compromise the Virgin Mother is!) All sexuality would be suspect, but especially those forms of sexuality that had even the slightest conscious or unconscious taint of the incestuous. Priests and bishops being men, they would be very concerned to watch for kinship through women, to insist that bilaterality be maintained.

Many of these developments, of course, came about piecemeal and with sometimes radically different interpretations of why the changes were instituted. Nevertheless, as any psychoanalyst will tell you, the reasons people give you (or themselves) for their behavior are

not always the reasons for that behavior. In a sense, the church can be seen as struggling up to a conscious awareness of the incestuous during its first nine centuries. But the unconscious awareness was already there, and it had been from almost the very beginning.

To begin with, the differences between secular views of collateral incest and those held by the church were slight. In c.154 Pope Hyginus did decree that kinship must be counted bilaterally in cases involving incest.³⁹ But in the early third century, Pope Callistus wrote to the bishops in Gaul that the church would remain satisfied with those provisions covered in Greek and Latin law.⁴⁰ In the West, this recognition of secular law was imported into Britain and continues to influence the British view of incest thereafter. It shows up in particular in the penitential tradition,⁴¹ and is essentially reintroduced to the Continent by Hrabanus Maurus.⁴² By itself, this tradition proved less than satisfactory; precise relationships had to be spelled out if the prohibition were not to be ignored. We have already seen how reticent the Franks were to accept the prohibitions against consobrini and sobrini. Any wider prohibitions would have appeared to have been impossible. Among the Visigoths regulations were also sparse, the one direct synodal decree only going so far as to ban marriage to any kinswoman, with no definition of the extent of the ban.⁴³ In Britain, when the penitentials get down to specifics they speak only of relations within the nuclear family.⁴⁴ From the point of view of the church what was required was a system that had no loopholes, one that was simple, wide, and completely unambiguous. The method hit upon was that of counting generations (i.e., degrees).

In the mid-fourth century Pope Julius I decreed that kinship was to be reckoned by the Roman method of counting to seven degrees of consanguineity. Within those degrees no one was to marry.⁴⁵ The actual wording of this decree is, "Ex propinquate sui sanguinis vel uxoris usque in septimum gradum, nullus ducat uxorem." The validity of this decree is open to question, as is its exact meaning. Considering all the other evidence we have cited, it would appear that there is very little probability that vel uxoris extends the ban on affines to seven degrees; possibly the phrase was inserted later; possibly it is an attempt to express that this relationship to seven degrees must be measured through women as well as through men. If the latter possibility is the case then the pairing with sanguinis makes sense, and that word refers to the agnatic bloodline. If vel uxoris has any other meaning, then we cannot determine whether sanguinis refers to just agnates or to all cognates. Like many other early papal decrees, our source for this one is ultimately to be found in twelfth and thirteenth century law collections. There is a good chance, therefore, that it is either hopelessly garbled or outright counterfeit. As a check we can look to the nearly contemporary canonical letter written by Basil of Caesaria.⁴⁶ In this letter, Basil simply calls for the following of Greek laws and customs concerning the degrees of prohibited marriage. But quite honestly, the dynamic which we are discussing is in the West; by the end of the fourth century, evidence from the East becomes less and less useful. All we can say is that if the decree is validly Julius', no one seems to have paid much attention to it for centuries.

At the close of the sixth century Gregory I would deny any

relationship with a "proper cognate."⁴⁷ This was the same Gregory who nevertheless allowed the compromise with the Anglo-Saxons. The important thing here is that the compromise was phrased in terms of degrees and that Gregory clearly felt that degrees should be counted through male or female. After this time, counting degrees does not play a very large role in the regulations of the church for a century and a quarter. We again encounter the system at just that time when it becomes clear that the cousin terminology is breaking down. In 722 Gregory II writes Boniface that, in point of fact, if any relationship can be shown between two people, no matter how distant, they ought not be allowed to marry.⁴⁸ But in practical terms, extending the ban beyond the fourth degree seems impossible. Only nine years later, Gregory III was willing to attempt the impossible; he wrote Boniface that the prohibition was to seven degrees and that if further degrees could be counted these also should be abstained from.⁴⁹ Pope Zachary would seem to have been of the same opinion; we have mentioned his complaint about the Lombards. Nevertheless, all King Pepin could be persuaded to ban in 752 was third degree marriages; he did call for penance for fourth degree marriages, but not separation.⁵⁰ As late as 813 Charlemagne had not changed on this point.⁵¹ In effect, the church and the state had reached an impass. Once the church had a system of counting that could not be adjusted to suit local prejudice the differences between how far the church wished to go and how far the state was willing to allow became apparent. So long as the state was firmly in control of both church and society, the church could apparently do little.

Within a generation of the death of Charlemagne, that state control had been shattered. No doubt in part thanks to royal obstinacy in this matter of cousin marriage, the processes we have seen before emerged; warfare broke out between father and sons and between brother and brother. At just this period of intrafamilial violence, while the Carolingian patrimony was being wasted in civil war, the church moved to assert its own notions of the degrees of outlawed sexual and marital relationship. The ninth century canons of Bishop Isaac of Lingonensis declare incest a perversion like bestiality or homosexuality and impose the rule of exclusion to seven degrees.⁵² In 842 Hrabanus examined all previous regulations and concluded that the sixth degree must be abstained from.⁵³ Within three years he presided over a council at Moguntinum which judged that those married in the fourth degree must be separated.⁵⁴ And in 868 a council at Worms, in the very Carolingian heartland, followed the papal lead of a century before by declaring, "We will not define the number of generations within which the faithful may be joined. No Christian may accept a wife...if any blood relationship is recorded, known, or held in human memory."⁵⁵ The church had finally gotten to the point of outlawing any marriage even slightly tainted by the incestuous.

As we have said, secular concern with defining and prohibiting incest was focused on the marriage of affines. The Germanic peoples at least seemed quite content with continuing cross cousin marriage indefinitely. The church, on the other hand, apparently took a while to convince itself that marriage with affines was incestuous, but it was quite forthright in pushing through extensions of the bans on

sexual relations with genetic kin. But the church was also concerned with spiritual relationships; and the state, as we have noted, was involved in the institutionalization and exploitation of one key set of spiritual relationships--those centering around godparentage. If the church and the state were somewhat at loggerheads over affineal and blood relations, they worked hand in hand in responding to the developing of social and sexual framework of spiritual kinship.

NOTES FOR CHAPTER FIVE

- 1 See Glossary, Appendix C.
- 2 Auxerre, can. 31, 32 (LeClercq 269).
- 3 A. Walde, Lateinische Etymologisches Wörterbuch, third edition, two volumes (Heidelberg: Carl Winter's Universitätsbuchhandlung, 1938), 1: 265.
- 4 Donatus, Com. Ter. ad Hec., 459.
- 5 Gaius, Inst. 3. 10.
- 6 Gaius, Dig. 38. 10. 1. 6.
- 7 Ulpian, Dig. 38. 10. 2.
- 8 Paulus, Dig. 38. 10. 10. 15.
- 9 Lex Vis. IV. i. 4-5. This would seem to follow from Just., Cod. 6. 15. 2 (Diocletian, AD 290) which defines sobrini as the children of a consobrina; but note the feminine ending.
- 10 Just., Inst. 3. 6. 4.
- 11 Isidore, Etym. 9. 6. 14-16.
- 12 Epauon, can. 30 (LeClercq 31-32).
- 13 Clermont, can. 12 (LeClercq 107-8).
- 14 Orleans III, can. 10 (LeClercq 118-9).
- 15 Tours II, can. 21 (LeClercq 188-91).
- 16 Paris III, can. 4 (LeClercq 207).
- 17 Paris V, can. 16 (14) LeClercq 280).
- 18 Agde, can. 61 (Munier 227).
- 19 Dagobert II, Capitulary, cap. 39 (Mansi 17b: 68).
- 20 Metz, under Pepin, cap. 1 (CIG 2: 45-6).
- 21 Pactus Legis Salicae 13.11(k), in Pactus Legis Salicae, Karl August Eckhardt, ed., Monumenta Germaniae Historica; Legum, Sectio I, T.IV, Pars 1, two volumes (Hannover: Impensis Bibliopoli: Hahniani, 1962), 1: 63.

- 22 Pepin, King of Italy, Capitulary, cap. 33 (Mansi 17b: 540).
- 23 DuCange /Carolus Dufresne7, Glossarium Mediae et Infimae Latinitatis, seven volumes (Paris: Firmin Didot Freres, 1840-1850), 3: 852.
- 24 Tacitus, Germania XX. 4.
- 25 Evidence and a similar argument may be found in Emile Benevise, Indo-European Language and Society, Elizabeth Palmer, trans., Miami Linguistics Series, 12 (Coral Gables, Florida: University of Miami Press, 1973), 180-92.
- 26 Cooter, "Frontiers" and William S. Cooter, "Preindustrial Frontiers and Interaction Spheres: Aspects of the Human Ecology of Roman Frontier Regions in Northwest Europe" (Ph.D. dissertation, University of Oklahoma, 1976).
- 27 E.g., Decreta Julii Papae I Decem, 5 (Migne 8: 969; Mansi 2: 1267); but see the discussion below for the possibility that such pre-conscious decrees were later "emendations" added by medieval churchmen.
- 28 Responses of Gregory I to St. Augustine, extracted from Bede, (H&S 1: 20-1).
- 29 Letters of Boniface, AD 742 (H&S 2: 50-7).
- 30 Capitulare Compendiense, cap. 1, 2 (CIG 2: 48-9).
- 31 Charlemagne, Capitulare Quintum Anni DCCCIII, cap. 14 (CIG 2:187).
- 32 Rome, under Zachary, can. 6 (Mansi 12: 384a-384c).
- 33 Thomas, Textbook, 517-26.
- 34 In fact, if one lets p = the probability of shared genes and g = the number of generations counted by this method, then $p = 2^{-g}$.
- 35 Theodos. Cod. 3. 12. 1.
- 36 Theodos. Cod. 3. 12. 3; Just. Cod. 5. 5. 6.
- 37 Just., Cod. 5. 4. 19.
- 38 Just., Cod. 5. 5. 9.
- 39 Ex Decretis Hyginii Papae (Mansi 1: 668).
- 40 Epistula Callisti Papae and Omnes Galliorum Episcoporum (Mansi 1: 743).

- 41 E.g., the spurious Penitential of St. Patrick, number uncertain (McNeill 85); Penitential of Theodore, 12. 26 (H&S 3: 201).
- 42 Letter of Hrabanus Maurus to Bishop Humbert (Migne 110: 1083-88).
- 43 Toledo II, can. 5 (Hefele 4: 151).
- 44 E.g., Penitential of Cummaen, can. 7 (McNeill 103); Penitential of Pseudo-Bede, can. 3. 17, -.18, -.29 (H&S 3: 328-9).
- 45 See above, n. 27.
- 46 Letter of Basil of Caesaria to Amphilochius of Iconium, can. 68 (Mansi 2: 1214).
- 47 Decrees of Gregory I, 9 (Mansi 10: 438); but a nearly contemporary anonymous Epistola Canonica nearly disallowed a near agnate (Migne 66: 891), and Migne (67: 343) lists this canon as canon 9 of the AD 721 Council of Rome under Gregory II.
- 48 Letter of Gregory II to Boniface, 13 (Mansi 12: 245).
- 49 Letter of Gregory III to Boniface (Mansi 12: 278).
- 50 Worms, Capitula Synodalia of Pepin, cap. 1 (Mansi 17b: 161).
- 51 Moguntinum, under Charlemagne, can. 53 (Mansi 14: 75).
- 52 Isaac, Bishop of Lingonensis, Canones, can. 11, 12 (17b: 1258).
- 53 Letter of Hrabanus Maurus to Bishop Humbert (Migne 110: 1083-88); Hrabanus, De Consanguineorum Nuptiis (Migne 110: 1087-96).
- 54 Moguntinum, under Bishop Hrabanus Maurus, can. 30 (Mansi 14: 911).
- 55 Worms, can. 32 (Mansi 15: 875).

CHAPTER SIX

THE BEGINNINGS OF THE SOCIAL CUSTOMS CONCERNING GODPARENTAGE IN CATHOLIC EUROPE: SPIRITUAL KINSHIP AND THE INCEST BAN IN EARLY EUROPE

After the rather convoluted arguments of the last three chapters, a discussion of the development and significance of godparentage networks in early medieval Europe and of those incest bans which were developed to control and maintain those networks would seem to be fairly straightforward. Nevertheless, for almost an eighth of the world's population such networks built on the fictive kinship sanctified by godparentage relationships are of utmost importance. In many societies today such networks form the only extra-familial institutions of social cohesion.¹ The ground rules for the development of these networks would seem to have been set in the very period we are discussing.

In discussing godparentage relationships anthropologists usually adopt the terminology developed in Spanish-speaking countries, where the institution is most prevalent, and divide the two styles of relationship that develop out of baptism and confirmation into two categories, compadrazgo and padrinazgo. The term compadrazgo derives from compadre (feminine: comadre), which means "cofather." The system of compadrazgo is thus a system of ritual coparentage, and, as might be expected, the most important aspects of the relationship are the rights and obligations of the child's parents and his ceremonial sponsor towards each other. Padrinazgo, on the other hand, involves the relationship between a child and his sponsor. The interaction between

padrinazgo and compadrazgo can never be completely ignored, but in the modern world at least, any measure of the relative strength of the two will generally show that compadrazgo is far stronger than padrinazgo. In most cases, once the child has become an adult, the obligation between himself and his godparent tends to fade away. But the compadre relationship is generally continuing and permanent. Furthermore, by strict canon law the child may receive only two godparents at any particular ceremony, but his parents may well, depending on local custom, end up with seven or more coparents.²

The number of ceremonies that require godparents varies greatly from region to region. The most common are baptism, confirmation, and marriage, these all being recognized church sacraments, though technically only baptism requires sponsorship under canon law. But compadrazgo relationships are also forged for other "life crises," such as the first hair-cutting, ear-piercing, graduation from school, building a house, broaching a keg of beer, raising crosses on saint's days, and so on. Most commonly, the number of such instances is dependent on the number of compadrazgo relationships that are required for the smooth running of the society. The more insecure the society is, the larger the number an individual's coparents is likely to be.

In most cases a parent secures a godparent for his or her child by approaching a likely candidate with small gifts and asking him to participate in an upcoming ceremony. It is usually difficult for someone so approached to refuse. If the offer is accepted, the sponsor usually takes a position in the ceremony, and he usually pays a portion of the expenses for such a ceremony. Afterward, the sponsor may

receive gifts from the parents. From that time on there is an occasional interchange of gifts and favors between the newly-made compadres, most usually taking the form of a greater respect and deference being paid to the godparent and a continuing series of material favors (gifts, lower interest rates, job preference, etc.) being paid to the parent. In short, the godparent begins to take on a nurturant paternal role with the parent.

These nurturant relationships are most marked in permanent compadrazgo ties. Many researchers, including John Ingham, have found that there are many very short-term relationships which are called compadrazgo.³ In Tlayacapan, Morelos, such short-lived compadre relationships are called "sunflower compadres." Equivalent relationships exist through Latin America, and the terms of repayment and interaction are usually very specific and contractual. But sunflower compadre relationships are seldom centered on the sacraments and almost never on baptism. Apparently, the more the ritual centers on the life crises of infants or very young children, the more it seems to be used to establish what anthropologists call asymmetrical dyadic relationships; that is, the more it encourages the development of patron-client, nurturer-nurtured relationships.

The uses of compadrazgo also vary from region to region, and from person to person. A man who travels in his business may wish to have many compadres scattered around the region, for a compadre must put him up for the night and save him the cost of lodging in an inn. In return, the villager has a relationship which gives him connections to the world outside his village. Or parents might take compadres as

a sort of social insurance (for almost universally if the child should die the godparents are the ones who make the arrangements and pay for the burial). And quite often coparents provide the same sort of "group insurance" for each other. For similar reasons, perhaps, godmothers are sometimes picked for their ability to provide medicines or treatments for ailing children. Compadrazgo is also used often to resolve disputes and to settle feuds. The relationship between compadres is ideally one of calm friendship and politeness; in those societies where governmental controls are weak, violence between persons is often averted by their finding a third party, compadre to them both, who will mediate the dispute.

The incest bans implicit in this form of spiritual fictive kinship are also useful in many regions. If two parties are feuding and a third is brought in to mediate, that mediation cannot reliably take place if the mediator is a blood kinsman of one. Conversely, two unrelated persons can avoid possible future causes for dispute by sealing their relationship by compadrazgo. Norman Whitten has listed a variety of these prophylactic uses in his discussion of San Lorenzo.⁴ Two men going into business together, for example, or living in the same household can avoid the tensions that could build up if one of them is married by the unmarried man becoming the godfather to the married couple's first child. Since the wife and unmarried partner are then compadres, no sexual relationship is possible and thus no jealousies may arise. Or, a woman with a too-powerful suitor may offer her child to that suitor as a godchild; by social custom, he is virtually required to accept, and once he does accept, he may not make any more sexual advances

towards his new comadre. And since an incest ban on the compadrazgo relationship implies that a man cannot be the godparent of his own child, offering a putative father the chance to become a godparent of an illegitimate child is often used as a paternity test. In the same way a husband pressed by a jealous wife can often deflect her suspicions by offering to be the godparent of the child of the woman his wife suspects is his lover.

Godparentage networks, then, provide many of the mediatory, judicial, and insurance functions that are ultimately taken up by the governments or social agencies of more developed countries. It would seem to follow that such networks are wider in the countryside than in the city, and that the wealthier the society is the narrower the godparentage networks will be. These observations would seem to hold good for medieval Europe, as we will see, where godparentage networks appear to be broader in the less urbanized and Romanized regions of the West.

In a large number of compadrazgo systems, the asymmetry of the services rendered to one's compadres lends itself quite easily to the formalization or creation of patron-client relationships. The payment by the godfather is, after all, essentially in money and favors, which the parents reciprocate by rendering a greater respect and deference. If there exists any inequity in the social status of the coparents, compadrazgo would tend to take on de facto connotations of a patronage system. In some areas such patronage is actively sought by the parents as a way of making their position in the society more secure. In others, the patronage relationship exists already, as in those regions where patronage is used to gather together crews of men for occasional work

(a kind of primitive form of labor contracting). One's chance of getting this sort of day-labor is greatly enhanced if the relationship between one and the work-boss is formalized by making him a compadre. Historically, perhaps one might say that in regions which had preserved pre-Christian forms of patronage systems godparentage would tend to enhance those systems. Areas shattered by massive social upheaval at about the same time when Christianity was introduced would tend to use godparentage relationships creatively to make patronage relationships ab nihilo. Again, one would expect godparentage networks to be most extensively elaborated in early medieval Europe in the less Romanized northern portions of Western Europe.

This is not to imply, of course, that peasants would regularly seek out the king to be godfather to their child. Indeed, as Shirley Deshon has shown, there is a strong tendency for peasants to choose upwards only a rung or two on the social ladder.⁵ If the social distance between the rungs is too great, the choice of compadres may be exclusively from social peers. As S. W. Mintz and E. R. Wolf put it:

In cases where the community is a self-contained class, or tribally homogenous, compadrazgo is prevailingly horizontal (intra-class) in character. In cases where the community contains several interacting classes, compadrazgo will structure such relationships vertically (inter-class). Last, in a situation of rapid social change compadre mechanisms may multiply to meet the accelerated rate of change.⁶

Applied to a situation in which a pre-existing group had recently been conquered or overrun by a smaller group and in which there was yet considerable social mobility and fine degrees of status gradation, that is, applied to the situation in Gaul in the fifth through seventh centuries, the Mintz and Wolf postulate would imply that there would be a

strong tendency towards "verticality" and hierarchialization in the godparentage networks.

If, in fact, the major elaboration of the first customs concerning godparentage networks was in such a society, we should expect to find that such customs would tend to be functionally tailored to maintain that sort of society, and that wherever we find those customs applied later there would be a tendency for that new application to show strong tendencies to force the society back into the mold of the originating society. That is, if these networks were invented by Frankish society, one of the effects of applying them to other societies would be a tendency to remake those other societies so that they began to have a social structuring very like the society of the Franks. Much of the uniformity in godparentage practices throughout the world would then be attributable not so much to the nature of the canon law on baptism but to the fact that the Frankish empire was the successor state for all of Western Europe in the eighth and ninth centuries and that, to a great extent, subsequent Western European custom is derived from Frankish custom.

If this argument is true, we should expect that one of the functional uses of compadrazgo would be to maintain the social status quo in hierarchialized societies, to bind the society horizontally, restricting the ability of individuals to cast off the interests of friends and neighbors while attempting to improve their individual station in life. Certainly later Frankish society showed a strong tendency to reduce mobility in the society and to consolidate the position of the elites. And in fact William Sayres notes that this is one

of the major effects of a wide-spread system of fictive kinship built on godparentage relationships.⁷ He found that while such systems do provide security, they do so at the cost of individual privacy; for a man must be free and open with his compadres. He must also be willing to share his financial good fortune with them. These obligations create what he calls a "negative affect," a resentment that threatens to burst the bonds of the system. In order to overcome this negative affect, however, individuals will invariably insist on even stronger emphases on the obligations implicit in godparentage networks. The result is that even when compadrazgo is structured horizontally it so reduces social and individual mobility as to serve as a tool for maintaining a sharp distinction between peasants and the elite.

When we turn to look at the Frankish state we can see a considerable use of godparentage networks in social, political, and financial interactions. Educational and quasi-parental responsibilities, for example, were both a part of custom and of legal requirement. The Vita of Saint Balthildis informs us that the saint decided against giving up the flesh for some time because she had an infant goddaughter to raise and instruct.⁸ In 787 a synod made such responsibilities mandatory and required that godparents at least be able to teach the Credo and the Lord's prayer to their spiritual children.⁹ Charlemagne insisted that every coparent or godparent be able to instruct his spiritual children in the details of the faith.¹⁰ He wrote Bishop Ghaerbaldus that he had ordered many prospective godparents to be examined privately and was dismayed to find that they did not know the most basic aspects of Christian teaching, and he remarks that it is

his firm intention of keeping such from becoming godparents in the future.¹¹ Early ninth century secular and canon law both disallow those who are uninstructed from becoming godparents, along with those who are unbaptized, excommunicated, or public sinners.¹² These latter decrees, I think, imply that something which was called godparentage was being practiced by peoples who were not even completely Christianized.

Godparentage customs also served to regulate social and political behavior. The author of the Continuationes, for example, uses the fact that Ebroin slew his own cofather as an epitome of Ebroin's general treacherousness.¹³ The more general tendency of the age is to treat sponsorship relationships with great respect. Thus, when Theoderic ordered his son Theodebert to slay Sigivald, Theodebert allowed Sigivald to escape, because Sigivald was his godson.¹⁴ And when Chlothar II captured the sons of Theuderic, he killed two but allowed the third, his godson Merovech, to live in captivity.¹⁵ Also, there is the example of Gunthram Boso, who, pursued by Childebert, saved himself by appealing as a suppliant to Bishop Agericus, who was Childebert's godfather.¹⁶ These are all padrinazgo relationships, and all tend to have the flavor of patronage or guardianship in them. Such guardianship is especially clear in the career of Guntram, who, upon the death of Chilperic, became godfather to Chlothar, Chilperic's son, and took over the management of the boy's kingdom.¹⁷ He noticeably strengthened his hand by becoming the spiritual parent of Chilperic's heir. More blatantly, a certain Bishop Praetextatus is said to have cleared himself of theft charges by stating, "I regarded as belonging to me what belonged to my son Merovech, whom I received from the font of regeneration."¹⁸

Compadrazgo relationships are similarly important. Gregory of Tours claims that Eberulf was continually attempting to seize the properties of St. Martin, but that he, Gregory, had taken no action because he was the godparent of Eberulf's son.¹⁹ And after a plot by three nobles against Brunhild, that queen offered one of them his life because his daughter was her godchild.²⁰ Perhaps in this same category we should place the complex negotiations between Gunthram and Chilperic over who was to be Chlothar's godfather; quite apparently the idea of becoming a compater with Gunthram was distasteful to Chilperic.²¹

Throughout this period, at least among the elites, we seem to see that both padrinazgo and compadrazgo are strong. Both have connotations of patronage. Padrinazgo does not, however, have the flexibility of compadrazgo; one can have more compadres than one can have godparents. There was throughout the middle ages a tendency to increase the number of godparents, but from the council of Metz in 888 this tendency was always opposed by the church.²² Compadrazgo relationships, however, need suffer from no such restrictions.

Our knowledge of who was chosen for godparents is limited by the scantiness of our records. Among the very highest classes there was a definite tendency to choose bishops for godparents. Bishop Ragnemod, for example, was godfather to Chilperic's son Theoderic,²³ Bishop Veranus was godfather to Childebert's son,²⁴ Pope Hadrian was godfather to Charlemagne's son Pepin,²⁵ and the archbishop of Milan received the counterbalancing honor of being godfather to his daughter. Certainly, the best possible spiritual tutor for one's child would be the local

bishop, but the relationship between king and bishop is so strong that one suspects that there was a feeling that coparentage implied patronage and submission, and that royal and noble houses preferred to free themselves of the possibility of having to do deference to any secular individual.

Finally, it should be noted that the patronage aspects of godparentage networks might well have been turned on newly conquered peoples or those who were newly converted. One sure example of this is that, when Chilperic ordered the conversion and baptism of all the Jews in his kingdom, he himself received a number of these from the font, almost certainly their leaders and chief men.²⁶

The only two rituals around which godparentage networks can form that are attested to in the records are baptism and confirmation. Both are referred to in an early canon cited in the twelfth century and attributed to Pope Sylvester in the early fourth century; but the wording and the example are unusual and, like the other examples of this sort of decree we have mentioned, are suspect.²⁷ The first certain mention of confirmation in this context is not until the eighth century, where sexual relations with godparents acquired during the ceremony of confirmation are outlawed in a canon that is appended to the canons of a synod called by Carlomann in 743.²⁸ Possibly some of the references in earlier sources are in fact referring to godparents from confirmation, but until this time the terminology needed to distinguish these various relationships had not been properly developed. Indeed, until the eighth century, the entire terminology for godparentage relationships of any kind was confused and vague.

The earliest regular term used to describe a godparent is sponsor, from the Latin sponseo, to promise or affirm, usually in the context of a contractual ritual which involved both promises and libations.²⁹ Similarly, the terms fideiussor or fideidictor were sometimes used.³⁰ But the more common medieval terms centered not on the aspect of oath-taking but on the physical actions of the individual in the ritual itself. Thus the terms traditor, levator, susceptor or the like, to indicate the actions of carrying, lifting, or receiving the child in baptism were commonly used. The child was then a filius ex fonte or ex lavacro. But terminology which begins to appear in the sixth through eighth centuries moves away from this ritual description and begins to concentrate on a terminology of persons and role description. Thus sponsors were referred to as matrinae or patrini. The child was a filiolus. We see here a tendency to parallel matrona and patronus, and a permanent diminutive being applied to the term for the baptized child. The relationship between coparents was also isolated in its own terminology, expressed by the problematical terms commater and compater.

The reason these two terms are problematical has nothing to do with the obvious textual meaning of the words. They literally mean "comother" and "cofather," and they are the etymological ancestors of words which have precisely those meanings today (Spanish: compadre, comadre; Italian: compare, commare; French: compere, commere). The problem is that, for some reason I cannot fathom at all, the major glossaries of medieval Latin for the last two centuries have defined these terms to mean godmother and godfather.³¹ A brief examination of

the medieval records would indicate that this meaning is impossible.

Gregory I describes a monastery in which the monks were having females visit, whose visits they apparently wished to make seem innocent by making the women their commatres (monachos tuos sibi commatres facere).³²

After a man had already become a monk would be a very strange time for him to finally acquire a godmother! At about the same time the council at Auxerre ruled against the same practice.³³ And in 670 a synod under Leodegar of Autun ruled that no monk should have a conpater.³⁴ Quite probably, the first two examples indicate a practice of making women coparents in order to ensure or at least imply that there was no sexual congress between the monks and the women, and thus actually they suggest a social custom of incest aversion with coparents on a fairly popular level (since most monks were not likely to be recruited from the social and political elite). The third example, instigated by Leodegar, whose political involvements qualify him as a man of the world, would probably indicate an unwillingness to allow secular patronage relationships to interfere with the internal workings of the monasteries. None of these examples allow any other interpretation of the terms except coparent, and in no example that I have found have there been any uses of the term which absolutely had to be interpreted as godparent.

At any rate, we can see that the terminology for relationships as opposed to that for actions developed relatively late. This ought to be an indication that it was in this period, the sixth through eighth centuries, that the social networks that could be elaborated out of these relationships were beginning to be explored. Most of this development would seem to be in the Frankish territory. Where

Roman practice and customs were more likely to have been maintained, there is less mention in the records of any sort of complex godparentage networks. It is not unlikely then that many of the relationships covered by this developing system were already covered adequately by Roman law and custom. Many of the political aspects of patronage in the South would have already by this time been covered by the revival of the familia and patron-client relationships that we have discussed in previous chapters. The social insurance aspects of godparentage could have been handled by the Roman laws concerning guardianship.³⁵ The definition of this guardianship relationship takes up a significant portion of the Roman law, most probably influenced the canon law on baptismal sponsorship, and in fact ultimately began to include a ban on marital connections that appears similar to that later developed by the church for spiritual kinship. The development of that relationship must therefore be briefly explored.

In Roman law a minor or a person who was judged to be incapable of handling his own affairs was called a pupillus, and a guardian over his person was appointed, a tutor (or over some piece of his property, a curator), either by the appointment of the state or by his parent's will. Third century law concentrated on a particular kind of abuse of this position of trust by the guardian; that is, his propensity to transform a temporary control over property into a permanent one, usually by persuading his ward to make a disadvantageous marriage. In 215 Septimius Severus ruled that there should be no marriage contracted between a tutor and his pupilla.³⁶ Alexander Severus in 223 ruled that it was unlawful for a tutor to marry the mother of his

pupilla, since she might be expected to be vulnerable to the financial pressures that could be brought to bear on her from her daughter's tutor.³⁷ In 245, Philip decreed that one's freedwoman was automatically one's pupilla, and that one could therefore not marry her; he also extended the ban to include curatores as well as tutores.³⁸

In 260 Valerianus and Gallienus declared that a man could not marry his father's pupilla.³⁹ And Diocletian ruled that curatores were also to be included in this ban.⁴⁰ This ruling by Diocletian includes an explanation of the rationale behind these laws; they were to prohibit the fraudulent conversion of a temporary guardianship over a ward and her property into a permanent one. As such, the laws were only concerned with marriage. It would take a more or less Christian ruler to convert this rule about marriage into one about sexual contact. Indeed, Constantine made just such a ruling, giving the most severe punishment to a guardian who was shown to have ravished his ward.⁴¹ A shift has been made; the tutor is now the possessor of parental affection, not the possessor of property. From this ruling it is a fairly easy shift to that of Justinian, who decreed that a godparent might not have sexual relations with a godchild because such an act intermingles paternal affection with the lusts of the flesh.⁴² So stated, Justinian's ruling is a clear incest ban.

When the church began to develop its incest prohibitions on the godparentage relationship it developed ones which in the end looked very like those developed in Roman law to cover guardian relationships. This is hardly surprising since godparents came to serve the same function as tutores had. In the beginning of the Christian

period, when sponsorship at baptism was between adults, the parallel with guardianship would have been very slight. Two things had to happen first: Infant baptism had to become commonplace, so that the godparent could be seen in the light of a tutor, a word which after all merely means a teacher of the young. Second, it had to become uncommon for parents to sponsor their own children. Exactly when infant baptism became common practice is a serious problem that, fortunately, is not germane to our problem here--suffice it to say that it was fairly standard by the end of the fourth century. At that time it was apparently still common for parents to stand as sponsors for their own children; at least Augustine of Hippo felt compelled to attempt to disabuse a fellow bishop of the notion that the sponsors had to be the child's parents.⁴³ But within two centuries, this attitude was to change radically. Gregory I ruled that no one might marry his comother.⁴⁴ By implication, one's comother and one's wife must be separate persons. In 614 Pope Deusdedit made the first unambiguous judgment on the matter.⁴⁵ He ruled that anyone who received his own child from the font must be separated from his wife as if no marriage had ever taken place and that no one was to be allowed to marry his comother. Between Augustine and Deusdedit a change had taken place, particularly in the West. By the time of Justinian it must have been common for a person other than a parent to be a godparent. By the time of Deusdedit the regulations made it logically impossible that a child's godparent could be his parent. Thus it was in these two centuries that godparentage relationships began to be seen as an auxiliary form of kinship. All of this happened at a time when it was exactly most likely

that it would happen, at a time when the institutional framework of the society was in the process of rapid readjustment, if not collapse.

We can pinpoint the change from padrinazgo relationships to comadrazgo relationships fairly clearly. That changeover occurred in the last decade or so of the sixth century. Before Gregory I there are no extant and reliable records of objections to sexual congress between coparents. It was Gregory who sent the mission to the Anglo-Saxons. And there is a lack of appreciation in the Anglo-Saxon Church for compadrazgo relationships. The Anglo-Saxons did appreciate padrinazgo relationships, as is evidenced by a synod at Wessex in 692 that included the killing of a godfather as patricide.⁴⁶ But when Boniface of Crediton, well-trained in the Anglo-Saxon tradition, began his missions to the Continent, he ran into a problem concerning coparentage that he had never faced before. It seems that he had married a man to his comother, the mother of the man's godchild, and had been told by local people that in so doing he had committed a grievous sin. He wrote letters to Pope Gregory, to Nothelm, and to Bishop Duddum attempting to discover wherein he had sinned.⁴⁷ True, he told Nothelm, there is a spiritual brotherhood between godparent and parent, but since all who had been baptized were brothers and sisters in Christ, he could not see any reason for a special impediment. But the truth of the matter would seem to be that his real problem was that the church that had trained him had gone its own way on the very eve of the time when the continental society was beginning to find uses for compadrazgo relationships.

There is evidence that some prejudice already existed in the earlier

sixth century in favor of outlawing the marriage between spiritual kin. Although the 538 synod at Arles did not outlaw marriage with any particular spiritual kinsman, the canon concerning incest begins by stating that "incest laws come from statute, from the manner of baptism, or from previous church councils."⁴⁸ This council is almost contemporary with the ruling made by Justinian, and it is tempting to see both of these as the beginnings of a response to a growing prejudice among believers that fictive kinship should be kept separate from blood kinship. After the decree of Deusdedit, the next statement on the matter would seem to be that found in the canons of the Quinisext Council of 692, which said that sponsors may not marry the mothers of the children they sponsor, since spiritual kinship is a higher kinship than that even of the flesh.⁴⁹ The Quinisext was, of course, rejected as a whole by the West, but in 721 a council at Rome under Gregory II explicitly anathematized anyone who married his commater.⁵⁰ In 741 Zachary informed Pepin that marriage to a comother or a spiritual child was forbidden.⁵¹ In the same year he wrote the bishop of Turin that to marry one's father's goddaughter was to "reveal one's father's nakedness," an echo of Leviticus. In 743 a council at Rome under Zachary ruled that spiritual coparents might not marry, and that same year, Liutprand--at the pope's insistence--decreed that it was unlawful for anyone to marry his comother, his goddaughter, or his father's goddaughter.⁵²

This rapid elaboration of the ban under Zachary is almost certainly in response to the queries sent down from the north by St. Boniface. The problems that gave rise to those queries were apparently real enough. In the same year as these decrees, or thereabouts,

a Carolingian decree states that a man who leads his own stepdaughter to confirmation must be separated from his wife and that neither husband nor wife may remarry.⁵³ In 752 Pope Stephen II, while among the Franks, wrote to the English that they might not marry comothers, not those from the font nor those from confirmation.⁵⁴ In 756 a synod at Metz under Pepin defined as incest relations with commatre sua aut cum matrina spiritale, de fonte et confirmatione episcopi.⁵⁵ And Charlemagne presided at a synod in 813 which repeated these same rules.⁵⁶

It should be noted that virtually every one of the decrees that concerned a clarification or elaboration of these taboos or that included spiritual kinship from confirmation was in some way directly involved with the Franks. The conclusion seems inescapable that it was Frankish society that required these networks, that it was the Frankish monarchy which responded to these requirements, and that so long as the church was the virtual captive of that monarchy, the church ratified that monarchical response.

Apparently, once the monarchy was in disarray, the church found itself with regulations which were a bit of an embarrassment. They could not be simply removed from the tradition, but they were not particularly useful. The ninth century canons of Bishop Isaac, for instance, do admit that fornication with a godmother from the font or from confirmation is incestuous, but they go on to say that when incest is not defined by kinship but only by the rules of the church then only church penance is necessary.⁵⁷ At about the same time Pope Nicholas I decreed that fornication with one's godmother was anathema and that one ought not marry a comother since the spiritual relation-

ship has already made the two coparents into one flesh. But he also noted that, while taking a stepson or stepdaughter to confirmation was a sin, it was not so grave as to result in the separation of man and wife.⁵⁸ In a letter to the Bulgars he states that one ought to treat a godparent like a parent, even though the relationship is spiritual and not one of the blood. That there cannot be marriage in these relationships is for the same reason that Roman law does not allow for marriage between those one adopts and one's own children, or between adoptive father and child.⁵⁹ And in 868 the council of Worms declared that a man who fornicated with his godmother or comother was guilty of a grievous sin, but that this fornication was not enough cause to separate him from his legitimate wife.⁶⁰

We will never know whether the Franks also practiced at this time the equivalent of those sunflower-compadre relationships which are found in Latin America today. But it does seem clear that by the end of the eighth century they had elaborate networks of fictive kinship based not only on the baptismal ritual but on the ritual of confirmation. These networks were very persistent and strong, it would seem. The monarchy found use for them, but they seem to come from below, from the very substratum of social custom and belief. The church had less use for them. So long as they were elaborated along the lines of the parent-child relationship implicit in the sponsoring of the baptism of a newborn child, churchmen could apparently understand and support the rationale behind them. But when they centered on rituals that were not child-centered, a sort of disinterest seemed to set in.

What does seem to be apparent is that the impetus for many of

the regulations we have seen did come from below. For one reason or another, the developing pattern of godparentage networks seemed to require the inclusion of an incest ban. Since the impetus apparently came from individuals and groups who were in no position to--and probably would have been unable to--express the rationale behind this inclusion, we can never be certain. But if we recall our brief survey of the uses of godparentage in modern peasant societies and turn once more to the discussions in chapter two a very probable notion will emerge.

When we were discussing the insights of Parsons, Malinowski, and Cohen in chapter two, we ran across the persistent theme of education and role clarification. According to Parsons in particular it is extremely important for the child to retain two families of orientation, to have some freedom of action when it comes to the decision of which values to internalize. We have seen that godparents are fictive kindred and that one of their particular functions is educational, to ensure that certain values are inculcated in the child. The functional advantage of having a third family of orientation to inculcate such values must be immense. This advantage might well be especially high in those societies where close inbreeding (through a persistent pattern of cross cousin marriage) has tended to erode the original two families back down to a single, rather amorphous family. It would follow that the incest ban on spiritual kin would be a tool for maintaining the separateness and integrity of this vital group of auxiliary kinsmen.

Such a development would seem to be quite natural under the circumstances. We have seen in this study a picture of a society shattered

by violence and untrustworthiness, one that cannot function well or cooperate properly even within the confines of the nuclear family. We have seen that this chaos continued even though the church was steadily calling for both brotherly love and a wider awareness of the incestuous. We have seen secular rulers attempting to use bans on affineal incest to provide a modicum of intrafamilial discipline. What would be more natural than an attempt on the part of most people to find some basis for the security of themselves and of their children? And in a society without institutions--indeed, with little or no notion of the very idea of institutions--what other form of social insurance could be found except one that appeared to look like kinship? And yet, one would hardly choose to have these new, elective kinsmen simply disappear into the ranks of one's other kinsmen. And the easiest way to disallow that possibility would seem to be to disallow marriage within the godparentage network.

NOTES FOR CHAPTER SIX

- ¹ Much of the discussion in the following pages is distilled from the following set of more or less standard works: Gallatin Anderson, "A Survey of Italian Godparenthood," Kroeber Anthropological Society Papers 15 (1956); Shirley Deshon, "Compadrazgo on a Henequen Hacienda in Yucatan: A Structural Re-evaluation," American Anthropologist 65 (1963), 574-83 (hereafter, Deshon); George M. Foster, "Cofradia and Compadrazgo in Spain and Spanish America," Southwestern Journal of Anthropology 9 (1953), 1-28; idem, "Godparents and Social Networks in Tzintzuntzan," Southwestern Journal of Anthropology 25 (1969), 261-78; John Gillin, Moche: A Peruvian Coastal Community, Smithsonian Institution, Institute of Social Anthropology, Publication No. 3 (Washington, D.C.: GPO, 1947) (hereafter, Gillin); E. A. Hammel, Alternative Social Structures and Ritual Relations in the Balkans (Englewood Cliffs, N.J.: Prentice-Hall, 1968); Donn V. Hart, Compadrinazgo: Ritual Kinship in the Philippines (DeKalb, Illinois: Northern Illinois University Press, 1977); John V. Ingham, "The Asymmetrical Implications of Godparenthood in Tlayacapan, Morelos," Man, n.s., 5 (1970), 281-9 (hereafter, Ingham); S. W. Mintz and E. R. Wolf, "An Analysis of Ritual Coparenthood (Compadrazgo)," Southwestern Journal of Anthropology 6 (1950), 341-68 (hereafter, Mintz & Wolf); William C. Sayres, "Ritual Kinship and Negative Affect," American Sociological Review 21 (1956), 348-52 (hereafter, Sayres); Norman E. Whitten, Jr., Class, Kinship, and Power in an Ecuadorian Town: The Negroes of San Lorenzo (Stanford, California: Stanford University Press, 1965) (hereafter, Whitten). The only works which have attempted a serious study of the history of the institution of godparentage are Richard J. Kearney, "Sponsors at Baptism According to the Code of Canon Law," Catholic University of America, Canon Law Studies, 30 (1925) (hereafter, Kearney); and Benjamin D. Paul, "Ritual Kinship: With Special Reference to Godparenthood in Middle America," Ph.D. dissertation, University of Chicago, 1942.
- ² Gillin, 107 et passim.
- ³ Ingham, 284.
- ⁴ Whitten, 103-20.
- ⁵ Deshon, 582-3.
- ⁶ Mintz & Wolf, 364.
- ⁷ Sayres, loc. cit.
- ⁸ Vita Sanctae Balthildis, c. 14 (MGH SRM 2: 500-501).

- 9 Calchuthensis, can. 5 (Mansi 6: 1863).
- 10 Capitula e Canonibus Excerpta, cap. 1-6 (MGH CRF 1: 173-74).
- 11 Letter, Charlemagne to Bishop Ghaerbald (MGH CRF 1: 241-242).
- 12 Paris VI, can. 7 (Mansi 7: 1607).
- 13 J. M. Wallace-Hadrill, The Fourth Book of Fredegar and Continuations, (New York: Thomas Nelson and Sons, 1960), 82: sed Ebroinus allaciter agens ut solebat compatri...etc. (hereafter, Wallace-Hadrill).
- 14 Gregory of Tours, *Historia Francorum*, III. 23 (MGH SRM 1: 131).
- 15 Wallace-Hadrill, 42.
- 16 Gregory, Historia, IX. 8 (MGH SRM 1: 364).
- 17 Wallace-Hadrill, 2.
- 18 Gregory, Historia, V. 18 (MGH 1: 213-14).
- 19 Ibid, VII, 2 (MGH SRM 1: 292).
- 20 Ibid, IX. 9 (MGH SRM 1: 364-66).
- 21 Ibid, X. 28 (MGH SRM 1: 439-40).
- 22 See the discussion in Kearney, 40-45.
- 23 Gregory, Historia, VI. 27 (MGH SRM 1: 266).
- 24 Ibid, IX, 4 (MGH SRM 1: 360).
- 25 Royal Frankish Annals, 781, in Annales Regni Francorum, Fridericus Kurze, ed., *Scriptores Rerum Germanicarum in usum scholarum separatim editi* (Hannover: Impensis Bibliopoli Hahniani, 1895), 56-58.
- 26 Gregory, Historia, VI. 17 (MGH 1: 259-60).
- 27 Capitulum Silverstri (Mansi 2: 463): Si quis filiam aut sororem ex sacro fonte vel chrismate in conjugio sociaverit, divi dantur, agant poenitentiam annis V.
- 28 Liptensis, under Carlomann, uncertain canons (Mansi 12: 371).
- 29 Thomas, Textbook, 79, 92.
- 30 Letter, Augustine of Hippo to Bishop Boniface (Migne 33: 359).

- 31 See the list of glossaries at the end of Appendix C.
- 32 Letter, Gregory I to Valentinus, AD 584, cited by Kearney, 55.
- 33 Auxerre, can. 25 (LeClercq 268).
- 34 Autun, can. 5 (Mansi 11: 123).
- 35 Thomas, Textbook, 453-68.
- 36 Just., Cod. 5. 6. 1.
- 37 Ibid, 5. 6. 2.
- 38 Ibid, 5. 6. 4, -.5.
- 39 Ibid, 5. 6. 6.
- 40 Ibid, 5. 6. 7.
- 41 Cod. Theodos. 9. 8. 1.
- 42 Just., Inst. 5. 4. 26.
- 43 Letter, Augustine to Bishop Boniface, loc. cit.
- 44 Decrees of Gregory I, no. 4 (Mansi 10: 436).
- 45 Letter of Pope Deusdedit to Bishop Gordianus (Mansi 10: 536).
- 46 Wessex, cap. 9 (Hefele 5: 243).
- 47 Letters of Boniface, 32, 33, and 34 (Monumenta Germaniae Historica: Epistolae Merovingici et Karolini Aevi, t.1, 282-85).
- 48 Arles, can. 10 (Mansi 9: 14).
- 49 Quinisext, can. 53 (Hefele 5: 231).
- 50 Rome, under Gregory II, can. 4 (Migne 67: 343).
- 51 Letter, Zachary to Pepin, sec. 22 (Mansi 12: 333);
Letter, Zachary to Theodore, Bishop of Turin (Mansi 12: 354-55).
- 52 Rome I, under Zachary, can. 5 (Mansi 12: 383); Liutprand, Laws: Year 11, cap. 34, in Fr. Bluhme, ed., Edictus Ceteraeque Langobardorum Leges, Scriptores Rerum Germanicarum in usum scholarum separatim editi (Hannover: Impensis Bibliopoli Hahniani, 1869), 101.

- 53 Appended to Concilium Liptinensis, under Carlomann (Mansi 12: 371).
- 54 Letter, Stephen II responding to the questions of the Britons, sec. 4 (Mansi 12: 561).
- 55 Metz, under Pepin, cap. 1 (Mansi 17b: 177).
- 56 Moguntiacum, under Charlemagne, can. 55 (Mansi 14: 75).
- 57 Isaac of Lingonensis, Canones, can. 1, 7 (Mansi 17b: 1257-58).
- 58 Nicholas I, Decreta, cap. 1, 2, and 4 (Mansi 15: 447-48).
- 59 Nicholas I, Responses to the Questions of the Bulgars, sec. 2 (Mansi 15: 402).
- 60 Worms (AD 868), can. 34 (Mansi 15: 875).

CHAPTER SEVEN

APOLOGIA PRO OPERE SUO THE AUTHOR REFLECTS ON HIS RESEARCH

It would be well at this point to stop and ask ourselves just what all this means, ultimately. What exactly is the significance of the study of incest regulations in any society, let alone in the middle ages? When I began writing out the results of my research, I found it necessary to ask questions about that over-all significance, to place the study in the full context of the problems faced in all the social sciences. Examining these, I discovered that incest regulations were felt to serve a multitude of functions in society. One of the most important functions was to serve to maintain the integrity of an individual's different families of orientation, keeping fictive networks--for example--separate from regular kinship networks. Another function was to reduce intrafamilial rivalry by outlawing relationships with affines, essentially with women whom one's kinsmen have already claimed. A function intertwined with both of these is the necessity imposed upon the individual by wide incest regulations to practice wider exogamy, thereby ensuring a wide range of interfamilial alliances. All of these uses are apparent in the medieval records we have examined.

But perhaps the most startling conclusions came about when I tried to penetrate the mystery that has always surrounded the undeniable fact that some sort of incest aversion is practiced by every society. In order to explore this I had to place the problem in an

evolutionary framework and think in ethological terms. Once I began to think in those terms and had accepted that there was an inverse relationship between the extent of incest regulation in a society and the levels of intra-societal violence, the causal dynamic that I finally arrived at seemed, and still seems, the most elegant explanation of the problem. That elegance is increased by the facts that the dynamic can be used to illuminate the historical development of instability in a society and that its validity can be tested by careful examination of the historical sequence of events in a multitude of societies. When a theory is elegant (that is, when it can provide explanations in the simplest framework that still manages to cover all the data perceived to be relevant to the problem), predictive, and subject to further testing in whole or in part, that theory can be called scientific. The hypothesis set forth in chapter two has not been invalidated by the studies in the subsequent chapters, and therefore our theory seems to hold good so far as the middle ages are concerned. It would please me if experts in other fields of history attempted to falsify the hypothesis in their own areas of expertise. In fact, such testing is necessary. I may have developed a convenient model for interpreting only those developments I discuss in Western society. Or I may have stumbled upon an interpretive framework that has extremely wide application. By putting that framework forward so boldly I have consciously challenged other historians to refute me or to find other societies in which to test my interpretations. If the challenge is taken up, even if what I have said is refuted, I have reason to believe that the refutation would in itself bring to the

fore a whole new range of valuable questions about sexuality and violence in societies.

What those other historians should look for in their own fields of study includes a whole set of indicators of lowered or heightened awareness of the incestuous. Secular and religious legislation should be examined with an eye towards understanding what the legislators deemed to be the appropriate limits of behavior or pressing social problems. At the same time those historians should pay attention to the status of women in society; where women are treated dichotomously as being either lofty and unapproachable or vile and salacious, we have posited that incest awareness will be low. Likewise, religious or intellectual movements that elevate women to an extremely lofty position, as arbitrary goddesses who work good or ill at their own whim, also ought to indicate a lowered awareness of the incestuous. A predominance of particular sexual perversions in the society--homosexuality, pedophilia, sado-masochism, and gerontophilia--those perversions which indicate difficulty in forming firm sexual objects in a non-dominance framework, should also be considered as evidence of a lowered awareness of the incestuous. Against these should be set an honest evaluation of the general tenor of competition and cooperation in that society. If it is found that economics or politics is viewed as a "zero-sum game," where there can only be one winner, or if it is clear that rulers or ruling groups are having extraordinary difficulty with trusting their subordinates with power or responsibility, we have posited that the awareness of the incestuous in the society will be relatively low. Particular attention should be paid to smaller

groups within the society, those which constitute factions or ruling elites. If one of these groups becomes destabilized, we should find that they will begin to act in such a manner as to destabilize other groups. In short, a society or social group on a trajectory towards totalitarian government and exploitative dominance by a well-defined elite ought to be characterized by an erosion of the individual's awareness of the incestuous.

I myself arrived at this hypothesis through a series of deadends and changes of direction which are not always apparent in the text of the final writing. Indeed, the final form of my conclusions would have surprised me two years ago. Then, things seemed very simple. I began by being curious about the fact that godparentage relationships included an incest taboo; that inclusion seemed rather odd. As I began to search through the earliest medieval records, I began to see that almost all of the earliest synods had long sections--indeed, the longest in many cases--dealing with the whole problem of sexual regulation. This discovery fueled a long-standing concern of mine over the reasons behind the relatively stern Christian outlook towards sexuality, an outlook that at times could be called almost violently anti-sexual and anti-feminine. A few other scholars, most notably Peter Brown and Samuel Laeuchli, have also concerned themselves with this question, and I respected their work enough to want to join them in the quest for some sort of answer to it.

Already having some training in the social sciences, I plunged myself into the writings of anthropologists and psychologists and began to realize that the answers we were looking for had to be found

in the nature of the child's earliest perceptions of himself, his world, and the roles of the people around him. And I realized, as I hope the reader does by now, that one of the most basic expressions of these perceptions is the pattern of incest aversion that the child ultimately assimilates. To many anthropologists incest taboos are intimately connected with the structure of interfamilial alliances in primitive societies. To psychologists the incest taboo, placed in opposition to the oedipal urge, provides the first dynamic for the developing human personality. For the sociobiologist, ethologist, or evolutionary theorist incest aversion is a deep mystery, the paradox of a universal trait in the arbitrary patterns of human culture, the ultimate interface between man as a being in nature and man as a social being. Students in all of these fields have commented at length on the subject, agonized over it, tried to solve the question of the etiology and meaning of the taboo. If I were to write a history of the development of incest regulations in the middle ages, I decided, I must either adapt that history to the theories of one of those students of the problem, or I must adapt and synthesize all of their theories into one which fits the facts of history. And although readers of the first two chapters may have at times had their doubts, the fact is that I am a historian, and historians have always been more prone to let facts determine the form of theories rather than to let theories structure the interpretation of facts. As a historian, then, I felt that I should give priority to those insights which seemed to fit the data that I was already uncovering, rather than to appeal to one or two particular authorities in the social sciences and to

adapt my "history" to fit their theories. Over and over I found that the past had a certain intractibility, that I had to make modifications or totally new beginnings despite my own particular theoretical preferences. Chapters one and two do not show most of those modifications; they simply show the end-result. That could not be helped. Any comprehensive commentary on the strengths and weaknesses of every theory put forward on the topic would take at least ten times the amount of space and time that I have devoted to the whole project.

This is hardly to imply that the modifications that I have made have made everything that was said before me useless. In my discussions on the development of regulations concerning incest with affines, for instance, I have tacitly accepted much of the viewpoint of the so-called "alliance theorists" in anthropology, even though I do not believe that alliance theory in itself is enough to explain all the uses or ramifications of the incest taboo. In the same way, when I spoke of the uses of the ban to maintain the integrity of godparentage relationships and fictive kinship networks, I was implicitly relying on the insights of sociologists, social anthropologists, and social psychologists, even though such uses are not the only uses possible for the ban. And I have spoken at some length about horror and aversion, even though these in themselves do not provide explanations of why the taboo is there but only of how it sometimes operates. In short, I have tried to stretch past the realm of uses into that of causes, and I have subsumed many previous theories as partial ramifications of my overriding theory.

Perhaps one of my most controversial assumptions is that disinterest or aversion is simply a way of dealing with or rationalizing

horror. Much of the literature on this topic goes to great lengths to side-step this problem. For me, such a cool aversion to the problem is virtually impossible. That implicit in the underlying world-view of the early church, for instance, was a horror of sexuality, women, and anything that seemed to partake of the incestuous seems to me unquestionable. When I read that a woman's menses were thought possibly to be able to pollute the most holy ground, when I see certain forms of sexuality referred to as carnal contagion, when I see that the wrong choice of sexual partner can lead to one's death or exile at the hands of one's neighbors, when I see that the whole problem of sexual regulation is worried over in synod after synod, I cannot help but believe that I am dealing with something very important, something very emotion-laden and serious in the medieval world-view. A study of the development of this world-view in late Antiquity and the early middle ages does not seem insignificant. Even if the conscious uses and the unconscious dynamics we have discussed were not of any great importance, this whole set of notions about sexuality would still deserve serious study, because implicit in it is a whole set of problems involving the understanding of the development of a civilization's attitudes towards the body, the self, and the structure of legitimate relationships with others.

Even though I was concerned about these problems, I did not come to the conclusions I have, easily or immediately. When I first read, for example, those anthropological studies that related lowered incest aversion to increased societal violence, I thought the notion was absurd. Among other things, I felt that there was no objective way to get at

relative levels of violence; indeed, that is still the weakest point in my study--I have had to deal with the sum of the subjective opinions of historians as if it were an objective datum. Yet given even this "soft spot" in the theory, I found that, the more I read, the more this relationship was apparent. Once I tried to reason out what evolutionary use such a relationship could have, I found myself (almost completely against my will and better judgment) coming up with a Universal Theory. And the trouble with universal theories is that they have to be universal in application. As a result, chapter two is exceptionally long and complex. Even though in subsequent chapters I was only planning to build on one small portion of the foundation laid in that chapter, it was my judgment that the entire foundation had to be laid in one piece. Put together piecemeal, it would crack and shatter and would not support the weight of any structure. By laying the whole ground-work at once, I put my work on the middle ages in perspective with every other work which might be built on the same or similar foundations. Given this need to make the theory comprehensive, it is nevertheless possible to state the bare outlines of it fairly succinctly:

The human style of incest aversion involves a mechanism hit upon by the species sometime in its evolutionary past, which served to maintain genetic unity in a species that was evolving in a wide range of ecological niches, while at the same time preserving temporarily hard-pressed groups in order to preserve the genetic material that they carried and thus to retain a "deep" enough gene pool to allow any of us a chance to cope successfully with any one of these single niches.

Since natural selection is not purposive, when we are dealing with a culture-bearing animal, we are dealing with selection for cultural traits as well as for genetic ones. Given this need to spread and preserve cultural and genetic traits, the mechanism must be variable, allowing hard-pressed groups to accept the dangers of inbreeding while forcing wide exogamy on successful groups. The key to this variability is to be found in the father-daughter relationship. If a group is hard-pressed, that relationship will be minimal or non-existent. The daughters will grow up to become mothers who have never experienced unconscious conflicts between nurturant roles and sexual roles and therefore will have a lowered awareness of the incestuous. Their children will thus not be encouraged to seek sexual partners outside the confines of the family; thus their children will never develop strong patterns of reciprocity and affiliation with their peers, but they will rather tend to view all human relationships in terms of the nurturant role-structures of the family. When such children come to seek their own autonomy, they will tend to view autonomy as being nothing more or less than a movement from the role of child to that of parent in the parent-child nurturant dichotomy. With that model of relationships before them, they will have a great tendency to gain their own autonomy by the simple expedient of undercutting the autonomy and independence of others. A society full of such individuals will be subject to extremes in personal competition and, ultimately, in interpersonal violence.

A society which does give time, ease, and cultural legitimacy to the father-daughter relationship will produce women who are much more

keenly aware of the incestuous, who will consciously or unconsciously push their children towards extrafamilial, contractual, or affiliatory relationships with their peers. In such a society, more cooperative means for achieving personal autonomy will be developed. Competition will be considerably lessened. Another person's loss will not necessarily be one's own gain.

This variable mechanism is also a historical mechanism. The effects of catastrophes may only be felt two or three generations later. Temporary pressures or easements probably have very little effect. Only those pressures which last for several generations and which operate uniformly on a whole society or a whole social group will be apparent to someone studying the society at a distance. Still, the same mechanism probably can be said to work in all human groups and in every "lineage." The problem comes in very large or complex societies. The shifting of one set of families or one group to more nurturant styles of interaction can begin an almost pathological cycle of feedback. Since such groups have a lowered incest awareness, they are self-perpetuating. Since they produce competitive, disruptive, and ambitious individuals they stand a good chance of destabilizing other groups in the society, shifting those groups into more nurturant role-structuring. Ultimately such pathological feedback can destroy the whole society.

Because this mechanism involves a sorting between nurturant and affiliatory styles, when nurturant styles predominate in a society, other aspects of parent-child role-structuring will also become apparent in the society. Authoritarian or paternalistic government would be more

likely. There would be a rise in the worship of Mother Goddesses or maternal saints. The picture of women would become ambivalent, and the sexually active woman would become a real threat, since she could too easily become a mother who could smother one's autonomy by reasserting her maternal nurturance. Indeed, the individuals most caught up in the dichotomies of nurturance might find it difficult to form any firm models for their sexual objects. Societies full of such individuals would either develop large numbers of homosexuals or bisexuals or would develop ideals of celibacy and aversion to all sexuality.

How complex societies recover from such a feedback mechanism, I am uncertain. The medieval example would tend to indicate that if anti-sexuality is carried to its extremes, the very persons most affected would tend to try to reimpose every sexual regulation prohibiting acts that could be viewed as in any way incestuous. If such individuals are successful, such "legislated morality" over many generations might well take the edge off of competitive violence and set up a kind of reverse feedback. Yet up through the ninth century I see very little evidence that this was happening. Perhaps there was simply too much genuine outside pressure to allow a relaxation in the drive towards competition. Perhaps what is required is for whole groups to undergo that complex and sudden revaluing of values which is sometimes called the "conversion experience." And just possibly, there is no permanent solution; once the pathology begins in a complex society, it may continue until that society is utterly shattered. I suspect that all these trends are operating simultaneously in a truly complex society and that it would be impossible to

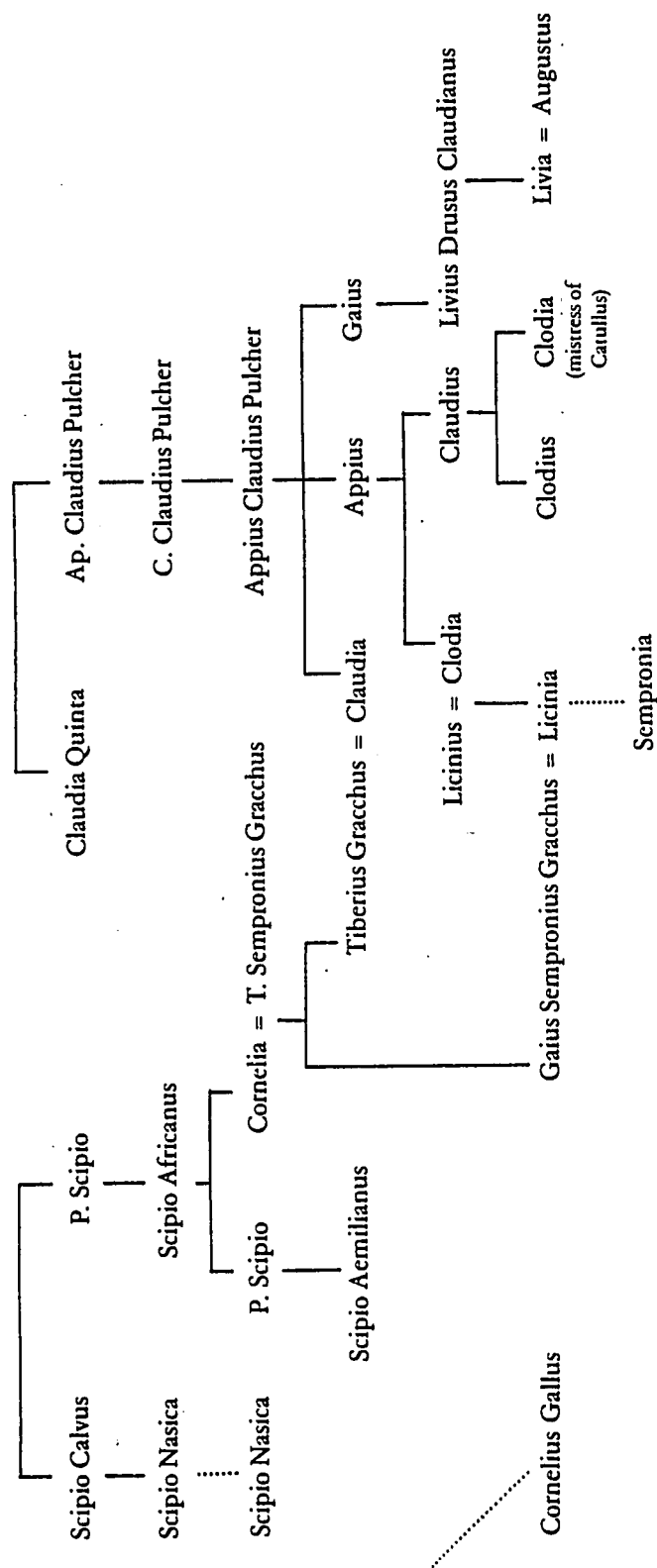
predict which outcome is most likely.

Ultimately, the significance of any academic study is a subjective matter. Personally, I am concerned with a whole set of problems about how societies could be made to work better, more peacefully, more sanely. But no solution to these problems can be considered valid unless it can be cross-checked against the facts of the past, against our records of how things actually happened. Such an attitude admittedly makes me seem a bit insensitive to those historical and anthropological studies which are not of immediate utility, even though--when I do come to use such studies--I am filled with deep respect for their authors, historians and social scientists whose interests are not so channelized as mine. For me, then, it is enough that I suspect that there is a serious possibility that the relationships I have discovered in the past are operating in our own society as well. But I recognize that others may not be equally carried away by my admittedly utopian and evangelistic fervor.

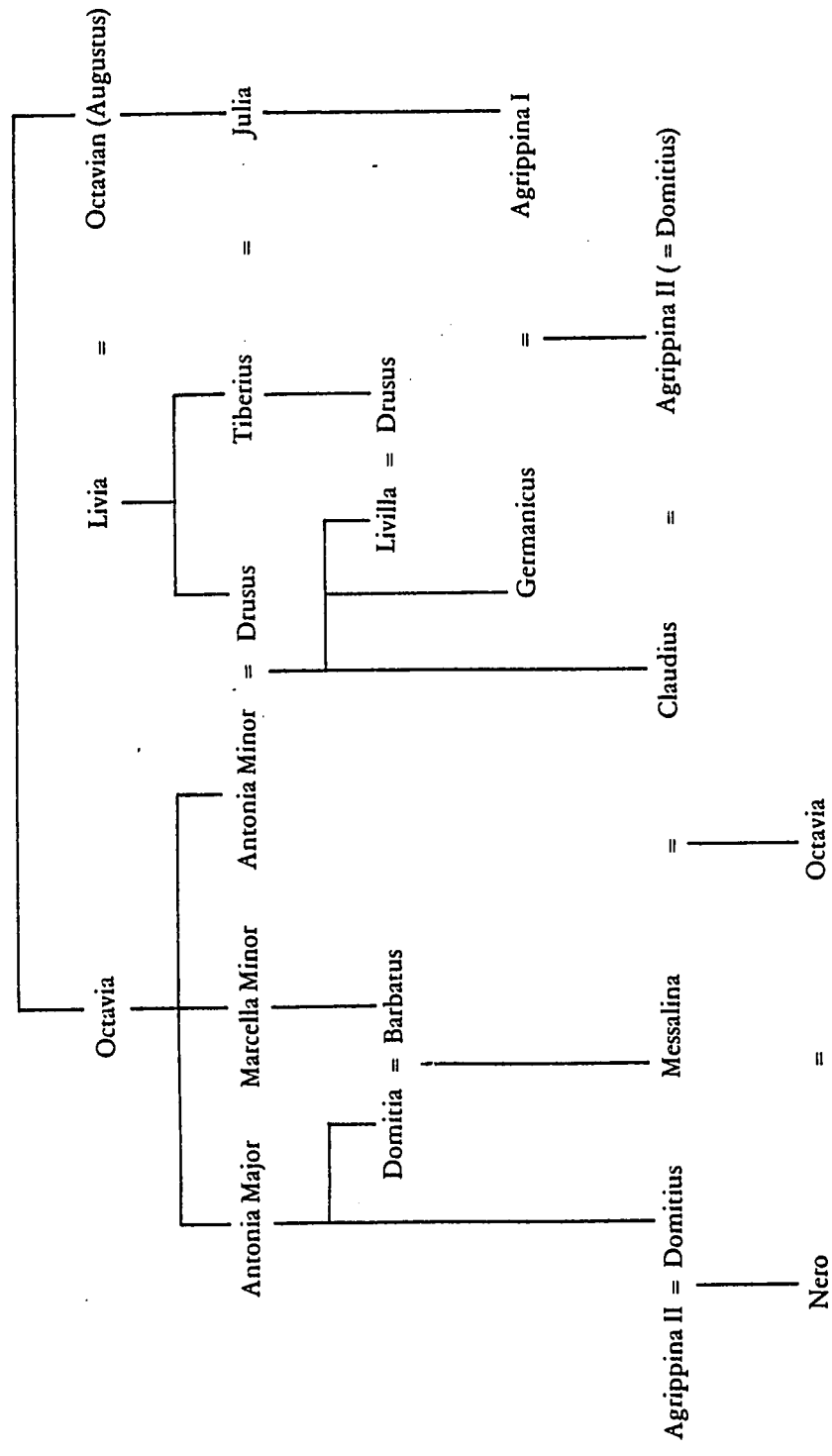
For those other scholars, the work still has a certain amount of interest. What I have produced is essentially a fairly standard ethnographical monograph, the only difference being that the natives I have been discussing have been dead for over a thousand years. In the process, I have helped to illuminate, I hope, many otherwise obscure features in the early medieval canon law of kinship. Merely developing a kind of paradigm for how to derive social data from these regulations is of use. Locating the origins of the world-wide custom of godparentage networks in the Frankish kingdom ought also to be of

use to those who are studying societies in a comparative framework. By a fairly rigorous application of philology to cousin-terminology, I would seem to have contributed something to the whole study of early Germanic patterns of kinship and marriage. And the prosopographical connections between families who were involved in the Roman cult of Cybele, which were briefly alluded to in chapter three, have a relationship, not only to the study of incest per se, but also to that whole set of problems concerning the politics and religion of Roman republican society. All of these various threads of significance are tied together by a rather narrow concentration on one central theme, the society's awareness and understanding of what incest consists of. And for all of them, there is still more research that can be done. It is, perhaps, just as important that such questions be raised as it is that they be ultimately and conclusively answered.

APPENDIX A: Prosopographical Connections Mentioned in Chapter Three



APPENDIX B: Major Julio-Claudians, Illustrative of Inbreeding



APPENDIX C

GLOSSARY OF IMPORTANT MEDIEVAL LATIN KINSHIP TERMS

AMITA -- Father's sister.

AMITINUS, -A -- Father's sister's child; sometimes a cross-cousin on either side. (See Chapter Five.)

AVIA -- Grandmother, on either side.

AVUNCULUS -- Mother's brother.

AVUS -- Grandfather, on either side.

COMMATER -- Co-mother, i.e., mother of one's godchild or godmother of one's own child. Despite most glossaries, there is no evidence of this term being used to indicate one's own godmother.

COMPATER -- Co-father, i.e., father of one's godchild or godfather of one's own child. Despite most glossaries, there is no evidence of this term's being used to indicate one's own godfather.

CONSOBRINUS, -A -- A general term for cousin, highly variable in meaning. For specific meanings, see Chapter Five.

FILIASTER, -TRA -- A child under one's protection; usually a godchild; sometimes a step-child.

FILIOLUS, -A -- Godchild.

FILIUS, -A -- One's own child.

FRATER -- Brother.

FRATER CONSANGUINEUS -- Half-brother on the father's side.

FRATER UTERINUS -- Half-brother on the mother's side.

FRATERGERMANUS, -A -- Sibling who shares both parents with oneself.

FRATRIA -- Brother's wife (rare usage).

GENER -- Daughter's husband (rare usage).

INSOBRINUS -- Unknown. Probably some sort of first cousin. See Chapter Five.

MATER -- Mother.

MATERTERA -- Mother's sister.

MATRINA -- Godmother.

NEPOS -- Nephew (child of either brother or sister) or grandson (child of either son or daughter). Identifiable only by context.

NEPTA -- Niece (child of either brother or sister) or granddaughter (child of either daughter or son). Identifiable only by context.

NOVERCA -- Father's wife (step-mother).

NURUS -- Son's wife.

PARVULUS, -A -- Godchild; sometimes merely any small child.

PATER -- Father.

PATRINUS -- Godfather.

PATRUELIS -- Father's brother's child. Usually used adjectively with FRATER or SOROR.

PATRUUS -- Father's brother.

PRIVIGNUS, -A -- Child of spouse (usually of wife).

RELICTA -- A woman put aside by her husband (divorced) or left behind by him (widowed). Early texts are ambivalent about which, but generally the term is used synonymously with VIDUA.

SOBRINUS, -A -- Usually a first cousin, once removed, or the child of a niece or nephew. See Chapter Five.

SOCER -- Wife's father.

SOCRUS -- Wife's mother.

SOROR -- Sister.

SOROR CONSANGUINEA -- Half-sister on the father's side.

SOROR UTERINA -- Half-sister on the mother's side.

VIDUA -- Widow.

* * * *

N.B. -- In addition to these terms there are a number of circumlocutions, especially in the description of godparentage relationships. For godparents, these are all built on the notion of lifting, accepting, or leading (e.g., SUSCEPTORES, LEVATORES, DUCATORES), since these actions describe their role in the ceremony. On occasion, a term like PATER EX LAVACRO will be used in a similar sense.

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