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Times and Spaces of Noble Kinship (France, sixteenth-eighteenth centuries)¹

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After two decades dominated by micro-type approaches, with close attention paid to the strategies of social actors, recent works in kinship history are now returning to overall interpretations of changes in family organisation in Western Europe between the Middle Ages and the 19th century. And they propose both a renewed chronology and an explanation for the changes in the European kinship system. We will focus on three main analyses.

According to Gérard Delille, the Western Christian system of kinship took shape and developed between the 13th and the 16th centuries (depending on the region), as a result of the Lateran Council (1215) and the gradual triumph of the new patrilineal onomastics (first name/Christian name and surname) to identify people. Such a system was based on the unwritten tacit rules that there could not be any marriage within the same name, nor within the names of the mothers (i.e. the wives of the male ancestors in the direct line). For Delille, both rules were flanked by a systematic search for cycles of alliances as close as possible to kinship prohibitions (the 4th degree as stated by the Lateran Council) by means of some exchanges among alternating lines. This system experienced some crisis in the 18th century before it collapsed in the 19th century. The most crucial part in this process was probably played by the construction of territorial States and their concern to control the populations. Contrary to what Maurice Godelier thought, this kinship system should have resulted in accelerating economic exchanges and the development of capitalism.²

The editors of Kinship in Europe propose another chronology, based on two crucial changes. The first one took place in the 15th and 16th centuries. They consider that the development of States and the formalization of social hierarchies led to a growth in the vertical relations in society. As far as kinship is concerned, this resulted in the reinforcement of patrilinages and agnatic relations, with preference given to male primogeniture, in order to enable families to form corporate groups capable of maintaining leading political and social positions reached in the State or town apparatus. The second change began in the middle of the 18th century, when endogamous lines increased, based both on class and milieu and on inbred kinship. Such change was related to the formation of social classes and to the new gendered differentiation of roles within ownership groups. It also reflected various reconfigurations: institutional (for the service of the State), legal (for ownership) and economic (for capital circulation) reconfigurations. Contrary to what is usually said, the 19th century was not characterised by a decreasing relevance of family links but by a “kinship-hot society”.³

¹ Many thanks to Cécile Soudan who translated this article.
The third analysis is produced by Dionigi Albera. From the Alpine perspective, he proposes a chronology based on three major shifts – historical and spatial – in the history of the European domestic organisation: the medieval creation of communities of inhabitants about 1200, the formation of territorial States from the 16th century and, finally, the contemporary legal, political and economic changes around 1900. Of course these are main trends which operated in various ways according to the region and which may have oscillated diversely over several centuries. According to Albera, discrepancies resulted from segmented historical processes and from local specificities as the orientation towards such or such a type of domestic organisation produced a path dependency which would account for long-term phenomena, although also allowing more rapid changes. This could be an explanation for both regional similarities and differences. Though he did not neglect economic or social factors, Albera focused on the distinctive political developments of regions to explain why and how the Alpine area followed different paths within the general European history. “Political” must be taken in the broadest sense of the term: of course the construction of more or less centralised States did play a part. However, beyond the changes of sovereignty (in the Italian Alps) or the linguistic differences between populations with distinct origins (in the Austrian Alps), different domestic orders might also have been shaped by the presence, to a greater or lesser extent, of the feudal system and of seignories, by the degree of importance of communities or of peasant political organisation in the management of communal fields, or by the influence of the written Law in the Italian Alps.4

The three chronologies do not coincide with each other and do not offer exactly the same explanations of the transformation of Western European societies, even if they all consider the construction of the States and political factors to be key elements of this change. All three analyses attend to the spatial and temporal differences; however Albera examines more thoroughly these variations. Indeed, he explains that the three main stages of change did not occur everywhere in a similar way, neither at the same time nor with the same consequences – and this produced different histories within the general process.

Following this third path, and through an examination of the evolution of transmission within the French early modern nobility, I would like to introduce further considerations concerning developments within particular social groups. The issue is whether the nobility underwent a specific domestic reorganisation, or perhaps transformation, different from that experienced by other social groups; or whether there is intrinsic diversity, dependent upon the social position of the noble family. More importantly, I aim at proposing some elements to explain changes in the noble domestic organisation in relation to the more general social and political evolution of the kingdom. Thus, it will be possible to consider how such changes took place within the broader models of European kinship. My arguments are mainly based upon the analysis of families of the middle and upper nobility who often owned land or houses in several provinces and who lived partly at Court or in the army. In the following pages, I will present propositions that are to be confirmed. In addition, further research will be necessary to validate these assumptions also for the lower nobility. This is a work in progress.

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Not an obvious spatial diversity

Legal diversity and practices of transmission

In early modern France, transmission was ruled by several written or customary laws. Did these laws have any influence on noble domestic organisation? In matters of transmission and community of property, the real character of customs should have induced the provisions of marriage contracts to follow the custom of the place where the property and domicile of the spouses were respectively located. Yet in certain cases, some departure from the custom was accepted by the law for special circumstances, especially for marriage contracts which held a specific position as “favourable acts”. Families thus had real latitude in the organisation of the devolution of a part of their estates. Donations of present and future property, which were usually prohibited, were allowed in marriage contracts, as were the refusal of an inheritance to come and donations on condition of survival or, on the contrary, due to death, otherwise prohibited due to the rule that “giving or retaining has no worth”. In the same way, it was possible to waive local custom on some points or to adopt another custom to govern all or part of the clauses of a marriage contract. In fact, except in cases of express prohibitions, customary law tried less to impose a common norm than to provide solutions that would apply “in the absence of contracts between individuals”. Finally, it must be added that most often in middle and upper noble families, the transmitted properties were governed by different customs because of their high number. In practice, these families highly favoured the Paris custom in their contracts of marriage, wherever the location of their lands. This custom seems to have had the advantage of flexibility, making it possible both to create a community of property that worked as a dynamic structure for the couple’s family economy, and to protect the personal wealth of women. Contrary to what has long been thought, the system of transmission among the nobility gave women a central position in the devolution of

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property, of seignories, offices and rents. At the same time, the possibility of keeping inherited property separate (garder les biens en propre) allowed the woman’s paternal lineage to preserve or retrieve the property if the alliance was childless. The flexibility of Paris custom made it possible for families to organise the devolution of property in a relatively precise way. We must insist on the fact that these arrangements and derogations from the jurisdiction of customs or from their rules depended upon good relations among the heirs: conflicts could invalidate clauses that were too far removed from social and legal norms. However, the legal pluralism of the Ancien Régime and the conception of marriage as a favourable act did allow the social actors, and particularly those who had the capacity, to play with the norms. The domestic organisation and transmission practices of these families did not depend exclusively on local custom.

A practice of replicating alliances independent from location

The practice of replicating alliances with distant relatives, related by descent or by marriage, (renchaînements d’alliances), was not dependent on geographical location: the same forms can be observed in all the families analysed, whatever their provincial origin. To appreciate this practice, it is necessary to look at both feminine and masculine lines since it occurred indifferently on both sides. Replicated alliances with distant relatives by descent or by marriage through feminine lines or through cycles of alliances passing through collaterality were numerous and deeply rooted in genealogy. Let us take the example of the Phélypeaux de Pontchartrain. This family is a remarkable example of networks built up through alliances among the Ancien Régime elites. It highlights the crucial character of the pairing of lines by alliances that can be considered both from the male and female points of view without any great change in the logic. The idea that alliance is equivalent to descent and descent equivalent to alliance is fully operative: as others, the Phélypeaux replicated alliances by descent without any direct exchange between lineages and without necessarily any exchange through a patriline (Fig. 1).

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12 The following graph was drawn from genealogical data found by Charles Frostin, Les Pontchartrain, ministres de Louis XIV. Alliances et réseaux d’influence sous l’Ancien Régime, Rennes, PUR, 2006.
Marked in bold (Figure 1), the incomplete siblings (2 brothers and 2 sisters are not mentioned) of the Phélipeaux advanced this lineage among the elites of the Ancien Régime. Figure 1 only shows one of the possible paths in the genealogies proposed by Ch. Frostin. It would be possible to show many other examples of such replication of alliances between collateral relatives, and of the practice of restoring alliances through collaterality and sometimes through women. On the basis of a very different example (the Etoros of New Guinea studied by Raymond Kelly\textsuperscript{13}), François Héran makes a comment, the logic of which can be applied to what happened most often within the context of French early modern nobility:

From a structural point of view, the direct exchange of sisters was less efficient than indirect exchange: it only strengthened a link of alliance between two lines with an already acquired identity. The indirect exchange did better: either it moved together two branches of a single line that were separating by giving them a common ally, or went so far as introducing a third line that was matched to one of the two others. In this enriched formula, alliance contributes to reshaping descent.\textsuperscript{14}

In early modern France, the rationale behind these practices of replicating alliances was not only transmission. There was no cycle of alliance strictly speaking since, most often, there was no end to the women exchange cycle and so no end to dowry transmission. In addition, as these alliances concerned families of differing wealth and status, they created "chains of allies moving down the hierarchy" ("chaînes descendantes d’alliés")\textsuperscript{15} and, more generally, bonds of dependency or solidarity which were potentially available.

\textsuperscript{14} François Héran, \textit{Figures de la parenté. Une histoire critique de la raison structurale}, Paris, PUF, 2009, p. 278.
The case of remarriages is also enlightening. A quick glance at genealogies shows how they were frequent on both the female and on the male side. Remarriages highlight particular alliances among descendants that can be presented as follows (Figure 2).

![Figure 2: Alliances derived from remarriages](image)

Work on several genealogies of noble families and their allies shows how important these types of alliances were in which one or several remarriages played a pivotal role, interweaving links between different lines or lineages united directly or by contiguity with other lines or lineages; and these alliances were renewed again and again later on. The practice of replicating alliances occurred over several generations through men as well as women, and most often both. From this point of view, the construction of purely patrilineal genealogies – a predominant exercise in the historiography of the nobility – has hidden this fundamental phenomenon in the functioning of kinship in French early modern society.

These kinds of practices became increasingly unusual in the 17th century and, above all, in the 18th century. The smaller number of children who married within the nobility fostered this trend since it limited the potential practice of replicating alliances later on. The change in the demographical behaviour of elites necessarily induced a change in the functioning of kinship. Primogeniture and the decreasing number of children made the constitution of patrilineages impossible, and resulted in isolated and fragile lines. Several studies have shown this major transformation of the European kinship system; and it affected the majority of the French nobility whatever its geographical location.

“Topolines” (“topolignées”), “Houses” and relationship to the land

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A further element common to the whole French nobility, at least the land-based nobility, was the relation to property, especially to seigniories and titled fiefs (the administrative nobility was built on a different relation to office). It is necessary to go back to the 11th-12th centuries to find the bases of the system governing the nobility in the 16th century. This is the moment when “aristocracy” (as Joseph Morsel calls a specific power-domination relation) transformed its relation to space, as shown by the first castles. The aristocracy settled and organised themselves spatially. “This spatial organisation is ensured by relevant practices of succession, converted into genealogical continuity through anthrponymic practices and narratives concerning the past.”

“Topolines” arose from the spatialisation of a domination. This expression (topolignées) was created by Anita Guerreau-Jalabert to designate lines of heirs “formed by those who successively owned the most important part of the estate – the separate inherited property (les “propres”) –, each heir seeking, in a mainly homeostatic system, an identical reproduction or an increase of the material or symbolic items of a social position based above all on domination over the land and people of a place.”

If the phenomenon includes the acknowledgement of a head of household in charge of the complex of kinship powers, rights, properties and relations involved in a name that ensures perpetuation in terms of kinship and descent, it can be analysed in terms of “house”, with the anthropological meaning given to this notion by Claude Lévi-Strauss. “House” is a process of transmission with a patrilineal bias based on property. This provides kinship with a real character in the framework of the feudal system – which may be described, according to Alain Guerreau, as power over land and people. More generally, this relation to estate is crucial to understand the modes of transmission. The wealth of noble “houses” was made up altogether of their estate, name and titles, containing symbolic as well as supernatural properties. The fiction that the name of a lineage might come from the name of a seigniory and the temptation to add ‘de’ before the name are directly related to the fact that a “house” is altogether made of an estate and a name with its titles and prerogatives. As for the symbolic or supernatural properties, they were rooted in the sacred places founded by the seigniors on their land (chapels, for example) that structured their space of power, relating them fictively through the communion of the living and the dead to their ancestors buried in

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22 In order to clearly mark the different meaning of the term, I will use quotation marks when I use the anthropological meaning and italics when I use it with the meaning it has in the Middle Ages or in early modern France. The other anthropological terms likely to be misleading (e.g. “Lines” or “Lineages”) will be in italics when used in their vernacular sense.
the land. Some movables might also become part of the identity of the “house” (and not be included in the inventories after death). At the end of the Middle Ages, house meant specifically a group of people living in a space, some of them sharing kinship links, and dedicated to its reproduction. The organised domestic economy induced by the house is an illustration of its real nature. Female transmissions, in the absence of males, illustrated this system: indeed, in the residence / descent dialectic (constituting the “house”), residence won over male descent in the absence of the latter, since the seigniory that provided the name was the first property of a “house” and the basis of continuity. “House” was a social process that was not necessarily fulfilled in all dominant families, since some properties (whatever their nature) might be lacking to ensure its perpetuation. However, this domestic organisation was independent of customs. B. Derouet stated that for peasantry, there was no mechanical relation between law and kinship system. The same applied to nobility. However, the overall functioning of the French nobility’s kinship underwent transformation in the early modern period, as part of the overall changes which the second order was then experiencing.

**Chronological inflexions of noble kinship**

*Changes in kinship terminology*

The first indication of change in attitudes to noble kinship is found in the development of its terminology. Up to the 15th century, the term *lineage* (*lignage*), that appeared in the 11th century, referred to every kinship line according to the use of the suffix –age, which designated a collective at the time. In Medieval Latin as in Old French, *lines* (*lignes*) referred to any descent or ancestral relationship between several persons in a strictly linear representation. However, these lines could be composed of men as well as women and most often excluded collateral relatives. The term *lineage* (lignage) as a set of kinship lines does not refer to the patrilineage (patrilignage) according to the anthropologists, since it has a cognatic nature. Thus it is an anachronism to think that *lignage*, when accompanied by a qualifying adjective as in the French expressions *Haut lignage* or *Grand lignage*, would mean patrilineage. Probably, the term *lineage* finally designated not only kinship but also a quality specific to a family that had to be transmitted among its members. Several texts included the word *lineage* in a list of virtues. However, the attributive adjective “noble” rarely refers to *lineage*, but most often to *line* (lignée). Line (ligne or lignée) is thus associated with the transmission of noble status. And if it designates first of all the succession of generations coming from a shared ancestor, it also refers to the ancestry of one individual, and especially to

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24 I analyzed the organisation and history of a noble “house” in *Fondation et ruine d'une ‘maison’*, op. cit.
26 About 1050 according to *Dictionnaire historique de la langue française* directed by Alain Rey, Paris, Le Robert, 1993.
27 I thank Anita Guereau-Jalabert for this information on this issue.
29 According to the *Dictionnaire historique de la langue française*, op. cit., the French term lignée appeared about 1120.
paternal ancestry. This development from the Old French may assumedly be related to the transmission of the noble status in the male line, because fiefs were preferentially devolved upon male heirs.

In the early modern period, the terms *lines* (*lignées*) and *lineages* (*lignages*) gradually fell into disuse,\(^{30}\) giving way to the term *house*. Now it remains to be understood what this change in vocabulary meant in social terms, as well as regarding the conception of kinship. The use of the word *house* goes back to the 14\(^{th}\) century and continued up to the end of the Ancien Régime. However, it was only in the 1420s that it started to be used to designate a form of kinship – and this use did not spread before the second half of the 15\(^{th}\) century. This term held a high level of distinction; it can be seen in the way in which the alliance of a *house* to another *house* was used to enhance the honour of relatives through marriage. As for the terms *lines* and *lineages*, *house* is often accompanied by social qualifications, and great princely families are designated as *houses* that take the name of their kingdom or principality, e.g. the *house of France*.

Most often, *house* refers to domestic space or political organisation within princely and upper noble families – as designating a dwelling place – and does not allow us to know whether it was used specifically in its kinship-related meaning. The association between property, residence, domestic space and family group was so strong that, frequently, both meanings were possible and equally applicable. At the beginning of the 16\(^{th}\) century, the term *house* kept a very concrete meaning and the idea of property, and of residence attached to the name, remained. The continuity of the *house* through the female line was common, although it resulted generally from the marriage of a woman to someone below her condition. However it was not considered socially discreditable.

The meaning of the word *house* evolved from the second half of the 16\(^{th}\) century. Without losing entirely its solid reality, the *house* was gradually identified with the patronimic name, inducing a clear patrilineal bias. In addition, it was gradually assimilated to the notions of *race* and *blood*.\(^{31}\) With titles such as “history of the house of...”, the blossoming genealogical literature of the time detailed the various branches of what corresponded to patrilineage. In the end, the term *house* finally meant only patrilineage, divided into different branches, i.e. different patrilineas.

Disappearance of the practice of restoring names and arms (reprises de noms et d’armes)

Along with these changes in kinship vocabulary, other practices also evolved. As the patronym became important, so “house” embraced a more strictly patrilineal form of kinship. The expressions *paternal house* (*maison paternelle*) or *father’s house* (*maison du père*) appeared in the 16\(^{th}\) century and became very important thereafter. Conflicts

\(^{30}\) Jean-Louis Flandrin had already mentioned this fact in *Familles. Parenté, maison, sexualité dans l’ancienne société*, Paris, Seuil, 1995 [1976]. He noticed that though the word *lineage* was still used in the 16th century, with the broad sense of kinship, in the following century it simply remained a legal term.

arose in relation to the definition of *house* as an interplay between name and property, and concerning how such a complex had to be devolved. The provisions in marriage contracts and last wills, with conditions to restore name and arms, often related to *fideicommissum*, were occasions of conflict about *house* devolution. For instance in the case of the succession of the Laval house at the end of the 16th century, which was the subject of a judgement by the court of parliament, two conceptions collided: the first one considered the *house* as an indivisible whole that included names and material and immaterial properties, the transmission of which was likely to pass to women who could bear the inheritance (in other words: women were likely to become successors); for the second, name and heredity or name and property were dissociated. This latter conception rejected any practice of restoring names and arms even if it was a way to avoid that property falling into the hands of a foreign *house*. The verdict delivered on 9th April 1595 by the Paris Parliament favoured such dissociation between name and property.

As a consequence, the practice of restoring names and arms disappeared gradually during the first half of the 17th century and became extremely rare, except for political reasons. One of the final examples is of a Grimaldi female successor whose husband – a Thorigny – restored the name of his wife’s *house* using a royal warrant (*brevet de retenue*) granted by the king in 1715. One of the results of the functioning of the “house” system was a great confusion among the name of the fief and the name of the family. This was now harshly criticised by genealogists, who sometimes condemned former times when a female heir was able to force her less wealthy husband to lose his name. Thus, practices of transmission amongst the nobility correlated with changes in the vocabulary to designate kinship, especially with regard to the term *house*.

*Written evidence and nobiliary genealogies*

The final change impacting the representations, as well as the practices, of transmission amongst the nobility was the gradual verticalisation of the concept of the *house* through an increasing focus on genealogical depth. At the beginning of the 16th century, noble status was above all determined locally, according to the different customs, and by social acknowledgement. It was based on traditional criteria, as emphasised by Ellery Schalk: the profession of arms, deeply rooted as a mark of nobility, even if it did not correspond to reality in some provinces; virtue, that is the necessary and intrinsic noble quality which gave the ability to command; the way of life and the possession of a

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36 Jean-Marie Constant, *Nobles et paysans en Beauce aux XVIe et XVIIe siècles*, Lille, Service de reproduction des thèses Université Lille III, 1981.
fief – this last criterion was often of critical importance, since the difference between seignior and nobleman was often blurred in local life; and finally, a noble status beyond memory (*noblesse immémoriale*) passed down through the bloodline. The notion of “beyond memory” is to be understood in a literal sense: i.e. exceeding the oral memory of the older people of the place, who were asked in case of contention. Indeed, royal courts did not intervene in matters of nobility except in cases of dispute: the king did not claim to pronounce in general on who was and who was not noble, and only occasionally did he resort to his power to confer a title of nobility. But even in the case of a trial challenging someone’s nobility, witnesses who were nobles themselves were summoned and, in accordance with customs, they testified that the defendant’s ancestors had lived as nobles for two or three generations, or for a hundred years at least (that was the case in Brittany). The progressive and silent integration to nobility (*anoblissement taisible*), the importance of which was pointed out by Jean-Marie Constant, resulted logically from this local and beyond-memory definition of nobility, based on the way of living. In the Ancien Régime, depth of time was not given precedence in the pedigree, though it was a stated value and a quality that improved nobility. Keeping the Charter records was above all aimed at defending the rights related to the possession of a seigniory. As “topoline” or “house” continuity was not based on genealogies and written evidence, it was subject to the handling of names and arms. However, recently ennobled families were gradually targeted, whether they had become nobles by arms, by their progressive and silent integration to nobility (*anoblissement taisible*), or by ennobling venal offices placed in circulation by the Crown. The transmission of nobility through blood was called into question during the Wars of Religion, especially by some ultra-Catholics. As a consequence, many nobles argued for the closing of the second order. The notion of antiquity (*ancienneté*) was proposed as the criterion of true nobility. Thus, as early as the 1570s, the notion of house (with the noble family defined in relation to the ownership of properties, especially fiefs) was commonly found in texts accompanied with qualifiers such as *noble* or *ancient*, never

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37 See an example in Auvergne developed by Anne-Valérie Solignat, *Les Noblesses auvergnate et bourbonnaise, pouvoir local, stratégies familiales et administration royale* (vers 1450-vers 1650), PhD thesis under the supervision of Nicole Lemaître, université Paris I, 2010, 3 vol.


44 Ellery Schalk, *From Valor to Pedigree*, op. cit.
used before. The promotion of antiquity can also be found in books dealing with
nobility published in the last third of the 16th century, and these finally placed the
stress on the idea of race which, though it was not new, became increasingly important
and more relevant than before. The race-based definition gradually disconnected
the transmission of nobility from the possession of dignity fiefs and allowed room for
doubts about the origins, leading to a new focus on families’ instabilities and to a
temptation to seek family titles in order to prove the antiquity of the noble status. This
rhetoric of antiquity versus ennoblement was strengthened in the first half of the 17th
century, as is seen in the 1614 *Etats généraux*. It culminated in the large-scale
investigations into titles of nobility initiated in the first years of Louis XIV's personal reign.
By imposing 1560 as the limit for the proofs certifying the nobility of one's
family, the monarchy acknowledged tacitly that there was prescription before this date.
In other words, anyone tacitly ennobled before 1560 without any royal Act was not
questioned. The length of time necessary to pretend to *immémorialité* that was
ordinarily accepted (three generations, including ego) was then extended. Above all, the
monarchy fixed a time limit that was used later as a reference for most of the second
order. The very logic of customary *immémorialité* was demolished further, since
investigations into nobility were now based only on written and authenticated proofs,
and oral testimonies were no longer accepted.

In addition, these investigations established doubt as a valid principle when considering
the nobility of those who pretended to be noble. And this doubt quickly became
effective in the practice of power since ennobled families were thereafter constantly
required to provide certificates of their noble antiquity when they aimed to acquire
certain titled offices, military offices, abbeys or honours. The reinforcement of
patrilineary ideology and monarchical control over nobility soon had broad social
implications. It became impossible for families ennobled after 1560 to claim to
*immémorialité*. As for the others, the requirement to provide proofs confronted them
with an “instability of their antiquity” since genealogists sought precise ennobling traces.
The conception of time carried by this suspicion logic was mainly a relation of
impresscriptibility in the acquisition of nobility, even if the investigators and
genealogists commissioned by the king did not agree on this issue. In other words, a

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45 E.g., François de L’Alouete, *Traité des Nobles et des Vertus dont ils sont formés*, Paris, Robert le
Manier, 1577.
Des Immunitiez des Ig nobles*, Paris, Lucas Bruneau, 1606.
47 Roger Chartier, “La noblesse et les États de 1614: une réaction aristocratique ?”, in Roger Chartier,
Denis Richet (eds.), *Représentation et vouloir politiques. Autour des États-Généraux de 1614*, Paris,
Jean-Marie Constant, “L’enquête de noblesse de 1667 et les seigneurs de la Beauce”, *Revue d’Histoire
Moderne et Contemporaine*, 21-4, 1974, p. 548-566 ; Valérie Piétri, *Famille et noblesse en Provence
orientale de la fin du XVIIIe siècle à la Révolution*, PhD thesis under the supervision of Francis Pomponi,
Université de Nice-Sophia Antipolis, 2001, 3 vol.
49 The expression was forged by François-Joseph Ruggiu, “Ancienneté familiale et construction de
l’identité nobiliaire dans la France de la fin de l’Ancien Régime”, in Josette Pontet, Michel Figeac;
Marie Boisson (eds.), *La Noblesse de la fin du XVIe au début du XIXe siècle, un modèle social ?*, Anglet,
50 Élie Haddad, “The Question of the Impresscriptibility of Nobility in Early Modern France”, in
Charles Lipp, Matthew Romaniello (eds.), *Contested Spaces of Nobility in Early Modern Europe,
Farnham, Ashgate, 2011, p. 147-166.
nobility whose origin was unknown was only a presumed nobility, always likely to be questioned if an evidence of common rank was found in ancient records. Thus over a period of a century, the conception of kinship, the domestic organisation and the transmission practices of the French nobility underwent a transformation involving a clear patrilineal orientation, generating the successful ideology of *patrilinage* in the second half of the 17th century. This was a general process since it occurred at the crossroads of correlated changes in the monarchical power, in the second order and in the social and economic development of the kingdom.

**How to consider the development of noble kinship**

*Changes in monarchical power and developments of nobility*

Changes in monarchical power and its relations to nobility were of great importance in the evolution of the second order and of noble kinship. My aim here is not to explore the details of the changes in the construction of absolute monarchy. Thus I will limit myself to outlining the main elements of this process.

We have seen that noble kinship was forged in relation to feudalism and seigniorial organisation. Seigniorial power changed as monarchy aimed at building a political space of regal sovereignty out of feudal hierarchy. Indeed, monarchy drew upon the legal elaboration of feudality (created by 16th century jurisconsults) as well as the weakening of feudal structures. When under the spotlight of royal justice, the seigniorial power is at best a simple delegation, at worst an usurpation, of the royal power. The monarchy also worked towards a stronger reinforcement of the ideology of *patrilinage*, with the objective of reforming the second order and controlling it socially and politically. As has been shown, such a control involved a clear legal delimitation of nobility. The legal practices at the heart of large-scale investigations from Colbert onwards were very different from the science of law characterising treaties in the previous century – with their high level of refinement and subtlety. However, the investigators had to make compromises due to the outcry unleashed by the first wave from 1661. It appeared necessary to work with local forms of nobiliary acknowledgement that had always prevailed. Thus, investigations into nobility resulted in a compromise that took the nobiliary ideology of race seriously into account in order to subvert it with the idea of nobility of service. And the fact that the monarchy resumed the traditional discourse on antiquity as a way to legitimate membership of the second order extended the related genealogical activity, since it was based on the idea of

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an historical continuity. This production of purely patrilineal genealogies contributed to impose a general conception of nobiliary kinship over the patronymic and thus over the model of patrilineage.

The social organisation of the fief was also impacted by the partial dissociation of the title from the ownership of titled lands. Under the reign of Louis XIV, the king started to create titles of marquis by royal warrant, i.e. a title without any fief attached as a marquisate. This affected the real character of the dignity. Even earlier, the creation of a noblesse de robe based on some ennobling venal office and definitely confirmed by the establishment in 1604 of the “paulette” (a type of insurance based on the transmission of an office owned by a father in favour of one of his children) contributed significantly to the redefinition of the second order and its relationship to the accompanying dignities.

Monarchy also played an important role in the introduction of forms of credit that irrigated the elites' estates and contributed to turning money (sometimes paper money) into a universal operator that could utilise properties as well as dignities. Hence, finance became the crux of the political praxis of absolutism; it reshaped the elites and their increasingly money-based practices of transmission, as can be seen in the development of money-dowries in the 18th century. This monetisation, as well as credit extension, accelerated the circulation of property outside the kinship area.

Finally, let us mention the part played by the monarchy in widening the gap between the domestic and the public spheres and, as a corollary, in facilitating the gradual emergence of the concept of a “private” sphere. These royal policies encouraged the bloodline and patrilineage as the models organising nobiliary kinship and, at the same time, weakened the ideological basis for domination by the second order.

Separating kinship from the transmitted estate

As a consequence of the strengthening of this patrilineal inflexion, residence – namely seigniory – became of secondary importance in naming practices and in the domestic organisation compared with male filiation. In other words, from the second half of the 16th century and, above all, in the 17th century, noble kinship underwent a de-spatialization trend, opposite to what happened in the 11th and 12th centuries. This weakened the original “topolines” and the “house” model. Due to the shift in the naming system in Louis XIV's reign, mentions of names of seigniory (as “sieur de” or “seigneur de”) gradually disappeared and were directly integrated into patronymic names (e.g. the Compain de l’Etang) without any relation to the effective possession of seigniory. This change went hand in hand with the inflationist granting of feudal titles by the monarchy, also partially disconnected from any real possession, while titles were put at the service of differentiation inside kinship sets (especially among siblings)

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without any relation whatsoever to the ownership of a titled fief. The process of the
untying of kinship from any transmitted estate also contributed to untying “houses”.
This structural fact made possible the development of land circulation, under the
combined pressure of economic changes and the crisis of the “house” model when
confronted by the rise of patrilineal ideology. The increasing monetisation and use of
credit, when associated with the strengthening of blood over estate in the conception of
noble kinship, tended to reduce the attachment of men to land or of nobles to their
seigniory, and thus to increase the circulation of estates and to endow property merely
with a market price. In this respect, it is noticeable that between the 16th and the 18th
centuries, the way seigniories were described in the acts changed thoroughly: their value
was gradually monetised, including in-kind fees whose money-equivalent was
systematically given – an unknown practice in the 16th century. The weight of rents (of
different natures, either active or passive) in estates, the drastic drop in land dowries, the
boost to seigniories sold outside kinship circles (including through small adverts placed
countrywide) are all elements tending toward the same direction, with a dislocation of
the link between status, estate and power. More thorough research is required to
establish whether these changes occurred at different times, either in different provinces
or at different levels of the nobility. Nevertheless, the general character of the shift
cannot be questioned.

Was noble kinship an exception in French society?

Is it possible to compare the changes in noble kinship to what happened in the rest of
French society? At that time, as the noble complex referred to the family and domestic
group living under the same roof, to the dwelling itself and to the economic estate
embracing the whole, its management was considered in terms of political governance.
It was a commonplace to draw a parallel with the political organisation of the kingdom,
to praise the prince's quintessential “paternal qualities” or to speak of him as the master
in his house. The political-domestic articulation was based on a fundamental
organisation of monarchy, the maison royale. The comparison between house
governance and the governance of the kingdom was easier since the French monarchy
was established on the double basis of private property and public realm, combining
dynastic and political strands, due to the consequences of the Salic law and the
monarchy's specific developments between the 14th and 17th centuries. Does this mean that the maison royale acted as a social model for the French nobility? It
is not easy to answer that question. The idea of a top-down influence, especially with
regard to kinship, is common among family historians. Of course Ernst Kantorowick
showed that the notion of maison royale was forged in the 14th century with reference to
universitas. It might have become a benchmark for kinship continuity, strongly
acknowledged in the 14th century succession crisis: a kinship structured around the

60 Aurélie Du Crest, Modèle familial et autorité monarchique (XVIe-XVIIIe siècle), Aix-en-Provence,
61 Fanny Cosandey, “De lance en quenouille. La place de la reine dans l’État moderne (14e-17e siècles)
dynastique dans la monarchie française d’Ancien Régime”, Historical Reflections / Réflexions
62 Ernst Kantorowicz, Les Deux corps du roi. Essai sur la théologie politique au Moyen Âge, Paris,
Gallimard, 2000 [1957], p. 880.
possession and transmission of property was likely to create some ideal corporate unity. The *maison royale* became a commonly used expression in the 15th century, when this term was increasingly used to designate families of the upper nobility. However, it could also be asked why the “house” system that prevailed in parts of the French peasantry was not one of the roots for kinship social organisation in the traditional society of medieval and early modern France. Noble *house* referred to a name that was not simply a land-based name. Though it was based on a principal seigniory, i.e. with real landed origins, it could become detached from it. And this was never possible in peasant “houses”. In other words, a noble “house” was a milder form of “house” anthropologically speaking: only part of the estate was mobilised in it; another part circulated through selling and purchasing, both within and between families.

Yet one question remains: why did peasants not undergo the same transformation in domestic organisation? According to the area, either the *parentèle* model or the lineage model prevailed. In both cases, the transmission practices were organised around a logic of descent, while in the “house” case the prevailing logic was that of residence. In the former case, the right to inherit was strictly determined by kinship. In the latter case, this right was related to the material, natural and finally “sociological” links between the domestic group and the property involved in the transmission issue; inheriting necessarily meant being a successor – the notions cannot be dissociated here.

According to B. Derouet, the linear and vertical structure of kinship is always based on social exogenous processes depending on the kind of property (either offices, fiefs, or land) or on how property was empowered through immobilization. As for D. Albera, he implicitly relates the model of domestic organisation he called *Bauer* to feudality, and the appearance of agnatic or bilateral orientations to the weakening of the feudal yoke. Obviously noble “houses” were entwined with the seigneurial system: “topolines” and nobles “houses” were established before the notion of *maison royale*, which appeared as a specific way of institutionalising the domestic basis of the king's power. From this point of view, though this institution may have influenced the way nobles conceived their own house and domestic organisation from the 15th century, it cannot be the origin of it. Noble kinship was cognatic and based on the same principles as the whole of medieval Western Christianity. On the other hand, the forms of domestic organisation in the nobility were proper to the *dominium* relationship settled by the seigneurial system through the possession of landed estates.

**Conclusion: How to consider the development of French noble kinship within the context of changes within European kinship?**

The reason for the untying of “house” from transmitted estate is due to the convergence of several different factors. Among them we may mention the loss of the real character of noble titles and dignities, as a consequence of royal policies, as well as the insistence on the antiquity of nobility and male line transmission that stressed the patrilineal bias of domestic organisation, through a social process that began in the second half of the

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16th century and was confirmed by Colbert's reforms. We must also add the increasing mobility of seignories – which was a sign of a new conception of the relation to land possession – and the expansion of credit. The seigneurial system, which was an integral part of the French monarchical structure, thus lies at the root of changes in noble kinship and, more generally, in concepts of nobility. However, the process of the untying was never complete as long as the seigniory existed as a fundamental structure of property. Likewise the French monarchy could never divorce itself from its feudal and domestic origins.

The particular path of French noble domestic organisation was due to the specific political and social history of the Kingdom within an inherited structure – the feudal and seigneurial system which was destroyed only by the Revolution. This trend towards a domestic organisation founded on “houses” produced a path dependency which allows us to understand many long term specificities of nobility. It had important social effects, even if it did not prevent transformations during the Early Modern period. D. Albera's interpretation of the spatial variations of domestic organisations is thus relevant in order to understand the specific history of the domestic organisation of a social group.