NEW EUROPE COLLEGE




# Social Behaviour and Family Strategies in the Balkans (16th – 20th Centuries)

# Comportements sociaux et stratégies familiales dans les Balkans (XVIe-XXe siècles)

Actes du colloque international
9-10, juin 2006
New Europe College Bucarest

Volume coordonné par
Ionela BĂLUȚĂ
Constanța VINTILĂ-GHIȚULESCU
Mihai-Răzvan UNGUREANU

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# Introduction

Dans le nouveau contexte politique européen, la connaissance de l'autre devient une nécessit. La globalisation, ce thème qui revient sans cesse dans le discours actuel, impose une analyse des diversités culturelles, de la spécificit qui résulte des traditions et des parcours historiques différents. Pour comprendre les différences et la disponibilit au changement – ou l'absence de cette disponibilit –, une réflexion sur le pass de chaque communaut est indispensable. Les évolutions sociales et politiques ont entraîn des changements tant au niveau de la vie publique qu'au niveau de la vie privée, transformant la relation entre l'individu et le groupe social, l'individu et les institutions, l'individu et le pouvoir politique, de même que les relations interindividuelles, y compris la relation entre l'homme et la femme. La recherche interdisciplinaire et comparative peut offrir, ou au moins suggérer, des réponses concernant les diversités culturelles des sociétés passées et contemporaines, faciliter la juste compréhension des écarts existant entre les cultures et les peuples, valoriser les spécificités des différentes régions, etc.

L'étude des relations sociales est extrêmement importante pour la compréhension du « lien social efficient dans certains contextes, pour l'identification des symboles et des croyances – voire des « mythes – qui peuvent mobiliser une sociét, assurant la cohésion sociale. Du modèle de la famille élargie, avec des réseaux de parent contraignants, la famille nucléaire et

l'affaiblissement des liens de sang, contrebalanc néanmoins par le développement d'autres réseaux de sociabilit, l'évolution de la vie privée et de la famille a enregistr une multitude de comportements sociaux et de pratiques familiales. Il nous est donc apparu utile et nécessaire d'organiser un colloque se proposant d'analyser les modèles de cohésion sociale qui ont structur les sociétés balkaniques au long des siècles, tout en essayant d'identifier ce qu'il y a de spécifique et de faciliter la compréhension des nombreux problèmes que peut soulever la « connexion l'Europe[1]. Le présent volume est en fait la publication des actes de ce colloque, qui a essay de répondre aux questions suivantes : comment se produisent les changements au niveau des modèles « dominants , mais aussi de la pratique sociale ? Quels sont les facteurs qui les déterminent ? A quel point sont-ils visibles et dans quelle mesure sont-ils assumés au niveau social et individuel ?

Nous nous sommes proposés plusieurs objectifs, qui méritent d'être repris dans cette introduction pour mieux montrer l'intention et la portée de notre projet : réunir des « spécialistes de différentes disciplines et de différents pays de la région ; créer des « groupes de travail qui continuent leur collaboration après le colloque ; raccorder la recherche roumaine la recherche occidentale, tout en stimulant la création de concepts et de modèles explicatifs adaptés l'espace roumain et balkanique ; entamer un débat sur les méthodologies et les

[1] Ce colloque a ét organis le 9-10 juin 2006, New Europe College, Bucarest. Nous ne saurions trop remercier cette institution, qui a appuy tous nos projets visant ouvrir de nouveaux champs de recherche en Roumanie. Comme toujours, la collaboration étroite d'Anca Oroveanu et de Marina Hasnaș a ét fondamentale pour la bonne organisation scientifique et administrative de la rencontre. Par ailleurs, tout le personnel du collège est très accueillant et efficace, toujours l'écoute de nos besoins, facilitant ainsi la tâche des organisateurs.

concepts nécessaires pour la compréhension des transformations qui ont eu lieu au long des siècles ; comparer des pratiques et des comportements sociaux appartenant des contextes sociaux, historiques et politiques différents, démarche qui pourrait favoriser la compréhension des points communs et des points divergents ; encourager la systématisation des résultats des recherches et leur intégration dans les programmes pédagogiques des participants.

Nous croyons déj avoir atteint, par le colloque, plusieurs de ces objectifs. D'une part, nous avons réussi réunir un nombre important de chercheurs (25) représentant plusieurs régions balkaniques : la Roumanie, la Bulgarie, la Grèce, la Macédoine, la Moldavie, la Serbie, la Slovénie et la Turquie. La diversit disciplinaire était elle aussi appréciable, puisque des historiens, des sociologues, des anthropologues et des ethnologues étaient présents. Ces deux aspects ont donn lieu des débats intéressants, mettant en lumière la valeur heuristique de la comparaison et de l'interdisciplinarit. Les points communs, aussi bien que les divergences, la richesse des approches, ont suggér chacun d'entre nous des perspectives inédites et ont soulev des questionnements nouveaux. D'autre part, la plupart des participants étaient assez jeunes (ce qui n'est pas sans lien avec le développement actuel des sciences sociales dans les pays de la région). Cet aspect reflète la dynamique de la recherche et encourage davantage les collaborations futures. Nous avons bénéfici de la présence de deux chercheurs renommés, qui travaillent sur les sociétés balkaniques et qui ont enrichi les débats par leur expérience : Eleni Varikas et Karl Kaser. Nous les remercions encore une fois pour leur présence, qui nous a permis de mieux mettre en perspective nos recherches. Comme ils l'ont soulign tous les deux dans les conclusions du colloque, cette rencontre a ét dynamique et stimulante, révélant la richesse des recherches sur ce thème, qui est loin d'être épuis.

L'importance de la comparaison régionale apparaît comme un point central dans l'évolution et le développement des travaux dans ce domaine.

Pour le moment, nous sommes un groupe informel, qui a en commun un thème de recherche et un enthousiasme de débattre, de collaborer. Il reste chercher des voies de coagulation, voire une espèce d'institutionnalisation. Au-del des structures plus ou moins formelles, ce qui nous semble essentiel, c'est de continuer dialoguer et soumettre nos recherches au débat critique des autres.

Ce volume est un premier pas en ce sens, car il réunit les contributions des participants, offrant un support « matériel pour des collaborations futures.

Ionela BĂLUȚĂ,
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Bucarest, 2006

# Families and Their Patrimonial Strategies

# Les familles et leurs stratégies patrimoniales

# Stratégies de famille, stratégies de pouvoir : les Gréco-Levantins en Moldavie au XVII$^{e}$ siècle

Radu G. PĂUN

La présence des « Grecs » dans les Pays Roumains fait depuis longtemps l'objet de discussions et de polémiques, donnant souvent matière à des théories qui mettent à leur compte et au compte du régime « phanariote » le décalage entre la culture roumaine et l'Occident auquel, dit-on, elle avait toujours appartenu[1]. L'historiographie roumaine moderne naît d'ailleurs sous le signe de ce préjugé, dont les échos ne se sont pas éteints même de nos jours, malgré quelques prises de position qui auraient dû l'anéantir avec force arguments[2]. Au cours de nos propres recherches sur ce sujet, nous avons réfléchi sur la participation des « Grecs » dans la construction du système de pouvoirs des deux principautés roumaines[3]. Leur rôle fut double : ils y participèrent par leur action directe, en même temps que leur présence stimula et « orienta » la réflexion des acteurs locaux. Il arrive souvent qu'un règne ou un autre soient jugés par les contemporains en fonction de leur présence. Comment définir donc le système politique autochtone sans en tenir compte ?

## Les scènes du pouvoir

Force est donc de regarder avec la même attention les deux scènes où se joue le compliqué jeu du pouvoir : la capitale ottomane et les Pays Roumains, car l'afflux massif des Gréco-Levantins au Nord du Danube, à partir du dernier quart du XVI[e] siècle, accompagna de près le processus d'intensification du contrôle de la Porte ottomane sur les deux pays. Ce fut exactement l'époque des prétendants, héritiers, réels ou présumés, d'anciens princes régnants, qui rôdaient sans repos aux portes du Sérail impérial à la recherche du pouvoir[4]. La faveur de l'empereur et de ses dignitaires ne fut pourtant pas facile à gagner et le Sultan n'eut qu'à profiter de leur présence à Constantinople : vrais ou faux, les candidats au trône firent ainsi figure d'instruments de pression dans ses mains fortes et habiles, en lui apportant des bénéfices considérables et qui ne cessèrent d'augmenter au cours du XVII[e] siècle et surtout au siècle suivant[5]. La course au pouvoir était donc dure et coûtait cher : selon le voyageur maltais Paolo Bonici, tout se faisait « avec l'intervention et le parti pris des vizirs, de telle façon que si l'un (des prétendants) offrait une centaine (de bourses), l'autre promettait tout de suite deux centaines »[6]. Le succès exigeait donc de forts et riches alliés, des « éclaireurs » à même de trouver le chemin dans le labyrinthe du Palais impérial, des gens qui savaient quelle porte il fallait ouvrir et comment. Des figures comme Michel Cantacuzène « Sheitanoglu » et son fils, Andronikos[7], Skarlate Grama « Beglitsis », Bartolomeo Bruti[8], Curt Celebi[9], Panayotis Nikoussios[10] etc., y jouèrent ce rôle essentiel – et en même temps risqué – de médiateurs et trafiquants d'influence. L'histoire des Pays Roumains aux XVI[e]-XVIII[e] siècles suppose – il faut l'admettre et le prendre en considération plus qu'auparavant – ce volet aussi[11]. De même, l'apparition des

« Grecs » dans les Conseils princiers (en Valachie d'abord, et ensuite en Moldavie) doit être mise en rapport avec les longues périodes vécues par les candidats princiers et par les princes destitués dans l'Empire, ce qui a favorisé la création de solidarités spécifiques dans les milieux locaux[12].

### « Grecs », Gréco-Levantins », autochtones

« Grec » est pourtant un terme trompeur ; regardés de près, les personnages ainsi désignés s'avèrent souvent d'origines ethniques diverses : des Grecs, bien sûr, mais aussi des Albanais et des Aroumains grécophones. Un seul exemple : les Aroumains de Moscopole étaient considérés comme *mercanti greci* par leurs partenaires d'affaires occidentaux, bien que chez eux ils ne parlaient pas le grec, qui leur servait seulement comme langue d'affaires et de culte[13].

Notre intérêt porte ici seulement sur les personnages qui ont détenu des offices princiers dans les Pays Roumains, ayant intégré, d'une façon ou d'une autre, l'élite politique locale. Ce choix exclue donc les Arméniens, les Juifs (dont la religion leur interdisait l'accès au pouvoir) et les Slaves orthodoxes, dont la présence politique fut négligeable au XVII$^{e}$ siècle[14]. Les autres, « Grecs » de souche ou non, seront désignés sous le nom général de « Gréco-Levantins »[15]. Ce syntagme, tout vague qu'il puisse paraître, présente pourtant le grand avantage d'englober non seulement les orthodoxes (Grecs, Albanais, Aroumains), mais aussi les catholiques (Dalmates, Slaves italianisés) en provenance du Levant et qui jouèrent, eux aussi, un rôle politique au Nord du Danube[16].

C'est précisément le rapport au pouvoir qui constitue la spécificité de ces personnages et, à travers eux, de notre analyse même. Dans un système où les « ressources stratégiques » (Eric

R. Wolf) sont les domaines fonciers et les offices princiers, la qualité de boyard et l'appartenance à la « haute société » sont strictement conditionnées par la possession des deux[17]. Ce binôme fut toutefois très asymétrique : si la propriété libre et héréditaire du domaine assurait au détenteur un statut qui devait, théoriquement, se perpétuer aux générations à venir, elle ne garantissait pas, en revanche, l'accès aux offices (donc aux pouvoirs) et d'autant moins la transmission héréditaire de ceux-ci. La qualité de boyard ne devenait « politique » que par l'obtention d'une position de proximité au pouvoir, ce qui ne dépendait que du monarque seul. La dimension politique de la noblesse moldave s'avère donc « dormante » jusqu'à ce que le prince décide de l'éveiller[18].

Il s'agit là de la tension constitutive d'un type particulier de « topolignage »[19], où les rapports entretenus par le groupe de parenté avec le territoire de résidence et le potentiel relationnel qui en dérive (voisinage, alliances matrimoniales de longue date, parentés spirituelles) le recommande comme acteur privilégié pour le jeu du pouvoir. La continuité qui découle de l'hérédité du patrimoine se heurte pourtant à la discontinuité de la participation au pouvoir, dès que celle-ci dépend de la volonté d'un facteur en principe extérieur au groupe en question. Autrement dit, dévolution (du patrimoine) et succession (aux dignités) sont disjointes : la voie du patrimoine et celle des pouvoirs ne vont pas nécessairement ensemble et dans la même direction[20]. De l'autre côté, l'activation politique des « topolignages », à travers la distribution des offices par le prince, engendre un réseau de pouvoirs délégués dont l'atout essentiel est surtout la force des ressources personnelles et seulement dans une moindre mesure celle des ressources accordées en usufruit par le maître[21]. Ce fut d'ailleurs, si notre interprétation est correcte, la dimension essentielle de l'« élite *au* pouvoir » moldave[22].

Venus de l'extérieur du système, les allogènes illustrent une toute autre situation car, une fois arrivés en Moldavie, ils ne fonctionnent plus dans une logique patrimoniale. Dans la plupart des cas, le lien qui les unissait à leur pays d'adoption était le prince même et ce fut grâce à lui qu'ils obtinrent l'accès *seulement à l'une des ressources stratégiques* : les offices[23]. Les allogènes sont donc « politiques » – dans ce sens qu'ils participent au pouvoir[24] – même avant qu'ils ne deviennent « nobles ». Ils représentent la solution parfaite pour la constitution d'une « élite *de* pouvoir » (*power elite*), à savoir un groupe, pas nécessairement homogène, qui soutient l'accroissement du pouvoir de l'État et possède les moyens pour le faire d'une façon efficace, de telle manière que ses fonctions et ses valeurs grandissent avec lui[25]. La fortune et/ou l'origine sociale y comptent peu : ce sont plutôt la capacité d'adaptation et d'assimilation de valeurs nouvelles et la « culture » du service rendu qui font la force de ce genre d'acteurs sociaux. En effet, au XVI^e^ et au XVII^e^ siècle, la qualité de boyard s'identifie de plus en plus à l'office détenu, et nous croyons que la présence des Gréco-Levantins y contribua d'une manière considérable.

Le recrutement des « élites de pouvoir » n'est pourtant pas gouverné par des critères d'ordre bureaucratique au sens moderne du terme. Tout au contraire, il rend pleinement compte d'une conversion de ressources et de solidarités qui se cristallisent avant l'arrivée du prince et de ses proches en Moldavie et en Valachie. Les parents et les alliés y occupent naturellement une place de choix (voir le cas du prince Antoine Rosetti, 1675-1678) ; dans d'autres cas, ce sont l'origine commune et l'amitié qui expliquent la présence de certains personnages (les cas des proches de Gaspard Graziani (1619-1620), Vasile Lupu (1634-1653), Antoine Rosetti ou

Dumitrașcu Cantacuzène (1673, 1674-1675, 1684-1685), par exemple). Dès que leur candidat devenait prince et allait gouverner son pays, ces solidarités organiques changeaient de portée et devenaient verticales : l'amitié, la parenté, l'alliance produisaient donc des **clients** regroupés autour d'un ancien pair devenu **patron**. Arrivé dans le pays, le don de l'office scellait cette nouvelle relation en lui conférant une dimension formelle.

La réciproque est tout aussi valable, dans la mesure où les relations d'affaires, par exemple (voir les cas des « agents » de Pierre le Boiteux, Aaron le Tyran, Radu Mihnea, Alexandre Iliaș etc.), peuvent à tout moment être redoublées par des mariages « stratégiques »[26], de sorte que l'ancien créditeur soit cointéressé dans la prospérité de son nouvel affin. Ce changement de statut des partenaires n'évacue pas la composante de pouvoir ; tout simplement, il arrive à cristalliser des relations de patronage doublement définies.

Il y a enfin le troisième cas de figure, où les solidarités organisées ne sont pas doublées par l'alliance[27]. Dans ces cas, la force des liens qui unissent les partenaires s'avère souvent trop faible pour soutenir une relation de longue durée.

Dans tous les cas, l'équation des pouvoirs se voyait inversée : si, pour les autochtones, la règle générale voulait que le potentiel de « solidarités organiques » (horizontales) recommande son détenteur comme pion utile dans le jeu de « solidarités organisées » imaginé par le pouvoir, pour les allogènes ce fut souvent leur place déjà acquise dans ce jeu qui les recommandait comme partenaire attrayant en vue d'une stratégie patrimoniale[28]. La carte à jouer était pourtant à double tranchant : l'accès direct aux offices leur raccourcissait le chemin vers la « haute société », mais ne leur garantissait nullement l'avenir.

L'avenir, nous le disons d'emblée, dépendait en bonne mesure des attitudes que l'élite locale pouvait manifester à l'égard des nouveaux venus. Elles doivent être considérées dans leur dynamique, la composition des deux types d'élite mentionnés ici n'étant pas donnée une fois pour toutes[29]. Les témoignages des contemporains en rendent compte ; ce ne fut assurément pas par hasard que deux des descendants de familles de souche allogène s'attaquent farouchement aux « Grecs de Constantinople » (*greci ţarigrădeni*) qui, en opposition à ceux qui se trouvaient déjà dans les deux pays, sont jugés comme « méchants ». Cette « double éthique » (Ernst Gellner) montre bien qu'on a affaire à deux personnages intégrés à une élite locale dont l'aspect était déjà différent par rapport à la génération de leurs pères[30].

## Chiffres et attitudes

Ces prises de positions, parlantes, certes, mais très circonstanciées, seront en ce qui suit mises à l'épreuve des chiffres. Le traitement statistique des alliances conclues par les hauts officiers d'origine gréco-levantine de Moldavie suppose au moins deux paliers d'analyse. Le premier se réfère aux **alliances conclues par les allogènes qui viennent d'arriver en Moldavie** (considérés ici comme la première génération de la famille), tandis que le second concerne **le choix matrimonial de leurs enfants.**

Quelques observations préliminaires s'imposent. Faute de données fiables, l'échantillon que nous présentons ne respecte pas rigoureusement les principes de l'étude quantitative. Nos informations concernent seulement 58 personnages sur plus d'une centaine d'officiers allogènes inventoriés[31], sans toujours connaître les noms des époux(ses), le nombre des mariages et le destin ultérieur des enfants (cf. **Annexe**).

Nous avons introduit dans ce tableau seulement les personnages nouvellement arrivés dans le pays, la colonne qui présente leurs mariages tâchant d'apporter des renseignements sur leur choix matrimonial immédiat. Il y a parmi eux quelques cas particuliers qui exigent des précisions supplémentaires. La présence des Levantins déjà mariés au moment de leur arrivée en Moldavie (Constantin Celebi) ou de ceux qui, même après le mariage avec des Moldaves, quittent le pays pour rentrer à Constantinople, s'explique par notre intention de montrer *leur option politique* qui, dans ces cas, n'est pas déterminée ou influencée par le choix matrimonial. Nous n'avons donc pas continué l'analyse au niveau de la deuxième génération, considérant qu'elle n'est pas révélatrice pour notre propos.

Une autre situation spéciale est celle des Levantins devenus princes : Vasile Lupu, Georges Ghika, Georges Doukas, Antoine Rosetti. Le dernier, déjà marié à Constantinople, n'a jamais détenu d'offices en Moldavie ; sa présence dans ce tableau aurait donc été inutile. En ce qui concerne les autres, nous avons étudié seulement les mariages conclus avant qu'ils obtiennent le trône, car la politique matrimoniale des familles princières suit une logique spécifique et qui ne sert pas à notre travail.

Il y a aussi le cas des mariages multiples, dont l'un est levantin et l'autre roumain. Ce fut, par exemple, le cas de Georges Ghika, dont la première épouse était une Levantine de Constantinople[32], et de Battista Vevelli qui avait pris en premières noces la fille de l'influent Nestor Ureche, pour se remarier avec une femme que nous supposons avoir été allogène[33].

Malgré le caractère forcément incomplet de l'approche, les chiffres indiquent clairement **l'orientation exogame des nouveaux venus**. La composante moldave de leur choix

matrimonial immédiat (première génération) compte 70% (41 mariages) du nombre total d'alliances connues, tandis que les alliances levantines n'en représentent que 30% (19 mariages), tendance d'autant plus évidente au niveau de la deuxième génération : 58 mariages moldaves (80%) et seulement 16 levantins (20%).

Cette exogamie « ethnique » correspond à **une homogamie d'ordre socio-politique**. Les alliés autochtones choisis par les allogènes appartiennent très souvent à des familles hautement placées, ce qui devait correspondre au statut récemment obtenu par les Levantins sous la protection de leurs patrons. Les exceptions ne concernent d'habitude que des personnages qui détiennent eux-mêmes des positions modestes au moment du mariage. Ce fut le cas de Palade le trésorier, l'un des gens « de la maison » du prince Vasile Lupu, de Georges Ghika, le futur prince[34], ou des petits officiers de province[35].

Les Gréco-Levantins qui arrivent en Moldavie au XVII[e] siècle abandonnent donc graduellement la tendance endogame qui avait été largement préférée par leurs prédécesseurs du XVIe siècle. Notons que même quelqu'un qui était apparenté directement à la dynastie valaque, comme Zotos Tsigaràs, précisait dans son testament que ses sœurs devaient choisir des époux « della nostra nazione »[36]. L'une des explications de ce changement de stratégie serait, à notre avis, le rôle que certaines familles d'origine gréco-levantine, mais déjà naturalisées (les Cantacuzène, par exemple), jouèrent, à savoir celui de « pont » entre les nouveaux venus et l'élite locale. Une autre tient sans doute au contexte politique de l'époque : en proie aux fréquents troubles, conflits et changements de princes, les groupes de parenté qui jouaient la carte de l'endogamie risquaient de ne pas survivre dans leur nouveau pays.

Cet effort constant vers la naturalisation – dont témoigne le choix matrimonial des allogènes – s'explique par des raisons politiques, bien sûr, mais aussi par l'enjeu économique du mariage. Comme il a été remarqué, « le critère suprême de l'autochtonie était l'achat d'une maison et d'une terre »[37], les mêmes conditions – plus l'accès aux pouvoirs – assurant la reconnaissance sociale du statut de boyard.

L'une des voies en était la donation princière, sans doute, mais elle se trouvait toujours grevée par les risques de la politique, sans parler de la diminution du domaine princier. S'il s'agissait de terres confisquées à la suite d'un acte de félonie et redistribuées par le prince à ses propres fidèles, le domaine en question pouvait toujours être revendiqué par les parents de l'ancien propriétaire et la donation révoquée par un autre prince[38]. Ce fut de cette manière que les héritiers de Panò l'Albanais et de ses alliés ont perdu bon nombre de leurs propriétés, sur l'ordre de Mathieu Basarab, leur ennemi[39].

Le statut de la donation risquait donc de s'avérer assez vulnérable, surtout pour les étrangers. Or, ce fut précisément le mariage qui sauva la situation. À la différence de la plupart des sociétés européennes de l'époque, et même de la société valaque voisine, les filles ne jouaient pas en Moldavie le rôle d'« héritier résiduel » (*residual heir)*, mais possédaient le plein droit d'héritage[40]. Elles apportaient donc à la famille du mari, hormis la dot, des parties du patrimoine de leur propre famille[41]. La parenté doit donc être comprise comme un « ensemble des liens et des tensions créés par la filiation dans l'un ou l'autre des deux lignages, paternel et maternel, et par l'alliance matrimoniale »[42]. Vu de cet angle, elle n'exclut point le rôle important rempli par le noyau conjugal, mais l'intègre dans un champ plus vaste, un champ virtuel d'où les « maisons »[43] peuvent toujours tirer leurs « alliances utiles ». Comme l'a très

bien remarqué Pierre Bourdieu, la parentèle est « un système de relations à usage alternatif », ce qui fait qu'à un certain moment la carte des relations formellement conclues est différente de la carte des alliances « pratiquées », c'est-à-dire « entretenues ». La généalogie formelle, « juridique » ne s'identifie donc pas toujours avec la « généalogie vécue »[44].

Mais il y avait même plus : en acquérant des domaines sous la forme de la dot et/ou de l'héritage reçu(e) par la fille, l'étranger recevait du même coup le droit d'élargir ses propriétés par l'achat. Une fois entré dans la communauté territoriale et dans le groupe de parenté respectifs, il bénéficiait des avantages découlant du droit de retrait lignager[45]. Le dernier obstacle sur la voie de la naturalisation était ainsi écarté : le nouveau venu pouvait dès lors s'intégrer dans la logique patrimoniale du topolignage autochtone.

Pour bon nombre de Levantins mariés avec des Moldaves la dot et/ou l'héritage de leurs épouses ont constitué le point de départ pour la formation de riches domaines fonciers[46]. Iordaki Cantacuzène, par exemple, obtient seulement à la suite de son second mariage (avec Alexandra Gavrilaș Mateiaș) au moins 18 villages et parties de villages, ainsi que d'autres biens meubles et immeubles[47]. Bien établi dans les divers terroirs, Iordaki continue d'y acheter des terres, léguant à ses enfants une fortune considérable et la capacité juridique de continuer les acquisitions dans les villages où il détenait des propriétés[48]. S'il n'y a pas d'enfants, ces droits passent aux parents collatéraux, tel que fut le cas de Ramadanis, qui hérita de l'importante fortune de Démétrius « Kyritsas » Paléologue, son oncle[49].

Ces mécanismes, courants dans la société moldave, constituent pour les Gréco-Levantins autant de moyens d'intégration dans leur milieu d'adoption. Ils expliquent aussi

le faible pourcentage de mariages allogènes conclus au niveau de la deuxième génération analysée (21%) et le fait que ces mariages sont dans leur majorité absolue de dons des filles (17% du total), la situation inverse étant vraiment exceptionnelle (4% du total).

Ce choix permettait aux Levantins en train de se naturaliser de gagner des alliés nouveaux parmi leurs « co-nationaux » arrivés plus récemment en Moldavie, sans mettre en danger ni le patrimoine matériel et symbolique de la famille ni le statut social de leurs fils. Tout comme l'avaient fait leurs beaux-parents moldaves au moment de leur propre mariage, ils jouent sur une variante particulière d'union uxorilocale (*filiacentric union*), où le mari fait figure de fils adopté et les enfants du nouveau couple renforcent la puissance du groupe de parenté de la femme[50]. Même si la plupart des nouveaux couples vivent séparés de leurs beaux-parents, ils leur restent plus ou moins attachés car, dans la majorité des cas, la famille d'origine du mari ne vit pas en Moldavie. L'équilibre de l'équation filles données / filles reçues (40% / 40%), suggéré par les chiffres relatifs aux mariages roumains de la même génération, vient confirmer cette idée, malgré toute la prudence requise par le caractère partiel de l'approche.

Remarquons, de l'autre côté, qu'à cette tendance vers la naturalisation correspond une stratégie matrimoniale radicalement opposée, entamée par les princes mêmes, qui marient le plus souvent leurs héritiers présomptifs dans des familles appartenant au milieu archontal de Constantinople[51]. Cela leur permettait de renforcer les liens avec les milieux orthodoxes de la capitale impériale qui obtenaient, quant à eux, un accès potentiel aux ressources de pouvoir de Moldavie. Les prémisses de la continuation du processus de migration des Gréco-Levantins au Nord du Danube étaient ainsi assurées.

Ce processus devait pourtant se dérouler au XVIIIe siècle sous des auspices et dans des circonstances qui exigeraient une recherche spéciale. Disons seulement, pour conclure, que l'instabilité de l'exercice du pouvoir et les fréquents changements de princes régnants ont produit une désactivation graduelle du potentiel politique des Levantins, dans ce sens qu'ils perdent leur qualité d'élite de pouvoir pour s'orienter vers le pôle stable de la société d'accueil et s'y intégrer relativement vite. Ce processus, doublé par l'arrivée de nouveaux personnages dans la suite de nouveaux princes, a accéléré leur naturalisation tout en les plaçant, comme on l'a déjà vu, sur des positions plutôt hostiles à l'égard de ces « Grecs de Constantinople », qui risquaient d'ailleurs d'être leurs parents ou alliés et qui avaient constitué en tout cas le milieu de départ de leurs propres pères. L'accès au pouvoir et aux privilèges l'emportait sur le souvenir de l'origine commune.

## Annexe : Le choix matrimonial des Gréco-Levantins de Moldavie (Ière et IIème générations)

| Personnage | Epouse(s) connues | Mariages connus des enfants | Mariages roumains des fils (R) | Mariages levantins des fils (L) | Mariages roumains des filles | Mariages levantins des filles |
|---|---|---|---|---|---|---|
| Iani Kalogeras | 1R | - | - | - | - | - |
| Zotos Tsigaràs | 1R | - | - | - | | |
| Georges | 1R | - | - | - | - | - |
| (Nicolas) Coci | ? | 4 | 1 | 2 | - | 1 |
| Georges Katharatos (Lozonski) | ? | 3 | 1 | - | 1 | 1 |
| Apostolaki (Paléologue?) | 1R | - | - | - | - | - |
| Démétrius « Kyritsas » Paléologue | 1L | Sans enfants | - | - | - | - |
| Ianaki Katardji | 1R | 2 | - | 1 | - | 1 |
| Lupu Coci | 1R | Prince | - | - | - | - |
| Nestor Pervana | 1R | Sans enfants | - | - | - | - |
| Georges Katardji | 1L | 1 | 1 | - | - | - |
| Trufandà | 1L | 2 | 1 | - | - | 1 |
| Necula Katardji | 1L | 1 | 1 | - | - | - |
| Iacomi | 1L | - | - | - | - | - |
| Mihu Racotă | 1L | 2 | 1 | - | 1 | |
| Gavril (Coci) | 1L | 2 | 1 | - | 1 | - |

| | | | | | | |
|---|---|---|---|---|---|---|
| Malcoci | 1R | - | - | - | - | - |
| Michel Fortunas | ?, 1R | 1 | - | - | 1 | - |
| Apostol Katardji | 1L | 1 | 1 | - | - | - |
| Iordaki Cantacuzène | 2R | 6 | 2 | - | 1 | 3 |
| Thomas Cantacuzène | 2R | 3 | 1 | - | 2 | - |
| Nicolaki Rhalys | 1R | 1 | - | - | 1 | - |
| Doukas | 1R | 1 | - | - | 1 | - |
| Grama | 1R | 3 | 1 | - | 1 | 1 |
| Battista Vevelli | 1R, 1L | - | - | - | - | - |
| Constantin Celebi | 1L | A C-ple | - | - | - | - |
| Caracaş | 1L | - | - | - | - | - |
| (Jean ?) Chrysoscoleos | 1L | A C-ple | - | - | - | - |

## Annexe (suite) : Le choix matrimonial des Gréco-Levantins de Moldavie (Ière et IIème générations)

| Personnage | Epouse(s) connues | Mariages connus des enfants | Mariages roumains des fils | Mariages levantins des fils | Mariages roumains des filles | Mariages levantins des filles |
|---|---|---|---|---|---|---|
| Georges (Coci) | ? | 4 | - | - | 1 | 3 |
| Démétrius Iarali | 1L | 1 | 1 | - | - | - |
| Iorga, le cousin de Vasile Lupu | 1L | Sans enfants | - | - | - | - |
| Palade | 1R | 5 | 3 | - | 2 | - |
| Georges Ghika | 1L, 1R | 1 | 1 | - | - | - |
| Isar | 1R | 1 | - | - | 1 | - |
| Statie le *clucer* | 1R | - | - | - | - | - |
| Iorga le *stolnik* | 1L | 1 | - | - | - | 1 |
| Stamatie Hiotul | 1R | 3 | 1 | - | 2 | - |
| Georges Doukas | 1R | Prince | - | - | - | - |
| Skoulis | 1R | - | - | - | - | - |
| Hagi Panaiot | 1R | 1 | - | - | - | 1 |
| Chrysoscoleos | 1R | A C-ple | - | - | - | - |
| Georges Ursaki | 2R, 1L | 3 | 1 | - | 2 | - |
| Ghinea (Ghinis) | 2R* | - | - | - | - | - |

| | | | | | | |
|---|---|---|---|---|---|---|
| Alexandre Ramadanis | 1L | - | - | - | - | - |
| Lascaraki Rosetti | 2R | 2 | 2 | - | - | |
| Alexandre Draco Rosetti | 1R* | A C-ple | - | - | - | - |
| Manolaki Rosetti | 1R | 6 | 3 | - | 3 | - |
| Iordaki Rosetti | 3R | 10 | 5 | - | 5 | - |
| Constantin Lambrino | 1R | 2 | - | - | 2 | - |
| Panaiotaki Morona | 1R | - | - | - | - | - |
| Démétrius Mavrodin | 1R | 1 | - | - | 1 | - |
| Manolaki Chrysoverghi | 1R | - | - | - | - | - |
| Démétrius Karadja | 1L | A C-ple | - | - | - | - |
| Total : 58 | 60 = 41R (environ 70%) 19L (environ 30%) | 74 | 29 (environ 40%) | 3 (4%) | 29 (environ 40%) | 13 (environ 17%) |

## NOTES

1 L'ouvrage polémique de Marc-Philippe ZALLONY, *Essai sur les Phanariotes*, Marseille, 1824, n'en fut que le commencement. Le matériel publié par V.A. URECHIA, *Istoria Românilor, seria 1774-1800*, 14 volumes, Bucarest, 1891-1902, a permis une certaine réévaluation de la problématique, mais le mérite essentiel en revient à Nicolas IORGA, voir surtout « Cultura româna sub Fanarioți », dans *Două conferințe ținute la Ateneul Român în februarie 1898*, Bucarest, 1898, pp. 52-108.

2 E. STĂNESCU, « Valoarea istorică și literară a cronicilor muntene », dans *Cronicari munteni*, éd. par M. GREGORIAN, I, Bucarest, 1961, pp. V-CXXVII ; et surtout A. PIPPIDI, « Phanar, phanariotes, phanariotisme », *Revue des études Sud-Est Européennes* (=*R.E.S.E.E.*), XIII, 2, 1975, pp. 231-239.

3 Voir surtout notre article, « Les grands officiers d'origine gréco-levantine de Moldavie au XVIIe siècle. Offices, carrières et stratégies de pouvoir », *R.E.S.E.E.*, XLV, 1-4, 2007, sous presse.

4 Voir, par exemple, N. IORGA, « Pretendenți domnești în secolul al XVI-lea », *Analele Academiei Române, Memoriile Secției Istorice* (=*A.A.R.M.S.I.*), IIème série, XIX, 1898, pp. 251-259 ; M. CIUNTU, *Pretendenți domnești în secolul XVII*, Bucarest, 1940.

5 Si, en 1563, Alexandre Lăpușneanu dépensait la somme totale de 200 000 pièces d'or pour obtenir le trône, en 1572, cette somme représentait seulement le montant du présent offert par Jean le Terrible au grand vizir. En 1593, Aaron le Tyran en Moldavie et Michel le Brave en Valachie promettent 400 000 pièces d'or dont la moitié devait être payée sur place, cf. Ț. S. GOROVEI, *Mușatinii*, Bucarest, 1976, p. 118.

6 *Călători străini despre țările române*, V, Bucarest, 1973, p. 23, relation de 1632.

7 Sur leur rôle politique à Constantinople, voir, par exemple. M. CAZACU, « Stratégies matrimoniales et politiques des Cantacuzène de la Turcocratie (XV$^{e}$-XVI$^{e}$ siècles », *Revue des Études Roumaines*, XIX-XX, 1995-1996, pp. 157-181.

8 En 1580, Jancu le Saxon et le jeune et infortuné Vlad, le neveu de Mihnea II et de Pierre le Boiteux, obtinrent le trône grâce à ses interventions auprès de son très puissant ami, le grand vizir Sinan Pacha, cf. A. PIPPIDI, « Quelques drogmans de Constantinople au XVIIe siècle », dans son recueil *Hommes et idées à l'aube de l'âge*

*moderne*, Bucarest-Paris, 1980, pp. 138-139. Vlad a payé 100 000 écus recevant la nomination le 3 avril 1589, mais il mourut peu de temps après, sans voir son pays, cf. N. IORGA, « Contribuţiuni la istoria Munteniei în a doua jumătate a secolului al XVI-lea », *A.A.R.M.S.I.*, II[ème] série, tome XVII, 1895-1896, p. 88. Tout fut réglé en bonne affaire: Bruti « si offerse loro di trattare con Sinan Bassa questa pratica et far rimetere Carlo (Jancu) in stato, il quali accettarono il partito et promisero 2 milla ducati a detto Bruti in duoi anni », rapport adressé au vice-roi de Naples, cité par A. Pippidi, *op. cit.*, pp. 138-139. Des sommes analogues furent sans doute demandées au jeune Vlad.

9 Sa biographie est loin d'être éclairée, voir les documents publiés par C.I. ANDREESCU, « Documentele satului Maciţeni din ţinutul Covurluiului », *Arhiva Românească*, X, 1945-1946, pp. 197-269.

10 Sur ce personnage, dont l'importance fut essentielle pour l'histoire sud-est européenne, voir les données réunies par S. C. ZERVOS, *Recherches sur les phanariotes et leur idéologie politique (1666-1821)*, thèse de doctorat dactylographiée, Ecole des Hautes Etudes en Sciences Sociales, Paris, 1990.

11 Nous avons traité ces problèmes dans notre thèse de doctorat, *Pouvoirs, offices et patronage dans la Principauté de Moldavie au XVIIe siècle. L'aristocratie roumaine et la pénétration gréco-levantine*, Ecole des Hautes Etudes en Sciences Sociales, Paris, 2003, sous la direction de MM Robert DESCIMON et Andrei PIPPIDI.

12 Le mérite d'avoir attiré l'attention sur ces aspects revient toujours à N. IORGA, *Byzance après Byzance. Continuation de l'Histoire de la vie byzantine*, Bucarest, 1935 ; nous avons insisté là-dessus dans notre article, « Les Gréco-Levantins dans les Pays Roumains : voies de pénétration, étapes et stratégies de maintien », dans le vol. *Vizantija. Bălgarija. Evropa. Izsledevanija v chest na Prof. Vasilka Tapkova-Zaimova* (= *Studia Balcanica* 25), Sofia, 2006, p. 304-316, en cours de publication.

13 V. PAPAHAGI, « Contribuţii la istoria relaţiilor comerciale ale Munteniei cu Peninsula Balcanică şi cu Veneţia în secolele al XVII-lea şi al XVIII-lea », in *Revista Istorică*, XIX, 4-6, 1933, pp. 119-126. De l'autre côté, lorsque les voyageurs occidentaux désignent les divers peuples orthodoxes comme « Grecs », ils opèrent d'habitude une identification entre la religion et l'appartenance ethnique.

14 Un exode, surtout serbe et dirigé surtout vers la Valachie, a sans doute existé, mais il s'épuise vers la fin du XVIe siècle, Şt. ŞTEFĂNESCU, « Eléments nobiliaires établis en Valachie à la fin du XV[e] siècle »,

*Revue Roumaine d'Histoire*, VIII, 1969, pp. 891-897, et particulièrement I.R. MIRCEA, « Relations culturelles roumano-serbes au XVI[e] siècle », *R.E.S.E.E.*, 1, 1963, 3-4, pp. 377-419 ; voir aussi les remarques d'A. PIPPIDI, *Tradiția politică bizantină în țările române în secolele XVI-XVIII*, Bucarest, 1983, p. 53 et suiv.

15 Selon Trajan STOJANOVITCH, le Levant englobe « surtout les villes portuaires de la Méditerranée orientale, depuis les îles Ioniennes, la côte albanaise, Navarin, Coron, et le cap Matapan aux échelles d'Alexandrie, de Rosette et d'Alexandrette (Iskenderun), puis encore à Smyrne, Salonique et Istanbul » – vaste ensemble qui abrite des populations d'origine et d'appartenance religieuse diverses : Turcs musulmans, Arabes, Arméniens, Juifs, et beaucoup de chrétiens orthodoxes et catholiques, soumis à la Porte ou aux puissances maritimes italiennes, surtout Gênes et Venise – ; « Pour un modèle du commerce du Levant : économie concurrentielle et économie de bazar, 1500-1800 », dans le vol. *Istanbul à la jonction des cultures balkaniques, méditerranéennes, slaves et orientales aux XVI[e]-XIX[e] siècles*, Bucarest, 1977, p. 189.

16 Voir les exemples étudiés par A. PIPPIDI, « Quelques drogmans … », déjà cité.

17 Selon Șt. S. GOROVEI, les boyards seraient « la couche sociale qui se définit par la possession libre de la terre en vertu et à l'appui d'un document de propriété accordé par l'institution princière », « Clanuri, familii, autorități, puteri. Moldova, secolele XIV-XVI », *Arhiva Genealogică.*, I, 1-2, 1994, pp. 87 et suiv. ; voir aussi P.P. PANAITESCU, « Problema originii clasei boierești », dans son recueil, *Interpretări românești*, IIème éd., Bucarest, 1995, p. 32. Une reprise critique de la problématique est due à C. R. ZACH, « Elemente de continuitate ți discontinuitate politico-socială la boierimea românească », *Arhiva Genealogică*, I, 3-4, 1994, pp. 157-163.

18 Le terme appartient à Jean MEYER qui l'assigne à la noblesse bretonne, *La noblesse bretonne*, Paris, 1972.

19 Cf. Anita GUERREAU-JALABERT, « El systema de parentesco medieval : sus formas (real/espiritual) y su dependencia con respecto a la organisacion del espacio », dans Reyna PASTOR (éd.), *Relaciones de poder, de produccion y parentesco en la Edad Media y Moderna*, Madrid, 1990, p. 103 et suiv.

20 Nous partageons ici le point de vue de Jack Goody, concernant les différences qui existent entre ce qu'il nommait *inheritance* (héritage) et succession. Selon Goody, *inheritance* signifie la transmission (des

droits) de propriété au moment de la mort des parents (*mortis causa*). La succession désigne le processus au cours duquel les titres, les dignités et les rôles (sociaux, publics) du parent sont transmis à un ou à plusieurs héritiers, J. GOODY, « Inheritance, property, and women, some comparative considerations », dans *Idem*, J. THIRSK, E.P. THOMPSON (éds.), *Family and Inheritance. Rural Society in Western Europe, 1200-1800*, Cambridge, 1978, p. 14 ; voir aussi B. DEROUET, « Dot et héritage : les enjeux de la chronologie de la transmission », dans *Histoire grande ouverte. Hommage à Emmanuel Le Roi Ladurie*, Paris, 1997, p. 292.

21 Nous avons esquissé les lignes générales de ces relations de pouvoir dans notre article, « La circulation des pouvoirs dans les Pays Roumains au XVIIe siècle. Repères pour un modèle théorique », *New Europe College Yearbook*, 1998-1999, Bucarest, 2001, pp. 265-310.

22 Concept forgé par S.N. EISENSTADT, *Essays on Comparative Institutions*, New York-Londres, 1965, qui reprend les suggestions de Max Weber ; selon celui-ci il s'agit d'un « groupe qui bénéficie de la chance normalement assurée d'exercer une action spécifique, instaurée pour réaliser ses ordonnances générales et ses ordres concrets », *Economies et Sociétés*, I, Paris, Plon, 1973, pp. 219, 232 et 238.

23 On peut trouver quelques exemples dans notre étude, « Les Gréco-Levantins dans les Pays Roumains : voies de pénétration, étapes et stratégies de maintien », déjà citée.

24 La définition de la « noblesse politique » est due à P. GOUBERT et J. MEYER, « Les problèmes de la noblesse au XVI$^{e}$ siècle », *Actes du XIII$^{e}$ Congrès International des Sciences Historiques*, Moscou, 1970, extrait, pp. 1-22.

25 W. REINHARD, « Power Elites, States Servants, Ruling Classes and the Growth of State Power », dans *Idem* (éd.), *Power Elites and State Building*, Oxford, 1996, p. 5-7, pp. 5-7.

26 Même si le terme « stratégie », lancé et soutenu par Pierre BOURDIEU (« Les stratégies matrimoniales dans les systèmes de reproduction », *Annales E.S.C.*, 27, 4-5, 1972, pp. 1105-1128), semble être assez contesté pendant ce dernier temps (voir, par exemple, E. PORQUERES I. GENE, « Cognatisme et voie du sang. La créativité du mariage canonique », *L'Homme*, 154-155, avril/sept. 2000, p. 340 et suiv.), une certaine intentionnalité, dessinée d'avance, ne peut pas être éludée lorsqu'on étudie le choix matrimonial des acteurs sociaux.

[27] Gaspard Graziani avait laissé un mauvais souvenir à cause de son entourage catholique, où on trouve Marino Resti – le commandant de sa garde de mercenaires balkaniques – et Giorgio di Gradi, ses anciens partenaires d'affaires, Cf. A. PIPPIDI, « Rapports de Raguse avec les Pays Roumains », dans *Hommes et idées …*, *op. cit.*, p. 87.

[28] Nous avons puisé la question des rapports « solidarités organiques » / « organisées » dans l'œuvre d'Al. Duțu, voir ses études réunies dans *Sud-Estul și Contextul Europea., Buletin*, VII, 1997.

[29] Voir, à ce propos, les observations d'A. GUERY, « Etat, classification sociale et compromis sous Louis XIV, la capitation de 1695 », *Annales E.S.C.*, 41, 5, 1986, pp. 1041-1060.

[30] Cette distinction a été depuis longtemps saisie par E. STĂNESCU, « Valoarea istorică a cronicilor muntene », déja cité. Il s'agit de Constantin Cantacuzène le *Stolnic, Istoria Țării Românești*, éd. par D. MIOC et E. STĂNESCU, Bucarest, 1991, p. 90, respectivement du chroniqueur moldave Ioan Neculce, *Letopisețul Țării Moldovei*, in *Opere*, éd. par G. ȚTREMPEL, Bucarest, 1982, p. 255. Le premier était le fils du fondateur de cette grande famille en Valachie, tandis que le second provenait d'un mariage mixte : son père, Neculce, d'origine grecque ou aroumaine, avait épousé Catrina, la fille de Iordaki Cantacuzène.

[31] La liste complète, mais certainement pas définitive, se trouve dans notre thèse de doctorat, déjà citée.

[32] Nous ignorons son nom. Certains auteurs croient qu'elle appartient à la famille Vlastò, hypothèse démentie par P. CERNOVODEANU, « Știri privitoare la Gheorghe Ghica Voda al Moldovei și la familia sa », II, *Anuarul Institutului de Istorie și Arheologie « A.D. Xenopol », Iași* (=*A.I.I.A.I.*), XX, 1983, p. 121 et suiv.

[33] C'est la possibilité d'expliquer à la fois sa relation avec le prince Alexandre Iliaș (marié avec une Katardji et ensuite avec Zaphyra Doukas) et avec Alexandre Mamonas, cf. N. STOICESCU, *Dicționar al marilor dregători din Țara Românească și Moldova, sec. XIV-XVII*, Bucarest, 1971, pp. 378-379.

[34] Le premier fut marié avec la fille du hobereau Georges Roșca de Bârlad, *Ibidem*, pp. 422-425, tandis que le second épousa en deuxièmes noces la fille d'un petit boyard de Broțteni, cf. P. CERNOVODEANU, *op. cit.*

[35] Tel fut Hagi Panaiot, cf. A. Pippidi, étude introductive à D. CANTEMIR, *Vita Constantini Cantemyrii, cognomeno Senis, Moldaviae Principis*, étude introductive, notes et commentaires par A. Pippidi, édition

critique, traduction et annexes par D. SLUȘANSCHI et I. CÂMPEANU, Bucarest, 1996 ; voir aussi notre étude, « Două familii de « clienți » domnești în Moldova secolului al XVII-lea », *Revista Istorică*, IX, 3-4, 1998, pp. 143-151.

36 N. IORGA, « Foaia de zestre a unei domnițe moldovene și exilul venețian al familiei sale », *A.A.R.M.S.I.*, IIIème série, tome VI, 1926, p. 214 ; A. PIPPIDI, « De Jannina à Venise : fortune et fortune politique », *R.E.S.E.E.*, XL, 1-4, pp. 195-202.

37 M. CAZACU, « La famille et le statut de la femme en Moldavie (XIV$^{e}$-XIX$^{e}$ siècles) », *Revista de Istorie Socială*, II-III, 1997-1998, p. 8.

38 Ce fut le cas du village Stolniceni la Gârle qui avait appartenu à Vasile Stroici, exécuté par Stéphane Tomța II en 1612, après la bataille de Cornul lui Sas. Il a été octroyé ensuite à Ianaki Karadja qui allait le perdre, avec d'autres domaines, pendant le règne de Miron Barnovski, le parent de Stroici, *Catalogul documentelor moldovenești din Arhiva Istorică Centrală a Statului* (=*C.D.M.*), Bucarest, I, 1957, doc. 1630, le 9 février 1614 ; voir aussi *Documenta Romaniae Historica*, Seria A, Moldova, vol. XXI, Bucarest, 1971, doc. 143, le 16 janvier 1627.

39 Cf. Șt. ANDREESCU, « O sentință politică a lui Matei vodă Basarab », dans son recueil *Perspective medievale*, Bucarest, 2002, pp. 156-172. Nous remercions vivement l'auteur qui nous a gentiment mis à disposition le manuscrit de cet article.

40 J. GOODY, « Inheritance, … », p. 10 ; Maria-Magdalena SZEKELY, « Structuri de familie în societatea medievală moldovenească », *Arhiva Genealogică*, IV, 1-2, 1997, p. 97 ; M. CAZACU, « La famille et le statut de la femme … », déjà cité.

41 J. GOODY, « Inheritance … », *op. cit.,* pp. 10-12, leurs propriétés sont transmises à tous leurs enfants, même si elles étaient mariées plusieurs fois.

42 D. BARTHELEMY, « L'Etat contre le "lignage": un thème à développer dans l'histoire des pouvoirs en France aux XIe et XIIIe siècles », *Medievalia*, 10, 1986, p. 40. M. Nassiet en propose, quant à lui, une définition plutôt « instrumentale », concevant la parenté comme l'ensemble des modalités selon lesquelles les groupes humains utilisent le substrat biologique, à savoir la dualité des sexes, la discontinuité des générations, la succession chronologique des naissances, etc., *Parenté, noblesse et états dynastiques, XVe-XVIe siècles*, Paris, 2000, p. 12.

43 Voir, pour la définition des « sociétés à maisons », Cl. LEVI-STRAUSS, « Histoire et ethnologie », *Annales E.S.C.*, 38, 6, 1983, pp. 1217-1231, et le travail appliqué de M. NASSIET, *op. cit.*

[44] Ainsi, « les relations généalogiques ne tarderaient pas à disparaître, tels des chemins abandonnés, si elles ne recevaient un entretien continu, lors même qu'elles ne sont utilisées que d'une manière discontinue », P. BOURDIEU, *op. cit.*, p. 1108.

[45] Voir les exemples présentés par R. ROSETTI, *Pământul, țăranii și stăpânii în Moldova,* I, *De la origini până la 1834*, Bucarest, 1907, pp. 247-253. Sur la préemption, voir Val. Al. GEORGESCU, « La préemption et le retrait dans le droit féodal de Valachie et de Moldavie. Aspects de structure et de réception », *Nouvelles Etudes d'Histoire*, 3, 1965, pp. 181-203. En Russie, le *rodonoi vykup* (retrait lignager) fut codifié par l'*Ulozhenie* de 1649, cf. Nancy S. KOLLMANN, *Kinship and Politics, the Making of the Muscovite Political System, 1345-1547*, Stanford, 1987, p. 58, acte qui manifeste en fait une certaine « complicité » de l'Etat en ce qui concerne les affaires de propriété et de dévolution.

[46] Situation qui n'exclut pas les litiges avec les autres parents, tel que fut le cas de Nicolaki Rhalys, N. IORGA, *Studii și documente cu privire la istoria Românilor*, V, Bucarest, 1903, pp. 12-13. Stamatie de Chio, par exemple, fait des achats systématiques dans les villages où il détenait déjà des propriétés constituant la dot de son épouse, *C.D.M.*, III, Bucarest, 1968, doc. 1043, 1043, 1062, 2023, 2062, etc.

[47] Cf. *C.D.M., Supliment*, I, Bucarest, 1975, doc. 773 et 778 ; N. STOICESCU, *Dicționar …,* pp. 363-364.

[48] La fortune de son frère, Thomas, fut tout aussi importante : 36 villages entiers et encore 22 parties de villages, Gh. GHIBĂNESCU, *Ispisoace și zapise*, III/2, pp. 73-76 ; N. STOICESCU, *op. cit.*, pp. 361-362. Pour sa part, la première épouse du fameux Jordaki Rosetti lui a apporté comme dot 30 villages, tandis que la troisième a fait doubler la chiffre : 61 villages reçus comme dot de la part du grand logothète Nicolas Racovita. A la fin de sa vie, notre personnage détenait 90 villages entiers et encore 81 propriétés dans d'autres villages, R. ROSETTI, *Familia Rosetti. Coborâtorii moldoveni ai lui Lascaris Rousaitos*, I, Bucarest, 1938, pp. 40-42.

[49] Cf., par exemple, *C.D.M.*, III, doc. 118, 1655, le 31 mars.

[50] Voir les considérations de J. GOODY, « Strategies of Heirship », *Comparative Studies in Society and History*, 15, 1, 1973, pp. 11-12.

[51] Radu Mihnea marie son fils Alexandre avec Roxana Scarlate Grama « Beglitzis » ; Alexandre Iliaș marie Iliaț avec Domnà Cantacuzène ; la seconde épouse de Léon, le fils de Stéphane Tomța II, est toujours une « pérote », Victoria ; Antoine Rosetti marie deux des ses trois fils dans les familles Maurocordato, respectivement Ghika etc. La plupart des mariages ont eu lieu à Constantinople.

# La route vers la haute société, les marchands et leurs stratégies matrimoniales (Valachie, XVII$^{e}$- XVIII$^{e}$ siècles)

Gheorghe LAZĂR

Parvenus à l'ère de la prospérité, après avoir été exposés à bien des périls sur les chemins de tout le pays et même souvent au-delà des frontières, certains marchands de Valachie eurent le désir de pénétrer la classe des boyards (l'aristocratie de la Valachie) et d'offrir « un nouvel éclat au blason »[1], en dépit de leur origine modeste. Ce type de comportement chez les marchands qui ont réussi à accumuler de belles fortunes n'est pas spécifique à la Valachie, nous le retrouvons presque partout dans l'Europe du Moyen Age[2]. Cette attraction exercée par le modèle aristocratique sur les familles de marchands valaques les plus dynamiques et les plus prospères prouve, d'une part, leur force économique et leur mobilité sociale et, d'autre part, le dynamisme interne de la société valaque.

A partir de ces observations préliminaires, nous allons essayer de répondre aux question suivantes : quelles sont les principales stratégies d'intégration et de promotion sociale observables chez certaines familles de marchands du XVII$^{e}$ siècle jusqu'au début du XIX$^{e}$ siècle ? Comment expliquer ce « penchant » pour la propriété foncière chez les marchands valaques et ce que représentent les valeurs et le sens de la terre dans la mentalité de l'époque étudiée ? Dans quelle mesure le

système social de Valachie a-t-il influencé ces stratégies ? Plus exactement, nous souhaitons présenter, à partir d'un certain nombre de cas individuels, que nous considérons représentatifs, les stratégies employées par quelques membres de cette catégorie sociale, parvenus à un certain niveau d'aisance économique et au bénéfice d'un réseau de relations, en vue d'assurer leur propulsion au rang de la classe des boyards ; une préoccupation qui, à notre avis, a non seulement entraîné une réduction ou même l'abandon d'activités anciennes et un certain désir de faire « oublier l'origine marchande »[3], mais aussi influencé dans une grande mesure les réalités socio-économiques de la Valachie.

Pour comprendre ce phénomène dans ses dimensions réelles, il faut éclaircir avant tout une question : qui peut être boyard ? Quels sont les critères selon lesquels une personne peut être incluse ou non dans la catégorie des boyards ? Répondre à cette question est assez difficile, parce qu'il n'y a pas dans l'historiographie roumaine d'ouvrage à caractère général sur la classe des boyards et l'on ne peut pas parler d'une opinion unanime en ce qui concerne les éléments définissant l'aristocratie roumaine[4]. Cependant, bien que cet aspect ait soulevé beaucoup de discussions parmi les spécialistes, il y a en général au moins deux points sur lesquels ils s'accordent.

*Premièrement,* la classe dirigeante valaque n'a pas connu les réglementations et compartimentations strictes de l'Occident médiéval et, en même temps, elle n'était pas une couche sociale fermée. Pouvaient atteindre cette dignité des gens appartenant à d'autres couches sociales, la volonté du prince, qui avait le pouvoir d'élever n'importe quel individu à la plus importante dignité de l'Etat, étant dans ce sens décisive. Il faut encore ajouter que, à notre avis, le phénomène de pénétration des marchands parmi les boyards a été favorisé par le fait que,

dans l'espace roumain, la classe des boyards a toujours eu des préoccupations de nature commerciale, sans que le commerce fût considéré comme une activité avilissante, ou entraînant la déchéance des droits, comme en Europe Occidentale.

*Deuxièmement,* l'élément considéré comme le plus important et le plus constant – au moins jusqu'au milieu du XVIII^e^ siècle – dans la définition du statut du boyard, est la possession de terres et de serfs, à laquelle il faut ajouter les offices (*dregătoria*) et les privilèges fiscaux. Par exemple, au début du XVIII^e^ siècle, le prince moldave Dimitrie Cantemir considère que « l'élément principal et presque l'unique signe de noblesse pour les Roumains » est la taille du domaine foncier[5]. Dans le même sens, nous pouvons aussi invoquer la réponse des boyards d'Olténie qui, suite à la demande des autorités autrichiennes, mentionnèrent parmi les éléments qui définissaient leur statut : la possession de domaines terriens, les offices, la noblesse et l'ancienneté de la famille etc.[6]

Cette situation se maintiendra aussi après la réforme de Constantin Mavrocordato (au milieu du XVIII^e^ siècle) qui, pour la première fois, lie le statut de boyard à l'obtention d'une haute fonction de la part du prince. A partir de ce critère, les boyards et leurs descendants sont partagés en deux catégories : les membres de la première classe (et leurs descendants, nommés *neamuri*, environ 20 dignitaires) bénéficient d'une dispense fiscale totale ; les membres de la deuxième catégorie (et leurs descendants, nommés *mazili*), constituée de boyards qui ont le rang de *vtori* (deuxième) et de *treti* (troisième), bénéficient seulement d'une série de dispenses fiscales[7]. A partir de ce moment, le terme de boyard devient synonyme de celui de dignitaire et bien que, théoriquement, le prince puisse de façon arbitraire choisir n'importe quelle personne pour occuper une dignité, en réalité, les fonctions sont accordées, dans la plupart des cas, aux grands propriétaires de domaines[8].

Dans le contexte de la société roumaine de l'époque, où les liens de parenté jouent un rôle stratégique dans la compétition politique et économique (situation qui se retrouve partout dans l'Europe médiévale et moderne[9]), les contrats d'alliance matrimoniale profitables sont une autre stratégie employée par certains marchands afin de s'intégrer plus facilement dans la classe des boyards. Même s'il ne s'inscrit que partiellement dans les limites chronologiques de notre recherche, nous mentionnerons pour commencer le cas du *ban* Mihalcea <Caragea>, « *di natione greco, vilmente nato* » (= de modeste origine), qui, après avoir gagné sa vie à Constantinople comme marchand de « viande salée et de bétail », s'établit en Valachie et occupe le poste de grand *ban* sous le règne de Michel le Brave (1592- 1601). La fortune amassée grâce au commerce, le grand office occupé dans le divan du pays et son mariage avec Marula de Cocorăști, descendante en ligne paternelle du prince Radu le Grand, lui permettent aussi de contracter « de beaux mariages » pour ses filles. Celles-ci épousent des descendants de grandes familles de boyards : Maria épouse le *spătar* Badea d'Albești, Preda le grand *clucer* Radu Buzescu et Mihna le *spătar* Drăghici de Cârsteşti[10].

Le même intérêt à contracter des alliances matrimoniales avec des familles de boyards peut être constaté chez les deux frères marchands Pătru et Ghioca Ciorogârleanu. Bien que les deux frères aient occupé vers la fin de leur vie des dignités dans le divan du pays (Petru sera en 1662 pour une petite période *grand sluger*, et Ghioca *grand șetrar* entre 1652 et 1656), la véritable promotion sociale de la famille sera réalisée dès la deuxième génération. Cette fois encore, à côté des domaines fonciers et de l'acquisition d'offices, les alliances matrimoniales ont joué un rôle décisif dans la promotion sociale

de la famille Ciorogârleanu ; les mariages avec des femmes d'origine plus noble seront la meilleure manière de combler l'absence de passé familial et de s'offrir une légitimité. Ainsi, l'un des fils de Pătru, Matei, épouse Păuna Brăiloiu, descendante d'une grande famille de boyards et sœur du grand *ban* Cornea Brăiloiu. Malheureusement, leur mort soudaine et l'absence de descendants directs ne nous permettent pas de voir dans quelle mesure la même stratégie sera appliquée au niveau des générations suivantes. Son autre fils, Constantin, convole avec Alexandra Greceanu, fille du *clucer* Mihai Greceanu, provenant elle aussi d'une grande famille de boyards valaques. Il faut croire que dans les deux cas, outre la richesse de la famille, les alliances matrimoniales contractées dans le milieu des boyards leur permettent l'accès aux grandes offices au divan du pays durant la dernière décennie du XVII[e] siècle : Matei devient grand trésorier et grand *sluger* (entre les années 1690 et 1693), et son frère, grand *sluger* et grand *clucer* (entre les années 1691 et 1697)[11]. La même *stratégie de progrès*[12] est aussi appliquée par le second frère Ciorogârleanu, Ghioca, pour ses deux filles, Păuna et Arsina, qui épousent des membres notables de familles de boyards[13], ainsi que pour sa petite-fille Elena, mariée à Vergo, Grec d'origine, qui devient l'un des plus importants dignitaires du prince Constantin Brâncoveanu[14] (*voir annexe I*).

Dans les grandes lignes, nous retrouvons aussi la même évolution dans le cas des frères marchands Iane et Necula Slătineanu, d'origine grecque. Attestés en Valachie dès le début du XVIII[e] siècle (1712), les deux frères ont amassé grâce à leur commerce et à l'affermage des revenus des salines une belle fortune, la preuve en étant leurs nombreuses acquisitions terriennes. Peu de temps après (1722), Iane, l'un de deux frères, est mentionné comme étant marié avec Stanca Leurdeanu,

descendante de la puissante famille du boyard Leurdeanu, une alliance qui lui a ouvert la voie vers les hautes dignités du pays : grand *cămăraș* (1730), grand *medelnicer* (1732) et grand *tresorier* (1738). Les alliances familiales réalisées au niveau de la seconde génération, avec des descendantes tant des plus importantes familles de boyards autochtones (Cantacuzène, Grecianu, Cândescu, Crețulescu, Fălcoianu) que de « nouvelles » familles (Cremidi), suggèrent une politique matrimoniale qui a eu pour rôle de consolider la position de cette famille et de lui assurer une prééminence à long terme (*voir annexe II*). Ainsi, les descendants de cette famille vont occuper des offices dans le divan du pays sur cinq générations consécutives[15].

Sans doute, les relations spéciales que les frères Slătinenau entretenaient avec le prince et l'intervention de ce dernier contribuèrent d'une manière décisive à la réalisation de ces mariages. Ce fut le cas, par exemple, pour Radu, fils d'Iane Slătineanu, qui, suite à l'intervention directe du prince Ștefan Racoviță, épousa l'une des filles du grand *ban* Toma Crețulescu, descendante d'une illustre famille de boyards valaques. Il est à retenir que ce mariage fut rendu possible par le refus du prince de donner son consentement au mariage de celle-ci avec le fils d'un autre grand boyard, le *Grec* Nicolae, grand *paharnic*, en invoquant un document princier qui interdisait les mariages entre les autochtones et les … étrangers[16].

Si son mariage à Marica, fille du *logofăt* Dumitrașco et futur métropolite de la Valachie, est pour le marchand Gheorghe d'Jannina (Grèce) un pas important sur la voie de la promotion sociale, ce dernier parvenant à accumuler une fortune importante et à contracter de « beaux mariages » pour ses trois enfants[17], les choses se passent de manière tout à fait différente pour le marchand Manul, lui aussi Grec d'origine, qui devient

l'un des marchands les plus remarquables de Bucarest durant la seconde moitié du XVII[e] siècle. Si on se fiait à l'exemple présenté ci-dessus, on pourrait croire que, suite à son mariage avec Ilinca, descendante de l'importante famille de boyards Cândescu-Mihălcescu[18], rien n'aurait pu entraver son accès à la « haute société ». Cependant, si nous nous rapportons aux données généalogiques concernant ses descendants, il semble que ce mariage fut un accident, plutôt que le résultat d'un calcul social. Ni la fille de Manul, qui épousa un certain marchand Neacșul[19], qui fut pendant un temps prévôt de marchands, ni son fils, Lambru/Lamba, marié à une certaine Nasta[20], ne réussirent à contracter d'alliances matrimoniales avantageuses. Comment expliquer cet état de fait ? Cette situation paradoxale est-elle due à l'incapacité de Manul à gérer ses relations, ou bien les motifs sont-ils autres ? Il est difficile de répondre à cette question. Il se peut que la mort tragique de son petit-fils, Sofialăul Necula, grand *paharnic* et grand *clucer* dans le divan du pays, condamné à la potence en 1669[21], ait laissé son empreinte sur le destin de la famille. Le fait qu'après la mort de Necula Sofialăul, l'activité de Manul[22] entre dans une zone d'ombre, sa présence dans les documents se faisant de plus en plus rare, semble confirmer cette hypothèse.

La préférence pour ce type d'alliances matrimoniales est visible aussi chez les grands boyards, attirés sans doute par la perspective de « maximiser les profits économiques »[23] et d'entrer en possession des importantes fortunes de certains marchands. Sans doute faut-il voir dans ce comportement le signe d'une considération pour leur position sociale. Nous rappelons le cas de la fille du riche marchand Pană Pepano, Ilinca, qui épouse Popescu Cârstea, devenu grand trésorier entre 1685-1690, descendant des boyards Popești de Vlașca[24] (*voir annexe III*), ou celui de Chirana, sœur du marchand Iorga,

mariée à Grigore de Poiana, un des boyards avec la plus longue présence dans le divan du pays au XVII[e] siècle[25], ou encore celui du marchand Nica de Pitești, qui s ’occupe surtout de commerce de miel, marié avec Anca, fille de Drăguşin Deleanu, membre du divan du pays et apparenté au prince Matei Basarab[26].

Nous rappelons aussi le cas de la famille de Mihu, un autre marchand dont « *la famille […] connaissait très bien sa propre généalogie* », pour citer N. Iorga[27], cultivant une étroite relation avec le *spătar* Mihai Cantacuzène, qui d’ailleurs lui confie la surveillance des travaux du monastère de Colțea[28]. Vers la fin de sa vie, après une activité intense qui lui apporte des gains importants, il fonde l’église en bois de Bradu-Boteanu et entre ensuite dans les ordres, sans pour autant renoncer à gérer les affaires de la famille, étant mentionné maintes fois dans les sources en tant que Misail *le moine*, à côté de son fils Grigorie. La même préoccupation se voit chez le marchand Mihu à travers les mariages de ses deux filles. La première, dont nous ne connaissons pas le nom, épouse un important marchand de Târgoviște, Cârstea Bogdaproste, et la seconde, Vița, le *vornic* Gavril Drugănescu[29], fondateur de l’église de Drugănești. L’emploi des alliances matrimoniales comme instrument de consolidation de la position de la famille est évident dans ce cas : grâce à son fils, qui poursuit le commerce de son père, et de sa fille aînée, Mihu maintient ses contacts dans les milieux marchands, tandis que, par sa cadette, il établit des contacts avec le milieu des boyards (*voir annexe IV*).

Une situation identique se retrouve chez un autre marchand portant le nom de Manu, dont le mariage avec Despa, fille d’un petit fonctionnaire de la capitale, semble avoir consolidé la position économique. Au niveau de la seconde génération, comme dans le cas mentionné ci-dessus, nous constatons la

même diversification des options matrimoniales : le fils, Vasile, doit poursuivre et consolider les liaisons avec le milieu des marchands, tandis que la fille, Safta, mariée au *sluger* Pană Urdăreanu, fils du grand *sluger* Preda Urdăreanu, ouvre la voie vers la promotion sociale[30].

Intéressant est aussi le cas de la famille Văcărescu, l'une des plus importantes familles de boyards de la Valachie, qui semble avoir manifesté une préférence pour les mariages contractés dans le milieu des marchands. Le mariage d'Alexandra, fille d'Ivan Văcărescu, fondateur de cette importante famille de boyards, avec Mihai, un riche marchand du milieu du XVII[e] siècle[31], est suivi deux générations plus tard par le mariage d'un autre membre de cette famille, qui occupe d'importants offices dans le divan du pays, le *postelnic* Iordache Văcărescu, avec la fille de Șerban Grozea, prévôt des marchands au milieu du XVIII[e] siècle[32].

Une voie de promotion sociale pour les marchands de Valachie est, à l'exemple des *familiares* de l'Occident, leur inclusion dans le système des relations sociales de certaines familles importantes de boyards[33] ; cela leur assure non seulement la protection nécessaire, mais aussi le support humain et le réseau de relations nécessaires pour une telle promotion. Le cas le plus intéressant est celui de la famille de boyards Cantacuzène, famille reconnue pour son réseau de relations et de parentés, qui lui assure dans une large mesure la prépondérance dans la vie politique de Valachie durant toute la seconde moitié du XVII[e] siècle, et qui entretient des liens étroits avec le milieu marchand, notamment d'origine grecque. C'est le cas des frères marchands Pepano, déjà mentionnés, dont le destin est étroitement lié à celui de la famille Cantacuzène : Pană Pepano conseille et finance le *stolnic* Constantin Cantacuzène pendant ses études à Padoue, et le

second frère, Dona, grâce aux mêmes protecteurs, occupe le poste de grand *căminar* sous le prince Antonie Vodă de Popești, pour être ensuite nommé par le prince Șerban Cantacuzène, en signe de grande confiance, *ispravnic* des travaux de confortement du monastère de Curtea din Argeș[34] (*voir annexe III*). Dans cette catégorie, nous pourrions inclure aussi Mareș Băjescu, très probablement fils d'un petit marchand de la ville de Câmpulung, marié avec une certaine Maria « de la maison Cantacuzène » et qui, grâce à l'aide de ses protecteurs, va occuper l'office le plus important du pays, après le prince : celui de grand *ban*[35].

Seul un « état formel d'amitié »[36] avec la même illustre famille peut expliquer le privilège – le seul de ce genre mentionné dans les sources – dont jouit le prévôt des marchands Șerban, personnage notable de la fin du XVII^e^ siècle et du début du XVIII^e^ siècle, d'avoir le grand *vornic* Șerban Cantacuzène comme parrain à son mariage[37] ; ce n'est point par hasard, car cette « parenté spirituelle » se poursuit aussi à la deuxième génération : une des filles reçut le baptême dans les bras des parrains légitimes, et l'autre dans les bras de *doamna* (= princesse) Marica, veuve du prince Constantin Brâncoveanu[38].

Malheureusement, le manque d'informations ne nous permet pas de nous prononcer ou de donner des détails sur les motifs qui ont mené à la conclusion de tels mariages ; toutefois, une analyse des alliances matrimoniales de ces familles de boyards, leur préoccupation d'établir des alliances avec les descendants de familles importantes, ayant le même statut sociopolitique, nous fait penser que ceux-ci ne sont pas contractés par hasard, mais qu'il existe un intérêt des deux côtés.

*

En guise de conclusion, il faut remarquer au préalable que la plupart des marchands ayant atteint un certain niveau d'aisance se montrent intéressés à contracter des alliances matrimoniales avec les descendants des familles de boyards, tant au niveau de la première génération qu'au niveau de la seconde. Le succès économique et la réalisation de l'ascension sociale sont étroitement liés ; souvent, la promotion sociale d'un marchand est directement liée au réseau de relations que celui-ci parvient à se créer, à sa capacité à le conserver et à le développer, et surtout à son talent pour gérer un tel réseau. Ainsi, une fois arrivé à une très bonne situation économique, l'homme d'affaires commence à convoiter une position sociale et politique meilleure, le mariage étant un moyen d'ascension rapide et une manière d'obtenir prestige et influence, car « l'appartenance à une famille fonctionne comme capital, c'est-à-dire comme rapport social de pouvoir »[39].

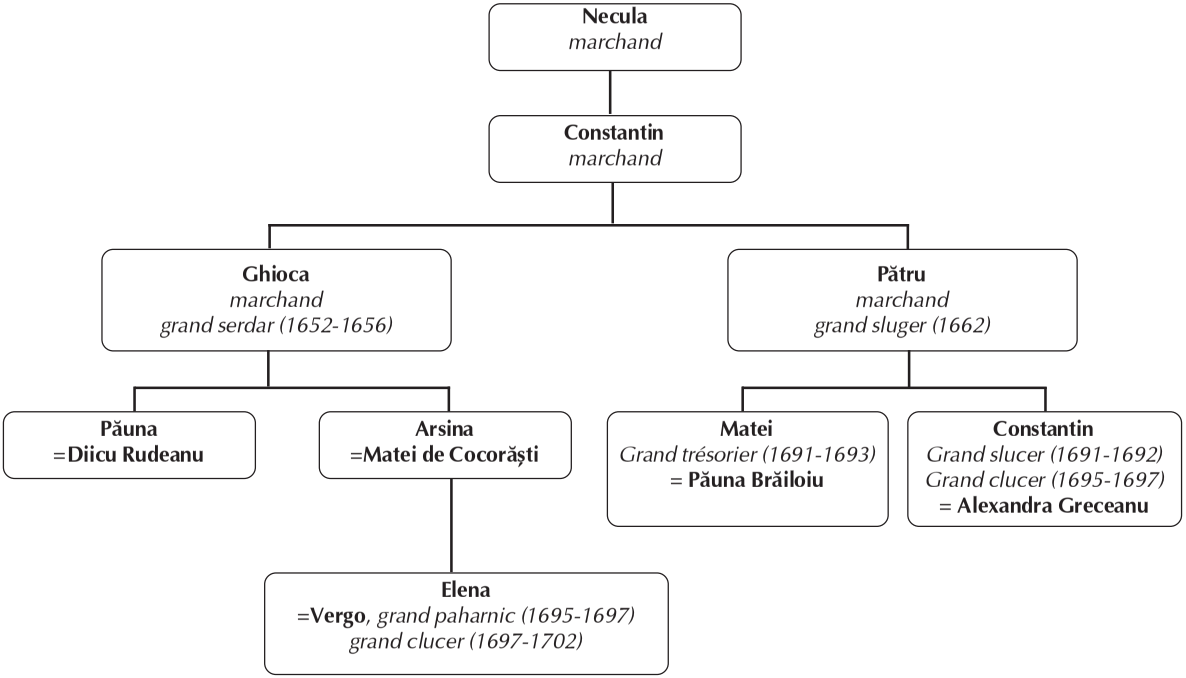
Ensuite, les exemples analysés montrent une certaine *prudence* dans l'établissement de ces alliances, l'adoption de solutions diversifiées, comme par exemple le maintien de contacts avec le milieu social d'origine, en même temps que l'ouverture vers la « haute société » des boyards, si convoitée. Les rares cas où l'on constate une « agressivité » dans les efforts de promotion sociale rapide, à l'exemple des frères marchands Ciorogârleanu ou Slătineanu, ne changent en rien la situation. Néanmoins, de tels mariages ne suffisent point pour entraîner la promotion sociale (on pense notamment à la famille du marchand Manu), même s'il est à noter qu'en l'absence de telles alliances matrimoniales, l'ascension aurait été plus difficile.

Enfin, comme « la promotion sociale[…] est une affaire de temps et d'opportunités »[40], à côté du jeu des alliances matrimoniales, les acquisitions de terres et d'offices (dans la

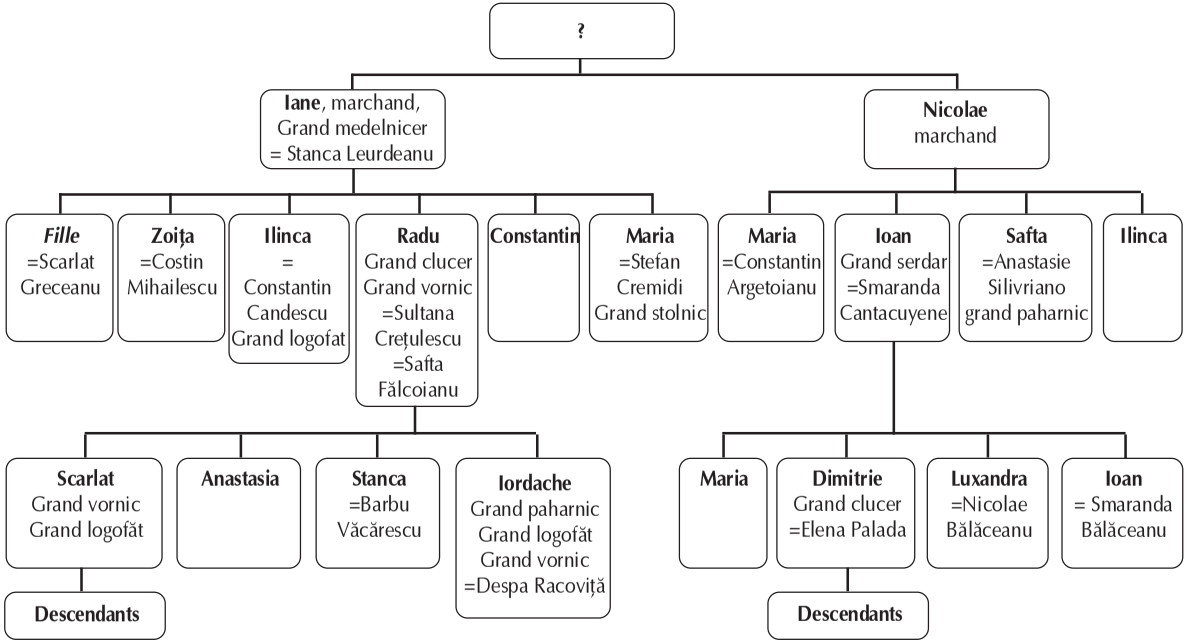
plupart des cas, grâce aux relations privilégiées avec le prince), le mécénat, la culture, l'imitation du style de vie et du comportement des boyards, ont joué un rôle important dans le désir de promotion sociale des grands marchands.

Ainsi, à regarder les cas analysés, on peut dire que le désir de parvenir et le chemin vers l'anoblissement empruntent des voies diverses et variées ; mises à part quelques exceptions, ce changement de statut social est réalisé au cours de quelques générations, plus souvent deux, rarement trois. Bien qu'il soit difficile de tenter une évaluation de la part exacte des facteurs qui ont contribué à l'anoblissement de la famille, un fait demeure : le phénomène des alliances matrimoniales avec les *maisons de boyards* a existé ; il fut pour certains marchands un moyen de modification rapide de leur statut social et, en même temps, c'est une preuve irréfutable du dynamisme interne de la société valaque à l'époque.

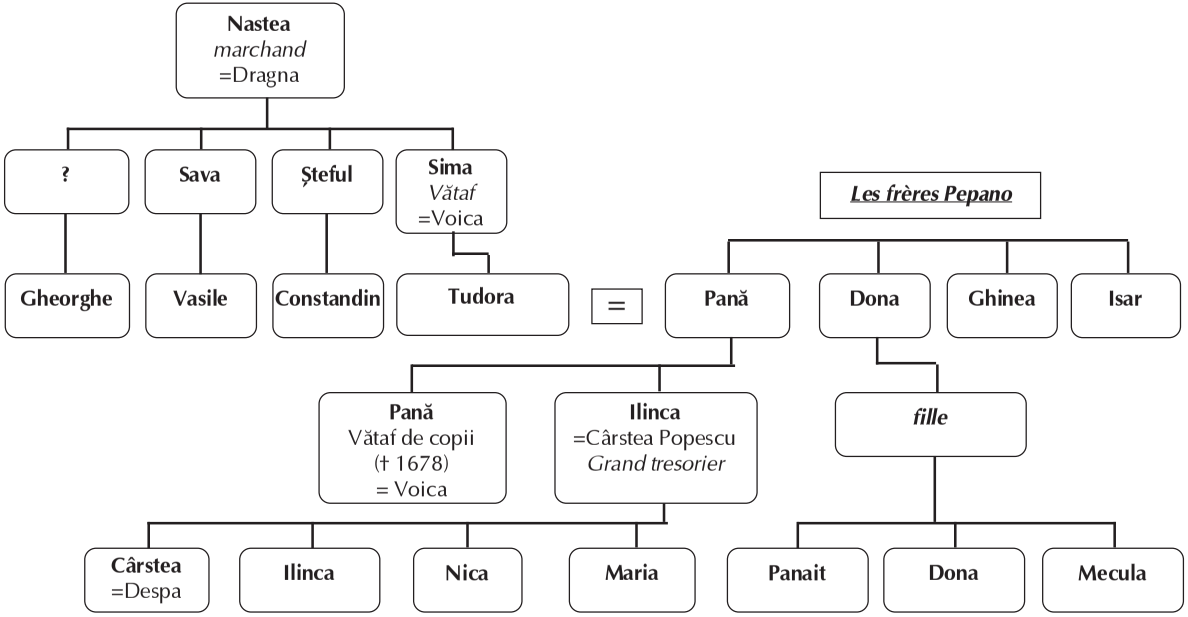
## Annexe I. : L'arbre généalogique de la famille Ciorogârleanu



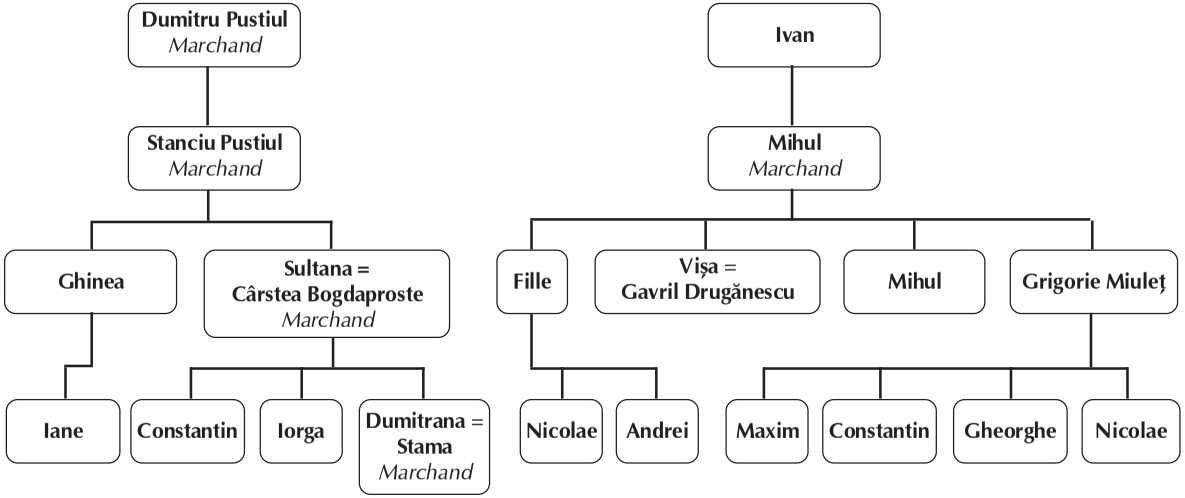
## Annexe II: L'arbre généalogique des frères marchands Slătineanu



## Annexe III : L'arbre généalogique des frères marchands Pepano



## Annexe IV : L'arbre généalogique de la famille du marchand Mihu



## NOTES

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5 CANTEMIR, D., *Istoria Imperiului otoman. Creșterea și descreșterea lui*, Bucarest, 1876, p. 624.

6 PAPACOSTEA, Ș., *Oltenia sub ocupația austriacă (1718 - 1739)*, 2^e édition, réalisée par Gheorghe Lazăr, Editura Enciclopedică, Bucarest, 1998, p. 146.

7 Nous précisons qu'au fil du XVIII^e siècle, cette réforme a connu plusieurs modifications et, finalement, suite à l'augmentation du nombre des offices, les boyards ont été divisés en cinq classes. Pour tous ces détails, voir PLEȘIA, D., « Statutul boierimii și evoluția boieriilor de la reforma lui Constantin Mavrocordat până la desființarea rangurilor și privilegiilor (1858) », in *Arhiva Genealogică*, t. I (VI), 1994, no. 3-4, pp. 169-183.

8 PAPACOSTEA, Ș., *op. cit.,* pp. 146-150.

9 Voir, par exemple, AUTRAND, Fr., « Le mariage et ses enjeux dans le milieu de robe parisien XIV^e- XV^e siècles », in *La femme au Moyen Age*, éd. M. Rouche et J. Heuclin, Maubeuge, 1990, pp. 407-429 ; JANSEN, PH., « Elites urbaines, service de la commune et processus d'aristocratisation : le cas de Macerata aux XIV^e-XV^e siècles », in *Les élites urbaines au Moyen Age, XXVII^e Congrès de la SHMES (Rome, mai 1996),* Publications de la Sorbonne, Paris, Ecole française de Rome, Rome, 1997, pp. 201-226.

10 Pour des détails à ce sujet, voir ANDREESCU, Șt. « Boierii lui Mihai Viteazul », in IDEM, *Restitutio Daciae,* vol. III, *Studii cu privire la*

*Mihai Viteazul (1593- 1601)*, Editura Albatros, București, 1997, pp. 368-372.

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12 AUTRAND, Fr., *op. cit.*; pour ce phénomène dans d'autres zones géographiques, voir COURTEMANCHE, D., « Famille de droit ou droit à la chair ? Stratégies familiales au tournant du XVe siècle », in *Revue Historique*, t. CCXCVII, 1997, no. 1, pp. 41-56 ; SAMSONOWICZ, H., « Johann Angermünde, "l'homme d'affaire" de Gdansk du XVe siècle : marchand, politicien, financier vers 1425 – 1482 », in *Finances, pouvoirs et mémoire. Hommages à Jean Favier,* textes réunis par Jean Kerhervé et Albert Rigaudière, Fayard, Paris, 1999, pp. 490-496.

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17 RĂUTESCU, I., *Topoloveni. Monografie istorică*, Bucarest, 1939, pp. 65-70.

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20 Muzeul de Istorie și Artă al Municipiului București, no. 30 658.

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22 Sur l'activité de Manul, voir aussi IONAȘCU, I., *Documente bucureștene privitoare la proprietățile mănăstirii Colțea*, Imprimeria Națională, Bucarest, 1941, p. 46.

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25 STOICESCU, N., *op. cit.,* pp. 194-195.

26 IONAȘCU, I., *Biserici, chipuri și documente din Olt,* vol. 1, Editura Ramuri, Craiova, 1934, pp. 92-116.

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28 IONAȘCU, I., *Documente bucureștene …, op. cit.,* p. 89.

29 *Ibidem.*

30 *Ibidem*, p. 47.

31 DANIC, fonds : Doc. ist., XXI/ 265; M-rea Căldărușani , LXXII/ 1.

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# Stratégies patrimoniales et fondation de l'église "Sainte Trinité" (1913) de Cuhureștii de Sus, district de Soroca, par les sœurs Eugénie et Alexandrine Bogdan

Silviu ANDRIEȘ-TABAC

Vers l'an 1776 le capitaine Radu Bogdan[1] (1809), un des représentants les plus actifs de la petite noblesse moldave, a épous Maria Vartic, la fille de Ileana (fille de Vicol Vartic) et du préfet (ispravnic) Jean, la veuve du « șătrar »[2] Andrè Sinescu. Maria Vartic était une riche représentante de la noblesse moldave. Parmi d'autres biens, elle a reçu comme dote le domaine de Cuhureștii de Sus, o les mariés ont décid de s'installer définitivement. Radu Bogdan a défrich le domaine, a bâti un manoir, des moulins et des dépendances, et a plant des vignobles et des vergers.

Radu Bogdan a eu huit enfants : 4 fils et 4 filles. Parmi les fils, seulement Constantin (environ 1772/73-1843), l'aîn, a eu des descendants portant le nom de Bogdan. Ses enfants, ainsi que les descendants de sa sœur Anne (Anița) Meleghi, sont restés les principaux héritiers du domaine Cuhureștii de Sus.

Jean Bogdan (1816-1900), fils de Constantin, a restaur l'église en bois « St. Archanges Michel et Gabriel » en 1849-1850 et, plus tard, a bâti une nouvelle église en pierre, du même nom, achevée en 1874. Le beau manoir du centre

du village date aussi de l'époque de Jean Bogdan, édifi dans le style romantique il combine les éléments nationaux traditionnels avec les formes néogothiques raffinées. Jean Bogdan a réussi aussi finir l'enregistrement de sa famille dans le Livre généalogique de la noblesse russe, processus commenc par son père en 1827.

Du mariage avec Catherine Străjescu (1892), Jean Bogdan a eu trois enfants qui ont ét les derniers porteurs du nom Bogdan : Eugénie (1857-1915), Basile (1859-1912) et Alexandrine (1861-?).

Eugénie[3] s'est mariée en 1878 avec le grand philanthrope Nicolas Apostolopoulo (1845-1901), citoyen grec, ingénieur constructeur des chemins de fer, qui a construit l'embranchement Noua Suliță – Bălți – Rezina. Les mariés se sont installés Saharna, dans le district d'Orhei. Ici ils ont fond et dot une Ecole de viticulture, ont restaur le monastère Saharna, ont bâti l'église « St. Archanges Michel et Gabriel » et une Ecole primaire. A Saint-Pétersbourg, dans la rue Galernaia, les Apostolopoulo ont aménag un grand appartement, avec un atelier commun et des chambres ou les « apprentis en Arts » logeaient gratuitement[4]. Familière des cercles littéraires, artistique et philosophique de la capitale impériale, Eugénie, après la mort du seul fils Eugène (1879-1883) et de son mari (1901), a continu seule l'œuvre philanthropique. Elle a travaill au Gouvernement de Kazan lors de la famine de 1899. Son rêve était de fonder un musée ethnographique local Kichinev. Le sous-sol même du manoir de Saharna cachait déj une vraie collection de meubles, tapis, icônes, objets de culte et de la vie quotidienne, tous disposés comme dans une maison paysanne. En apprenant qu'elle souffre d'une maladie incurable, Eugénie lègue un million de roubles pour le musée rêv. En 1913, Saharna, Eugénie est visitée par le grand philosophe rus Basile Rozanov, qui a laiss de beaux mémoires

sur son séjour et sur la propriétaire du domaine : « *une personnalit synthétique, qui anime vraiment la sociét par son esprit, talent, zèle, effervescence et disponibilit permanente pour toutes les choses bonnes et nobles, une immensit d'intelligence brillante et de pensées, de grâces, d'animations et de « révélations positives »* .

Le conseiller d'Etat Basile Bogdan, le deuxième enfant de Jean Bogdan, ne s'est jamais mari. Il a termin le cours complet de six classes de « l'Ecole réelle » (centrée sur les matières scientifiques) de Kichinev en 1878. Dans les années 1885-1899 Basile Bogdan est élu plusieurs fois juge de paix honoraire du district de Soroca et dans les années 1899-1911 il est élu quatre fois de suite maréchal de la noblesse du même district. A la fin de sa vie Basile Bogdan devient le plus riche boyard du district, en possédant un domaine (hérit et achet) de plus de 5000 hectares. A l'époque de Basile Bogdan Cuhureștii de Sus a ét fondée (1886) et bâtie (1905) l'Ecole primaire avec une classe de métiers, un moulin systématique vapeurs qui servait aussi d'usine électrique, un petit dispensaire, de même, quelques chemins principaux ont ét pavés. Le propriétaire de Cuhureștii de Sus était un passionn de l'agriculture. Les différentes sources attestent le mode exemplaire d'organisation de toutes les branches, surtout l'élevage des porcs et des chevaux, l'acclimatation des espèces de maïs, des pruniers etc. Il possédait aussi une fabrique de lie et de distillation d'alcool Odessa. On peut affirmer que Basile Bogdan a couronn l'œuvre civilisateur de son arrière grand-père Radu Bogdan, commenc dans le dernier quart du XVIII$^{ème}$ siècle. A sa disparition, en 1912, Basile Bogdan a laiss un village prospère et civilis, un niveau de développement qui n'a jamais ét dépass. Le début du déclin de ce village date de 1912.

Alexandra ou Alexandrine[5], le troisième et dernier enfant du Jean Bogdan, a épous en 1881 le banquier d'Odessa Andrè

Pommer (1851-1912), grec de l'île Siphnos. Ils ont achet le domaine Ţaul, dans le district de Soroca. L-bas, les mariés ont fait construire un très beau manoir, un exemple d'harmonie parfaite de l'architecture et de la nature, bien conserv jusqu' nos jours. Les Pommer ont eu quatre enfants : trois fils - Nicolas (*1881), Jean (*1884), Vladimir (*1886) - et une fille Catherine (*1888), dont le mari, officier supérieur dans la marine impériale - Nicolas Sablin - sera le camarade de prison de l'écrivain et philosophe roumain Nicolae Balot. Après la mort de ses frères, Basile et Eugénie, Alexandrine est restée le dernier héritier du domaine Cuhureștii de Sus.

En 1913, lorsque les sœurs Eugénie Apostolopulo-Bogdan et Alexandrine Pommer-Bogdan ont commenc la construction de l'église la « Sainte Trinité » de Cuhureștii de Sus, il y avait déj dans ce village une autre église en pierre, en assez bon état, qui portait le nom « St. Archanges Michel et Gabriel » et qui avait ét fondée par leur père, le boyard Jean Bogdan.

La nouvelle église aurait d servir de nécropole la famille Bogdan, qui s'éteignait alors. Dans une de ses nombreuses demandes auprès des autorités, datant du début du juin 1914, Alexandrine expliquait :

> [...] *j'ai l'honneur de déclarer que, dans le désir d'honorer la mémoire de mes parents décédés, Jean et Catherine Bogdan, de mon frère Basile Bogdan, dont les dépouilles sont enterrées dans la cour de l'église de Cuhureștii de Sus [...], et de mon mari, dont les ossements reposent dans le cimetière du Monastère « Alexandre Nevski » de Saint-Pétersbourg, et trouvant que l'église du village mentionn, qui existe aujourd'hui, est vétuste et très étroite, j'ai désir élever une nouvelle église en pierre, couverte de tuiles, sur un terrain qui m'appartient et qui se trouve 150 sagènes*[6] *de l'église existante. [...] Je suppose que l'église que j'élève deviendrait paroissiale, c'est pourquoi j'exprime mon empressement de*

*la donner la paroisse locale, avec le terrain mentionn plus haut, en l' enclorant d'une enceinte de pierre. L'église est prédestinée au nom de la Sainte Trinité et sa partie inférieure souterraine doit servir de caveau 16 places pour les fondateurs, le droit exclusif d'enterrement dans ce caveau et dans la cour de l'église étant réserv aux fondateurs et leurs descendants. Après l'édification de l'église nommée, avec la permission des autorités, les dépouilles de mes parents Jean et Catherine Bogdan, de mon frère Basile Bogdan et de mon mari Andr Pommer, doivent être transférées de leur places de repos actuelles dans le caveau de la nouvelle église la « Sainte Trinité », qui sera édifiée mes frais* [...][7].

Le projet de l'église a ét réalis dans les plus petits détails par l'architecte académicien Alekseï Viktorovitch Chtchoussev (1873, Chișinău – 1949, Moscou), qui a bâti plusieurs monuments et édifices en Russie et en U.R.S.S., les plus connus étant la Gare de Kazan Moscou, le Mausolée de Lénine, la station de métro « Komsomolskaïa-Koltsevaïa » de Moscou. Alekse Chtchoussev était l'un des anciens boursiers d'Eugénie Apostolopoulo-Bogdan du temps o il étudiait l'Académie des Beaux-arts de Saint-Pétersbourg (1891-1897). Paul Chtchoussev, le frère de l'architecte, se rappelle dans ses mémoires que Eugénie Apostolopoulo-Bogdan connaissait Alekse Chtchoussev depuis qu'il était collégien Kichinev (1889-1991) et gagnait sa vie comme répétiteur dans la maison de la famille Kaciulcov, les parents d'Eugénie. « *E. I. Apostolopoulo*, note Paul Chtchoussev, *une femme cultivée et instruite, qui s'intéressait beaucoup l'art, aimait et appréciait Alekse Viktorovitch et l'invitait souvent chez elle dans son village* [Saharna – n. a.]. *Alekse Viktorovitch, un architecte qui promettait beaucoup et un homme charmant, était bien appréci aussi par le mari de E. I. Apostolopoulo – ingénieur qui avait étudi en Belgique.*

*C'est justement ici, Saharna, et sa demande, que Alekse Viktorovitch a bâti ses premières œuvres d'architecture : deux maisonnettes de garde dans le grand vignoble* »[8]. A son tour Alekse Chtchoussev avouait : « *L'influence culturelle de la famille, après celle de la famille de mon oncle Matve¿ Korneïevitch Zozouline, o nous avons vécu après la mort de nos parents, de même que l'influence de la famille de l'ingénieur Apostolopoulo, surtout de sa femme Evgheniïa Ivanovna, qui habitait dans son domaine Saharna sur le Dniestr, o j'allais en visite en ét, ont créé en moi l'aspiration d'atteindre un haut niveau dans mon métier.* »[9]

Le projet de Chtchoussev a ét conçu en 1912[10] et approuv par la Section des bâtiments de la Régence du Gouvernement de Bessarabie deux ans après, le 1 juillet 1914. L'ensemble ecclésiastique projet comprenait l'église proprement-dite, avec le narthex, un clocher qui allait servir aussi de porte, la fontaine et l'enceinte en pierre, couvertes de tuiles. C'était un projet unique, beau et rare pour les villages bessarabiens, réalis, la demande des commanditaires, dans le style néo-roumain, combinant des motifs byzantins, balkaniques avec le gothique roumain. Chtchoussev racontait qu'en travaillant ce projet, en préalable, il avait attentivement étudi les mesurages des anciennes églises et les volumes des *Travaux de la Commission des monuments historiques*, publiés par le connu architecte roumain Nicolas Ghica-Budeşti[11]. Grâce aux efforts des commanditaires et du célèbre architecte, cette fondation des sœurs Bogdan est devenue le plus important monument d'architecture ecclésiastique en style roumain de Bessarabie du XX$^{ème}$ siècle.

Les travaux ont continu jusqu'au mois de mai 1917, quand on a d les arrêter cause des événements politiques. A cette date l'église était terminée, tant de l'intérieur que et de

l'extérieur. Il manquait seulement l'iconostase, qui, command Moscou, ne pouvait pas être apport cause de la révolution russe. Le clocher était de même achev, mais il n'avait pas encore de cloches. Même l'enceinte en pierre était élevée autour de l'église [12].

Le 14 février 1921, le prêtre paroissial de Cuhureștii de Sus, Théodore Gârlea, et le maire du village, Samson Relea, ont demand la permission de finir la nouvelle église avec les moyens offerts par les villageois[13]. Même si la famille Pommer avait perdu beaucoup de biens et de propriétés suite aux événements politiques de 1917-1918, les héritiers, en 1923 ont affirm le désir d'achever tous les travaux par leurs propres moyens, quand cela serait possible, et ont refus toute aide venu de l'extérieur de la famille[14]. Les travaux poursuivis par Alexandrine et ses enfants ont ét finis en 1930, après des efforts considérables,.

L'inscription votive de l'église affirme :

> *La construction de cette Sainte Eglise portant le nom de la "Sainte Trinité", de la commune Cuhureștii de Sus, district de Soroca, avec le clocher et l'enceinte, a commenc en l'an 1913, par le zèle et aux frais des bonnes chrétiennes Eugénie Bogdan et Alexandrine Pommer, née Bogdan, et a ét termin dans l'an 1930, pendant le règne du roi Charles II de Roumanie, l'architecte étant A[lekseï] Chtchoussev, l'[ingénieur] constructeur [Basile] Dmitracencov et le peintre et sculpteur A. Znamenschi.*

Le « technicien-constructeur » Basile Dmitracencov, présent depuis le début des travaux, est mentionn dans les mémoires de Paul Chtchoussev, comme un « inconnu », qui a beaucoup aid Alekse Chtchoussev. Dmitracencov « *a saisi d'une manière extraordinairement subtile les pensées d'Alekse Viktorovitch*

*sur l'ornement des pierres de calcaire brut de cette église rurale et, en général, a exécut cette construction d'une manière excellente* ».

On sait que les icônes pour l'iconostase ont ét commandées au peintre russe Nathalie Goncearova (1881-1962), morte Paris. Deux des ses croquis, faits pour cette église, se trouvent aujourd'hui au Musée d'Odessa. A. Znamenschi, a ét probablement invit ultérieurement, après l'échec du premier projet de peinture provoqu par des événements non-artistiques. C'est lui qui a peint les fresques de l'entrée de l'église, représentant les saintes Eugénie et Alexandra, dont les figures ressemblent peut-être aux portraits des sœurs Bogdan.

*

La fondation de l'église de la « Sainte Trinité » de Cuhureștii de Sus, répondait une stratégie patrimoniale de la famille Bogdan, plutôt spirituelle que matérielle. Les boyards moldaves des temps modernes respectaient la coutume du Moyen Age. Ils préparaient leurs concessions perpétuelles en exprimant leurs idéaux.

Dans les conditions d'une vie o les traditions roumaines étaient très limitées, la nécropole de la famille Bogdan exprimait l'aspiration un sommeil éternel dans l'au-del qui s'inscrivait dans les traditions nationales roumaines.

Mais Dieu a décid autrement. Un seul membre de la famille a trouv le tombeau espér. La seule qui soit enterrée dans le caveau de cette église a ét Eugénie Bogdan, la protectrice et la muse du grand architecte de l'église de la « Sainte Trinité ».



1. Le manoir des Bogdans de Cuhureștii de Sus, bâtie par Jean Bogdan (1816-1900). Photo par Ion Drobenco, vers 1949.



2. L'église « St. Archanges Michel et Gabriel » terminée en 1874 et demolie dans les années 1960.
Photo par A. Andronache, les années 1930.



3. Le moulin systématique vapeurs qui servait aussi d'usine électrique. Photo 1901 (*Musée National d'Etnographie et d'Histoire Naturelle, Chișinău, RMK-3316, inv. 2497*).




4. L'Ecole primaire avec une classe de métiers, bâtie par Basile Bogdan en 1905. Photo par A. Andronache, les années 1930.



5. L'église la « Sainte Trinité »
(Reproduction d'après : *Episcopia Hotinului : Anuar*, Chișinău, *Cartea Românească*, 1930, p. 135).




6. La tombe d'Eugénie Bogdan (1857-1915) dans le caveau de l'église la « Sainte Trinité ». Photo par l'auteur, 2000.

Les images reproduites ci-dessus font partie de la collection personnelle de l'auteur.

## NOTES

1 ANDRIEȘ-TABAC, S., "Radu Bogdan ot Cohorești și urmașii lui", in *Arhiva genealogică,* Iassy, IV (IX), 1997, nr. 3-4, p. 157-166.

2 Dignitaire qui veillait sur les tentes militaires en temps de guerre.

3 ANDRIEȘ-TABAC, S., "Eugenia Apostolopulo-Bogdan", in *Femei din Moldova* : Enciclopedie, Museum, Kichinev, 2000, p. 24.

4 AFANAS'EV, K. N., *A. V. Chtchoussev*, Strojizdat, Moscou, 1978, p. 181.

5 ANDRIEȘ-TABAC, S., "Alexandrina (Alexandra) Pommer", în *Femei din Moldova, op. cit.*, p. 227.

6 319,5 m.

7 *Archives Nationales de la République de Moldavie (ANRM)*, F. 208, inv. 4, d. 4425, f. 3-4.

8 *Archives du Musée "Alekse Viktorovitch Chtchoussev" de Kichinev.*

9 DRUZHININA-GEORGIEVSKAJA, E. V.; KORNFEL'D, Ja. A., Zodchij *A. V. Chtchoussev*, *Izdatel'stvo Akademii Nauk SSSR*, Moscou, 1955, p. 10.

10 AFANAS'EV, K. N., *op. cit.*, p. 181.

11 KURC, R. E, *Alekse Viktorovitch Chtchoussev*, Știința, Kichinev, 1973, p. 58.

12 *ANRM*, F. 208, inv. 4, d. 4425, f. 16.

13 *Ibidem*, f. 18-19.

14 *Ibidem*, f. 20.

# Social Structures and Interactions: From Norm to Practice

# Structures et interactions sociales : de la norme á la pratique

# Notes préliminaires pour une anthropologie de la personne dans les Pays Roumains au XVII$^{e}$ siècle

Violeta BARBU

« *Aucun objet de recherche ne frappe par son évidence : c'est le regard du chercheur et son approche, qui en délimitent les contours* ». Je fais mienne cette observation de Bernard Lepetit[1] qui rend plus compréhensibles les raisons de mon approche. « La personne » est un mot dont l'histoire, nous dit Michel Foucault, est assez brève. Elle est une invention récente, née au coeur de la pensée cartésienne et disparaîtra rapidement de l'horizon de l'histoire[2]. On reconnaît dans les dernières paroles du livre *Les Mots et les choses. Une archéologie des sciences humaines,* un défi lancé à quiconque aurait la témérité de quitter la logique de l'herméneutique et de contester le pouvoir de qualification qui demeure dans la compétence de classification et de codification du langage discursif à l'âge classique. Depuis 1966, les conclusions de Michel Foucault n'ont pas cessé d'interpeller les historiens et il vaut la peine de s'attarder aux carrefours des tentatives ironiques ou, par contre, des réponses porteuses d'espoir intellectuel, autant pour souligner les enjeux que pour en dégager les limites et les risques.

La même année, 1966, aux Etats-Unis, apparut le livre de Walter Ullmann, *The individual and Society in the Middle*

*Ages*[3], un triptyque qui allait forger un autre modèle d'analyse, par le biais de la pensée théologique et politique du Moyen Age. En précurseur du rapport norme-pratique qui caractérise les démarches de l'Ecole des Annales après 1995, Ullmann s'attache à rédiger le dossier des énoncés théoriques du problème, afin de pouvoir mieux suivre leur valeur normative dans la pratique politique du Moyen Age. Il s'agit bien de surprendre la transformation de l'individu inséré dans une société corporatiste, fortement hiérarchisée et gouvernée par la *lex animata*, en un citoyen lié à l'ensemble du corps politique par la liaison contractuelle entre sa conscience et le bien commun. La fascinante aventure commence avec l'appartenance baptismale au corps de l'Eglise dont l'allégorie paoline (membres-corps) définit mieux la place de subordination de l'individu par rapport à la société jusqu'au XIIIe siècle. Elle continue jusqu'à la révolution politique déclanchée par l'article 39 de la Magna Charta (ratifiée par le roi Edward Ier en 1297)[4] et débouche sur la pensée aristotélicienne de Saint Thomas d'Aquin. Dans le cadre de la christologie et du débat sur la double nature du Christ, *humanitas et divinitas*, Saint Thomas envisagea l'existence de deux ordres auxquels correspond la double hypostase de l'homme : celle naturelle gouvernée par la droit naturel et celle chrétienne gouvernée par la loi divine. Dans l'ordre naturel, l'homme vit en tant qu'individu dans la sphère privée et en tant que citoyen dans la sphère publique. La conscience, vue comme principe qui gère l'autonomie de l'individu, doit être, d'une manière impérative, le reflet de la raison (*omnis enim homo debet secundum rationem agere*). *Recta ratio* représente, selon Ullmann[5], le passage révolutionnaire de la loi objective à la subjectivité de la conscience envisagée comme un droit naturel fondamental de tout être créé et doté par son Créateur

avec le sens du bien, de la justice, de la vérité, de l'amour, du bonheur, de l'accomplissement.

En 1969, Père Marie-Dominique Chenu s'engage lui aussi sur la voie de l'herméneutique des textes théologiques du XII^e^ siècle pour découvrir dans *l'Ethique* d'Abélard *L'éveil de la conscience dans la civilisation médiévale*[6], la découverte de l'intériorité et, par conséquence, de la subjectivité[7]. La clef de voûte du livre réside dans le raisonnement éthique : la morale de l'intention, un choc subversif destiné à bouleverser la doctrine du péché. *Dieu*, nous dit Abélard dans son *Ethique*, *ne pèse pas tant nos actes que la valeur même de notre esprit* (c'est-à-dire l'intention ou le consentement) *et l'action elle-même, qu'elle procède d'une volonté bonne ou mauvaise, n'ajoute rien à notre mérite*[8]. En énonçant ce raisonnement, Pierre Abélard allait ruiner à la base la discipline morale et pénitentielle en cours, établie sur la loi objective et les contraintes de la coutume. La conséquence la plus importante et la plus immédiate se révéla dans la pratique du sacrement de pénitence, lieu significatif puisqu'il comporte la conscience de l'acte commis, puis la contrition, double requête d'intériorité subjective. Désormais, l'examen de conscience, les cas de conscience qui donnèrent naissance à la casuistique moderne vont introduire, dans la pratique formalisée de la pénitence, les éléments d'intention, de circonstance, de responsabilité, autrement dit, de personnalisation.

On ne pourra pas passer sans rappeler à ce point la polémique entamée autour du livre de Colin Morris[9], paru en 1972. Dans la longue durée du haut Moyen Age, Colin Morris découvre les racines de la réflexion sur la personnalité dans l'héritage de l'Antiquité tardive transmis à la Renaissance du XII^e^ siècle.

La confusion des concepts « personne », « individu », « subjectivité » « personnalité » accumulés pendant plus de deux décennies de recherche fut dénoncée par Jean-Claude Schmitt, en 1989[10]. D'un côté, il s'agit bien de comprendre que le processus ne fut pas du tout continu et homogène, agencé par une causalité linéaire. Tout au contraire, il est à imaginer que la personne, en tant que représentation, eut une multiplicité d'antécédents, manifestés d'une manière asynchrone dans le temps. De l'autre côté, il est absolument nécessaire de faire la distinction entre le concept « personne », dont la construction juridique et théologique pourrait esquisser une consistance ontologique, accompagnée d'un caractère fortement abstrait, et le concept d' « individu », traité par Colin Morris aux croisements de l'individualisme sociologique et de l'intériorité psychanalytique.

Le débat sur l'histoire et le contenu du concept « personne » fut relancé dans le cadre d'un projet d'anthropologie historique[11], déroulé entre 1994 et 1997 et dirigé par Alain Boureau. Intégré dans le programme *Histoire des systèmes de croyance dans l'Europe du Moyen Age et de la Renaissance,* le projet fut ancré dans la théologie trinitaire et l'histoire de la pensée juridique médiévale. La réflexion sur la personne prit naissance non pas avec le cartésianisme, comme pour Michel Foucault, mais au Moyen Age. La doctrine de la Sainte Trinité développée dans la pensée de Boetius et de Guillaume d'Auxerre eut comme résultat la première définition de la personne, claire et pertinente : la personne est la substance individuée de la nature raisonnable[12]. Autrement dit, la personne est le niveau de la nature ou celle-ci prend conscience de soi-même, ou, comme disait Saint Thomas d'Aquin, *un individu raisonnable*[13]. Le pas suivant fut de saisir la différence qui fonde l'unicité de chaque personne. A cette question, Saint

Thomas répondit par le fameux adage : *persona dominium acta sui*. Puisqu'elle est souveraine sur ses œuvres, la personne est un noyau ontologique distincte. Selon les exigences de sa raison, la personne fait la loi, obéit à la loi et peut être jugée selon la loi du bien et du mal. Au coeur du débat entre les thomistes et les néo-augustiniens, parmi lesquels Pierre Abélard, deux théories divergentes sur le concept de personne se disputèrent le statut de vérité : les thomistes mettaient surtout en valeur les conséquences de nature juridique de la raison spécifique à tout être humain, tandis que les nominalistes[14], très critiques envers les désignations trinitaires, sensibles à la logique et aux limites du langage humain, supposaient une correspondance entre les trois personnes de la Trinité et les personnes grammaticales *moi, tu, lui*[15]. Pour les nominalistes, l'acte de pure dénomination est censé à colloquer la personne parmi les différentes modalités possibles de l'être, plus précisément à un certain degré ou échelle de sa structure.

Une voie privilégiée de la recherche du groupe d'EHESS fut l'étude du conflit entre les normes et les pratiques, entre les normes du droit divin et la pratique du droit naturel. En partant des textes moins connus, Symon de Durham *De iniusta vexatione Willelmi episcopi primi* (1088)[16] et *De ordine ordalia* de Pierre le Vénérable (1150), l'opposition entre les deux systèmes de droit fut vérifiée dans les interférences entre la liturgie et la procédure juridique[17]. Faire appel à la ressemblance et à l'égalité afin de dégager les droits selon la nature représente une étape décisive dans la mise en évidence des traits distinctifs de la personne, telle sa dignité et sa perfection.

Une autre direction de recherche auxiliaire porta sur les pratiques d'appellation (filiation généalogique) dans la désignation des personnes, une autre sur l'imaginaire de la

parenté[18], une autre sur la valeur iconographique des auréoles et des stigmates, témoin d'une tension entre l'égalité naturelle des personnes et leur qualification exceptionnelle (être saint, sainte, par exemple).

Cet état des lieux forcément fugitif ne saurait s'en passer de la contribution de Aaron Gurević, *Das Individuum in Europäischen Mittelalter*, traduit du russe et paru à München en 1994[19]. Dans le sillage de Colin Morris, Aaron Gurević identifie l'individu avec le monde intérieur de la personnalité et en fait l'histoire à travers la littérature (correspondance, autobiographie, tradition épique, la poésie lyrique de Dante et Pétrarque etc). Livre riche en suggestions sans doute, analyse bien fournie, nourrie de faits, mais dont l'auteur se refuse l'effort d'explorer l'histoire de l'Europe Orientale et de sa Russie natale. Les raisons ? Il en a plusieurs : l'absence d'études sur la mentalité médiévale et la précarité des sources d'abord. Ensuite, la prééminence de la catégorie « collectivité » par rapport à celle d'« individu » et surtout la valeur particulière du «sobornost », la subordination de l'individu aux impératifs de l'ensemble, soit-il l'Eglise ou la société. Bien plus, ce qui semble caractéristique pour toute l'Europe de l'Est, sauf la Pologne, ce serait l'absence de l'héritage de l'Antiquité classique et de la Renaissance. On ne peut parler de féodalisme non plus, ni de bourgeoisie, de même pas de servage, puisque l'état de dépendance des serfs serait, d'après Gurević, une espèce d'esclavagisme honteux, maintenu dans son pays jusqu'à 1861. En effet, Aaron Gurević ne se lasse pas à redire sa conviction : le problème de l'individu est un produit particulier de la civilisation Occidentale et c'est seulement dans ce contexte culturel qu'on peut l'étudier[20].

J'avoue que la position de Gurević fut pour moi un défi. Bien que je reconnaisse, à plusieurs égards, la justesse de son

argumentation pour le créneau chronologique du Moyen Age, il me paraît utile de mettre à l'épreuve les différents modèles d'analyse du concept « personne » dans une enquête portant sur les Pays Roumains dans la période prémoderne, au XVII$^{e}$-XVIII$^{e}$ siècle. S'agissant d'un chantier à peine ouvert, faut-il ajouter que cette enquête ne vient pas au terme, soit-il provisoire, d'une série de recherches successives ? Dans la diachronie, mais aussi dans la synchronie, cette approche ne s'inscrit pas dans une tradition autochtone et ne prend pas place dans un contexte qui lui soit familier ou apparenté. Néanmoins, puisque le point de convergence de différents parcours qui vont s'en suivre est un concept qui relève, banale évidence, de l'anthropologie historique, le principe qui nous a guidé est d'offrir à plusieurs disciplines un terrain commun, de taille réduite, qui les oblige à la rencontre et à la confrontation. Aussi, il serait utile, vu la portée de l'enjeu, de présenter plutôt l'ébauche d'un plan de travail qui repose forcément sur l'interdisciplinarité, dont l'usage naît d'une ambition limitée : j'entend par interdisciplinarité un processus maîtrisé d'emprunts réciproques entre les différentes sciences de l'homme (concepts, problématiques et méthodes) qui permet une lecture plurielle de la réalité sociale[21].

La personne c'est premièrement un nom de baptême[22], dont la transmission à travers le lignage revêt des formes et des stratégies semblables, qui recouvrent les diverses régions de l'Europe[23]. Par contre, les noms de groupe (famille, lignage, tribu) suivent, dans le choix et l'utilisation, des règles variables. La désignation dans le système binaire comporte, par la double appellation, un outil d'identification qui s'est révélé décisif pour la place de la personne dans l'ensemble social. A côté du nom personnel, obéissant à des critères d'attribution tel l'ordre de la naissance, l'alternance de choix dans les deux lignées, du

père et de la mère, le prestige symbolique, le saut générationnel du grand-père au petit-fils, le nom de famille, tout en rendant compte de l'appartenance à un groupe, franchit l'étape décisive vers la singularité. La clef de ce paradoxe se trouve dans le lien syntactique entre les deux. Constitué ainsi et suivi par les populations chrétiennes jusqu'aujourd'hui, le modèle binaire du groupe nominal d'identification joua un rôle décisif dans l'opération de désignation de la personne.

*L'approche linguistique* portant sur les différentes manières de désigner la personne nous rend assez évidente l'observation selon laquelle le système binaire (nom de baptême, nom de famille) commence à s'installer définitivement à la moitié du XVII$^{e}$ siècle dans les Pays Roumains. A l'exception d'un nombre très réduit d'études d'anthroponymie historique à caractère descriptif, concernant le double nom dans les deux pays[24], c'est surtout le nom personnel qui a suscité l'intérêt des chercheurs, dans le contexte de l'étude des structures de la famille.

Pour ceux qui sont familiarisés avec les données empiriques fournies par la collection de chartes internes *Documenta Historica Romaniae*, il n'est pas difficile à admettre que les premières occurrences des noms doubles héréditaires apparaissent déjà aux temps plus anciens : en Moldavie 22 occurrences dans l'intervalle 1384-1450, tandis qu'en Valachie, le nom double se fait remarquer assez tard, à la fin du XV$^{e}$ siècle (2 occurrences)[25]. Ce décalage allait se maintenir tout au long du siècle suivant entre les deux pays. Faute d'une étude systématique sur la production et le fonctionnement du patronyme accolé au nom en Moldavie, on va se limiter à observer le rôle significatif du calque des systèmes polonais, repris par le biais des formulaires des chartes de la chancellerie de la Moldavie. Une particularité récemment mise à jour[26] nous

dévoile l'existence en Moldavie d'un système mixte. Les noms de famille des grands boyards étaient hérités en ligne paternelle mais aussi en ligne maternelle, d'autant plus que l'on disposait par là du moyen de manifester le rattachement à un lignage prestigieux. L'apparition du patronyme double au XVI[e]-XVII[e] siècle (Ioan Sturza Urechevici, Ioan Movilă Hudici, Gavril Udrea Hrincovici etc.), accompagnée par l'effacement ou la substitution du nom de baptême, offrait sans doute l'avantage d'un niveau distinctif supplémentaire à la personne qui l'adoptait. De plus, à son origine on doit chercher le système égalitaire de la transmission de la propriété qui différencie ce pays par rapport à la Valachie, dominée, aux XIV-XVI[e] siècles par le privilège masculin et aux XVIIe siècle par le système dotal, accompagné d'exclusion.

Deux systèmes sont concurrents en Valachie. Le système généalogique patrilinéaire fonctionne aussi à l'autre bout du monde roman, en Espagne et au Portugal et s'appuie sur le patronyme du grand–père qui devient, par l'adjonction du suffixe –*escu(l)*, un nom de famille[27]. Le système toponymique[28] traduit dans des structures analytiques, également répandu dans d'autres régions de l'Europe, procède d'un toponyme au pluriel, à partir duquel on créât, en roumain, un singulier (structure synthétique) : Băleni>Băleanu, Cândești>Cândescul, Doicești>Doicescul, Deleni>Deleanul, Dudești>Dudescu, Filipești>Filipescu, Greci>Greceanu, Obedeni>Obedeanu, Popești> Popescu etc. Il est bien évident que le système toponymique accompagnait un processus de « territorialisation »[29] de l'aristocratie, supposant la transmission héréditaire d'un « foyer » (domaine d'origine) et d'un patronyme. Il n'est pas impossible que le modèle binaire grec eut sa contribution[30], quoique peu décisive pour le grand nombre, par rapport au modèle slave généalogique (*sin*, *vnuk*) ou toponymique (*ot*). A

la fin du XVII[e] siècle, presque toutes les grandes familles des Pays Roumains avaient déjà adopté le système binaire moderne, ce qui permettra a Démètre Cantémir d'en rédiger, en *Descriptio Moldaviae,* la première liste des patronymes[31].

Une dernière remarque concerne la catégorie des serfs. Jusqu'à la moitié du XVII[e] siècle, les chartes de la Valachie en font mention d'une manière collective, d'après le nom du propriétaire (y compris la personne juridique) ou du village qu'ils habitaient. Dans la deuxième moitié du même siècle, des recensements nominaux des serfs d'un village, comprenant le nom de baptême des hommes adultes (*foița de rumâni*), témoignent d'un changement de traitement des paysans asservis, du point de vue du statut juridique de leur personne. Rédigé par le futur prince Constantin Brancoveanu, la nouvelle norme est formulée dans un document de 1676[32], par opposition à la pratique ancienne de passer sous silence le nom des serfs.

Le statut juridique de la personne, qui relève de l'histoire du droit et de ses institutions[33], est une question d'une ampleur qui ne pourra pas être développée dans cette étude.

Au contraire, une démarche qui relève de *l'anthropologie juridique* pourrait nous enseigner sur la décomposition des solidarités à caractère ordalique des co-jureurs à la moitié du XVII[e] siècle, en faveur à d'autres types de preuves judiciaires, par exemple les documents ou le témoignage individuel[34]. L'évolution vers la responsabilité personnelle en ce qui concerne les délits et les peines, y compris les délits de lèse-majesté[35] serait une autre direction de recherche susceptible de rendre plus compréhensible la marche difficile et lente d'une société vers la modernité. A cet égard, la réception du recueil byzantin *Syntagma* de Mathieu Vlastares[36], ainsi que la mise à l'œuvre du code de Prosper Farinaccius, *Praxis*

*et Theoriae criminalis* (Venetiis, 1600-1614) dans la rédaction des deux codes de droit positif de 1646 (Moldavie) et de 1652 (Valachie)[37] favorisèrent le passage vers la personnalisation de la responsabilité juridique, tout en préservant la procédure de la justice sommaire.

Pour des raisons bien évidentes, j'arrête ici l'énumération des différentes perspectives d'approche, pour me contenter de deux exemples qui relèvent de l'anthropologie historique tout court.

La préoccupation eschatologique, que je retiens significative pour le problème qui nous préoccupe, a traversé le discours et les programmes iconographiques des pays roumains au cours du temps, depuis le XIV$^{e}$ siècle, jusqu'à la fin de l'Ancien Régime. Dans la perspective de la naissance du concept de personne, l'enjeu fut, à mon avis, l'attitude envers le jugement particulier et le poids accordé aux œuvres personnelles dans l'économie du salut. La réception du jugement particulier au Concile de Lyon (1274)[38] et sa promulgation comme dogme par le pontife Benoît XII en 1336 désigna un moment précis, consécutif à la mort du corps, où chaque âme reçoit, d'une manière tout à fait personnelle, selon ses bonnes ou mauvaises œuvres, une place dans l'au-delà, définitive, pour les justes ou pour les damnés, provisoire, dans le purgatoire, pour les défunts morts en état de péché véniel. Le Jugement particulier engendra un changement de paradigme. La foi cessa d'être un devoir communautaire, comme dans la tradition byzantine[39], pour devenir un engagement individuel (même si pas encore privé) auquel la personne s'attache d'une manière libre et responsable.

Fidèles à la théologie orientale qui eut du mal à assimiler cette position dogmatique, les premières représentations du Jugement dernier dans la peinture roumaine ont rigoureusement

évité à répondre à la question du *status animarum* avant le Jugement dernier. Prenons d'abord la première, en ordre chronologique, la plus ancienne de ses représentations eschatologiques : l'église de Lesnic, (fin du XIV^e^ siècle, département de Haţeg, Transylvanie)[40]. Le programme fut inspiré par les écrits apocryphes d'origine slave du type « *voyages dans ici'bas et dans au-delà* »[41] qui circulaient dans les milieux roumains de l'époque et furent traduits en roumain à la fin du XVI^e^ siècle[42]. Les damnés sont abandonnés à leurs supplices, les démons sont absents, le mal s'avère être une notion abstraite. Aucune intention de personnaliser la représentation, qui suit le schéma conventionnel des 7 péchés capitaux.

Une autre conception règne sur le fameux programme iconographique du Jugement Dernier représenté en Bukovine, sur les fresques extérieures des couvents qui datent de la première moitié du XVI^e^ siècle. Les justes et les damnés sont groupés dans une vision collective, organisée selon le principe inclusion/exclusion[43]. Les justes qui ont confessé la vraie foi, la foi orthodoxe, et qui appartiennent par leur Baptême à l'Eglise Orientale sont justifiés principalement par leur appartenance à la même « communauté de salut et de rétribution ». Par contre, les Arméniens, les Juifs, les Turcs, les Tartares, les Latins, évêques et moines y compris, sont placés à gauche, exclus, par voie de conséquence, des groupes des élus[44]. La composition du programme iconographique vient vérifier les observations de Walter Ullmann, concernant l'allégorie Eglise-corps[45] à laquelle les individus appartiennent en tant que membres porteurs du sceau baptismale, indifféremment de leurs mérites ou de leur engagement personnel.

A la moitié du XVII^e^ siècle, une révolution eschatologique allait bouleverser les pays roumains, sous l'influence des

missionnaires catholiques envoyés, à partir de 1622, par la Propaganda Fide, dont l'intention expresse était d'inculturer le catholicisme réformé post tridentin. Une nouvelle morale, la morale des bonnes œuvres et l'importance accordée au jugement particulier et au purgatoire oblitéreront la théorie médiévale des vertus. Dans le cadre des disputes doctrinales engagées dans la période qui précéda Le Synode panorthodoxe de Yassy (1642) et dans les années suivantes, par plusieurs de ces missionnaires (Paolo Bonici, Bartolomeo Bassetti, Angelo Petrica da Sonino, Simone Apollonio da Veglia, Gasparo da Noto)[46] avec les élites moldaves, le thème du purgatoire et surtout le thème du *sola fide*, en tant qu'éléments essentiels dans la naissance du concept de « personne » furent des sujets récurrents dans l'aboutissement à la rédaction finale de la *Confession orthodoxe* (1642). Il est ici important de relever la position pro-catholique de l'artisan de la première version de la *Confession orthodoxe*, le métropolite de Kiev d'origine moldave, Petru Movila, à l'égard du purgatoire et de l'ensemble des problèmes liés à l'eschatologie et à la doctrine de la justification[47]. Selon la nouvelle morale professée par la *Confession orthodoxe* de Petru Movila, empruntée au *Catéchisme* post-tridentin de Robert Bellarmin[48], le devoir moral est envisagé comme une liaison qui engage, sans réserves, la personne, avec une force tellement impérative et péremptoire qu'on ne peut pas lui trouver un équivalent dans l'expérience humaine. La doctrine de la rétribution fut, pour chaque chrétien, pareille à un commandement d'agir au nom du bien, ce qui rend plus clair le rôle de l'obédience dans la réponse exigée de chaque personne au devoir moral et le fait que cette réponse peut être comprise, d'une façon explicite et bien claire, dans le contexte du bien contingent. La tension soulevée entre cet ordre objectif des normes et la subjectivité

intérieure est révélée dans les polémiques entre catholiques et calvinistes, entre orthodoxes et catholiques[49], entre orthodoxes et calvinistes (*La réponse au catéchisme calviniste* du métropolite Varlaam, Târgoviște, 1645, *Antirhesis. Le Manuel contre les principes Calvinistes,* œuvre de Meletios Syrigos, publiée par les soins du patriarche de Jérusalem, Dosithéos Nottara, Bucarest 1690). Dans l'annexe *Enchiridion* du recueil *Antirhesis*, le patriarche fit publier les décisions du concile convoqué et patronné par lui à Jérusalem en 1672, concernant, entre autres, une révision du décret 18 *Sur l'eschatologie*. En effet, dans la version latine, confiée par le patriarche Dosithéos à l'ambassadeur français, Charles de Nointel, qui lui assura une diffusion européenne[50], on reconnut le moment du Jugement particulier, c'est-à-dire la division des défunts selon la totalité des œuvres accomplies durant leur vie. De plus, on envisageât ensuite l'existence d'un endroit transitoire, ou les âmes mortes en état de péché véniel attendent le Jugement dernier[51]. Pour le désigner, on fit appel à l'expression catholique En 1690, lors de la préparation à Bucarest de l'édition grecque des Actes du concile de Jérusalem, à la suite des tensions entre les orientaux et les latins sur la question des Lieux Saints, ces concessions faites aux catholiques furent écartées par le patriarche Dosithéos.

Toute une littérature polémique ou pastorale, éditée à la fin du XVIIe siècle dans les pays roumains en grec et en roumain, porta aussi sur l'importance des bonnes œuvres dans l'économie du salut[52]. Parmi ses livres, on compte des traductions, à travers des intermédiaires grecs, des œuvres catholiques de *devotio moderna*, vouées à l'édification personnelle des laïques, tel *L'enseignement chrétien* du jésuite Ledesma, publié en 1609, traduit en grec sous le titre anonyme *Didaskalia hristianiki*[53], et ensuite en roumain par les soins de

Gheorghe Radovici (*Învățături creștinești*, Snagov, 1700). Le lecteur chrétien y est vivement conseiller de réfléchir, dans l'intimité de sa chambre, sur la mort, sur le Jugement dernier, sur les tourments éternels, sur l'Enfer et le Paradis, sur l'importance des œuvres de charité[54]. L'examen de conscience et l'art de bien confesser sont deux autres piliers sur lesquels on édifiera, comme partout dans l'Europe de la Contre-réforme, le nouveau concept de personne, sujet d'une approche réaliste et participative de la vie sociale, des dilemmes religieuses et du corps politique. Afin de répondre à ces exigences, le métropolite Antim d'Ungrovalachie traduit et fit imprimer à Târgoviște, en 1705, *Breve direttorio per sacerdoti confessori e per penitenti* du jésuite espagnol[55] Ioan Polancus (1575), sous le titre *Le petit manuel de confession* (*Învățătură pre scurt pentru taina pocăinții*, 1705)[56] s'appuyant vraisemblablement sur la version slave du prêtre croate Siméon Budineus, imprimée en 1636[57] à l'imprimerie de la Congrégation de la Propagande Fide. De la casuistique très poussée à laquelle Ioan Polancus s'adonne à la fin de son livre, le métropolite ne reprend dans ses homélies, d'une manière vive et passionnée, que les conseils concernant le questionnaire adressé aux différents groupes sociaux (marchands, artisans).

Signe de ce changement, la représentation sociale du Jugement dernier en Valachie à la fin du XVII$^{e}$ siècle (église de Hurezi, 1695, le catholicon du monastère Cozia) revêt une signification radicalement diverse. De nouvelles catégories socioprofessionnelles prennent place parmi les pécheurs (l'épicier, le marchand, le boulanger, le moulinier, le cabaretier etc.), signe d'une nouvelle discipline sociale[58] exercée par l'Eglise sur l'usage du temps social. Tous ces artisans étaient des porteurs d'un savoir-faire qui dépassait l'horizon de l'économie naturelle traditionnelle. Ils ne vivaient pas comme

tout le monde, travaillaient le dimanche, n'allaient plus à l'église. Désormais, le principe du Jugement dernier sera le péché personnel, la transgression des normes de la vie chrétienne et de la vie sociale, puisque le pécheur aura une identité sociale[59]. Tant que le salut était collectif, il résidait dans le don gratuit de l'amour de Dieu pour son peuple, scellé par le baptême. La grâce était plus importante que le Jugement et de toute façon, Le Jugement dernier donnait aux peuples élus la chance du salut. Au fur et à mesure que la croyance dans le Jugement particulier s'avance progressivement, le salut passe donc insensiblement du don simple de la grâce à l'aptitude au bien faire[60]. Renforcé par la pratique plus raisonnée et plus fréquente des sacrements dans la deuxième moitié du XVII$^{e}$ siècle et par la nationalisation du service divin à la fin du même siècle[61], le recul du salut collectif substitue, d'une manière très lente dans la longue durée, au peuple par droit du baptême, entendu comme droit du sang et du sol, le peuple par acquiescement et conformité à une règle de conduite et de pratique. Chaque personne sera jugée selon ses propres mérites, à l'instar d'un modèle social dont *Le petit manuel de confession* du métropolite Antime Ivireanul en témoigne. Même si chacun reste conscient, par un étrange compromis, de son appartenance à la communauté de l'Eglise, pas encore prête à approcher la durée individuelle et à explorer le mystère de l'intériorité, on n'est pas quand même seul devant Le Juge suprême.

Le deuxième volet de notre étude se situe à une autre échelle d'analyse, celle de la pensée des élites laïques[62] et porte sur le mot « conscience », dont les vertus euristiques pour la réflexion autour du concept de « personne » ont été mises en valeur par le livre de Marie Dominique Chenu. Les deux textes qui en font mention sont *Divanul* (Yassy 1698) [63] et *La*

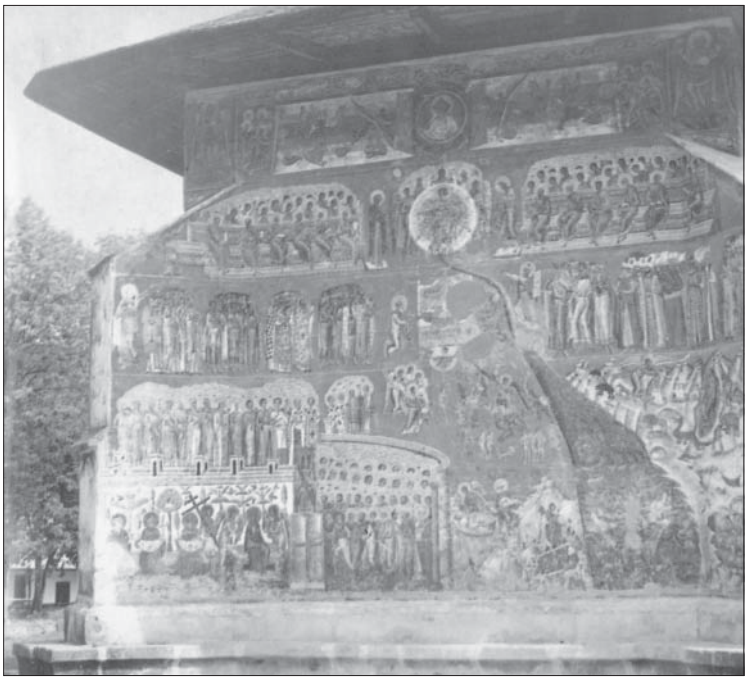
*Lettre sur la conscience* du prince Démètre Cantémir, adressée au comte Gabriel Golovkin, manuscrit imprimé dernièrement et traduit en français par Eugen Lozovan en 1975[64] et daté par l'éditeur 1712-1714.

Il est légitime de se demander d'abord quel fut le chemin parcouru par Démètre Cantémir jusqu'à l'élaboration d'une définition de la conscience ? Dans la première de ses œuvres, *Divanul*, dont on connaît les sources occidentaux (Pierre Bersuire, Pietro Bizzari, Giacomo Aconcio, Andrea Wissowatius)[65], le jeune prince nous amène à une définition de la conscience, après avoir effectué une nécessaire distinction entre la compétence des deux sphères, la théologie et le droit : l'homme doit connaître la foi et ensuite le droit et les lois, la morale du bien et du mal[66]. A l'intérieur de ce cadre, par le biais des emprunts à la pensée occidentale, l'auteur procède à la délimitation théorique des deux fors, extérieur et intérieur. On approche ainsi une des plus importantes coupures réalisées par le Concile de Trento, qui allait engendrer des conséquences institutionnelles et pratiques significatives. C'est à l'Eglise que revient la juridiction de la morale et, à travers le sacrement de la pénitence, du for intérieur de la conscience, tandis que l'Etat assumera la compétence de l'administration de la justice et du droit positif[67]. De même, on ne prétendra pas que la contribution de Cantemir fut originelle, en ce qui concerne les passages dédiés à la conscience[68] dans *Divanul* : *conscientia est cordis scientia* : en roumain « ştiinţa ascunsului inimii », «dinlontrul inimii », « conştienţie», mais cette fois-ci, nous sommes mieux instruits sur la source : le théologien unitarien d'origine polonaise Andrea Wissowatius[69], l'auteur du traité *Stimuli virtutum, fraena pecatorum.* De l'ensemble des occurrences, on va retenir les syntagmes *bonne conscience - mauvaise conscience* : en roumain « buna ştiinţă ascunsului

inimii », « reaua știință a ascunsului inimii », mais aussi, les calques forgés du grec mis à part, la première équivalence du mot *conscience* en roumain : «conștienție », contribution notable à la terminologie philosophique roumaine[70].

Le problème de la conscience est remis en cause, d'une manière originelle, synthétique et plutôt apophatique, à la fin du petit traité dédié par le prince Cantémir au comte Golovkin : *« la conscience n'est pas une force spirituelle, une qualité non plus, ce n'est pas quelque chose qui abolit l'âme, mais une simple action de connaissance qui intervient au moment où l'homme se souvient des actes qu'il a commis, soient-ils bons ou honnêtes, ou bien mauvais ou malhonnêtes »*[71]. En bref, on peut dire que ce qu'on appelle d'habitude conscience c'est la conservation de l'intelligence (*jugement*) dans les actes commis avec justesse, puisque pour une raison naturelle. En somme, dans la société, la conscience est désignée brièvement comme « la connaissance du cœur ». Parmi les auteurs mis explicitement à contribution dans *la Lettre sur la conscience*, Alois Tăutu[72] a identifié quelques noms illustres de la théologie occidentale : les augustiniens Saint Ambroise, Saint Grégoire le Grand et Hugues de Saint Victor, ensuite le traité *De anima* attribué a Saint Bernard. On peut y ajouter Saint Thomas avec la *recta ratio* (la juste raison). D'une manière claire, Cantémir fait de nouveau la distinction entre le for extérieur (l'autorité de la justice humaine) et le for intérieur (la conscience); « *A quoi sert-il si tous nous louent, pendant que la conscience seule nous accuse? se demande-t-il. Et quel dommage y a-t-il si tous nous calomnient et la conscience seule nous défend?* »[73] Il suffit de préciser que le dualisme des fors fut considéré par l'historien Paolo Prodi[74] le signe indubitable de la modernité: la séparation entre les normes juridique et les normes morales auraient permis à la civilisation occidentale le système des libertés et des

garanties spécifiques à l'Etat moderne. De plus, il n'est pas sans importance d'ajouter, à la fin de cette enquête, que dans un autre écrit, *Descriptio Moldaviae*, dans le chapitre dédié à la nature du pouvoir politique, le prince moldave définit les droits de la personne d'une manière presque hobbesienne : vie, liberté et propriété : « *Haec in personas Moldaviae incolarum principis iura sunt, non concessa solum ab Otthmannica aula, sed et pluribus per diversos Imperatores confirmata diplomatibus. At non par ei in res eorum potestas permissa est* »[75].



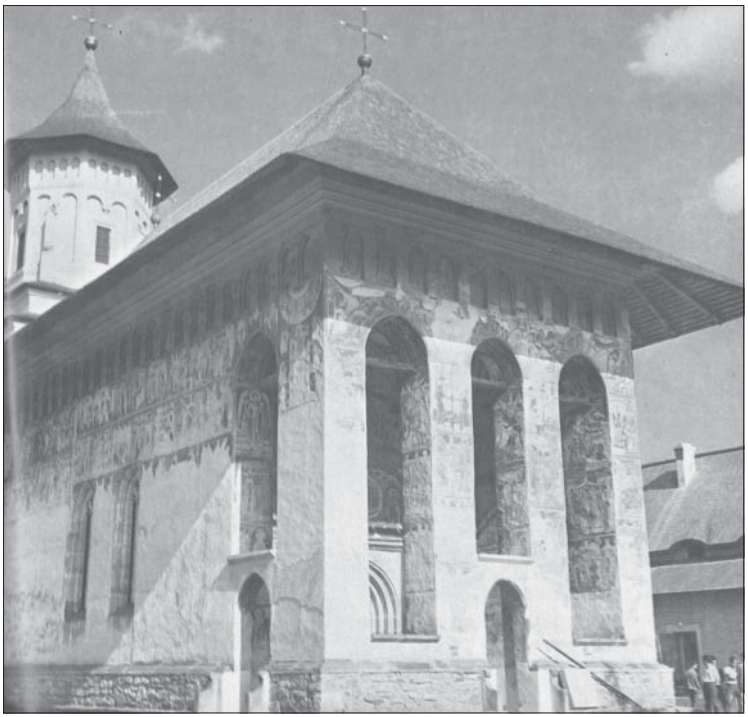
1. L'Eglise du couvent Voroneț (Moldavie, 1547);
Le Jugement dernier



2. L'Eglise du couvent Voroneț (Moldavie, 1547); Le Jugement dernier: groupes nationaux (Juifs, Turcs, Tartars, Arméniens, Arabes)



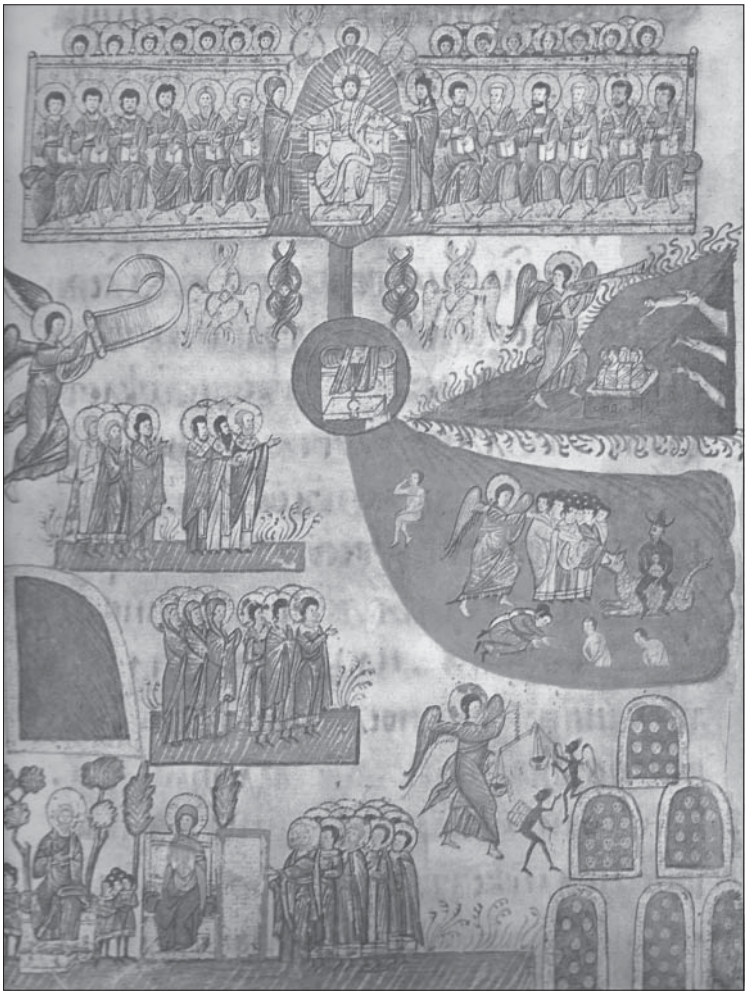
3. L'Eglise de Humor (Moldavie, 1535);
Le Jugement dernier: groupes nationaux



4. L'Eglise du couvent de Moldovița (Moldavie, 1537)



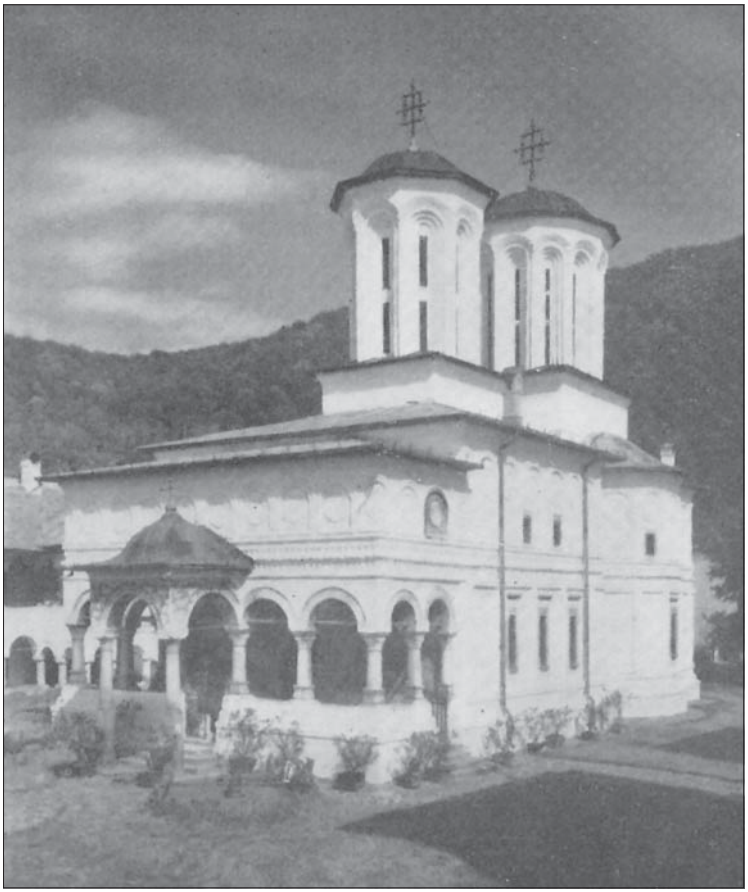
5. L'Eglise du couvent de Moldovița (Moldavie, 1537);
Le Jugement dernier; les moines latins



6. Le Tétraévangile du voïvode de Valachie, Alexandre II Mircea (1568-1577);
Le Jugement dernier, ms. Sucevița 23, f. 141v.



7. L'Eglise du Sauveur, Rostov (Russie) (1675);
Le Jugement dernier: groupes nationaux



8. L'Eglise du couvent de Hurezi (Valachie, 1695)



9. L'Eglise du couvent de Hurezi (Valachie, 1695),
Le Jugement dernier: groupes nationaux

## NOTES

1 LEPETIT, B., *Carnet de croquis. Sur la connaissance historique*, Albin Michel, Paris, 1999, p. 309.

2 FOUCAULT, M., *Les Mots et les choses. Une archéologie des sciences humaines*, Paris, Gallimard, 1966, p. 235 ; un autre perspective sur la domination symbolique à travers le langage chez MARIN, L., *La critique du discours. Etude sur la Logique de Port Royal et les Pensées de Pascal*, PUF, Paris, 1975, p. 48-75 et BOURDIEU, P., *La Distinction. Critique sociale du jugement,* Gallimard, Paris, 1979, p. 282 ; v. aussi BOUREAU, A., *La raison inductive. Un modèle d'analyse des représentations rares,* dans *Les formes de l'expérience. Une autre histoire sociale*, sous la dir. de LEPETIT, B., Albin Michel, Paris, 1995, pp. 25-26.

3 ULLMANN, W., *The Individual and Society in the Middle Ages*, John Hopkins Press, Baltimore, 1966.

4 « *Personne ne sera arrêtée, emprisonnée ou mise à mort, bannie ou exilée ou abusée de quelque sorte, sans être jugée par le tribunal de ses pairs ou par la loi du pays* »; ULLMANN, W., *The Individual and Society in the Middle Ages, op. cit.*, pp. 71-79 ; IIDEM, *Principi di governo e politica nel medioevo*, trad. it., Il Mulino, Bologna, 1972, pp. 222-223 ; v. COLT, J. C., *Magna Carta and medieval Gouvernement*, Humbledon Press, London, 1985, pp. 105-109 ; LUPOI, M., *Alle radici del mondo giuridico europeo*, Istituto Poligrafico e Zecca dello Stato, Roma, 2000, pp. 24-35.

5 ULLMANN, W., *The Individual and Society in the Middle Ages, op. cit.* p. 121.

6 CHENU, M.-D., *L'éveil de la conscience dans la civilisation médiévale*, Institut d'études médiévales, Montréal-Paris, 1969, pp. 18-19.

7 Au début du XXe siècle, Marcel Mauss, dans son essai «Une catégorie de l'esprit humain: la notion de personne, celle de "moi"», publié in MAUSS, M., *Sociologie et anthropologie*, Paris, 1912, pp. 335-362 rattachait la subjectivité aux catégories anthropologiques ; complétement et injustement oublié fut l'étude philologique de RHEINFELDER, H., *Das Wort "persona". Geschichte seine Bedeutungen mit besonderer Berücksichtigung des französischen une italienischen Mittelalters*, Halle, 1928.

8 « *Deus vero solus qui non tam quae fiunt, quam quo animo fiant, attendit, veraciter in intentione nostra reatum pensat et vero judicio culpam examinat* », v. *Pierre Abélard. Etica seu liber dictus Scitus te*

*ipsum*, éd. et trad. roum. par Dan Negrescu, Paideea, Bucarest, 2003, p. 37.

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# La famille – « cellule de base de la société ». Construction idéologique et normative dans la seconde moitié du XIX^e siècle roumain

Ionela BĂLUȚĂ

Le XIX^e siècle est une période cruciale dans l'évolution de la société roumaine : à partir des structures et modèles sociaux et jusqu'aux idéologies et à l'organisation politique elle connaît des changements majeurs à tous les niveaux. Les institutions sociales en sont profondément marquées, dont aussi la famille. Mon étude[1] se propose de voir comment l'idéologie – ou plutôt les idéologies – de l'époque reconstruisent la famille et comment le modèle juridique traduit les symboles en normes et prescriptions. Deux précisions s'imposent : tout d'abord, je veux souligner la polysémie du concept de famille, qui peut recouvrir des représentations et des modèles sociaux divers et différents[2]. Je resterai au niveau du discours officiel et j'analyserai les représentations « officielles », « dominantes » – ou, pour nuancer encore plus la formulation, les représentations qui se sont imposées[3] – et leur transcription dans les normes juridiques. De même, à cause de l'espace imparti, je n'entrerai pas dans l'analyse des pratiques sociales, des réponses individuelles aux modèles dominants, ce qui ne veut en rien dire que je minimalise cette dimension. Ensuite, l'expression « la famille, cellule de base » est reprise de l'étude de Michelle

Perrot[4] que je n'ai pas retrouvée en tant que telle dans les documents étudiés, mais elle me semble exprimer très bien le sens des constructions idéologiques, comme je le montrerai.

Pour ce qui est de la construction idéologique, je m'arrêterai sur deux moments qui me semblent définitoires pour le paysage idéologique de la période : la production discursive du moment révolutionnaire, qui introduit les nouveaux symboles et représentations ; les programmes des partis politiques, qui représentent la cristallisation des orientations idéologiques. Le choix du moment 1848 comme départ de mon incursion dans la production idéologique de la seconde moitié du XIX$^{e}$ siècle n'est pas aléatoire. Non seulement la révolution roumaine de 1848 est un « événement » majeur de l'histoire, mais elle est en même temps un vrai laboratoire d'idées : on assiste à la cristallisation des anciennes options idéologiques de même qu'à l'élaboration d'une philosophie sociale et politique qui seront les fondements des décennies suivantes. En outre, Michèle Riot-Sarcey a très bien montré que privilégier les moments de rupture est une option théorique et méthodologique susceptible de mener au décryptage « des mécanismes de pouvoir dans tout leur développement : de la domination élaborée à la subordination consentie »[5] et au dépassement d'une vision déterministe du monde social.

Je vais m'appuyer sur les analyses historiques qui s'intéressent aux prémisses et aux participants[6], aux idéologies et aux mythologies de la révolution ou bien qui proposent des analyses généalogiques des grandes familles[7], pouvant appuyer la reconstitution des trajectoires sociales des quarante-huitards roumains. Je ferai également appel à un grand ouvrage d'histoire littéraire qui offre des renseignements sur la biographie des quarante-huitards qui se sont intéressés aussi à la littérature[8].

Je me suis également appuyée sur une anthologie qui regroupe des centaines de documents et de témoignages concernant la révolution de 1848 qui, tout en tenant compte des problèmes soulevés par toute anthologie, peuvent être considérés représentatifs pour l'idéologie et le déroulement de la révolution[9].

Ensuite, comme les contraintes matérielles imposent des choix réducteurs, j'ai opté pour la lecture des programmes des trois principaux partis politiques – les libéraux, les conservateurs et les socialistes[10] – de l'époque, en les considérant comme une expression privilégiée des projets politiques et des options idéologiques. Je resterai à la seule analyse des programmes politiques, même si des fois il m'est apparu important de lire aussi les discours des personnalités politiques, qui éclairent mieux certains sujets ; néanmoins, faute d'une exploration systématique de ce type de source, son utilisation ne saurait pas répondre aux exigences d'une sociologie historique.

Dans la deuxième partie de mon analyse, je m'arrêterai sur l'élaboration du modèle normatif juridique, afin de compléter l'analyse et en descendant à un niveau plus concret, des normes et des prescriptions juridiques. Pour ce faire je partirai d'une présentation rapide des prévisions du Code civil, pour passer ensuite aux analyses et aux disputes des juristes concernant l'efficacité de ce code et son influence sur la famille.

J'ai essayé d'entrecroiser – quand cela a été possible – les prises de paroles et les trajectoires des acteurs sociaux et de mettre toujours ces discours dans leur contexte de production : ce sont des outils indispensables à la sociologie historique, qui se propose d'insister sur les processus et la dynamique sociale, de rendre la multiplicité des points de vue.

## Courte historiographie du sujet

La modernisation « à l'occidentale » produit des changements au niveau des représentations et des pratiques qui entraînent, dans un premier moment, un bouleversement de l'ordre social, y compris des pratiques amoureuses et des modèles de la vie à deux. Les recherches de Violeta Barbu[11], Andrei Pippidi[12] , Stefan Lemny[13], Mihai Razvan Ungureanu[14] et Constanța Vintilă-Ghițulescu[15] sont très utiles pour la compréhension de l'apparition de cette crise à l'intérieur de la famille. Crise de la sensibilité, crise du couple, exploration des territoires inconnus, une certaine libéralisation des relations amoureuses, multiplication des frondes domestiques, voilà autant de prémisses qui expliquent la prolifération des modèles normatifs à tendance moralisatrice dans la deuxième moitié du XIX$^{e}$ siècle, qui essayeront de relégitimer l'autorité de la famille et de rétablir « l'ordre » dans les rapports entre les hommes et les femmes.

Les critiques se font déjà entendre : elles appartiennent plutôt aux représentants de la bourgeoisie, qui dénoncent le relâchement des mœurs des nobles ; elles sont répandues aussi parmi les couches moyennes, qui déplorent l'état de l'institution matrimoniale, s'inquiètent du nombre des divorces, des adultères et de la croissance de la syphilis. Le mariage d'amour, de plus en plus évoqué, sera à la base d'une dichotomie récurrente dans la littérature moralisatrice de l'époque suivante, s'opposant au mariage d'intérêt, contracté par les parents, qui ne pouvait assurer l'harmonie rêvée[16].

Mon hypothèse est que la famille devient un symbole important de la construction idéologique, qui permet de repenser le lien social et de légitimer la nouvelle distribution des rôles avec, particulièrement, la distinction privé/public ; ensuite, elle représente le biais fondamental à travers lequel on impose et on

surveille la nouvelle « morale » publique et par là, « l'ordre social » ; et non en dernier lieu, mais je m'arrêterai moins sur cet aspect dans la présente étude, elle constitue un élément important de l'idéologie et des politiques nationalistes.

Le désordre familial des premières décennies du XIX$^{e}$ siècle, mais aussi l'apparition de nouvelles orientations idéologiques, cristallisées dans les années 1840 et culminant avec la révolution de 1848, imposaient une recomposition des identités et des liens sociaux, y compris du modèle et des relations familiales.

## Constructions idéologiques…

Les orientations idéologiques des quarante-huitards roumains sont assez diverses : le messianisme révolutionnaire, le libéralisme et le libéralisme radical ou bien le conservatisme trouvent des adeptes parmi les quarante-huitards roumains. Mais au moment de la révolution les oppositions semblent se fondre dans une idéologie révolutionnaire qui met en premier plan la patrie, le peuple et la nation et clame à haute voie *Liberté, Fraternité, Egalité*. La patrie devient un repère essentiel de l'identité individuelle et nationale, et elle est associée à la famille :

> La patrie n'est pas seulement le lieu de notre naissance, où vit notre famille ; la patrie est le pays entier, où on est tous concitoyens, c'est-à-dire des gens qui vivent selon les mêmes lois, parlent la même langue, ont la même religion, partagent les mêmes sentiments et les mêmes idées. [...] Pour qu'on ait des patriotes, il faut que nous puissions défendre réciproquement nos intérêts, la maison, la famille, [...], nous apprendrons ainsi à aimer la patrie et chacun dira : « Je mets la famille au-dessus de moi et la patrie au-dessus de ma famille »[17].

Ainsi, même si de la famille en soi on parle peu dans ces moments où la fièvre de la révolution enflamme les esprits, la famille représente, pour les révolutionnaires roumains, le foyer du patriotisme et le creuset de la conscience nationale.

*Le Manuel du bon Roumain*, rédigé par Nicolae Bălcescu[18] donne une idée plus concrète de la façon dont les quarante-huitards concevaient la famille. Le texte nous permet de récupérer deux dimensions importantes de la construction identitaire et observer comment les symboles et les principes abstraites sont traduits en termes prescriptifs, quelles sont les valeurs et les croyances proposées par cette philosophie sociale et quels sont les gestes, les postures et les sentiments à adopter dans l'esprit de la nouvelle « morale ».

L'auteur de ce texte est une figure emblématique de la révolution de Valachie. Fils de petits boyards[19], esprit curieux et enthousiaste, Bălcescu était « le révolutionnaire pur, brûlant pour la cause »[20], apprécié par tous les collègues de sa génération. Le manque d'ambition personnelle, le dévouement et la croyance inébranlable dans la justice de la révolution lui épargnent toute suspicion, ses écrits étant considérés souvent comme les plus à même de gagner l'adhésion des masses[21]. Adepte du progressisme social, militant de la république démocratique comme forme de gouvernement (position assez radicale, d'autres révolutionnaires optant pour des positions plus modérées), il transpose ses idées dans le langage du messianisme révolutionnaire.

Conçu comme un dialogue entre le commissaire de propagande et un citadin[22], le *Manuel* explique les principaux concepts de l'idéologie révolutionnaire et désigne les droits et les devoirs qui en découlent.

Sa portée en matière de propagande et la personnalité de son auteur lui confèrent, à mon avis, une représentativité certaine au regard du projet politique et idéologique des

quarante-huitards. Une dernière observation s'impose avant de passer à l'analyse de contenu de ce texte. L'auteur mentionne que son texte est inspiré par les écrits du même type[23], qu'il a adaptés selon les « tendances et les besoins du peuple roumain »[24]. L'inspiration française du texte ne doit pas être interprétée, à mon sens, comme une simple imitation ou l'incapacité d'une production personnelle. D'un côté, les origines de ce qu'on pourrait appeler la pensée politique moderne dans les Pays Roumains étaient occidentales ; de même la formation scolaire et spirituelle des quarante-huitards. Leur production discursive était, inévitablement, largement inspirée et influencée par les auteurs et les œuvres qui leur avaient offert les « instruments » de la pensée. Faute d'une réflexion théorique solide dans les Pays Roumains, les idées des « maîtres » occidentaux représentaient le seul point de départ possible[25]. D'un autre côté, la préoccupation d'adapter les différents idées et préceptes au contexte roumain permettent l'interprétation de ce texte (comme de tous les autres d'ailleurs) comme un modèle idéologique et normatif destiné à la société roumaine[26].

Structuré en plusieurs chapitres[27], le texte opère une distinction entre l'homme et le citoyen[28] : l'homme apparaît comme le membre générique de la communauté (donc au niveau social) tandis que le citoyen[29] prend le rôle proposé aux masses comme moyen de participation à la vie politique. La vocation de l'homme est de se « perfectionner ». Pour ce faire, il faut premièrement que « son amour trouve sa nourriture dans la famille, dans la patrie et dans l'amitié », que son esprit soit « éclairé par les lumières de l'apprentissage » et qu'il développe au maximum le courage et la vertu[30]. Deuxièmement, il devra respecter et cultiver la justice, qui « contient en soi » l'égalité et la liberté[31]. La justice devra être accompagnée par la fraternité pour que l'achèvement soit total.

La famille et l'éducation occupent une place essentielle, puisqu'elles représentent les références qui ouvrent ce petit manuel, qui pourrait être considéré comme une sorte de catéchisme de la morale démocratique. Au degré le plus élevé de généralité, avant de passer aux préceptes plus précis, le respect de la famille et l'importance de l'éducation s'imposent comme des postures morales fondamentales. La famille devient un lien social important, qui soude les individus dans la communauté nationale et qui en même temps garantit non seulement la morale individuelle mais aussi une morale sociale[32]. Néanmoins, on doit observer sa dissociation de la sphère politique, puisqu'elle est reliée aux devoirs de l'individu et non du citoyen.

Or la nouvelle construction idéologique du modèle familial « officiel » ne saurait être séparée de la mise en place d'un nouvel idéal féminin. La femme comme mère de famille et ange du foyer est une sorte de litanie de la production idéologique et normative de l'époque, de sorte que les fonctions de la femme et de la famille – liées en majorité à l'éducation dans l'esprit patriotique et civique – se superposent. D'autre part, la famille devient « l'empire » féminin, et sa réussite – traduite dans la carrière de l'époux et l'éducation des enfants – tombe sous la « responsabilité » de la femme.

Par exemple, Nicolae Bălcescu fait une analyse[33] de l'ouvrage *De l'éducation des mères de familles* de Louis Martin Aimé[34] (Paris, 1834), traduit en roumain par Ion Negulici (peintre, ami de Bălcescu et sympathisant des quarante-huitards). L'auteur signale cette traduction « importante pour la culture roumaine » et profite de cette occasion pour présenter ses propres opinions concernant la philosophie psychologique et la philosophie sociale. Ainsi, il souligne l'importance « sociale » de la femme, considérant qu'il faudrait : « faire de chaque famille un centre de civilisation,

confier cette civilisation à la femme, cet être mystérieux, fantastique, angélique, à laquelle avait rêvé Rousseau et dont dans ses prévisions sur l'avenir, il avait désigné l'importance sociale »[35].

Ion Heliade Rădulescu, un autre quarante-huitard attire l'attention sur la nécessité d'inclure les femmes (qui représentent quand même la moitié de la nation) dans le projet « des lumières » : elle contribueront en fait, par l'éducation des enfants, à la propulsion et au renforcement de ce projet politique.

Personnalité importante des décennies précédant la révolution, Ion Heliade Rădulescu optait pour un programme plus modéré que les autres auteurs retenus dans cette analyse ; même s'il critiquait ouvertement les grands boyards – qu'il accusait d'avoir trahi le pays –, il ne voyait pas de très bons yeux les mesures radicales. Son conservatisme transparaît dans ses commentaires concernant l'opinion publique : Heliade considérait qu'on aurait dû tenir compte seulement des opinions des personnes « conscientes » et « responsables », qui appartenaient à une classe active (qui auraient compris, selon lui, les commerçants, les instituteurs et les boyards de deuxième et de troisième classe)[36]. Personnalité contradictoire et parfois contestée par les quarante-huitards, Heliade Rădulescu reste une figure prééminente de la scène publique. A partir de 1836, il fait publier *Curierul de ambe sexe* (Le courrier des deux sexes), le premier journal de Valachie adressé explicitement aux femmes. Le journal comptait, selon les informations fournies par son propriétaire, 800 abonnements, ce qui représentait un chiffre important pour l'époque.

Dans l'article qui argumente le titre du périodique[37], Ion Heliade Rădulescu considère qu'il est inadmissible que les hommes soient cultivés, qu'ils débattent « de la République de Platon » ou du « contrat social de Rousseau » pendant que les

femmes sont tenues loin de tous ces changements. On crée un déséquilibre dans la famille qui ne peut que nuire à la société. Néanmoins, cette émancipation de la femme ne mène nullement à un bouleversement de l'ordre familial – tout au contraire ; car il doit y avoir un partage des tâches entre l'homme et la femme respectant l'ordre « naturel » : « prenons l'homme à l'état naturel […] ; l'homme s'occupe des tâches du dehors et la femme de celles de l'intérieur » ; la femme « élève sa petite famille, tisse les vêtements de son mari, prépare le déjeuner et le dîner elle-même et le mariage ressemble à un vrai partenariat »[38]. Ces tâches traditionnelles (de l'état de nature !) rappellent en fait ce qui se passait dans la famille paysanne, qui deviendra pour les conservateurs le repère de l'authenticité et de l'identité « roumaine ». Cependant, l'auteur y ajoute une fonction directement liée au nouvel contexte politique : « Pour avoir de bons citoyens et de vrais chrétiens il faut avoir tout d'abord des mères chrétiennes et citoyennes qui, avec leur lait et leur amour, donnent à leurs fils les principes sauveurs de la religion et du patriotisme »[39]. La famille doit être le foyer du patriotisme, la mère est responsable de la formation des « bons » citoyens.

Cezar Bolliac évoque aussi la nécessité de l'émancipation et de l'éducation de la femme (que l'auteur inclut dans le besoin général d'une « éducation populaire ») ; qui est « le premier élément de la vie nouvelle », répondant à une finalité fonctionnaliste : « rien n'isole davantage l'homme dans la société actuelle et ne le rend plus égoïste que la famille et les intérêts de famille mal compris »[40].

Cezar Bolliac est connu surtout en tant que poète ; en ce qui concerne ses options idéologiques au moment révolutionnaire il occupe une position proche de celle de Bălcescu, peut-être un peu plus modérée. Il est l'adepte de

l'humanitarisme et milite pour l'égalité et la liberté, soulignant le besoin de mettre en pratique ces belles idées théoriques[41]:

La famille devient l'idéal du bonheur privé, et plusieurs textes – appartenant plutôt à des personnalités ayant des sensibilités libérales[42] – parlent de l'importance du changement des normes du mariage, qui devraient se soumettre aux seules raisons du cœur. Par exemple, C. A. Rosetti[43] incrimine « les mariages de spéculation » et la situation de la femme, et il dénonce le fait que « des hommes plus puissants que moi, qui débattent de la révolution politique et sociale, ne disent un mot de cette autre moitié de l'humanité, de la femme et de la révolution de la famille ». Il fait une critique acerbe de l'institution du mariage, qui répondait exclusivement à des impératifs matériels, mettant la « jeune fille » dans une position d'objet et favorisant une différence d'âge trop grande entre les époux ; il critique également la position sociale et juridique de la femme, qui était soumise en permanence à l'autorité masculine et n'avait jamais la liberté de prendre ses propres décisions. Car, dans la conception de Rosetti, on ne saurait achever la révolution sociale et l'unité nationale sans refonder la famille :

> Ceux qui veulent que la nation roumaine soit un seul corps tout comme elle est une seule âme, savent très bien que l'union ne sera totale et forte si la famille reste mutilée et en esclavage, comme elle l'est aujourd'hui.

C. A. Rosetti est un libéral convaincu, militant sans cesse pour les idéaux auxquels il avait adhéré dès sa jeunesse. Son activité dans l'espace public s'est concrétisée, entre autres, dans les deux journaux qu'il a fait publier : *Pruncul* et *Românul*. Le besoin de l'éducation (des lumières), l'impératif de l'égalité,

de la liberté et de la fraternité sont les *credo* les plus forts de C. A. Rosetti, qu'il reprend dans toutes ses interventions et prises de position. Il a une attitude très libérale (voire avant-gardiste[44]) envers les femmes.

La famille apparaît comme le fondement et la garant du nouvel ordre social : elle est un facteur de la cohésion nationale et de l'harmonie sociale. En outre, il me semble qu'elle remplie deux autres fonctions très importantes pour la philosophie sociale de l'époque : elle refonde les relations entre les genres et y rétablit l'ordre, et légitime l'opposition public/privé. Les femmes sont revalorisées en tant que mères de famille, le destin biologique étant convertit en destin social ; mission ennoblie, élever et éduquer ses enfants devient en même temps une forme d'inclusion des femmes dans le projet social, voire politique ; tout comme dans le cas grec, on peut dire que « Symbole de désintéressement, de sentiment et de pureté, la femme, en tant que mère en puissance, éducatrice naturelle et porteuse de la 'langue maternelle' acquiert une nouvelle visibilité sociale, une nouvelle dignité »[45]. Mais il s'agit d'une inclusion « contrôlée », maintenue entre les frontières désirées. Ange du foyer, ministre de l'intérieur, on reconnaît à la femme le règne du privé, tout en dressant des limites strictes quant à la sphère publique.

Maintenant voyons comment les orientations idéologiques cristallisées dans les dernières décennies du siècle dans les programmes des partis politiques conçoivent le rôle et la place de la famille[46].

Dans les programmes politiques des libéraux[47] les préoccupations pour la famille et pour ce qu'on pourrait appeler « les politiques familiales » ne font pas l'objet de discours ou d'argumentation spéciales. Pourtant, des considérations concernant l'importance de la famille, la préoccupation pour le nombre et la santé de la population jalonnent les discours et

les préoccupations des leaders libéraux (il est vrai que ces thèmes ne bénéficient, dans la plupart des cas, que d'occurrences ponctuelles). La famille et la propriété personnelles ont représenté « le bastion » de la résistance face aux vicissitudes de l'histoire ; tout en évoquant « l'histoire » de ces valeurs, les libéraux se proposent de les rétablir et de les renforcer[48].

De la famille et des femmes les conservateurs en parlent peu de manière explicite. On peut supposer que la valorisation du monde paysan et de la société « traditionnelle » implique la promotion d'un modèle familial patriarcal[49]. Il faut souligner l'élaboration d'une vision du monde mythique, où l'ordre « naturel » des choses et les préceptes religieux règlent les rapports sociaux. Le programme de 1908[50] est le seul qui mentionne explicitement le besoin de renforcer le modèle de la famille patriarcale : « Le parti conservateur démocrate doit profiter de la révision du code civil pour renforcer la famille, en donnant plus d'autorité au père de famille » ; la famille rêvée des conservateurs est bien traditionnelle, dépositaire du bon ordre et consacrant les hiérarchies sociales.

Néanmoins, au-delà des expressions doctrinaires, il me semble que libéraux et conservateurs se rencontrent dans une conception de la famille comme garant de l'ordre social et de la morale publique. Et, dans les deux cas, les réflexions sur la famille apparaissent plutôt dans des discours diffusés dans la presse et non dans les discours disons « purement » politiques. Mais, comme le souligne plusieurs études occidentales[51], les silences et les absences doivent être à leur tour interrogées, puisqu'ils sont porteurs de significations. Or dans ce cas je crois que c'est justement la dichotomie sphère privée/sphère publique qui mène à une exclusion des femmes et de la famille des débats purement politiques. Par contre, la morale publique,

la santé de la nation et l'instruction de la population restent des points importants des plateformes politiques. Or comme d'autres développements idéologiques le montrent, ces questions sont étroitement liées à l'harmonie familiale et aux bonnes mœurs conjugales. Ces préoccupations traduisent le souci constant pour la santé et la croissance de la nation, pour la bonne formation des générations futures ; or, d'un côté, la reproduction de la race et l'hygiénisation de la famille sont les tâches unanimement réservées aux femmes ; quant à l'éducation, en dehors de l'enseignement public (lui aussi investi beaucoup par les femmes), la formation de « bons citoyens » est le rôle noble et patriotique que la femme est appelée à jouer.

Pour ce qui est des socialistes, ils se trouvent dans une position un peu différente. Tout d'abord, il faut observer qu'ils sont très avant-gardistes en ce qui concerne la place des femmes. La plupart des revendications qui canaliseront les luttes féministes dans la première moitié du XXe siècle (et dont certains points semblent encore d'actualité) sont déjà inscrites dans le programme socialiste. Ils sont les premiers à demander le suffrage universel sans différence de sexe. On réclame également « l'égalisation des conditions juridiques et politiques des femmes et des hommes »[52]. Le programme de 1910 va plus loin, exigeant « la recherche de la paternité » et « pour le même travail, salaire égal pour les deux sexes ». [53] Par contre, ils ne parlent pas explicitement dans leurs programmes politiques de la famille. Si je me rapporte toujours à l'analyse de Michelle Perrot sur la famille socialiste en France, je dirai qu'on peut y voir le signe d'une influence des socialistes français de la fin du siècle, qui opère une « liquidation » de la famille, l'analyse des moyens de production remplaçant celle de la famille[54].

### …et transcriptions normatives

Pour ce qui est du système juridique, la réglementation de la famille enregistre, tout d'abord, le passage vers une famille basée sur la propriété privée capitaliste. La fonction économique devenant très importante, il fallait concentrer tout le revenu de la famille dans les mains de son chef, qui saurait bien l'administrer. L'obligation de la dot était suspendue, tout étant soumis au principe de la conservation et de l'accroissement du capital. Le Code civil a adopté le principe de la sécularisation du droit, les actes d'état civil passant, dorénavant, sous la compétence de l'officier d'état civil. Alexandru Crețiescu voit dans la séparation de ces deux pouvoirs – l'Eglise et le pouvoir laïc – le fondement « de la réforme de la nouvelle loi civile »[55].

A la différence du Code civil français, le code civil roumain a maintenu le divorce, appliquant le principe d'égalité de traitement des époux en cas d'adultère[56]. D'autres causes de divorce pouvaient être : les excès, les cruautés, les injures graves, etc., tout comme le consentement mutuel. Alexandre Stourdza[57] constatait pourtant, au début du XXe siècle, que le Code civil se caractérisait par l'intention de rendre le divorce plus difficile, et cela en limitant les raisons du divorce, en introduisant beaucoup de formalités, de taxes et de délais. Ces réglementations alourdissant le divorce étaient d'autant plus nécessaires, considère Alexandre Stourdza, que « le relâchement de la vie moderne » pouvait accroître le nombre de séparations. Tout en prenant pour sujet la condition juridique de la femme, son ouvrage passe en revue tous les aspects liés aux relations entre les hommes et les femmes. On peut constater que, même s'il critique en général les mesures qui maintenaient les femmes dans une position inférieure, Alexandre Stourdza

est le défenseur de la famille comme fondement de l'ordre social.

Je me pencherai de plus près sur les analyses de Mihail A. Bestelei[58], qui s'arrête plus longuement sur le statut juridique de la femme et de l'homme, sur l'importance de la famille. Des informations sur ses fonctions sont offertes sur la première page de ses publications : en 1879, quand il publie un commentaire des actes civils, il était juge[59] dans le département de Mehedinți et on mentionne qu'il avait la licence en droit ; en 1886 il prononce un discours sur les causes de la multiplication des concubinages[60], à l'occasion de l'ouverture de l'année judiciaire 1886-1887 de la Cour d'appel de Bucarest, et occupe la fonction de procureur de section ; il prononce de nouveau un discours – cette fois-ci sur les droits et les devoirs de l'homme et de la femme dans le mariage[61] – à l'occasion de l'ouverture de l'année judiciaire 1889-1890, occupant toujours la fonction de procureur de section ; en 1892, il donne une conférence à Galați sur l'instruction et l'éducation, et on apprend qu'il était conseiller à la Cour d'appel et président de l'Athénée de Galați. Son parcours suit donc une courbe ascendante, Mihail A. Bestelei passant de la position de juge de département à la position supérieure de procureur de la Cour d'appel de Bucarest et ensuite à la fonction de conseiller[62] (le nombre réduit des cours d'appel – quatre – et de leur personnel – elles réunissaient une cinquantaine de juges, procureurs, greffiers, aides greffiers – rendait cette fonction assez prestigieuse). Néanmoins, il n'occupe pas d'autres fonctions dans l'administration d'Etat (comme par exemple Alexandru Crețiescu) et ne participe pas à l'élaboration de la « loi », n'apparaissant pas comme un « expert » de l'ordre politique. Cela pourrait expliquer la position en général critique qu'il adopte par rapport au système juridique, proposant des mesures pour l'améliorer.

Le Code civil prévoyait des réglementations précises quant à la constitution et la conservation des différents « papiers civils »[63] (relatifs à la naissance, au mariage et à la mort). Mihail A. Bestelei adopte plutôt une attitude critique face à la « complexité » du système juridique et la séparation entre le mariage civil et le mariage religieux, y voyant, entre autres, une cause de la multiplication des concubinages :

> dans les classes populaires la cause principale vient de : 1). la difficulté des formalités demandées par le code civil pour contracter un mariage ; 2). la difficulté des formalités du divorce ; 3). l'incompatibilité entre la loi civile et la loi religieuse.[64]

Le milieu urbain favorise, déjà, la multiplication des unions illégitimes et des enfants naturels, il faudrait au moins essayer de stopper ce phénomène en milieu rural où il serait plutôt l'effet de l'ignorance de la population (qui n'est pas au courant de toutes les formalités prévues par la loi), ou bien de la précarité des moyens financiers (on n'a pas l'argent pour payer les taxes), ou encore des contradictions entre le code civil et la position de l'Eglise (par exemple, les degrés de parenté à partir desquels est interdit le mariage ne sont pas les mêmes). Des exemples concrets, tirés de son expérience de juge, viennent étayer la démonstration. L'auteur proclame clairement que « la famille est le fondement de la société » et qu'elle est menacée dans son existence même. La demande de facilitation des formalités juridiques en cas de divorce ne semble pas entrer en contradiction avec la promotion de la valeur familiale. Mihail A. Bestelei considère qu'il vaut mieux accorder plus facilement le divorce – puisqu'il est de toute façon inscrit dans la loi – que de pousser les gens à vivre dans la bigamie : il affirme avoir rencontré plusieurs cas où les époux étaient séparés mais

n'avaient pas pu obtenir le divorce (faute d'argent, ou ne connaissant pas toutes les étapes qu'ils auraient dû parcourir du point de vue juridique) et qui avaient quitté le village et avaient formé un nouveau couple (très souvent sanctionné par le mariage) dans un autre village. Il valait donc mieux accorder le divorce et les encourager à entrer en « légitimité ». L'absence de la contradiction entre promouvoir la famille et la facilitation du divorce peut s'expliquer, à mon sens, par l'histoire juridique des Pays Roumains, où le divorce était accepté dans l'ancien droit. Or les affinités conservatrices de Mihail A. Bestelei le déterminent souvent à voir dans l'ancien ordre social un modèle plus stable (il faut rappeler que cet ordre social n'est pas celui des règnes phanariotes, critiqués à la fois par les conservateurs et les libéraux, mais l'ordre de la « bonne » tradition roumaine). D'autre part, la position des juristes qui essayaient d'alourdir le divorce pour encourager la stabilité de la famille était sans doute influencée par la doctrine juridique occidentale, notamment française, où le divorce n'était pas accepté.

Mihail A. Bestelei apporte aussi des arguments statistiques, tirés des rapports des médecins ou bien des données ramassées par l'Eglise. Les tableaux dressés par le docteur Felix sont utilisés pour démontrer la croissance du nombre des enfants illégitimes : si en 1865 les naissances illégitimes représentaient 2,55% du total des naissances, en 1884 le pourcentage monte à 5,38 %. Les explications économiques avancées par le docteur Felix ne sont pas complètement acceptées par Mihail A. Bestelei, qui insiste davantage sur les difficultés et les incompatibilités du système juridique.

Le président de la cour d'appel, Ad. Cantacuzino, donne une réplique au procureur de section, où il rejette la critique du système juridique, n'y voyant pas une cause de la multiplication des concubinages et des naissances illégitimes. Il partage plutôt l'explication de la crise économique, mais il

reconnaît également l'importance de la famille dans le développement de la société[65].

Le niveau idéologique met en lumière une forte préoccupation pour « rétablir » l'ordre, y compris l'ordre familial. Vue comme cellule de base de la société, en ce sens qu'elle est le creuset de la conscience nationale et du patriotisme, la famille est un lien social important à (re)définir et à contrôler. La philosophie sociale de l'époque reprend plusieurs éléments d'un modèle familial patriarcal et traditionaliste, mais les formule dans des mots nouveaux, qui intègrent le jargon « démocratique ». Révolution familiale, émancipation de la femme, égalité des époux, ce sont des expressions qui paraissent plutôt des développements démagogiques. Le modèle « dominant » est celui d'un familialisme fort, où, sous le voile d'un « ennoblissement » du rôle de la femme, on procède à une naturalisation de la différence entre les sexes, qui est à la base de l'imposition d'une frontière nouvelle : celle entre le privé et le public entendu dans un sens politique. Décrite comme espace d'harmonie et de bonheur, où l'homme et la femme vivent dans une « heureuse » « complémentarité », la famille devient un moyen important de légitimation des hiérarchies et des exclusions politiques à l'œuvre.

Le modèle juridique traduit en normes la vision dominante du monde. En ce sens, les débats mettent en évidence l'existence des conceptions différentes, produites sans doutes par des affinités idéologiques différentes, ce qui reflète parfaitement la charge idéologique des transcriptions normatives. Et de nouveaux, au-delà des divergences liées souvent à des intérêts de positionnement personnel, il faut noter la promotion unanime de la famille et du mariage comme valeurs sociales et morales.

Cette incursion dans la construction idéologique et la norme juridique montre, à mon avis, que la famille est un symbole et une institution sociale importante dans la reconfiguration idéologique et normative de la seconde moitié du XIX$^{e}$ siècle roumain. En outre, je considère qu'une analyse de type sociologie historique, qui procède à une relecture de la production discursive tout en la mettant dans son contexte de production, est à même de mettre en lumière des aspects peu étudiés dans l'historiographie roumaine. On peu aboutir à une innovation de la recherche de l'histoire idéologique et politique elle-même, en récupérant des voix ignorées et en interrogeant les silences ou les absences de cette histoire.

## NOTES

1 Cette étude a comme point de départ un chapitre de ma thèse de doctorat : BĂLUȚĂ, I., *Du « harem » au « forum ». Réflexion sur la construction d'une nouvelle identité féminine dans la seconde moitié du XIX^e siècle roumain*, sous la direction de Francine Muel-Dreyfus et Ioan Mihăilescu, soutenue à l'EHESS, le 10 mars 2005.

2 L'observation de Martine Berthélémy, Anne Muxel et Annick Percheron est très parlante en ce sens : « La diversité des systèmes de parenté et des règles de mariage dans le temps et dans l'espace, la concurrence de plusieurs modèles familiaux au même instant, dans une même société, sont faits acceptés par tous. […] Tout conduit à penser qu'au foisonnement des formes objectives de famille correspond une profusion des perceptions et des représentations individuelles. » ; BERTHELEMY, M., MUXEL, A. et PERCHERON, A., « Et si je vous dis famille…Notes sur quelques représentations sociales de la famille », in *Revue française de sociologie*, octobre-décembre, XXVII-4, 1986, p. 698.

3 V. en ce sens le schéma d'analyse du genre proposé par Joan W. Scott : SCOTT J. W., « Gender a useful Category of Historical Analysis », in *American Historical Review*, vol. 91 ; nș 5, 1986.

4 PERROT, M., « Familia triumfătoare », in ARIES, PH., DUBY, G., (coord.), *Istoria vieții private,* vol. 7, Meridiane, Bucarest, 1997, p. 77.

5 RIOT-SARCEY, M., « Les sources du pouvoir : les femmes en question », in *Le genre de l'histoire,* Cahiers du Grif, éd. Tierce, Paris, 1988. p. 34.

6 BERINDEI, D., *Revoluția română din 1848-1849,* Fundația culturală română, Cluj-Napoca,1997; DURANDIN, C., *Révolution à la française ou à la russe. Polonais, Roumains et Russes au XIXe siècle*, PUF, Paris, 1989 ; MACIU, V., *Mouvements nationaux et sociaux roumains au XIXe siècle*, éd. de l'Académie, Bucarest, 1971 ; BODEA, C., *Luptele românilor pentru unitatea națională, 1834-1849*, Bucarest, 1967 ; HITCHINS, K., *Românii 1774-1866,* Humanitas, Bucarest, 1998.; NICOARĂ, S., *Mitologiile revoluției pașoptiste românești* Presa Universitară Clujeană, Cluj-Napoca, 1999.

7 RĂDULESCU, M. S., *Elita liberală românească 1866-1900*, éd. ALL, Bucarest, 1998.

8 CĂLINESCU, G., *Istoria literaturii române de la origini pînă în prezent,* Minerva, Bucarest, 1986.

[9] BODEA, C., *1848 la Români. O istorie în date și mărturii*, vol. I-III, éd. Enciclopedică, Bucarest, 1998.

[10] Néanmoins, je veux mentionner que le paysage doctrinaire de l'époque est plus complexe et nuancé, avec l'apparition de fractions qui se détachent des partis d'origine, témoignant d'un tâtonnement idéologique spécifique, je dirais, de tout commencent. Par exemple, une analyse historique qui rend bien compte de la multitude des options idéologiques et doctrinaires de la seconde moitié du XIXe siècle roumain est celle de RADU, S., *Modernizarea sistemului electoral din România (1866-1937)*, Institutul European, Iassy, 2005.

[11] BARBU, V., « 'Ceea ce Dumnezeu a unit omul să nu despartă'. Studiu asupra divorțului în Țara Românească în perioada 1780-1850 », in *Revista istorică*, nº11-12 / 1992, pp. 1143-1155.

[12] PIPPIDI, A., « Amour et société ; arrière-plan historique d'un problème littéraire », in *Cahiers roumains d'études littéraires*, nº. 3/1988, pp. 4-27.

[13] LEMNY, Ș., *Sensibilitate și istorie în secolul al XVIII-lea românesc,* Meridiane, Bucarest, 1990.

[14] UNGUREANU, M. R., « Granițele morale ale Europei. Despre morala cuplului în societatea românească de la începutul secolului al XIX-lea », in *Secolul XX*, juin / 1997, pp. 94-115.

[15] VINTILĂ-GHIȚULESCU, C., *Focul amorului: despre dragoste și sexualitate în societatea românească, 1750-1830*, Humanitas, Bucarest, 2006.

[16] Pour une analyse plus détaillée de ces critiques, v. BĂLUȚĂ, I., *Du « harem » au « forum », op. cit.*, pp. 94-96.

[17] *Ibidem.*

[18] BĂLCESCU, N., « Manualul bunului român. Dialog între un comisar de propagandă și un sătean », in IDEM, *Scrieri alese*, éd. Andrei Rusu, préface Paul Cornea, Minerva, Bucarest, 1973, pp. 94-104.

[19] Son père, mort prématurément, occupait une fonction à la cour (*pitar* = celui qui devait approvisionner la cour en pain et surveiller les boulangers) ; sa mère était célèbre pour le traitement d'une maladie des yeux ; ils avaient des propriétés dans les départements de Dâmbovița et de Prahova.

[20] CĂLINESCU, G., *Istoria literaturii române, op. cit.*, p. 185.

[21] On reconnaissait la qualité mobilisatrice de ses écrits, capables d'enflammer la foule.

[22] Le sous-titre annonçait un dialogue avec un villageois, mais les deux personnages du dialogue seront le « commissaire » et le « citadin » ; peut-être parce que le citadin était censé être plus informé (étant donné

que dans les villages, le nombre de ceux qui savaient lire était vraiment très réduit).

23 RUSU, A., l'éditeur de l'édition de 1973, montre que le texte est en fait une adaptation de la brochure de Charles Renouvier, *Manuel républicain de l'homme et du citoyen*, Paris, 1848.

24 BĂLCESCU, N, « Manualul bunului român », *op. cit.*, p. 94.

25 D'ailleurs tout le projet modernisateur des élites roumaines partira du modèle occidental, d'où le long débat des « formes sans fond » (il s'agit de la théorie lancée par Titu Maiorescu et le groupe Junimea, qui critiquait les emprunts superficiels ou forcés de l'étranger – les formes – qui ne correspondent pas à la réalité roumaine – le fond).

26 Je crois qu'au niveau d'une histoire des idées ou d'une histoire intellectuelle (je pense ici à la démarche de RIOT-SARCEY, M., *Le réel de l'utopie. Essai sur le politique au XIXe siècle,* Albin Michel Histoire, Paris, 1988, de SCOTT, J. W., *La citoyenne paradoxale. Le féminisme français et les droits de l'homme,* Albin Michel, Paris, 1998 etc.) ces modèles, même s'ils sont inspirés par des modèles occidentaux, doivent être considérés et analysés comme les modèles construits pour la société roumaine ; malheureusement, il manque une histoire sociale du XIXe siècle roumain, une étude de la réception et de l'application de ces modèles au niveau des masses, qui pourrait faire apparaître les possibles écarts entre le projet des élites et son application.

27 « La vocation de l'homme » ; « De la vocation de la société » ; « Du peuple et du gouvernement » ; « Les devoirs de l'homme et du citoyen » ; « Les droits de l'homme et du citoyen » ; le manuscrit s'arrête au VI$^{e}$ chapitre, « De la liberté ».

28 Analysant les différents discours élaborés sur le thème de la citoyenneté (en France), Pierre Rosanvallon parle aussi de la superposition des deux registres : l'implication politique et l'intégration sociale, ces deux figures « juxtaposées, sans qu'aucun lien soit établi entre elles » ; ROSANVALLON, P., *Le sacre du citoyen, Histoire du suffrage universel en France*, Gallimard, Paris, 1992, p. 86.

29 Le « citoyen » représente un réservoir de légitimité, incarnant le principe de la transgression des particularismes : « les citoyens cessaient d'être des individus concrets, caractérisés par leur origine historique, leur croyance et leurs pratiques religieuse ou par leur appartenance sociale. Ils devenaient des citoyens égaux » ; SCHNAPPER, D., en collab. avec BACHELIER, C., *Qu'est-ce que la citoyenneté ?*, Paris, Gallimard, 2000, p. 7.

30 BĂLCESCU, N, « Manualul bunului român », *op. cit.*, p. 94.

31 *Ibidem*, p. 95.

32 Les analyses sur l'espace français soulignent aussi la préoccupation obsédante de poser les fondements d'une « nouvelle morale » : « Quelles que soient les critiques formulées, les opinions émises, les responsabilités imputées, chacun aspire à revivifier *le sentiment moral* jusqu'alors malmené, dans une population rassemblée autour d'une autorité retrouvée » ; Michèle Riot-Sarcey, *La démocratie à l'épreuve des femmes, op. cit.,* p. 36.

33 BĂLCESCU, N, « Filosofie socială despre educația mumelor de familie », in *Foaie pentru minte, inimă și literatură*, VIIIe année, nr. 5 / 1846, pp. 33-34.

34 Nicolae Bălcescu partage les idées du philosophe français concernant l'importance de la famille dans la société ; ces idées sont d'ailleurs généralisées dans l'espace français après la révolution de la fin du XVIIIe siècle, la famille étant considérée la cellule fondamentale de la société ; v. Michelle Perrot, « Familia triumfătoare », *op. cit.*, p. 77.

35 BĂLCESCU, N., « Filosofie socială despre educația mumelor de familie », *op. cit.*, p. 127.

36 CĂLINESCU, G., *Istoria literaturii române, op. cit.*, p. 134.

37 HELIADE RĂDULESCU, I., « Femeile sau cugetul acestei foi », in *Curier des ambe sexe*, nr. 2 / 1837, pp. 43-48.

38 *Ibidem,* p. 45.

39 HELIADE RĂDULESCU, I., « Femeile sau cugetul acestei foi », *op. cit.*, p. 43.

40 BOLLIAC, C., *Poesia*, in Cornelia Bodea, *1848 la Români*, *op. cit.*, p. 293.

41 CĂLINESCU, G., *Istoria literaturii române, op. cit.*, p. 248.

42 En France aussi, dans la descendance tocquevillienne, la famille/la femme devient le « paradigme de l'ordre social de tous les libéraux » ; cf. RIOT-SARCEY, M., *La démocratie à l'épreuve des femmes*, *op. cit.*, p. 16.

43 ROSETTI, C. A., « Prima epistolă către femeile claselor privilegiate », Paris, 1852, typ. E. Soye.

44 La correspondance et la relation avec sa femme, Maria Rosetti, en sont une preuve incontestable, à mon avis. V. *C. A. Rosetti către Maria Rosetti. Corespondență.vol. I (1846 – 1871)*, éd. Minerva, Bucarest, 1988.

[45] VARIKAS, E., « Vertus privées dans l'espace public. Le cas des institutrices grecques au XIX[e] siècle » in Histoire et société contemporaines, *Lieux de femmes dans l'espace public 1800-1930. Actes du colloque à l'Université de Lausanne* 11-12 nov. 1991, publiés par Monique Pavillon et François Valloton, Lausanne, tome 13 / 1992.

[46] Pour une analyse de ces programmes du point de vue de la place accordée, aux femmes, v. BĂLUȚĂ, I., « Idéologie politique et production identitaire : la femme dans les programmes des partis politiques roumains », in *Modernisation, démocratisation, européanisation : la Bulgarie et la Roumanie comparées*, sous la dir. de KRASEVA, A., et TODOROV, A., Nouvelle Université Bulgare, Sofia, 2005.

[47] RĂDULESCU-ZONER, Ș., coord., *Istoria Partidului Național Liberal,* éd. ALL, Bucarest, 2000, pp. 42-44. Le programme s'appelait en fait « le programme de la coalition libérale de 1875 » in HUREZEANU, D., SBÂRNĂ, GH., *Partide și curente politice în România 1821-1918. Programe și orientări doctrinare. 150 de surse originale*, éd. Eficient, Bucarest, 2000, pp. 123-125.

[48] BRĂTIANU, I. C. « Cuvântare în Adunarea Deputaților la 19 aprilie 1883 », in HUREZEANU, D., SBÂRNĂ, GH., *op. cit.*, p. 144.

[49] Qui était d'ailleurs le modèle du monde rural de l'époque (et l'est encore, toute proportion gardée).

[50] « Porgamul partidului conservator democrat », in VLAD, L., STANOMIR, I., *A fi conservator. Antologie, comentarii și bibliografie,* Meridiane, col. « Studia Politica Analecta », Bucarest, 2002, pp. 489-497.

[51] V., par exemple, PERROT, M., *Les Femmes ou les silences de l'Histoire,* Flammarion, Paris, 1998 ; RIOT-SARCEY, M., *La démocratie à l'épreuve des femmes, op. cit.*

[52] « Programul Partidului Socialist-Democrat al muncitorilor din România 1893 », in Damian Hurezeanu, Gheorghe Sbârnă, *op. cit.*, p. 314.

[53] « Programul Partidului social-democrat din România 1910 », in *ibidem,* p. 331.

[54] PERROT, M., « Familia triumfătoare », *op. cit.* pp.85-86.

[55] CREȚIESCU, A., *Comentariu alu Codiceloru Romaniei. Codicele civile,* Imprimeria Statului, Bucarest, 1865, p. 205.

[56] *Istoria dreptului românesc,* vol. II, Ière partie, éd. Academiei RSR, Bucarest, 1984, p. 143.

[57] STOURDZA, A., *La femme roumaine. Sa condition juridique et sociale dans le passé et le présent,* Paris, V. Girard & E. Brière, 1911 ; l'auteur est un juriste qui propose une analyse de la condition juridique de la femme. Son ouvrage fournit en fait une bonne illustration de la façon dont s'entremêlent doctrine juridique et idéologie politique.

[58] L'ortographe de son nom est variable, il est écrit tantôt Bestelei, tantôt Besteley.

[59] La hiérarchie des instances de jugement est la suivante : au premier niveau sont placés les tribunaux de départements (qui contenaient un président, deux membres, un suppléant un procureur et un remplaçant) ; vient ensuite les Cour d'appel (établies dans quatre villes importantes – Bucarest, Iassy, Craiova, Focsani -, formées de plusieurs sections ayant chacun cinq membres : un procureur, un greffier et plusieurs aides greffiers), et la Cour de Cassation (divisée en trois section). Cf. *Istoria dreptului românesc*, vol II, IIème partie, *op. cit.*, pp. 91-94.

[60] BESTELEI, M. A., *Causele înmulțirii concubinatelor și a copiilor naturali în România*, Imprimeria Statutlui, Bucarest, 1886.

[61] IDEM., *Despre drepturile și datoriile bărbatului și femeei în căsătorie. Discurs ținut cu ocasiunea deschiderei anului judecătoresc 1889-1890*, Imprimeria Statului, Bucarest, 1889.

[62] Chaque Cour d'appel donnait deux conseillers qui, à côté du conseiller de la Cour de Cassation (tous nommés par le ministre de la justice) allaient exercer la fonction d'inspecteurs des tribunaux et des services auxiliaires ; cf. *Istoria dreptului românesc,* vol. II, II$^{ème}$ partie, *op. cit.*, p. 92.

[63] L'importance de toutes ces réglementations est d'autant grande si l'on tient compte de l'état précaire des statistiques de la population à l'époque.

[64] BESTELEI, M. A. *Despre causele înmulțirei concubinatelor și a copiilor naturali în România, op, cit.*, p. 13.

[65] « Respunsul domnului prim-președinte Ad. Cantacuzino la discrusul domnului Mihail A. Besteley », in *ibidem,* pp. 31-33.

# Definitions and Documents in Family History: Towards an Agenda for Comparative Research

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It is not always remembered that Laslett's and Hajnal's profoundly influential views of the geography of households and families – the East/West division, the 'Hajnal line' etc. – were based on a rigorous and formal set of definitions.[1] A problem with which we are faced is that in our discussions of household and family in 'Eastern Europe' we all too rarely go back to these roots, and consequently do not debate the question of how these definitions – or, for that matter, any definitions that we would prefer in their place – should be applied. By leaving out what should be a central preliminary stage in our work, we give the impression that we have no problems with this. But clearly we do. Are we sure we are comparing like with like? Are we looking at a range of documents that is sufficiently wide to allow us to understand the complexity of household structure in the Balkans? Are we applying the same definitions as laid down by Laslett in 1972, or we are using these terms casually, only because scholars have used them before us? The answer usually given is that we do not have enough research, or enough comparative data with which to conduct the research; or that the data are too different from that of the 'West';[2] or even that a qualitative approach will yield a more 'human' account than the adoption of the

dry and complex theoretical methodology that has dominated the historiography of household and family structure in the western part of Europe. These are poor excuses, and the latter at least smacks of the 'othering' from which Balkan studies have suffered for far too long.[3] Was not the whole purpose of Laslett's set of definitions precisely to enable the cross-cultural comparison of household structure? Methodological rigor is an indispensable prerequisite of our research. Hammel warned historians already in 1972 that 'the often acrimonious debate' on household structures in the Balkans 'is characterized by an abundance of hypotheses in the absence of fact, or by an abundance of fact in the absence of coherent theory', and stressed that it is 'incumbent on any author to make explicit what his analysis is and what it is not about'[4] – a plea forgotten by most current family historians.

The examples that follow will focus on some of these issues, and illustrate how important it is to understand the nature of the documents we are using when we engage in comparative work. In view of the different levels of co-residence that were possible, the main question of definition that will be addressed here is the fundamental question of which units to use for comparison. This dilemma prompted Laslett to coin the term *houseful*. He defined the distinction he was making as follows:

> A *household* consists of all those who appear in the list grouped together, or in any way clearly separated from groups of others before or after. Occasionally the compiler has made what appear to be subdivisions, to indicate more than one household sharing the same set of premises. In such cases the term *houseful* designates the larger group. A household is also to be described as the inhabitants of a *dwelling* and the houseful as the inhabitants of a set of *premises*.[5]

Despite the difficulties raised by this distinction (which will be discussed shortly), the need to make it is critical. In cross-cultural comparisons, talking about 'large households' and even 'multi-generational households' is not satisfactory as long as it avoids this question.

The nineteenth-century Slovenian research on which the following observations are based focused on two communities, 80km apart, with different socio-economic characteristics and structures (Fig. 1). One, Šenčur, is an essentially agricultural community in Upper Carniola, on the plains close to the Alpine range. The other, the parish of Šentilj, in the foothills of the Pohorje range in Styria, is more complex: while it also had important agrarian functions, a key feature of a subordinate community, Mislinja, was iron production, centered on a community where migrant workers, living together, interacted with residents and in turn with the agrarian surroundings. In other words, Šentilj had a mixed market and subsistence economy. The research consisted of a combination of cross-sectional and longitudinal analysis, based on a range of different types of document and making extensive use of record linkage to reconstruct family histories.

How did people live in these two centers? Defining the household in them proved problematic, because the census-type documents through which they are known to us vary significantly in structure. For both communities there exists the classic *status animarum*, a register compiled by the Catholic Church, originally at a specific moment in time but then amended and supplemented over a number of years, giving us a document that is at the same time cross-sectional and longitudinal. One of the features that these *status animarum* documents have in common with census documents elsewhere is that they are conventionally compiled from a topographical

point of view in terms of sequence of house number. Fig. 2 shows part of a page from this well-known type of document from Šenčur, the compilation of which began in 1878. At the top of the page is the house number (136), and the blocks of inhabitants are listed underneath. The first block begins with the husband's name (Jakop Verbič, a half-farmer, born in 1840, who is also the head of a household), followed by those of his wife (Marija Ostanek) and their children (Marija, Johana, Angela, Jera, Mariana, France). The second block relates to the next household to reside at that address. The first to be listed is again France Verbiè, who took over the headship from his father on the occasion of his marriage in 1919; his wife and children are listed below. At the bottom of the page, as was the practice, the compiler recorded all those related or non-related individuals who were part of this household at various stages. In our case this includes the first head's mother, who was born in 1816. The document includes additional information such as dates and places of birth, marriage and death, ages, occupation and status of individuals, the state of their religious knowledge (which was checked annually) and various comments including, most usefully, information about emigration. The most detail is usually found for the head of the household, with details being more haphazard for the other individuals. The extent of the information provided depended largely on the meticulousness of the local priest who compiled the document, and thus varies not only from parish to parish but also from one priest to the next.

For the agricultural Šenčur there is also a second type of *status animarum* register, one specifically covering those who did not own the property in which they resided (*gostači*). The information in this register is not recorded in a topographical sequence, as with the conventional ones (and like census lists),

but rather in alphabetical order of the head of the household. This can be seen in Fig. 3. The first head is Mihael Ajdovec, whose entry is followed by those for his wife, Marjeta Trojan, her illegitimate daughter, Ana, and the legitimate son, Janez. The second block shows a new, unrelated family; Janez Ahačič and his wife, Marija Kuhar. The difference between the two types of register is thus more than merely organizational. The conventional *status animarum* includes information about the occupation of heads, the succession to the headship, and inheritance practice. The second register, dealing as it does with a landless and mobile population, is less informative on these matters. The connection of inheritance that often links sequential groups in the conventional register is missing, as is to be expected among the poor; the houses whose occupants are registered in this document were after all the properties designated for those who had nothing to bequeath to the next generation. On the other hand, the document is more informative on residential arrangements. The occupants of these addresses might be living together with others in the same condition without necessarily being related to them (e.g., retired or single people), but their family history is far harder to trace. Taken over time, one can see that many of these *gostaèi* families moved frequently between these houses. Although there is little continuity of residence by the same family in a specific lodging, some of the houses, particularly the smaller huts, continued to be used for the same purpose; for example, for accommodating a succession of unmarried mothers and their offspring over time.[6]

These two registers relate to the same parish and the same period. Using just one register without the other would thus distort the interpretation of household forms in Šenčur. If the analysis had been conducted only on the basis of the

conventional *status animarum*, the household size and structure would have been large and complex, while if the *status animarum* for the poor had been scrutinized in isolation from the other register, the households would be perceived as very small and indeed nuclear. But the appearance of this second type of register, the necessary 'corrective' to the first, in the historiography cannot be assumed. Indeed, this volume was discovered by chance, through a conversation with the parish priest. Subsequent research showed that it was by no means unique; by the end of the nineteenth century such registers appear in many parts of Slovenia. They may well be connected with the agrarian crises that hit Slovenia in the second half of the nineteenth century; new technology and communications, the emancipation of the peasantry in 1848, the passing of a new inheritance law in 1868 and the abolition of common land in 1883 all helped precipitate the fragmentation of family holdings and an increase in the landless, in country and town alike.[7] As a type of source, with its own peculiarities and problems, *gostači* registers are certainly under-researched, and it is arguable that the neglect of these sources has given us a distorted view of society and of family and household structure. The poor are always the least visible, but they need not be as invisible as we make them.

Turning to Mislinja, we find a third type of *status animarum*. Again alongside the conventional register which covers the main part of the rural community, there is a register of those living in the iron community complex. The organization of mining and iron production lent a special character to the settlement arrangements and architecture of houses.[8] The settlement was the creation of a succession of owners, who between them established the features which made this into a genuine community; a school, a doctor in residence, and a

small hospital. It was also the owner who provided the accommodation for his employees. Long buildings with many entrances (see Figs. 4a and 4b) were home to many migrant and other workers from the agricultural surrounding area. These rather unusual living and working arrangements of the iron community account for the peculiar characteristics of the document, which reflects its socio-economic hierarchy in more ways than one. The first organizing principle is both topographical and hierarchical; the population is described building by building, in a sequence which reflects the social/ functional hierarchy, starting on the first page with the owner's household (*Herrschafts-Schloss*, illustrated in Fig. 5), followed by the occupants of the administration building (*Verwes-Haus*), the school, and then the various buildings associated with specific aspects of the industry such as forges, smithies, the blast furnace, the wood processing sector etc. This sense of hierarchy is perpetuated within the entry for an individual building, determining the sequence in which domestic units are listed. In Fig. 6, the page describing the blast furnace *Hoch-Ofen*, six families are given.[9] It is very likely that the separate units correspond to separate entrances to the building, but the order in which they are listed reflects the relative importance of the occupation of the head of the unit. Where the occupation is the same, the sequence reflects seniority within it (e.g., masters before apprentices). This pervasive sense of hierarchy is also reflected in the layout of the document. Heads of domestic units tend to be emphasized visually, with their names in larger or thicker lettering, sometimes decorated: the greater the status of the head, the more his name was embellished. The emphasis on occupation is further indicated by the fact that it was added before the name of the head of the domestic unit, even though there was no provision for this in the printed headings of the register.

As with the *gostači* of Šenčur, the decision as to how to treat these units has important consequences. An illustration of this is the entry for the smithy *Hammer Maximilian Mara* – one of seven such buildings in Mislinja – at number 94 (transcribed in Fig. 7). The document shows three family units living at this address: that of the smelting-master and those of two helpers. The entry for the first unit starts with Georg Hermann, followed by his wife and child, and ends with the *gostačka* (lodger) Helena Washtner. The number 2 indicates the beginning of a new unit, headed by Georg Schwab, the assistant of Georg Hermann; underneath his name his dependents are listed in the usual way. Finally there is the third unit, the family of Stefan Schwab, another assistant. The fact that the two assistants share the same surname creates the possibility that they were brothers, and indeed this can be confirmed from other documents. Taken on its own, this 'cross-sectional' entry could suggest at least an element of a *zadruga*-type unit, with two brothers and their families co-residing. This is disproved, however, by the numbering: the two units were separate, with different entrances, neighbors but not strictly speaking co-residents. The reality – which can be established only by recourse to other sources – is more complex. The residence of both brothers in house no. 94 is only temporary; both subsequently moved out and on to separate careers. What in fact emerges about them from other documents is interesting from a different perspective. Georg and Stefan Schwab had acquired their skills from their father, whom they assisted while they were living in the parental home. Both moved out on the occasion of marriage, becoming assistants to a non-related master. Thereafter, kinship ties were effectively replaced in importance by professional ones, as in other such cases. This can be demonstrated by an analysis of patterns, such as the choice of marriage witnesses, godparents and midwives. This

predominance of professional over kinship ties among skilled workers is a feature of the Mislinja iron community not found in Šenčur.

This example, like many others in the register, also raises the question of definitions in a fundamental way. In Laslett's formulation the place of work in the *Status Animarum* of Mislinja would correspond to the houseful and the subgroups to households; but the problem is that many of these workers' families were also kin-related. Laslett defined the household from the census lists using three criteria: they sleep under the same roof, share activities and are related by blood or by marriage.[10] The case described above shows that the families shared activities (male members worked in the smithy, female members looked after the children, helped with production, and were in charge of growing vegetables and crops near their homes), slept under the same roof (but had separate entrances to the same house), and were related in some cases but not others. These living arrangements would correspond to something in between what Laslett defined as household and houseful.[11] On the basis of the evidence about these families, not only internal to the *status animarum* but complemented by record linkage to other documents, the decision was taken to treat these separate units within the buildings as independent households and not as housefuls.[12]

This conflicts with another of Laslett's prescriptions, namely that what he called visitors, lodgers or boarders should not be treated as separate households:

> *Inmates* are persons so described, or so called sojourners, boarders, lodgers, etc. They can be individual inmates, or members of groups of inmates, and such groups can consist of unrelated persons, or of simple, extended or multiple family groups, all with or without servants. These units are parallel

> in definition to types of household, but since they do not occupy dwellings should not in strictness be called households.[13]

Most of the workers of the iron community were undoubtedly inmates or lodgers according to Laslett's definition, but equally there is no doubt that they form households, living in accommodation that was provided by the owner of the iron works, in substantial buildings with separate entrances. Laslett was aware of this problem, as is demonstrated by his work on Belgrade, where he encountered the presence of large numbers of strangers and lodgers. He states: "The first task of the analyst would seem to be to decide how many dwellings and so how many household each Dom comprised, and which individuals belonged to which."[14] Although Laslett did not reach a conclusion on this, he did produce a set of rules and 'presumptions' for the Belgrade data.[15] However, this research has not been followed up in all these years, and indeed is not even discussed in the comparative international literature.

Laslett's work continues to be fundamental to our research. The purpose of this discussion has been neither to insist on the validity of all his definitions nor to overturn them, but to reassert the need to use them as, at the very least, our starting-point. The complex interaction of different organizational principles in the documents discussed here – topographical, alphabetical, occupational and social – is of much more than antiquarian or local interest. They reveal the preoccupations and prejudices of their compilers, of course, but also yield much information, both intentionally and inadvertently, about households and families and their structures. Laslett's scheme needs to be adapted in a way that caters for these subtleties. But these issues of definition cannot be sidestepped. Whether our sources are parish registers, cadastral, fiscal, oral or a combination of such

– indeed, especially if we are using a combination – we need to be sure that we are speaking the same language before we attempt to make comparisons. And historians studying their own communities need to be particularly aware of these issues: if we use terms casually or inaccurately, we are actually cementing the lack of clarity that still surrounds the picture about families and households in the Balkans.

As we engage in this exercise, the wider and more comparatively we cast our nets, the more robust the resulting system will be. However, it is imperative that we conduct such research by making comparisons that go beyond the mere geographical. One of the lessons to emerge during this investigation is that the obsession with boundaries is obscuring, not illuminating, the picture. The problems outlined here are emphatically not confined to any particular region. Historians who work on these issues encounter the same problems wherever they are. The Centre for Metropolitan History in London, which is studying the structural change of households over time in the British capital, asks similar questions as to how to define the household.[16] It is thus to be hoped that any collaborative project that emerges from this symposium, while focusing on the Balkans, will not be confined to them. The social and economic factors that families had to deal with are much more fundamental determinants of behavior than the so-called 'cultural' ones. We should work on our region, but we should not lock ourselves into a study of the 'Eastern European pattern' when we do not even know whether this was ever anything more than an ideological construct.

Acknowledgements:

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Fig. 1. Location of the communities of Šenčur and Šentilj/Mislinja.

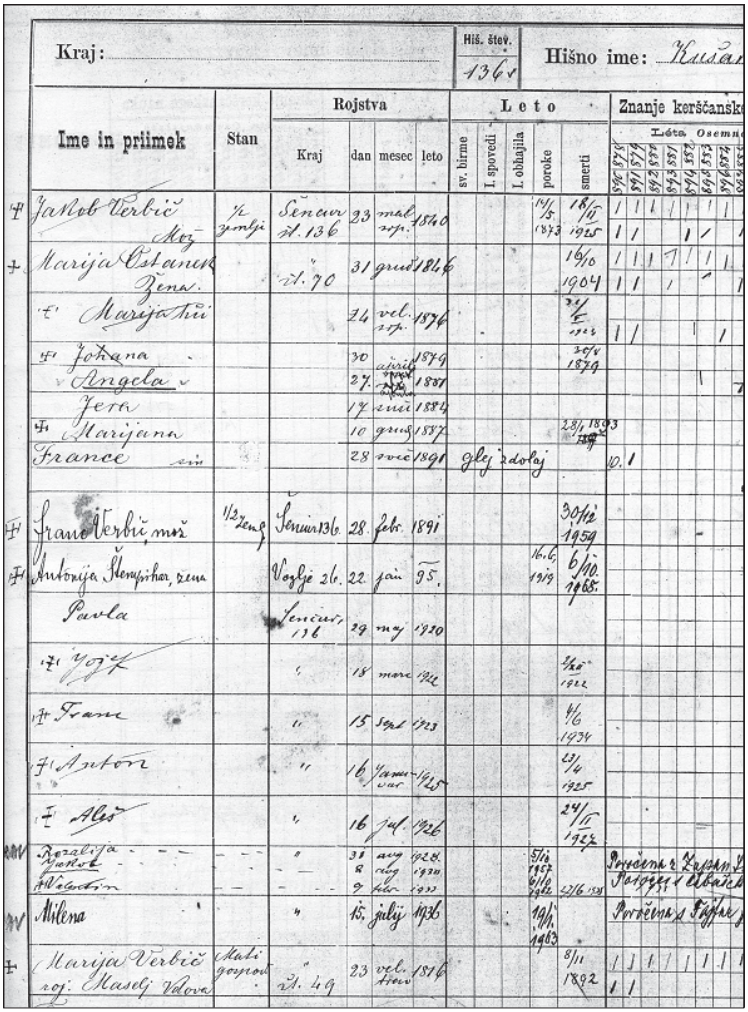



Fig. 2. Excerpt of *status animarum* record for Šenčur, house no. 136.

Šenčur Chaplaincy: *Status Animarum*, 1820-1958, p. 124.

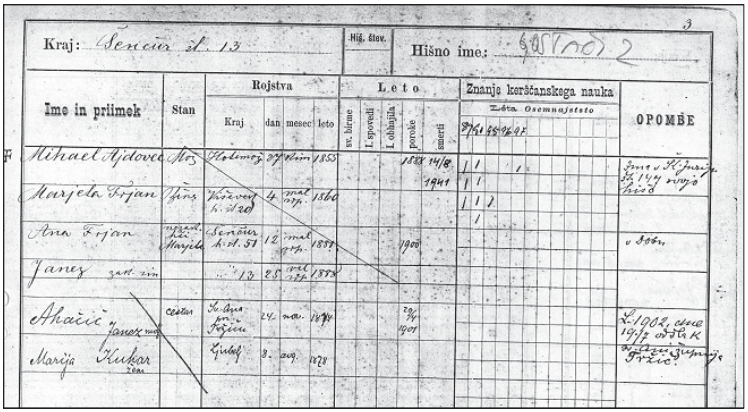



Fig. 3. Excerpt of *status animarum* for *gostači*.
Šenčur Chaplaincy: *Status Animarum* for *gostači*,
1830-1950, p. 3.

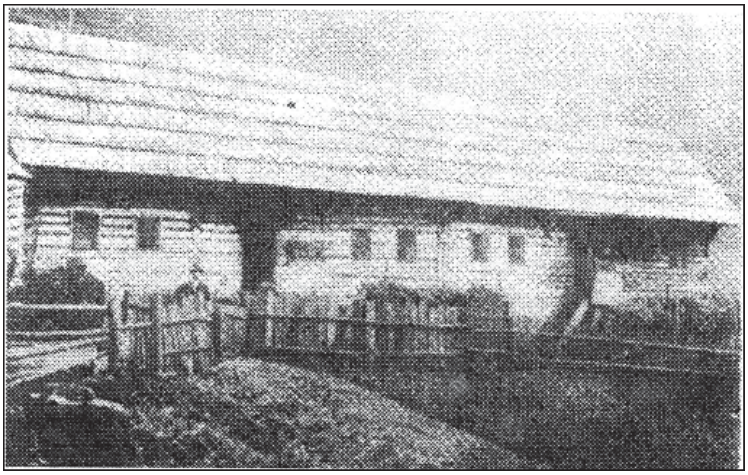


Fig. 4a. House with multiple entrances in the iron community of Mislinja.
From 'Mislinjska Gozdna Železnica', *Viharnik: Glasilo delovne organizacije Lesna Slovenj Gradec*, 21:2 (1988), pp. 16-19 (p. 18).



Fig. 4b. A former smithy in Mislinja. The left-hand side was originally the production area of the smithy; the residential part of the building is on the right. The building has been modified. Photograph by Rado Jeromel, 2006.

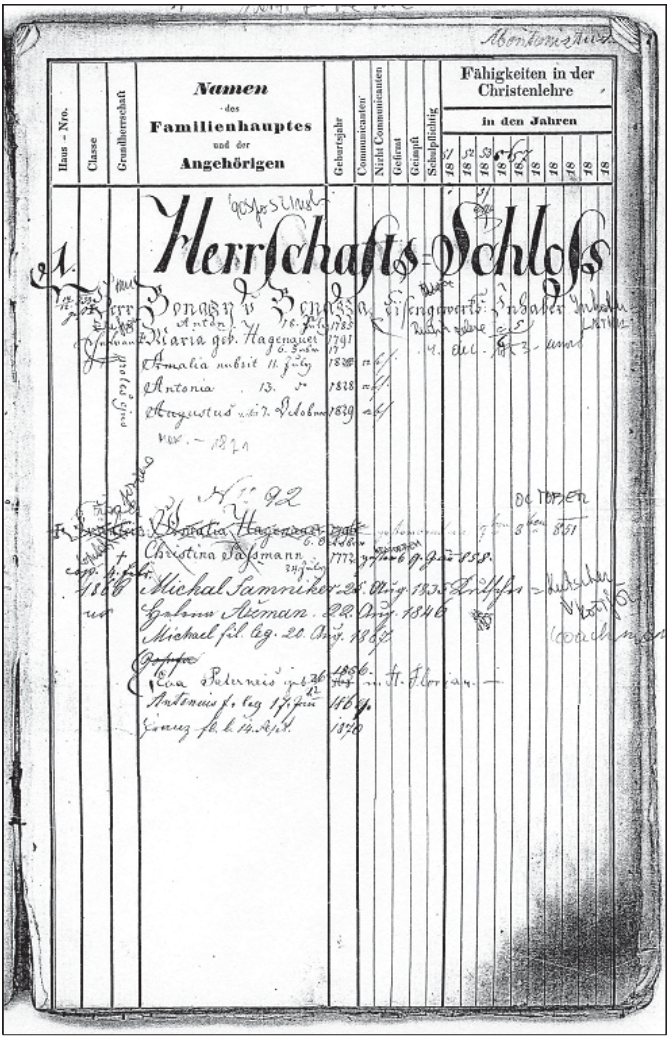



Fig. 5. Excerpt of *status animarum* for Mislinja iron community; *Herrschafts-Schloss.*

Maribor Episcopal Archive: Mislinja, *Protokol stanja duš fužinarjev fužine Mislinja 1851-1859* (‘*Montanisticum*’).

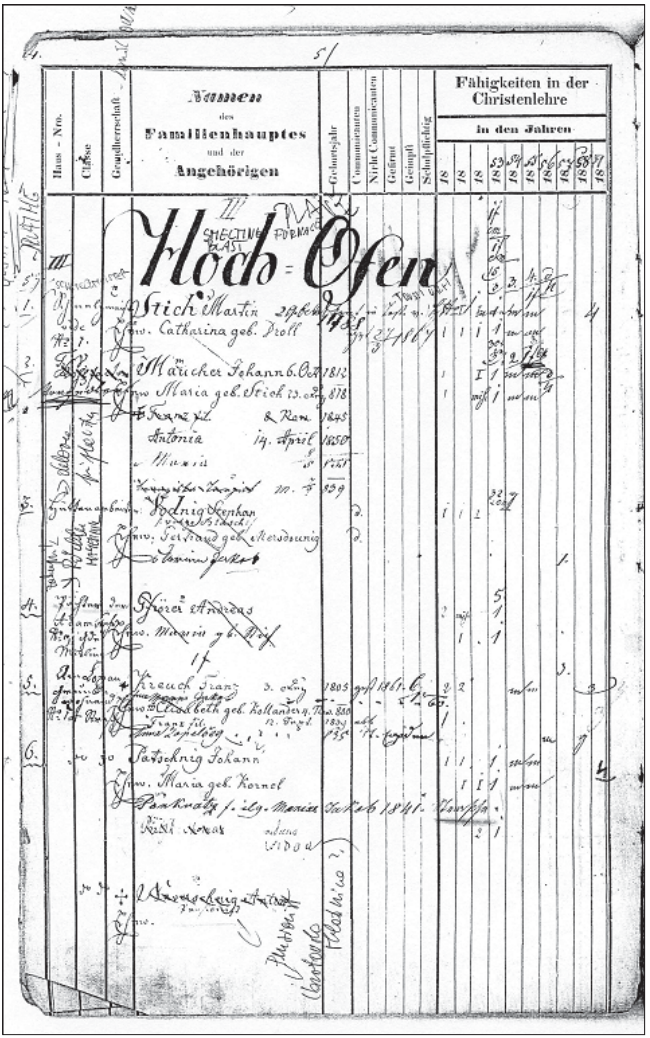



Fig. 6. Excerpt of *status animarum* for Mislinja iron community; *Hoch-Ofen*.

Maribor Episcopal Archive: Mislinja, *Protokol stanja duš fužinarjev fužine Mislinja 1851-1859* (‘*Montanisticum*’).

No.94
HAMMER Maximilian Maria

1. Streckmeister, Hermann Georg, 21.Apr. 1790, gest.15. März 1860
Ehew. Agnes geb. Wilhelm, 1787, gest. 28. März 1859
Georg, 19.Jänuer 1826, gest. 22.10. 1855

Inw. Helena Washtner

2. Helfer, Schwab Georg 22.3.1813...
Ehew. Antonia Grasser, 22.3.1813
Ignaz, 26.7.1840
Theresia, 18.9.1843
Vinzenz, 27.3.1849
Michael, 8.9.1856

3. Helfer, Schwab Stefan, 25.12. 1808
Ehew. Maria Sepp, 19.3.1815
Joseph ...
Theresia ...

Fig. 7. Transcription from *status animarum* for Mislinja iron community; no. 94 (*Hammer Maximilian Mara*).
Maribor Episcopal Archive: Mislinja, *Protokol stanja duš fužinarjev fužine Mislinja 1851-1859* (‘*Montanisticum*’).

## NOTES

1 HAJNAL, J., "European Marriage Patterns in Perspective", in *Population in History*, eds. D. V. Glass and D. E. C. Eversley, Edward Arnold, London, 1965, pp. 101-143; LASLETT, P., "Family and Household as Work and Kin Groups: Areas of Traditional Europe Compared", in *Family Forms in Historic Europe*, eds. R. Wall, J. Robin and P. Laslett, Cambridge University Press, Cambridge, 1983, pp. 513-563.

2 See for example several of the contributions to KERTZER, D. I. and BARBAGLI, M. (eds.), *Family Life in the Long Nineteenth Century, 1789-1913*, Yale University Press, New Haven, Ct., 2002.

3 For a fuller discussion of this see SOVIČ, S., "Family History and Cultural Stereotypes", forthcoming in *Cultural and Social History*.

4 HAMMEL, E. A., "The Zadruga as Process", in *Household and Family in Past Time*, eds. P. Laslett and R. Wall, Cambridge University Press, Cambridge, 1972, pp. 335-373 (p. 336).

5 LASLETT, P., "Introduction: the History of the Family", in *Household and Family in Past Time*, cit., pp. 1-89 (p. 86).

6 For a fuller treatment of this problem see SOVIČ, S., "Families and Households of the Poor: The 19th-century Slovenian *gostači*", in *History of the Family*, 10, 2005, pp. 161-182.

7 A recent survey is FISCHER, J., "Zagate v kmetijstvu", in *Slovenska novejša zgodovina*, ed. J. Fischer, I, Mladinska knjiga, Ljubljana, 2005, pp. 72-4.

8 See SOVIČ, S., "Communities, Local Economies and Household Composition in 19th-century Slovenia". Unpublished Ph.D. dissertation, University of Essex, 2001, pp. 58-63, and now POTOČNIK, J., "Zgodovinske in kulturne sledi nekdanje Mislinjske železarne", in *Viharnik: Glasilo delovne organizacije Lesna Slovenj Gradec*, 37:11, 2004, pp. 18-20, 33.

9 There can be considerable variation here. The higher the demand for unskilled work in a particular sector – wood production is a case in point – the larger the number of blocks within an address. This opens up another, largely unexplored, aspect of the relationship between household structure and economic function, which can only be understood by means of record linkage with other sources.

10 LASLETT, 'Introduction', cit., p. 25.

[11] The problems with Laslett's classification system may be particularly evident in mining communities. VILFAN, S., *Pravna zgodovina Slovencev od naselitve do zloma stare Jugoslavije*, Slovenska Matica, Ljubljana, 1961, p. 390, remarked on the special features of workers' accommodation in Slovenian iron communities. He speculated that this originated from the time of guilds, and described buildings accommodating several families, partitioned into several rooms, one for each family, but with a common room where the stove was situated.

[12] Further discussion in SOVIČ, "Families and Households", *op. cit.*

[13] LASLETT, "Introduction", *op. cit.*, p. 87.

[14] LASLETT, P. and CLARKE, M., "Houseful and Household in an Eighteenth-century Balkan City. A Tabular Analysis of the Listing of the Serbian Sector of Belgrade in 1733-4", in *Household and Family in Past Time*, *op. cit.*, pp. 375-400 (p. 376).

[15] *Loc. cit.*, p. 381.

[16] "People in Place: Families, Households and Housing in Early Modern London", AHRC funded project at the Centre for Metropolitan History.

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# Marriage and Family as Institutions

# Le mariage et la famille en tant qu'institutions

# State Involvement in the Institution of Marriage in Serbia in the First Half of the Nineteenth Century

Aleksandra VULETIĆ

The institution of marriage in Serbia was under the jurisdiction of the Orthodox Church from the Late Middle Ages. The loss of the independent state and the imposition of the Ottoman rule in the fifteenth century contributed to the weakening of the influence of the Church. From the formal and legal point of view, the Ottoman state did not interfere in the matrimonial questions of the subjugated peoples: the state officials were not only prohibited from intruding into the domain of the Orthodox Church, but also enjoined to help the Orthodox clergymen in the performance of their duties.

The local representatives of the Ottoman state – officials and spahies – did not, however, always act in conformity with these instructions of the central authorities and they often compelled Orthodox priests to make decisions concerning marital issues which were not in harmony with the church canons. Their increasing meddling in the matrimonial affairs of the Christian subjects was facilitated by the growing impotence of the Porte to control its officials, particularly those in the peripheral provinces of the Empire, such as Serbia. Without the support of the state authorities, the power and influence of the Orthodox Church decreased increasingly. The

church discipline slackened as a result of frequent warfare and dislocation of the population: many areas were without a bishop for years, or were too remote from their bishop's seat, so that the ordering of many affairs which were under the jurisdiction of the bishops and the ecclesiastical courts - and this included the regulation of marital relations - was left to the people themselves and to the parish priests. In many cases not only laymen, but also the local priests, were ignorant of how certain matters should be regulated according to canonical norms, so they settled them as they deemed just or as it seemed conformable to the general opinion. A kind of customary law which evolved in these circumstances rose in time above the canonic laws regarding marital issues and, subsequently, the influence of the local community on the institution of marriage became more important than the influence of the Church.[1]

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The liberation from the Ottoman rule and the establishment of the Serbian state at the beginning of the nineteenth century marked a turning point in the development of the Serbian society. From the very beginning, the Serbian state sought to establish full control over all the segments of the society, including the institution of marriage. The first half of the nineteenth century saw the promulgation of a number of legal acts designed to eradicate backward marriage customs not sanctioned by the Church and various forms of abuse in marital relations. The institution of marriage continued to be under the jurisdiction of the Church, but the ecclesiastical authorities alone were not able to ensure the practical observance and implementation of the canonical rules. Therefore, the state sought to ensure and supervise their enforcement by its own legal provisions. In pursuing this policy, the state rose in time

above the Church and imposed itself as the supreme authority in matters concerning marriage.

One of the main objectives of the emergent Serbian state was to organize the country in accordance with the principles prevailing in the enlightened countries of Europe. Consequently, it began to issue regulations controlling marriage already in the period of the formation of the first state institutions, i.e. while the insurrection against the Ottoman rule was still in progress. These regulations emphasized the need for the eradication of backward folk customs which had become very common in the meantime, and which were not only at variance with the church provisions concerning marital issues, but also incompatible with the customs prevailing in the civilized world. The state authorities frequently stressed the need to follow the practice of the enlightened countries and to abandon obsolete customs, which, as an official document stated, "makes the Serbs the laughing stock of the whole world".[2]

The legal acts which the state passed emphasized its civilizing role in the development of the society and the need for the integration of Serbia into the system of enlightened European countries. It was, however, by no means easy to carry out that civilizing task and to achieve the integration of the country into civilized Europe.

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The first regulations against marital abuses were issued already in 1804 – in the first year of the insurrection against the Ottoman authorities.[3] The aim of these regulations was to suppress the abduction of girls – a traditional custom of contracting marriage which was rather common in the early nineteenth century. One of the laws proclaimed by the insurrection authorities in the liberated territory prescribed the

punishment for the kidnapping of girls already in its second article, immediately after the article concerning homicide:

> Whoever carries away a girl by force (as it occasionally happens, particularly during rebellions, when the administration of justice is disorganized), the bridegroom, the godfather and the best man are to run the gauntlet and the others involved are to be punished with bastinado.[4]

Abduction had been prohibited by law from as early as the Middle Ages, but the custom nevertheless persisted and survived into the period of the Ottoman rule.[5] This way of contracting marriage tended to become particularly frequent in the periods of upheavals and war, and, consequently, it was rather common in the time of the First Insurrection. Therefore, the regulation against the abduction of girls was re-enacted several times during the Insurrection, but in spite of that, the custom was not eradicated.[6] Abduction continued to be practiced by both the Turks and the Serbs even after the end of the insurrection period, for the disordered political circumstances in the country were conducive to its survival.

The greatest number of abductions took place in the areas bordering on the Ottoman Empire, where the abductors could easily escape with the girl across the frontier. Therefore, the Serbian authorities used cases of abduction by the Turks as a means of applying political pressure on the Ottoman authorities. In the years immediately following the successful conclusion of the insurrection period (1815), the legal position and the boundaries of Serbia within the Ottoman state were not precisely defined, and the Serbian authorities used, with considerable success, the abduction of girls and their carrying across the frontier to buttress their demands for the speeder and more efficient solution of these issues.[7] The stabilization

of the political conditions, and, particularly, the exodus of the Turkish population from Serbia and the settlement of the boundaries with the Ottoman Empire, contributed to the disappearance of the custom of abduction by the middle of the nineteenth century.

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The insurrection authorities also took measures to suppress some other usages not in harmony with the church regulations, such as the "bride purchase" custom or the voluntary dissolution of marriage. These customs were far more difficult to root out than abduction, as is testified by the repeated re-enactments of legal provisions aimed at their suppression during the greater part of the nineteenth century.

Already in 1818 – three years after the end of the Second Serbian Insurrection and the establishment of the first bodies of the new Serbian authority – a Marriage Law was promulgated which laid down detailed rules controlling marriage.[8] Since the custom of "bride purchase" was the most common marital abuse in that period, Prince Milo? Obrenoviæ stressed in the preamble to this Law:

> We find it beneficial and just finally to free this people, as much as the present circumstances permit, from the shameful and ignominious abuse of our daughters and sisters, for it happens that as soon as a girl is old enough to marry, her parents start thinking of the profit they can make thereby and earnestly seek to marry her into a well-to-do family, not in order to secure a good and carefree life for her, but only to sell the girl to their best advantage. As a result, we can see people selling their daughters and sisters like livestock from the fold, and by doing this the parents do not seek to breed love between the husband and wife, for what kind of contentment can a man have in his newly brought

> daughter-in-law, or the bridegroom in his bride, if he broods over his empty purse and the debts incurred in bringing her to his house. Our people do not seem to mind that this brings the Serbian name into discredit among the other Christian nations.[9]

The first article of the Marriage Law set a limit on the amount of money the girl's parents were allowed to ask from the bridegroom. The "bride purchase", characteristic of the peasant societies, was particularly common in Serbia because it was one of the rare countries in nineteenth century Europe in which men outnumbered women. The disproportion was the greatest in the first half of the nineteenth century, and it gradually decreased in the second half of the century, but men continued to outnumber women until the early twentieth century.

In the peasant communities, the woman was just as important an economic factor as the man was. She was even more valued, particularly when it came to arranging a marriage, because of the greater proportion of men. The money paid by the bridegroom to the girl's family is rather to be considered as the compensation for the loss of womanpower then for the trousseau which the bride brought to her new family, since the amount of money paid by the bridegroom exceeded the value of the trousseau. Besides, at the beginning of the nineteenth century it was not unusual for the bridegroom to pay for the trousseau as well.[10] Therefore, the second article of the Marriage Law laid it down that the bride's parents must not ask the bridegroom to buy clothes and jewelry for the bride, but their purchase should to be left to the will of the bridegroom, who would decide according to his wishes and means.

In spite of the regulations designed to prevent parental abuse when negotiating a marriage, the custom of "bride purchase" persisted. Parents often put off the marriage of their daughter

trying to obtain a better price for her and used her in the meantime as woman's labor in the household. Such procrastination sometimes resulted in the birth of children born out of wedlock, and that, in turn, led to the greater incidence of infanticide. The local authorities were therefore instructed to keep an eye on the families with girls of marriageable age and to take good care that parents did not delay unduly their marriage. Thus in 1827, the state found it necessary to warn the parents of girls again:

> Loose behavior and the consequent infanticide occur mostly because parents do not marry their sons and daughters in time and because no one can get married without considerable expense, which the parents exact from their future son-in-law for their daughter. If a girl guilty of the offence in question [i.e. killing a child born out of wedlock] had been asked in marriage, and if her parents had refused their consent for any reason other than kinship, the parents are to be punished more severely than the trespasser herself. Parents can avoid this ignominy and the greatest of sins if they marry their daughters in time and do not demand gifts from the bridegroom, as the still persisting pernicious custom requires.[11]

Instead of demanding money from the future son-in-law, the state recommended, the girl's parents should assist the newly wed couple, i.e. endow the girl with a dowry.[12] However, the institution of the dowry did not suit the peasant society and economy. Endowment of the girls became common only in the urban communities, since this was in conformity with the character of the urban economy, in which the woman did not play such an active role as in the rural communities.

Since the limitation of the amount of money the girl's parents were allowed to demand from the bridegroom yielded no results

in practice, a legal act from 1844 completely abolished the so-called "bride-price", i.e., payment for the girl, and the civil courts were instructed not to give legal recognition to contracts whereby the bridegroom undertook to pay a certain sum of money to the girl's family as the so-called "brotherly gift".[13] Neither this regulation was, however, easy to enforce, since parents found various devious ways of satisfying their financial appetites. Therefore the state authorities sought to prevent this abuse not only by legal acts, but also by offering guidance and advice, and the clergy and police officers were instructed to edify the people and dissuade them from the "bad and shameful custom of blackmailing girls". None of these measures was very effective, and the "bride purchase" custom survived into the second half of the nineteenth century, although it became less common.[14]

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Another traditional way of entering marriage which was widespread in nineteenth century Serbia was elopement. The reasons for elopement were various. In many cases elopement was caused by the "bride purchase" custom: the procrastination of the parents in marrying their daughter and the demand of a high "bride-price" made many a girl put an end to that awkward situation by eloping to the house of her sweetheart.[15] A further reason which contributed to the widespread practice of elopement was the refusal of the parents to give consent for the marriage of their children, so that running away was a way of putting pressure on them and confronting them with a *fait accomplis*.[16] This way of contracting marriage was chosen also by many people who wanted to avoid some legal obstacle for the intended marriage. The most frequent legal bar was kinship. According to the canons of the Orthodox Church, wedlock

was prohibited between relatives less than eight times removed. Moreover, the proscription applied not only to degrees of the blood relationship but also to kinship by marriage. In a peasant community, where there was little mobility of the population, it was sometimes difficult to find a suitable partner for marriage outside the prohibited range of kinship. Consequently, it frequently happened that a related boy and girl decided to start living together (in the majority of cases the relationship was distant and indirect), hoping that the ecclesiastical authorities would "dissolve" their kin ties.[17] It was also common for the parents themselves to persuade the girl to elope, for elopement provided a way of evading the heavy costs of normal marriage. Namely, the wedding ceremony with an "eloped" bride was usually curtailed, so that it did not put great expense on either party. [18] Besides, elopement could also be a question of prestige in the rural communities – having a girl run away to him was something of which each young man was proud.

The police were bound to intervene in all cases of elopement and to separate the young couple. If there were no legal obstacles for the contraction of marriage, the couple was charged to follow the usual church procedure for the wedding. Problems arose when there were legal bars to the marriage. In many cases of this kind, the parted couple came together again and resumed joint life. Some couples were forcibly separated several times and punished for disobedience, but, in spite of all the penalties, the state authorities were rarely successful in parting them for good.[19]

A frequent obstacle to the contraction of marriage was spiritual kinship. Unlike the range of relationship of blood or of marriage, the degrees of spiritual kinship recognized by the Church were not numerous. However, the ordinary people were much stricter in the observance of spiritual ties, and regarded

as bars to marriage much more distant degrees of spiritual kinship than the Orthodox Church. Consequently, there were instances of the refusal of parental consent for a marriage because of a degree or form of "spiritual kinship" not recognized by the church canons. It is significant that the ecclesiastical and state authorities, too, were reluctant to issue the marriage license in such cases. The local clergymen and officials were instructed to sound out the opinion of the local community in such matters. If such a marriage was inadmissible according to the views of the community, both ecclesiastical and state authorities sought to dissuade the couple from entering wedlock, even if there were no legal bars for the marriage. As a result of this complicated system of forbidden and allowed degrees of kinship, which not only laymen, but also many parish priests were insufficiently acquainted with, the state authorities tended to comply with the opinion of the rural community where the alleged "spiritual relationship" was concerned. This was due to fear of the authorities that the issue of a marriage license in such cases could only cause even greater confusion in conceiving of the system of kinship and, subsequently, the fear that it could provoke the swelling of the already large number of applications for the contraction of marriage between couples within canonically forbidden degrees of kinship.[20]

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According to church canons, the conditions for the contraction of marriage were the freely expressed will of the bride and the bridegroom and the blessing of their parents. It frequently happened, however, that parental consent was the decisive factor in effecting a marriage. Therefore an act passed as early as 1818 enjoined parents

> not to force the girl to marry a man she does not love, and also not to prevent a man from taking in marriage the girl he loves, because such a biased attitude has many evil consequences for young men and girls, and the parents who act in this manner may be called the murderers of their children.[21]

Consequently, the state sought to limit parental authority and to leave the choice of the spouse to young men and girls. Since parental consent was indispensable for the contraction of marriage according to canonical regulations, the couple whose parents persisted in refusing their approval could apply for a civil court certificate that there were no legal bars to their marriage, which enabled them to marry even without the consent of their parents.[22]

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Voluntary dissolution of marriage was another custom which the state sought to suppress. During the Ottoman rule it had become possible for married couples to separate before the village chief, the parish priest and the village council, after which they could contract a new marriage based on the consent of their community and without the knowledge of the superior ecclesiastical authorities. A factor which contributed to the establishment of this custom was the example of the dissolution of Muslim marriages among the Turks. The people regarded such divorces without canonical recognition as fully justified, since social and economic constraints were in their view sufficient ground for them. As for the church regulations, they did not pay any regard to them, and many did not even know what their purport was.[23]

Therefore one of the first legal acts of the insurrection authorities prohibited the voluntary dissolution of marriage. The prohibition was repeated several times in various legal regulations in the course of the nineteenth century. Thus a decree issued by Prince Milo? in 1827 authorized "the spiritual authorities to anathematize and excommunicate the wife or husband who deserts or drives away his or her lawful spouse without church permission, and continues to live out of wedlock with another person."[24]

The voluntary dissolution of marriage was frequently followed by the formation of a new, non-legitimate marital union. Cohabitation outside marriage was practiced not only by those who could not enter a new marriage according to the church regulations because of a non-legitimate divorce, but also by numerous widowed persons who were bared from re-marrying.[25] According to the church regulations, a person was allowed to marry three or, in exceptional cases, four times. As the mortality rate of the population was high, the number of widowed persons who were forbidden to re-marry was very great, and they included many fairly young people, aged between thirty and forty, and sometimes even younger. A peasant household was difficult to run without a spouse, so that many widowed persons forbidden to re-marry opted for cohabitation outside wedlock.

In spite of the numerous acts aimed at suppressing both voluntary dissolution of marriage and cohabitation outside wedlock, the state was not able to eradicate them. The police were ordered to bring together again the couples who had split up voluntarily. In a great number of cases, however, the parties brought together under coercion parted again, and many of them could not be dissuaded by any threats or penalties from their intention to leave their spouse for good. Unmarried

cohabitants presented a similar problem: the police were charged to compel them to part, but many of these couples came together again. Wishing to suppress extramarital cohabitation, the state launched several extensive campaigns throughout its territory for the detection and compulsory separation of unmarried couples. All these actions had scant success. Neither corporal punishment, nor imprisonment, nor repeated compulsory partings were of any avail, for once separated, the couple would come together again, arguing that separate life was impossible for them. In all these cases private reason proved stronger than state coercion.

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Of all the marriage customs which are discussed above and which the state sought to suppress, only the abduction of girls disappeared by the middle of the nineteenth century. It was the most retrograde of all ways of contracting marriage, and the Serbian society discarded it at that stage of its development. The other customs – "bride-purchase", elopement, voluntary divorce and cohabitation outside marriage - persisted tenaciously in spite of all the efforts by the state to eradicate them. Marriage customs could be neither abolished nor imposed "from above" by legal acts and decrees. Depending as they did on the prevailing social conditions, they could be changed only as these conditions changed, and that process took time.

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Although they professedly insisted on the observance of the marriage regulations, the state authorities often violated them in practice, particularly during the reign of Prince Milo? Obrenović (1815-1839). The Prince's autocratic

high-handedness was apparent in the domain of marriage regulations, too. Publicly, he declared himself a guardian and advocate of the church canons, but he himself frequently disregarded them, ordering the ecclesiastical authorities what decisions to make – e.g., to join a couple in wedlock or to dissolve a marriage – even when such decisions contravened the church regulations.

In practice, he often abandoned his role of the enlightened ruler and acted like the chief of a traditional community. He interrogated himself the parties in marital cases and adjudicated their disputes, sending afterwards his verdicts to the ecclesiastical authorities for formal confirmation. No official dared marry without his goodwill and permission; he himself would often help in finding a suitable mate for his subordinates, and his recommendation was, understandably, difficult to ignore.[26]

After Prince Milo?'s abdication the new authorities no longer interfered directly in marital questions, but they continued to pass regulations concerning the institution of marriage. In addition to trying to suppress unenlightened marriage customs, they took steps to regulate the position of the marriage partners. That was done by the Civil Code which was promulgated in 1844.

The Serbian state wanted to base its civil legislation on the legal principles in use in the enlightened countries of Europe, although some legal experts were of the opinion that Serbia had not reached a sufficiently advanced stage of development to be regulated by the laws of a developed country. After an abortive attempt to found its civil law legislation on the French model, the state turned to neighboring Austria. Thus the Serbian Civil Code represented an abridged version o the Austrian Civil Code from 1811.[27]

The positions of the husband and wife in marital relations were defined after the Austrian model. Thus Articles 109 and 110 formally recognized the dominant position of the husband in marital relations, i.e. the subordinated role of the wife. The idea of the dominance of the husband over the wife was a common feature of the Family Law in the majority of the European states of the time. The idea was, however, of a moral rather than formal and legal character, since it did not have any explicit legal repercussions on the position of the wife. The only two points on which the Serbian and the Austrian Civil Codes differed substantially concerned the legal position of the married woman and the exclusion of women from the right of inheritance. The Serbian legislator deprived the wife of the right to work: it was laid down that she could enter no employment without her husband's consent, so that she was restrained in her public rights. Besides, the law contained a provision whereby male children excluded female children from the right of inheritance. This provision, too, was without a counterpart in the Austrian Code and it was taken over from the Serbian customary law.

The legislators were long in doubt concerning these provisions, since they had to make the difficult choice between the customs deeply ingrained in the life of the people and the principles of modern legislation. The view prevailed, however, that in this case a departure from the customary law would provoke great discontent and could not be implemented. In the second half of the nineteenth century the provisions concerning the exclusion of female children from the right of inheritance were partly mitigated, but the inequality of gender persisted.[28]

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While the efforts of the state to extirpate some old marriage customs and to impose new ones were either inefficient or achieved the intended effect at a much slower rate than the state desired, some of the state regulations controlling gender relations became gradually obsolete or proved incompatible with the new social conditions, and therefore created problems in practice. For example, Article 121 of the Civil Code laid down that a married woman could not enter state employment without her husband's consent. However, the law did not provide for the right of the husband to demand his wife's dismissal, since there were hardly any cases of this kind at the time of the drawing up of the Code. In the second half of the nineteenth century there was a certain number of women who had entered employment with their husband's consent and whose husbands wanted to withhold their permission later, but there were no legal grounds for such an action.[29] In many respects the development of the society lagged behind the development of the legislation, but in this particular instance the opposite was the case, and legal regulation and social practice were shown to be at variance again.

## NOTES

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# Family Tactics and Family Fortunes in Nineteenth-century Greece

Elpida K. VOGLI

In this paper I try to examine the main aspects of family 'policy' in 19th century Greece, a newly established state whose independence was recognized by the great European powers in early 1830s after an almost unexpected national revolution. As the long duration of the war and its shifting fortunes disrupted the existent social structures, the transition of the Greek society from the Ottoman world to a national civil society was marked by a shift in the balance of power between the hitherto influential and non-influential groups, and a growing demand for the acquisition of power (whatever such a purpose indicates), together with a continuous debate about the means by which such purposes could be achieved. It is with these changes and their impact on the lives of individuals that this article attempts to deal with.

In other words, the aim is to describe and analyze the recognition of the Greek society, which started in the early 1820s and continued for almost the whole of the 19th century, through certain pieces of it; through individual family groups and their networks, which inevitably involve more families as well as "strange" people – who are non-relatives. And this objective is achieved by taking for granted the known virtues

of micro history, but with consciousness of the also known dangers lurking in micro history.

The tactics and fortunes of the three families presented here as separate histories[1], are based mainly on their extant archives,[2] which illuminate some aspects of their histories and leaves out some others. Although these gaps are almost impossible to be filled through the research into other pertinent sources, they do not diminish the historic value of the family archives. The material of each family was stored in the course of the long process of its evolution and as a consequence they developed interdependently. The motives that could lead some members of a family – while some others not – to retain, apart from documents of economic interest which retain their probative value for their heirs, documents concerning their activities or even parts of their correspondence which depict certain aspects of their private life, arise from subjective judgments and some times from accidental factors. Thus, it could be suggested that, excluding the probable posterior interferences in the preserved material, the process of storing an archive defines, to some extent, the very history of a certain family, since it is the decision to preserve or not a document or a letter that eventually illuminates or suppresses certain aspects of its development. And it is the decision of the family members of the next generations to add the documents regarding their own activities to the existing archive material that creates continuous family histories in the course of time. Moreover, by keeping their own records in diaries or in autobiographical notes or even in their correspondence, they provide valuable information concerning the way they themselves understand not only their multidimensional roles in everyday life, but also the course of their personal history.

In this view, a person as a social and historic subject seems to be overshadowed by the family unit, which places his efforts for survival and improvement of his living conditions to the sphere of the wider family pursues and interests. Nevertheless, the concept of survival includes the prospect of progress, regardless if its results are considered successful or not: it has to do with the maintenance and growth of financial power, the increase of social and political influence, the pursuit of satisfactory conditions of vocational rehabilitation through full schooling or maybe through a secure appointment, the shaping of financial and social requirements for a "good marriage", the accession to extended and powerful networks for the better protection of the family interests or, finally, the handing down to the next generation not only of material goods, but also of moral values.

At this point it should also be stressed that there is no intention of presenting three or more families as "typical" cases in any way, nor is my intention to show off through their study one or more set or widespread standards or "models" of family development. Besides, family and family groupings or networks cannot be regarded, at least not from the history angle, as fossils in time, and consequently their development cannot be interpreted based on general rules of widely accepted standpoints, outlooks and attitudes – despite the fact that it is indeed natural that common points of reference be discovered in their course. The common points depend on or are defined first of all by the multidimensional effects of the dominant ideologies and outlooks, which are inevitably developed and reproduced in the context of a particular local society in its development through time. The evaluation of their impact in the planning of certain family strategies is here another point of reference.

## 1. Traditional family networks after their integration in the national state

The Boudouris family start, according to their archive material, from the little and barren Hydra of the last years of the 18th century as ship-owners and merchants who carried through their transactions in an extended zone, which covered the biggest part of the Mediterranean basin. As many Hydraoi, the members of the first generation, the brothers Stamatios (1770-1853) and Vasilios (1775-1851) Boudouris,[3] managed to avail themselves of the offered opportunites during the French revolutionary and Napoleonic wars and made remarkable fortunes.[4] What was though the most important advantage the Boudouris brothers had, was their Hydraic identity and subsequently their acquaintance with the principles of cooperation and friendship which traditionaly prevailed on the island and allowed their accession to a wide circle of networks which was not limited on the basis of the kinship.

As it is depicted in one of the most illuminating –although rather romantic– social interpretation of the transforming revolutionary society, written at the behest of the Bavarian juvenile prince Otto after his accession to the greek throne by his compatriot and a lifelong Philellenist Friedrich Thiersch, the expansion of Hydraic family networks was so enormous that used to cover almost the whole of the local society, as if each family was just a link of the same "chain".[5] Indeed, there were in pre-revolutionary Hydra the preconditions for the creation of such networks.

The ship-owners preferred the building of company ships and partnerships in business transactions because they reduced the investment risk significantly, at a time when the pirate raids were very often while ship insurance, which would guarantee the owners' compensation, was still non-existent. In other

words, in case of damage either from a pirate raid or a sea accident the co-ownership limited each owner's and partner's loss deterring the danger of total bankruptcy.[6]

On the other hand, in a small local society like that of Hydra it was quite easy to gather information regarding the ability and credibility of the "strange", namely the non relative, candidate partners. And it was also easy to obtain references or guarantees, as was the common practice in the trade or business circles of the time. But the presence on the island of a powerful and centralized local government which also had extensive judicial power to intervene effectively and resolve possible disputes among the ship-owners could be considered the most important factor which favoured the spread of the joint co-operation outside the limited circles of the close relatives. From this point of view, the possibility to appeal to justice, to the extent that its unhindered administration is connected with the development of feelings of security and trust for the defense of private interests, offered the necessary safety valve for the development of wider partnerships among the Hydraioi. In the course of time, their familiarity with the loin businesses contributed, naturally, to the development of feelings of solidarity and consequently to the formation of a strong company tradition, which continued when the Greek Revolution curtailed their economic activities and turned their interest to the area of the later free Greece.

At this juncture, the need to fill the power gap left by the abolished ottoman authorities created the profession of the national politician and it was the affluent, who could provide the soldiers with ammunition, the navy with ships and the state with money to meet the inevitable needs of the war, that had normally access to the politics. Among the autochthonous family leaders who represented the nation at the First National

Assembly, was Vasilios Boudouris, who begun the long family tradition in politics.[7] Until 1827 however the two Boudouris had offered to the revolutionary state as a kind of loan the most part of their fortunes, while Stamatios offered three times as much as Vasilios did.[8] Perhaps the drastic decrease of Stamatios capitals explains why he did not join his brother at the beginning of the 1830s in the investment in the Euboic land, where the sale of cheap ottoman land opened new prospects of financial development for the indigenous or not, even for foreigners, who had and were willing to invest the necessary capital

At the first stage the investment in the Euboic land seemed to create a coherent network of two families connected by a marriage between their members. This network comprised of Vasilis Boudouris and the two brothers Manolis and Iakovos Tompazis, each one with a share of ¼ in the common property, and, as owners of the rest ¼, the two sons in-law of Manolis Tompazis –the son of Stamatios Boudouris and Lazaros Giourdis.[9] But the promised coherence of such a network comprised of two families, in a wide interpretation of the term, and five separate households proved dubious pretty soon.

The excuse was firstly given by Iakovos Tompazis' death, which led to the transfer of his share to his sons, and before the middle of the decade the death of Manolis Tompazis, who was the last representative of the Tompazis family in the management of the property. When Vasilis Boudouris was left sole trustee of the Euboic land, Iakovos Tompazis' heirs questioned his honesty as well as his effectiveness of his financial management.

However, the reasons for the conflict of interests should be sought out first in the limited profits the cultivation of the euboic land yielded at this stage and secondly in the diverse outlooks on the expected profit of the members of the company. The

purchase of the euboic land was decided by the first members of the company mainly because it was a considered a secure investment, since even reselling it would mean multiplication of the capitals spent to buy it. Nevertheless, the lack of experience on land cultivation of the, until recently, ship-owners and traders from Hydra, the absence of familiarity with the farm workers of Euboia but also other, more general factors, like the non-existent road network, which made the transport of goods time consuming and expensive, rendered the investment harmful rather than profitable. While Vasilis Boudouris and the Tompazis brothers, as representatives of the old generation of ship-owners and traders from Hydra, chose to count on the long term profits their investment would yield, the Tompazis heirs seemed to be interested mostly in the direct profits and the fastest possible recovery of their families after the destructive war. In fact, two out of the three younger co-owners backed out from the company ownership before the middle of the 1830s.

First to back out was one of Manolis Tompazis' sons-in-law and Stamatis Boudouris' son, who sold his share to the brothers Dokos from Hydra who were also relatives of the Tompazis, complying with the original stipulations of the company. But it was much more difficult for Iakovos Tompazis' heirs to back out, which revealed the weaknesses of the joint ownership and also the lack of predictability for a possible dissolution of the company. The redistribution of the joint property (that is three villages and a plot of land with a house and livestock in Chalkida split in four autonomous shares, one of which should also be split in two) was not only a time consuming and complicated procedure, but also unprofitable for everyone since it would give several small and unconnected parts of private land, with very little development margin. Moreover, the value of the parts

of land was different from place to place, rendering the fair redistribution rather impossible.

These weaknesses, resulting from the transition from the traditional ways of partnership in ships and trade with direct profit to common land ownership and also in a faraway and unknown place, tied even the strongest bonds that until then kept the Hydraic "companies" together; family, kinship and friendship. After the allotment of a part of the company land to Iakovos Tompazis heirs and their compensation in cash for their demands on other parts of it, the marriage between Vasilis Boudouris' son and Lazaror Giourdis' sister, the only one of the younger co-owners who remained in the company, offered enough guarantees for the future of their common course, strengthening the existing closed circles of family ties and interests among the co-owners. Thus, it seems that until the middle of the 19th century the company concentrated almost exclusively around Boudouris and Giourdis with new members, apart from the Dokos brothers, Giourdis' brother-in-law and his wife, who inherited Manolis Tompazis' share, and his brother, Manoli Giourdi. In the following decades the same family circles were the nuclei around which the network of co-owners from Hydra expanded, after the deaths of its members.

The death and the marriages, as natural and expected developments in human life, inevitably influenced the future of the company property which came from the cultivation of the land and also from the businesses that had been developed since the 1860s aiming at the exploitation of the underground. However, the transition to the next generations did not only mean the increase in the number of the shareholders and the several family branches who had a share in the common interests, but also the company's departure from the original

bonds on which it had relied – that is mostly the bonds with the common place of origin, Hydra. Most of the descendants by marriage of the relative families who belonged to the first company were now residents of the capital city and their spouses were not necessarily from Hydra. We can't say that the intermarriage tendencies in the Hydraic society were a strong tradition, but rather a habit developed in the course of time, when the common interests and the credibility among the ship-owners from Hydra had a clear content in the context of their small, local society. Survivals of such local values, which are not found of course only among the people of Hydra but are characteristic of the social behaviour of most Greeks on the islands, can be sought out mostly in the choices of the first generations after the formation of the Greek State. And in any case, intermarriage is not strengthened by any other factors, like religious particularities of a group. Only in rare cases does it continue for long in the next generations.[10]

Thus, the departure of the next generations from the family's birthplace was one of the inevitable developments which in the case of the Greek families became clear in the lapse of only a few decades, maybe because they were strongly connected with the transitions caused by the formation of the free Greek State and mostly its transition from the East to the West. Despite what would someone expect, this departure did not lead to the weakening of the family unity and coherence nor to the disorganization of its networks. Actually, the outstanding adaptability of the Greek family remains a question in historic analysis that still needs a thorough approach; and it is still being explored all the more nowadays through the study of certain family cases, which attract the interest of social and economic historians.[11] So, the answer offered by the case of Boudouris family and the longevity of their wide networks

explains this impressive adaptability partly as the result of subordinating the public interests to the private ones and partly of the seeking out of ways to satisfy these private interests in the public life.

## 2. The reconstruction of a family under the impact of unexpected and unfortunate occurrences

Considerably limited was the influence of local traditions and ethics prevalent in the birthplace, on the development of the second family presented here; the Kourousopoulos family from Tripolis (Peloponnese). This should be ascribed mainly to the following factors: to the absence of land property in their birthplace and to a concurrence of unforeseen occurrences as well as untimely deaths that inevitably reduced not only the members of the family but also weakened their bonds with the local networks of their homeland.

In 1818, a few months after the juvenile Vasilis Kouropoulos (1803-1882) (the central figure of the first Kourousopoulos generation in their archive material) left his father's home to join his uncle on his mother's side in Malta and start his merchant career, the bankruptcy of the latter while Vasilis was still in Hydra working for a local commercial company, was the factor that drove him to Smyrna. Before the end of 1818 the sudden death of his mother and his father's decision to contract a second marriage isolated definitely the family from its previous networks. Later on, it was the unforeseen political circumstances that led to the end of his short, although rather promising, merchant career: the outbreak of the Greek Revolution.[12]

Since his repatriation, the history of the Kourousopoulos family seems to be suitable for the examination of the

educational parameter as an element of the post revolutionary social mobility in the context of the broader factors and developments that influenced seriously the "out of nothing" formation of the modern Greek society. Vasilis Kourousopoulos was included among the few well-educated indigenous men of his fatherland, although the education he had received was nothing more than the elementary knowledge of the Greek language and arithmetic, which is the knowledge necessary for the merchant career his father was planning for him. However, after his short tenure in the trading world, apart from the other experiences he gained, he returned to the revolting country with the additional asset of the knowledge of two foreign languages, French and Italian, while, as proved, the young merchant's most important asset in the revolting Greece was his familiarity with the basic rules of negotiation and transaction for securing a powerful position under conditions of competition.

In the context of the reforming "system" of the revolutionary Greece Vasilis Kourousopoulos managed at first to get the position of the secretary in the Peloponnesian Senate. Later, after its dissolution by the reforming National Assembly of 1823, he attained the same position in the two revolutionary governments and finally his permanent appointment during the Kapodistrias governing as magistrate and president of the court, since the favorable circumstances of the time allowed the appointment in the Bench without a university title. Since then he presented as the family leader who assigned the roles of the rest of its members, deciding upon their education and occupation. As a consequence, Kourousopoulos family seemed thereafter to answer perfectly the model of the emergent urban family described by foreign observers or social critics of the time: it was comprised of well-educated bourgeois, doctors

and jurists who held state positions, and army officers who came to prominence at the several stages of the long unification procedure of modern Greece.

No doubt, the formation of certain professional traditions and subsequently the access to extended and powerful urban networks of the Greek capital –indeed a common feature in the development of many emergent bourgeois families in the second half of the 19th century– was the safest tactic for retaining a position in the highest ranks of the Greek society. However, the accomplishment of this objective did not necessarily imply high incomes, sufficient enough to meet the needs of the urban life. Both of Vasilis Kourousopoulos' sons for instance, the jurist as well as the officer (the doctor died soon after his return from Paris, where he completed his post-graduate studies) attained a high standard of living after they had succeeded in contracting "good" marriages; especially the lawyer, who was connected through his marriage with an affluent merchant family of the Greek Diaspora. Even when the officer Kourousopoulos negotiated, at the beginning of the 20th century, his daughter's marriage to an army officer, despite the fact that he had already designated his own son as his successor in the army, he admitted that the earnings of a young army officer were not enough for the support of a new household without privations, unless he, as a father in-law, offered his own backing regularly.[13]

It is true, that in 19th-century Greece it was just a few men who made fortunes by the emoluments they got as lawyers or jurists,[14] while the officers gained a regular but average salary which could be increased only after a promotion to a higher military rank. But both an appointment of a lawyer –for lawyers since 1838 were regarded as public servants– as well as a military promotion did not depended necessarily on objective or meritocracy criteria; most of the times the effect of their

families acquaintances seemed to be the determinant factor. Consequently, these professions did not attract the attention of bourgeois families because of their implied incomes, but rather by virtue of the promising prospects of a social elevation as well as of the easy access they offered to the politics and the public domain.[15] After the completion of the law studies it was quite easy to pursue a high position in the public sector or in the diplomatic corps or even an election to the parliament, especially after the dethronement of King Otto, since it was the young graduates and the students of the Faculty of Law who figured prominently in the struggle against the first King of Greece.

On the other hand, the army officers, especially the Military School graduates, having as their mission the fulfillment of Greece's irredentist aspiration as well as the promotion of its expansionist goals, were the men who added to their family biographies the names of respectable national heroes and enriched its identity with the feature of an unquestioned patriotism, in a country where patriotism was no less a necessary feature of a bourgeois family identity than it was affluence.

It appears, though, that politics and the public system in conjunction with the irredentist nationalism were some of the most important historical factors that affected the decisions of the emergent urban families and defined their own "politics". However, it was the widest spectrum of human life and unexpected occurrences that many times happened, that constituted the particular context of each family development in the course of time. In this view the frequency of untimely deaths and the high rates of infant mortality in the history of Kourousopoulos family revealed some interesting aspects of human life, as well as of the social evolution in a certain period. Én 1820s, Vasilis Kourousopoulos was deprived both of his

parents and three of his four brothers. In the next two decades, however, he was much more unlucky than many of his contemporaries and saw the untimely death of his first wife and the eight of the twelve children he had had from his two marriages.

The confusion of people before the hazard of death is reflected clearly in the autographic history of the Kourousopoulos family which was written serially by members of three generations; and it was this confusion that led mostly to quite simple interpretations of the more frequent at the time serious diseases or some rarer complications, especially during the parturition, that were likely to cause an untimely death.[16] The hazard of untimely deaths increased the insecurity of the greek family dramatically, proving that it was not always possible to achieve the pursuing security through the affluence or the extended and powerful networks.

### 3. Peloponnesians refugees or Zakyntheans in Athens of the late 19th century

Quite different was the development of the third family presented here; the Stefanou family. So, the research into their archive material, introduces additional historical parameters in the analysis of the interdependent relationship which developed between the private and the public life; between the family, as the smallest cell of the social structure, and the wider society. And the most significant of them is the refugee experience of the family.

The Stefanou family was one of the Peloponnesian families that were driven to Zakynthos (Zante) after the Orlof uprising, and within a short period of time they managed to be successfully embodied in a new and totally different society.[17]

So, it seems that their expatriation and since then their rehabilitation in Zakynthos were the occurrences that marked the transition of the Stefanou family from the world of the obscure and impotent Peloponnesian merchants into the circle of the prominent bourgeois, businessmen and chevaliers of a europeanizated Ionian society. However, the accidental conjecture that led to refugee does not suffice as a certain starting point to explain cogently the dynamic of such a transition; or even to describe the motivations that could alter the temporary asylum-seeking and encourage the total accommodation to the circumstances of a different public system and a distant local society. It should be underlined here that the refugee movements, a common phenomenon in pre-revolutionary Greek history, could not be compared to the also common at the time voluntary emigration which aimed almost exclusively to economic pursues. In other words, if the achievement of the pursued welfare in a foreign society could moderate the emigrants desire to repatriate, the motivations that respectively could lead the people who could be described as refugees in the contemporary meaning of the term to the decision for a permanent placement in a new society, are not so easy to isolate.

However, the provided opportunities for wellbeing as well as the sense of security were factors that could not be ignored easily, especially by people who, like the Stefanou family, came from a declining state. To the extend that the political institutions that prevail in a certain society influence not only the private pursues of its people but also their moral attitudes, it is almost certain that the integration of new people in this society follows its predetermined rules. On the Ionian Islands these rules were to be found in the set of the principles, the values and the traditions that during the long Venetian occupation had

reproduced the stability and the continuity of each island society in its developing course and had legitimized its strict stratification. And it was the same principles and values that had prepared the ground for the emergence of a remarkable social mobility after the withdrawal of the Venetian authorities.[18]

In this social context the Stefanou family promoted in the last quarter of 18th century their own commercial company, which was included among the biggest Zakynthean companies before the end of the century. At the beginning of the 19th century the grandsons of the refugee Pantazis Stefanou', who were the first members of the family born on the island, appeared as graduates from universities of the neighboring Italy, just like the descendants of the traditionally powerful Eptanesian families, while at the same period the family was given their nobility title.

What was even more striking in the development of the family at that period, is the combination of modern European and cosmopolitan inclinations and predilections that prevailed in the Zakynthean society with the rather conservative ethics which came from the remaining family ties with the Peloponnesian society as well as from its refugee experience and still affected its attitudes and outlooks. The presumed hazard of modernity caused concern and insecurity to the refugee Pantazis Stefanou who, as the leader of the family, made anguished efforts before his death to define a set of preconditions which were likely to guarantee not only the preservation of the family property but also the continuity of the family cohesion. Thus he revealed his belief, which was also accepted by his sons, that the concept of family reflected a set of material and moreover moral transferred values. Two decades after his death, however, the preservation of family

unity in the way Pantazis Stefanou had imagined, proved infeasible; and the marriage in 1823 of one of his grandsons to a European wife, the daughter of the French consul in Corfu, sufficed to set off the cleavage in the family. The adoption of the European style of life in the house of one family member, which in fact constituted part of a common family house, led to its apportionment as well as to the separation of the family estate and finally, in 1838, to the dissolution of the family company.

These developments, however, resulted in the emergence of a remarkably cohesive family cell that survived in the course of time. True, it was the loyalty to Zakynthos that provided the principal bond between its members, but they did not live on the island any longer. In 1908, for instance, the great grandson of Pantazis Stefanou at the age of seventy-three, wished his descendants would not forget the island but visit it often in order to keep in contact with the family and its homeland.[19]

A concise explanation of the strong Eptanesian nationalism lies to the particularities of the Islands' history. As the Ionian Islands were excluded from the "imagined" and irredentist or ottoman-occupied national territory, when in 1860s begun the procedure of their administrative incorporation into the Greek state, it was necessary for the Eptanesians to prove that they formed a distinctive and united "Greek world" –although it is uncertain if they had ever constituted a united "world". Nevertheless, the Ionian Islands could be presented as a united "world" with reference to their distinctive development in an area excluded from the Greek territory, to their common European past as well as to a set of similar customary, legal, political and more generally social traditions. As a consequence, the more loyal the Eptanesians remained to their island, the more assiduous they appeared to their own families.

Greek politics attracted the attention of many Eptanesians, mainly because their participation in the Greek governments seemed to prescribe the power and the roles they and their families could assert as well as the position of their islands in the Greek state. Besides, the Eptanesians who since 1860s pursued their involvement in politics were the very same descendants of the privileged hitherto families who lost at once, after the annexation of the islands to the Greek state, the respect and the reputation that came from by their nobility title.Thus, it could be suggested that their interest in politics was also connected with their belief about their intellectual, educational and political superiority over the other Greeks. And it was this belief, among others, that affected the planning of their family strategies with regard to the next generations, who had not particular motivation to remain loyal to the Ionian Islands.

While it is natural that the financial choices and pursues enforce a family's bonds with a certain place, what we call the birthplace, the same factors inevitably define their possible extension in space and, therefore, the wider "great" homeland. From this point of view, it was natural for Athens, as the seat of the administrative mechanism, especially in the context of a newly-established country with inefficient regional development from its establishment and a country gradually formed through a long procedure of annexations and embodiments, to attract families or family branches not only from the old Greek provinces and the newly-annexed regions, but also from the Ottoman state and the Greek Diaspora. At the encounter of heterogeneous Greek groups it can be said that the capital and largest city of the country functioned as a "melting pot" of different local traditions, manners and customs during the formation of a uniform national ideology.

## Some final comments

As it is suggested here, the study of certain greek family cases reveal certain aspects of the private life as it is developed under the impact of individual decisions as well as of political events and social developments. Nevertheless, the question remains if and to what extends the emphasis on the multidimensional role of the Greek family, or even the discussions about "nepotism" refer to yet another singular national trait of the Greeks which affects or even defines the particularity of the Greek society and its structure. In part an answer to this question was given by several foreign observers– including Thiersch– who claimed that the Greek family and its subsequent networks constituted the unique social institution as well as the only coherent grouping that had survived after the collapse of the ottoman social structure.[20]

The tenability of this interpretation was to be confirmed soon after the advent of the Bavarian Regency, when its members, during the rebuilding of the Greek national society, had no choice but to define civil allegiance with regard to the given bonds of social coherence; namely the family ties or kinship, the friendship or even other relevant relationships denoting common interests as they had been developed since then in the limited context of the birthplace. Defining the smaller units of the reforming administration on the grounds of the existent collective ties was the only way to promote the integration both of indigenous and eterocthonous groups in the emergent national citizenry.[21]

Undoubtedly, the assiduity to the family and family networks is not characteristic only of the Greeks and the Greek society. It is true however that it was its people – the Greek citizens– who offered the first definable "element" of the Greek state in the revolutionary constitutions, while it was still

impossible to define clearly its territory and its legal existence was not yet recognized. So were the existent relationships among the Greek people that defined their social cohesion and inevitably enhanced the traditional meaning of the Greek family. Consequently, its role in the development of the state and the society draws, on the one hand, elements from the Greek past, has several similarities to the equivalent role of the family in other societies and state formations in the Mediterranean societies or maybe especially in states which also appear "out of nothing" in the Ottoman Empire, perhaps in other parts of the world too, but on the other hand it keeps its special dynamic based both on the beginning of the state formation and the political, financial and wider social developments that influence the revision of the needs as well as of the dominant outlooks of the Greek people.

In the course of time, the Greek family seemed to embody but also reproduce in its bosom the wider spectrum of historic developments and conjunctures which in their turn define the so-called particularity of the Greed society: the Greek patriotism, the nationalistic alytrotism and the "nepotistic" regard of a nation with branches in the Greek territory and the wider Diaspora, the effects of religion in private life as well as the basic features of the Greek political and social life in their interdependence on the economic development of the country.

It's about a dialectical relationship in the context of which the effects are not one-sided. And if in the end the family, as the smallest nucleus of social coiling proves to be a vehicle of the particularity of a people – like the Greek people too – it is connected with several other factors such as the viability of the outlooks or the fears of distancing from the old or traditional methods of dealing with the immediate needs for survival, even under conditions that tend to completely change the wider

political and social context, the effect and the duration of the influence exerted by the forming national visions or the myths connected with the Greek "self-knowledge" and the national character of Hellenism.

In this view, the multidimensional role of the Greek family in its historic route can be regarded that can be traced in previous stages of the national history, that is due to the fact that the family – more than the church or the communities of the ottoman years – comprised the imaginary bridge between the pre-state Greek past and the independent state future inaugurated by the Revolution of 1821. In other words, the church promoted consistently the social order of its flock in family units in order to secure through the family and its reproduction the maintenance of its Greek-orthodox identity in the context of the non-Christian and multinational empire of the sultan. On the other side, the communities or, better, the common law which ruled their organization and function, promoted in an equivalent way a mixture of mainly oral rules of social accession based once more on the family unit – and obviously this pursue didn't change when the communities were substituted by the local government of the Greek state. And up to a point, the modern state was structured or just occasionally utilized the beneficial functions of family in order to promote is objectives.

The appointment in the army and navy of the sons of the men who fought in the War of Independence allowed the state, among others, to endear the newly formed armed forces to the patriotic colors. Soon it proved that the profession of army-officer was a reputative and influential one and, as many others, could be inherited from a father to his son. In the following decades the admission of a young male to the military academy attracted steadily the attention of many influential

families, despite the fact that it demanded stiff tuition fees and a long training.

The practice of limited issuing of passports in the first half of the 19th century to the protected members of a family – women and underage children- while the heads of the families lived and worked in ottoman cities was a solution which allowed the state to prevent the family unification and thus curtail the unpleasant for many reasons phenomenon of reverse emigration towards the ottoman state. The appliance of certain sanctions by law to the rest of the family members of the unruly bandits was useful so that the thorny for decades problem of robbery could be dealt with. The obligation to raise the offspring of lawful weddings in the Greek-orthodox manner, when the mothers-to-be belonged to a different religion – was a step back in favour of the "dominant" religion of Greece; but it was also a tactic aiming at the conservation of the national character of the Greek society. Politics seemed for the most part of 19th century to create and develop a public sector reminiscent of the attitudes and practices inherited from the revolutionary time, or even the pre-independence past, and were not adaptable to the cultivation of corporate loyalties outside the family; while it was just the traditional notion of politics that had changed and referred now to strategies of survival in a more general meaning of the term which denoted not only the protection of life against the threat of war but also the improvement of living standards in the national order.

Even the basic components of the inefficient welfare system after the middle of the 20th century, which is completed by the provision of the Greek family, are characteristic examples of the structure of the Modern Greek state around the family. In this context, the private life and the mapping out of the special "strategy" of the Greek families contributed to the maintenance

and readjustment of several features of the traditional society. This observation gains special significance based on the fact that exactly as there was no discernible stable noble class in the history of the main Greek territory – with the exception of the history of the Eptanese – there was also no formal nepotistic continuation that would offer guarantees for its smooth, in a way, reproduction in the circles of the privileged, and would, by extension, enforce its terms or better its limitations to the circles of the underprivileged. Under the conditions of the reforming reality, the Greek family, in the general meaning of the term, defined and readjusted its social pursues according to the conditions, based on the one hand on the traditional and permanent needs of private life – the survival the will for improvement of living conditions – but on the other hand under the catalytic effect of the modernizing tendencies which more and more influenced the Greek traditions.

So, the general statement that the Greek family retained its major impact in the long process of national building during the 19th century and bequeathed as a consequence a presumed national feature to the following Greek generations or an "admirable" social institution for it has proved its remarkable vitality and adaptability to changes and transitions remains striking. Some historians, in their recent approaches of economic history, attribute these peculiar features of Greek family not only to the inefficiencies of state building but also to the lack of predictability in financial politics as well as the multidimensional consequences of an ineffective industrialization, while their last but not least recommendation calls on a thorough analysis of the social effects of Greek family.[22]

## NOTES

1 A thorough analysis of these family histories see VOGLI, E.K., *Deeds and Days of Greek Families, 1750-1940* (in Greek), Athens, 2005, p. 23-99, 159-201 and 205-263 respectively.

2 The archives of the three families presented in this paper are kept in the collectives of E.L.I.A. (Hellenic Literary and Historical Archive). I am very grateful to Christina Varda and Dimitris Portolos who game me the motivation and contributed to my research in the family archives. I would also like to thank warmly Eleni Dimitriadou, who have read and checked the final draft of this paper.

3 For further information concerning the family members see VARDA Ch., *Boudouris family. Index* (in Greek), ELIA, Athens,1995.

4 For the development of the Greek-owned fleet in the late 18th century, see LEONTARITIS G., *Greek Merchant Shipping (1453-1850)* (in Greek), Athens, 1963, pp. 47-61; KREMMYDAS V., *Greek Shipping, 1776-1835* (in Greek), v. 2: *The Mechanisms,* Athens, 1986 and HARLAFTIS G., *A History of Greek-owned Shipping, 19th-20th century* (in Greek), Athens, 2001, pp. 73-81.

5 THIERSCH F., *De l' état actuel de la Grèce et des moyens d' arriver à sa restauration, v. 2: Des moyens d' arriver à la restauration de la Grèce*, 1st ed. Leipzig 1833, translated in Greek by A. Spilios, Athens, 1972, pp. 67-68.

6 PETROU Th., *Hydra in the late of the 18th century. Aspects of its social, political and economic life, as shown in the archive of the Community of the Island (1778-1802)* (in Greek), M. A. thesis, School of Philosophy, Aristotle University of Thessaloniki, 2002.

7 See VOGLI, *op. cit.*, pp. 47-59.

8 E.L.I.A., Archive of Boudouris family, 1st part, f. 1.1.

9 *Ibid.*, f. 2.2.

10 See for instance HARLAFTIS G., "Trade and Shipping in the 19th century. The Entrepreneurial network of the diaspora Greeks. The 'Chiot' phase (1830-1860)" (in Greek), in *Mnemon* 15, 1993, pp. 69-127.

11 It is worth mentioning PAPAGEORGIOU S. and PEPELASI-MINOGLOU I., *Prices and Goods in Athens (1834). Social Attitude and Economic logic of Vasos Maurovouniotis family* (in Greek), Athens 1988; EXERTZOGLOU Ch., *Adaptability and Politics of Expatriate Capital. Greek Bankers in Constantinople: The Establishment of "Zarifis Zafeiropoulos"*, 1871-1881 (in Greek), Athens,1989; LOUKOS Ch. and

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12 See the first part of the autographic family history, the one written by Vasilis Kourosopoulos, E.L.I.A., Archive of Kourousopoulos family, f. 1.1.

13 Themistokles Kourousopoulos (Vasilis' son) to his son, 13 October 1909, *op. cit.*, f. 5.2.

14 TRIXA, L., *Lawyers in Athens … A Journey through the 19th Century* (in Greek), Athens-Komotini 2003, pp. 89-100 and 117-122.

15 For the attraction of state employment see KOLIOPOULOS J. and VEREMIS Th., *Greece. The Modern Sequel from 1831 to the Present*, London, 2002, pp. 58-60.

16 VOGLI, *op. cit.*, pp. 179-184.

17 See "Concise history of the Stefanou family", written in Bucharest (1890) by his great grandson who wished to leave a short family history to his children. A part of this document, which a descendant of the family put at my disposal, is published in KONOMOS D., *Stefanou Family. History and Unpublished Documents*, Athens, 1973, pp. 31-32.

18 LOUTZIS E., *The Political Conditions in the Eptanese during the Venetian Occupation*, Athens, 1856, pp. 13-18, 47-55, 60-75 and 193-202.

19 Dionysios Stefanou (the great grandson of Pantazis) to his wife, 16 April 1908, E.L.I.A., Archive of Stefanou Family, f. 6.6.

20 Regarding the distinctive development of the Greek family see SANT-CASSIA P. and BADA C., *The Making of the Modern Greek Family. Marriage and Exchange in Nineteenth-Century Athens*, Cambridge, 1992, pp. 3-19.

21 VOGLI E.K., *"Greeks by descent". Citizenship and National Identity in Greece, 1821-1844* (in Greek), Hrakleio, 2006, p. 254 ff.

22 For a new and penetrating approach to the subject see DERTILIS G., *History of the Greek State, 1830-1920* (in Greek), vol. 1, Athens, ²2005, pp. 19-43; see also HERING, G., *Political Parties in Greece, 1821-1936* (translated in Greek by Paraskeuopoulos Th.), Athens, 2004, vol. 1, pp. 126-130.

# Family, State and Blurring of the Public and Private; Ottoman State and The Emergence of "Marriage Proper" in the Second Half of the Nineteenth Century

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With the proclamation of the Reform Edict of *Tanzimat*, also known as *Gülhâne Hatt-i Hümayunu*, in 1839, Ottoman Empire formally went into an institutionalized process of modernization, which would be finalized by the Kemalist Reforms later in the twentieth century. The period between 1839 and 1908 was characterized by such "purposive modernizations" through which basic institutions could be reformed in Ottoman society.

The modernizing reforms initiated by the nineteenth century Ottoman administration were chiefly centered on the critique and transformation of the key institutions firstly in the state apparatus; however, institutions in wider social surrounding, in which socialization of individuals takes place were included to the scope of modernizing reforms with the advent of time. Regarding the fact that modernizing reforms of the Ottoman polity increasingly attained social locus in time, it is not surprising that the "Ottoman Muslim family" and its reform became one of the most essential components of this contemporary reform project. Beginning from the Tanzimat

period onwards (1840s-1900s), a modern discourse on family, which also included the critical appraisal of marriage, intra-family relations, gender relationships, procreation, morality, hygiene and purity, was formed.

Ottoman modern discourse, which aimed to reform and rehabilitate the way(s) Muslim families function, actually had an appeal to the individual, and the reasons stimulated Ottoman administration and intellectuals to constitute such an eager agenda should also be deliberated. First of all, the nineteenth century political and economic conditions were crucial for this respect; Ottoman Empire was a shrinking one which had already surpassed its golden age that social decline was at stake in the wake of constant military defeats due to Russian and Austrian onslaughts[1], internal revolts injuring human potential,[2] and technological, economic and political superiority of the West[3] that provided the most undefeatable competent. Thus, it would not be misleading to identify firstly Ottoman military, later administrative, and finally social reforms as crucial means to withstand great powers.[4]

Following the commencement of Tanzimat period, a new conception of social ground arose to denote the domain to which bureaucratic state could legitimately intervene on the one hand, and from which the state based its own legitimacy on the other.[5] Accordingly, the welfare, health, outfit and contentment of Ottoman peoples were regarded as prerequisites to be accomplished and adjoined into the reform agenda for perfecting all the productive forces of the country for the sake, prolongation, and advance of the Ottoman State. The related policy formulations and institutional structuring attempts can be taken as the indicator of an intentional and scheduled project for a kind of "early welfare" and "modern- interventionist" state to appear.

In short, Ottoman administration during the Tanzimat Period took certain institutional steps and performed ideological and paradigmatic shifts, which were in accordance, later in divergence, and / or finally in hybrid forms with the "modern criteria" that put the families at large and Ottoman Muslim family in particular to the embrace of the reform question. Basically, the Tanzimat administration produced an institutional agenda and discourse by which Ottoman social ground, and social institutions were addressed to be reformed, then reformed. No matter there was a perfect correspondence between what were planned and desired, and what were achieved in real terms, all constitutive, economic, social elements of the Ottoman Muslim familial ground together with its surrounding ideology became objectified through the formation of reform policy, reformist regulation and reformatory discourse. Tanzimat era was the age of regulation, both in terms of producing regulatory narratives on hundreds of respects[6], but at the same time bringing in the advent of "centralizing" and "universalizing" regulations that give the modern regulation its distinct character. At this resort, one can recognize the fashion, content, scope, means and ends of the familial reform by excavating in to the grand narrative of reformist-regulatory-disciplining discourse at large. In other words, Ottoman administrative, economic, political, and institutional reforms produced individual and area-specific medical, moral, and educational regulations, and the depiction of Ottoman family and discourses concomitantly appeared therein will provide the mental map of family reform in a way facilitating "genealogy" of both family and the reform question in the late-Ottoman polity.

This paper intends to examine reform debates and subsequent policies addressing Ottoman Muslim families in

the second half of the nineteenth century in order to reveal the re-defined relationship between state and family, and emergence of a modern discourse over family through the reappraisal of issues pertaining marriage. A particular attention will be paid to divulge how the Ottoman state appeared to construct itself for reforming and rehabilitating Ottoman families in a way creating a new form of power-repression axis, and a new economy of power and discipline in the medium of marriage institution.

## Regulating Marriage

It is argued in the initial part of this paper that Ottoman familial domain and its reform became an essential constituent for the modernization of Ottoman society, and inclusion of family reform to the general reform agenda aimed to strengthen the empire under military, ethnic and population crisis. Tanzimat period was the age of regulation that hundreds of regulations were produced to standardize and rehabilitate Ottoman course of life. A remarkable part of these regulations directly and indirectly pertained to transform and replace the customs, principles, beliefs and the ideology of marriage.

Throughout its history, Ottoman State had a Sunni Islamic identity by which many respects of the course of everyday life were shaped according to Islamic doctrines. Though social order was built through a hybrid system of enforcement based on the simultaneous existence of Islamic and *örfi* [customary] law, matters regarding family, i.e., constitution, dissolution, inheritance, child custody, spousal responsibilities, and whole private domain were left to the supervision of the former.[7] Therefore, until the age of reform, Ottoman state did not zealously aspire to interfere into familial matters through its customary statutes if not related to tax paying and military

respects.[8] Beginning from the initial years of Tanzimat, Ottoman state appeared to regulate marriage institution, especially the way it functions, and its constitution and dissolution with respect to a new criterion, still not violating the Islamic margin. From now on, this study will try to reveal how "the marriage proper" was constituted in the context of the late nineteenth century Ottoman regulations, and memorandums which y aimed to shape the marriage institution in the capital and in provincial areas.

Ottoman Empire was a multi ethnic, multi – confessional one that expanded into a vast territoriality comprising Balkans, Anatolia, and the Middle East. Slightly before and during the Tanzimat Period, costly local customs, and "erroneously interpreted" religious orders regarding marriage and matrimonial ceremony were the most prominent issues Ottoman central administration handled. Unlike the Christian matrimonies, which are seen celestial and ratifying the spousal membership in church community, Islamic marriage is actually a plain worldly contract[9] which is based on the pre-arrangement of inheritance, marital and post marital economic assurance. It does not even require the attendance of a religious functionary, but the presence of two Muslim males or two Muslim females per a Muslim male as witnesses are seen adequate.[10] However, the function and importance of matrimony in terms of ascribing legitimacy to the spouses in the eyes of society and religious community caused it to be conventionally performed in the presence of religious functionaries and recorded to the Islamic Court Registers (*şer'iyye sicills*) beginning from the early days of Islam, and Ottoman society in general.[11]

According to Islamic Family Law, a prospective husband should pay an amount of money, or hand over an estate or any kind of property convertible to money under the heading *mehr* prior to the consummation of marriag. Regarding Islamic

tradition and juristic comments, mehr is given to honor women, make divorce uneasy and provide economic assurance for women in case of divorce or widowhood.[12] It is conventionally paid in two parts and recorded to the marriage certificate as *mehr-i muaccel* [*mehr* paid immediately after matrimony] and *mehr-i müeccel* [mehr to be paid out of the inheritance of a deceased or a divorcing husband]. It can be concluded that mehr is given to be solely appropriated by woman for preparing herself to her new life, i.e., for clothes, home utensils or *cihaz* (dower), or for economic insecurity following divorce or widowhood, with an interest rate if necessary. Divorce without consummation, which means not performing *halvet-i sahiha* [proper conjugal sex], does not require husband to pay mehr-i müeccel.[13] In a religious system of belief where divorce was acceptable and easier comparing Christian marriages and church's sanction over separation of couples, and in patriarchal cultures that patrilocality was the norm[14], mehr was an agreeable rule, and a sort of economic reward for women in Islamic societies. Ottoman society was no exception in the case of applying mehr, but Ottoman administration faced with crucial provincial complaints concerning the appliance of Islamic mehr in the Tanzimat period.

The provincial complaints about mehr were actually caused by the violation and exacerbated appliance of it among provincial and rural communities. In Anatolia and Balkans, the families of prospective brides were also demanding extra amount of money, or property in addition to Islamic mehr. We know from the Ṣer'iyye Court Registers and contemporaneous writings that *başlık* [bride wealth], *bedel-i cihaz* [trousseau payment] were common practices besides mehr, and these practices were frequently referred as "*âdet-i belde*" [local customs].[15] Moreover, regarding the improvement of

bureaucratic communication and establishment of modern provincial administration, provincial complaint cases about families, who were reported to organize costly and conspicuous wedding ceremonies, also increased.[16] Beginning from the year 1825 onwards, Ottoman administration had to issue memorandums to provinces by means of provincial governors that families of bride and bride groom must be modest about marriage expenditures, and "conspicuous expenditures regarding marriage must be totally banned" that people would not retreat from getting married".[17] In the year 1844, an imperial decree announced that unmarried or widowed (Muslim) women could get married with their free will despite their families' counter attempts to arrange marriages for them.[18] While banning bride wealth payments, this decree also recommended that local magistrates must assist women at the age of discretion as long as they choose "appropriate husbands" in terms of financial and religious criteria.[19] For example, in March 1845, a memorandum sequentially addressed to the *Mutasarrıf* [Governor] and *Mâl Müdirî* [Head of the Finance Office] of Ankara district, and regents in that region that Muslim families were classified into five groups with respect to their financial status, and the amount of *mehr-i muaccel* and *mehr-i müeccel* were fixed with respect to this criterion. Together with the classification of mehr-i müeccel, ceremonial expenditures to which families of the brides contributing were also determined that "conspicuous spending for marriage will not cause first males and females, who reached the puberty, to stay unmarried, and secondly population stagnation.[20] The same memorandum also points out that on the day of marriage, families of all five classes must restrict their ceremonial meal with rice and saffron sweet together with *güğey ta'amı* [bridegroom supper] which is served on the wedding night.[21]

The order revealed in this memorandum was previously deliberated and accepted in *Meclis-i Vâlâ-yı Ahkâm-ı Adliyye* [Supreme Council of Judicial Ordinances] and sent to other districts and corresponding offices there[22] to be registered and strictly applied.[23] The same order was sent to Bolu district, and it clearly stated that "the ones who spend extravagantly will be liable to official sanctions".[24]

Provincial complaints were not limited to extravagant ceremonial spending. From the Council of Canik, it is reported to the Council of Judicial Ordinances on 13 January 1850 that especially the fathers, if fathers were deceased, prospective brides' male kin were demanding high amount of funds under the title *başlık* [bride wealth], and "they legitimized such demands treating *başlık as mehr-i muaccel*".[25] Having referred to the difficulties faced by people who were not able to pay such excessive sums, it was also stated that "practice of abduction became crucially common instead of getting married customarily".[26] The same document also points out that "these excessive *başlık* payments were not of help to prospective brides, but solely serving the pure interest of their male kin, therefore all başlık payments should be outlawed, and mehr-i muaccel should be applied in order to prevent people from the economic destruction".[27] The decree continues to refer similar accounts of provincial complaints regarding "extreme *başlık* payments or household furnishings from all over Ottomandom", and it actually condemned these demands "by being a sort of bribery, which, in turn, renders marriage and reproduction of population as well as causing kidnaps".[28] Finally, Sublime Council of Judicial Ordinances deliberated and decided that "additional orders should be sent to provinces that people who demanded such unreasonable payments other than *mehr-i muaccel* would be liable to official sanctions, and provincial administrators were responsible to apply such terms fastidiously".[29]

These orders might have been of no help that the District Council of Sivas sent a petition to the capital on 16 March 1856, and complained about an unresolved divorce case due to repercussions of the intertwined local customs and erroneous interpretation of *mehr-i muaccel* and *mehr-i müeccel*. According to this document, two notable families from Ergiri province were in enmity about the repayment of *bedel-i cihaz*, - a name given to *mehr* payments in Ergiri -, since their children had a divorce.[30] The problem between these two notable families, referred as "dynasty of Licuh", and "one of the olden dynasties of [Ergiri] as groom's and bride's family respectively, was significant for the local council in terms of "producing a precedent and incentive to divorce"[31], since it was about the conflict over the repayment of bedel-i cihaz for an unconsummated marriage. Actually there were two conflicts inherent in this case; the first one was caused by the confusion of local customs and Islamic practices; the husband had already paid a whole lot sum, 100.000 guruş, under the title "*bedel-i cihaz*" which was difficult to be distinguished either as *müeccel* or *muaccel*. If the paid sum was a muaccel, it should not have been demanded to be returned since *muaccel* payments were paid in advance and never refundable according to Islamic Law. If we regard the husband's payment as müeccel, it was erroneous from the beginning that it should have been in-due payment instead of an already paid one. Generally speaking, in order for a woman to be paid *mehr-i müeccel* in the course of divorce from an unconsummated marriage, her husband must be the deceased or a defective one, an impotent, unruly behaving, or absentee, etcetera. For a husband to demand exception from paying mehr-i müeccel, the wife must demand the divorce and renounce her claim to *müeccel* for the sake of her divorce. However, the document gives no clue revealing either husband as a faulted one or wife as the instigator of

divorce through renouncement. Instead of making an assumption over the already paid sum as *muaccel* or *müeccel*, *bedel-i cihaz* will be accepted as a trouble some practice which defies both Islamic *mehr* practices and Ottoman state's strong concern over the prolongation of the marriages.

In the consecutive parts of the correspondence, the town council made certain remarks by which we can conclude that Ergiri people paid a formidable sum under the title *bedel-i cihaz* both for *muaccel* and *müeccel* at once, and actually this was the source from which the conflict between the said couple derived as well as a potential danger for the others. The town council was well aware of the townspeople's perspective, and they reported that the local people knew the fact that if they resort to keep the sum, *bedel-i cihaz*, subsequent to the consummation of marriage, it would seem as a "deal", and for not creating any resemblance with this "trade", Ergiri people might resort into keeping *bedel-i cihaz* prior to the consummation, which was the case between the notable couple.[32] Under the trepidation that divorce would increase among people with regard to the case of these two big families, the town council demanded an approval from the central administration underlining that payments like *bedel-i cihaz* were actually "contractual" and there was "a need to provide official and binding sanctions to treat those payments' return in case of such kind of divorce" in a way surpassing both local customs and religious sanctions.[33] Having said that the familial matters were left to the treatment of Islamic sanctions and law, this case can be an example that Ottoman provincial bureaucracy sought solutions more secular in stance for maintaining marriage, and preventing divorce even as a possibility at the time of matrimony.

Referred as a side effect of extreme bride wealth demands, kidnapping of women was another crucial issue with which

Ottoman administration had to deal during the Tanzimat Period. Whether a coping strategy with excessive bride wealth and mehr customs on the part of prospective couples, or merely the violation of personal integrity of women, Ottoman administration perceived kidnaps decisively as the violation of public order, a clearly outlawed deed both by Islamic and customary laws, and an offence against honor[34], which was conceptualized absolutely as public matter. Dated 28 June 1846, a decree from The Council of Ministers accounted that kidnaps were actually on increase in the Rumelian provinces of the empire due to "deficient and scarce police forces, which were automatically in charge to investigate and correct such offences [kidnapping women] as their professional duty".[35] While specifying the penalty for abducting women as six-month imprisonment, the report warns the local police forces and other staff responsible for public order to be careful to not to let such cases happen, and additionally cautions magistrates and judges across the empire to not to carry out the matrimonies of kidnapped women, either Muslim or non-Muslim, since it was habitually the case that offenders brought abducted women outside of their hometown or village to realize the matrimony without being subject to official commotion.[36]

After admonishing police forces and judges, Ottoman administration resorted to punish religious functionaries, who performed the matrimony of offenders and kidnapped women, and people acting witnesses at the marriages, in order to combat with the kidnaps, and for not being obliged to deal with the problems in the aftermath of such marriages. For most of the case, the families of kidnapped girls demanded from state to defy the marriages performed without their approval. Islamic Law also required the defying of marriages especially for the girls under the age of consent; according to Islam, the age of consent is fifteen for women[37], and the validity of marriages

with underage women necessitates their legal guardian's approval.[38] Legally, a person, who abducted an underage woman and brought her out to the province she was living in, required to be punished by six-month penal servitude at the military shipyards.[39] With the amendments of the Penal Code of 1858, abducting underage women necessitated temporary penal servitude, and defloration entailed from three months to a year imprisonment.[40] Ottoman administration especially had to deal with kidnap cases of underage non-Muslim women frequently in the course of the end of the nineteenth century under the strain produced by ethnic and religious conflict. In certain cases, ethnic conflict and provincial disorders stimulated by kidnaps.[41] In addition to the rise of nationalist movements and ethno-religious conflict, the age of consent was another issue making kidnap cases more problematical for two respects; firstly, the age of consent was higher in canon laws of other confessions, and kidnap of non-Muslim women by Muslim males either ended up with conversion to Islam. Secondly, while the validity of marriage was possible with the Islamic conception of the age of consent, it was not acceptable for other religious groups.[42] Depending upon the archival data, it can also be claimed that kidnapping and conversion of underage non-Muslim women intensified ethnic conflicts which were already woken up, and caused conflict between non-Muslim communities and Ottoman administration.[43] For instance, the escape of a young Christian woman with a Muslim man and her conversion to Islam was treated with respect to the Austrian Civil Code that age of consent was determined as 24, and it was decided that she could not change her subject status even if she changed her religion, which was acceptable regarding the age of consent as fifteen for Islamic Law.[44] In the eyes of Western powers, i.e., Britain, France, Russia and Austria, whose protection for non-Muslim groups strengthened

especially after late 1850s, the kidnaps and subsequent conversion of young non-Muslim women in to Islam created concerns that they expressed their dislike through international press quite often.[45]

Though Islamic Law did not require a non-Muslim woman's conversion to Islam so that her marriage with a Muslim man would be an authentic one[46], Tanzimat administration developed a critical outlook about non-Muslim women's marriage with Muslim males due to the international as well as internal political criticism. For example, another case that received special investigation was about a young Armenian woman kidnapped and taken to the province of Erzurum by two Muslim men that central imperial administration had to monitor even the movement of military detachments charged to catch the offenders in March 1895.[47] In addition to the supervision of the investigation, Ottoman central administration ordered a public and press announcement that Armenian woman called Meryem was found and the offenders were caught to be punished.[48] This special decree, however, also points out that the local investigators should also question whether the kidnapped women consented "to be kidnapped" or not, in a way, a kind of strategy to surpass the repercussions of the issue of differential conception of the age of consent, ethno-religious conflict and foreign press representation.[49]

In August 1895, the Provincial Council of *Girid* [Crete] demanded a clear legal advice to handle kidnap cases and necessary penal measures, since they believed that increasing kidnap cases were actually caused by inadequate provisions in the Penal Code. They also asked central administration's opinion whether it was possible to amend the articles, which were in force for the correction of the offenders in the Penal Code with that of French and Greek Penal Codes. The Council of Ministers stated that "penal measures were already clarified

by the Penal Code of 1858, and French and Greek penal codes' provisions over kidnappings were really "harsh", and moreover, it was most of the time found out that women consented to escape instead of being kidnapped".[50] It is discussed before that costly local customs like bride wealth and trousseau payments were probable causes behind kidnaps, and they were condemned by Ottoman administration to stimulate kidnaps that prospective couples resorted to get married. In a multi-ethnic and multi confessional society, where Islam was the predominant confession over the course of life, people of different confessions were probably triggered to escape and get married when their romantic affairs could not be resolved. With respect to Islamic Law, women believers of different confessions could legitimately get married to Muslim men; theoretically speaking, non-Muslim women, if they belonged to a salvation religion, did not even need to convert into Islam. These women's confession did not jeopardize the validity of marriage and the religious status of their offspring that the husbands' confession determines the status of both. However, the strain between different confessional groups and demarcated practice of living through clearly defined ethno-religious borderlines caused Ottoman administration not to ignore kidnap of non-Muslim women beginning from the nineteenth century onwards. Though Islamic Law still provided the legitimacy of intermarriages between non-Muslim women and Muslim men, the official and codified autonomy that Ottoman Empire announced to guarantee[51] for different communities by the Rescript of Reform [*Islahat Fermanı*] on 18 February 1856 required the state to investigate the offences against individual and community, i.e. kidnap cases, carefully.

As revealed from the correspondences, Ottoman administration had troubles to handle kidnap cases due to differential conception of the age of consent with respect to

different confessions, and related application of protective states' Civil Codes in a multi-ethnic and multi confessional Empire. Ottoman central administration was not in the position to ignore religious and legal principles concerning the age of discretion other than Islamic and Ottoman laws since Ottoman society was a multi-ethnic and religious one that non-Muslim groups would feel distrust and injured if the Islamic principles arbitrarily applied. In addition to this, formidable number of people living in the Ottoman society had received foreign protection and they had endowed with the subject status of countries such as Austria, France, Britain, Greece, and finally Russia. Therefore, Ottoman central administration chose to condemn kidnaps that it curtailed the authority of legal guardians of underage women in the case of marriage, as well as causing other kind of illegitimacies, such as rape[52], illegitimate sex, that is, sex out of wedlock[53], and trafficking of women for prostitution[54] at first. From time to time, men in arms and paramilitary groups in the provinces kidnapped married and unmarried women, and rape complaints were made to the centre to organize the trial of these offenders.[55] In time, it was realized that as well as issuing orders and decrees regarding the punishment of offenders, it was actually necessary to penalize the religious functionaries and witnesses, who contributed to the validation of marriages, therefore causing irreversible developments, i.e. defloration, consummation of marriage especially in the case of inter-confessional marriages. The central administration sent special decrees to provinces that especially religious functionaries of Islam, "hocas and imams, and witnesses were actually performing and assisting these disapproved marriages in return for financial gains", and "they should be corrected" since the frequency of such troublesome intermarriages, which could hardly be resolved due to the conflicting conception of age of discretion with

respect to different religions, were exacerbated by these individuals' negligent behavior.[56] It was also ordered by these decrees that matrimonial registrations and the names of religious functionaries and witnesses who assisted the kidnapped women's marriage with their offenders had to be reported to the capital to be severely corrected given that it was nearly impossible to annul the marriages once they were performed.[57] To sum up, under the pressure posited by multi-confessional society and difficulties regarding deflored and raped women, Ottoman administration preferred to put religious functionaries under scrutiny as well as forewarning its provincial administrators about kidnaps and subsequent marriages. Consequently, another warning had to with the families of young woman that the male kin of prospective brides should not demand excessive başlık or mehr payments, or they should not be so unsympathetic when they choose husbands for their daughters, because it was reported again from the provinces that women were either kidnapped due to excessive financial demands or cruel attitude serving to usurp women's domestic labor on the part of women's male kin.[58]

Families of women, women's themselves, disgraceful and malicious men and greedy religious functionaries were pointed as the accountable ones for the kidnap cases by the Ottoman administration, however ethnic conflict and uprisings even caused the notable and well-known powerful provincial elite to kidnap and sequester especially non-Muslim women. A complaint written from the Armenian Patriarchate of İstanbul reported that during the turbulence/ deportation caused by Turco-Armenian conflict of 1894-6[59], "Armenian women in Anatolian provinces had been kidnapped and converted to Islam by force, and only some of these women could return to their families and their original confession with the decree issued on 16 January 1897 by the Ministry of Justice and

Religious Denominations".[60] The patriarchate stated that "an outstanding number of women, who were especially under the seizure and control of powerful *beğs* and *ağas* were still remained to return their families and original confession due to imperfect local administration failing to enact the provisions ordered by the imperial bureaucracy".[61] Quite interestingly, this complaint divulges that despite the centralizing and disciplinary attempts of the central administration for handling kidnap issues, local administration was ineffective to apply these measures that the former had to resort into other means to prevent kidnaps and bring a lawful and legitimate outlook to the constitution of marriage institution.

The Ottoman "marriage proper" was first of all the one which was performed after a perfect investigation, and a fully registered one. All marriages, regardless of ethno- religious difference, were required to be registered when *Sicill-i Nüfus Nizamnâmesi* [Regulation of Population Registry] of 1881 came into force.[62] With respect to this regulation, it was necessitated that matrimonies of all subjects must be performed at courts and in the presence of religious functionaries; for Muslim marriages Şer'iyye Courts, and for non-Muslim groups their respective religious leaders would bestow official license and these functionaries would report the marriage to the population registry official afterwards.[63] Later, a report from the Council of Ministers dated 27 April 1887 took one step further on account that investigation should be done prior to the matrimony. According to this report, "marriage is a delicate issue about which a faultless investigation required by religious as well as customary laws, and a regulation regarding matrimonies should be prepared almost immediately".[64] It was decided in the same session that a special committee would be constituted under the direction of *İstanbul Kazılığı* [Governership of İstanbul] to arrange a regulation, and execute

the necessary investigations thereon.[65] Though this document did not give us any detail about the nature and contents of the investigation, and the civil arrangements of the Decree of Family Law of 1917 was still in due, Islamic Law regarding family, *el-ahvalüş-şahsiyye* [law of civil statuses] provides clues on this respect. The most important conditions were *kefaet* [propriety] and blood relationships. Kefaet principle worked differentially for men and women that Muslim women could not get married with non-Muslim men, or ex-non- Muslims converted to Islam who had non-Muslim fathers and grandfathers, though the vice versa was allowed for Muslim males.[66] As for the financial and material propriety, it worked again differentially; Islamic Law allowed local customs concerning similarity and equality in terms of honor, wealth, status, and occupation to be taken into consideration when choosing husbands.[67] For example, Osman Beğ, the father of a prominent Şeşbeşzâde family from Thessalonica rejected a servant of him as a son in law on account that they were a well-known and wealthy family while the person, who had already kidnapped and deflored his daughter, did not have *küfüv* [equality in rank and social status].[68] For the Şeşbeşzâde case, there is one more significant dimension; this family was a Jewish convert family [*avdeti*] to Islam, and until the first decades of twentieth century, Jewish converts of Thessalonica were predominantly endogamous. Generally speaking, avdetis of Thessalonica were highly educated, commercial wealthy urban elite who also served Ottoman State for variety of tasks. Osman Beğ, who fervently resisted his daughter's marriage to an ordinary servant, and most importantly an Albanian, was actually was resisting to kidnap-marriage case due to his status-class and religious orientation which had never been jeopardized up to that time.[69] He petitioned to the Chief Mûfti in İstanbul that since they were avdetis, there was no küfv

between his daughter and the kidnapper. Then he petitioned Grand Vizier, and sent his son in law to the capital as well as asking the help of prominent administrative elite so that his daughter would be returned to him; however, his daughter rejected to return, the Office of Chief Mûfti validated her claim to get married with Feyzullah the Albanian that it was legitimate since both she and her prospective husband were Muslims. In addition to these, it is significant that Ottoman provincial elite in Thessalonica, and central administration assisted this marriage; the treasurer of Thessalonica, Mustafa Nail Bey, let the lovers to stay at his home, and central administration, the Council of Ministers, ordered the couple's leave from Thessalonica so that there would not be any incident in the city since avdetis had not been intermarrying with other Muslims. Rabia, Osman Beğ's daughter, claimed that she would not return on account that she was not a minor, at the same time defaming his family of being not proper Muslims[70], and this must have stimulated Ottoman central administration to resolve the problem in favor of the lovers.

If we go back to the issue of investigation prior to, and in the aftermath of matrimonies, we see that Ottoman administration tried to expand its influence and control with the advent of time through repetitive and complementary arrangements. Although all the performed matrimonies were required to be reported to the Population Registry Offices by the respective religious functionaries previously in 1881, the Council of Ministers had a discussion on 7 July 1890 about the issue of matrimonies, dower, drahoma, alimony and inheritance decisions of Christian groups in the empire that the pronouncements regarding these were not properly reported by the patriarchates to the Population Registry Offices and Department of Justice.[71] The problems related to the informing of central administration about such civil matters were

significant for two reasons; one was regarding the extraction of taxes from these transactions, which were always the concern of the Ottoman administration from the early days of its imperial constitution. However, the second reason was more prominent in terms of creating an activity axis for Ottoman state over non-Muslim groups' marital affairs; it was the transfer of property through marriage.

The incessant correspondences and discussions in the Council of Ministers about regulating the marriage of Christian and Jewish female subjects were actually aimed to restrict these women's marriages with Christian and Jewish people who had subject status other than the Ottoman one. For example, in December 1849, it was reported that Jewish community of Thessalonica had been giving their daughters in marriage to the foreign subjects therefore causing the transfer of real estate and other types of property into foreigners.[72] The decree prepared to ban the marriages between Jewish women and foreign subjects clearly warned firstly the fathers and brothers of Jewish women, then Jewish rabbis that "this deed was totally unacceptable since it had been causing foreigners to get hold of property in Ottomandom, though it was clearly prohibited by the sultanic orders".[73] When we came to the year 1887, the aforesaid prohibition must not have been effective or intermarriages between non-Muslim women and foreign subjects became an undeniable reality[74] that Ottoman administration had to review its regulations regarding the control of marriage between Ottoman women subjects and other nationals. First of all, Ottoman administration obliged all non-Muslim women to receive an imperial permission to get married with foreign subjects so that they could receive the citizenship of the respective state. Secondly, it was clearly announced that property of those women would not be transferred to their heirs; their children and husbands, since

the administration would assume that those women had received foreign subject status automatically in the course of marriage.[75]

Another important development similar to the aforesaid intermarriage issue was about the marriages between Ottoman Muslim women and foreign Muslims that the regulation prohibiting marriages between Iranian men and Ottoman Muslim women was put into effect on 7 October 1874, and it aimed to make the military service compulsory for the children of such intermarriages.[76] However, both difficulties regarding to apply the measures of the regulation in the provinces, and strong objection of Persian Embassy to the provisions concerning military service caused Ottoman administration to modify it; and with respect to these amendments, male children born after 1874, and regulation's coming into force would perform military service for the Ottoman army.[77] The disagreement between Ottoman administration and Persian Embassy lasted nearly 20 years that many new arrangements had to be done. Because, in addition to the issue of military service, property rights of Muslim and non-Muslim women who got married to Persian males created problems with which Ottoman administration worked overtime.[78] Around the end of the year 1887, Ottoman administration claimed nothing for having produced the regulation prohibiting intermarriages between Persian males and Ottoman Muslim women apart from emphasizing the duties resulted from the residing of such mixed spouses in the Ottoman land. Beginning from the establishment of Ottoman imperial structure, orthodox Sunnî identity had been the formal one, while Persian had Shiite. The marriages between Imamate Shiites and Sunnîs were not welcomed, though neither Koran nor prophetic hadiths regarding küfv and kefaet provided any implementation over this issue. For preventing Persian male-Ottoman female intermarriages, Ottoman administration

wanted to create disincentives, i.e., compulsory military service for the offspring of Persian Muslim fathers[79], introducing laws which prohibited the transfer of property held by Ottoman females to their husbands and children who have foreign subject status[80] such as the case for Indian and Javan Muslim fathers and their offspring, expelling Persian males, who got married to Ottoman women, from Ottoman territories and using the compulsory military service for their male offspring as a threat if they return[81], exiling of the religious functionaries, hocas and imams who performed the matrimony of Ottoman women and Persian males.[82]

In March 1890, the Provincial Council of Basra posed an interesting question regarding Christian Ottoman female subjects. They basically wanted to know whether the marriage ban between Ottoman Muslim females and Persian Muslim males, and regulations regarding property disposal would be applicable to the marriages between Christian female Ottoman subjects and Persian males, and a positive answer was given accordingly.[83] With respect to this report, it was announced that Christian females must not get married to Persian males; otherwise Persian husbands and their male offspring would be subject to Ottoman taxes if they reside in Ottoman territories.[84] However, the prohibition regarding Christian females was repealed consequent to another inquiry written from Haleb province, at the same time revealing the real cause of marriage for Ottoman females and Persian males. Firstly, Ottoman provincial administration in Haleb asked the center whether it was possible to let Christian Ottoman women to get married with Persian Christian males.[85] Referring to the principle that only the Muslims were responsible for military service, Ottoman administration changed its previous decision and agreed that Persian Christian males could get married with Christian Ottoman females, and they would be treated differently except

for property disposal rights. In addition, the report divulges that the ban regarding Ottoman Muslim females and Persian Muslim males was introduced for prohibiting the rise of Shi'ism in Ottomandom.[86]

In 1892 Ottoman administration had to clarify his position for enacting such a regulation; there must have been provincial reactions, and Ottoman-Persian marriages must still have been taking place despite the state's concern. A special memorandum from the Palace Secretariat to the Prime Ministry dated 21 June 1892 frankly stated that "the importance of marriage in terms of guaranteeing human reproduction is acknowledged by the Ottoman state as Ṣer'ia and other religions do, and the state is also aware of the fact that if stay single, young males and females will resort into illegitimacies, i.e. "illegitimate sex", prostitution, kidnaps, etc., but these do not change the internationally accepted principle regarding citizenship that when they get married, all women receive the citizenship of their husbands'; and the subject and citizenship status of a person is determined by his/her father's instead of his/her mother's"[87]. With respect to this explanation, it can be claimed that Ottoman state was trying to clarify its laws regarding citizenship, at the same time exclusively determining its ideal subject/citizen whose parents were in close proximity in terms of religion and subject status. While referring to the international practices of citizenship and law of states, Ottoman administration conceptualized citizenship issue as a truly patriarchal one that only the father determined the one's subject status. The compulsory military service for the offspring of Persian-Ottoman couples actually resulted from the tradition that only the Muslims were responsible for such a duty. The compulsory military service for the male offspring born out of intermarriages between Persian male and Ottoman female couples residing in Ottoman territories was used as a deterrent to restrain the increase of

Shi'ism among Ottoman peoples in through the matrimony and birth of offspring since it was well acknowledged that Islamic Law recognizes the father's confession and religious denomination as the offspring's. By forcing Persian-Ottoman offspring for military service and other kind of tax and property disposal rights aimed to discourage Ottoman Sunni Muslims to choose Persian Muslim males as prospective sons in law and husbands. To sum up, it can be argued that proper husbands for Ottoman Muslim females were to be Ottoman Sunni Muslims otherwise the marriage between couples who belonged to different denominations in the same religion and marriage among couples who had the same confession but different subject status would be trouble-some due to Ottoman legislations regarding military service and property disposal rights.

Regarding the aforesaid regulations, it became a necessity to control marriages through the registration medium. As discussed before, religious functionaries were delegated to inform the Population Registry Administration about the matrimonies they performed, and unless they notified the authorities, state could not properly know who got married to whom, which is discussed to be an important issue for the modernizing Ottoman administration. Therefore, it became logical to take other measures to enhance control over marriages in addition to prohibitions, and on 4 January 1891, the Council of Ministers decided to fine the religious functionaries who failed to inform the legal authorities about the matrimonial ceremonies, and other changes pertaining to families such as divorce, death, and birth.[88] It was also stated in the report concerning this fine that if these functionaries were not financially capable of paying these fines, they would be corrected by 24 four hour to three months imprisonment.[89]

As for the proper marriages and proper spouses, couple of other things should be conveyed, and Ottoman archival sources are quite rich in this respect. Definitions regarding ethno-religious propriety as well as moral claims were generated to determine the spousal propriety issue at large. It has already been referred that certain groups of people, i.e., Persian, Indian and Javan Muslims, and foreign non-Muslims were not thought to be eligible husbands for Ottoman women even if they were in the same confession and intra-religion denominations, and certain mediums were used to discourage Ottoman women when choosing their husbands. Though religious functionaries were also put under scrutiny for smooth and universal execution of these mediums, Ottoman state attempted to control the marriage issues of state employees, and soldiers, who were in the closest proximity to the activity axis of the state. For instance, at the beginning of the year 1893, a memorandum penned from *Şûra-yı Devlet-i Tanzimat* [Council of State] requested the deliberation of the punishments for the persons intermediating the marriage and betrothal of women, who were either married or betrothed to the men serving in the Imperial Army, to the third persons.[90] It is reported in the memorandum that some males often failed to return their hometowns and villages timely due to difficulties regarding travel, or their own choice after they were discharged from the army, and the families of women, who were either married or betrothed to these men, gave their daughters in marriage to other candidates.[91] Referring to the inappropriateness of marrying off such women with men other than their husbands and fiancés, who were under arms or absentee, in terms of religion and public order, the report firstly stated that religious functionaries and elderly in villages who performed such deeds would be liable to a year imprisonment with respect to the

premises of the article 99 in the Penal Code of 1858. It is also clarified in the report that women whose engagement with men under arms publicly announced at least must not be engaged to other persons until their fiancés officially discharged from army. In addition to this, it was stated that if a man under military service failed to return his hometown and fiancé after his official discharge from the army, then his fiancé and her family would be able to arrange another marriage.[92] Up to here, the arrangements seem quite normal; however the Council Ministers claimed the enforcement of a previous criterion which urges the informing of males under arms in the Imperial Army about their fiancés if these women indulged in or were prone to "illicit sexual behavior" so that these soldiers would "avert" and "leave" them.[93] While recommending women to wait their fiancés serving in the army at least until the end of their service, the report ordered military administrators not to let young men, whose military service became definite, to get engaged by their own will or in their absence, by their families.[94] However, the Council Ministers reiterated the order which instructed provincial and military administrators, and governors to "inform young women who were engaged with men under arms, and their families to wait patiently at least until the time of their fiancés' official discharge and a process of investigation for the absentee soldiers before deciding to get engaged and married with somebody else".[95]

As previously discussed, Ottoman administration was sensitive about the spousal proximity in terms of religion, and especially it was prohibited for women to get married with people who were not of the same confession and denomination. A petition submitted to the sultan on 22 December 1890 reveals further concerns of Ottomans regarding marriages. Beginning from the 1890s onwards, ethnic conflicts were gradually at rise that the initial steps to form a nationalist orientation through

public policies and state's paradigm can be detected. Though not clearly comprehendible in the policies and legislations, state became sensitive to the further ethno-nationalist uprisings[96] that especially under the Hamidian rule provincial lower order officials and secret police organization worked overtime. Having accepted the fact that it can be an over paranoid cautiousness of an officious member of a Municipality Council of İstanbul who was looking for a reward from the despotic surveillance of the Hamidian administration, the aforesaid petition claimed that Armenians were committing more serious deeds which had been causing further harm over Ottoman society as compared to their riots and rallies against the Ottoman administration. Referring them as "ticks who did not give one minute peace to the state due to their separatist claims to establish an independent Armenia", member of municipal council complained about the fact that Armenians had not been preserving their original names as other non-Muslims did, though Ottoman State did not have any corresponding policy for such a deed.[97] Ahmed Hûlûsi, the petitioner, argues that "Armenians, who changed their traditional names, i.e., *Karabet*, *Vartan*, *Kirkor* and *Bedros* into Muslim names such as *Sıdkı*, *Naim*, *Sezai* and *Sırrı*, for getting a civil service post in the provinces, and when they were given such positions in the provinces, they got married with women who were the daughters of Muslims that were mistaken by such Muslim names".[98] While calling the state's attention to the degree of "treason and ingratitude which had even reached to the level of mixing up Ottoman generations with the Armenian blood", the petition continues that these Armenians "leave these [Muslim] women, with whom they got married, behind after having one or two children".[99]Ahmed Hûlûsi Bey went on to urge the state to monitor such Armenian state employees in the provinces immediately after they were appointed to those

posts, and the official correspondences should be carefully designed to include the real names of such Armenians so that they would not be given Muslim wives, and then they would not be able to leave them destitute with children".[100] He also emphasized that orders related to the monitoring of this issue and reporting of the real names of such state employees must be confidentially done as a matter of national interests.[101]

It is really hard to determine whether Armenians were really committing such deeds especially for staining the Muslim blood, or Ahmed Hûlûsi's urging was part of an official discrimination policy targeting Armenians. Even these claims are hard to be proven; it is for sure that Ottoman administration became responsive enough to the Armenian issue as early as 1890s to be reported such cases, pseudo or not, for individual favor or for the sake of national interest. Secondly, marriage issue was at the heart of the discussion that both state and state officials were concerned to determine and control who was getting married with whom in a way penetrating into the private course of life for the sake of a mighty and pure society and state, however in an empire which was truly complicated and multi-cultural. Thirdly, the said Armenians could be Armenian converts to Islam therefore they were using Muslim names, because it was really hard to think of Armenians who were using Muslim names to be overlooked in a society where ethno-religious matters were administered quite fastidiously not only by the Ottoman administration but also by the respective religious community leaders and members.

Other criterion pertaining to the question of proper marriage and proper partner was regarding the moral fame of the spouses. Ottoman administration increasingly involved in monitoring the marital spouses of its employees that two cases from 1890s exemplify such an effort interestingly. In 1897, "a police officer called İbrahim Edhem of Divriği, employed in the Fourth

Division of İstanbul Police Directorate was dismissed since he got married with a woman of "inappropriate kind", who is the daughter of Acem Abdo, without receiving official permission from [his institution]".[102] It is also revealed in the correspondence that the said officer was dismissed since his marriage to this woman would raise questions about "his moral appropriateness both for his employment, and for his colleagues that he would harm the moral standards of the police force".[103] Regarding what she was doing or what she had previously done, nothing was divulged about İbrahim Edhem's wife except the definition "inappropriate kind", and familial information that she was the daughter of Acem [Persian] Abdo. Acem Abdo could be a person who ran illegitimate kind of business such as brothel keeping, or worked as a bouncer or intermediary for brothels and entertainment business, and therefore curtailed both his daughters marriage and his son-in law's job. More interesting is the issue of "taking permission from the authorities before getting married" for İbrahim Edhem's case that it must be a specific superimposition regarding police force that police officers could not get married with women of "loose morality" and "defame", which is still applicable in present day Turkey for the police force.

The second case was again about a police officer named Nazif Efendi from the Third Division of Beyoğlu Police Directorate that Nazif's wife, named Rukiye, had quarreled with two artisans, an event which was big enough to be immediately reported to the directorate.[104] The directorate started an investigation that found out Rukiye was also one of the "inappropriate kind", whose home was attacked by the mob for several times due to her loose morality and unchaste deeds".[105] During the investigation, it was reported that police officer Nazif was well aware of his wife's deeds, yet declared to be contented with her. Later on, Rukiye had another quarrel with a police officer and injured

him with an umbrella that the police administration's patience came to an end. "Since Nazif Efendi did not divorce her, and his moral outlook would be curtailed through the marriage with such a woman, and this would in turn surely harm the reputation of the police force", correspondence closed with the request from the Ministry of Police the necessary arrangements which would put an end to Nazif's employment in the police force.[106] This case is important again for revealing what kind of wives were acceptable for the persons in close proximity to the state, however, more crucial than this, while the said Rukiye was only liable for her quarrelsome nature and street violence, Ottoman administration utilized the gossip and mob behavior to decide over her chastity, which long lastingly affected her husband's position.

Having reviewed last two cases, and previous cases for kidnaps and matrimonies, it can be claimed that Ottoman state determined the margins for suitable partners in marriage through regulations and specific decrees beginning from the Tanzimat onwards. Though it is conventionally assumed that Ottoman state did not intervene into the family institution at large and marriage issue in specific due to have left the private matters to the realm of different canon laws, it can be argued depending on the archival material that Ottoman state increasingly involved in questions regarding marriage irrespective of ethno-religious criteria. The deliberation took place in the Council of Ministers on 4 August 1895 discussed the issue of polygamy, cohabitation and adultery among Orthodox Christians about which the Patriarchate asked formal opinion.[107] The Council of Ministers replied that "though monitoring of marital matters conventionally left to the Chief rabbis and patriarchs and their respective councils, the marriage of an already married Christian man with another woman is totally unacceptable for socially acceptable codes, and illegal

due to canonical reasons, therefore it requires the state's assistance so that there will be a trial in law courts" [...].[108] However, Ottoman administration did not want to interfere into the issue of extra-marital relationships and cohabitation issue among Christians since "monitoring and investigation over adultery and cohabitation will mean to interfere into the private lives of people".[109]

## Conclusion

While re-organizing and transforming its own entity, Ottoman state simultaneously reviewed, tried to increase its potential to interfere into many different domains in Ottoman social life during the nineteenth century. Certain autonomous and partially controlled domains of life became truly monitored areas in which Ottoman bureaucratic state reworked and redefined its role and activity. Marriage also became a public issue about which Ottoman Tanzimat administration increasingly concerned and interfered into crosscutting ethno-religious boundary of its *millets* in variety of ways and strategies. First of all, Ottoman central bureaucracy had to handle problems regarding the constitution of marriages; financial aspects regarding the ceremonial expenditures, kidnap cases and local customs were addressed to be "problem related matters". Though traditional, local customs about bride wealth, bedel-i cihaz, and wrongly interpreted religious practices such as mehr were repetitively examined to prevent the decline of marriage among Ottoman Muslim masses, and provincial administrators were charged to monitor marriage-r elated transactions. Kidnap cases, similarly, were handled and they became the agenda of the central administration for creating disorder, impairing the Ottoman state's media representation and exacerbating conflict among different confessional groups.

Intermarriages were also treated, however, through a time-specifically changing approach. The way Ottoman state handled intermarriage of different confessional and denominational groups stimulated by concerns regarding property transfer, military issues and expansion of specific beliefs and sect behaviors, but meanwhile creating a narrative over "proper marital spouse" and conception of citizenship. The emergence of the modern administration of population first of all served to provide information about different ethno-religious groups' marital behavior so that Ottoman Empire could easily have an upper hand to manage marriage issues. The complain cases from provinces and decrees formed to regulate local dynamics of marriage nevertheless strengthen the modern outlook of Ottoman central administration; it became more responsive to local dynamics, and tried to up-date its interference mechanisms while creating a hybrid form of governing which was neither fully traditional nor fully secular in outlook. The moral orientation and everyday behavior of the prospective and marital partners of its employees and men under arms also became an important issue with which Ottoman state daringly controlled. Pragmatically, sometimes referring to canon laws, and from time to time surpassing them with modern regulations, Ottoman central administration created a discourse and activity ground by which it monitored and put marriage institution under scrutiny more than ever.

## NOTES

1 See MANTRAN, R., "Şark Meselesinin Başlangıçları" (1774-1839)", in *Osmanlı İmparatorluğu Tarihi II*, Adam Yayınları, İstanbul, 1995, pp. 7-57 for the military defeats and political-and extra-territorial claims of Britain, France, Austria-Hungary, and Russia over Ottoman Empire.

2 See DUMONT, P., "Tanzimat Dönemi (1839-1878)" *ibid.* pp. 109-143 for ethno-religious and nationalist uprisings.

3 See GEORGEON, F., "Son Canlanış (1878-1908)", ibid., pp. 145-186 for the political impact of West.

4 See DAVISON, R., *Reform in the Ottoman Empire, 1856-1876*, Princeton University Press, Princeton- New Jersey, 1973; DAVISON, R., *Essays in Ottoman and Turkish History, 1774-1923: The Impact of the West*, University of Texas Press, Austin, 1990; DAVISON, R., *Nineteen Century Ottoman Diplomacy and Reforms*, Isis Press, İstanbul, 1999; MANTRAN, R., *Osmanlı İmparatorluğu Tarihi Vol.II,*; Mardin, Ş, *Makaleler,Vol. I-VI*, İletişim, İstanbul, 1991; ORTAYLİ, İ., *İmparatorluğun En Uzun Yüzyılı*, İletişim Yayınları, İstanbul, 2002; FINDLEY, C.V, *Bureaucratic Reform in the Ottoman Empire. The Sublime Porte, 1789-1922*, Princeton University Press, Princeton-New Jersey, 1980; FINDLEY, C.V., *Ottoman Civil Officialdom. A Social History*, Princeton University Press, Princeton-New Jersey, 1989; AKYİLDİZ, A., *Osmanlı Bürokrasisi ve Modernleşme*, İstanbul, İletişim Yayınları, 2004 for detailed analysis of Ottoman bureaucratic, economic and social reform.

5 ÖZBEK, N, *Osmanlı İmparatorluğu'nda Sosyal Devlet; Siyaset, İktidar ve Meşruiyet 1876-1914,* İletişim Yayınları, İstanbul, 2002, p. 47.

6 For example, 43 different regulations solely concerning public health were produced between 1836 and 1868, see ÜNVER, S.A, "Osmanlı Tababeti ve Tanzimat Hakkında Yeni Notlar", *Tanzimat 2*, MEB Yayınları, İstanbul, 1999, pp. 933-968 for details. For other legislations, i.e. land laws, penal codes and laws regarding international affairs and commerce see VELDET, H., "Kanunlaştırma Hareketleri ve Tanzimat", pp. 139-209; BELGESAY, M.R, "Tanzimat ve Adliye Teşkilatı", pp. 211-220; TANER, T., "Tanzimat Devrinde Ceza Hukuku", pp. 221-232; TENGIRŞENK, Y.K, "Tanzimat Devrinde Osmanlı Devletinin Harici Ticaret Siyaseti", pp. 289-320; BARKAN, Ö.L, "Türk Toprak Hukuku Tarihinde Tanzimat ve 1274 (1858) Tarihli Arazi Kanunnamesi," pp. 321-421, in *Tanzimat I*, MEB Yayınları, İstanbul, 1999 and BILSEL, C., "Tanzimatın Harici Siyaseti",

pp. 661-722, in *Tanzimat II*, MEB Yayınları, İstanbul, 1999. See also ERGIN, O.N., *Mecelle-i Umur-i Belediye Vol.1-8*, İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı yayınları, İstanbul, 1995.

7 AKGÜNDÜZ, A., *Mukayeseli İslam ve Osmanlı Hukuku Külliyatı*, Dicle Üniversitesi Hukuk Fakültesi Yayınları, Diyarbakır, 1986.

8 Actually the predominance of Islamic Law in the realm of family is also arguable; the researches performed solely on court records and legal texts will not reflect the actual course of everyday life and local practices profoundly. In addition to the analysis of sultanic-örfi law as well as Islamic one while conceptualizing Ottoman family in general and marriage issue in particular should include local practices which were shaped by local customs and traditions because Ottoman Empire was a multi-ethnic, multi-confessional and multi-denominational one that expanded into a vast territoriality. For a detail analysis of this respect, see PEIRCE, L.P, *Morality Tales; Law and Gender in the Ottoman Court of Aintab*, University of California Press, Berkeley CA, 2003; ORTAYLİ, İ, "Anadolu'da XVI. Yüzyılda Evlilik İlişkileri Üzerine Bazı Gözlemler", in *Osmanlı Araştırmaları*, 1, 1980.

9 See ARAZ, Y., "Marriage Contracts as a Bargaining, Control and Persuasion Tool in Interrelations between People in Ottoman Society in the 16th and 17th Centuries", in *Tarih ve Toplum. Yeni Yaklaşımlar*, 2, Güz, 2005, pp. 25-26 for how Islamic marriage can be thought as a contract.

10 AYDIN, M.A, "Osmanlılarda Aile Hukukunun Tarihi Tekâmülü", in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, Ülker Yayın Haber Tic. LTD. ŞTİ., Ankara, 1993, p. 437.

11 Ibid., see also IMBER, C., *Ebu's Su'ud : The Islamic Legal Tradition*, Edinburgh University Press, Edinburgh, 1997; ORTAYLI, İ., "Family in the Ottoman Society", in *Family in Turkish Society; Sociological and Legal Studies*, Turkish Social Science Association-Maya Publishing and Printing Ltd., Ankara, 1985, p. 97; IŞIK, E., "İslam'da Kadın", in *Kadın Ansiklopedisi*, Vol. 2, Tercüman Yayınları, İstanbul, 1984, p. 465.

12 KARAMAN, H., "İslamın Getirdiği Aile Anlayışı", in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, Ülker Yayın Haber Tic. LTD. ŞTİ., Ankara, 1993, p. 391.

13 AKGÜNDÜZ, pp. 165-168; see also IMBER, C., "Women, Marriage, and Property: Mahr in the Behcetu'l Feteva of Yenisehirli Abdullah", in *Women in the Ottoman Empire; Middle Eastern Women in the Early Modern Era*, Madeline C. Zilfi ed., Brill, Leiden, New York, 1997.

[14] Since women reach the capability of using their labor power relatively earlier than males, and for societies whose dependence to women's labor was significant, i.e., tributary agrarian ones, practices such as mehr, dowry bride wealth or bride price were common to compensate the labor loss brought in by marriage and patrilocality. For details see ORTAYLI, İ, *Osmanlı Toplumunda Aile*, Pan Yayıncılık, Ankara 2001, p. 65, also see KIRAY, M. B, "Toplumsal Konum ve Çeyiz," in *Toplu Eserleri 2; Kentleşme Yazıları*, Bağlam Yayınları, İstanbul.

[15] See Ahmed Cevdet Paşa, *Tezâkir*, V.3, TTK Yayınları, Ankara, 1986, pp. 43-48 for this point. Ahmed Cevdet Paşa, one the most well-known statesman of Tanzimat period, talks about hazardous customs, i.e. high rates of bride wealth as a disincentive for marriage, and causing late age marriages in Bosnia. In one of his official visits to Bosnia, he interfered into the organization of a marital ceremony, and prevented the bride's family to demand bride wealth with a threat that families who asked for such a payment would be paying double land tax.

[16] BOA-A.MKT.UM 397/40 1276 T a decree dated 1859 reports that marriage expenditures and the rates of bride wealth were really exacerbated in Bursa, and families were having difficulties while organizing marriages for their children.

[17] As excerpted from *ibid*. This correspondence addressed from Sublime Council for Judicial Ordinances to the provinces reveals that by means of a decree previously sent from the capital on 24 January 1845, any kind of wasteful expenditure regarding marriage has already been totally outlawed, and provincial bureaucracy is responsible to execute related orders completely since people must not be abstained from marriage.

[18] See TURAN, Ş., "Tanzimat Devrinde Evlenme", *İşve Düşünce Dergisi*, 12/182, 1956, pp.14-15.

[19] *Ibid*.

[20] BOA-Cevdet Dahiliye 11586- 29 S 1261-memorandum dated 29 March 1845 ordered as follows […] "as it is previously reported […] an excessive amount of expenditure has been taking place for the matrimonial ceremonies and this has been causing [by preventing youngsters from getting married] population scarcity, and since finding a fair solution for this problem is required by an imperial rescript, expenditures for marital ceremony are classified into five groups in all the provinces and towns comprised by the said district [district of Ankara ], and the notables, who are richest in the region regarded as the first class that the expenditure of a prospective husband and wife

from this class is limited to 8000 and 4000 guruș respectively together with the amount of 1251 guruș as mehr-i müeccel, and the expenditure of a second class prospective husband and wife is restricted to 4000 and 2000 guruș respectively with the amount of 750 guruș as mehr-i müeccel, and the third class prospective husband and wife's expenditures are restricted to 2900 and 900 guruș respectively with the amount of 400 guruș as mehr-i müeccel, and the fourth class of husband and wife's expenditures are limited to 1050 and 280 guruș correspondingly with the amount of 250 guruș as mehr-i müeccel, and the fifth class of husband and wife's expenditures are limited to 500 and 170 guruș respectively with the amount of 150 guruș as mehr-i müeccel", […]

21 "And all of them [five different classes of families] must be contended to serve a meal composed of rice and saffron sweet together with a bridegroom supper at the wedding night […]" as excerpted from *ibid.*

22 […] "To the Governor of Bolu district Mehmet Tayyar Paşa and the Head of the Finance Office of Bolu" […] as excerpted from *ibid.*

23 "[the aforesaid measures] were previously deliberated and judged to be fit and proper in the Supreme Court of Judicial Ordinances, and imperial approval thereon provided to be strictly and continually applied, through encoding [this order] to the Registries of the Regular Courts" as excerpted from *ibid.*

24 *Ibid.*

25 BOA-İrade Meclis-i Vâlâ 4733 28 Safer 1266. A report sent from council of Canik on 13 January 1850.

26 *Ibid.*

27 *Ibid.*

28 *Ibid.*

29 *Ibid.*

30 "Though bedel-i cihaz, which is a sum given out during matrimony to provide harmony and disincentive for divorce in the town and provinces of Ergiri, has been returned with its interest unless it is previously expended to clothing in case of a divorce either before or after consummation of marriage as an older local custom, Adem Beğ, who divorced his wife of six years, the daughter of eminent Ahmet Beğ without consummation of marriage, was not returned the amount of 100.000 guruș with its interest that he [Adem Beğ] had previously paid" […] as excerpted from BOA- A.DVN 112/ 13 9B 1272.

31 "And since it is obvious that this [opposition to return the sum paid by Adem Beğ at the matrimony] encourages divorce, which is a loathsome [deed], especially among masses in case of disharmony between couples by positing an exemplar" […] as excerpted from *ibid*.

32 "[since ] the divorce which takes place subsequent to the consummation of marriage is regarded as a sort of deal among masses, the interest obtained from the aforesaid sum [bedel-i cihaz] in case of a divorce occurs prior to the consummation would completely be got hold of and would not be seemed like a deal, [the opposition to return bedel-i cihaz with its interest] will increase divorce and cause confusion among the masses" […] as excerpted from *ibid*.

33 *Ibid*.

34 […] "as one of the *off limit misdemeanors*, kidnapping of women […] is outlawed both by Şer'ia and customary law" […] as excerpted from BOA-İrade Meclis-i Vâlâ 1535 24 B 1262- a report from the Sublime Council for Judicial Ordinances dated 28 June 1846. Emphasis is mine.

35 As excerpted from *ibid*.

36 *Ibid*.

37 Akgündüz, p. 318.

38 *Ibid*., p. 179.

39 BOA-İrade Meclis-i Vâlâ 4758 24 Muharrem 1266- Decree dated 10 December 1849 from Council of Judicial Ordinances.

40 Articles no. 202 and 206 of the Penal Code of 1858 [*1858 Tarihli Ceza Kanunu* ] as transcribed and cited in Akgündüz, pp. 866-867.

41 Armenian uprisings started as early as 1890s show that especially provincial events like kidnapping of Armenian women by powerful provincial elite and dynasties fuelled the protests in İstanbul. For example the kidnap of an Armenian girl by one of the begs of powerful provincial families in Erzurum, Mirza Bey, gave to provincial unrest around Sason as well as urban protests. On 15 July 1890, in Kumkapı, Armenians, organized by the Hınçak Committee, got together to protest these provincial events. See PAMUKCUYAN, K., "Ermeniler" in *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 3, TETTV Yayınları, İstanbul, p. 193.

42 For instance, a report dated 24 June 1894 from the Council of Ministers talks about a -seventeen year- old Christian woman under Austrian protection, who had escaped and converted to Islam to get married with a young Muslim man as cited in BOA MV80/62 1311 Z 20.

Another case related to the differential conception of the age of consent was about Furunya, a Greek-Orthodox woman who had escaped with a Muslim student to get married, in İstanbul in August 1908. When the police administration took the case, her matrimony had already been performed on account of her claim to have reached the age of discretion. However, parallel investigations performed by the Consulate of Greece and the Ministry of Police revealed that she had applied to the Directorate of Religious Denominations under the supervision of the Ministry of Justice and Religious Denominations for changing her confession into Islam, and her application was denied on account that she was actually a minor. Apart form claiming that she had reached the age of discretion, Furunya could not provide an official document revealing she had even passed the fifteen years of age, therefore the Ministry of Police and the Directorate of Religious Denominations decided to get the opinion of a scientific medical committee, which would be made up of a physician and midwife, to determine whether she was a minor or not as cited from BOA ZB 15/44 1324 T 27.

43 See ORTAYLI, İ, *Osmanlı İmparatorluğu'nda İktisadi ve Sosyal Değişim; Makaleler I*, Turhan Kitabevi, Ankara, 2004, pp. 317-318 for a case dated 20 May 1880 reveals the crisis betwen Orthodox Grek patriarchate and Otoman administration subsequent to a Christian girl's escape from Bursa to İstanbul with a muslim male, and her conversion to Islam.

44 It is revealed in the report dated 24 June 1894 that "the said Christian woman's conversion to Islam is not problematic if the Islamic age of consent is taken as a reference, however with respect to the Austrian Civil Code, the age of consent is 24 and her escape is actually a kidnap and her conversion to Islam is questionable that she cannot change her religion and subject status without her parents' approval as cited in BOA-MV 80/62 1311 Z 20.

45 See BOA -Hususi İrade 36 1312 N 13- special decree penned from Yıldız Palace Chief Secretariat on 10 March 1895 reports that the negative comments regarding the investigation of kidnap cases were quite often represented in the Western media to impair Ottoman administration's approach to non-Muslims.

46 See AKGÜNDÜZ, pp.175-177 for this respect.

47 BOA-Hususi İrade 36 1312 N 13.

48 *Ibid.*

49 *Ibid.*

50 As excerpted from BOA MV 85/42 1313 Safer 9- a report of the Council of Ministers dated 1 August 1895.

51 "The guarantees promised on our part by the Hatt-ı Hümayun of Gülhane, and in conformity with the Tanzimat, to all the subjects of my Empire, without distinction of classes or of religion, for the security of their persons and property and the preservation of their honor, are today confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full and entire effect. All the privileges and spiritual immunities granted by my ancestors *ab antiquo*, and at subsequent dates, to all Christian communities or other non-Muslim persuasions established in my empire under my protection, shall be confirmed and maintained.[…] Every distinction or designation tending to make any class whatever of the subjects of my Empire inferior to another class, on account of their religion, language, or race, shall be for ever effaced from the Administrative Protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals or on the part of the authorities. As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the religion that he professes, nor shall be in any way annoyed on this account. No one shall be compelled to change their religion.[…] Penal, correctional, and commercial laws, and rules of procedure for the mixed tribunals shall be drawn up as soon as possible, and formed into a Code. Translation of them shall be published in all the languages current in the Empire.[…] Infractions of the law in this particular shall be severely repressed, and shall, besides, entail, as of right, the punishment, in conformity with the Civil Code, of the authorities who may order and of the agents who may commit them. […] The organization of the police in the capital, in the provincial towns and in the rural districts shall be revised in such a manner as to give to all the peaceable subjects of my empire the strongest guarantees for the safety both of their person and property" the provisions of Reform Rescript of 1856 as cited from http://www.anayasa.gen.tr

52 […] "Kidnapping women actually performed for two reasons that one is regarding the abduction of women to other provinces to get married, and the other one is abduction for raping them and impairing their honor" from a decree dated 3 December 1849 as excerpted from BOA-İrade Meclis-i Vâlâ 5470-17 Muharrem 1266.

53 "Münife, the wife of Ali Ağa of Hacı Paşa neighborhood [of İstanbul], was raped, and taken away together with some of her belongings by a tailor called Yorgi" […] as excerpted from BOA- İrade Meclis-i Vâlâ 3158- 15 Muharrem 1264- a special decree issued from the Sublime Council for Judicial Ordinances dated 23 December 1847.

54 "Angeliko, who resides in Hacı Ahmed neighborhood in Tatavla district [of İstanbul], kidnapped fourteen year old Maria and brought her […] to a brothel run by Mariana on Bağçeli Hamam street around the Mosque of Ağa in Beyoğlu district eight days ago, and he raped, then sold her [Maria] to the said Mariana for 20 liras" […] as excepted from BOA Y.PRK. ŞH 2/61 1304 R 24, a report addressed from the Metropolitan Municipality of İstanbul to Yıldız Palace on 20 January 1887; and a complaint written from the Office of the Chief Rabbi in İstanbul on 12 September 1907 reveals as follows "Jewish women from Russia, Romania and other neighboring countries has been habitually deceived and abducted by a bunch of disgraceful either for getting married or to be employed in a decent place, however they ended up to be sold into brothels"[…] as excerpted from BOA-DH. EUM.THR 1/34 4 Ş 1325.

55 The correspondences from the Sublime Council for Judicial Ordinances dated May 1850 reveals that "some males doing their military service and irregular paramilitary groups[*başıbozuk*] in the province of Tokad kidnapped respectable women from their home by force and brought them to a brothel, then raped them" as excerpted from BOA- İrade Meclis-i Vâlâ 8 Receb 1266.

56 A decree dated 10 December 1849 as excerpted from BOA İrade Meclis-i Vâlâ 4758 24 Muharrem 1266.

57 *Ibid.*

58 *Ibid.*

59 The events of 1894-1896 which comprised the Armenian uprisings in Eastern Anatolia, and the use of military force as a reaction to those uprisings fuelled both rural unrest as well as conflict in the capital. See MANTRAN, p. 194-199.

60 As excerpted from BOA- Y.PRK.AZN 20/34 1316- a complaint addressed to the Ministry of Justice and Religious Denominations dated 1898.

61 As excerpted from *ibid.*

62 This regulation was put into effect on 2 September 1881 as cited from Aydın, p. 440.

63 *Ibid.*

64 As excerpted from BOA-MV 19/55 1304 Ş 3.

65 *Ibid.*

66 See Akgündüz, pp. 161-162.

67 *Ibid.*, p. 162.

68 Correspondences from the Office of the Chief Muftî dated 30 January 1892 which is also accounting the kidnapped girl's father petition reports as follows; "one of the impoverished, and a servant of our mansion, called Feyzullah the Albanian , kidnapped and raped my daughter Rabia to get married, […] as coming from a 400 year-olden dynasty I will never accept to give my daughter , who is not even capable of regarding what she has been doing, in marriage with a vagabond about whom one knows nothing" […] as excerpted from BOA-Y.PRK.MŞ 3/54 1309 Cemaziyyü'l âhir 29 .

69 I would like to thank Selçuk Akşin Somel for providing me these insights to analyze this case.

70 BOA-Y.PRK.MŞ 3/54 1309. Cemaziyyül âhir 29.

71 BOA- MV 61/30 23 Cemâziyyü'l- evvel 1308.

72 BOA-İrade Meclis-i Vâlâ 5129 14 Safer 1266.

73 *Ibid.*

74 Correspondences between provinces and center and integration of Ottoman prominent cities into the modern international system as well as increase of foreign protection and rise of foreign citizenship among Ottoman non-Muslims beginning from the 1860s were clear indicators of those developments.

75 "the official report prepared by the Council of Ministers decided upon that Ottoman women subjects who get married to foreign men will be counted as the subjects of the state to which their husbands belong as a requirement of the nature of spousal bond , […] therefore getting married to foreign men and receiving other states' subject status cannot not necessarily assure the indemnity of [their property in Ottomandom], their relatives, husbands and children who had foreign subject status could not transfer any of their [those women's] property" […] as excerpted from *ibid.*

76 This regulation was cited in BOA- MV 25/75 1305 Safer 20, a report from the Council of Ministers dated 7 November 1887.

77 BOA-MV 15/18 1304.Rebiyyü'l-evvel 25- a report from the Council of ministers dated 22 December 1886.

[78] See documents BOA-MV 18/1 1304 Cemâziyyü'l evvel 13; MV26/ 62 1305 Rebiyyü'l evvel 19; MV 27/49 1305 Rebiyyü'l ahir 24; MV 27/ 70 1305 Cemâziyyü'l evvel 5; MV 39/13 1306 Cemâziyyü'l evvel 11; MV 47/35 1307 Muharrem 15; Mv 52/3 1307 Receb 13; Y.PRK.BŞK 1309 Zilhicce 25; MV 81/67 1312 Rebiyyü'l evvel 26.

[79] BOA-MV 25/ 75 1305 Safer 20- a report dated 7 November 1887 from the Council of Ministers accounts as follows "marriage between Ottoman women subjects and Persian male subjects are banned, and if somebody fails to act accordingly, and has children with a Persian husband after the enactment of the regulation dated 22 December 1886, the male offspring residing in Ottomandom will be required to perform military service".

[80] "The real estate belong to the women who get married to foreign subjects [of Javan and Indian states] will immediately be confiscated for behalf of the state, and if these women do not receive the subject status of the country their husbands belong, and preserve their original subject status they can still hold their rights of property disposal, however when they [these women] die, their property and real estate will not be transferred either to their husbands or their children, and since this regulation does not allow such women to hold property and real estate, they will be allowed to sell their property to Ottoman subjects in three months following their marriage in order to prevent bitter complaints concerning immediate confiscation", [...] as excerpted from BOA MV 42/ 12 1306 Şaban 2, the report from the discussions in the Council of Ministers dated 3 April 1889. Another report dated 11 September 1889 discusses whether Ottoman subjects who are the relatives of Ottoman women married with foreign citizens would be eligible to hold these women's property as cited in BOA-MV 47/35 1307 Muharrem 15.

[81] As cited in BOA-MV 27/49 1305 Rebiyyü'l ahir 24 - report dated 9 January 1888 from the Council of Ministers.

[82] See "[...] Since putting a stop to Persian male-Ottoman female marriages performed oppositely to the Ottoman laws is an absolute necessity, hocas and imams who are licensed to perform matrimonies will be punished by exile if they fail to act in accordance with this regulation" as excerpted from BOA-MV 26/62 1305 Rebiyyü'l evvel 19, a report from the Council of Ministers dated 5 December 1887, and a report from the council of Ministers dated 19 January 1888 repeated the same idea as cited in BOA-MV 27/70 1305 Cemâziyyü'l-evvel 5.

[83] As cited from BOA-MV 52/3 1307 Receb 13, the deliberation regarding Basra Provincial Council's inquiry in the Council of Ministers dated 5 March 1890.

[84] *Ibid.*

[85] BOA-MV 81/67 1312 Rebiyyü'levvel 26- the inquiry from the province of Haleb referred in the deliberation took place in the Council of Ministers in 27 September 1894.

[86] "actually the prohibition [over marriage between ottoman females and Persian males] was enacted to prevent the rise of Shi'ism in the Ottoman lands" as excerpted from ibid.

[87] As excerpted from BOA-Y.PRK.BŞK 1309. Zillhicce 25- correspondences from The Office of Chief Mûfti and Yıldız Palace dated 10-21 June 1892.

[88] BOA-MV.61/30 1308 Cemâziyyü'l-evvel 23.

[89] *Ibid.*

[90] BOA-MV 73/70 1310 Receb 17- discussions took place in the Council of Ministers on 4 February 1893 regarding the memorandum written from the Council of State.

[91] *Ibid.*

[92] *Ibid.*

[93] This criterion was introduced empire wide with a memorandum from the Office of the Chief Vizier dated 13 April 1871 as cited from *ibid.*

[94] It was a common custom among Ottoman Muslims to betroth their children in their absence and by default. The practice of betrothing young males by default was banned on 23 August 1882 and this decision was reported to all field marshals in the Imperial Army as cited from ibid.

[95] As excerpted from *ibid.*

[96] See endnote 44. Armenian uprisings of early 1890s were fuelled by kidnap of Armenian women firstly in provinces, then in the capital. For example, the kidnap of an Armenian girl by Mirza Bey, stemming from a powerful provincial family in Erzurum, led to provincial unrest as well as urban protests. On 15 July 1890, in Kumkapı, Armenians, organized by the Hınçak Committee got together to protest these provincial events. In turn, the political elite and the sultan became really anxious to further uprisings, or the slightest possibility of revolt.

[97] As excerpted from Y.PRK. ŞH 3/55 1308 Cemaziyyü'l-evvel 9- a petition sent by Ahmed Hûlûsi Bey, one of the members of Municipality Council of İstanbul, to the sultan.

[98] As excerpted from *ibid*.

[99] As excerpted from *ibid*.

[100] As excerpted from *ibid*.

[101] As excerpted from *ibid*.

[102] As excerpted from BOA-ZB 62/2 1312 Mayıs 2- correspondence from İstanbul Police Directorate to the Ministry of Police dated 15 May 1896.

[103] As excerpted from *ibid*.

[104] BOA- ZB 62/55 1313 Kânun-i Sâni 31- a correspondence written from the directorate to the Ministry of Police dated 13 February 1897.

[105] As excerpted from *ibid*.

[106] As excerpted from *ibid*.

[107] See BOA-MV 85/46 1313 Safer 12.

[108] As excerpted from *ibid*.

[109] As excerpted from *ibid*.

# Family Structures Between Tradition and Modernity

# Les structures familiales entre tradition et modernité

# The Stem Family in Eastern Europe: Cross-cultural and Trans-temporal Perspectives[1]

Karl KASER

While for the Western and Central European stem family much research has been conducted, the situation in Eastern Europe is significantly different. Excepting Joel M. Halpern's and Richard A. Wagner´s work on the Serbian village of Orašac,[2] almost no specific research has been done on this phenomenon. Most researchers, both historians and ethnologists, have been attracted by the large and complex families in the past, very often summarized under the label *zadruga*. Its structures and history were well investigated, as was also the case with its accompanying ideologies. This complex family structure has also been seen to be opposed to the nuclear family structure. This dualism has not yet allowed us to analyze accurately the processes of transition from complex to simple structures.

This paper aims to shed more light on this inadequately investigated subject, a subject that has became increasingly relevant over the course of the 20th century, during which, due to economic and social modernization processes, the family structures of Eastern European peoples were forced to adapt to rapidly altering conditions. Unfortunately, comparable data for

Eastern Europe as a whole is not available, and we will therefore focus on those Balkan countries for which we have analogous social structural data. Only future research can determine the extent to which we will be able to generalize our findings.

## 1. The historical setting

What is embodied in the geographic concept of "Eastern Europe"? I suggest a practical, and for our purposes, adequate definition. A generally accepted geographic definition of Eastern Europe has never been agreed upon in the past. As this paper deals primarily with historic as well as contemporary family forms, we need a definition that is valid over time. In this context we simply cannot overlook the so-called Hajnal line.[3] This line marks a transitional zone reaching from Trieste to St. Petersburg. This is particularly interesting for us due to varying marriage patterns, customs of inheritance and household formation patterns it shows. This area, which divides Western and Eastern Europe, only lost its significance in the 20th century. This line should not be considered in a very strict sense, but conceptualized as a tool that helps us draw comparisons within Europe. Plakans and Wetherell[4] argue that "Eastern Europe" – whatever we consider it to be– was never a culturally monolithic bloc but rather a plurality of regions and cultures. In approximate terms it stretches along today´s border between Slovenia and Croatia, as well as between the Czech Republic and Slovakia, and crosses Poland and the Baltic States. Mitterauer argues that due to the so-called Eastern Colonization, a migratory movement from West and Central Europe to Eastern Europe, which began in the 11th century, matches the division in marriage and household formation patterns.[5] While Hajnal´s observations focus on the 19th and 20th centuries, Mitterauer´s

findings give this transitional zone more historical depth.[6] Thus our geographical frame of observation is defined in a sufficiently precise way.

The border area of this Eastern Colonization also marks the border between various systems of inheritance, property transmission and feudal systems. In the regions west of the border area, the impartible inheritance became prevalent – befitting the logic of individual property. In many cases this was not a real inheritance system but property transmission to the next generation by purchasing, especially in regions where stem family systems dominated. The feudal systems of these regions, the *Grundherrschaft*, were characterized by a strong penetration of the feudal lords into the household economies of their servants. There are, however, regions to the west of the European transitional zone that practiced partible inheritance well into the 20th century. They are not relics dating back to remote history but rather they developed much later from a unitary or impartible inheritance system. To the east of the line the earlier systems of inheritance, supported by concepts of the collective, endured. In this system property could remain undivided over generations or could be distributed equally among all lawful heirs. Legally, property was considered to be tied as a whole to the family or to blood-relations and was not subject to the will of the person leaving the inheritance. Thus it was the whole household community that inherited, and only people without family could appoint heirs at will. Legally, this meant that several heirs were joined to one inheritance group. All male heirs – women were excluded – inherited the property as a group and all were considered the successors to the inheritable property.[7] This was embedded into a feudal system that did not penetrate strongly into the household economies but rather stressed its tributary character. One of the results of

this tributary feudalism was the conservation of traditional elements like the equally partible inheritance system of men.

## 2. Traditional rural household formation systems in the Balkans and the stem family

This East European historical setting did not leave very much room for establishing stem family systems or even stem family phases within household formation systems. At this point we know only the general rules of Eastern European household formation systems. Detailed research will bring out regional variations. There is as yet too little research material for the area of the Eastern European plains and lowlands to determine regional trends. For the Balkans, however, the research is more encouraging. Here we can attempt to draw a map of the systems of household formation. With the exception of the Greek islands in the Aegean Sea and the coastal areas of the mainland and the Peloponnesus, the household forms can be considered as a variation of general Eastern European family formation systems. These exceptions are not surprising since the Mediterranean societies in general were characterized by distinctive household forms, shaped by a high degree of urbanity, nuclear families as a general rule and neolocal residential rules. We can speak of three basic types of formation systems in the Balkans: the neolocal system, based on nuclear and stem families; the patrilocal system based on life cycle complexity; and the patrilocal system based on household cycle complexity. In both the cases 2 and 3 demographic constellations could accidentally evolve a stem family (only one son was born and/or survived), but these are not stem family systems.

The neolocal nuclear and stem family formation system was dominant in Romanian colonized areas (which reached into Eastern Serbia), but we must not think that this was a national characteristic. The system worked like a stem family, though with equally partible inheritance (which means a significant difference to the Central European stem family system): when sons were of marital age they were given equal parts of the property; they would then leave the parental home and set up their own holding before marriage; the youngest (rarely the eldest) son would remain with his parents. This neolocal form prevailed, although sometimes an uxorilocal solution was chosen and sons-in-law made up for the lack of biological sons. Thus the Romanian household went through different phases: first a couple without children, then with unmarried children, then two couples of different generations with unmarried children (stage of stem family) which could have been finalized with one couple of the third generation.[8]

Generally there was a sincere effort to share land between sons equally and justly. Each household was to have the same access to all land categories. There was strong pressure to divide the property while the father was still alive. This system of transfer of property was embedded in a rural communal system: village territory would be divided among the households and each family branch in the village had a right to equal shares of the various land categories. The early transfer of property and neolocality was obvious in this communal system because it was the village community and not the individual owner that took charge of distributing the land.[9] Thus we see that the context of this Romanian nuclear and stem family system has little in common with the Central European one (especially in terms of equal inheritance portions and the role of the village community).

### 3. Modernization of the traditional peasant society

But there was also another type, one which became more and more important in the 20th century. It came about as the result of the social, administrative and economic processes of modernization, especially after World War II and the adaptation of traditional family structures to a new form of industrial society. This type represents one of various transitional stages from a complex to a nuclear household and family system.[10] Both the stem and the nuclear household constellations were not completely new experiences, for they had been part of traditional household cycles.

The infrastructural, social and political transformations that took place after World War II and up to the present in the Balkan countries, as well as generally in Eastern Europe, have been enormous. They involved a shift from a predominantly rural to an industrial economy, a change of political organization, and a radical transformation of economic and social ideology.[11] Thus, in the former Yugoslavia in 1948, i.e. after the war and after some rebuilding had begun, 79 percent of the economically active population still worked in agriculture. By 1953 this had dropped to 75 percent, by 1961 to 64 percent, and by the late 1980s the figure had fallen below 20 percent in most of the republics.[12] All the Balkan countries were pushed into these half-industrialized societies after World War II, which was responsible for a rapid social transition.

Another important process was the demographic transition that began in most Balkan countries at the end of the 19th century, ending usually in the 1960s with a significant drop in natality rates. This process of demographic transition in its first phase saw populations increase rapidly with a higher percentage of family fissions as a result. This tendency continued after World War II.[13]

Modernization processes, of course, had already begun in the first decades of the 20th century, but they were not very extensive and consequently could have not affected family structures very much. Vera Erlich´s classic study[14] on the transition of the Yugoslav family in the 1930s indicates that a transformation process did in fact take place, though traditional elements predominated in most parts of the country. The number of one married son or daughter living with parents was low, but seemed to be increasing.[15]

The modernizing measures taken after World War II were much more effective. The collectivization of land led to a rapid decrease in large families because the minimum of land a household was allowed to hold was in most cases not sufficient to provide a large family with enough property to survive. The nuclear household as an ideal became increasingly universal, but extended kin ties remained important. Laws giving equal rights to women came into force and customary inheritance laws which before acknowledged only the male right of inheritance now provided equal inheritance rights.

The decrease in the agricultural population was the result of the increasing migration of peasants to the towns and cities as well as to other countries in Europe and overseas (the latter being especially the case in the former Yugoslavia and Greece), a process which began in the 1880s and became even more prominent as of the 1960s. This labor migration affected the traditional family systems fundamentally. Money as a basis for wealth and wellbeing increasingly became a substitute for immobile land. This was another reason for changing the inheritance system. Male equally partible inheritance was abandoned: migrating brothers or sons were no longer interested in what was very often not very fertile land and small inheritance shares and often left everything to the one brother

who remained at home. Egalitarian inheritance changed into a non egalitarian one.

## 4. Relevance of the stem family in the transitional processes from traditional to nuclear family: 3 case studies

Families in the Balkans were exposed to high rates of family fissions, migration processes and social transformations in which the stem family gained importance. In this transitional stage the family kept its complex forms but altered the tendency of horizontal into vertical stem family extension. It should be stressed that this represents only one of several ways households change into a nuclear family system, which does not represent the final phase of the individualization process.

### Case study 1: Serbia

Joel M. Halpern and Richard A. Wagner made some very important observations of these transitional processes based on the village of Orašac in Central Serbia and its surrounding region. Although a micro-study such as this can hardly be generalized, it is nonetheless clear that the value of their findings goes far beyond this village. All the former Yugoslav republics, except Slovenia in the north, were exposed to the trends Halpern and Wagner observe in their micro study:[16]

(1) With 20th century modernization the complex *zadruga* structure was replaced by a contemporary pattern of stem and nuclear households in both rural and urban areas. This household change represents a process of continuous adaptation and not abrupt termination. Nuclear families had become prominent in urban areas such as Belgrade by the 18th century[17] and in towns in rural surroundings by the 19th century.[18]

(2) There was a tendency to move from lateral extension – married brothers or surviving spouse of one of them – to vertical ties across generations, such as between father, son and grandson.

(3) We can observe different general types of household cycles, one of which is very important: a four or three generation lineally extended household goes through a complete cyclical development: the oldest generation – consisting of a married couple – dies off one by one (usually the father first), the granddaughter marries out, the grandson marries and his bride resides in the household and they have two children. In the case of two grandsons, this means only one remains at home while the other may set up his own household. Today, however, he usually migrates to town. There appears to be a tendency for the youngest son to remain at home (ultimogeniture). Theoretically, all of them can inherit but daughters have had a de facto tendency not to insist on their claims in terms of inheritance of land. The other sons may also give up their claims. This is particularly true if a son has received some help in getting an education, learning a trade or services and/or materials for help in building a house in town.

(4) Underlying these structural patterns are a number of changes, including new values for limitation of family size,[19] increasing longevity in terms of survival of the eldest generation into the sixties and seventies, and a continuing value for maintaining an extended household structure involving the coexistence and cooperation of diverse age groups.

(5) Increased longevity, decreased mortality, and limitations placed on childbearing have combined with an existing ideology of agnatic affiliation[20] to produce new kinds of household groupings. Any simplistic assumption about the evolution of family households from extended family groups

to a nuclear family basis ignore the range of possible diversity, even given the overall decrease in average household size. The brother-brother bond as part of the agnatic ideology on which the *zadruga* is based is no longer of primary importance.

Halpern´s and Wagner´s findings for Ora□ac do not reflect a unique situation. We have data for 1863 for ten more villages and towns not far from Orašac. The data show a similar situation for the rural villages, but a very low percentage of complex and stem family households for the towns of Arandjelovac and Kruševac. In most cases the percentage of the stem family type is higher than those of the multiple type. Usually these two categories are not separated and simply considered as multiple family.

**Table 1: Household typology of 11 Serbian villages and towns 1863 (%)**

| | Orašac | Arandjelovac | Bukovik | Topola | Vrbica | Banja | Kopljare | Stojnik | Vranovo | Kruševac | Lazarica |
|---|---|---|---|---|---|---|---|---|---|---|---|
| solitaries | 0.8 | 41.6 | 11.1 | 4.4 | 9.8 | 12.9 | 3.3 | 8.8 | 4.3 | 31.0 | 8.6 |
| no family | 0.8 | 2.3 | 7.4 | 3.6 | 2.4 | 3.8 | 2.2 | 2.9 | 5.2 | 2.3 | 2.2 |
| simple | 35.9 | 45.2 | 38.9 | 46.4 | 39.0 | 30.6 | 44.0 | 37.6 | 48.3 | 56.2 | 63.4 |
| extended | 13.7 | 9.0 | 20.4 | 11.6 | 14.6 | 15.6 | 13.2 | 16.5 | 15.5 | 8.2 | 10.8 |
| multiple* | 22.2 | 1.3 | 16.6 | 15.6 | 17.5 | 17.2 | 20.9 | 17.0 | 11.2 | 0.4 | 5.0 |
| stem | 26.7 | 0.5 | 5.6 | 18.4 | 16.6 | 19.9 | 16.5 | 17.1 | 15.5 | 1.8 | 10.1 |

Towns: Arandjelovac, Topola and Kruševac

* this category does not include stem family constellations

Source: Balkan family data bank: Balkan family project at the University of Graz

**Case study 2: Croatia**

IIn Croatia an analogous development can be observed. The "binuclear" stem family was also a result of the fission of the traditional large and complex household – a process that began in the middle of the 19th century and was caused by changing economic and legal institutions.[21] In different regions, as in the Northern area, the stem family has prevailed. It is characterized here by two conjugal units in two subsequent generations. The dominant pattern since the 1950s and 1960s is that the father holds the whole property as such, while the young couple is also allowed to have private property; most of the men in the young couples earn money abroad. It is the father who selects his successor among his sons. The holding is not divided among them. The out migrating sons do not insist on their inheritance rights, thus the resident son is able to use the entire landed inheritance. Several times a year he symbolically transfers goods to his brother's families who live in town. The popular term for this form of family is *zajednica*/ community. This terms reflects the reality well. This community of the resident stem family and those who have left the house – symbolically expressed by the exchange of goods and money – continues at least until the death of the parents but may also be also continued by the following generation. However, increasing numbers of son-in-laws had to be integrated into the households due to the drop in fertility and the decreasing chance of having a son as the successor on the holding. At the time of marriage half of the holding is normally allotted to him, the other half stays formally under the administrative control of the father-in-law. It is expected, however, that the son-in-law will not insist on gaining control over his portion. Overall, in Croatia the stem family appears to have been a transitional phase from the traditional household community to the nuclear

family, which by the 1970s appears as the dominant family form.[22]

The two Croatian villages under investigation are the villages of Lekenik and Bobovac, both of which are situated south of the country´s capital, Zagreb, not more than 40 miles from each other. The historical background and the strategic position of both villages are different. Bobovac and its surroundings used to be part of the so-called "military border system", which was established in the 16th century as a defensive zone against the conquering Ottoman Empire and dissolved in 1881. Lekenik, on the other hand, was part of feudal Croatia´s domain system. Despite the different historical contexts in both villages, the system of living in large, complex households was practiced for centuries. The dissolution of these households took place more rapidly in Lekenik than in Bobovac: Lekenik was located near the capital and connected to it by railway; modernization processes consequently had an earlier impact there than in Bobovac.

In 1857, Lekenik had about 800 inhabitants, a figure which grew to 1,633 by 1961. During this period the average household size decreased from 11.8 in 1857 to 7.2 in 1880, and then to 3.3 in 1961. This process was accompanied by the reduction of complex to simple household structures:

**Table 2: Lekenik: Household typologies, 1948 and 1961, %**

| Type | Year | |
|---|---|---|
| | 1948 | 1961 |
| Solitaries | 8.8 | 13.2 |
| no family | 3.3 | 3.1 |
| nuclear | 49.3 | 54.2 |
| Extended | 16.9 | 18.9 |
| multiple* | 5.4 | 0.6 |
| Stem | 16.1 | 10.0 |

* this category does not include stem family constellations
Source: Grandits (1996, 357-361); Balkan family data bank; Croatian bureau of statistics.

In 1948, horizontally complex households were, at 5.4%, already very rare, and by 1961 this figure had fallen to 0.6%. But the percentage of stem families also fell, while at the same time we observe a process of increasing nuclear families (from 49.3% to 54.2 %). Thus, by the 1960s, modernization processes in Lekenik had already resulted in the nuclearization of the households.

The village of Bobovac was comparatively isolated. But this geographic isolation did not mean a lack of intense contact with the industrial world. Thus, prior to World War II, people from Bobovac went to work in Western Europe. Nevertheless the situation was quite different to Lekenik. In 1857 this village had 624 inhabitants and by 1961 this had risen to 1,213; the average household size dropped during this period, from 11.8 to 3.8. The following table shows that the transformation from complex to simple household structures was not faster than in Lekenik as well as the increasing importance of the stem family.

**Table 3: Bobovac: Household typologies, 1948 and 1961, %**

| Type | Year | |
|---|---|---|
| | 1948 | 1961 |
| Solitaries | 4.2 | 9.4 |
| no family | 1.9 | 2.5 |
| nuclear | 35.4 | 34.0 |
| Extended | 24.8 | 26.4 |
| multiple* | 13.2 | 4.1 |
| Stem | 19.5 | 23.6 |

* This category does not include stem family constellations

Source: Grandits 1996, 363-367.

In contrast to the village of Lekenik, in Bobovac the transformation of the complex household structure into a stem family system accelerated during the 1950s. In 1948 there were still 27 complex house holdings with more than one married brother; this figure decreased to 6 in 1961. In 1948, of 318 households (104 of which were complex) 62 constituted stem family households, a figure that increased to 77 by 1961 (the number of complex households remaining almost unchanged at103).[23] This data can be interpreted in terms of lower modernization processes when compared to Lekenik, where the dissolution of the horizontal complex household structure results in an increasing percentage of stem family households while the percentage of nuclear families remains stable.

Thus we see that the transitional phase that temporarily stressed a stem family system could occur at different times, even in villages not very distant from each other. The household constellation of Bobovac, in terms of the proportion of stem

families, was closer to the central Serbian town of Ora□ac than to the almost neighboring village of Lekenik. This cross-cultural comparison shows that the temporary formation of stem families was based neither on ethnicity nor religious affiliation. The proportion of stem families indicates a point of several potential transitional stages from a complex household structure to a nuclear one. This is underlined by the Albanian data.

**Case Study 3: Albania**

Albanian data can be added to this cross-cultural comparison for 1930 and 1950. The villages in the first census of the Albanian state represent the diverse regions and religious confessions of the country: Guri i Zi (Northern Albania, mixed Muslim-Catholic), Hot (Northern Albania, Catholic), Shkallnuer (Central Albania, Muslim), Terove (Southeast Albania, Orthodox), Zhej (Southern Albania, Orthodox). The three villages in the year 1950 represent the Catholic population of the mountainous regions of Northern Albania.

**Table 4: Bobovac and Orašac in comparison with Albanian villages in 1930 and 1950, %**

| | 1961 | | 1930 | | | | | 1950 | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Bobovac | Orašac | Gur i Zi | Hot | Shkallnuer | Terove | Zhej | Plan-Gjuraj | Pepsumaj | Abat |
| solitaries | 9.4 | 5.1 | 1.1 | 16.0 | 7.8 | - | 11.8 | - | 4.3 | 6.1 |
| no family | 2.5 | 1.3 | 1.1 | 8.0 | 3.1 | - | 3.9 | 6.7 | - | 2.0 |
| simple | 34.0 | 36.9 | 34.8 | 30.0 | 43.8 | 40.0 | 26.3 | 20.0 | 31.9 | 30.6 |
| extended | 26.4 | 24.4 | 20.2 | 22.0 | 15.6 | 16.7 | 31.6 | 40.0 | 21.3 | 24.5 |
| multiple | 4.1 | 2.4 | 1.1 | 10.0 | 14.1 | 13.3 | 16.3 | 6.6 | 13.5 | 20.4 |
| stem | 23.6 | 29.8 | 19.1 | 14.0 | 15.6 | 30.0 | 10.5 | 26.7 | 19.1 | 16.3 |

On analyzing the data we see that percentage of complex structured households in Albania is significantly higher than for the Croatian and Serbian villages, while the percentage of Albanian stem families is lower and the percentage of the nuclear families similar to that for Bobovac and Ora□ac. Overall, we can say that the figures for Albania for 1930 and 1950 are much more comparable with those of the Serbian villages in 1863. These findings fit our hypothesis that the stem family in the Balkans represents a transitional stage in the change from predominantly complex structured households to predominantly nuclear oriented households. Household-cycles are affected by regional variations and the speed of modernization and they adapt by changing from horizontal to vertical extension.[24]

We can verify these quantitative findings with the help of a series of structured interviews that were conducted in 1961 at the same locations used to derive the quantitative data on Yugoslavia.[25] One of the questions asked in the interviews

concerned the preference for a stem family constellation, i.e. "Would you prefer your son and his wife to live with you in the same household?" We have summarized the answers given in the following table.

**Table 5: "Would you prefer your son and his wife to live with you in the same household?"**

| | Former Yugoslav Republic/autonomous region | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Answer | Serbia | | Vojvodina | | Montenegro | | Bosnia | | Slovenia | |
| No | 17 | 23.74% | 26 | 41.27% | 6 | 40.0% | 65 | 61.32% | 14 | 35.9% |
| Yes | 53 | 74.65% | 28 | 44.44% | 9 | 60.0% | 41 | 38.68% | 23 | 58.97% |
| Depends | 1 | 1.41% | 9 | 14.29% | - | | - | | 2 | 5.12% |
| | 71 | | 63 | | 15 | | 106 | | 39 | |

Unfortunately, the interviews do not cover all parts of the former Yugoslavia. Nevertheless these figures are interesting. In Serbia and Montenegro, the desire to live with the family of one of the sons was deeply rooted, but was less so in Bosnia. The figures for Slovenia are also interesting: they show almost the same positive proportion of answers as for the very traditional region of Montenegro. However, a direct comparison in this case is not possible, since Slovenia belongs to the other side of the Hajnal line, where the traditional pattern for centuries has been a mixed nuclear and stem family system different from that practiced in Central Europe. For Slovenia the high proportion of positive answers reflects a traditional pattern and a deeply rooted stem family ideology. In the other cases we see a transitional phase, via one of several routes, from a traditional pattern to modernity in the form of a stem family constellation,[26] but not a stem family ideology. Therefore we

need to differentiate between the stem family in the narrow and wider sense.

## Conclusions

This paper has evaluated the importance and nature of the stem family in Eastern Europe, a term conceptionalized for the territories spreading east of the Hajnal line. The traditional pattern found here is the joint family structure and a male equally partible inheritance system. Except for Romania, where a mixed stem and nuclear family system seems to have been practiced for centuries, we cannot speak about a comparable stem family structure for the rest of Eastern Europe. Importantly, this structure as well as that of the nuclear family has always been a potential part of the household cycle. Due to the modernization processes of the 20th century, the complexity of household structures changed from a focus on horizontal extension to vertical extension. This kind of adoption process gave the stem family structure greater importance than ever before. We should consider the stem family as one of the transitional paths taken by Eastern European complex family structures in their initial tendency towards the nuclear family household. We are dealing here with the stem family in a wider sense, which means it is restricted to a formal structure and not accompanied by a deeply rooted stem family ideology. In this respect the stem family in the Balkans, and probably generally in Eastern Europe, differs significantly from the stem family in the Pyrenees or Japan.

The empirical evidence is based on data from the former Yugoslavia and Albania and is limited to rural areas and towns. The three case studies of the Croatian villages of Lekenik and Bobovac and the Serbian village of Ora□ac represent three

different stages of this transformation. Cross-cultural comparison shows that these different speeds reflect regional modernization patterns and not ethnic or confessional differences. The model of this transformation is characterized demographically by a significant fragmentation of the agnatic core of co-residing married brothers and sons and an increase in the husband-wife bond. Future research on the stem family will show whether we can generalize our findings to other regions of Eastern Europe.

## NOTES

[1] This article was conceptualized in collaboration with the research project entitled "Patriarchal social structures in the Balkans", which was funded by the Austrian Science Fund. The author appreciates the comments by Joel M. Halpern and is grateful to Siegfried Gruber, who created the tables without which this article could not have been written.

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[13] More details and data see KASER, K., *Familie und Verwandtschaft auf dem Balkan, Analyse einer untergehenden Kultur, op. cit.*, 417-424.

[14] ERLICH, V., *Family in Transition. A Study of 300 Yugoslav Villages*, Princeton University Press, Princeton, 1966.

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23 GRANDITS, H., *Familie im kroatischen Dorf. Zum Wandel des Alltagslebens im Turopolje und an der Save (18.-20. Jhdt.)* [The family in the Croatian countryside. The change of every-day life in the Turopolje and Sava regions (18-20th century), PhD., Graz, 1996, p. 369.

24 We need this data, however, to help us think about family and household transformations in new ways.

25 These interviews can also be found in the Halpern Collection at the Centre for Southeast European History, Graz University, and were conducted with the assistance of the Departments of Ethnology and Sociology in Belgrade, Zagreb and Sarajevo.

26 We should be cautions in our interpretations here because of the relatively small sample sizes.

# Family and Migrations in the Balkans (19th and 20th century)

Petko HRISTOV

In the study of the socio-cultural characteristics of family life in the Balkans as a part of the history of everyday life in Europe a number of theses and categories are still subject to discussion. Historians, anthropologists, ethnologists and sociologists of the Balkans all face a difficult question when choosing an interpretative strategy: whether "private life" is a consequence of a civilization process, fixed in time and space, that began during the Renaissance of Western Europe (Norbert Elias), or whether it is a constant in human society that appears in various guises in different cultures and historical periods (Hans Peter Duerr).[1] The few works on everyday life in Southeast Europe[2] – for example, that of Evelyne Patlagean on Byzantium in the 10th and 11th centuries – show how in the Balkans, from the Medieval period onwards, the intimate world of the individual was not secluded in the space of the home and the family as we are used to believing.

Similar problems also arise in the complex research into labour mobility in the Balkans in its historical and modern aspects insofar as it does not represents an exception from the common tendency for international migrations to become the focus of political debate rather than an object of analysis in respect of their underlying dynamics and socio-cultural

characteristics.[3] Scholars rarely ask themselves to what extent the motivation in (temporary) labour migration is a personal decision, part of the "private sphere" and the family relations, and to what extent it is the result of tradition and inherited collective models of behaviour in whole regions.

The purpose of this article is more to focus attention on the social phenomenon of temporary male migration (*gurbet* and/or *pechalbarstvo*) in its socio-cultural and ethnological contexts, showing its historical roots in the example of the Central Balkans, rather than to give precise definitions and generalizations on the issue of "labour migrations in the Balkans". I will present here briefly the results of my fieldwork in 2001 and 2005 in those regions of the peninsula where today the borders of three states meet – those of the Republic of Bulgaria, Republic of Serbia and Republic of Macedonia – as well as in the mountain regions of Western Macedonia. This issue became even more topical in the last decade of the 20th century, the "decade of transition" in Eastern Europe, given the new waves of labour emigrants and *gastarbeiters* to Western Europe and America.

The seasonal and temporary labour trans-frontier[4] migrations of large groups from their home area to other ("*foreign*") regions within the confines of the peninsula (characteristic of the second half of the 19th century) and to Europe and America (from the beginning of the 20th century) are known traditionally in the Balkan languages as *gurbet*/*gurbetluk*[5] and/or *pechalbarstvo***.** In general, the temporary migrations (*gurbet*) during the final decades of the Ottoman Empire, as known from historical sources, can be connected to a broad range of economic activities in the agricultural sector and in a number of specific crafts. In the agricultural sector, seasonal migration meant mainly the movement of labour from

the mountains (according to Fernand Braudel these areas were known for their archaism and poverty) to the rich lowlands and river valleys during the harvest season (in Bulgarian "*slizane na Romanya*" – "going down *to Romanya*" ['at harvest']), a process typical of the entire Balkan and Mediterranean area.[6]

Also typical of the 19th century and the first decade of the 20th century was seasonal hired herding/shepherding (fixed in the calendar between the feasts of St. George and St. Demetrius), combined with different kinds of agricultural labour. These seasonal migrations for agricultural work came with different age and gender characteristics in different parts of the Balkans, but in their female variant ("at harvest") they were exclusively female.[7] Traditionally, after marriage, the female would live with her husband's family in his home. The final point of these migrations was marked by the Balkan Wars and the new political frontiers crossing the territory of the former Ottoman Empire.

In the mountain regions of the central and the eastern part of the peninsula, working outside the home area (*pechalbarstvo*) was popular with male craftsmen and traditionally attracted a high level of prestige.[8] This was especially true of the region in the heart of the Balkans known from the literature as *Shopluk* – a denotation not yet sufficiently defined in terms of its range.[9] Legends has it that this population "*can shoe the flea and split the sole-leather into nine*".[10] However, the traditionally best-known migration streams of temporary/seasonal workers came from the western part of the Republic of Macedonia (the *Miyak* region), where the whole socio-cultural milieu gradually transformed over the centuries due to the temporary absence of men from the village. This region was therefore also included in the research for purposes of comparison.

The seasonal migrations of the men (*pechalbars*) from the central regions of the Balkans are recorded in historical documents from the second half of the 19th century, after the Crimean War.[11] These men were mainly involved in the field of construction (*dyulgerstvo)*: the men went "*from spring until late autumn*" around all the Balkan Peninsula, "*from Serbia*[12] *and Wallachia* (the settlements along the Danube) *up to Istanbul, Asia Minor and Persia".* Some hypotheses state the tradition of labour migration in search of construction work is rooted in the road-fortification obligations of a part of the local population while part of the Ottoman Empire. This population had a specific logistic status in the Sultan's army, and was known by the terms *voynugan* and *dervendji*.[13] In my opinion it is more probable that the genesis of the seasonal migration by the male population of these mountain regions was the decline of the well-developed sheep-breeding that was established and encouraged by the state in the early centuries of Ottoman rule to meet the needs of the army. Unlike *Shumadiya* in Serbia, for example, where further economic progress was connected to swine-breeding, in the central parts of the peninsula the Ottoman registers in the 15th to 18th centuries had established a very well-developed network of privileged *dzhelepkeshan*s – sheep-breeders, predominantly Christian, who supplied the state, the army, and the capital, Istanbul. The decay of the agrarian system in the Ottoman Empire and the socio-economic crisis at the end of the 18th century and start of the 19th century lead to a decrease in pasture land in the mountain regions, the loss of the privileged status of the local population, and a prolonging of the cycle of complexity in family-kin households (*zadruga*).

These processes, together with the expansion of the *chiflik* type of land-ownership, led Maria Todorova to develop the thesis that the *zadruga*, as one of the forms of complexity of

the family/household, is a phenomenon that appeared in the specific ecological niches of the pasture/mixed (animal-breeding and agricultural) regions in the Balkans as a new (or cyclic) response to the specific peculiarities in the development of the Ottoman Empire after the 18th century. In her view, "the geographic frequency of the *zadruga* distribution invariably follows the curve of the mountain regions of the Balkans, regardless of the ethnic borders".[14] In my opinion, this specific development of the socio-economic situation in the Ottoman Empire was responsible for the following growth in temporary male migrations (*pechalbarstvo*) from the central part of the peninsula after the first quarter of the 19th century. In addition to this, in Western Macedonia the development of stockbreeding enjoyed no security from constant attacks by Albanian bandits. For a number of scholars at the end of the 19th century, this was the reason for the rapid growth in labour migration beyond the home area.[15]

In its turn, the seasonal "pouring out" of the male mountain population "for gain" to the other parts of the Balkan peninsula made for the stability over time of the complex households (*zadruga*) and the proverbial strength and effectiveness of kinship networks in these regions. An important condition for the continuous conservation and great significance of the family-kin structure for the entire life of the village was the traditional form of organization in the labour migrant groups. They were based upon kinship and/or a local-village principle and, up until the beginning of the 20th century, knew no written form of regulation (of the guild type) but followed instead the norms of customary practice.

This fact, as well as the lack of statistical data[16] about the extent of seasonal migrations (*gurbetluk/pechalbarctvo)* in Turkey, Bulgaria, Serbia and Macedonia, defines the research strategy for historic-ethnographic reconstruction using

predominantly narrative sources, and consequently oral narratives turn out to be the basic source of information. As early as the 19th century, the first attempts were made at centralized regulation of the traditional craft of construction (*dyulgerstvo*) in these regions. As of the 1890s, in Crna Trava (Serbia) special three-month courses were held during the winter to train master constructors[17] and, in 1903, in Tran (Bulgaria) a Construction School was opened that became well known all over the country and still exists to this day.

The directions, destinations and nature of the seasonal labour and temporary migrations of groups of male craftsmen (*gurbetchii/pechalbari*) changed several times during the 19th century and the first decade of the 20th century in line with the turbulent historical destiny of these regions. Indeed, over the last 130 years some of these regions changed their state affiliation several times, something which, in the Balkans, often also leads to change in national identity, especially for border regions.[18]

Before the Liberation of Bulgaria (1878) the main stream of construction workers used to set out for the empire's capital, Istanbul. These seasonal migrants started their journey on some of the great spring feasts – *Mladentsi* (The Forty Holy Martyrs), *Dzhurdzhovdan* (St. George's Day) or at the beginning of Long Lent; by the Day of St. Constantine and Helen in May they would already be at work ("*u rabotu*").[19] Other important destinations for male constructors performing seasonal work were Wallachia and Serbia, both of which were free at the time. The groups of *pechalbars* heading for Wallachia would gather in the town of Godech. By passing through the Petrokhan pass, the town of Lom and the ports of Turnu Severin and Chetatya on the Romanian bank of the Danube, they would reach the villages in what is today Southern Romania. There they built the famous *bienitsa*s (rammed earth houses) that were

especially popular among the local Wallachian population.[20] By the end of the 19th century, in a number of villages in Southeast Serbia and Middle Western Bulgaria the male population would speak fluent Romanian – learned during the seasonal labour migrations ("*u pechalbu*") in Wallachia.[21]

Before 1878, the meeting points for those heading in the direction of Serbia were Smederevo, Parachin, Yagodina and Chupriya. From here the groups of seasonal migrant constructors would spread all over Shumadiya. In the region of Tran (Middle Western Bulgaria), men who practiced the craft of construction in free Serbia were called "*shumadijtsi*" to distinguish them from the "*stambuldzhii*", who migrated to work in the villages around Istanbul.[22] One of the first big construction undertakers in Serbia and in the capital, Belgrade, came from the region of Crna Trava (today in Serbia) and Tran (today in Bulgaria).[23]

Many of these masters and their construction groups played an active role in the National Liberation struggles of the local population over the course of the 19th century: the assault on the Belgrade Castle in 1862, the *Shop*'s uprising (1877) and the *Kresna-Razlog* uprising (1878). It was in Chupriya, in 1862, soon after the formation of the First Bulgarian Legion, and at the request of G. S. Rakovski, that the famous master Grozdan Nasalevski formed three Bulgarian volunteer detachments of construction workers from the region of Tran to take part in the forthcoming Serbian-Turkish War.[24] Some of the leaders of these male migrant's groups (*pechalbarski tajfi*) acquired military ranks in the Russian and Serbian armies and participated actively as volunteers in the Corps of the Russian general Chernyaev during the Serbian-Turkish War of 1876-1877 and later in the Bulgarian Volunteer Corps in the Russian-Turkish War that led to the liberation of Bulgaria. In 1877, the detachments of these master constructors under the command

of the famous Simo Sokolov (also from Tran), acting in co-ordination with both the Russian and the Serbian armies, liberated consecutively the regions of Tran (today in Bulgaria), of Vranje (today in Serbia) and Kriva Palanka and Kratovo (today in Northeast Macedonia).[25] They also played an active role in the *Kresna-Razlogi* uprising of 1878, which took place after the Great Powers returned the Bulgarian regions to the Ottoman Empire during the Berlin Congress.

Soon after the Liberation of Bulgaria (1878), the new capital, Sofia, became an attractive centre for the constructors (*pechalbar*s) from the regions of Tran and Tsaribrod in Bulgaria, the regions of Crna Trava, Vranja and Pirot in Serbia, and the northeast part of Macedonia, which remained within Ottoman borders. According to some approximate data provided by Jelenko Petrovich, during the last decade of the 19th century and the first decade of the 20th century (up to 1912), 8,000 people came to Sofia each year, around 2,000 of which were from the region of Pirot.[26] In a number of villages in Southeast Serbia, up to one quarter of the male population was "at work" in Bulgaria – mostly in Sofia.

Together with the men from Tran, the most famous masters and construction undertakers in Sofia at the end of the 19th century and the first decade of the 20th century came from Macedonia. The road from Macedonia via Kriva Palanka to Sofia was rightfully called by their contemporaries "the migrants road 'of gain'" ("*pechalbarski drum*"), since, every spring, more than 10,000 men from Macedonia marched along this road to the capital of the free Bulgarian state.[27] More than 3,000 came from the villages around Kriva Palanka alone.[28]

In the Bulgarian capital, the migrants and seasonal workers from Macedonia, besides construction, also practiced other crafts working as bakers, milkmen, confectioners, traders. The same crafts were practised by the temporary migrants

(*pechalbari*) from Western Macedonia (the regions of Tetovo, Debar, Kichevo, Bitola, Kostur) in Thessalonica and in the capital of the empire, Istanbul.[29] The Balkan Wars of 1912-1913 and the new political boundaries in the Balkans put an end to these temporary migrations, closing the traditional routes of the seasonal workers to the south. Their new destinations became the new metropolises of Belgrade (for those from Western Macedonia) and Sofia[30] (for those from Eastern Macedonia), as well as Albania (for the Albanian population), which had already been liberated. At the start of the two Balkan Wars and during World War I, many of these temporary workers from the central part of the Balkans emigrated to America in order to avoid military service. After 1900, America became an attractive centre for the free labour force of the region – first from Macedonia[31] and later also Bulgaria and Serbia. Some of these "Americans" returned during the 1920s, but many stayed on in America as immigrants. Another group of the *pechalbar* workers from Macedonia volunteered to fight in the Balkan Wars in the hope of liberating their homeland from the Ottoman Empire.[32]

Organized on a kinship and/or local principle basis, the male groups of temporary migrants (*pechalbarski tayfi*) developed their specific subculture in the big cities (Istanbul, Thessalonica, Belgrade, Sofia). The men (*pechalbar*s) had special places where they would meet and discuss, such as the famous "*Znepole*" Hotel in Sofia, where construction workers from the region of Tran would assemble, and the "*Razlog*" Inn, where migrants from Macedonia gathered. In Belgrade there were several "Macedonian" inns in *Chubura*,[33] whose keepers came from Western Macedonia, especially *kafana "Struga"*. Their specific dialect became their language marker (and an original "secret" language) both in Bulgaria and in Serbia.[34]

The local population on both sides of the frontier also accepted the migrant groups from the central part of the Balkans as a separate community: both the constructors from Crna Trava in Serbia and those from the region of Tran in Bulgaria were traditionally called *karkavtsi*,[35] and their seasonally moving groups were compared to flocks of migrating birds ('cranes'). These communities of male craftsman remained traditionally closed in their specific subculture: the penetration of workers from other regions in their construction groups being a big exception up until the middle of the 20th century. Even now the masters from Kriva Palanka (today in Macedonia) recollect that during the 1930s-1940s they preferred to work in Skopje with Bulgarian workers from Bosilegrad (today in Serbia) than with constructors from Western Macedonia (Vevchani), who were from a different "school".

Over the course of years, the annual journeys of the men from the central part of the Balkans, "at work" and "for gain", developed the specific features of the feast-ritual system and folklore[36] of the population from these regions (songs of the type *"Tugjina idem, ostavyam raj!"* ["I go abroad, I leave paradise]"). Together with prolonging the cycle of complexity of the family-kin households and the liveliness of the extended families, another specific characteristic was the grouping of the most important family-kin feasts (*slava/slouzhba/svetec)* in the autumn-winter period of the festive calendar: from the Day of St. Petka/St Demetrius in October to the Day of St. John/St. Athanasius at the end of January.[37] *Mitrovden* (the Day of St. Demetrius), *Rangelovden* (the Day of St. Michael the Archangel), *Nikoulden* (the Day of St. Nicolas) and *Bozhich* (Christmas) became sacred centres in the calendar feast-ritual cycle in the family.[38] In the settlements in Western Macedonia with their age-old tradition of seasonal male migration, there exists some interesting "creativity" in the festive ritual process

in the spirit of "invented tradition";[39] in Vevchani, the feast of *Spasovden* (Ascension Day) was celebrated three times a year (in May, September and January). The feast on the Wednesday before St. Athanasius' Day was called "*pechalbarski Spasovden*", because on that day the men returning to the village from work "abroad" visited a special chapel in the mountain built by and for the migrant workers.[40]

In fact, a man's entire destiny was pre-conditioned by the life strategy of temporary/seasonal work away from the home area. For the newborn the traditional baptism ritual contained a number of special blessings and symbolic elements aimed at defining in a magical way the destiny of the boy as a good future master-worker. In Western Macedonia, a boy's first seasonal journey away from the home village ("first *solounche*" in Galichnik) was accompanied by ritual acts and blessings around the idea of "large profit". In the mountain regions of the Central part of the Balkans and in Western Macedonia,[41] local folk tradition has produced a stable ritual complex for seeing off and meeting the groups of male temporary migrant workers. The women would accompany their husbands and sons far beyond the boundary of the settlement to an established place marking the boundary of the region (*Daschan kladenec* for Znepole, the bridges – *Plachi most* at Zhelino, Tetovo region and Kichevo, *Plachi krusha* near Lazaropole and Vevchani etc.) where the groups of seasonal workers gathered. The toponyms of the "*pechalbar*" spots are most often connected with "lamentation" and describe touching scenes of (temporary) family separation. The origin of the old name of the *Kurbet* Mountain, which separates the region of Nishava from the valley of the Morava River, is probably connected to the traditional migrant's destinations and rituals of seeing off/meeting is.[42]

The mass absence of the men (*pechalbar*s) from their homes for most of the year leads to transformation in all the major

rituals of the life-cycle. In the mountain regions in the Central part of the Balkans, weddings were concentrated in the winter period, when the male constructors were at home. Among the *Miyaks* in Western Macedonia, weddings would take place only once a year, usually on the feast of the patron saint of the village (St. Peter's Day in Galichnik,[43] St. Elijah's Day in Lazarpole), when the young men had returned to their home areas. If a young engaged couple (*verenitsi*) could not bet married on that day, they would have to wait another year, until the next patron saint's feast day; the only other possibility was the feast of the Holy Virgin. As late as the middle of the 20th century, these mountain regions were strictly endogamous, and for some villages in Western Macedonia the endogamy was within the bounds of the village: the young men would return to their home villages to find brides among "their own". According to the respondents, even today most local girls get married in summer, when the heirs of the then *pechalbar*s and the *gastarbeiter*s from America and Australia return to their home areas to look for suitable wives.

Local traditions included a whole ritual complex for the funeral of a seasonal worker who had died abroad; the dead man was buried symbolically and grieved for in his home village. This is a popular practice, but in the village of Mesheishta, however, in the Struga region of Western Macedonia, I came across the "finished state" of such a transformation: at the end of the 19th century, near the village church, an empty grave was dug, where the relatives lamented each of the seasonal workers who had died and were buried abroad. This empty grave stands as a monument to the "unknown *pechalbar*" from the Balkans.

The centuries-old model of seasonal labour migration was reversed after the 1970s. In this period, temporary migrants from the territory of the former Yugoslavia settled with their

families permanently in Western Europe, America (USA, Canada, Argentina) and Australia. This was a consequence of the new policy and the new possibilities offered by the legislation in some European countries, in particular Germany (after 1972). Invited to work legally for a certain period of time due to the demand for labour in certain economic sectors, the *gastarbeiters* from the Balkans soon brought their families with them and emigrated permanently in the accepting country. Germany "shared" the model and the designation "*gastarbeiter*" for the "temporary" labour migrants with the remaining West European countries. This also radically changed the model of the (temporarily) separated families in the regions I studied, especially in Western Macedonia. The traditional "*gurbet*" model of seasonal migrations and working outside the region (the families stay in their home areas and the men earn abroad but send back money and spend what they earn at home), was transformed at the beginning of the 1970s into the "*pechalbar*" model of *gastarbeiter culture*.

Many of these *pechalbar* villages were deserted. Nostalgia for the home area still remains, however – some *gastarbeiter*s return towards the end of their lives from all over the world to their villages in order to die "at home". There are numerous examples from south-western Macedonia of *gastarbeiters*, albeit already naturalized in the "new motherland", building new houses in their native villages or buying apartments for their children in the main towns of their homeland (Storuga, Ohrid). In a number of villages of the region of Debartsa, *gastarbeiter*s have donated money to restoration of old or the building of new Orthodox churches, chapels and public buildings. In the Republic of Macedonia there are also villages that have lain completely abandoned for decades but to which the local people return every year on the patron saint's feast day in order to make the collective offering (*kurban*) and hold the common

table "as if the village were there".[44] However, the break-up of the former Yugoslav Federation with its accompanying wars and ethnic conflicts, the formation of new independent states in the Western Balkans, and the drawing of new state borders that are difficult to cross has changed the traditional *pechalbar/ gastarbeiter* model in many respects, giving rise to new life strategies and expectations among the younger generations.

In Bulgaria, in the years of transition of the last decade of the 20th century, the labour mobility of the Bulgarians shows a number of features of the trans-frontier *gurbet* model, but with some new elements taken from the *gastarbeiter* culture of the temporary labour migrants of the former Yugoslavia. At first groups of several men (recently increasingly also groups of women) leave their home areas to work in the countries of Western Europe and send back money to support their families in Bulgaria. In some cases their families come to live with them in the accepting country, but even then, the aspiration to return to the motherland, including the desire to demonstrate their success, achieved "*na gurbet*", still remains. But what becomes of these temporary labour migrants (*pechalbar*s) will be the subject of other research, and the future will show what their perspectives will be under the new conditions of Bulgarian membership of the EU.[45]

In conclusion, I can say in summary that the traditional male temporary migrations from the mountain regions in the central part of the Balkans gave rise to specific transformations in the entire traditional socio-cultural model of the local population – in social organization as well as specific family models and marriage strategies related to prolonging the cycle of complexity of the family households, and in the specifics of gender roles. The Balkan Wars of the beginning of the 20th century changed the destinations for these temporary migrations, and the new policy towards migrants in Europe, at

the beginning of the 1970s, transformed the entire character of social relations in the regions emitting *pechalbar*s (*gastarbeiter*s) from the Balkans. The changed socio-economic situation on the peninsula in the final decade of the 20th century turned some Balkan countries like Greece from countries that emit migrants into accepting counties for seasonal/temporary labour migrants. At the same time, the *pechalbar* traditions and the specific *gurbetluk* mentality have showed remarkable stability in a number of regions in the Balkans that are a source for new waves of *gurbetchii* (*pechalbar*s); these, under the influence of the new circumstances in the region, are settling permanently in the accepting countries, thereby becoming immigrants. The entire socio-economic development in the Balkans and the geo-political future of the separate states will determine to a great extent whether the *pechalbar*s of the region become permanent emigrants or continue to aspire to return to their home areas.

## NOTES

1 ELIAS N., *Über den Prozess der Zivilisation: Soziogenetische und psychogeneitsche Untersuchungen*. Bd. 1-2, Frankfurt am Main, 1978; DUERR H. P., *Nacktheit und Schamm. Der Mythos vom Zivilisationsprozess*. Frankfurt am Main, 1988. On this discussion see KASER K., "Privatni •ivot u Jugoistoènoj Europi", in *OTIVM* 2 (1-2), Zagreb, 1994, pp. 48-55.

2 Cf. ARIES P., DUBY G., *Histoire de la vie privée*. Vol. 1-5, Paris, 1985.

3 KEARNEY M., "Migration", in BARFIELD T., (Ed.) *The Dictionary of Anthropology*. Blackwell, Oxford, p. 324.

4 In the sense of (trans-) ethnic, religious, cultural, and later also state borders in the Balkans.

5 Denomination in South Slavic languages from Arabian-Turkish *gurbet* – "*foreign country*". At the end of the 19th century, according to Naiden Gerov's Dictionary the verb "*gurbetuvam*" in Bulgarian means "to go abroad" (cf. GEROV N., *Rechnik na balgarskiya ezik*. T. 1, Plovdiv, 1895, p. 26), and "*gurbetchiya*" = "foreigner" (cf. GEROV N., *Dopalnenie na balgarskiya rechnik ot N. Gerov*. Plovdiv, 1908, p. 83).

6 BRAUDEL F., *Sredizemno more i sredizemnomorskiyat svyat po vremeto na Filip II*. Kn. I, Sofia, 1998, 30, 40-43, 51-53 (BRAUDEL F., *La Méditerranée et le monde méditerranéen a l'époque de Philippe II*. Liv. 1).

7 HRISTOV P., "The Market and the Piazza for Hired Hand in Sofia as Places to Exchange Cultural Stereotypes", in *Ethnologia Balkanica*, 9, 2005, pp. 87-88.

8 Cf. BOBCHEV S., *Sbornik balgarski yuridicheski obichai*. T. II, Sofia, 1908, p. 197; PETROVIĆ J., *Pečalbari, naročito iz okoline Pirota*. Beograd, 1920, p. 18; CVIJIĆ J., *Balkansko poluostrvo i juznoslovenske zemlje*. Knj. Druga, Belgrade, 1931, p. 134.

9 Cf. HRISTOV P., "Granitsite na Shopluka i/ili shopi bez granitsi", in SIKIMIĆ B., *Skrivene manjine na Balkanu*. Belgrade, 2004, pp. 67-82.

10 CVIJIĆ J., *Osnove za geografiju i geologiju Makedonije i Stare Srbije*. Belgrade, 1906, p. 194.

11 MIKHOV N., *Prinosi kam targovskata istoriya na Balgariya*. T. II, Avstrijski konsulski dokladi. Sofia, 1943, pp. 331-332.

12 On Belgrade and all of *Shumadiya* in Serbia cf. IRECHEK K., *Patuvaniya po Balgariya*. Sofia, 1976, p. 559.

[13] Compare the survey made by Galya Valchinova, cf. VALCHINOVA G., *"Znepolski pohvali". Lokalna religiya i identichnost v Zapadna Balgariya*. Sofia, 1999, 46.

[14] TODOROVA M., *Balkan Family Structure and the European Pattern.* The American University Press, Washington, 1993, pp. 156, 174.

[15] For example cf. PETROV G., "Emigrantskoto dvizhenie za Amerika v Makedoniya", in *Kulturno edinstvo*, 1909, Sofia, pp. 3-6; CVIJIĆ J., *Balkansko poluostrvo i juznoslovenske zemlje*. Knj. Druga, Beograd, 1931, pp. 134, 162, 169, 199.

[16] Much to the researchers' pity, the official state statistics in Bulgaria in the entire period of its existence does not report on the number of seasonal workers, hired for less than 6 months (cf. *Economy of Bulgaria.* Vol. 1, Sofia, 1969, p. 408), so we can only make suppositions for the concrete dimensions of the temporary labour migrations.

[17] Cf. PETROVIĆ J., *Pečalbari, naročito iz okoline Pirota*. Belgrade, 1920, p. 23.

[18] Cf. HRISTOV P., "The Use of Holidays for Propaganda Purpose. The "Serbian" *Slava* and/or the "Bulgarian" *Sabor*", in *Ethnologia Balkanica*, 6, 2002, pp. 69-80.

[19] Cf. PETROVIĆ J., *Pečalbari, naročito iz okoline Pirota*. Belgrade, 1920, p. 14.

[20] MIRONOVA-PANOVA S., *Transkiyat kraj*. Sofia, 1971, pp. 69-70.

[21] NIKOLIĆ V., "Iz Lužnice i Nišave", in *Srpski etnografski zbornik*, 16, Belgrade, 1910, p. 28.

[22] Cf. PETRICHEV L., "Transkite dobrovoltsi v Srabsko-turskata vojna – 1876 godina", in *Transki kraj*. Sofia, 1940, p. 150.

[23] PETROVIĆ J., *Pečalbari, naročito iz okoline Pirota*. Belgrade, 1920, p. 23.

[24] PETRICHEV L., "Transkite dobrovoltsi v Srabsko-turskata vojna – 1876 godina", in *Transki kraj*. Sofia, 1940, p. 140.

[25] PETRICHEV L., "Shopskoto vazstanie prez 1877 godina na transkoto opalchenie", in *Transki kraj*. Sofia, 1940, pp. 163-171.

[26] PETROVIĆ J., *Pečalbari, naročito iz okoline Pirota*. Belgrade, 1920, p. 23.

[27] Cf. CVIJIĆ J., *Osnove za geografiju i geologiju Makedonije i Stare Srbije*. Belgrade, 1906, p. 197.

[28] Cf. PETROV G., *Materiali po izuchavaneto na Makedoniya*. Sofia, 1896, p. 593.

[29] KONESKA E., "Makedonci vo Istanbul", in *Etnolog*, 1, Skopje, pp. 64-72.

[30] Cf. CVIJIĆ J., *Balkansko poluostrvo i juznoslovenske zemlje*. Knj. Druga, Belgrade, 1931, pp. 135-136.

[31] Cf. PETROV G., "Emigrantskoto dvizhenie za Amerika v Makedoniya", in *Kulturno edinstvo*, 1909, Sofia, pp. 3-6.

[32] Here is only one example: from 74 construction workers in Sofia from the village of Radibush (Kriva Palanka region) 72 enrolled as volunteers in the Macedonian-Odrin volunteer corps of the Bulgarian Army (Personal fieldwork record).

[33] KJUSHKOSKI A., *Pechalbarstvoto vo Vevchani*. Bitola, 1998, p. 21.

[34] Cf. CVIJIĆ J., *Balkansko poluostrvo i juznoslovenske zemlje*. Knj. Prva, Belgrade, 1922, p. 219.

[35] In some South Slavic dialects - denomination from Turkish for crane; cf. NIKOLIĆ R., "Krište i Vlasina", in *Srpski etnografski zbornik*, 18, Belgrade, 1912, p. 231; MIRONOVA-PANOVA S., *Transkiyat kraj*. Sofia, 1971, p.65.

[36] Cf. the folklore song collection of KAROVSKI L., Makedonski pechalbarski narodni pesni. Skopje, 1979.

[37] PESHEVA R., "Edin starinen semeen praznik. Praznuvane na svetec v Severozapadna i Zapadna Balgariya", in *Ezikovedski – etnografski izsledvaniya v pamet na akad. Romanski*. Sofia, 1960, p. 739

[38] HRISTOV P., "Ahnenkult in Westbulgarien: das Fest des Schutzheiligen", in BRUNNBAUER U., KASER K., (Hg.) *Vom Nutzen der Verwandten. Soziale Netzwerke in Bulgarien (19. und 20. Jahrhundert)*. Böhlau, Wien, 2001, p. 193

[39] Cf. HOBSBAWM E., "Introduction: Inventing Traditions", in HOBSBAWM E., RANGER T., (Eds.) *The Invention of Tradition*. Cambridge University Press, 1-14.

[40] During my fieldwork in Vevchani in the summer of 2005 I visited this chapel together with a former *gastarbeiter* in Germany from Vevchani, who has begun reconstructing it.

[41] For the region of Mala Reka in Western Macedonia, cf. PECOVA M., "Obihcai na Mijacite – gurbetchii ot Mala Reka", in *Vesnik na muzejsko-konzervatorskoto drushtvo na NRM*, 1, Skopje, 1955, pp. 7-14; SPIROVSKA L., "Za nekoi mijachki pechalbarski obichai posebno ot Galichnik", in *Bigorski nauchno-kulturni sobiri*, I, Gostivar, 1971, pp. 259-263.

[42] IRECHEK K., *Istoriya na balgarite*. Sofia, 1978, p. 48.

[43] The wedding in Galichnik was transformed into folkloristic performance in final decades of the 20th century. However, the real marriage ceremony can still only be performed on St. Peter's Day; in the summer of 2005, I witnessed three consecutive wedding ceremonies on that day.

[44] HRISTOV P., "Praznikot na pustoto selo (Sliki ot ritualniot proces vo R. Makedoniya i R. Balgariya", in *Makedonski folklor*, 62, Skopje, 2004, pp. 117-118.

[45] The first historical-cultural and ethnologic observations in this direction for the region of the Rhodopes in Bulgaria are already available in a collection with the beautiful title "Living there, dreaming here. Cf. KARAMIHOVA M., (Ed.) *Da zhiveesh tam, da se sanuvash tuk. Emigracionni procesi v nachaloto na XXI vek.* Sofia, 2003.

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# Sociability an Solidarity between Constraint and Social Freedom

# Sociabilité et solidarité entre contrainte et liberté sociale

# ‘Borrowed Neighbors’ in Sixteenth Century Sibiu (Hermannstadt): Attitudes and Discourses

Mária PAKUCS WILLCOCKS

In 1581, the two high judges of Sibiu (the Stuhlrichter and the royal judge) were asked to bring sentence in a case involving neighbors from Salzgasse and Reispergasse. The judges needed to decide where three men or, more precisely, three houses from a tower belonged, and therefore in which neighborhood they were obliged to pay their civic debt. The complaint of the neighbors in Salzgasse was straightforward:

> The three men living in the Salzturm belonged to our neighborhood from ancient times with all neighborhood rights, and they were also ordered here by a decision of the honored council, which they obeyed and kept themselves with us. Now that the three men have come to the same houses, they do not want to help carry the common burdens of our neighborhood but keep themselves there in Reispergasse, which seems burdensome to us, therefore we ask you to oblige them to serve and carry out the duties here where they had belonged for a long time. As for the feast, you should not oblige them to come with us; they can drink their money where they want, as long as they do justice to the neighborhood with the watch and other duties.[1]

In answer to the charges, the three defendants referred to their temporary obligation to help the Salzgasse neighborhood and replied with their own plea for justice:

> Honored judges, you understood how these good men from the Salzgasse wish to turn the three of us out of the city into the suburb and it seems unjust to us to do the watch and perform all sorts of duties. It is indeed true that after the great pestilential death the above named people from Salzgasse were short of householders and there were only widows left there. So our three houses were ordered down there by the honored council, but for a little time, until they can multiply themselves. But now their beds were blessed, so that there are more of them than of us, so that their turn to watch comes barely once in six weeks, but for us it is every fourteenth day. Because the honored council has granted this measure only for a short while, which we can prove with living witnesses who were there at the time that this is how it is. That is why now we ask that your lordships would return us to our old rights, and not make a property out of a borrowing and not harness the cart before the oxen; this is our request to your lordships.

Witnesses were then produced by and for both sides whose statements were just as conflicting as the claims made by each party. Naturally, the testimonies defending the Salzgasse neighbors were heard first. Greger Eichhorn the Elder's declaration opens the series:

> After the great pestilential death, the neighbors from Salzgasse summoned us to stand before the honored council and declared that they were lacking people and could not carry the burdens properly. That is why they desired that the honored council should make the three persons living in the Salzturm stand together with the inhabitants from Salzgasse.

However, the man knows that "they belong to our neighborhood, and they have their entrances and exits towards us". He is outraged by the sheer absurdity of their claim: "They now wish to perform as a service what always was their duty." Eichhorn retells the situation created by the lack of manpower in the Salzgasse and tells how the three persons suddenly no longer wanted to do service with them and that is why they approached the authority (*die Obrigkeit*). He ended by stressing again, "it should be known that they belonged to our neighborhood before they had been ordered here".

The second witness for the Salzgasse-company, Albert Goldschmid, confirms the statement of the previous neighbor, adding that "he knew well that the three persons from the houses" had been going into the neighborhood in Salzgasse, but he did not know as a fact where the three houses belonged or whether the sign of the neighborhood had been sent to them. The third witness, Velten Bidner, lent weight to his testimony by stating that even though he was the oldest in the Salzgasse, he was still clear in his mind. With the authority of his age, he thundered:

> In this neighborhood no one has ever been on the night watch from down there, and even less has ever a right been given to do so, only because of the great need (Notdurft), some from the three houses were granted deliberately by approval of our honored neighborhood, just for a while, to go there. Colman Schlosser also went across there by his own thoughtlessness. Because they never had nor have now the right to take them for the watch, often there were quarrels about this, which from words led to pulling hair and to blows, as I well know from my grandma, God rest her soul.

We see that the old man turned the argument around completely by stating that the Salzgasse people had never performed night watch in the Reispergasse, and that the Reispergasse received the three households from the Salzturm as a temporary relief in times of need. He also tried to give backing to his statement by appealing to a more ancient memory than his own.

The fourth recorded testimony on behalf of the Salzgasse is even more disconcerting, making one wonder why he was called to testify at all. Joannes Leo declared that ever since he had lived in a house there, three years before the death, he had performed the duties with the Salzgasse neighborhood justly, as is the right in the neighborhoods, and no one had ever come to ask him to do the night watch in the Reispergasse.

The defendants had only one witness brought to support their cause, a woman.

> For as long as I have lived in the Reispergasse, those from the Salzturm had belonged all the way to our neighborhood, until 15 years ago, when those from Salzgasse had convinced Colman Schlosser with fine words to do the night watch over there. So my husband of blessed memory, told him he should not do that, but do the watch over here, where he drinks his money, because it would create quarrel and bickering. But Colman Schlosser did not want to listen, he said that it was the same to him whether he did the watch in the Reispergasse or the Salzgasse. And as they convinced one of them, so they took the other two as well, but they belong to our neighborhood in full right.

I shall disclose the decision of the judges in the conclusion to this article. For the moment I shall continue to endeavor to uncover some of the meanings contained in the statements

given by all parties involved in the case, because what might appear as an anecdotal event, even somewhat amusing in its frivolity, was a matter of importance to the inhabitants of the Salzgasse and Reispergasse in the spring of 1581.

We can almost feel the tension that led to this argument being brought in front of the judges and the bickering and the slinging of insults that preceded the formal trial. Ultimately, the property of citizenship itself was brought into question: the three men defined themselves as being loaned to a suburban neighborhood in the Salzgasse and consequently wanted their rights as town-dwellers reinstated. On the other hand, the Salzgasse neighborhood scorned the quality of the borrowed neighbors' membership: they did not desire the company of the three men at their social events. "They can spend their money where they want" is the great insulting remark the host neighborhood makes to the three stubborn residents; they were not welcome at the common feast but were expected to help them with the night watch.

The dispute over the status of the three households in the Salzturm reveals the functioning of a social institution in Sibiu's urban community: the neighborhood. It was an organized civic body, whose solidarities surpassed the mere bonds created by the proximity of houses or courtyards. Specific rights and duties defined the neighborhoods and created in their members a consciousness of their association and obligation in a shared life.[2]

Neighborhoods embraced all adult married men, owners or inhabitants of a house in a delimited area of the city, a street in most cases[3], and in the Great and the Small Ring. The honor of being a part of a neighborhood entailed duties and obligations towards the fellow members of the corporation and to the city at large. Social support, solidarity, welfare, vigilance for social

and moral order, night watches, cleaning, living in a manner that was agreed upon and in keeping with the best traditions – all these were all implicit in membership. In Sibiu, authority in the group was under the responsibility of the one or two Nachbarhannen, also called Nachbarvatern, who were subordinated to the town's administrator of economic affairs, the "Stadthann" or "villicus". They were elected annually at the common meeting of the neighborhood on Ash Wednesday, when the financial records of the previous year were also presented and accounted for.

Ownership of a house was not an exclusive requirement of membership: those who rented a house belonging to the neighborhood were also included in the roster of duties and monetary contributions. Thus it seems that the physical existence of the houses in a certain space within the city was the fundament of a neighborhood. The bonds were first topographical, created by sharing the same public space: the street. For the good functioning of the common space and for everyone's sake, people had to behave, act and respond to one another in a way that was firstly customary, and therefore good, and secondly consented to. The house embodied the quality, rights and duties of a neighbor, and men made use of them as long as they inhabited that particular house. Unlike the other qualification criteria of citizenship, for instance ownership of any property in the city or membership of a profession, the status of a neighbor was mutable and attached to the individual houses more than to persons. However, the duties and obligations a man had in any of Sibiu's neighborhoods were tied to him for life. So long as a man was a citizen, he was also bound to carry out neighborhood duties somewhere in the city.

In the text of the 1581 court case we are able to identify some of the attributes of these corporations in the view of their members:

- there were duties which had to be carried out commonly, and which, in a rather revealing choice of words, are referred to as "burdens" ("bürden und lasten tragen") by the Salzgasse neighbors, loads for which help was needed and, literally, manpower;
- the common feasts members of a neighborhood were entitled but also obliged to attend as an indication of sociability and bonding;
- the sign of the neighborhood sent from house to house as means of communicating news;
- widowed women did not count as heads of their household as they did for taxation and temporarily in the guilds. The very first sentence of the plaintiffs' discourse specifically contains the phrase "three men" with the meaning of the three houses which were under dispute. They claimed that previously "three men" had been compliant with the neighborly duties, while the present "three men" caused grievance and disturbance.

The statutes of the Sibiu neighborhoods represent a norm, which, as Martin Dinges puts, are "representations of what is important and right".[4] One of the first things to strike the reader is their negativism, their insistence upon fines, misconduct, and offence. The fines were expressed both in payments in kind, usually in measures of wine, and in money. Some were specifically non-negotiable, "ohne Gnad" or "ohne Bitt" is the exact phrase, which would suggest a possible flexibility in cases of other, lesser transgressions.

Five written statutes remain from the sixteenth century for the following streets:[5]

- 1563 – Obere Wiesengasse, today str. Tipografilor (Upper city)
- 1577 – Obere Bugergasse, today str. Ocnei (Lower city)
- 1582 – the Great and Small Ring (Upper city)
- 1582 – Obere und untere Hundsrücken, today str. Centumvirilor (Upper city)
- 1587 – Neuegasse, today Str. Nouă (Lower city)

To these officially institutionalized neighborhoods we must clearly add at least two more: those that were in fervent dispute in 1581.

The statutes appear different at first glance: they have differing numbers of stipulations (between 12 and 25) and the importance given to duties and requirements also differs from one to another. Further differences can be discovered in the articles of the 1582 statutes of both the Rings and the Hundsrücken neighborhoods because the manner of referring to members is more reverential than in the other documents. Here we encounter the expression "gute Herrn und Nachbarn", and the language of the statutes as a whole is more elaborate. Other terms pertaining to the political vocabulary of discipline, such as submission (*Gehorsamkeit*), stubbornness (*Mutwill*), and scorn (*Verachtung*), are also included in these statutes. This, however, comes as no surprise considering that the patrician families who provided most of the senators in the city council had their homes in the Great and the Small Ring.

The concerns of the neighborhood statutes were manifold. Their purpose was to organize common life in the interests of peace and the common good. And this is how the sixteenth century citizens of Sibiu knew how to achieve it.

1. First there were the articles covering what the quarrelling neighbors from the Salzgasse and Reispergasse called their "common burden", which was the share of the civic duty to be

carried by each of the neighborhoods: the night watch. All statutes with the exception of the 1577 Burgergasse articles contain penalties for missing out on the night watch or for not announcing one's unavailability in good time for a replacement to be found. The hour at which duty was to begin was also prescribed – at 9 o'clock, sharp – because any delays were also subject to a fine. Performing this civic duty, however, was not expected of "professionals": the 1563 Wiesen statutes decided that if a town soldier lived in the neighborhood he was allowed to be exempted from night watch duty in the neighborhood but would have to pay a sum of money for this exemption. The apple of discord for the 1581 neighborhood quarrel had been the night watch, whose actual range of action was confined to the street of the neighborhood. I assume that the primary task was giving alert of fires. The danger of fire was omnipresent, as it was in any other city of the time, and it seems there was not enough being done to prevent them. According to the recorded history of the town, there were two huge fires in Sibiu in the sixteenth century, one in 1556 and another in 1570; on both occasions the flames damaged some towers and parts of the city walls. In cases of fire, the citizens were also organized into tenths (Zehntschaften). Neighborhoods had their share of responsibility in fire prevention: fines were established for the improper use of chimneys or keeping the neighborhood ladder overnight. The inventory of the community chest from Burgergasse lists an iron shovel and a fire-hook. Also, the Neugasse statute has specific fines for activities likely to start fires, such as singeing pigs on windy days or entering the stables with a lit candle.

2. Secondly, there was the concern for the sociability of the neighbors: the effort to establish and, most importantly, maintain the necessary bonding so that civic duties could be carried out fail. Sociability was enacted, established and

consolidated through the meetings of the neighbors and the common feast on Ash Wednesday. A new neighbor had the obligation to hold a house warming, just as a neighbor obtaining an official function should give for the others a celebratory meal (1563). Moreover, all the statutes encouraged neighbors to visit each other during the year, and if one did not feel like doing so, he had to compensate for his lack of sociability by payment of a sum, which, exceptionally, was not called *expressis verbis* a fine. Gaming was allowed in all statutes under the condition that the curfew of eight or nine o'clock in the evening be respected and that only small sums be played for.

The solidarity of the neighbors was also important in death. Attending the funeral, when death came to the neighborhood, was mandatory. The neighborhood sign was sent from house to house to announce the event. In the two statutes from 1582, the matter is more elaborately addressed: the youngest neighbors must help carry the body to the burial place under the threat of a fine in a measure of wine.

3. The relation to the street was also important: cleaning it and keeping it free of garbage. The fountains seem to have been in the charge of the town authorities, who paid for the erection and maintenance of wells in the various neighborhoods.[6]

4. The statutes also provided the guidelines for the equitable sale of wine. Within the neighborhoods there were smaller associations of households related to the selling of wine that would take turns, on their allowed number of days, in putting wine out for sale. The Burgergasse statutes explains that "no one should make *a sign*, unless they put the wine up for sale." This concern for fairness naturally meant that the neighbors should not compete with each other by selling at the same prices, as the article from Neugasse in the handout reads.

5. Living in a well-defined social environment also implied a different set of rules. Mutual respect and a proper behavior were required. Honor, a key concept in early modern self-representation of the individual, was held in high esteem in the neighborhoods, for calling a neighbor a liar or badmouthing were unacceptable and punished immediately. Staining the authority of the Nachbarhann also attracted a fine.

Some of the neighborhood articles deal with "civilized" manners: the good gentlemen from the Great and Small Ring were to teach and order their servants not to drink excessively and not to take the leftovers from the table at meetings of the neighborhood. If this happened, the gentleman himself was held responsible for the behavior of his domestic staff and had to pay a fine in a measure of wine.

Punishing the quarrelsome and not tolerating backbiting kept the peace in the neighborhood. Abhorrence of physical violence is evident in the repeated fines imposed for threatening gestures, such as hitting the table with a fist during the "honorable banquet" (1577- V) , or even more outrageous acts, as we read in the Neugasse statutes from 1587:

"If someone fires a rifle, be it on the street or in a courtyard, he has to pay without any forgiveness 20 denars. If someone pulls a weapon on someone else, be it a sword or a knife, he has to be penalized without any forgiveness 1 florin."[7]

The judges ruled in favor of the Reispergasse neighbors, because they found that the testimonies showed clearly that the three houses used to belong to the Reispergasse and that they had been ordered by the authorities to serve only temporarily in the Salzgasse. However, they also gave a ruling that reached beyond the case in question between the two parties. It was a sentence to re-establish the order and peace

between the two neighborhoods, a task they considered inherent to their status of authority:

> However, the three persons living in the Salzturm spoke some insulting words to the honored neighborhood in Salzgasse, namely saying that they were suburban and they had borrowed neighbors, and that they harnessed the cart before the oxen. As we know that we do not have suburbs, but all who live inside and around the walls are called Hermannstädter, and no one is borrowed or foreign, but all are inhabitants of the city and belong to one authority. Thirdly, it is not proper and it should not be that one should use such a coarse metaphor of animals for people, and should not say it out loud in front of the justice, but should speak respectfully, wisely and with modesty. That is why the three persons who had said this together with two other honored men should go to the house of the Nachbarhann in Salzgasse and there, in the presence of the neighbors, they should excuse themselves of this insult. And the neighbors in the Reispergase should take a good punishment upon themselves for such offence, so that they will not do it from now on.

The beautiful wording of the sentence is without any doubt the work of Albert Huet, the royal judge of the Saxons; an outstanding personality in the political and cultural life of Transylvania, who was educated at the University of Vienna, where spent time at the Imperial courts of Ferdinand and Maximilian II.[8] This paragraph of the trial proceedings summarizes an entire ideology of order and morality which I will only hint at here without going into further detail.[9] It was a balanced verdict, where even the losing claimants receive a moral retribution they had in fact not asked for. However, the Salzgasse neighbors were not satisfied with just an apology,

and they made an appeal to the city council three weeks later. The sentence was not changed.

A few questions still remain unanswered in connection with the quarrels between neighbors in 1581. It is puzzling to me why the Salzgasse neighbors pursued this cause without having a strong case in their favor. Maybe they were hoping to manipulate the law, to create a norm out of a practice, or as their rivals worded it, "making a property out of a borrowing". We see that, although they had authority in the neighborhoods, the Nachbarhannen were not able to handle this conflict or preventing it from reaching the town's judges: the statutes had lost their power confronted with an unusual situation.

It appears quite clearly here that the myth of the ideal town with good citizens, duty-oriented and subdued, is not holding water. The Sibiu neighbors were eager to create a court case just to get help with the night watch, which was taking them away from their beds and most probably made the following day's work harder. Life in sixteenth century Sibiu was hard enough anyway.

## NOTES

1 The protocol of the litigation is kept at the Sibiu National Archives, *Documente medievale*, IV 1175. A version of this event is narrated in a popularising fashion by Gustav Seivert: see SEIVERT, G., "Ausgestorbene Originale aus dem Siebenbürger Sachsenlande", in *Siebenbürgischer Volkskalender*, 19, 1870, pp. 5-6.

2 Literature on Saxon neighborhoods in early modern Transylvania is neither abundant nor sufficiently analytical. From recent endeavors I mention here PLAJER, D. "Siebenbürgisch-sächsische Nachbarschaften vom 16. bis zum Ausgang des 19. Jahrhunderts", in *Forschungen zur Volks- und Landeskunde* 41, no. 1-2, 1997, pp. 170-190. An enthusiastic account of the Saxon neighborhoods is to be found at SCHULTHEISS, F.G., "Die Nachbarschaften in den Posener Hauländereien nach ihrem historischen Zusammenhang", in *Archiv für Kulturgeschichte*, nr. 6, 1908, p. 150 sqq.

3 See MÜLLER, G.E., *Stühle und Distrikte als Unterteilungen der Siebenbürgisch-Deutschen Nationsuniversität 1141-1876*, ed. GÜNDISCH, K.G, reprint ed., Böhlau Verlag, Köln, 1985, p. 120 sqq.

4 DINGES, M, "Normsetzung als Praxis? Oder: Warum werden die Normen zur Sachkultur und zum Verhalten so häufig wiederholt und was beudetet dies für den Prozess der 'Sozialdisziplinierung'?", in *Norm und Praxis im Alltag des Mittelalters und der Frühen Neuzeit. Internationales Round-Table-Gespräch, Krems an der Donau, 7. Oktober 1996*, ed. JARITZ, G., Verlag der Österreichischen Akademie der Wissenschaften, Vienna, 1997, pp. 44-46.

5 Published integrally for the first time by ZIMMERMANN, F., "Die Nachbarschaften in Hermannstadt. Ein Beitrag zur Geschichte der deutschen Stadtverfassung und Verwaltung in Siebenbürgen", in *Archiv des Vereins für Siebenbürgische Landeskunde. Neue Folge*, XX, no. 1, 1885, pp. 131-143.

6 The expenses of the city fathers are to be found in various account books of Sibiu.

7 Zimmermann, p. 141.

8 A full biography of Albert Huet has not yet been written. TEUTSCH, F., entry Huët, Albert H. in Allgemeine Deutsche Biographie, vol. 13, pp. 283-285, at http://mdz.bib-bvb.de/digbib/lexika/adb/images/adb013/@ebt-link?target=idmatch(entityref,adb0130285), accessed 24 October 2006.

[9] See PAKUCS, M., ""Gute Ordnung und Disciplin": Patterns of Social Discipline in Sibiu (Hermannstadt) in the Sixteenth Century", in *New Europe College Yearbook 2003-2004*, 2005, pp. 175-206.

# « Au sein de la famille »: Solidarités et conflits sociaux dans la société roumaine (XVIII^e siècle)

Constanţa VINTILĂ-GHIŢULESCU

## I. Les solidarités familiales

« Ce ne sont pas de personnes étrangères, ils ont des parents, des familles et des maisons, là dans le village / le faubourg... », c'est de cette manière que les clercs-juges du tribunal ecclésiastique essaient de convaincre les parents d'accepter les mariages de leurs enfants quand il s'agit d'un procès de séduction[1]. « Elle doit l'accepter parce qu'il est un homme libre, avec une maison dans le village et une certaine fortune, avec des parents », voilà un autre discours, cette fois-ci tenu par les juges locaux qui offrent des arguments à une jeune femme enlevée par son séducteur[2]. Ils invoquent, en fait, l'insertion des hommes et des femmes dans un groupe social, dans un lignage, dans une famille, autant de garanties pour un comportement adéquat, une stabilité, une réputation au milieu de la communauté.

Au XVIII^e siècle, l'individu ne vit pas seul, il est inséré dans un tissu social où les parents, le lignage constituent le premier et le plus important cercle. Avoir une famille, avoir des parents est une richesse aussi importante que la fortune elle-même, d'abord parce la famille assure la survie quotidienne de chacun,

ensuite parce que « les parents et le lignage » garantissent la place et le rôle de chaque personne dans la communauté. En même temps, l'appartenance à un certain groupe offre à l'individu une certaine stabilité – il n'est pas un errant, un vagabond, un étranger, un quidam – il est une partie intégrante d'un noyau, une maille dans une chaîne, une roue dans le mécanisme communautaire. La méthode d'identification prouve même pour le XVIII[e] siècle ce lien permanent à la famille. Dans un document, un individu se définit en utilisant comme références ses parents proches : c'est le fils de, le frère ou la sœur de, le neveu ou la nièce de, le gendre de, le beau-frère ou la belle-sœur de. On retrouve parfois un inventaire de toute la parenté invoquée spécialement pour bien marquer la place d'une personne à l'intérieur d'une paroisse et au sein d'une famille, un argument utilisé donc en sa faveur pour lui donner la crédibilité, l'autorité, les témoins, les garants, l'aide ou, si besoin est, les arbitres[3].

La recherche d'aujourd'hui met l'accent sur la relation de l'individu à sa famille. Quel sens recouvre le terme à cette époque ? Il n'est pas question ici de faire une analyse sur la signification linguistique du terme, mais de « dénicher », à travers les discours des gens, les diverses façons de se rapporter à un groupe familial ou domestique, à un réseau familial ou social. « La famille, c'est d'abord la maisonnée, le groupe domestique qui partage la vie commune », dit le notable florentin Lapo[4]. Mais le même notable Lapo élargit graduellement le terme en ajoutant des membres plus ou moins proches qui viennent agrandir le réseau familial[5].

Boyards et paysans, marchands et paysans se rapportent eux-aussi d'abord aux membres les plus proches d'une famille qui vivent sous le même abri[6], ensuite le groupe augmente en incluant les « bras » plus ou moins proches, des mères et pères

aux frères et sœurs, des oncles et tantes aux cousins et cousines, des neveux et nièces aux petits-fils et petites-filles, des gendres et brus aux compères et commères etc. Les défunts continuent à appartenir à la famille par leur présence dans les inventaires des églises et des monastères, d'habitudes des fondations familiales, par les offices célébrés pour honorer leurs noms à toute occasion, par leur présence dans les testaments, dans les histoires familiales, écrites ou orales, dans les souvenirs de tous. Cette intrusion des morts dans le monde des vivants joue un rôle essentiel dans le rapport passé-présent-futur de chaque lignage. Ce jeu de mémoire fait partie de l'histoire de chaque famille, d'une part parce que c'est un enjeu pour joindre les ancêtres à une généalogie, à un passé plein de sens et d'importance ; d'autre part parce que le soin pour « les âmes » des morts est un devoir bien réglé par la coutume. Le testament d'un boyard est un vrai miroir qui développe, comme dans un livre de famille, la totalité des rapports familiaux tissés à l'intérieur du groupe domestique. Ils s'élaborent à partir des affinités personnelles du boyard et au moins en fonction de degré de parenté avec l'un ou l'autre de ses proches. En outre, on remarque l'élargissement du groupe domestique aux clients, aux amis, aux serviteurs et parfois aux esclaves tziganes. Ils y sont inclus et envisagés comme des « membres » placés différemment sur l'échelle hiérarchique en raison de leur fidélité, des services accomplis, de leur relation avec le maître, de leur attachement etc. La commémoration des parents, des sœurs et des frères, des fils et filles morts revient sans cesse et ce rituel est bien noté, bien réglementé. Aucun héritier ne peut s'esquiver parce que la mémoire des morts lui assure l'héritage du « présent » (de la fortune)[7].

Il est cependant bien connu que chaque personne développe au fur et à mesure de son intégration dans le groupe des adultes

d'autres relations où, outre les parents, se retrouvent les voisins, les amis, les camarades d'affaires, les clients etc. Dans les documents, on va rencontrer assez souvent des amis, des camarades, des parrains, des marraines invoqués parfois comme « des parents » plus proches que les parents eux-mêmes[8].

Avoir une parenté devient pour certains une belle fierté affirmée dans la rue, à la taverne, même au tribunal : « il se vante partout qu'il a des parents et qu'il peut toujours avoir gain de cause », soutient un père qui se présente devant la justice contre un garçon plus bavard et plus audacieux[9]. Un autre père est visiblement effrayé par l'ex-fiancé de sa fille: « maintenant, je ne peux pas être tranquille, parce qu'il a beaucoup de parents et un fort lignage, et devant le père évêque, tous se sont levés contre moi. Comme je suis « bête » et faible, ils m'ont purement vaincu par leurs paroles comme ils ont voulu »[10]. Autre exemple : « elle préfère la séparation parce qu'elle a des parents qui la soutiennent plus que son mari indigne et impuissant »[11]

### « Sans famille, sans abri »

De l'autre côté, se trouve le solitaire : l'étranger, l'orphelin, le célibataire isolé, la veuve, le veuf, le vagabond, le mendiant etc. Personne ne peut garantir pour lui, personne sous la protection de laquelle il peut trouver un refuge, personne pour lui offrir un morceau de pain. « Seule devant la porte des autres, à la pitié du faubourg » se lamente une femme abandonnée par son mari, sans parents et sans protection[12]. La communauté essaie de se défendre devant de pareils individus surtout quand ils créent des troubles, par sanction verbale – le commérage, la célèbre « bouche du monde » -, par dénonciation et même par le bannissement.

Pour bien illustrer cette situation, on va s'arrêter sur l'étude d'un cas présenté en 1808 dans le village Slăvești, le département Teleorman. Costea, un jeune officier dans le village « a partout éparpillé des bruits disant qu'il a vu deux épouses commettre d'adultère avec les autres hommes du village ». Il s'agit de la femme de Dumitrache et de la femme de Grigore. Les bruits, vrais ou faux, peuvent aboutir à la perte de la réputation des deux familles à cause de leur persistance et de leur ampleur. Dans ces circonstances, les époux ont l'obligation de défendre l'honneur de leurs femmes, d'autant que la situation s'aggrave progressivement étant donné que le jeune continue à médire, même s'il s'est engagé par écrit à changer son comportement. En plus, ils sont considérés comme des hommes respectables, c'est donc important que leurs femmes aient de bonnes réputations.

Le village le regarde comme un facteur perturbateur de l'ordre social et il tente tout d'abord de le discipliner et, ensuite de l'expulser. Il décrit le jeune homme comme quelqu'un de totalement nuisible parce que son statut social englobe des éléments connotés négativement : un jeune célibataire, sans famille ni parents, sans fortune, bref un individu qui n'a ni feu, ni lieu. Il échappe à tout contrôle parce qu'il n'appartient à personne et n'entre dans aucune catégorie sociale. Les paysans, par la voix du prêtre, le dessinent comme « un colporteur de ragots », un médisant, « un garçon qui n'a rien », « un vagabond » qui n'en est pas d'ailleurs à la première déviation. Quelques années auparavant, le même processus de diffamation avait atteint deux autres familles ; le conflit a touché à ce moment-là tout le village, mais il n'a pas franchi les frontières de la communauté. Le pouvoir local, c'est-à-dire le préfet et l'archiprêtre, le caractérise comme un individu « de mauvaises mœurs ». Costea n'est ni ivrogne, ni bagarreur, ni dévergondé, il est seulement bavard et hâbleur. Les deux « défauts » sont

suffisants pour semer la zizanie au village. Il faut aussi tenir compte qu'il vient de l'extérieur, qu'il est « un étranger » pour les gens du village et qu'il n'a pas réussi à s'intégrer dans les structures normatives de la petite communauté ni à les respecter.

Les deux familles diffamées se trouvent à l'autre pôle : des gens mariés depuis longtemps qui ont déjà une fortune, des parents, des enfants et des femmes honnêtes, autrement dit, ils s'inscrivent dans des hiérarchies et dans des catégories connues et acceptées par la société. Cependant, les bruits et leur persistance ne les épargnent pas de la dérision publique qui apporte la honte et le déshonneur, selon l'opinion exprimée par les deux époux dans leur plainte. Le document met d'abord en évidence les choses qui sensibilisent aussi les paysans, la communauté, ensuite le pouvoir local et enfin le pouvoir central. Les paysans sont ainsi sensibles à la honte publique ; la communauté souhaite repousser un tel membre en raison d'une éventuelle contamination des autres membres ; le pouvoir local veut rétablir « de bonnes relations entre les plaignants et les autres familles », donc l'ordre social ; le pouvoir central, dans ce cas l'Église, désire éviter « l'écrasement de ces maisons ». Bref elle lutte pour la protection du mariage et implicitement de la famille unie, mais elle lutte aussi pour la récupération de l'individu par sa rééducation. Pour cette raison, la solution proposée est l'exil au monastère qui aurait comme effet immédiat « la paix parmi ces gens mariés » et à long terme « le redressement» du réclamé[13]. D'ici, l'intervention exigée des autorités pour restaurer l'ordre social.

### Utilité de la « grande famille »

Pères, mères, frères, sœurs, grands-pères, grands-mères, oncles, tantes, cousins, cousines, beaux-frères, belles-sœurs,

parrains et marraines forment la « grande famille » qui prouve son utilité dans toutes les circonstances : pauvreté, aide, abri, conflit, baptême, fiançailles, mariage, noces, mort, tutorat, apprentissage et garde des enfants etc.

Une première forme de solidarité se tisse à l'intérieur de la famille : les parents et les enfants, les frères et les sœurs, les oncles et les tantes se coalisent, s'allient comme un groupe unitaire prêt à s'aider, à se protéger ou à se défendre devant un péril.

*A. Situations ponctuelles de solidarité fraternelle*

L'omniprésence de la mort unit la famille obligée à demander l'aide dans une situation ponctuelle : l'élevage et l'éducation des enfants, l'administration de la fortune jusqu'au mariage des enfants, la charge de trouver des époux/épouses, le partage du patrimoine, la construction des dots, bref prendre la responsabilité des attributions paternelles ou seulement une partie de ces attributions. On observe la construction d'une « solidarité fraternelle », on peut le dire parce que les documents saisissent surtout le lien qui fonctionne entre frères/ sœurs. Le testament reste le plus important document qui met en évidence cette solidarité fraternelle – en absence d'une correspondance ou des livres de famille – et il donne des informations sur la ramification plus étendue de la lignée, une vraie construction d'un arbre généalogique du présent. Mais il faut revenir à la solidarité : le noble Răducan Filipescu, trompé par sa femme[14], confie ses quatre enfants mineurs et sa fortune à sa parenté :

> (...) je prie Trop Saint Révérend Filaret et vous le noble vornic Scarlat Greceanu et vous grand vornic Nicolae Filipescu et vous grand trésorier Costandin Filipescu et vous mon cher frère Costandin Filipescu (grand medelnicer), je vous prie avec mes larmes aux yeux, parce que vous êtes comme mes

> parents et mes frères, et vous avez un devoir chrétien d'aider un chrétien, et tout chrétien doit s'en donner la peine pour gagner son salut devant Dieu, vous avez donc ce devoir d'autant plus pour ma maison que je suis votre frère, sang de votre sang. Il faut alors vous donner la peine d'être des responsables pour ma maison et des parents pour mes enfants, de trouver un honnête administrateur pouvant s'en occuper, leur trouver un bon professeur de sorte que les enfants deviennent un honneur pour leur lignée et enfin il ne faut pas laisser ma maison se ruiner[15].

Ce document très long – dans lequel le boyard fixe la dot de la fille, les héritages des garçons, les obligations de chaque tuteur, les dettes envers les amis, les voisins ou les créditeurs, raconte le récit de sa vie malheureuse à côté de Maria Văcărescu - trace les attributions réciproques et obligatoires surgies d'une pareille liaison de parenté et d'amitié[16].

*B. Une « institution » particulière – la garantie/ caution (*chezășia*)*

Dans la société roumaine du 18e siècle fonctionne une « institution » - la garantie/ caution (*chezășia*) – une personne arrivée devant la justice pour un litige plus ou moins grave – divorce, calomnie, rixe, mauvaise conduite etc. – a besoin de garants s'il promet le changement de son comportement et un bon et rapide redressement, engagement qui aboutit à la diminution ou même à l'annulation de son châtiment, sauf pour la punition canonique[17]. Se porter garant signifie que la personne s'engage à surveiller le comportement du « coupable », à essayer de lui offrir des conseils, à l'aider à retrouver le bon chemin. Il devient responsable devant la justice pour les faits futurs de son « protégé » et signe à côte de l'individu coupable un engagement-contrat où il assume son

rôle de « maître », mais aussi la punition en cas d'échec. Comme cette « institution » suppose d'abord la connaissance de l'individu, de ses qualités, défauts, actes, actions et réactions et ensuite la prise en charge d'une responsabilité avec des effets même sur le garant lui-même, la famille est la première invoquée de bien vouloir assumer cette tâche. Quand, le 20 septembre 1731, Marica Filipescu, la femme du boyard Constantin Brezoianu, s'engage à être une femme soumise à son époux, avec une conduite honorable propre à son rang, sa lettre donnée devant le métropolite, le chef de l'Eglise orthodoxe, est signée par quatre autres personnes :

- Grigore Filipescu, grand pitar, son cousin,
- Vochița Filipescu, sa tante,
- Pantazi grand medelnicer, son beau-frère,
- Constantin Năsturel, grand échanson, un ami.

Tous les quatre se portent garants et signent la lettre qui annule le divorce demandé par le mari et accorde à l'épouse la chance de se redresser sous leur surveillance[18]. Cependant, la garantie devient une tâche difficile à accomplir quand le « protégé » ne prend pas sérieusement l'engagement, n'accorde aucune importance aux promesses assumées *pro forma,* juste pour échapper à la punition, ne respecte pas son garant.

C'est le cas de Pârvul, cafetier à Bucarest, un ivrogne qui bat son épouse, trouble le calme du faubourg avec ses disputes conjugales, se querelle avec ses voisins, insulte tout le monde. Réclamé en justice par sa femme, personne ne veut se porter garant, parce que personne ne lui fait confiance. Son frère, un homme honorable et de très bonne réputation, Constantin le maître de la corporation des barbiers, se voit obligé de l'aider. Il vient devant la justice et garantit par une lettre que son frère changera sous sa surveillance. Mais, les jours passent, les mois s'en vont aussi et Pârvul ne veut pas et ne fait aucun effort dans

cette direction. Désespéré, Constantin vient de nouveau devant la justice, mais cette fois-ci il demande l'annulation de son « serment »; la justification : « j'ai lâché l'engagement de garantie que j'ai convenu pour mon frère, Pârvul, parce que celui-ci ne suit pas ses promesses faites et écrites dans sa lettre donnée au registre ecclésiastique, au contraire, il a recommencé à boire et à faire des dépravations. Qu'il fasse alors comme il peut! »[19].

*C. La parenté spirituelle et le parrainage*

S'y ajoute le parrain ; sa présence se remarque toujours dans le cas des couples pauvres parfois sans parents. En outre, cette affinité spirituelle est interprétée par le code canonique comme une parenté, en interdisant les mariages entre le parrain et la filleule, entre la marraine et le filleul, entre les enfants baptisés par le même parrain considéré comme des frères spirituels. C'est pourquoi ce degré de parenté est considéré par les contemporains comme une alliance très importante presque consanguine[20]. A son tour, le parrain se voit comme un père : Stan du faubourg Popa Cozma prend sous sa protection ses filleuls – Radu et Zmaranda – arrivés devant la justice en réclamant les disputes conjugales. Le parrain accorde à cette alliance spirituelle une définition plus large : « étant pour eux comme un père, avec une grande joie je me porte garant et je prends en charge qu'ils suivront une vie calme et tranquille. Et j'ai 'signé' avec mon nom et j'ai mis mon doigt devant les pères clercs ». Il est responsable pour cette « vie calme et tranquille » promise et il a toutefois l'obligation de dénoncer la partie récalcitrante pour recevoir sa punition. Dans ce cas, les parents d'époux deviennent aussi des garants et ils signent à côté du parrain et des deux époux[21].

L'institution du parrainage crée des alliances et des solidarités absolument nécessaires dans l'ascension politique,

le déroulement ou la conclusion d'une affaire, l'intégration sociale d'une personne, la consolidation d'une amitié[22].

*D. Élargissement à la clientèle des boyards*

Le danger politique constitue un autre moment où la solidarité s'élargit en englobant (outre les frères, les oncles, la parenté spirituelle), les amis et aussi la clientèle politique du boyard. Il s'agit ici des boyards, premièrement parce qu'ils sont plus exposés aux luttes politiques qu'un paysan qui n'a rien avoir avec le milieu politique. De nouveau les documents pointent très bien la manière dont cette solidarité se construit. Cette fois-ci, une correspondance assidue dévoile les réseaux de solidarités mis en fonction pour protéger, aider la famille, contourner le péril qui menace, influencer le pouvoir. Il s'agit du grand trésorier Ioan Dedulescu qui de loin contrôle tout par une filière consanguine, amicale, spirituelle, clientéliste. Au printemps de 1726, le grand trésorier mécontent de la politique princière quitte le pays accompagné d'autres amis et camarades[23]. Il s'établit en Transylvanie, probablement à Braşov. Conscient des conséquences de son geste qui pourraient avoir des effets négatifs sur toute sa famille, il commence à mobiliser tout le monde par une correspondance portée entre Braţov et Deduleţti. Visés sont sa femme, ses sœurs, son frère, son beau-frère, ses enfants, ses amis, ses clients, ses anciens camarades d'affaires, chacun a une mission à accomplir, chacun a une responsabilité, chacun doit garder la vigilance, les adultes doivent protéger les enfants, les enfants doivent se soumettre surtout à leur mère. Toute la responsabilité de la maison retombe dans ses nouvelles circonstances sur les épaules de sa femme, Maria, mais elle a besoin de l'aide concertée des autres parce que la fuite, jugée comme une trahison, peut engendrer à tout moment la confiscation de la

fortune, l'emprisonnement de la famille, l'audace des autres, surtout des voisins, pour s'emparer des terres voisines, la « perte temporaire de mémoire » d'anciens camarades d'affaires concernant leurs dettes et profitant de l'absence du maître. La correspondance du grand trésorier consigne tous ses problèmes en essayant de trouver une solution et un membre de son réseau qui les prenne en charge tour à tour[24].

*E. Le mariage et la construction d'un réseau de solidarité*

« Aider par son lignage, il est devenu très vite grand trésorier, étant encore jeune »[25]. Par cette formule, le boyard et l'historien Michel Cantacuzène marque le rôle essentiel d'une bonne stratégie matrimoniale dans la vie politique. L'importance de la construction d'un réseau de solidarité est très bien saisie par les contemporains, car à travers les stratégies matrimoniales se créent de larges cercles apparentés dominant la scène politique à un moment donné et s'opposant à d'autres cercles apparentés prêts à tout instant à reprendre le contrôle. Et pour rester dans le même cadre, parmi des personnages déjà connus et plusieurs fois invoqués, on revient au mariage de Marica Filipescu et Constantin Brezoianu. Il est vrai, elle a promis le changement de son comportement, mais elle ne respecte pas son engagement et pendant neuf ans elle oscille entre le lit de son amant et le lit de son mari. En 1731, le métropolite leur accorde une séparation de lit et, en 1740, le divorce par lequel la femme perd sa dot, sa fortune, son droit de remariage. Cette sentence n'est pas davantage respectée : trois ans plus tard Marica est mariée et elle dispose par son testament de toute sa fortune. En voici l'explication : ici se confrontent deux clans ayant des positions sociales tout à fait différentes. Marica Filipescu a une immense fortune, comme son testament le témoigne, d'innombrables parents, un réseau de solidarité avec des

stratégies matrimoniales qui la lie à un grand nombre de familles de l'époque, une solidarité qui peut faire pression sur les autres, spécialement sur le métropolite, et même sur le prince, le juge suprême. De l'autre côté se trouve son mari : pauvre –« je suis sorti de la maison de mon père seulement avec mon corps », chassé et errant plusieurs année à cause de son père qui « a osé » avoir des prétentions princières, obligé de s'occuper d'un frère malade, le noble a réussi à accumuler pendant ses offices - grand *șetrar*, grand *pitar*, grand *armaș* - très peu d'argent à la différence de la fortune de sa femme. Les stratégies matrimoniales de son père ont été bien pensées et menées pour apporter du capital social, politique et social à la famille Brezoianu. Pourtant, le contexte politique a tout changé et les familles avec lesquelles les Brezoianu s'étaient alliées sont tombées en disgrâce ou sous la hache du bourreau à Constantinople[26]. Sans enfants, sans frères, sans fortune, il ne peut pas créer une solidarité comparable à la solidarité de Filipescu, ni un réseau social nécessaire pour une ascension politique[27]. Le résultat : il gagne le procès en droit, mais non en pratique même s'il se présente comme fils spirituel du métropolite.

*F. La solidarité des pauvres*

*a) La séduction et l'honneur du pauvre*

Dans les villages ou dans les faubourgs, les rapports sociaux entre hommes et femmes entraînent parfois des relations sexuelles jugées en fonction du contexte et du statut de la personne comme séduction, viol, débauche ou de simples amours charnels normaux dans des conjonctures favorables. La séduction devient toutefois un des litiges portés devant la justice. Et nous sommes intéressés ici par les rapports conçus entre les filles séduites et leurs parentés. Les parents entrent

souvent dans ce jeu de la séduction et portent devant le tribunal leurs propres ambitions et leur orgueil tout en ignorant les désirs ou les sentiments de ceux qu'ils sont venus représenter. Marier une fille sans dot et déshonorée devient une affaire presque impossible. Par conséquent, les parents de la fille sont assez intéressés de présenter leurs ennuis devant la justice. Quelle est l'attitude de la famille envers le déshonneur produit par ce type de comportement ? Comment supporte-t-elle la honte ? Nous n'avons pas découvert d'expulsion définitive de fille de la maison paternelle[28], ni de déshéritement. La honte touche toute la famille de sorte que le père, la mère et les frères sont contraints à supporter la médisance et les insultes de la communauté. La rage du père déferle sur sa fille et il lui inflige des corrections, des menaces, des invectives. Toutefois devant la justice, la famille se solidarise autour de la fille en soutenant sa cause. Il arrive rarement que les jeunes se présentent seuls au tribunal. En sourdine, ce sont les mères, les pères, les frères, les tantes, les oncles et les parents plus ou moins proches de la famille qui agissent. Leur présence est attestée par les « signatures » à la fin des documents, même si, tout au long du procès, on se méfie d'eux. La séduction devient une affaire de famille, et la dispute est transférée du village à la cour du tribunal. Une forte solidarité se focalise autour de la fille ou du fils au moins devant la justice et la famille élargie parle la même langue, demande la même chose, défend et protège son membre.

En outre, le document de réconciliation engage l'ensemble de la famille, « moi et ma parenté », note le greffier en bas de l'accord, et il est conçu au nom de l'individu aussi bien qu'au nom de la famille qui s'engage à respecter toutes les clauses prévues. Le terme « parenté » est perçu ici au sens large et il couvre les parents proches et lointains d'une fille, qui

s'occupent d'elle à un moment donné en qualité de tuteur et donc qui peuvent prendre l'initiative d'un procès. Ces dispositions sont censées empêcher que la plainte soit reprise à la suggestion d'un parent et mettre fin aux vendettas personnelles. Le procès se tient dans un cadre juridique soumis au contrôle du pouvoir tandis que la vengeance entraîne la famille, la parenté et les amis, touchant au fond à l'ordre de la communauté.

*b) « Si tu touches mon frère, tu touches toute ma parenté » : la vengeance familiale.*

Qu'il s'agisse de séduction ou de conflits divers, le scandale implique et réunit la famille aboutissant parfois à de violentes vengeances. On veut croire que le village cache l'harmonie, le calme millénaire, le respect envers des coutumes non-écrites qui maintiennent l'ordre. Cette harmonie est parfois traversée par des tensions, des turbulences, des affrontements, des solidarités ou des inimitiés causés par un amour, une injure, un calomnie, un troupeau mal surveillé qui a ravagé les récoltes d'un autre, des terres entremêlées, la nécessité de défendre l'honneur de la maison[29]. Pour une frontière mal tracée entre les territoires voisins, deux familles du village Săcele, dans le département Gorj, commencent une querelle sans précédent. Des victimes d'une part et d'autre : une fille trouvée par hasard sur le champ est fusillée par un garçon et ses amis partis en fait pour se battre avec le chef de la famille et ses fils. Comme la haine s'hérite aussi[30], une année plus tard le père du garçon est tué par le fils de son rival dans une tentative désespérée de défendre sa sœur suivie et attaquée furieusement par cet homme si affamé de vengeance[31]. Sous la pression des autorités locales, les familles se pardonnent réciproquement et se réconcilient sous les yeux des autres, mais les rivalités, les haines, les

vengeances se transmettent de génération en génération, un prétexte, peut-être insignifiant, suffisant à rallumer l'ancienne dispute.

## II. Les conflits familiaux

La deuxième partie de cette analyse est focalisée sur les disputes qui animent la famille. Les solidarités nées dans certaines conjonctures soudent d'emblée la famille, mais le groupe familial se laisse aussi souvent entraîné dans des conflits ayant parfois des enjeux coûteux et importants, parfois pour des motifs futiles ou des orgueils démesurés. Beaucoup de ces disputes majeures ou mineures arrivent devant la justice parce que chaque partie croit dans son raisonnement, oublie le degré de parenté et le lien de sang ou purement et simplement l'appel à la justice devient la solution ultime et nécessaire pour « calmer» le membre insoumis.

### 1. Disputes mineures

On n'insistera pas sur les disputes mineures entre parents et enfants, entre frères et sœurs, entre gendres et beaux-parents enregistrées presque quotidiennement dans les archives judiciaires. Les raisons en sont les insultes, la calomnie, l'ivresse, la correction, les rixes, le non-respect. Je voudrais seulement souligner que tant la loi que le droit canon sanctionnent le manque de respect des enfants envers leurs parents. Un tel enfant réclamé en justice est puni, parce que l'autorité du père/ de la mère jouit d'un rôle important dans le maintien de l'ordre à l'intérieur d'une communauté. Un seul exemple : le 19 novembre 1781, Călin est réclamé par son père à la Métropolie. Les accusations soutenues par les prêtres du faubourg Dichiului, Bucarest, sont : Călin est un ivrogne, un débauché, un paresseux,

un mauvais époux qui insulte son père et vit encore à ses dépens sans avoir l'intention de trouver du travail. La punition est exemplaire : le fils est mis au pilori devant l'église paroissiale ; après l'exposition honteuse, il est obligé de signer une lettre d'engagement contenant aussi une future et plus grave punition en cas de récidive[32].

Plus souvent on observe une très forte solidarité qui écrase en fait le couple : l'épouse avec sa famille et sa parenté, l'époux avec sa famille et sa parenté se confrontent et d'ici les mécontentements et parfois la séparation. Mais la plus forte et la plus active reste la solidarité née autour de la femme : père, mère, frère, sœur, oncle, tante s'impliquent et assument les disputes du couple, en amplifiant les motifs réels et imaginaires, portant le scandale dans les rues du faubourg ou du village, aux portes de l'Eglise, à la taverne et enfin à la Métropolie. Le consul anglais, W. Wilkinson, présent à Bucarest entre 1814 et 1818 a très bien saisi cette intervention permanente et les fortes « chaînes» qui lient l'individu à sa propre famille :

> Les parents ont la coutume, en Valachie, d'intervenir dans la famille de leurs enfants mariés, et d'exercer après leur mariage presque la même autorité qu'ils avaient auparavant. Ils sont souvent aussi occupés à intriguer pour amener une séparation qu'ils avaient été actifs pour chercher mari ou femme à leurs enfants[33].

### 2. Disputes majeures

Le vrai enjeu de la dispute familiale reste la fortune, le patrimoine, la dot. Les départements de justice jugent tous les jours des litiges familiaux, en essayant en fait d'être plutôt des arbitres dans la réconciliation des parties.

*Partage du patrimoine*

On travaille mieux sur un exemple. On utilise un document qui montre le partage du patrimoine et la dotation de filles fait par Vâlcu Liicoiul, échanson[34].

Pourquoi ce document est-il important ? Parce qu'il dessine très bien les pratiques sociales de l'époque. En 1697, le père, par son testament, fait son héritier : l'aîné, Mihalcea qui est déjà marié. Il reçoit la maison paternelle, mais avec l'obligation de s'occuper de sa fratrie, de sa mère et de payer les impôts. A cette époque-là, le père a déjà rédigé les actes dotaux pour les filles, mais il n'a pas décidé encore du partage du patrimoine et il délègue tout son pouvoir à son fils aîné. Par le même testament, il oblige ce fils à restituer toute la dot à sa mère, plus le carrosse avec deux chevaux et de l'entretenir dans la maison si elle veut garder le deuil la vie durant.

Treize ans plus tard, par le testament de la mère (1710), on constate que l'aîné a refusé de mettre en pratique la décision du père. Après la mort de celui-ci, il a quitté la maison paternelle, en s'installant avec sa propre famille ailleurs et en revendiquant sa part d'héritage. Tout de suite, les scandales ont commencé et, il est devenu presque un ennemi de sa propre famille. Il ne veut pas participer au mariage de ses sœurs, ni contribuer aux frais du festin nuptial, ni aider sa vieille mère. Il l'accuse d'avoir favorisé les deux autres garçons, il la porte en justice pour des questions de patrimoine. Si on croit la mère, il fabrique même de faux actes pour prouver son droit de possession sur tel ou tel domaine ou sur tel ou tel tzigane.

Le testament montre le partage égalitaire entre les trois frères, sauf la maison partagée entre les deux derniers-nés. Mais on sait seulement ce qu'elle a voulu dire et ce qu'elle a voulu faire connaître. Si on regarde bien le rapport entre l'héritage de chaque fils et la dot de chaque fille, les filles sont favorisées.

Et je pense qu'on a un partage du patrimoine par testament et que chaque garçon a reçu préalablement du bétail ou d'autres choses nécessaires pour s'installer, une fois le mariage accompli.

La famille Vâlcu Liicoiul, échanson




La succession de l'échanson Vâlcu Liicoiul, fait en 1710 par sa veuve Mihalcea Liicoiul

▲Mihalcea reçoit:

8,5 demi-hectares de vignoble sur la colline Zorești

Un esclave tzigane Manea avec son fils Gherghe et sa fille Dumitrana

Un cheval

▲Vâlcu reçoit :

8,5 demi-hectares de vignoble sur la colline Zorești

Un esclave tzigane Voico avec sa fille Voica et un autre tzigane Anghel

Un cheval

▲Radu reçoit :

8,5 demi-hectares de vignoble sur la colline Zorești

Un esclave tzigane Mihăilă, avec ses filles Sanda et Cârstina

Un cheval

La maison paternelle et les domaines environnants seront partagés entre Vâlcu et Radu.

*L'acte dotal de ma fille Ioana*
Ioana doit recevoir :
6 bœufs
6 vaches
Un carrosse avec deux chevaux et un cheval pour le gendre
3 juments
3 juments avec leurs poulains et une jument jeune
30 brebis
30 ruches
30 cochons
4,5 demi-hectares de vignoble dans la vallée Teancului, jusqu'à côté de la fontaine
Une fille de tzigane
14 juillet, 7205 (1697)

*L'acte dotal de ma fille Sora*
Sora doit recevoir :
6 bœufs
6 vaches
Un carrosse avec deux chevaux et un cheval pour le gendre
3 juments
3 juments avec leurs poulains et une jument jeune
30 brebis
30 ruches
30 cochons
4,5 demi-hectares de vignoble dans la vallée Teancului, jusqu'à côté de la fontaine
Une fille de tzigane
14 juillet, 7205 (1697)

C'est un cas parmi d'autre.

La dot agite aussi les esprits et elle provoque cette fois-ci d'interminables disputes entre gendres et beaux-parents et même entre filles et père, entre sœurs et frères.

Pour voir sa fille mariée, le chef de la famille - le père/ la mère/ le frère - promet un certain nombre de domaines, vignobles, vergers ou moulins. Le mariage accompli, si le père, par exemple, oublie cette dette, le gendre est là pour la lui rappeler à chaque occasion. Il exerce des pressions, fait du scandale, menace de le traduire en justice. Les disputes commencent le lendemain même des noces. L'intervention de la famille ou des voisins s'impose pour réconcilier les deux partis et pour leur faire trouver un compromis. Le lendemain, les questions sont pourtant reprises là où on les a arrêtées et on rouvre le débat au cabaret pour arriver à un nouvel accord. De nombreux documents conservent la trace de ces arrangements où les beaux-parents et le gendre s'assoient de nouveau à table pour négocier. Pour s'assurer qu'il ne sera plus trompé, le gendre demande instamment un acte écrit qui contienne les objets qu'on ne lui a pas donnés, avec l'intervalle de temps et le délai concernant leur livraison. D'autres gendres indiquent attentivement l'état de la réception de la manière suivante : « donné », « non donné » ou « pour la charrette on m'a donné 130 thalers »[35]. Parfois le papier ne suffit plus à contenir toutes les petites remarques notées par celui-ci.

**Remarques notées sur les actes dotaux**

La noble Ruxandra Poenaru se confronte à ce type de problèmes à cause de son beau-fils, Răducan Clinceanu, qui consigne tout. Par exemple, à côté de l'anneau qui a un rubis rouge le gendre tient à noter : « le rubis de l'anneau est très

petit » ; ce sont là des remarques qu'on rencontre à travers l'ensemble du document. Elles se détachent facilement du texte parce qu'on a affaire à une autre écriture, un autre type d'encre et surtout par le fait que les remarques sont écrites à la première personne du singulier. Elles sont donc adressées à lui-même, pour sa propre édification. Ainsi, une perle lui semble aussi trop petite, l'un des draps est vieux et usé, le matelas est en satin « simple » et « d'une mauvaise qualité », la petite cuillère d'argent avec sa soucoupe ne pèse pas plus de 75 grammes. Pour ce qui est des mouchoirs, il n'en a reçu que quatre, pour l'argenterie de la table il a insisté jusqu'à ce qu'on lui ait donné 110 thalers et quatre sous pour qu'il les achète lui-même. A la place du bassin et de l'aiguière, « on me donna six plats en cuivre que je convertis en bassin et aiguière », une des six juments lui paraît trop jeune, les deux bœufs de charrue sont en fait des taureaux. De telles remarques sont inscrites tout au long du document. Les malentendus entre le beau-fils et la belle-mère sont racontés à plusieurs reprises devant la justice[36]. Par cet acte dotal et testament à la fois, du 4 février 1794, la cadette devient l'héritière de la famille Poenaru en absence d'héritier masculin. La mère tient cependant à partager la possession de certains biens, certaines terres, certaines boutiques et tavernes avec son gendre, versés seulement à sa mort. Entre 1794 et 1803, le gendre réussit à la convaincre/ forcer de lui verser tous les biens de la famille Poenaru, sans porter pour autant le nom de la famille dont il a accaparé la fortune (il s'agit ici d'un mariage en gendre parce que Răducan épouse la cadette et hérite de tous les bien de la famille Poenaru). Par le document de 1803, la noble Ruxandra Poenaru perd tout droit sur son ancien patrimoine et reste pauvre à la merci de son gendre[37].

**Conclusions :**

a) La dot et le patrimoine viennent sans cesse devant la justice. Les archives judiciaires, que nous avons dépouillées, nous montrent que ce type de conflits touche les pauvres et les riches, et que les parents ou les voisins, les prêtres ou les notabilités locales ont essayé d'intervenir avant le transfert devant le tribunal. Riches et pauvres, paysans et boyards, artisans et marchands s'enflamment quand il s'agit de la fortune. Les disputes éclatent pour rien : un bijou, un morceau de terre, une rangée de vignoble, dix pruniers, trois bottes de foin, deux brebis ou cinq chèvres, deux matelas ou deux robes. Les suspicions nourries même par les membres de la famille circulent, s'amplifient et divisent ; le conflit couve un certain temps pour éclater avec vigueur un jour au milieu de la table quand quelqu'un a jeté par hasard des « plaisanteries » bien inspirées.

b) Les solidarités et les conflits au sein de la famille sont des thématiques très généreuses qui ne peuvent pas être épuisées en quelques pages. J'ai essayé dans cette recherche de saisir seulement les aspects liés surtout à la famille, mais on sait d'avance que si la famille représente le noyau, chaque individu tisse sur une structure horizontale ses liens familiaux et sur une autre, verticale, ses liens où s'arrangent la famille, l'amitié, le parrainage, la camaraderie d'affaire, la clientèle. Une chose n'exclue pas l'autre, chacune sert dans certaines occurrences, l'une peut être doublée/ consolidée par l'autre. Même si la famille est l'abri pour les mauvais jours et l'oasis pour les beaux jours, vivre seulement en son sein est impossible parce que parfois la famille arrive à étouffer les initiatives, à contrôler et à surveiller les comportements, à fixer d'avance les priorités, à devenir un tyran pour ses membres. C'est pourquoi, les mécanismes de la solidarité se mettent néanmoins

en fonction dans des cas bien définis, c'est pourquoi les mécanismes des conflits familiaux émergent parfois plus vite que la solidarité et entraînent un grand nombre de parents divers.

## NOTES

1 BAR (Bibliothèque de l'Académie roumaine), Fonds Manuscrits, mss. 641, ff. 151$^{v}$-154$^{v}$, 18 février 1796 et mss. 642, ff. 66$^{v}$-67$^{r}$, 5 juillet 1795.

2 Constanța VINTILĂ-GHIȚULESCU, *Focul amorului: despre dragoste și sexualitate în societatea românească, 1750-1830*, Humanitas, Bucarest, 2006, pp. 141-145.

3 S'y ajoute le rapport aux voisins et amis, aux parents spirituels et aux camarades d'affaires.

4 La définition du notable florentin Lapo, in Christiane KLAPISCH-ZUBER, *La maison et le nom. Stratégies et rituels dans l'Italie de la Renaissance,* Paris, EHEES, 1990, p. 61.

5 *Ibidem*, pp. 56-80.

6 Pour une famille des boyards, même les domestiques sont vus parfois comme des « membres » d'un groupe familial.

7 Voir en ce sens le testament du grand trésorier Grigore Greceanu qui est un bon modèle de la construction de ce réseau familial où s'étalent de haut en bas toute sa politique concernant la notion du « groupe familial ». DANIC (Direction des Archives Nationales Historiques Centrales), Fonds Mitropolia Țării Românești, CCCLX/1, 18 mai 1748.

8 Vincent GOURDON, « Aux cœurs de la sociabilité villageoise : une analyse de réseaux à partir du choix des conjoints et des témoins au mariage dans un village d'Île-de-France au XIXe siècle », in *Annales de Demographie Historique*, 2005, n°1, pp. 61-94 ; Maurice AYMARD, *Amiciție și convivialitate*, in *Istoria vieții private*, Meridiane, Bucarest, 1995, vol. VI, pp. 180-234; Emmanuel LE ROY LADURIE E., *Montaillou, village occitan de 1294 à 1324*, Bucarest, Meridiane, 1985. Elisabeth CLAVERIE, et Pierre LAMAISON, *L'impossible mariage. Violence et parenté en Gévaudan XVII$^{e}$, XVIII$^{e}$ et XIX$^{e}$ siècles*, Paris, Hachette, 1982.

9 BAR, mss. 651, ff. 137$^{v}$-138$^{v}$, 27 octobre 1808.

10 DANIC, Fonds Manuscrits, mss. 143, ff. 224$^{v}$-226$^{r,}$ 12 juillet, 14 juillet, 1793. Le discours de Iorga Dolete en procès contre Mareș, l'ex-fiancé de sa fille et son villageois.

11 Le discours de la noble Catinca Alexeanu. Voir BAR, mss. 638, ff. 155$^{v}$-156$^{v}$.

12 Voir aussi BAR, mss. 645, ff. 202$^{r-v}$, 10 mai 1804.

[13] BAR, mss. 651, f. 141r-141v, 15 janvier 1808. Voir aussi Constanța VINTILĂ-GHIȚULESCU, *Bonnes et mauvaises mœurs dans la société roumaines du XVIIIe siècle* in *Les bonnes et les mauvaises mœurs dans la société roumaine d'hier et d'aujourd'hui*, Ionela BĂLUȚĂ et Constanța VINTILĂ-GHIȚULESCU, *Bonnes et mauvaises mœurs dans la société roumaine d'hier et d'aujourd'hui*, NEC, EDR, Bucarest, 2005, pp. 77-110.

[14] En un jour, Marica Văcărescu, mariée Filipescu, s'enfuit avec un officier autrichien, tandis que son mari se trouve à la campagne, où il se préoccupe de l'administration de ses terres. Même si le mari n'a pas demandé le divorce pour l'adultère de sa femme (motif accepté par le tribunal ecclésiastique), il n'a pas pu lui pardonner sa conduite. Il lui reproche trois choses : le déshonneur, le fait qu'elle ait volé beaucoup de choses de valeurs, l'abandon des enfants encore mineures laissés seuls dans la maison sans le soin et l'amour maternel, même s'ils se trouvent sous la surveillance d'une nourrice. C'est pourquoi, il la chasse de la maison et il lui refuse de s'approcher de ses propres enfants. Avant de mourir, Răducan Filipescu pardonne le comportement de sa femme devant des témoins. C'est un rituel toujours retrouvé dans de pareilles situations, une libération spirituelle, une réconciliation avec tout le monde. C'est une chose évidente qu'il le fait sous la pression de parents parce qu'il ne veut pas noter ce « pardon » dans son testament. Cette notice donnerait la possibilité de la femme de retrouver la maison, ses enfants, sa dot (selon la loi, en cas d'adultère la femme perd sa dot), une partie de la fortune du mari, le douaire (exoprica). Cependant, le noble lui accorde son indulgence, mais il ne veut pas lui confier l'éducation de leurs enfants ou l'administration de la fortune. Après la mort du noble Răducan Filipescu, un long procès – l'objet étant la tutelle des enfants, la récupération de la dot et du douaire – s'ouvre. Deux grandes familles nobles – Văcărescu et Filipescu – se réunissent, chacun autour de son membre, et elles construisent des stratégies discursives dans lesquelles la loi, la coutume ou la belle rhétorique mettent en lumière l'enjeu de la solidarité familiale (DANIC, mss. 143, ff. 139r-141r; V.A. Urechia, *Istoria românilor. Curs făcut la Facultatea de litere din București, publicat sub direcția...*, București, 1896, vol. VI, pp. 427-430, 9 avril 1793, 6 juin 1793, 1 juillet 1793; BAR, mss. 612, f. 130v, 1805).

[15] DANIC, mss. 143, ff. 139v-141v, 9 avril 1793.

16 Pour d'autres exemples voir Gheorghe LAZĂR, « Familie și sentiment în Vechiul Regim românesc. Note pe marginea testamentului lui Radu Goran Olănescu », in *Studii și Materiale de Istorie Medie*, tome XXI, 2003, pp. 57-66 ; Andreea IANCU., « Familie și patrimoniu. Dezmoștenire și adopție în cîteva testamente (Bucureștii anilor 1796-1805) », in *Studii și Materiale de Istorie Modernă*, tome XIII, 2001, pp. 19-28 ; EADEM, « Binecuvîntarea și blestemul părinților în discursul testamentar (București, sfîrșit de secol XVIII – început de secol XIX). Studiu de caz », in *Studii și Materiale de Istorie Medie*, tome XXI, 2003, pp. 67-80.

17 On regarde ici seulement la relation entre la caution (chezășia) et la vie familiale. Pour d'autres formes que ce terme prend voir Oana RIZESCU, « Construirea statutului prin controlul datoriilor. Chezășia și relațiile comerciale contractuale în Țara Românească în secolele XV-XVII », in *Studii și Materiale de Istorie Medie*, tome XXI, 2003, pp. 287-309.

18 DANIC, mss. 139, ff. 217$^{v}$-221$^{v}$.

19 BAR, mss. 638, f. 171$^{v}$, 18 septembre 1783.

20 Antim IVIREANUL, *Opere. Didahii*, Editura Minerva, Bucarest, 1996; *Îndreptarea legii (1652)*, edition critique, Editura Academiei Române, Bucarest, 1962, pp. 216-220.

21 BAR, mss. 638, ff. 96$^{v}$, 20 mai 1783.

22 Sur la parenté spirituelle et son rôle voir Joseph H. LYNCH, *Godparents and Kinship in Early Medieval Europe*, Princeton, Princeton University Press, 1986; Agnès FINE, *Parrains, marrains et parenté spirituelle en Europe*, Paris, Fayard, 1994; Guido ALFANI, « La famille spirituelle des prêtres en Italie septentrionale avant et après le concile de Trente : Caractéristiques et Transformations d'un instrument d'intégration sociale », *in Annales de Démographie Historique*, n° 1, 2004, p. 137-161 ; Cristina MUNNO, « Prestige, intégration, parentèle: les réseaux de parrainage dans une communauté de Vénétie (1834-1854), in *Annales de Démographie Historique*, 2005, n° 1, pp. 95-130 ; Mihai-Răzvan UNGUREANU, *Convertire și integrare religioasă în Moldova la începutul epocii moderne*, Editura Universității « Alexandru Ioan Cuza », Iași, 2004.

23 Sur cet épisode politique voir le récit de Radu POPESCU, *Istoriile domnilor țării rumânești*, ed. Mihail Gregorian, Minerva, 1984, pp. 310-312.

[24] DANIC, Fonds Achiziții Noi, CLXXIX/2, 3, 4, 12 août, 1 septembre, 12 septembre 1726. Des fragments de cette correspondance ont été publiés in C. VINTILĂ-GHIȚULESCU, *Focul Amorului*, pp. 224-226.

[25] Voir en ce sens Mihail banul CANTACUZINO, *Genealogia Cantacuzinilor*, edition Nicoale IORGA, Bucarest, 1902, pp. 367-368. Il s'agit d'Ioan, fils de Ștefan Văcărescu qui par ses mariages successifs à l'intérieur des familles très importantes sur la scène politique, a réussi à son tour à faire une belle carrière politique facilement et plus rapidement à la différence des autres.

[26] Voir en ce sens Mihail banul CANTACUZINO, *Genealogia Cantacuzinilor*, pp. 313-315. Pour des détails voir aussi Constanța VINTILA-GHIȚULESCU, "Pratiques maritales et stratégies patrimoniales dans la société roumaine (XVIIIe siècle)", in *Obradoiro de Historia Moderna*, 16, 2007, pp. 41-63.

[27] Constanța GHIȚULESCU, *În șalvari și cuișlic. Biserică, sexualitate, căsătorie și divorț în Țara Românească a secolului al XVIII-lea*, Humanitas, Bucarest, 2004, pp. 308-319.

[28] Sauf un seul exemple, parmi 210 et je suis tentée de croire qu'en fait la fille s'en sert pour impressionner les juges. Constanța VINTILĂ-GHIȚULESCU, *Focul amorului*, pp. 17-131. Pour comparer voir Daniela LOMBARDI, "Il reato di stupro tra foro ecclesiastico e foro secolare", in S.S. MENCHI et D. QUAGLIONI (dir.) *Transgressioni. Seduzione, concubinato, adulterio, bigamia (XIV-XVIII secolo)*, il Mulino, Bologna, 2004, pp. 351-382.

[29] E. CLAVERIE, et P. LAMAISON, *L'impossible mariage. Violence et parenté en Gévaudan XVII^e^, XVIII^e^ et XIX^e^ siècles...* Le livre met très bien en lumière ce monde villageois avec ses problèmes où la vengeance familiale joue le rôle principal.

[30] *Ibidem*, p. 22.

[31] Al. ȘTEFULESCU, *Gorjul istoric și pitoresc*, Târgu Jiu, 1904, p. XLII-XLIII, 20 novembre 1801.

[32] BAR, mss. 636, f. 91^v^.

[33] William WILKINSON, *Tableau historique, géographique et politique de la Moldavie et de la Valachie*, Paris, 1821, pp. 135-136.

[34] DANIC, mss. 172, f. 528^r-v^.

[35] Voir l'acte dotal rédigé par le noble Draghici Bălăceanu ancien grand vornic de Târgoviște pour sa fille Safta le 2 avril 1721, in Ștefan GRECEANU, *Genealogiile documentate ale familiilor boierești*, Bucarest, *1911*, I, pp. 183-184 ; ou la dispute entre le petit noble

Mihalcea Zărnescu et son gendre, le capitaine Ion in DANIC, Fonds Episcopia Argeș, V/34, 22 juillet 1799 ; ou le conflit entre Gheorghe le diacre, du village Căpșuna, le département Vlașca, et son gendre Ion in BAR, mss. 637, ff. 222$^{r-v}$, 29 juin 1785. Cette fois-ci, le gendre doit encore recevoir un cheval (en valeur de 20 thalers), un porc (en valeurs de 2 thalers et demi), une quantité de prunes (en valeur de 50 thalers), un manteau fourré avec martre (en valeur de 8 thalers) et une rangée de vigne (en valeur de 30 thalers). Le gendre porte plainte et tous les deux arrivent devant le tribunal ecclésiastique qui décide que la justice appartient au gendre. Une fois le père rentré dans le village, il est obligé de mettre entre les mains de son gendre tous les objets écrits et promis dans l'acte dotal sans tarder.

36 DANIC, Fonds Documente Istorice, MCDLXXIII/99-100, 4 février 1799.

37 *Ibidem*, 2 juin 1803. Cette catégorie de documents témoigne des difficultés soulevées par la mise en pratique de l'acte dotal : entre la rédaction proprement dite et le transfert des objets dans la maison du gendre, le chemin est long. Selon la loi, le père dispose d'un délai de deux ans pour s'acquitter de tout ce qui est inscrit dans l'acte. Ce délai passé, il est sanctionné par une amende de 4%. Mais la référence est ambiguë, incomplète, et cette amende n'est pas utilisée dans la pratique judiciaire quotidienne. DANIC, mss. 143, ff. 211$^{v}$-213$^{v}$. Document du 27 mai 1793 faisant appel au Code de Lois selon Harménopoulos, titre 8, liste 282. De son côté, le code de lois *Legiuire Caragea* prévoit que celui qui promet une dot quel qu'il soit, mère, père ou n'importe quelle autre personne, est obligé de la remplir. *Legiuire Caragea* (1818), Editura Academie Roumâne, Bucarest, 1953, p. 78.

# “Making a couple”: Social Practice and Individual Choice

# Vivre en couple : pratique sociale et choix individuel

# Socialization of the Family – Support or control? –

Aleksandra PAVIĆEVIĆ

This paper forms part of the broader research on the topic of marriage, family and gender morality in Serbia in the second half of the twentieth century that I have been involved with over the last several years. It was my wish was to create a synthetic study that included all the important elements of a process that in practical terms was initiated before my interest in it began and which has not yet been finished. My focus was on the second half of the previous century, in which every decade, even each year, implied a rapid acceleration of the dynamics of cultural change, allowing neither time nor place to perceive the phenomena studied as a whole, thereby rendering their interpretation and understanding in the contemporary moment all the more difficult. Although my research – besides the analytical overview of literature in the area of social theory, law, ethnology and demographics – also includes empirical (field) research by the relevant institutions in a number of villages located in northern Sumadija, a region 70 kilometers from Belgrade, by taking into consideration the research topic as well as the topic of the conference itself, this paper will deal with interpretations of the most common ideas, positions and concepts in respect of transformation of the family

and the family as a whole that were dominant in social theory and social policy in Serbia during the period of socialism.

The intense development of a socialist society, which began immediately after World War II, was conducted simultaneously on two mutually dependent fronts: material and ideological. Both were in a way founded on the criticism of the traditional social concept – from its economic characteristics to the system of values – and were pursued under the universal slogan of "modernization". The policy of transformation largely rested upon a number of dichotomies expressing the difference between inherited and desired social forms and contents. The inherited – *old, retrograde, conservative, patriarchal, alienated* – was to be replaced by what was desirable – *new, progressive, modern, egalitarian, democratic, free*. The main exponent of the inherited was the rural, agricultural family, while the main exponent of the desired, as later transpired, was the urban-type family.[1] The extent to which the scientific attitude was opposed to the rural tradition was summarized and stated explicitly in a comment on the goals of the social reforms: "The transformation of the comprehensive life framework has a unique goal: to liberate members of the family from the idiocy of rural life."[2]

Modernization also implied the economic restructuring of the state through a process of intensive industrialization, and, as a consequence, urbanization; the dominant idea in the "non-material" discourse was the idea of the democratization of society based around a unique ideology of "freedom" to be incorporated into all instances of social reality. The de-alienation of society was to be achieved through the emancipation of its members in all forms – i.e. labor, ethical and religious – and was proclaimed the supreme ideal of the new order.

Despite the prevailing attitude in specialist literature that social transformation is conditioned by economic and technological factors and "progress", it is my opinion that this process was primarily of a "spiritual" nature, i.e. the atheization of the society was its main trigger and motivator. The development of a modern society (not only in Serbia) implied its dechristianization and secularization, where "liberation" from God and the "compulsions" contained in religious attitudes to the world appeared as a prerequisite for accepting all others.[3] I will not dwell on these well-known facts. I merely wish to state their extreme importance to the anthropological understanding of the processes which took place on a global level (independent of socialism) after World War II and the relative failure of the basic ideas and tasks of modernization faced by all socialist societies in Europe in the post-socialist period.[4]

I will now discuss the topic of this paper, the socialization of the family, i.e. the ideas and effects of one of the main measures aimed at "liberating" this nucleus of society. Why did the family appear on the list of institutions to be modified? From what was it supposed to be liberated? How was this achieved and what were its consequences?

The beginning of an answer to these questions is found in the Marxist view of the relationship between freedom and private property. It is well-known that Marxist theoreticians believed that freedom, as the supreme goal of the new social order, could be achieved only in a situation of absolute social equality. Private property was perceived as a source of inequality, and the transformation of the family as its main exponent was therefore seen as a prerequisite for general social change. The process of socialization of the family was founded on the idea that liberation from the multiple functions

traditionally performed by the family was a precondition of the development of a democratic family. Although this was primarily related to the function of production, other areas of family life – expenditure, nutrition, reproduction, socialization of offspring and care for the elderly – were not excluded.[5]

However, the family was primarily to be liberated from the "slavery" of the family economy. This was achieved through well-known economic reforms, such as the agrarian reform and nationalization. The liberation of the family from the function of production was supposed to lead to the abolition of the relationship of submission and the economic dependence of members of the family on the "supreme elder – the father of the family".[6] This implied the abolition of his authority, which was primarily of a moral, though of course also an economic, nature, implying the disappearance of the authority of traditional moral norms. This, at any rate, was stated explicitly in the proclaimed objectives of socialization, which perceived "traditionalism" and "conservativism" of the village family as the main obstacles to social reform; and the abolition of patriarchal morality and authority was therefore seen as the way to overcome it.[7] The forced confiscation of land was but the first in a list of measures taken with the aim of creating stronger social (state) influence upon this group, which, up to that moment, had been relatively independent and self-sufficient.[8] On the other hand, the tendency to change the foundations of the internal organization of the family implied the "liberation" of the family from the function of the mediator in the individual-family-society relationship, which was supposed to open up a broader range of possibilities for free choice, self-achievement and the emancipation of family members in the outside world. In essence, however, this also opened up possibilities for society (the state) to exert a more direct influence on the individual.

The confiscation of a large part of family property and the "abolishing" of private property implied the abolition of more than one aspect of the production function of the family. In modern conditions, this was, roughly speaking, replaced by the "production" of the money needed to support the life of the family, which contributed to its opening up and greater dependence on the social system. However, the evaluation of the results of this process is very much in question, mainly because of the disfunctionality of the system of social policy, which became evident by the end of the 1970s. Forced measures, such as agrarian reform and the confiscation of property, among many others, placed the family in a situation of full dependence on social institutions, which, as it transpired, were unable to respond to its now critical needs. Besides this, socialization also had its price, which, though also symbolic, was mainly economic and which for a long time now has proved hard to attain for most families in Serbia. It may be said that the development of a consumer society, not the protection of the family – as was primarily proclaimed – is the main, or at least the most striking, consequence of socialization today. Thus, in one relatively recent study, it was established that "consumer orientation" in modern rural households provided proof that "members of the rural family emancipated themselves from submission to the farm and economic and labor functions of their existence, so that the family, household and farm are now perceived as the basis for more comprehensive human development".[9] Apart from the fact that, at a glance, "consumer orientation" appears to be a suspicious consequence of emancipation, it seems here that it had been momentarily forgotten that "emancipation" contained essential internal contradictions, having been forced, and therefore not being a spontaneously chosen life option. In the same paper, the author speaks about the relativity of the very notion of emancipation

in the aforementioned context: "…the other source of this change in perceptions and behavior of the members of the rural households is undesirable, as it stimulates values and behaviors which underestimate labor engagement, especially in agriculture, while stimulating values which relate to prestige and conformity."[10] It is clear that, after taking over the traditional functions of the family, the state began to profit from them and failed to provide this social group and its members with the protection they used to enjoy in their traditional social milieu. Although social policy proclaimed the principle which, in respect of the family, stipulated much greater obligations and responsibilities towards the socialist society than had been the case with any previous social and political system, the family crisis was largely caused by the unpreparedness of the society to take on the functions from which the family had previously been "liberated" by means of the aforementioned measures.[11]

Generally, it can be concluded that the roles from which the family was to be liberated were perceived as being those of constitutively lesser importance. Their abolition was meant to promote the development of emotional and friendly relations among family members,[12] while family life as a whole was apparently not taken into consideration. In one of her papers, Zagorka Golubovic even distinguishes between the "essential" functions of the family and those not considered as such, connecting the latter exclusively to the traditional family type.[13] The process of socialization of the "subordinate" family functions – i.e. production and mediation – were meant to help preserve the freedom of the family and its identity, as well as the "inviolability of the intimacy of its internal life".[14] This in effect meant that the reduction of family functions was aimed at liberating the family from the remaining functions – those of reproduction and socialization.[15] The reality, however, turned

out somewhat differently, namely that there was an accepted attitude in the social theory that almost all aspects of life of a traditional family were subjected to its economic functions. Thus, having children was perceived as a form of production (of people) primarily aimed at meeting the basic economic needs of the family.[16] At one point, Zagorka Golubovic explains how "the biological reproductive function in a traditional family organization was also closely connected to the economic function, as it was not natural restoration of the species that was highlighted, but renewal in an economic sense – aimed at providing able-bodied members, who will maintain the tradition and activities of this small family business on biological grounds".[17] In light of this interpretation, we cannot but wonder whether the author has ignored the fact that religious beliefs were quite important when it came to the "regulating" and general understanding of reproduction in a traditional social context. The influence of religious dogmas on this aspect of family life made a significant contribution to bringing it as close as possible to what we might call "natural restoration of the species". Besides this, the participation of all members of the family in its everyday life and the meeting of its various needs (regardless of whether related to everyday life and the needs of the traditional or modern family and regardless of the manner in and extent to which the needs of individual family members participate in these joint needs) is a fact that is more than logical. But this does not mean, however, that these family functions are to be interpreted as a reason for having posterity. The economic determination of family functions and various aspects of family life to a certain extent go without saying (and again regardless of the type of social organization), and as such this attitude would not be that disputable were it not for the negative and superficial valuation of the concept of the traditional family

and the manner of life as a whole set in its foundations. I It was thus for this reason that having posterity was also subjected to socialization, regardless of the declarative unquestioning quality of family intimacy. On the one hand, this was performed indirectly, since the fundamental changes in the proclaimed system of values also contained (spontaneous) changes which related to the attitude towards reproductive behavior and sexual life as a whole.[18] The struggle for the emancipation of women also played a significant role in this, since it supported the mass employment of women, if nothing else.[19] On the other hand, the lack of economic instruments to confirm the importance and responsibility of parenthood, as well as advocacy of birth control, family planning and the need to *overcome the spontaneous characteristics of reproduction* had a direct impact on the changes in the attitude towards having posterity.[20]

The need to socialize the family, i.e. to merge it with society, was in some places explained in terms of lack of trust towards the family as the factor of socialization of the youth, something characteristic of all socialist societies.[21] In light of this explanation, the fact that the entire described set of ideas and activities led to a limiting of the "right" of the family to socialize posterity – achieved among other methods by enrolling children in pre-school institutions and extended-day programs for school children – seems logical. Clearly, this today still relates more to urban rather than rural families, since, in the latter, in the case of extended households (the most widespread form), the eldest generation takes care of the children before they start school. In relation to this, it is worth mentioning that the policy of socialization of the family also implied liberating the individual from family ties and the traditional loyalty to relatives.[22] Despite the fact that it was once remarked that "the family can hardly be separated from its functions",[23] based on

the other sources it can be concluded that this implied neither the reproductive function nor links and solidarity among relatives. It appears that the family adopted the new reproductive models most easily,[24] and that disappearance of family connectedness took place much faster than the development of institutional, or, as mentioned in one place, "social" forms of solidarity, which led to a large number of single or elderly households and financially unsupported persons.[25]

In view of the aforementioned argument, it is clear that a large number of activities traditionally connected with the family group were declared unneeded. Given this reduction as well as the functionalistic interpretation of social functions – something clearly quite widespread in social theory – the question posed by some theoreticians relating to the point of further survival of the family form sounds quite meaningful.[26] It is necessary here to mention that the disappearance of the family is possibly the epilogue to the transformation, i.e. the crisis of the family envisaged in scientific opinion. It should be borne in mind that this possibility was interpreted more in terms of "collateral damage" of a broader social and economic restructuring than as its goal. Although the description of the real state of the matter lies somewhere between these two interpretations – i.e. although the process of transformation of the family was both the goal and the consequence of global social trends – it may still be concluded, based on some discussions, that the disappearance of the family was the expected and desired, and therefore the planned, outcome of socialist ideology. This was to be achieved through the absolute denial of the importance of the role it used to play and its full merging into the broader social community.[27] This is corroborated by the fact that the family was not treated in the

Preliminary Draft Constitution of the FSRJ. Some items in this document dealt with marriage, the relationship between parents and children born through marriage or an extramarital relationship, equality of the sexes, and special protection of children and youth,[28] but the family as a unit, and measures aimed at its protection, were simply omitted. Besides this, the provisions on the family, scattered among some other acts, are, as M. Mladenovic writes, "frequently not stimulating, but rather discouraging for the family group".[29]

Nonetheless, the family has survived. But is this so because of the disintegration of the socialist system or due to the fact that functionality of the family as an institution clearly could not be restricted to its "technical" activities? In his paper form 1973, Mladenovic writes that "…having abandoned concepts of free marriage, freedom of love, unilateral divorce, social upbringing of children, etc., the socialist countries once again turned to the family, proclaiming the principle that only a solid, strong family could enable the bio-social reproduction of a person".[30] Some years later, in 1995, Andjelka Milic also pays respect to the family, describing it as "the focal point of everyday life, its organizational centre. It is a stability zone within the permanently fluctuating trends of everyday life and variable historic trends. It is the only and the main remaining resource left to individuals after the society succumbed to devastation and destruction".[31] It appears that, though in a permanent crisis and faced with the failure to meet all the existential and not-so-existential needs of its members, though frequently deprived of resources and measures to "control" and direct its members, the family is finally on its way to obtaining the status of an institution whose existence is neither limited nor defined solely in terms of economic, historic and political parameters.

Generally speaking, though the "unquestionable" truths of socialist ideology and society – i.e. the emancipation of women

and the special protection of motherhood, the emancipation of children, the socialization of the family, etc. – were at least theoretically directed towards the humanization of family relations and the development of individualism as a manner of "free bonding, forming friendly and democratic connections among the family members",[32] decisions on how valuable or even applicable they were must be taken based on their real performance in society. The increase in the number of single and elderly households, childless marriages, all forms of extra-marital relations, children born outside wedlock, incomplete families, self-sustained, divorced or abandoned mothers, the number of cases of family pathology, generation gaps, psychological, sexual and social disharmony, the disorganization of the family – all these appear to be a good indicator of the failure of a specific worldly dogma.[33]

The democratization of society and the family is still the main idea in both the social theory and the proclaimed values of social policies. What has not changed, however, is the attitude to what can be regarded as true democratization. For this reason the fact that the contents of this notion must be modified in relation to historical experience, and more so still in relation to the real and basic needs of human society, is still beyond the reach of anthropological and political strategies and practice.

## NOTES

1 GOLUBOVIĆ, Z., "Teorijsko-hipotetički okvir za istraživanje promena u strukturi porodice," in *Socilogija* 3, Belgrade, 1966, p. 9.

2 MILIĆ, A., "Promene društveno ekonomskih obeležja domaćinstva," in *Domaćinstvo, porodica i brak u Jugoslaviji*, ISR UF, Belgrade, 1981, p. 43.

3 ARIJES, F., *Istorija privatnog života,* Klio, Belgrade 2004, p. 213.

4 CVETKOVIĆ, V., "Usud moderniteta," in *Srbija u modernizacijskim procesima dvadesetog veka* I, Institute for New Serbian History, Belgrade, 1994.

5 FIRST, R., "Hipotetski okvir za istraživanje poljoprivredne porodice," in *Sociologija sela,* 40-43, Zagreb, 1974, p. 14.

6 MILIĆ, A., *op.cit.*, p. 23.

7 MILIĆ, A., "Seoska porodica u procesu menjanja," in *Zbornik Matice srpske za društvene nauke,* no. 81, Novi Sad, 1986.

8 MLADENOVIĆ, M., "Mesto porodice u našem društvu, Osvrt na Prednacrt ustava FSRJ," in *Gledišta* 1, Belgrade, 1963, p. 102.

9 MILIĆ, A., "Seoska porodica," p. 102.

10 *Ibidem*, p. 109.

11 MLADENOVIĆ, M., "Neke alternative porodice," in *Gledišta* 3, Belgrade, 1966,329; MLADENOVIĆ, M, "Istorijske i ideološke veze socijalne politike i porodice," in *Sociologija* 3-4, Belgrade, 1973, p. 474.

12 BURIĆ, O., "Domaći poslovi: ostaci ekonomske funkcije porodice," in *Porodica i društveni sistem*, ed. Olivera Burić, ISR UF**,** Belgrade, 1980, p. 266.

13 GOLUBOVIĆ, Z., *op. cit*, p. 22.

14 BURIĆ, O., "Porodica i društveni sistem, Završna razmatranja," in *Porodica i društveni sistem*, ur. Olivera Burić, ISR UF, Beograd, 1980, p. 357.

15 FIRST, R., "Trasformacija seoske porodice," in *Gledišta* 12, Belgrade, 1972, p. 1615.

16 GOLUBOVIĆ, Z., *op. cit*, p. 11.

17 *Ibidem.*

18 MILIĆ, A., "Preobražaj srodničkog sastava porodice i položaj članova," in *Domaćinstvo, porodica i brak u Jugoslaviji*, ISR UF, Belgrade, 1981, p. 160.

[19] The legalization of women's rights in general was a growing trend throughout the period observed, but the realistic possibilities to establish a functional system for the protection of women and children in Serbia today, at the beginning of twenty-first century, are remote. However, this process had an influence, if not on changes in the position of women, certainly in terms of changing their behavior, the main gate through which the state "stepped into" family intimacy. I do not believe it is necessary to emphasize the fact that the whole set of given circumstances does not have encouraging effects on the stability of the family.

[20] MILIĆ, A., "Preobražaj srodničkog sastava," p. 160; MLADENOVIĆ, M, "Neke alternative porodice," p. 329.

[21] MLADENOVIĆ, M., "Istorijske i ideološke veze," pp. 465, 466.

[22] MILIĆ, A, "Preobražaj srodničkog sastava," p. 140.

[23] BERKOVIĆ, E., "Mesto lične i zajedničke potrošnje u preobražaju porodice," in *Domaćinstvo, porodica i brak u Jugoslaviji,* ISR UF, Belgrade, 1981, p. 97.

[24] MILIĆ, A, "Preobražaj srodničko sastava," p. 160.

[25] *Ibidem.*

[26] GOLUBOVIĆ, Z., *op.cit.*, p. 7.

[27] MLADENOVIĆ, M., "Neke alternative," p. 324.

[28] *Ibidem*, p. 96.

[29] *Ibidem.*

[30] MLADENOVIĆ, M., "Istorijske i ideološke veze," p. 465.

[31] MILIĆ, A., "Svakodnevni život porodica u vrtlogu društvenog rasula, Srbija 1991-1995," in *Društvene promene i svakodnevni život: Srbija početkom devedesetih*, Belgrade, 1995, p. 140.

[32] MLADENOVIĆ, M., "Neke alternative," p. 327; MLADENOVIĆ, M., "Istorijske i ideološke veze," p. 470.

[33] MLADENOVIĆ, M., "Podruštvljavanje porodičnog prava," p. 364; MLADENOVIĆ, M., "Preobražaj porodice," p. 563; ĐURIĆ, V., "Neki uzroci atomiziranja porodice poljoprivrednika," in *Sociologija sela,* no. 19-20, Zagreb, 1967, p. 58; MILIĆ, A., "Preobražaj srodničkog sastava," p. 144; MLADENOVIĆ, M., "Istorijske I ideološke veze," pp. 462, 474; ERLIH, V., "Trideset I tri godine trasformacije porodice," in *Sociologija sela,* no. 31-32, Zagreb, 1971, p. 164.

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# Les enjeux patrimoniaux de la vie à deux en Roumanie après 1989
# Un révélateur de *l'écart* entre les mœurs et les normes juridiques en vigueur

Anca DOHOTARIU

## Introduction

Dans la sociologie contemporaine internationale de la famille et de la vie privée, la question des transformations du couple occupe une place très importante. Ainsi, les sociologues et démographes français[1] ont étudié de façon très approfondie depuis plus de trente ans la baisse du mariage, la montée du divorce, le remariage, le développement de la cohabitation hors mariage, les couples de même sexe, soit un très vaste ensemble de situations dessinant le paysage complexe des *nouvelles conjugalités* au temps du « démariage ». Ils montrent à quel point il est difficile d'avoir une définition *a priori* du couple, tel qu'il se présente actuellement dans les mœurs et dans les représentations.

Cependant, ils soulignent aussi que cette palette de situations ne doit pas empêcher de s'interroger sur les grands traits communs qui définissent aussi le *couple contemporain* en mettant l'accent sur la signification qui lui est accordée, les attentes et les valeurs de référence qui l'organisent. Ce sont souvent les mêmes individus qui passent d'un type de couple

à l'autre au cours de leur trajectoire biographique. Ces types de couple sont parfois moins opposés qu'on ne le croit. Ainsi, en France le mariage n'est plus ce qu'il était jadis, il s'est aujourd'hui profondément redéfini en accord avec les valeurs d'égalité des sexes et de liberté individuelle, représentant dorénavant de nouveaux idéaux qui supposent engagement mais en même temps liberté[2]. À l'instar des transformations du mariage, les significations sociales de l'union libre, elles aussi, ont profondément changé au fil du temps. Loin d'être une transgression sociale stigmatisée ou un refus contestataire du mariage (comme au début du XX$^{e}$ siècle), l'union libre s'est peu à peu intégrée à l'ordinaire des mœurs et désigne aujourd'hui « une redéfinition de l'engagement comme un pacte purement privé »[3], ce qui n'empêche nullement d'y inscrire des projets d'enfants. Au total, cette catégorie sociale recouvre des situations très diverses : cohabitation prénuptiale, cohabitation « au présent », vie commune à long terme comme alternative au mariage, famille naturelle (60% des premiers nés ont des parents non mariés), nouvelle union après séparation, et aussi désormais concubinage de personnes âgées après veuvage.

Par delà le cas français, c'est un fait général que la façon dont on vit et on conçoit la vie en union libre est indissociable de l'existence du mariage. En ce sens, J. Carbonnier rappelle que, « si, dans l'absolu intemporel, le couple hors mariage pouvait se concevoir comme pure absence de mariage, dans la réalité sociologique il a besoin du mariage pour être lui-même. [...] le vrai est que, dans son apparente indépendance, *l'union hors mariage est comme téléguidée par la présence du mariage et, plus en arrière, par la présence de la société* »[4]. Autrement dit, l'institution maritale et la vie à deux hors mariage subissent sans cesse, au fil du temps, des métamorphoses lentes et profondes, mais leurs significations

sociales demeurent toujours relatives les unes aux autres, car les deux reposent sur la « communauté de vie »[5] du couple.

Qu'en est-il en Roumanie ? Nous disposons pour le moment encore de peu de recherches et de données démographiques, et cette étude s'efforcera de tracer une présentation générale[6]. Nous avons choisi de nous pencher essentiellement sur *un* aspect particulier du couple, celui de *la dimension patrimoniale de la vie à deux en Roumanie après 1989*. En même temps nous voudrions préciser que notre intérêt particulier pour la dimension des biens est loin de réduire le couple à sa dimension économique. Il est évident que le couple est aujourd'hui une réalité multidimensionnelle ; il a une dimension d'ordre privé, intime, mais aussi une dimension sociale, ne pouvant pas être conçu en dehors de tout contexte socio-historique et politique. De même, il a une dimension affective, émotionnelle, mais aussi une dimension concrète, pratique, liée à la vie quotidienne. Sans en négliger l'importance inestimable, notre hypothèse est que la dimension patrimoniale est un bon révélateur de la façon dont est pensée une relation privée, intime, dans sa dimension sociale, et que le droit permet d'appréhender la façon dont les nouveaux modes de vie privée sont acceptés et peu à peu intégrés, ou à l'inverse laissés en marge.

En Roumanie, l'après 1989 a vu l'apparition et le développement de nouvelles formes de conjugalité, autres que celle de la famille nucléaire légitime largement répandue pendant l'ancien régime politique. En ce sens, la transition vers l'économie de marché et vers l'établissement d'un système politique démocratique pluraliste a permis le libre choix de toute forme de vie à deux. Les profonds changements politiques, économiques et sociaux récents impliquent aussi tout un ensemble de réformes législatives et juridiques qui régissent la vie familiale et de couple. Aujourd'hui, ces réformes s'imposent

non seulement pour que l'adhésion à l'Union Européenne soit réalisable, mais aussi grâce à la nécessité de réactualiser les textes de loi en concordance avec les réalités sociales mouvantes. Ainsi, nous pensons que *la Roumanie contemporaine connaît des changements importants des représentations et des pratiques des couples. Ces transformations, évidemment plus visibles chez les plus jeunes, concernent à la fois le développement de l'union libre, la progressive émergence des valeurs de la liberté et de l'égalité des sexes, les transformations lentes mais profondes du mariage lui-même.*

Pourtant, même si beaucoup de changements actuels du couple en Roumanie ont des traits bien particuliers, ils ressemblent aux transformations qui existent dans d'autres pays européens qui ont vécu des mutations plus ou moins similaires à partir du début des années 1970. La situation roumaine évolue assez vite au plan des mœurs, et se rapproche de celle de la majorité des sociétés démocratiques occidentales. Cependant, en Roumanie ces mutations sont loin d'être achevées, parfois même seulement en émergence. Les nouvelles représentations du couple, de l'union libre, du mariage, coexistent aujourd'hui avec les pratiques traditionnelles et aussi avec des formes particulières de résistance de la société ou du droit face à ces changements. C'est ainsi que nous avançons une autre hypothèse à savoir que *la dimension patrimoniale de la vie à deux est en Roumanie un révélateur d'un certain nombre de résistances ou de difficultés sociales et juridiques face aux transformations actuelles du couple. Plus précisément, cette dimension dévoile un certain écart entre une évolution assez rapide des manières sociales d'agir, des pratiques et des valeurs individuelles (des mœurs) et entre la difficulté du droit à évoluer dans l'esprit d'un pluralisme des valeurs.*

Afin d'esquisser en très grandes lignes un tableau sur les transformations du couple contemporain en Roumanie, dans le contexte des changements actuels du pays et de son adhésion à l'Union Européenne, nous placerons en face à face le mariage et l'union libre en les prenant sous l'angle patrimonial. Ainsi, nous présenterons les grandes lignes de *l'évolution historique*, puis *l'état actuel* des aspects patrimoniaux régissant la vie à deux, afin de mettre en évidence, dans la troisième partie de notre étude, les traits majeurs de *l'union libre*, tel qu'elle se présente aujourd'hui en Roumanie.

## 1. Les enjeux patrimoniaux du mariage

Dans les transformations contemporaines des mœurs en Roumanie, la conception du lien matrimonial demeure sans doute liée aux transformations générales de la vie privée, et à l'émergence des valeurs démocratiques de la liberté et de l'égalité des sexes. Ainsi, on peut constater qu'aujourd'hui, au moins pour une grande partie de nos contemporains, le mariage n'a pas les mêmes significations sociales du mariage il y a cinquante ans, étant à la fois un choix qui reste majoritaire pour la plupart des couples roumains. Si on replace la Roumanie par rapport à d'autres pays démocratiques - pays dans lesquels le mariage s'est transformé énormément - on peut observer qu'à présent il y a un plus grand désir de liberté dans l'organisation de la vie privée, même à l'intérieur du mariage. Autrement dit, toute une diversité de situations et de valeurs qui accompagnent les transformations sociales, politiques et économiques du pays dévoile en fait la volonté actuelle d'une certaine pluralité de façons d'organiser sa vie matrimoniale.

Or, si du côté des valeurs et des mœurs liées à la vie à deux on constate des changements significatifs, du côté des

normes juridiques et législatives en vigueur on observe qu'en Roumanie aujourd'hui il n'y a qu'un seul régime matrimonial[7] légal, unique et immuable. Pourtant, au-delà de sa définition juridique, le régime matrimonial témoigne d'une évidente importance sociologique, car il dévoile le rapport entre le *couple* comme une entité polaire et les deux individus qui le composent. Plus précisément, un régime matrimonial où il y a seulement des biens communs, où tout est commun, l'autonomie des gens est relativisée, elle est peu reconnue. Par contre, s'il s'agit d'un régime qui favorise la séparation absolue des biens, la dimension commune n'est pas du tout valorisée.

Cependant, la question du régime matrimonial n'est qu'une partie bien précise parmi la multitude des aspects qui régissent la problématique du patrimoine et des règles en matière patrimoniale. Nous avons centré la première partie de notre recherche sur ce point distinct, puisqu'il représente une exception dans le paysage du droit comparé contemporain[8]. En Roumanie aujourd'hui il n'y a pas de pluralité de régimes matrimoniaux, ce qui rend la situation roumaine bien particulière par rapport aux autres démocraties contemporaines.

### 1.1. Le(s) régime(s) matrimoniaux en Roumanie à partir de l'époque de l'ancien droit jusqu'à présent ; brève perspective sur le temps long

Même si l'analyse de l'évolution historique des régimes matrimoniaux en Roumanie peut faire l'objet d'une recherche très ample, une brève perspective sur le temps long concernant notre objet nous permet évidemment de repérer les moments les plus importants pour l'évolution des régimes matrimoniaux en Roumanie. Plus important encore, à travers cette perspective on peut avoir sans doute une certaine vision sur l'évolution de la conception du couple marié et hors mariage, de la place

des individus par rapport à l'entité relationnelle que représente le *couple*.

## ■ 1865-1954 : la vie à deux et les règles en matière patrimoniale sous la réglementation du premier Code civil roumain

L'entrée en vigueur du Code civil de 1865 qui marque à l'époque le passage définitif de la coutume au droit écrit, représente un cas bien particulier dans l'histoire des régimes matrimoniaux en Roumanie. Le législateur roumain institua le régime matrimonial légal de la séparation des biens ou des patrimoines des époux qui s'appliquait faute de convention matrimoniale. Autrement dit, tout régime matrimonial peut être établi, par convention matrimoniale, avant la célébration du mariage, sans qu'il y ait la possibilité de le modifier ultérieurement, quelle que fut la volonté des époux. Cependant, sans tenir compte des alternatives légales des époux à gérer leurs patrimoines, dans la pratique, on continuait en général à choisir le régime matrimonial dotal.

Bref, un regard d'ensemble sur la totalité des régimes matrimoniaux institués par le Code civil de 1865 permet d'observer que la loi roumaine réglementait : 1. le régime légal de la séparation des biens et des patrimoines ; 2. le régime conventionnel de la communauté des biens (il s'agissait soit d'une communauté universelle, soit d'une communauté réduite aux acquêts, soit de la communauté de meubles et d'acquêts) ; 3. le régime conventionnel sans communauté ; 4. le régime dotal ; 5. la société des acquêts (art. 1287-1293 C. civ.)[9]. En ce qui concerne le régime légal de la séparation des biens et des patrimoines, il n'était pas réglementé par la loi d'une manière explicite, les lois en vigueur de l'époque visant exclusivement le régime dotal[10]. Cependant, il était caractérisé

dans la doctrine par le fait que « les biens présents et futurs des époux étaient strictement séparés ; chaque époux gardait sur son patrimoine les mêmes droits qu'il avait eu avant le mariage »[11]. Deuxièmement, le régime conventionnel de la communauté des biens était caractérisé par le fait que les biens communs constituaient une universalité bien distincte des patrimoines des époux[12]. À son tour, le régime conventionnel sans communauté était conçu comme un régime de la séparation des biens qui stipulait pourtant quelques règles concernant la capacité commune des époux de gérer leurs biens propres. Quant au régime dotal, il était lui aussi conçu à l'époque comme un régime conventionnel de la séparation des biens ; la dot de la femme était en général inaliénable et soumise à l'administration de l'époux. Enfin, sous l'influence de la doctrine française, en Roumanie il y avait aussi une sorte de régime conventionnel de communauté réduite aux acquêts réglementé sous la forme d'une société civile - la société des acquêts. Cependant, il n'était pratiqué qu'occasionnellement[13].

### 1.2. L'évolution du mariage et l'état actuel du droit en matière patrimoniale

#### ■ 1954-1989 : le « nouveau » régime matrimonial, unique et immuable

L'année 1954 représente une autre rupture dans l'histoire des régimes matrimoniaux en Roumanie. Avec la mise en place du régime communiste totalitaire, l'ensemble des dispositions législatives concernant la vie à deux a subi des modifications profondes. En 1954, on « emprunte » intégralement le Code de la famille soviétique qui institue un seul régime matrimonial légal et obligatoire. Ainsi, toute convention prénuptiale, ou bien tout autre régime matrimonial conventionnel devient désormais nul de nullité absolue (art. 30 al. 2 C. Fam.)[14], les

patrimoines des époux étant soumis dorénavant aux dispositions du Code de la famille qui réglementent *la propriété commune indivisible* (non individualisée en quotes-parts) [*devălmășie*].

Ainsi, Paul Vasilescu souligne que

> la rigidité et l'immutabilité du régime matrimonial institué par le Code de la famille le transforment dans un régime unique fondé sur des illusions politiques, grâce à l'idéologie officielle imposée par le parti unique. Le parti communiste, qui projetait une vision collectiviste et grégaire sur les rapports sociaux, ne pouvait ainsi que promouvoir un seul régime matrimonial inflexible. Accepter la flexibilité des rapports patrimoniaux des époux signifie admettre la liberté individuelle fondée sur le fait que les êtres humains ne sont pas identiques et n'ont pas les mêmes besoins et possibilités matérielles. Or, cela était impossible pendant l'ancien régime. L'*homo soviéticus* n'est qu'un clone multiplié en milliers d'exemplaires, dont la vie personnelle devait être impérativement soumise à l'idéologie du parti unique. En outre, il faut préciser que l'aversion idéologique du communisme envers toute idée bourgeoise imposait une rupture radicale avec le passé et les traditions du peuple roumain. Cette rupture s'est traduite par l'imposition d'un régime matrimonial non seulement rigide, mais aussi incompatible avec l'esprit du peuple[15].

### ■ 1989-2006 : la dimension patrimoniale de la vie en couple marié entre changements sociaux et continuités juridiques

Aujourd'hui, même si le régime politique a changé, même si les valeurs et les représentations du couple et du mariage subissent en Roumanie une redéfinition profonde, le même régime matrimonial légal immuable et rigide est encore en

vigueur, tel qu'il a été institué en 1954. Cependant, les représentants de la doctrine juridique soulignent unanimement la nécessité actuelle de consacrer la flexibilité du régime matrimonial en Roumanie. En ce sens, plusieurs propositions de loi ou projets législatifs ont été élaborés dans le but de réactualiser les normes concernant la dimension patrimoniale de la vie à deux, en concordance avec les nouvelles réalités sociales. Ainsi, la proposition de loi no 507/2001 initiée par 5 députés du PNL, ainsi que le projet de loi no 145/2004 élaboré par le Ministère de la Justice ont une importance particulière. En concordance avec la tradition roumaine mais aussi selon l'exemple juridique francophone, les deux prévoient l'abrogation du Code de la famille dans le but de réinsérer dans le Code civil les normes qui concernent la famille. Plus important encore, ils envisagent la possibilité des époux de choisir des régimes matrimoniaux conventionnels, ainsi que la liberté de changer le régime matrimonial au cours du mariage. Par ailleurs, aujourd'hui on propose d'admettre la liberté de choisir parmi plusieurs régimes matrimoniaux, de réinstaller les régimes conventionnels dont l'absence fait de notre système de droit l'exception du droit comparé.

En dépit de toutes ces tentatives de changements, le statut matrimonial signifie pourtant un seul régime *légal*, *unique*, *impératif* et *immuable*, qui exclut la liberté des époux de régler leurs relations patrimoniales à leur gré. Plus précisément, les rapports patrimoniaux des mariés, quelle que soit leur volonté, sont soumis sans exception au *régime de la communauté matrimoniale indivisible des biens (devălmășie)*, c'est-à-dire, non individualisée en quotes-parts, conçu comme un *effet légal* issu du mariage, dès que l'union est conclue.

Sans entrer trop dans les détails, quelques précisions concernant le régime matrimonial légal en Roumanie s'imposent. D'abord, selon l'art. 31 C. Fam, les biens obtenus

avant le mariage, les biens obtenus pendant le mariage par héritage, legs ou donation, les biens personnels et ceux destinés à l'exercice de la profession, l'indemnisation d'une assurance personnelle sont considérés comme étant des biens propres, les biens obtenus après le mariage devenant automatiquement des biens communs. Si les époux doivent pouvoir prouver qu'un certain bien leur est propre, ils ne doivent pas le faire en ce qui concerne *les biens communs* (art. 30 al. 3 C. fam : « la qualité de bien commun ne doit pas être prouvée »). De même, grâce à la présomption de la communauté indivisible des biens des mariés, on suppose qu'un époux a le consentement de l'autre lorsqu'il exerce tout seul des droits qui concernent l'administration ou l'utilisation des biens communs (l'art 35 C. fam.). En outre, pendant le mariage il ne peut pas y avoir qu'un *partage judiciaire* des biens communs des époux. Enfin, la propriété commune indivisible cesse lors du décès ou du divorce, étant suivie par le partage volontaire ou judiciaire des biens.

En comparant la réglementation roumaine avec celle française en vigueur, P. Vasilescu note que les « biens communs » représentent en fait les acquêts obtenus séparément ou conjointement dès le début jusqu'à la fin du mariage[16]. Ainsi, le régime matrimonial légal roumain ressemble en grandes lignes au régime légal de la communauté réduite aux acquêts français, même s'ils sont intitulés différemment. Cependant, il y a deux différences essentielles entre eux. Premièrement, le régime légal français fait partie de toute une pluralité de régimes qu'on peut choisir librement. Et deuxièmement, on a la liberté de changer le régime choisi pendant le mariage en vertu d'un choix qui correspond mieux aux besoins des époux. Parallèlement, le régime légal roumain présente les deux contraintes majeures : d'une part, les futurs époux sont soumis impérativement au régime matrimonial légal

sans avoir la possibilité de choisir aucun régime conventionnel. D'autre part, le régime matrimonial légal est immuable, c'est-à-dire les époux ne peuvent pas le changer pendant leur mariage. Autrement dit, aujourd'hui en Roumanie on limite la liberté individuelle deux fois : **1.** pas de choix au départ, et donc pas de possibilité laissée aux individus de traduire dans leur droit patrimonial leur conception du couple et leurs intérêts, dans un contexte qui évolue au fil du temps ; **2.** pas de possibilité d'accompagner juridiquement tous les changements qui interviennent inévitablement dans la vie à deux.

## 2. Les enjeux patrimoniaux de l'union libre

### ■ L'union libre en Roumanie au début du XX$^{e}$ siècle

Comme dans le cas du mariage, une très succincte vision sur le temps long permet d'observer qu'en Roumanie il y a une dévaluation traditionnelle du concubinage. Du point de vue patrimonial aussi, au début du XX$^{e}$ siècle on considère qu'il ne faut pas accorder de réalité juridique à cette situation de fait. Après l'entrée en vigueur du Code civil de 1865, le concubinage n'étant pas réglementé par la loi, la dimension patrimoniale de la vie hors mariage ne faisait pas l'objet d'un intérêt explicite du législateur. Autrement dit, on peut parler d'une réelle disqualification du concubinage par tout le droit issu du Code civil, l'union hors mariage étant toujours conçue comme une situation de fait qui ne produit pas de droits.

Pourtant, les quelques données que nous avons trouvées jusqu'à présent indiquent bien le poids significatif de la dimension pécuniaire de la vie à deux hors mariage, en Roumanie au début du XX$^{e}$ siècle. Ainsi, le concubinage et le mariage se présentaient à l'époque comme des réalités

spécifiques encrées dans l'ensemble des conditions sociales et juridiques particulières :

> Les mariages, par rapport à la population, pourraient être plus nombreux ; il existe, néanmoins, dans les villages, beaucoup de faux-ménages [des concubinages]. Ce serait, selon une opinion très répandue, à cause des formalités trop compliquées exigées pour la célébration [du mariage] et des frais qui y sont nécessaires[17].

Cette phrase écrite en 1909 est précédée par un article paru en 1904 dont l'auteur avance un véritable plaidoyer moralisateur contre « les effets maléfiques du concubinage dans la société roumaine »[18]. Bien évidemment, cet article est loin de présenter des données sur les rapports patrimoniaux des concubins, tels qu'ils existaient à l'époque. Cependant, il est un des textes qui confirment l'enracinement historique très profond de la disqualification de la vie en couple hors mariage. En ce sens, en 1919 une féministe roumaine qui combattait l'idée de l'infériorité féminine en militant pour l'égalité totale, civile et politique, des sexes, soulignait : « Nous ne soutenons ni 'l'amour libre' ni le 'mariage libre' car ils ne recouvrent pas suffisamment l'idée d'une responsabilité réciproquement partagée entre les époux. Nous soutenons cependant le mariage légal, fondé sur des lois justes pour la femme aussi. »[19] Par analogie avec la situation des mariés, nous supposons qu'en 1919 les rapports patrimoniaux des concubins étaient sans doute beaucoup influencés par la place sociale et juridique de la femme dans la société.

### ■ 1954-1989 : les couples non mariés, des stigmates sociaux hors du cadre administratif courant

Plus tard, pendant l'ancien régime politique totalitaire, le concubinage était, d'une manière non pas officielle mais implicite, stigmatisé voire interdit pour l'ensemble de la société. Plus précisément, le concubinage n'était pas interdit par la loi, mais il était par définition loin de correspondre aux impératifs de l'idéologie officielle qui promouvait l'idéal utopique d'une égalité absolue entre tous les individus. Par ailleurs, le concubinage ne faisait l'objet d'aucune loi en vigueur, d'aucune étude scientifique, tout comme s'il n'existait pas.

C'est ainsi que, par exemple, *l'Annuaire statistique de la Roumanie* ne présentait aucun chiffre sur le concubinage, étant d'ailleurs transformé dans une brochure de 100 pages qui reproduisait, d'une année à l'autre, presque les mêmes données statistiques. En ce sens, Petru Pepelea rappelle que,

> pour la période 1957-1989, la création et l'utilisation du système entier des indicateurs statistiques a connu des modifications majeures par rapport au système utilisé précédemment (traditionnel), ce système étant radicalement incompatible avec celui utilisé dans les pays démocratiques. En ce sens, *l'Annuaire* est la seule publication statistique existante sous le régime communiste ; chaque année, il a été censuré sans cesse, sa dernière parution n'ayant que 100 pages qui, à leur tour, ne contenaient que des données quasi-générales offertes pour présenter une situation économique et sociale du pays très différente en fait par rapport à la situation réelle.[20]

Pourtant, de nombreux arrêts jurisprudentiels datant de la période 1954-1989 sont la preuve concrète du fait que les unions hors mariage existaient avant 1989 et, plus important

encore, ces unions se trouvaient dans l'attention des juges surtout en matière patrimoniale. On doit cependant préciser qu'il s'agissait d'une jurisprudence qui concernait uniquement les couples de sexe différent, les relations entre les personnes de même sexe étant punies par la loi pénale.

Aujourd'hui encore, de nombreuses décisions juridiques concernant la dimension patrimoniale de la vie en couple non marié s'appuient sur la jurisprudence antérieure, mais cette situation est probablement due au fait qu'à présent les relations familiales demeurent régies par le même Code de la famille en vigueur depuis 1954.

- **L'union libre en Roumanie après 1989, un témoin vivant du décalage entre les transformations actuelles des mœurs et les normes familiales en vigueur**

De nos jours, les relations familiales et de couple demeurent réglementées par l'ancien Code de la Famille qui est en vigueur depuis 1954, le concubinage ne faisant jusqu'à présent l'objet d'aucune loi en vigueur. Si le régime matrimonial est explicitement institué par la loi en Roumanie, les normes en matière patrimoniale restent muettes quant à la dimension de la vie à deux hors mariage. D'une part, aucune disposition législative en Roumanie ne contient le mot *concubinage*, quelles que soient ses connotations. D'autre part, la vie à deux hors mariage a attiré l'attention des spécialistes du droit surtout grâce à la *communauté de vie* qu'entraîne souvent ce type d'union. En ce sens, le *Dictionnaire de droit privé*[21] définit le concubinage comme étant « la vie en commun, à caractère relativement stable, d'un homme et d'une femme qui ne sont pas unis par le mariage. » En outre, plusieurs traités de droit de la famille reprennent la même définition fondée essentiellement sur l'idée de la *communauté de vie* des partenaires : « le

concubinage est la cohabitation d'un homme et d'une femme pour une période assez longue de temps. »[22]

Si le mariage est une situation de droit, le concubinage est *une situation de fait*, c'est-à-dire, les conséquences juridiques du concubinage ne composent pas un *statut*. Autrement dit, « le concubinage n'étant qu'un fait, aucun effet de droit ne peut lui être attaché, sauf texte le visant expressément ou, à la rigueur, sauf utilisation d'un droit commun, comme entre célibataires. »[23] Pourtant, G. Cornu[24] rappelle que, même si le concubinage n'est qu'une « union de fait sans lien de droit », la situation informelle de l'union libre n'est pas moins une situation juridique. Ainsi, la loi et la jurisprudence peuvent attacher des effets de droit à cet « état de fait ». Mais, le concubinage ne faisant pas l'objet d'un statut juridique, les effets de droit qui peuvent lui être attachés ne sont point constants mais variables, étant subordonnés à la preuve, en fait, de son existence et de ses caractères.

Du point de vue du droit patrimonial et successoral, en Roumanie le concubinage se trouve essentiellement sous l'empire du droit commun. Entre concubins il n'existe aucun *régime matrimonial* proprement dit car il ne peut être « matrimonial » que ce qui a trait au mariage. Cependant, peut-on parler d'un *régime patrimonial* des concubins ? Compte tenu du fait que le Code civil ou bien le Code de la famille restent muets sur leur situation en général, et plus particulièrement sur leur situation patrimoniale, une réponse négative semble s'imposer. Cependant, les concubins peuvent sans doute passer des *conventions* par écrit ou tacites relatives à leur situation patrimoniale[25]. Dans ce dernier cas, leur situation étant structurée par voie conventionnelle, leurs relations patrimoniales sont régies par un ensemble de normes qui pourraient justifier l'appellation de « régime patrimonial des concubins »[26].

Cependant, il est très intéressant de constater que, dans la pratique, les trois notaires que nous avons interviewés récemment soutiennent unanimement qu'en Roumanie les concubins ne peuvent remplir des *conventions*, ni relatives à un éventuel statut juridique, ni relatives à leurs biens. En outre, ils déclarent qu'on ne leur a jamais demandé de conseils juridiques concernant ce type de conventions.

Sans trop entrer dans des détails juridiques, on doit préciser que, dans le droit civil roumain en vigueur *la propriété commune* est conçue soit sous la forme *de la propriété commune divisée en quotes-parts*, soit sous la forme de *la propriété commune indivisible (non individualisée en quotes-parts)*, cette dernière étant essentiellement liée aux rapports patrimoniaux des époux (elle est considérée comme un des effets du mariage).

Ainsi, la *copropriété en quotes-parts* ou *l'indivision* est caractérisée par le fait qu'un *bien* non fractionné dans sa matérialité appartient en même temps à plusieurs propriétaires qui détiennent individuellement une quote-part idéelle et abstraite du droit de propriété sur le bien respectif[27]. Sans être explicitement réglementée par la loi, l'indivision peut apparaître lors d'une succession, des contrats (contrat de société, contrat de vente-achat, etc.) ou de la dissolution du mariage (lorsque la communauté indivisible conjugale devient une communauté divisée en quotes-parts). Par ailleurs, les concubins peuvent à tout moment devenir *copropriétaires* du bien acquis en leur nom, *cotitulaires* du bail qu'ils signent l'un et l'autre, *codébiteurs* de la dette qu'ils contractent. Cependant, si *la propriété commune indivisible* est un effet direct issu du mariage, du point de vue juridique il n'y a pas de lien direct entre *la propriété commune en quotes-parts* et les rapports patrimoniaux des concubins. Cela suppose, à notre avis, une

double injustice : comme nous l'avons déjà dit, les mariés sont soumis sans exception à la communauté matrimoniale des biens, quelle que soit leur volonté ; à leur tour, les concubins sont tenus à rester des « tiers » lorsqu'ils veulent régler leurs rapports patrimoniaux.

En 2002, trois propositions de loi initiées par plusieurs députés voient le jour au Parlement de la Roumanie[28]. Pour des raisons constitutionnelles, aucune des trois propositions de loi n'est arrivée à la fin du processus législatif pour être soit votée soit rejetée. Pourtant, elles représentent les premières tentatives enregistrées en Roumanie jusqu'à présent dont l'objet est, d'une manière plus ou moins explicite, celui de réglementer la situation des couples non mariés. De même, si la première proposition envisage la création d'un statut juridique du concubinage, les autres propositions visent les unions hors mariage surtout du point de vue du régime juridique des biens des concubins.

Enfin, aucune des trois propositions de loi de 2002 ne vise la question des couples de même sexe. Tout au contraire, le concubinage est conçu en unanimité comme une catégorie qui représente seulement les couples de sexe différent, or, en Roumanie, la question des couples de même sexe existe évidemment dans les mœurs. De ce point de vue, jusqu'en 2001, ce type de relations intimes constituait l'objet d'une infraction, étant punies par la loi pénale[29]. Avec l'adoption de l'O.U.G. no. 89/2001, l'article 200 du Code pénal est abrogé. Pourtant, sans négliger la question des couples de même sexe – ni l'histoire de leur exclusion ou assimilation jurisprudentielle ou législative aux concubinages hétérosexuels – nous considérons que les évolutions historiques et les états actuels (du point de vue juridique, démographique et également sociologique des comportements et des valeurs) des deux

catégories sociales sont différents. Nous avons réduit l'objet de notre recherche à la question des couples de sexe différent justement pour *mieux* focaliser l'attention, en profondeur, sur l'une des deux catégories concernées.

### 4. Les preuves du terrain

Enfin, l'union libre est une réalité très complexe qui recouvre toute une diversité de situations, variables en fonction du milieu socio-historique et culturel d'appartenance, ou bien en fonction des attributs sociaux des individus qui forment le couple non marié. Plus important encore, la problématique de l'union libre est indissociable de la question du temps et de la manière dont les partenaires la construisent : autrement dit, les jeunes, les personnes d'âge mûr, les individus du 3e ou 4e âge conçoivent parfois de façons très différentes leurs vies à deux hors mariage. Ainsi, la *temporalité* est un enjeu essentiel de la vie en couple, ce qui explique le fait qu'aujourd'hui il peut y avoir des unions inscrites dans le présent aussi bien que des unions à long terme, ou bien des unions qui au fil du temps changent, se transforment en fonction de l'évolution des partenaires qui les composent.

Par ailleurs, nous donnerons quelques exemples significatifs pour notre démarche, tirés des 21 entretiens individuels que nous avons réalisés en 2005 avec des jeunes cohabitants non mariés de Bucarest[30]. Loin de vouloir envisager des typologies du phénomène analysé, nous avons essayé de mettre en évidence quelques caractéristiques majeures de l'union hors mariage, afin d'analyser en profondeur la manière dont l'union libre se présente aujourd'hui en Roumanie chez une catégorie sociale bien particulière, les jeunes.

La durée des unions observées varie entre une et cinq années. Dans la majorité des cas, les interviewés ont commencé

leurs relations progressivement et ils se sont considérés des *couples* soit dès le début de leurs relations intimes, soit au moment où ils ont décidé d'« officialiser » leurs relations. Plus précisément, pour eux, rendre la relation « officielle » ne signifie pas nécessairement se marier, mais cela est associé plutôt à l'idée d'informer leur entourage qu'« on est ensemble ! ».

En ce qui concerne leur décision de cohabiter, les interviewés considèrent en général que le fait d'habiter en couple est très important, la cohabitation étant vue comme « la meilleure modalité de mieux connaître l'autre ». En ce sens, les jeunes bucarestois déclarent que la cohabitation est soit une preuve de leur engagement, « le lien entre deux partenaires qui habitent séparément ne pouvant pas être trop fort », soit une modalité de réduire les dépenses ménagères, de rendre plus facile leurs vies du point de vue financier, soit une meilleure façon de gérer le temps libre, pour « ne plus perdre le temps quotidien avec des déplacements inutiles, de chez soi chez l'autre ». À notre avis, cela prouve que, d'une part, en Roumanie comme dans d'autres pays occidentaux, le couple contemporain se constitue peu à peu. D'autre part, on passe d'une relation amoureuse à un couple, toujours en se mettant ensemble, en partageant des biens, un logement commun et tous les aspects de la vie quotidienne.

Plus important encore, les entretiens réalisés montrent que, en général, le *couple* et le *mariage* sont conçus plutôt comme un choix relevant de la conscience personnelle. Cependant, à la différence peut-être de la situation française, le mariage est encore souvent perçu comme une obligation sociale. Autrement dit, il y a aujourd'hui des jeunes qui ont hérité l'image du mariage telle que celle-ci leur a été offerte par l'intermédiaire de l'éducation familiale, mais il y a aussi des jeunes dont les représentations concernant le mariage sont très proches du

« mariage conversation » dans un sens « plus individuel, plus privé, plus contractuel et pourtant plus précaire »[31]. De même, la majorité des interviewés considèrent que deux serait le nombre idéal d'enfants dans une famille. Toutes les filles (à une seule exception qui n'est pas d'accord avec la « pause de maternité ») déclarent que, dans le cas d'une grossesse, elles feraient le choix de l'alternance (travailler – s'arrêter – retravailler) parce que, à leur avis, un enfant a besoin de toute l'attention de sa mère pendant les deux premières années de sa vie.

En outre, la majorité des interviewés déclare que la sexualité est un sujet tabou dans les discussions avec leurs parents, à l'exception de deux filles dont les mères ont été tout le temps au courant avec leurs vies intimes.

Enfin, au-delà de ce tableau très brièvement esquissé, nous voudrions donner quelques exemples d'unions libres qui, à notre avis, demeurent significatives pour la situation roumaine actuelle dans son ensemble. Comme l'union libre et le mariage demeurent toujours « les deux facettes d'une même pièce », notre classification (sans qu'il s'agisse d'une typologie) a été réalisée en fonction de l'attitude des interviewés par rapport au mariage.

Tout d'abord, nous avons observé une union vécue comme ***une « alternative au mariage »***, identifiée chez un seul couple, dont les deux partenaires ont des projets à long terme. Ils ne rejettent pas radicalement l'idée d'un éventuel mariage, sans pourtant le concevoir comme « nécessairement indispensable ». Mariés ou non, ils déclarent avoir les mêmes responsabilités « volontaires » et les deux déclarent prouver le même *engagement* dans le cadre du couple, en espérant que leur relation sera la même après 15 ou 40 ans de vie commune.

Plus important encore, les deux partenaires soulignent l'importance de la *conversation* dans le cadre de leur union. Ils ont fait un « pacte » de se raconter le soir tous les événements de la journée, ils discutent beaucoup parce que « la *conversation* rend plus forte leur relation ». Il s'agit d'un couple pour lequel *l'engagement* profond et en même temps la *liberté* individuelle constituent l'essence de la vie à deux. Leur union est fondée sur la confiance réciproque et leur permet d'être « eux-mêmes ». En outre, ils déclarent que leur union leur donne le sentiment d'être unis et libre en même temps, ce qui est, à leur avis, le plus important dans une relation de couple.

Quant à l'aspect pécuniaire de leur vie à deux, ils déclarent avoir un budget commun (c'est-à-dire deux cartes bleues individuelles pour un même compte bancaire) et des biens communs sans donner trop d'importance aux papiers de propriété relatifs aux biens acquis communément.

Deuxièmement, nous avons observé plusieurs unions qui se présentent sous la forme d'*un « **mariage à l'essai** »*, observable dans le cas de ceux qui ajournent tout simplement la possibilité réelle de se marier, *soit* pour des raisons financières, *soit* parce qu'ils associent l'idée de se marier avec la naissance d'un enfant, *soit* parce que la manière dont ils imaginent le mariage ne coïncide pas avec celle de leur entourage ou de leur famille. Plus précisément, dans ce cas, les interviewés vivent comme s'ils étaient mariés, étant sûrs qu'ils vont se marier un jour. En général, ils déclarent ainsi avoir des budgets, des dépenses et des investissements communs.

Enfin, nous avons observé aussi des unions libres vécues comme *des « **unions au présent** »*. Il s'agit évidemment des unions inscrites dans le présent, qui ne sont pas vécues comme le début d'une longue vie commune, les partenaires n'ayant pas de projets communs à long terme. Ce dernier type d'union

libre peut englober des unions durables dont les partenaires vivent pour des années et des années dans un présent continu, et également des unions éphémères. Plus important encore, les interviewés qui vivent des unions à présent déclarent qu'ils partagent les dépenses communes, mais chacun est autonome financièrement par rapport à l'autre et chacun gère son budget à son gré.

Quant aux droits relatifs aux unions hors mariage en Roumanie, les interviewés déclarent presque en unanimité qu'ils n'ont jamais réfléchi à cette question ; en ce sens, une seule fille considère que c'est la question des biens acquis pendant le concubinage qui devrait être réglementée dans le but de mieux protéger les intérêts patrimoniaux de ceux qui préfèrent vivre hors mariage. De surcroît, on déclare aussi que, si on voulait avoir un statut juridique, on aurait l'alternative du mariage. À notre avis, cela prouve encore une fois le caractère essentiellement privé, intime de l'union libre en Roumanie.

Plus important encore, les partenaires interviewés, c'est-à-dire des personnes avec des études universitaires, ne sont pas au courant avec la législation en vigueur relative au concubinage. Cela pourrait être expliqué par le fait que les problèmes pécuniaires, les divergences relatives aux aspects pratiques, concrets de la vie à deux apparaissent surtout lors de la rupture du couple. Dans la vie concrète on a des idéaux, mais on est affronté aussi aux problèmes pécuniaires, aux questions de la gestion de l'argent, etc. Cependant, ces problèmes pécuniaires apparaissent surtout au moment d'une difficulté : la séparation, le décès, etc. Pourtant, avant ces moments critiques, dans la vie ordinaire, ils font l'objet des choix, des stratégies, des préférences, qui nous indiquent ce que c'est un lien de couple contemporain.

Par conséquent, un regard d'ensemble sur la législation en vigueur qui concerne la vie familiale et de couple pourrait faire penser que le couple en Roumanie n'a pas encore subi de changements importants. Le fait que le Code de la famille est en vigueur depuis 1954, l'inexistence d'une pluralité de régimes matrimoniaux représentent une preuve concrète des difficultés actuelles du droit à accompagner les métamorphoses sociales enregistrées après 1989. À la lumière de toutes les données historiques, juridiques et sociologiques mises en évidence dans cette analyse, deux idées principales demeurent évidentes. Premièrement, aujourd'hui en Roumanie le couple subit des métamorphoses lentes mais profondes, en concordance avec l'émergence des valeurs démocratiques de la liberté et de l'égalité des sexes. Deuxièmement, la question patrimoniale est *un aspect* de la réflexion sur le couple qui révèle *l'écart* entre les pratiques individuelles et les valeurs concernant la vie à deux, et la façon dont les relations de couple sont pensées aujourd'hui par le droit.

Pourtant, comme nous l'avons déjà montré, le couple représente une notion multidimensionnelle, dont l'analyse devrait être sans doute réalisée dans de futures recherches encore plus amples et encore plus détaillées.

## NOTES

1 DÉCHAUX, J.-H., « Orientations théoriques en sociologie de la famille : autour de cinq ouvrages récents », in *Revue française de sociologie*, XXXVI-3, juillet – septembre 1995 ; FRESEL-LOZEY, M. : « Les nouvelles formes de conjugalité : Problèmes méthodologiques », in *Population* no. 3 / 1992 ; KAUFMANN, J.-C., *Sociologie du couple*, PUF, 1993 ; LEFÈVRE, C. & FILHON, A. (dir.), *Histoires de familles, histoires familiales,* Paris, Ined, 2005 ; ROUSSEL, L., *La famille incertaine*, Ed. Odile Jacob, 1989 ; THÉRY, I., *Le démariage,* Editions Odile Jacob, Paris, 1996.

2 THÉRY, I., *Couple, filiation et parenté aujourd'hui*, Ed. Odile Jacob, Paris, 1998, p. 33 : « la situation actuelle témoigne à la fois d'une moindre dépendance mutuelle des conjoints, d'une plus grande liberté sociale, et d'une exigence accrue à l'égard de l'union dans la recherche du bonheur ».

3 THÉRY, I., *Couple…*, *op. cit.*, p. 32.

4 CARBONNIER, J., *Flexible droit*, LGDJ, 2001, p. 262, souligné par nous.

5 CARBONNIER, J., *Droit civil*, t. 2, *La famille, l'enfant, le couple*, PUF, 2002, p. 468: l'auteur montre que, sous l'expression *communauté de vie*, on comprend à la fois le lit (les relations sexuelles), la table (la communauté de ménage) et le toit (la communauté de résidence), en d'autres termes, la vie quotidienne partagée.

6 Cette analyse s'appuie sur les recherches menées pour ma thèse de doctorat.

7 VASILESCU, P., *Regimuri matrimoniale. Parte generală*, Ed. Rosetti, Bucarest, 2003, p. 18 : selon l'auteur, le régime matrimonial désigne l'ensemble des normes qui règlementent, d'une part, les relations patrimoniales entre époux, et d'autre part, les relations patrimoniales entre les époux et les tiers, ces règles appartenant essentiellement au droit patrimonial, au droit successoral, etc.

8 VASILESCU, P., *op. cit.*, p. 58.

9 *Ibidem.*, pp. 56-57.

10 VASILESCU, P., *op. cit.*, p. 140.

11 HAMANGIU, C. & ROSETTI-BĂLĂNESCU & BĂICOIANU, *Tratat de drept civil român*, vol. III (reeditare), Ed. All, București, 1996, pp. 2-3.

12 VASILESCU, P., *op. cit.*, p. 57.

[13] HAMANGIU, C. & ROSETTI-BĂLĂNESCU & BĂICOIANU, *op. cit.*, p. 207.

[14] BÎRSAN, C., *Drept civil. Drepturile reale principale*, Ed. All Beck, București, 2001, p. 189.

[15] VASILESCU, P. *op. cit.*, pp. 236-237.

[16] VASILESCU, P., *op. cit.*, p. 238.

[17] *Anuarul statistic al României* (« Annuaire statistique »), Imprimeria Statului, București, 1909, p. 37 ; jusqu'en 1940, les Annuaires statistiques de la Roumanie ont été publiés en roumain et également en français.

[18] ELEFTERESCU, E., *Despre rĕul Concubinagiulu-ĭ în poporul nostru*, Tipografia Al. Valescu, Mușătesci-Argeș, 1904 : il s'agit d'un article qui présente le concubinage - « un mariage moderne illégitime et immoral » - comme étant une « gangrène sociale » qui se développe parmi les représentants de la société (« la classe sociale culte »), et à la fois « un ver qui ronge le cœur du peuple, c'est-à-dire la couche sociale paysanne ». En même temps, l'auteur soulignait que le concubinage se développait au détriment de la vie familiale – « le fondement de la société » – en vertu du fait que « les statistiques montrent que seulement 16% des concubinages recourent à la procréation des enfants [sont féconds] ».

[19] STRĂTILESCU, E., *Temeiul mișcării feministe și scopurile pe care le urmărește*, Minerva, Bucarest, 1919, p. 23

[20] PEPELEA, P., « Préface », in *Anuarul Statistic al României*, Ed. Comisia Națională pentru Statistică, Bucarest, 1990, p. III.

[21] *Dicționar de drept privat,* Ed. Mondan, Bucarest, 1994, p. 262.

[22] La même définition du concubinage est reprise dans plusieurs traités du droit de la famille parus après 1989 : il s'agit de : BACACI, Al. & DUMITRACHE, V.-C. & HAGEANU, C., *Dreptul familiei*, 4e éd. Ed. All Beck, București, 2005, p. 18 ; LUPAȘCU, D., *Dreptul familiei,* Ed. Rosetti, Bucarest, 2005, p. 25.

[23] CARBONNIER, J., *Droit civil*, t. 2, *La famille, l'enfant, le couple, op. cit.*, p. 707.

[24] CORNU, G., *Droit civil. La famille*, Ed. Montchrestien, 8e éd., Paris, 2003, p. 82.

[25] LUPȘAN, G., *Dreptul familiei*, Ed. Junimea, Iași, 2001, p. 124.

[26] SIMLER, P., « Le "régime matrimonial" des concubins », in Rubellin-Devichi, Jacqueline (études offertes à), *Des concubinages. Droit interne, droit international, droit comparé*, Ed. Litec, 2002.

[27] BÎRSAN, C., *op. cit.*, p. 168

[28] Si la première proposition 158/2002 vise « la reconnaissance du concubinage comme forme de vie en commun », la deuxième 450/2002 vise la modification du Code de la famille en entier, la troisième 570/2002 étant censé à modifier et compléter quelques articles de la Loi no. 4/ 1953 du Code de la famille en vigueur.

[29] Il s'agit de l'article200 du Code pénal concernant les infractions relatives à la vie sexuelle.

[30] Les 21 entretiens ont été réalisés avec des jeunes roumains qui n'ont jamais été mariés et qui ont entre 23 et 35 ans ; *le milieu d'origine*: urbain, ils cohabitent à Bucarest ; *les études* : universitaires, sauf trois interviewés ; l*a religion* : orthodoxe, à l'exceptions d'une fille née à Bucarest dont les parents sont protestants ; l*es revenus* : salariés, avec des salaires qui dépassent significativement le salaire moyen par économie.

[31] THÉRY, I., *op. cit.*, p. 31.

# Changing Norms and Values Regarding Marriage and the Family in Post-Socialist Bulgaria: Towards a New Marital Transition

Elitsa KUZDOVA DIMITROVA

## 1. Introduction

The period following the end of socialism in Bulgaria featured profound societal changes stemming from the transition to democracy and the market economy. The crisis-led social and economic transformations influenced individuals' demographic behavior, especially those who began the most intense part of their demographic lives in post-socialist times. The growing social and economic insecurity and the collapse of the social welfare system during the 1990s led to an intensification in transactions with the economic, material and emotional resources flowing through kin and family networks. Family and kin became the general providers of socio-economic protection and the main source for individual survival. As a result, there was a *re-colonization of Bulgarian post-socialist society by informal family networks* as a substitute for the mistrusted and malfunctioning state institutions.

During the transition period in Bulgaria, in parallel with its strengthened protective functions, the family underwent important transformations in its normatively established way of constitution and functioning. While during the former regime

the marital family was the only legitimate (and also the only tolerated) union for parenthood and partnership, during the following democratic period, this pattern was changed.

The former socialist regime in Bulgaria featured a "colonization of the state by the family clans". As a reaction to their ideologically controlled and strictly supervised public lives, ordinary people considered the family to be the most authentic realm for personal existence. Growing alienation with public life made marriage and the family the only reasonable way for individuals to escape the absurdity of their official public life.[1] And the coercively pronatalist and pro-marriage oriented social policies of the Bulgarian socialist state helped strengthen this tendency. As a result, the period of socialist rule was marked by a familization of society, as manifested in early marriages and the universal character of marriage, disapproval of divorce, a strong preference for parenthood within marriage, and the unpopularity of voluntary childlessness and celibacy. These characteristics of individual familistic behavior were challenged and transformed in the new democratic times. However, at the same time, the valorization of the family as the most authentic place of personal existence, as well as a general source of social, economic and material sustenance, has continued.

In particular, since the beginning of the 1990s, *the institution of marriage has been challenged as a normatively established family form by the increasing number of cohabitations, single parent families and recomposed unions*. In terms of marriage and parenthood, individual lives were also profoundly reshaped. The postponement of entry into marriage and the transition to parenthood, the undermined sequence in the occurrence of these life events and the sharply increasing practice of extramarital childbearing all suggest that the institution of marriage has seen its value profoundly redefined

in combination with the limited social choices and opportunities for individuals in post-socialist Bulgarian society.

Along with the role in the recent transformations in marital tendencies played by social and economic deprivation, the challenges to the institution of marriage can also be seen as part of the more profound cultural shifts taking place in parallel with the process of democratization. The growing respect for personal autonomy and the removal of state control over private lives has facilitated a de-standardization of familistic behaviors. The spread of alternative family forms to marriage, such as cohabitation, and parenthood within these, has called into question the pattern of early marriage and childbearing within wedlock that dominated previously.

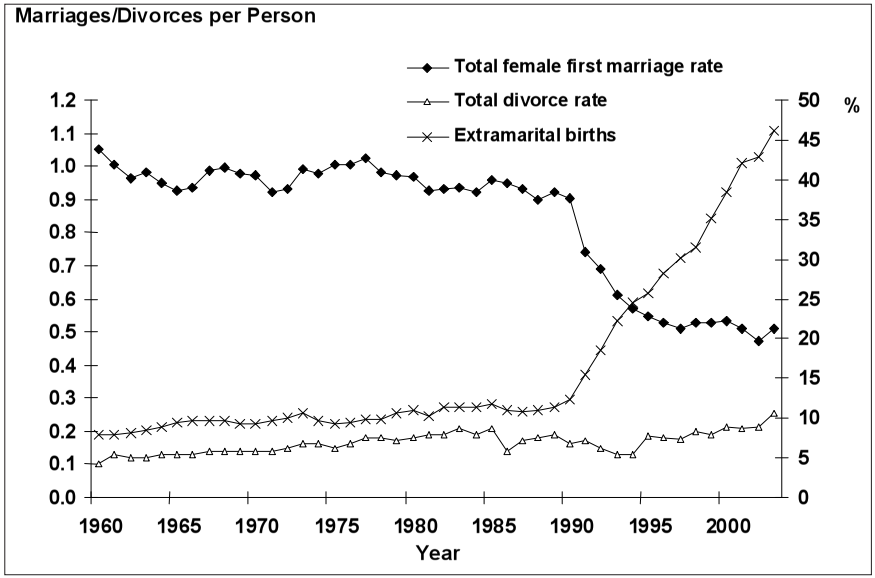
This paper will place special emphasis on *the subjective preconditions of the marital changes seen since the beginning of the 1990s in Bulgaria. The shifts in an individual's subjective orientation towards the family and marriage together with worsened socio-economic conditions will be investigated as being conducive to the continuity or diversification in the familistic behavioral patterns observed in the post-socialist period.*

## 2. Overview of family dynamics in Bulgaria

An overview of the family dynamics over a longer period may shed considerable light on the changes in the behaviors, values and preferences towards marriage and the family in Bulgaria.

Graph 1

*Total female first marriage rate, Total divorce rate, percentage of extramarital births in all live births, Bulgaria, 1960-2003*




Source: Recent Demographic Developments in Europe, 2004

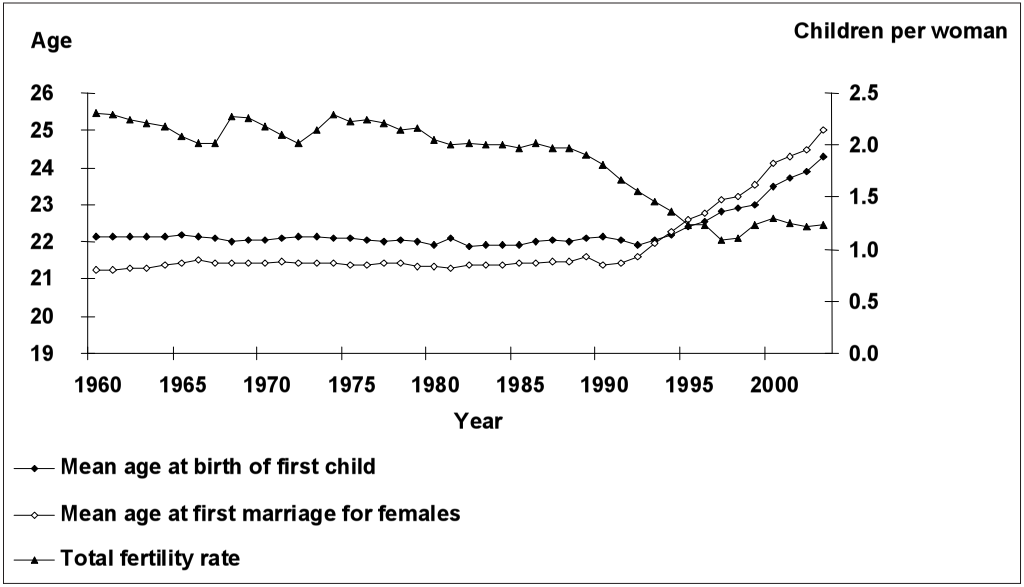
The total female first marriage rate fluctuated at around 0.90 up until the beginning of the 1990s. Such high levels correspond with the universal nature of marriage in socialist Bulgaria. However, a continuously falling trend in the indicator has been observed since beginning of the 1990s. As a result, the total female first marriage rate had fallen to 0.51 by 2003. (Recent Demographic Developments in Europe 2004)

As of the early 1990s, the mean age at first marriage has increased significantly. In 2003, the mean age at first marriage for women and men was 25.2 and 28.4 respectively (Recent Demographic Developments in Europe 2004). An increase in the divorce rate was also seen during the post-socialist period. In 2003, the total divorce rate reached 0.26, while at the very beginning of the 1990s it was 0.16. (Recent Demographic Developments in Europe 2004)

Although the level of divorce is still very low in comparison with some Central and Western-European countries, its rate of increase is sufficiently high to suggest a growing instability in marital unions in post-socialist Bulgaria.

Graph 2

*Mean age at birth of first child, mean age at first marriage for women, Total fertility rate, Bulgaria, 1960-2003*




Source: Recent Demographic Developments in Europe, 2004

The postponement or refraining from childbearing in the new democratic period has also changed the composition of the average Bulgarian family. The total fertility rate plummeted from 1.82 children per woman in 1990 to 1.23 in 2003 (Recent Demographic Developments in Europe 2004). The steep fall in the total fertility rate to the "lowest-low levels" (just over 1.3 children per woman) made one-child families the most frequent type of union in the country.[2]

Additionally, new family forms gained relative popularity and acceptance in post-socialist Bulgarian society. According to the National Census data, in 2001 7.6% (157,370) of all families (2,369,100) in the country were consensual (Population. Families 2003). In the same year, single parent families increased to 12.4% (290,028) of all families in Bulgaria, up from 1992 when the figure was 5.6% (237,853). (Population. Families 2003)

The most significant changes, however, were seen in the levels of extramarital births. In 1990, the proportion of the children born out of marriage was 12.4% of all children born in the country. By 2003, extramarital births had jumped to 46.1% of all live births (Recent Demographic Developments in Europe 2004). The fast spread of lone parenthood and parenthood in cohabitation suggests that the social norms and traditional worldviews regarding the family and marriage have undergone profound changes in post-socialist Bulgaria.

## 3. Some theoretical explanations of the recent marital changes

Researchers investigating the demographic development of Europe after the Second World War argue that western parts of the continent have already experienced similar

transformations in fertility and marital tendencies to those observed during the 1990s in post-socialist countries, including Bulgaria.[3] The earliest processes of pluralization of the familistic models and weakening of the norm on marital parenthood began at the end of the 1960s. The first societies to experience the new trends in family dynamics were those from the north-western part of the continent (Scandinavia and the Netherlands). The permanent character of the changes in the individuals' marital behavior inspired the idea proposed by R. Lesthaeghe and D. van de Kaa that 'second demographic transition' is taking place in Europe.[4]

The theory of the second demographic transition was introduced by R. Lesthaeghe and D. van de Kaa in mid 1980s as an umbrella concept for use in exploring the profound demographic shifts that had been occurring in Europe since the end of the 1960s.[5] The most important characteristic of this process is the *weakening of the strictest normative character of the full nuclear marital family.*[6] In particular, the new demographic transition put an end to the "golden age of marriage",[7] replacing it with the age of pluralized family forms. Drawing on Inglehart's concept of post-modernization,[8] R. Lesthaeghe and D. van de Kaa argue that the changes in individuals' value orientations diverging into a post-materialist direction tend to be the most important preconditions of the advancing demographic transformations in late modern societies.[9] According to Inglehart's theory on post-modernization, the connection between economy, culture, values and personal behavior is recursive and empirically defined.[10] In conditions of economic scarcity and social insecurity the "values of survival" or "materialist" values come to dominate. Individuals holding materialist value orientations place a high value on economic growth and protection of the social order. Submission

to the collective authorities (state, church, public institutions) prevails over aspirations towards individual autonomy, self-realization and expressive lifestyles. Marriage, family and parenthood are highly appreciated by materialistically oriented individuals. Thus, in societies in which materialist value orientations prevail, marital and fertility rates tend to be relatively high.[11] According to Inglehart, when a certain stage of security and material wellbeing is achieved in a particular society, the individuals are apt to shift their subjective orientations in a post-materialist direction by adopting the values of self-expression and personal autonomy. Rejection of traditional authorities, rising tolerance of diversity and respect for personal autonomy constitute the core of the post-materialist worldview. The increased emphasis on an individual's wellbeing and the growing aspirations for personal self-expression call into question the sacred character of marriage and parenthood. Thus, a dominance of post-materialist values in a given society is associated with a decrease in birth rate, a pluralization of the family forms and growing union instability.[12]

R. Lesthaeghe and D. van de Kaa extend these ideas to the connection between value orientations and demographic behavior.[13] They argue that the pluralization of the methods of personal self-realization and the rising aspirations for consumption and expressive lifestyles seen in post-war Western Europe fostered the development of the second demographic transition. *The decrease in fertility and marital tendencies, the spread of non-marital family forms, the increasing union instability and the delayed occurrence of the basic life events (parenthood and marriage) in an individual's life are the most important features of the new transitional process.*[14] More detailed empirical investigations reveal that so far the second

demographic transition has occurred in three waves that, demographically speaking, cover the different parts of the continent. The Netherlands and the Scandinavian countries were the frontiers of the demographic changes. They were followed by the Mediterranean societies (Spain, Italy, Portugal and Greece) in which similar tendencies began in 1980s. The third wave of the second demographic transition began in Eastern Europe at the beginning of the 1990s.

At first glance, to claim that the second demographic transition is happening in post-socialist Eastern Europe seems to be unsustainable. It was to be expected that the socio-economic instability of the post-socialist societies would promote materialist values and strengthen the patterns of demographic behavior that prioritize the family and parenthood. In fact, *the demographic similarities observed in the different socio-political areas of the continent reveal that globalization is indeed accelerating social changes, including demographic ones. Moreover, the occurrence of the second demographic transition in conditions of socio-economic instability such as those dominant in former socialist societies reveals the path-dependant nature of the process and its contextual variability.*

Hence, if we conflate the theoretical considerations discussed above with the empirical observations of recent marital changes in Bulgaria, we can draw the assumption that the described shift in family dynamics is a constitutive part of an advancing second demographic transition. In respect of marriage and the family, the new transition precedes as a *demographic synchronization of the country's demographic development with the pan-European trends of pluralization of the family forms and de-standardization of individuals' familistic behaviors.*

## 4. Subjective preconditions of the recent marital transition in Bulgaria

### 4.1. Data and methods

An overview of the literature on the development of the second demographic transition in different societies leads us to the conclusion that this process does not cause an entire disappearance of local differences and peculiarities.[15] The second demographic transition is neither a universal nor a homogenizing process. Nevertheless, it does give rise to common features in the marital and fertility tendencies of those countries undergoing it. One of the factors that plays a decisive role in the "integration towards diversity"[16] in the family dynamics of societies that underwent the second demographic transition is the diffusion of familistic values diverging in a post-materialist direction.

*The main hypothesis of the empirical study which will be presented in the next part of this paper is that the recent marital transition in Bulgaria, which features a pluralization of family forms and a de-standardization of individuals' familistic behavior, is caused by the emergence of post-materialist value orientations which call into question the superiority and the strictest normative character of the full nuclear marital family.*

The recent marital transition is spread unevenly between the different social groups in post-socialist Bulgarian society. The differences in familistic values these groups hold could be considered one of the factors of the variation and diversity in familistic behaviors. For this reason it is important to investigate the socio-demographic profiles of the groups holding either materialist or post-materialist familistic values and preferences. These groups can be thought of as facilitating the devolvement of the new marital transition or perpetuating the demographic status quo at times of profound social transformations in Bulgaria.

These assumptions were tested empirically by means of multivariate statistical analysis. The cross-sectional dataset of European Value Survey (1999), which is representative of the population over 18 years of age in Bulgaria, was used for the purposes of the investigation. A sample of variables reflecting various aspects of the individuals' values and preferences vis-à-vis marriage and the family was subjected to *exploratory factor analysis*. More precisely, the *principle components method* was chosen for extraction of the underling value dimensions. *Varimax rotation* was applied to achieve better contracts among variable loading on the different dimensions. The *Regression method* was used for the assignment of individual factor scores to each of the revealed value continuums.

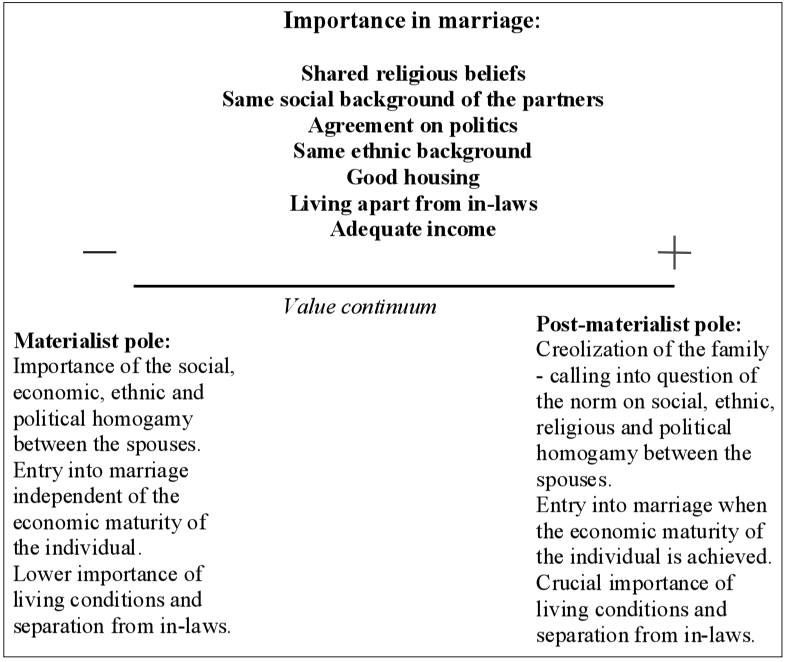
In the next step of the analysis the calculated factor scores were used for the classification of individuals in homogeneous value groups based on the proximity or distance of their values and preferences for family and marriage. In particular, *K-means cluster analysis*, based on sorting out the objects to the *Nearest Centroid*, was applied. The classification reveals the existing value groups of individuals that created the subjective environment for the occurrence of the new demographic transition in post-socialist Bulgaria.

### 4.2. Results and discussion

The factor analysis extracted two dimensions accounting for 50% of the total variation within the data. Each holds equal explanatory power (25%). The interpretations of the revealed value continuums are presented in Graphs 3 and 4.

Graph 3

*Dimension 1 Traditional marital pattern vs. Creolization of the family*



The first dimension is entitled *"Traditional marital pattern vs. Creolization of the family". The extraction of this continuum reveals that the material conditions, the economic wellbeing and the social/ethnic/religious homogamy between spouses play a central role in the familistic value orientations of some groups of individuals in post-socialist Bulgaria*.

*The materialist pole* clearly accentuates the importance of the social/ethnic/religious homogamy between spouses. The transition to marriage is seen as being only slightly dependent on the individuals' economic maturity due to the high value attached to the marital status itself. The latter is thought of as a source of prestige and respect within the community. *Hence, the pole reflects the mentality that fosters reproduction of the traditional pattern of familistic behavior in post-socialist Bulgaria.* As mentioned earlier, this pattern features early transition to marriage in the course of an individual's life, disapproval of divorce and the unpopularity of pre- and post-marital cohabitation.

The presence of the described traditional values on the extracted continuum suggests that, at the end of the 20th century, some features of the traditional familistic mentality are still present among segments of Bulgarian society. Hence, *individuals sharing the traditional familistic values expressed by this pole contribute to the reproduction of the demographic status quo*. As we will see later, these segments are formed by the older generations, those who spent the most intense part of their demographic lives in a social environment of strong pro-marital and pronatalist policies implemented by the socialist regime in Bulgaria.

*The post-materialist pole* reflects the emergence of value orientations that facilitate the process of "creolization of the family". According to D. van de Kaa, the creolization (or

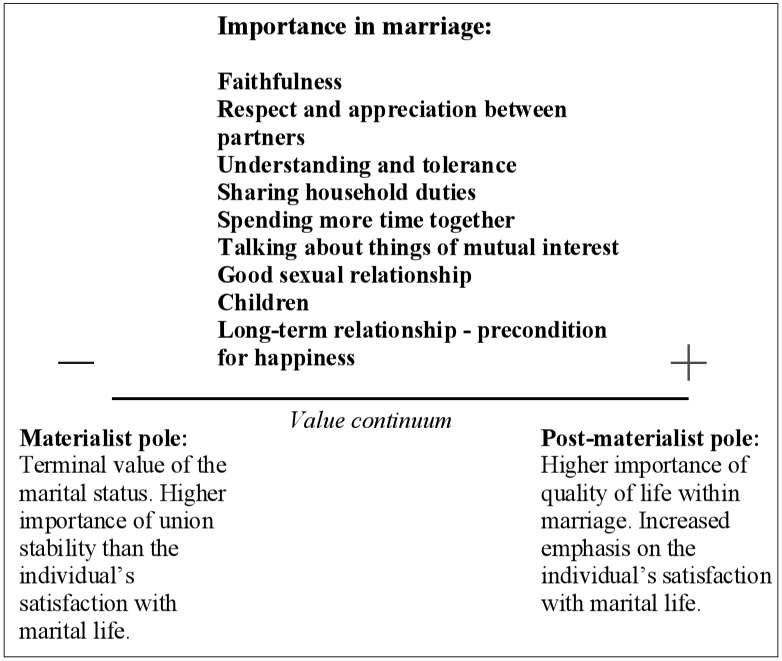
pluralization) of family forms is a phenomenon observed in societies that have been through the second demographic transition. It stems from the weakening of the traditional norm about the social/ethnic/religious homogamy between partners during the recent period of intensified transnational movements.[17]

Additionally, the post-materialist pole of the extracted value continuum reveals the view that economic independence and the establishment of an independent household by newly-wed couples constitute important preconditions for the success of marriage.

Hence, the post-materialist pole reveals the emergence of important elements in the late modern familistic worldview which facilitate the recent marital transition in Bulgaria. *Individuals whose subjective preferences tend towards the post-materialist pole of the extracted continuum facilitate the demographic synchronization of Bulgaria with the pan-European trends of de-standardization and pluralization of family forms.*

Graph 4

*Dimension 2 Value of marital status vs. Quality of life within marriage*



The second dimension is entitled "*Value of marital status vs. Quality of life within marriage*". It explores at an equal percentage (25%) of the total variation within the data as the above discussed continuum.

*The materialist pole* is associated with the value priority attributed to marital status itself. Marital life is perceived as something highly appreciated in an individual's existence. The stability and endurance of the union is thought to be a more important issue than an individual's private experience and the satisfaction gained from the conjugal relationships. In this light, it would be expected that the individuals whose familistic preferences gravitate towards this pole would be less permissive of marriage dissolution. *Hence, the pole reflects the mentality that supports reproduction of the traditional marital pattern in post-socialist Bulgaria.*

*The post-materialist pole* reflects the late modern value orientations in which the quality of life and individual satisfaction in marriage are strongly emphasized as factors conducive of union stability. The ultimate and superior character of the marital family as an end state in life as well as a sacred institution that imposes life-long commitment between partners is thus called into question. The pole reflects the late modern mentality that creates a permissive subjective environment for the diffusion and increasing popularity of practices such as marriage disruption and cohabitation. It also reveals the emergence of the "open and experimental character" of the partner relationships.[18] The changing concept of partnership, which brings forth the personal experience and satisfaction of the relationships in a union, facilitates flexibility and lessens the predictability of the individual's life. Recursive transitions towards different states become possible in an individual's life due to the strengthened association between

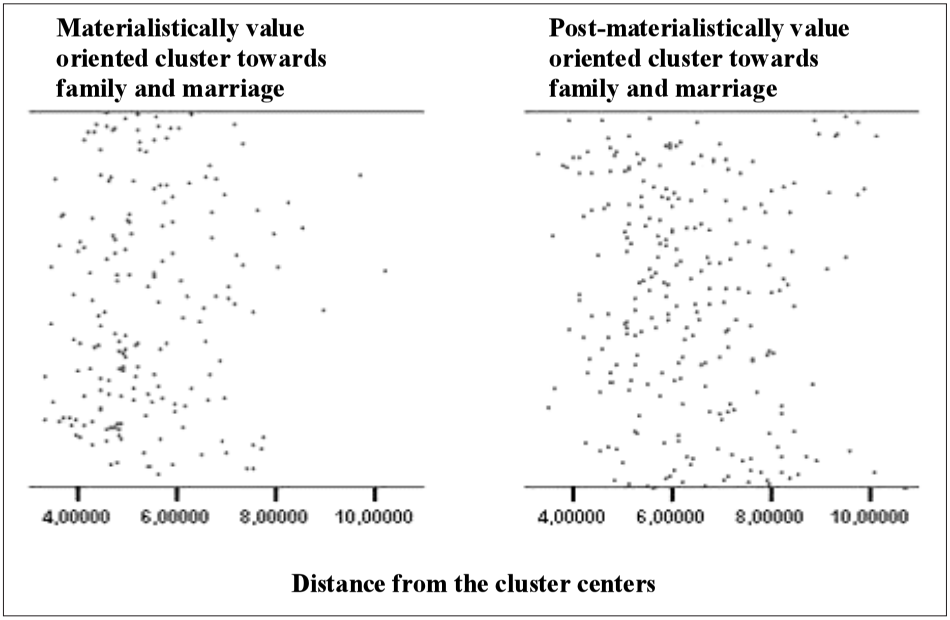
the endurance of a union and personal satisfaction. Increased emphasis on the emotional experience and the open nature of partner relationships are the constitutive elements of the late modern familistic worldview as reflected in the post-materialist pole of the analyzed dimension.

The emergence of adverse value orientations supporting either traditional or post-materialist family values means that post-socialist Bulgarian society is internally heterogeneous. Some social groups could be considered carriers of the new values that facilitate the development of the new marital transition through their subjective permissiveness towards new behavioral phenomena. Other groups appear to be supporters of the demographic status quo due to the more traditional familistic values they hold.

The next stage in the analysis consists of a classification of individuals in terms of their subjective preferences expressed with regard to each of the revealed value dimensions. The K-means cluster analysis revealed two groups that differ significantly in terms of values and preferences for marriage and the family at the end of the 1990s in Bulgaria.

Graph 5

*Clustering of individuals on the basis of proximity or distance between their views and values regarding family and marriage*



The first group shares stronger *materialist value orientations* towards family and marriage. It consists of people whose reproductive lives were over at the time of the study (aged above 50). The materialistically oriented cluster is formed by individuals belonging to the older generation who hold stronger traditional pro-marital values. Their opinions regarding divorce, parenthood in non-marital settings and lone parenthood are predominantly conservative. Religious, ethnic, and social homogamy between spouses is strongly supported as part of the groups' materialist worldview in which the partners' belonging to the same community oriented networks (social, ethnic and religious) is a constitutive feature.

The cluster reveals how several important features of traditional value orientations are challenged by generations entering reproductive life during the 1990s in Bulgaria. One of these features is the issue of divorce. Marriage dissolution is subject to disapproval by members of the materialistically oriented group. Children are seen as an unquestionable fundament of the union's success and stability.

The institution of marriage did not lose its ultimate value priority among the older generations during the last decade of the 20$^{th}$ century in Bulgaria. Moreover, marriage, sexuality and reproduction continued to overlap meaningfully in the perceptions of the traditionally oriented group.

The second cluster contains *individuals with stronger post-materialist value orientations* towards marriage and the family. Group members are of active reproductive age (below the age of 45), are more highly educated, and live in the larger cities of the country.

The full nuclear family has not lost its ultimate value contents in the familistic views of the individuals belonging to this group. However, group members are far more permissive

of divorces and single motherhood than the previously analyzed materialist cluster. Quality of life within marriage and individuals' satisfaction from it are strongly emphasized by post-materialistically oriented individuals. Single motherhood is tolerated among the group members. These peculiarities of the subjective orientations that dominate in the group are concomitant with the observed shifts in demographic behaviors in society. The religious and political similarities between the marital spouses are rejected as a precondition of marriage success but the norm on ethnic and social homogamy is still influential.

This cluster represents the agents of the demographic innovations that took place during the 1990s in Bulgaria. The younger generations not only created the subjective preconditions for the diffusion of the new demographic phenomena, they also directly participated in advancing the new demographic transition through the de-standardization of their own demographic behaviors.

*Hence, this analysis has confirmed the assumption that a new type of subjective orientation facilitating the creolization of the family and pluralization of its forms took place during the 1990s in Bulgaria. The revealed group of individuals who are post-materialistically oriented towards family and marriage facilitates the diffusion of the new behavioral phenomena such as cohabitation and parenthood within it, single parenting, marriage dissolution – all of which are relatively new to Bulgarian society. Moreover, the correspondence revealed between social practice and the shifts in value orientations proves the important role played by cultural changes in the new demographic transition in post-socialist Bulgarian society.*

## 5. Conclusion

The shifts revealed in the views and values on marriage and the family correspond to the changes seen in demographic behaviors in Bulgaria during the 1990s. In this way the connection between subjective views, perceptions and attitudes, and social practice is fully established. This correspondence between both levels of the subjective and behavioral transformation proves the occurrence of a second demographic transition in the country.

Multivariate statistical analysis revealed the mixed value structure of post-socialist Bulgarian society in which the traditional and late modern familistic values coexist. The more traditionally oriented value group consists of people belonging to older generations, and this contributes to the continuity of the demographic status quo established in Bulgaria during the socialist era. The higher evaluation of marital status and dominant perceptions of formal union as a life-long commitment between partners establish early marriage, the unpopularity of divorce, cohabitation and extramarital childbearing as particular characteristics shared among the older generations in the country.

Individuals from the post-materialistically oriented value group appear as subjective supporters of new familistic values and behaviors related to the pluralization of family forms and the de-standardization of the individual's marital behavior. The dominant permissiveness towards divorce, cohabitation and single motherhood in the post-materialistically oriented groups facilitated the rapid diffusion of the new marital and reproductive patterns during the 1990s. Therefore, this value segment of the young generation created a permissive subjective environment for the occurrence of the recent marital transition in Bulgaria.

The family dynamics characterized by the coexistence of traditional and post-materialist familistic preferences were influenced by growing social and economic insecurity during the transitional period. The heterogeneity of post-socialist Bulgarian society in terms of values modifies the recent marital transition. Marriage continues today to be a highly valued family form, despite the clear evidence of postponement. This stems from the feeling of security, stronger interpersonal commitment and institutionally guaranteed care and mutual responsibility marriage is thought to provide in times of impoverishment, deteriorating living standards and the collapse of the welfare system.

Marital status is thought to be a source of positive self-esteem faced with the limited opportunities for individual self-realization in the public sphere of post-socialist Bulgarian society. Thus, entry into marriage is still thought of by some people as a coping strategy that helps reduce feelings of insecurity in times of social and economic crisis. It is also perceived by these individuals as a space within which warm and stable interpersonal relationships and networks are built through which support, care and help are distributed. This means that the relative stability of pro-marital values in the period of crisis-led social restructuring in Bulgaria stems from the meaning marriage gains as a protective space of individual survival.[19]

Nevertheless, stronger pro-marital values are not unconditionally shared by all the people of post-socialist Bulgarian society. The emergence of a value group consisting of young and well-educated individuals who represent the 'transitional' generation that was only slightly influenced by life under socialism is an undeniable empirical fact as revealed through the multivariate analysis. This group popularizes the

extended concept of partnership based on the emotional experience and the "open character" of the partner relationship. The new familistic preferences of this group are characterized by an increased emphasis on equality, mutual respect and personal satisfaction from life in a union.

In this way, the heterogeneity of society with respect to values and marital patterns leads us to the conclusion that the new marital transition in Bulgaria has the tendency to be a *path-dependant synchronization* of the country with the familistic trends of Western European societies. However, the synchronization does not mean homogenization, but rather "convergence towards diversity"[20] and variance in the trajectories of the socio-demographic development of a particular social context. In our case, the variance and peculiarities are fostered by the interplay between the changing values towards marriage and the family and the recent conditions of growing social and economic insecurity in post-socialist Bulgaria.

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# Women and Family: Status, Roles and Property

# Femmes et famille : statut, rôle et propriété

# Monoparentalité et réseaux de soutien. Le cas de la Roumanie dans la période de transition post-communiste

Ana GHERGHEL

## Le contexte de l'étude

La diversification des formes de vie familiale est l'une des principales transformations de l'institution de la famille contemporaine autant en Europe qu'en Amérique du Nord. Depuis les années 1960, des transformations sociodémographiques s'observent dans toutes les sociétés occidentales conduisant à des mutations de l'institution familiale. De nos jours, la pluralité des structures familiales s'affirme de façon de plus en plus prégnante. Bien que la famille biparentale intacte demeure la structure familiale la plus fréquente, les familles monoparentales et les familles recomposées, les structures pluriparentales à la suite d'une recomposition familiale et la co-parentalité[1] deviennent des formes familiales de plus en plus répandues. Cette transformation se remarque autant sur le plan social que sur le plan législatif[2].

La montée de la monoparentalité s'inscrit dans ce mouvement de transformation des pratiques et normes familiales. A la différence des époques précédentes quand les parents seuls étaient surtout des veufs et des filles-mères, aujourd'hui la

majorité des parents monoparentaux sont divorcé(e)s et célibataires. Cette tendance s'inscrit dans un processus plus large, de « démariage »[3] et de désinstitutionalisation[4] des pratiques familiales, exprimant la réticence des couples face à l'institution, accompagnée d'une transformation du droit civil et social afin d'inclure la pluralité des comportements familiaux.

En Roumanie, comme dans tous les pays de l'Europe de l'Est, les transformations de l'institution de la famille émergent dans les années 1990 et ce processus a des caractéristiques spécifiques, distinctes du phénomène observé dans les sociétés occidentales. La régulation politique de la famille pendant le régime communiste a influencé cette dynamique. La famille faisait l'objet d'une politique démographique pronataliste, justifiée par une idéologie nationaliste et paternaliste[5].

Un examen des comportements familiaux pendant la période de transition postcommuniste permet de cerner les transformations de l'institution de la famille en Roumanie au cours de 15 dernières années.

## Les transformations de la famille en Roumanie. La période post-communiste

Durant la transition postcommuniste débutant en 1990, l'affaiblissement du contrôle exercé par l'Etat a contribué à la transformation des comportements familiaux, surtout des comportements de reproduction et du mariage, observables à partir des indicateurs sociodémographiques. La plus importante transformation démographique concerne la *natalité* qui commence son déclin accéléré en 1990. Cette tendance se perpétue durant les années suivantes. Par exemple, l'indice synthétique de fécondité a diminué de 2,26 par femme en 1985 à 1,83 en 1990, et 1,17 en 1998[6]. En même temps, l'âge moyen

des femmes à la maternité a augmenté constamment, passant de 24,94 ans en 1991 à 26,10 ans en 2002, toujours en dessous de la moyenne de 29,4 ans, estimée pour les pays de l'Union européenne[7]. La diminution de la natalité peut être expliquée par le retard de la maternité et la réduction du nombre d'enfants par famille[8].

Après la libéralisation de l'avortement, l'une des premières mesures introduites après la chute du régime communiste, le taux d'avortements a augmenté d'une manière spectaculaire au début des années 1990. L'accessibilité (coût, admissibilité) de l'IVG dans des cliniques privées et publiques a encouragé son usage fréquent comme moyen de planification familiale. Alors que durant les années 1990, il y avait peu de programmes d'éducation à la santé reproductive et à la sexualité, la réticence à utiliser des méthodes contraceptives était très répandue[9]. Si en 1989, ils étaient enregistrés 0,52 avortements pour une naissance vivante, cet indicateur était de 3,15 en 1991[10]. Actuellement on constate une tendance à la baisse de cet indicateur : en 2004, il était de 0,08 avortements pour une naissance vivante[11].

Les déficiences du système médical et de santé associées aux conditions de vie précaires d'une majorité de la population ont favorisé le maintien d'un taux de mortalité infantile élevé. Même si ce taux a diminué depuis 1993, quand il était de 23,3 pour 1000 naissances vivantes, à 16,7 en 2003, la Roumanie a l'un des taux de mortalité infantile les plus élevés. Dans l'Union européenne, la mortalité infantile est estimée à 4,3 pour 1000 naissances vivantes en 2003.

Même si les taux de natalité et fécondité diminuent constamment, les naissances hors mariage augmentent continuellement. Par exemple, en 1993, 17% de toutes les naissances vivantes étaient enregistrées chez les mères

célibataires et cette proportion atteint 29,40% en 2004, étant pourtant inférieure à la moyenne estimée pour les pays de l'Union européenne (32,8)[12].

Ces tendances combinées à l'augmentation du taux d'émigration ont entraîné la diminution et le vieillissement de la population. En 2002, la population de la Roumanie comptait un million de moins qu'en 1992, et la population âgée de plus de 64 ans représente 14% de l'ensemble de la population. Tout de même, comme l'espérance de vie demeure faible, la Roumanie a, comme les autres pays de l'Europe de l'Est, une population plus jeune que la population des pays de l'Union européenne[13].

En ce qui concerne les formes de vie familiale, les données du dernier recensement (2002)[14] confirment la prévalence du modèle familial conjugal. Du total des ménages familiaux, les couples mariés avec enfants représentent 56,2% (à la baisse par rapport à 1992), et ceux sans enfants représentent 30,9% (à la hausse par rapport à 1992). Le taux de *mariage* diminue légèrement de 7,66 pour 1000 en 1992 à 6,16 en 2003, mais demeure néanmoins plus élevé que le taux de mariage estimé pour l'Union européenne (4,72 pour 1000 en 2003). Il diminue surtout dans le groupe de 20-24 ans, même si ce groupe demeure celui où l'on enregistre toujours le taux le plus élevé. Cette tendance entraîne la diminution de la population de personnes mariées (70% en 1998, alors qu'elle était de 92-95% en 1990). Par contre, le modèle du mariage précoce persiste. L'âge moyen au premier mariage est d'environ 24 ans pour les femmes et 27 ans pour les hommes, ce qui signifie que les mariages se concluent en Roumanie à un âge plus jeune que dans l'ensemble de l'Union européenne (28 ans pour les femmes et 30 pour les hommes). De plus, 3,8% de la population vit dans le cadre d'une union libre en 2002[15]. Plus de la moitié

de ces unions sont dans le milieu rural et la majorité des partenaires sont âgés de 20-34 ans.

Le *divorce* est le comportement qui a changé le moins. Après une augmentation temporaire au début des années 1990, le taux de divorce demeure à présent à un niveau stable d'environ 1,5 pour 1000, en dessous de la valeur estimée pour l'Union européenne (2 pour 1000).

Ces données indiquent une *désaffectation* de l'institution de la famille[16], par le retard du mariage et de la maternité, la diffusion des naissances hors mariage, de l'union libre et du célibat, bien qu'à une échelle plus réduite que dans les pays occidentaux.

En Roumanie, ces transformations s'expliquent, en partie, par la libéralisation de la législation concernant la famille qui permet à présent des pratiques bannies par le régime communiste, et en partie par le contexte économique de la transition qui affecte les conditions de vie. La privatisation du secteur public de l'économie entraîne les transformations du marché du travail et de l'emploi : l'augmentation du chômage, l'instabilité, la prolifération des formes atypiques de travail (emplois non enregistrés, travail à temps partiel, et travail autonome etc.), les nouvelles demandes de mobilité, etc[17]. Les réductions dans les programmes de sécurité sociale, l'inflation entraînant l'augmentation des dépenses pour le logement et les biens de base (alimentation, électricité, eau etc.), le déclin des salaires, affectent toutes les familles. L'appauvrissement des familles avec enfants est fréquemment noté[18]. Tous ces facteurs contribuent à la rationalisation du comportement de reproduction.

Dans ce contexte, j'ai choisi d'analyser la situation des familles monoparentales en raison de la diffusion de cet arrangement de vie qui représente un nouveau phénomène

social associé à des besoins et risques spécifiques et vu de plus en plus comme un problème social. La situation des familles monoparentales en Roumanie sera examinée sous trois angles : démographique, économique et juridique.

## La situation des familles monoparentales en Roumanie

La famille monoparentale est généralement définie comme le ménage formé d'une personne vivant sans conjoint et ayant la charge d'un ou plusieurs de ses enfants âgés de moins de 25 ans[19]. Notons aussi l'hétérogénéité de cette catégorie qui comprend des parents divorcés, séparés, veufs, célibataires, ainsi que le caractère instable, changeant des situations monoparentales[20].

## La situation sociodémographique

Les données sur les familles monoparentales durant la période communiste font défaut. Même pour la période de transition, les données démographiques sur la structure des familles monoparentales sont incomplètes. Afin de réaliser un portrait de ce phénomène, j'ai utilisé les études socioéconomiques sur les familles et les données de deux derniers recensements (1992, 2002), ainsi que les rapports publiés par l'Institut National de Statistique de Roumanie[21].

La diffusion constante de la monoparentalité depuis 1990 est un fait incontestable : la proportion des familles monoparentales dans l'ensemble des ménages familiaux a augmenté entre les deux recensements, passant de 10,6% en 1992[22] à 12,9% en 2002. Cette augmentation est imputée principalement à l'augmentation des naissances hors mariage et à l'augmentation du taux de divorce.

L'Institut National de Statistique (1996, 1998) estimait qu'en 1992, le nombre de familles monoparentales était de 1,5 fois plus important qu'en 1977. Comparé à l'évolution d'autres formes familiales pendant la même période, c'est un changement important : la proportion des familles conjugales est constante jusqu'en 1992 et diminue après 1992, alors que les couples sans enfants augmentent constamment. Le changement des pratiques reproductives explique cette tendance : la rationalisation de la fécondité (le désir de la limiter à 1-2 enfants), le retard de la maternité, la tolérance face à la maternité hors mariage et au divorce.

Sur la base des données démographiques existantes, il est possible d'estimer que la majorité des parents seuls sont célibataires ou divorcés et plus de 80% d'entre eux sont des femmes. Deux tiers de ces familles ont un enfant et un cinquième a deux enfants. Plus de la moitié des familles monoparentales vivent en milieu urbain[23]. Ces traits de la monoparentalité coïncident avec les caractéristiques du phénomène observé dans les pays occidentaux[24] où les parents seuls sont aussi de plus en plus jeunes et expérimentent un appauvrissement plus important que d'autres catégories de familles. Cela contribue à considérer la famille monoparentale comme catégorie cible des politiques familiales et sociales[25].

Ces aspects peuvent être documentés à partir d'autres données. Les naissances hors mariage, à la hausse, ont aussi un caractère précoce. Les mères célibataires sont plus jeunes que celles mariées : les naissances chez les mères célibataires âgées de 20-24 ans augmentent et représentent le plus important segment ; presque 75% des enfants nés hors mariage ont des mères âgées de moins de 25 ans[26]. Dans les régions rurales, la fréquence des naissances hors mariage est de 1,3 fois plus

importante que dans les régions urbaines. Par exemple, 3 enfants nés hors mariage sur 5 étaient enregistrés en milieu rural en 1995. Ces données permettent seulement une estimation de la monoparentalité résultant d'une maternité hors mariage puisque la catégorie « mère célibataire » inclut actuellement autant les femmes seules, que les femmes vivant en union libre.

### La situation socioéconomique

Les recherches sur la famille en Roumanie sont rares. Les principaux constats des études permettant d'estimer les difficultés socioéconomiques associées à la monoparentalité en Roumanie sont présentés succinctement dans cette section.

- Il est difficile d'estimer l'ampleur de l'augmentation de la monoparentalité dans les pays est-européens. Même dans les pays où le taux de divorce et le taux des naissances hors mariage sont faibles, il y a une croissance de la monoparentalité. La précarisation des familles monoparentales provient actuellement du fait que la plupart des parents seuls, majoritairement des femmes, sont confrontés à plusieurs contraintes liées au marché du travail et à l'accessibilité des services pour les enfants. L'instabilité apparaît en même temps que la protection sociale s'affaiblit. Sur le marché du travail, il y a une demande accrue de mobilité et de disponibilité (horaires variés et prolongés de travail). En même temps, l'offre de services diminue et leurs coûts augmentent à la suite de la diminution des dépenses sociales pour les services publics et de leur privatisation partielle[27]. De cette manière, les mères seules réalisent difficilement un équilibre entre leurs

responsabilités familiales et professionnelles, entre le rôle de pourvoyeur et de gardien de l'enfant.

- Les familles monoparentales présentent un risque de pauvreté plus grand que les autres familles[28]. Les catégories de familles placées au-dessous du seuil de pauvreté (Ministère du Travail et de la Protection Sociale) et qui reçoivent l'aide sociale sont : les familles monoparentales avec plus de deux enfants, les couples avec plus de trois enfants, et les familles monoparentales avec un enfant.
- En général, les indicateurs de pauvreté sont : l'inactivité, le chômage, le milieu rural, le niveau réduit d'éducation, le ménage dirigé par une femme, surtout en milieu rural[29].
- Les familles monoparentales sont dans une situation économique particulièrement précaire parce qu'elles ont un seul pourvoyeur, alors que la famille à double revenu est une nécessité afin d'atteindre un niveau de vie moyen pour une famille avec enfants. De plus, de nombreux parents ont des emplois non enregistrés, dans l'économie informelle qui prolifère, ou ils ont deux ou plusieurs emplois afin d'obtenir des revenus suffisants. Ils font face ainsi à une grande instabilité puisqu'ils ne bénéficient pas de protection sociale[30].
- Une étude sur les familles monoparentales vivant de grandes difficultés[31] montre que cette forme de famille devrait être une catégorie cible de l'intervention sociale guidée selon les principes de la responsabilité individuelle et collective face aux enfants, la solidarité de la communauté, l'aide ponctuelle et l'intégration sociale, etc. Les mesures de protection de l'enfant sont déficientes, les services sociaux et médicaux insuffisants.

Dans l'ensemble, les études tendent à réduire la monoparentalité aux aspects économiques, la présentant comme une catégorie à haut risque de pauvreté.

### La situation juridique

Les principales dispositions de droit civil relatives à la famille sont présentées dans le *Code de la famille* et dans le *Code civil*[32]. Le Code de la famille fait mention de la famille monoparentale comme forme familiale. Le statut légal de l'enfant né hors mariage est égal à celui de l'enfant né dans le cadre d'un mariage. C'est une nouvelle disposition introduite en 1990, après l'adhésion de la Roumanie aux conventions internationales comme la convention de l'ONU sur les droits des enfants. Auparavant, aucune mention de cette forme familiale n'était présente dans la législation roumaine.

Dans le droit social, peu de mesures ciblées sur les familles sont prévues. Avant 2003, aucune mesure de protection sociale n'existait pour les familles monoparentales. La principale allocation, pour enfant à charge, est universelle, accordée mensuellement à tous les enfants âgés de moins de 18 ans, sous condition de fréquentation scolaire. Le quantum de cette prestation diminue constamment : elle représentait 10% du salaire moyen par économie en 1980, alors qu'en 2000, elle n'est que de 3%[33].

Pendant les années 1990, les politiques sociales élaborées s'adressent aux différentes catégories d'individus à risque (personnes ayant un handicap, chômeurs, etc.), mais aucune mesure cohérente ne s'adresse aux familles. Cette orientation « laissez-faire », l'absence d'une conception d'objectifs et la réticence à intervenir dans la vie privée sont des réactions à l'intervention exacerbée des politiques de population du régime communiste[34].

Alors que le cadre juridique est lacunaire, l'initiative sociale manque aussi. La société civile offre peu de soutien pour les familles afin de suppléer aux manques du système gouvernemental. Seulement quelques organismes non gouvernementaux (Holt International Children's Services, Singergii, World Vision, Bethany Foundation) ont développé des programmes pour les parents seuls en difficulté : centre maternel, centre de ressources offrant de l'aide matérielle, juridique et psychologique. Leur intervention orientée vers la prévention de l'abandon de l'enfant vise aussi l'intégration sociale et professionnelle des parents.

Depuis 2003, des efforts pour mettre en place la réforme du système de protection de l'enfant et des politiques sociales s'observent. Quelques nouvelles mesures ont été élaborées, comme l'allocation de soutien aux familles monoparentales, accordée mensuellement, sous condition de revenus. Il y a aussi un congé maternel prolongé jusqu'à 2 ans, rémunéré pour les mères employées qui contribuent à l'assurance sociale. De plus, une allocation maternelle est accordée aux mères qui travaillent et ont des enfants âgés de moins de 2 ans[35]. Ces mesures visent à compenser les charges familiales pour les mères qui travaillent, surtout durant les premières années suivant la naissance, encouragent ainsi la maternité, mais aussi les mères au foyer.

En somme, la diffusion de la monoparentalité est un phénomène social nouveau dans un contexte de changement social, politique et économique où les pressions économiques sur les familles sont importantes. Cette forme de vie familiale est graduellement codifiée et devient une catégorie cible d'intervention alors que la réforme sociale et législative avance lentement.

## Une étude sur la monoparentalité en Roumanie

L'étude sur la monoparentalité que j'ai réalisée est fondée sur une approche individualiste et interprétative, basée sur le vécu de l'acteur à partir de son discours et privilégiant les significations que l'acteur attribue à ses pratiques. L'objectif principal de la recherche est d'identifier les trajectoires de la monoparentalité et leurs caractéristiques, ainsi que la conception des acteurs relative à cette forme familiale. Pour ce faire, l'approche du parcours de vie se conjugue à l'approche des réseaux sociaux. L'approche du parcours de vie[36] favorise l'analyse de la monoparentalité comme « épisode » inséré dans une trajectoire familiale, ce qui permet de mettre en évidence son caractère durable ou passager et sa signification pour l'acteur. De cette façon, la dimension temporelle est introduite dans l'analyse de la dynamique familiale actuelle. L'approche du parcours de vie conduit à une analyse en termes d'événement générateur de la monoparentalité, transition à la monoparentalité, processus d'adaptation, caractéristiques de l'épisode (durée, arrangement de vie etc.), emplacement de l'épisode dans le parcours familial.

*L'approche des réseaux considère l'individu comme partie d'un réseau social, tissu de relations, qui constituent le support de la solidarité sociale. Les échanges à l'intérieur du réseau ont des fonctions symboliques et instrumentales. En Roumanie, cette approche n'a pas été utilisée dans l'étude de la famille, mais plusieurs recherches révèlent l'importance des réseaux familiaux pour le fonctionnement social et familial, notamment pour la stabilité économique de la famille*[37]*. Pendant la période communiste, les réseaux informels constituaient le support d'une économie informelle permettant la survie économique en conditions de pénurie de ressources. Aujourd'hui, les réseaux sont aussi le support de nombreux échanges qui*

*favorisent la survie économique, l'intégration sociale et la stabilité familiale. En même temps, une longue tradition de recherche*[38] *a montré la pérennité des réseaux de parenté dans les sociétés industrielles occidentales où ils constituent un système d'échange et d'entraide important pour le fonctionnement familial.*

Les réseaux seront analysés en termes descriptifs et factuels : acteurs (famille, parenté, amis, voisins, collègues), densité des relations (liens forts ou faibles), types d'échanges et formes d'aide. Le soutien offert dans le réseau informel peut revêtir différentes formes : aide financière, aide matérielle (services, prêt ou don d'objets et produits, cadeaux etc.), soutien psychologique (encouragements, conseils, écoute, etc.). Il peut être sectoriel, ponctuel ou multiple, systématique, régulier ou occasionnel[39]. De plus, le réseau a un caractère dynamique : sa composition et les caractéristiques des liens peuvent varier d'une étape à l'autre du parcours[40]. Des nouveaux acteurs peuvent entrer dans le réseau et les liens peuvent s'affaiblir ou devenir plus forts.

La méthodologie utilisée fait appel à une approche biographique, le *récit de vie/ récit de pratique*[41], réalisé par entretien biographique – l'interaction où le chercheur sollicite de larges éléments biographiques portant sur les diverses phases d'un vécu. La narration du sujet est ensuite réorganisée par le chercheur : les informations sont situées dans une structure chronologique ou thématique articulée[42].

Les entretiens réalisés avec des parents monoparentaux ont été axés sur la situation monoparentale, non sur la personne, mais sur sa manière de vivre la monoparentalité et ses perceptions. Un seul entretien a été réalisé avec chaque personne; la durée de l'entretien variant de une à quatre heures.

La grille d'entrevue utilisée distingue deux moments importants pour définir l'épisode monoparental actuel : l'entrée en monoparentalité et la situation actuelle, mais permet aussi de collecter des informations sur l'ensemble du parcours familial. Les données sont regroupées sous deux dimensions :

- Factuelle – ressources individuelles, familiales et communautaires; données sur l'histoire familiale, matrimoniale et professionnelle
- Réflexive – définition de la situation, projet familial, professionnel et individuel, perceptions de la vie familiale, rôle parental et arrangement de vie actuel.

La première dimension reconstitue les pratiques familiales, les arrangements et les conditions de vie, alors que la seconde vise les aspects psychologiques de la parentalité et l'interprétation de la situation. La dimension réflexive inclut des éléments tels que les attentes, les projets et les valeurs de l'acteur, qui influencent et donnent le sens des pratiques observées. Le corpus a été analysé par la technique de l'analyse de contenu thématique[43].

## L'échantillon

Durant l'été 2001, 18 parents seuls, dont 16 femmes, ont été interviewés. Les répondants ont des enfants âgés de 5 mois à 22 ans. Du total, la majorité (11) est recrutée parmi les bénéficiaires d'organismes non gouvernementaux. Les autres 8 répondants sont recrutés de manière informelle. Selon l'âge, 8 parents ont plus de 40 ans, 3 ont moins de 20 ans, et les 7 autres sont âgés de 21 à 39 ans. Selon le statut matrimonial, 6 sont divorcés ou séparés, 9 sont célibataires et 3 veufs. La majorité (14) a un enfant et trois mères ont plus de trois enfants. Selon le niveau d'études, 5 parents ont des études universitaires,

5 ont des études professionnelles (collège, lycée) et 7 n'ont pas terminé leurs études secondaires ou primaires. En ce qui concerne le statut d'emploi, 7 sont au chômage, 10 sont en emploi et une mère en congé maternel.

## Caractéristiques de la monoparentalité en Roumanie

L'analyse met en évidence plusieurs caractéristiques de la monoparentalité en Roumanie : certaines sont semblables aux résultats des recherches sur la monoparentalité dans les pays occidentaux, alors que d'autres sont spécifiques au contexte particulier de la transition en Roumanie. Comme de nombreuses études le montre, la monoparentalité entraîne souvent l'appauvrissement économique, l'isolement social et la détresse psychologique[44], représentant ainsi une situation à risque. En effet, tous les parents interviewés éprouvent au moins l'une de ces difficultés à l'entrée en monoparentalité. L'appauvrissement le plus drastique est notée chez les jeunes mères ayant des enfants en bas âge et vivant un épisode monoparental récent (environ un an). Elles se retrouvent démunies et dépendantes du soutien de l'entourage. Elles font appel aux services même si elles bénéficient de l'aide informelle. Du total des répondants, 9 mères se retrouvent dans une telle situation. Pour certaines, l'appauvrissement est temporaire, dû à la diminution des ressources à la suite d'une maternité célibataire ou désunion, alors que pour d'autres, la pauvreté se perpétue à long terme.

Pourtant l'entrée en monoparentalité n'entraîne pas nécessairement l'appauvrissement. Les facteurs principaux favorisant l'équilibre socioéconomique du foyer monoparental sont les réseaux de soutien et l'éducation qui, favorisant l'accès à un emploi stable et bien rémunéré, permet au parent d'avoir une situation économique aisée. Les parents bien intégrés dans

un réseau de sociabilité et ayant une situation professionnelle stable, peuvent plus facilement équilibrer leur situation. L'âge du parent ainsi que l'âge et le nombre des enfants semblent être étroitement associés à ces facteurs. Plus les parents sont jeunes et ont des enfants en bas âge, plus ils se retrouvent dans une situation de précarité et dépendance économiques vu leurs ressources insuffisantes par rapport aux nombreux besoins.

L'importance centrale des réseaux pour la mise en place d'une situation équilibrée résulte de la variété des situations monoparentales où la prise en charge partielle ou totale du ménage monoparental par le réseau familial est nécessaire. Le rôle des réseaux dans la gestion d'une situation à risque a été observé aussi dans d'autres contextes[45]. La spécificité dans le cas de la Roumanie consiste en la dépendance accrue du ménage monoparental à l'aide accordée par le réseau. La fonction instrumentale du soutien informel devient ainsi essentielle, centrale pour la survie et le fonctionnement familial.

La monoparentalité entraîne souvent aussi des difficultés psychologiques et sociales. Le parent seul se retrouve surchargé avec l'ensemble des tâches parentales, et ce, souvent dans un contexte de diminution du niveau de vie à la suite de la baisse des ressources économiques. L'augmentation du stress psychologique chez le parent peut se manifester aussi au niveau de la relation parentale, par une discipline plus coercitive, des conflits plus fréquents entre le parent et les enfants, etc. Au plan social, ces difficultés peuvent entraîner un désengagement et conséquemment un isolement social, la rupture de certaines relations sociales pouvant contribuer à augmenter la détresse psychologique.

Plusieurs logiques de la monoparentalité se distinguent en fonction de l'emplacement de l'épisode monoparental dans la trajectoire familiale. Il s'agit du moment quand survient l'entrée en monoparentalité (l'âge et positionnement par rapport aux

trajectoires scolaires et professionnelles) et ses circonstances (événement générateur et contexte qui l'entoure), la durée de l'épisode monoparental et la perception de la monoparentalité (subie/ souhaitée, volontaire/ involontaire, etc.). Quatre cas de figure sont distingués selon ces critères.

### La monoparentalité précoce (adolescente)

Cette configuration relève d'une problématique particulière où la vulnérabilité socioéconomique et l'instabilité sont liées au jeune âge de la mère. Cette forme de monoparentalité survient à la suite d'une maternité célibataire à l'adolescence (15-20 ans). La maternité adolescente constitue un événement « perturbateur » dans le parcours de l'adolescente[46]. La relation amoureuse avec le père biologique a été souvent rompue avant l'accouchement, l'union étant occasionnelle ou sans engagement. La grossesse est « accidentelle », non planifiée et non désirée, et entraîne de nombreuses perturbations : souhait, puis report de l'interruption de grossesse, alternative d'abandonner l'enfant, abandon des projets scolaires. Les mères adolescentes assument difficilement leur maternité en raison de difficultés économiques et de leur jeune âge qui les place, dès le début de l'épisode monoparental, dans une situation d'instabilité et de précarité extrêmes.

Au moment de la naissance de l'enfant, les ressources personnelles sont faibles : les mères n'ont pas terminé leurs études secondaires, n'ont ni emploi ni revenus. Pour éviter l'abandon de l'enfant, elles doivent se tourner vers leur réseau familial pour obtenir le soutien nécessaire. Les ressources de la famille et l'attitude envers la maternité précoce, inattendue peuvent jouer un rôle essentiel pour surmonter une crise économique. Du moins au début de l'épisode monoparental, la prise en charge de la mère est nécessaire.

De plus, la monoparentalité solitaire est difficilement vécue à un jeune âge à cause des aspects psychologiques de la maternité célibataire. Avoir un enfant à l'adolescence implique des privations et des sacrifices auxquels une adolescente n'est pas préparée. Le temps pour soi diminue sensiblement, les opportunités professionnelles deviennent plus restreintes puisque l'abandon des études est fréquent pour ces jeunes mères et le retour aux études difficile. La rupture des relations avec les amis et collègues entraîne aussi un isolement social qui augmente la détresse psychologique associée à ce type de situation.

Du total, quatre répondantes correspondent à cette configuration. Toutes ces mères, âgées de 17 à 27 ans au moment de l'entrevue, utilisent des services sociaux pour faire face aux difficultés économiques. Pour une seule d'entre elles, l'épisode dure depuis plusieurs années, alors que pour les autres, la monoparentalité est récente (depuis environ un an). Deux de ces mères bénéficient aussi du soutien de leur famille, alors que les deux autres sont hébergées en centre maternel, leur famille n'étant pas en mesure de les aider. Elles sont dépourvues de moyens d'assurer l'autonomie de leur ménage. Leur réseau familial est très réduit et se limite à la famille d'origine ou un autre parent en mesure de les prendre en charge. Leur réseau d'adolescentes ne comprend pas d'autres personnes qui peuvent les aider et le père de l'enfant n'est pas présent non plus.

### La monoparentalité en série

Ce parcours est caractérisé par l'instabilité familiale, les épisodes monoparentaux alternent avec les épisodes conjugaux, la vie au sein d'une famille monoparentale et la recomposition familiale s'enchaînent. Plusieurs épisodes

monoparentaux sont enregistrés dans la trajectoire : le premier débutant à un jeune âge (dans la vingtaine) dure environ 5 ans et le deuxième débutant vers la fin de la trentaine tend à être prolongé.

La grande vulnérabilité de cette situation monoparentale relève du nombre élevé d'enfants (3 ou plus) qui sont issus de plusieurs relations. La précarité économique provient aussi de la faiblesse des ressources dont disposent ces parents, insuffisantes par rapport aux nombreux besoins d'une famille à forte natalité. En effet, les parents ont peu de ressources personnelles : des études secondaires, des emplois peu rémunérés et contractuels, des revenus faibles.

Du total des répondants, trois mères, âgées d'environ 42 ans, correspondent à cette configuration. Pour elles, l'épisode monoparental actuel débute vers l'âge de 35 ans. Au moment de l'enquête, les mères ont vécu deux ou plusieurs épisodes monoparentaux, dont le dernier les place dans une situation monoparentale qui sera probablement perpétuée, selon leurs affirmations. Ces mères ont eu plusieurs relations conjugales de longue durée et ont commencé leur vie conjugale à un jeune âge (17-18 ans). La naissance des enfants était souhaitée et planifiée dans le cadre d'une union durable où les deux parents étaient présents. Dans les trois cas, la première union s'est avérée conflictuelle et a eu une durée moyenne de quatre ans. Le premier épisode monoparental survenu à la suite de la désunion dure environ cinq ans et prend fin par une recomposition familiale d'une durée de quelques années. L'épisode monoparental actuel est inauguré par le divorce, l'abandon ou le veuvage.

La parentalité solitaire est certainement plus difficilement vécue dans le cas des familles nombreuses où le parent seul doit être pourvoyeur et seul responsable de l'ensemble des

tâches familiales; c'est une triple tâche amplifiée par la multiplication des responsabilités parentales.

Ces mères ont un important besoin d'aide matérielle au cours de chacun des épisodes monoparentaux. C'est pourquoi elles s'appuient sur l'aide de leur entourage, comprenant leur famille d'origine, les amis et les voisins, mais aussi la belle-famille. Bien que les rapports avec les pères des enfants sont rompus en raison des conflits ou de la violence conjugale, la belle-famille offre souvent de l'aide. Le soutien informel n'est pourtant pas suffisant. Toutes les mères font appel aussi aux ressources communautaires pour obtenir une aide matérielle supplémentaire, ainsi qu'un soutien psychologique. Une situation de précarité extrême est notée dans les cas où la famille d'origine ne peut pas offrir de l'aide, ce qui entraîne un isolement social plus prononcé.

### La monoparentalité stable

Ce parcours se distingue par le fait que l'épisode monoparental, débutant à un âge adulte, est perpétué à long terme et envisagé comme une situation durable, une alternative familiale viable et fonctionnelle, voire souhaitable. La monoparentalité est stable non seulement à cause de la longue durée de l'épisode, mais aussi en raison de l'équilibre économique. L'entrée en monoparentalité n'entraîne pas, dans ce cas, la diminution des ressources matérielles ou la déclassement. Bien qu'au début de l'épisode, la monoparentalité est imposée, non recherchée, elle devient rapidement une situation acceptée et assumée.

Les parents qui vivent cette forme de monoparentalité ont un ou deux enfants et ils ont des ressources individuelles diversifiées : une éducation de niveau universitaire, des emplois

permanents, une situation professionnelle stable, et des revenus élevés. De plus, ils bénéficient du soutien de l'entourage, allant jusqu'au partage des tâches parentales et/ou domestiques, notamment lorsque les enfants sont très jeunes.

Du total, cinq répondants âgés au moment de l'enquête de 45-55 ans, correspondent à cette configuration. Toutefois, deux cas de figure se distinguent : la monoparentalité prolongée et la monoparentalité tardive.

La monoparentalité *prolongée* est une trajectoire typiquement féminine, illustrée par deux mères de l'échantillon. Pour elles, l'épisode monoparental débute au milieu de la trajectoire, à un âge adulte, vers la fin de la vingtaine. L'épisode monoparental débute avec la naissance de l'enfant qui ne vivra jamais avec ses deux parents réunis. La maternité survient en même temps que la désunion et le désengagement du père de l'enfant. Au moment de l'enquête, ces deux mères étaient monoparentales depuis plus de 15 ans. Dans cette forme de monoparentalité, le rôle parental est entièrement assumé par la mère seule durant toute la trajectoire parentale. Personne n'assume le rôle paternel, ni le père biologique ni un nouveau conjoint. L'enfant connaît son père biologique, mais n'a pas de relations systématiques avec lui. Par contre, le rôle maternel est partagé entre la mère et la grand-mère présente au foyer tout au long de la trajectoire familiale. Cela permet aussi à la mère d'avoir une activité professionnelle systématique et de subvenir ainsi à la famille.

Le réseau familial de ces mères n'est pas très développé, se résumant à leur propre mère et quelques amis, mais les relations sont denses, et les proches se mobilisent pour offrir l'aide nécessaire à la mise en place d'une situation équilibrée.

La monoparentalité *tardive* est illustrée par deux pères et une mère de l'échantillon. Pour ces parents, l'épisode monoparental survient tard, vers la fin de la trajectoire familiale, après un mariage durable de plus de dix années. Les parents seuls sont âgés de 40 ans ou plus au début de l'épisode monoparental; chez les parents interviewés, la monoparentalité dure depuis environ cinq ans. L'événement qui a inauguré cet épisode est le divorce ou le veuvage, difficilement vécu par le parent seul.

Le soutien matériel de l'entourage est moins central dans l'équilibre du foyer monoparental. Le besoin d'aide matérielle est moindre vu l'âge des enfants (16-23 ans). Toutefois la parenté et les amis entourent le parent seul et l'encouragent ce qui lui permet de surmonter les difficultés psychologiques vécues en début d'épisode. Dans le cas des divorcés, malgré les conflits entourant la séparation conjugale, s'observe une volonté d'établir une co-parentalité : le parent non gardien demeure présent dans l'univers familial, souvent à l'initiative de l'enfant.

### La monoparentalité comme transition

Dans ce parcours, l'épisode monoparental débute à un âge adulte entre 20 et 30 ans et il est conçu par les parents comme une situation temporaire. C'est surtout à la suite d'une maternité célibataire que la monoparentalité survient et la désunion coïncide avec la naissance de l'enfant ou la précède un peu. Le parcours est caractérisé par l'instabilité familiale autant dans la vie conjugale de la mère que dans son milieu familial d'origine. La grossesse survient dans le cadre d'une union libre d'une durée moyenne de 8 ans. La maternité est souvent une décision de couple, même si la grossesse n'était pas planifiée.

La désunion est souvent conflictuelle, marquée par la violence conjugale, et entraîne la précarité économique.

Du total, six mères correspondent à cette configuration. Elles vivent une précarité économique et une détresse psychologique élevées qui relèvent davantage du moment de leur parcours : elles sont en début d'épisode monoparental, leurs enfants sont en bas âge, les conflits avec le père biologique de l'enfant sont encore présents. Par contre, leurs ressources sont assez développées : elles ont des études de niveau secondaire, des emplois et des revenus moyens. C'est la naissance de l'enfant superposée à la désunion qui les a placé dans une situation de dépendance économique. De plus, seulement l'une des six mères bénéficie du soutien de sa famille qui l'a pris en charge. Les autres cinq mères proviennent des milieux familiaux pauvres ou à problèmes, qui ne peuvent donc pas offrir du soutien. Elles peuvent rarement s'appuyer sur l'aide des amis ; elles dépendent de l'aide formelle la plupart du temps. Ces mères se retrouvent toutes en centre maternel et utilisent beaucoup les ressources communautaires.

La parentalité solitaire est difficilement assumée puisqu'elle n'est pas désirée, anticipée, prévue, et entraîne des conditions de vie précaires et le bouleversement d'un arrangement de vie familiale. Deux attitudes peuvent s'observer quant à la définition de la situation : la monoparentalité est vue comme une étape passagère, temporaire, qui prendra fin par une recomposition familiale ou réconciliation conjugale, ou bien la monoparentalité est vécue comme une alternative désirable et préférable à une union conflictuelle où la mère a vécue la violence conjugale.

## Conclusion

Les résultats de cette étude montrent certaines caractéristiques de la monoparentalité en Roumanie durant la période de transition postcommuniste. Il s'agit notamment de multiples facettes des difficultés liées à cette forme familiale dont les besoins sont pluriels. En fait, la monoparentalité représente un risque important pour la majorité des parents, leur appauvrissement étant prononcé dans les conditions de la transition postcommuniste quand l'instabilité économique entraîne une détérioration constante du niveau de vie des familles. La vulnérabilité économique associée à la monoparentalité représente, de fait, un enjeu de taille.

L'importance du soutien social pour la prise en charge de la monoparentalité et l'équilibre économique sont soulignés. Plusieurs facteurs influencent le soutien : la disponibilité de l'aide est déterminée moins par la taille du réseau, et davantage par la force des liens[47] et les ressources existantes, matérielles mais aussi culturelles. L'insuffisance du soutien informel conduit plusieurs parents à s'adresser aux réseaux formels qui sont encore peu développés. Bien que la situation des familles monoparentales est encore peu documentée en Roumanie, les constats effectués apportent des arguments importants pour encourager la codification de cette forme familiale comme catégorie cible d'intervention et le développement de ressources pour répondre aux différents besoins et risques qui y sont associés.

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# The Status of Women in the Region of Golo Brdo, Republic of Albania

Ines CRVENKOVSKA-RISTESKA

That part of the region Golo Brdo that today forms part of the Republic of Albania represents in terms of its cultural features part of the cultural tissue of the Debar cultural region of the Republic of Macedonia, which is known in the folk tradition of the local populations as Deborija. Its population is made up of ethnic Macedonians of two religions: Muslims and Orthodox Christians.

In 1913, after the establishment of the state border between Serbia and Albania, the Debar cultural region of Deborija was physically separated, and through an agreement, a part of the Golo Brdo region was incorporated into the territory of Albania. The border separated this region from the main cultural community, on one side, and from the neighboring Albanian-populated areas, which were culturally and economically different, on the other. Thus, the region to a large extent became a culturally isolated space. This cultural isolation of the Golo Brdo region left behind relics folk culture that can still be found today: economic and ethnic identification, in its integral form, as expressed through an emphasized regional identity. There were some attempts to create a "pure Albanian nation" with the aim of annulling this regional identity. During the socialist period, especially during the second sub-period,

the Communist Party (Workers' Party PLA), lead by Enver Hodza, succeeded using the mechanisms of the state institutions to isolate the country, including the region of Golo Brdo, and to impose a totalitarian system of government. In this way, the idea of a multi-confessional and multi-ethnic national identity was revised with the aim of building a unique model of a "pure national Albanian atheistic nation". The implementation of such a "huge ideological project" presupposed the introduction of social and political as well as governmental measures which were independent of the material basis and social and ethnic structure of the population in the Republic of Albania. The newly established mechanisms aimed to initiate a feeling of unity as a basis for the conceptual creation of the nation in terms of the "social cohesion, fraternity of all members of the nation within the framework of the nation, which is perceived through the prism of a family metaphor (...), now it becomes a secular, political form: a unity of fraternized citizens".[1] The American authors Miranda Vikers and James Pettfer, in their book *Albania: From Anarchy to a Balkan Identity*, comment on what they found to be a crucial marker in the perception of Albanian society in other Balkan states:

> Neighboring Balkan countries (...) summarize their image of how Albanian society functions, and of the Albanian political system, with a simple phrase, the "Albanian pyramid".[2] The reference model is reflected as an 'expression of the role of the clan and the extended family in rural Albanian society, which additionally describes the hierarchical structure in which law is created by the oldest and the most charismatic person.[3]

This pyramid-like structure of Albanian society was, according to the authors, particularly prevalent during the reign

of Enver Hodza, a type of reign better known as Enverism.[4] The rural community in the time of king Zog I, also known as "the time of Zogoo",[5] functioned as a stabile institution: it had clearly defined mechanisms for regulating the functioning of village institutions at all levels, as a complete functional ritual, economic, judiciary and executive institution. During this period the state had no established mechanisms through which it could impose itself and control its functioning. One of the most important mechanisms through which the state established a relationship with the institutions of the village and the village community was the payment of tax: "(...) When I was very young, we paid for the old. (..) One fire-place, call it a house, one house would pay for itself (...). We also paid for wool, eggs (...)."[6] Through this mechanism, which belonged to the field of public communication, the following relationship was established: state→*precednik*→*kefalija* (head of the village). The relationship was complemented at the level of the village and the village community through the institution of *precednik*, which was located in the regional city center and the village *kefalija*, a person from the local population, a member of the village community. As proof of this relationship, we can use the results of the field investigation performed by Milenko S. Filipovic. In his book *Man Among People* he writes that "the will of the village and the village community as a whole was respected, as well as its decisions", that is to say that the "village" really had great autonomy.[7] This points to the fact that state institutions did not show a great interest in intervening within the village and its institutions. The village and the village community presented themselves as strong institutions in terms of the preservation of regional identity characteristics. This strongly-emphasized group identification, institutionalized in the village structures as a public manifestation serving

orientation in the symbolic space, argues Dr. Svetieva Aneta, was the result of the "group endogamy according to religious and ethnic affiliation that is still deep-rooted, which is one of the main reasons for the sustainability of the groups in the region".[8]

The region had a specific way of making a living through *gurbetchistvo*, *pechalba*. This presupposed strictly defined ownership rules which strongly influenced residential relations, since for a large part of the year the male members of the village community, in search of work, mostly as construction workers, chose to work outside the village in the larger Albanian cities, in the cities of the culturally proximate regions (Macedonia, in Yugoslavia) before 1948, or outside the country in countries that were economically more stabile (Greece). As a result of this, the male members of the community worked outside the village, and the villages were occupied by females and males who, due to age, health or for other reasons, were unable to work.

This type of economy did not influence to any large extent the destabilization of the otherwise stabile institution of the village and the village community. This was a result of the high level of flexibility and adaptability of this institution, especially in terms of the culturally different environment. This presupposed a detailed knowledge of the cultural features of the "others", those not part of the regional identity community. It was especially important to know Albanian customary law in the influential Albanian identity community. Milenko Filipovic's conclusion also ties in with the cultural adaptation of both communities and the context of the construction of the communication system between the two neighboring communities. He speaks of the specific mode of collective, passive protection of the villages,[9] in which women played an especially important role: "Women were chosen to be village

heads so that the villages would be protected from violence, for Albanians do not hit women (...) Through selection and appointment of women as *kjefajlii* and *kodzobashi*, i.e. heads of the village, the village would be protected from Albanian violence, using the regulations of Albanian customary law, according to which the women enjoys exceptional protection".[10] A woman nominated head of the village had to have a specific individual profile. Decisive features in the selection of a woman and by which she distinguished herself from other women were that "she was as brave as a man",[11] "she was a smart woman who could deal with Turkish authorities and avoid Turkish requests; they could not request from her what they would usually request from a male head of the village",[12] and usually "one of selected older women who were more open, skillful and showed personal bravery".[13] According to the personal memory of the informants recorded during field research in the region of Golo Brdo (Republic of Albania) in 2003, before World War II the dominant principle of customary law was that of age and respect for the older generation, excluding the principle of clan differentiation, as well as prioritizing male members of the community when it came to decision-making. An important role in performing functions important to the village, implemented at the level of the village and the village community, was played by women called *prekorsheni*, women who had the highest status in the household, were of 30-50 years of age, and the eldest in the group of the same category (mother in-law, the oldest daughter or sister in-law). A special status was occupied by the social category of women-widows. The presence of widows and of the *prekorsheni* was indispensable when decisions were being made at the level of the village, and this did not depend on the presence or absence of male members of the household:

> We call them 'prekorsheni', not very young but also not very old. Women of 30-40 years of age. Yes, 30-50. As far as I remember they could attend the assembly, even though their husbands were not present. Why it was like that here in Golo Brdo? Women went since men were not at home most of the time. Women took care of the house mostly (...).[14]

The large scale ideological socialist project imposed in the region of Golo Brdo, built atop the existing local cultural concept, is an example of the strongly emphasized dichotomy between an idea and its realization: it was often defined in terms of the people's perception as being a good idea but with bad realization. This is surely valid for those segments of the socialist ideological concepts that did not have a realistic basis for local contextualization, but which were imposed by the political system and the state institutions. Since the Golo Brdo region was a peripheral area of Albania, control over the implementation of socialist ideology, viewed from the perspective of the need for systematization, did not run smoothly and did not have a clearly defined form, as in the rest of the country, such as in city centers, where the concentration of political power was great. The use of the mechanisms of the socialist concept in the region of Golo Brdo – seen as a whole as embracing the potentially contextualized and imposed elements that had no basis for contextualization in the local cultural concept – had certain implications regarding traditional life in the region of Golo Brdo that were visible at the level of the village community. During the socialist period the state not only tried to influence the village community but also the smallest sub-systems of society: households. If we analyze the terminology used for the institution of village self-government, we see that the terminology in the spirit of the folk cultural model, characteristic for the Debar cultural zone, was

exchanged during the socialist period with terminology in the spirit of the new socialist ideology, spread using purely Albanian terms that were contextualized in a local form.

The influence of the state, i.e. the Party, was also visible in the incorporation of new party members from the local communities into the existing institution, "obedient persons from the village communities. Aiming to increase control over the village, new institutions were created that controlled the position of women in the village economy, especially in matters of birth rate and abortions within the village community.

The contextualized socialistic model, seen from the aspect of the exclusive position of women at the level of the village and village community, was compatible with the already adopted regional cultural model. The socialist tendency concerning the emancipation of female members of the village community was infiltrated using the mechanisms of the contextualized socialist model that supported the high status of women in the community. The equality of women was also made official through a state socialist law. During the socialist period, the position of women in the village community became obligatory, since, according to the socialist tendency to make women active in the effort of building socialist society, all village women were involved in the socialist village economy. The tendency to make women active in the context of social life was implemented in such a way that certain women were given high village functions, such as secretary in the *lagje* (part of the village), brigadier in the village cooperative etc. With the money a woman received for performing certain tasks within the village and the village community, women's position and economic independence increased within the framework of the village but also that of the household community.

With the aim of regulating, i.e. controlling, the birth of children and abortions in the village environment, the institution of *mamija*, *mamii*, women responsible for solving female issues in the village, was created. By controlling female issues in a way that was compatible with the requests of the state and the Party, this newly imposed institution had the task of diminishing the regional cultural concept, which was characterized, when it came to female sub-culture, by a form of isolation. This way of solving problems, especially the problem of abortion, did not fit with the manner of solving the same problems according to the local cultural model. This meant that this mechanism of control functioned only on an ideal level, at the level of the socialist environment, and real behavior shows that this cultural segment continued to function under the pressures of the ideals of the socialist community, but in a much more hidden form.

The *mamija* was obliged to assist at births and to control abortions, something strictly forbidden during this period. If a woman had an abortion, and if the *mamija* was informed of it, the women and the doctor who performed the abortion would be punished with imprisonment. The woman's family was punished according to the socialist model by being proclaimed an "incompatible" member of the socialist community: "If a pregnant woman wanted to abort a baby using a doctor, if this was revealed, both would go to jail. She forbade that. No doctor to go to. No cure".[15]

The pregnant woman was free from work in the village cooperative. Women/mothers with many children enjoyed an especially high status: "Enver gave them higher wages for a high number of children. This is why women would give birth, it brought them higher salaries. Even higher retirement since they would retire earlier, as the mothers of many children. Only for the mothers. Nothing for the fathers. My mother was 50

years old, and retired with many children".[16] One of the ways to stimulate natality in the region of Golo Brdo was through state and Party promises of different material incentives, as for example early retirement: "During Enver's time they had many children. He said: 'Give birth so that Albania will grow larger', he said: 'I will give you one cow for twelve children' (...) One does it with pleasure when one is motivated". [17]

Having in mind that the raising of children, especially infants, fell into the domain of female sub-culture – since according to folk rules the mother takes care of children until a certain age – a mother's organizing of her time matched the needs of the children. All women brought their children, whether infants or not, to an institution set up at the level of the village community called *cherde*: "They would make a kind of sheepfold, they would throw them inside and they would keep them there. They would take care of them there, but still it was very bad. They would keep them until lunch, and then take them away. They worked for six hours, but in fact worked five. If you would not work the full number of hours no one would give money. You had to work the full amount. But still, they would work fewer hours. Six hours, until lunch, and then mothers would leave. Women who had children".[18] Mothers had a right to shortened working time, special treatment regarding working hours. The women who took care of the children in the *cherde* were paid higher incentives than those working in the village cooperative:

> My mother worked in a 'cherde' where they brought children when they were small. This is how she made her money. There were lots of children, all the mothers from the cooperative would bring their children there. Like to a school. Small children, small beds, in the middle of the village, they left them there in morning and collected them in the evening.

> She made their food, everything. Sometimes there were fifteen, sometimes twenty: however many, she would take care of them all. In the morning she started at seven, and the mothers would take them away at seven in the evening. This is how it was. She had a higher salary than those in the cooperative.[19]

In the case of a woman who became a widow, according to the solidarity principle of the contextualized socialist cultural model, and in accordance with the local cultural model, the village community would take care of the widow, such that she was placed in a working position where she got a higher incentive.

## Conclusion

The great ideological project that intruded on the living local cultural concept in the region of Golo Brdo in the Republic of Albania was one of the most outstanding examples of the dichotomy between idea and implementation; it was most often understood among the people in terms of being a good idea but with bad realization. This statement is relevant to those segments of the socialist ideological concept that did not find a real basis in the local context and were enforced by the political system and state institutions.

The region of Golo Brdo was a cultural totality inhabited by ethnic Macedonians of both religions: Muslim and Orthodox Christian. In the 1920s the region was divided by the state border between Albania and Yugoslavia (in the Macedonian part).

Because the region of Golo Brdo was a periphery region of Albania, control over the processes of implementation of socialist ideology was weaker and did not take place in a very

crystallized and defined form as compared with other parts of the country, such as the urban centers where the concentration of political power was stronger.

However, the implementation of socialist ideology had great implications for folk life in the region of Golo Brdo, as seen at the level of local village community as well family life. An impressive amorphous structure appeared, simultaneously operating in two different realities: one on an ideal level, the other on the real level. Two parallel processes of individual and group identification started: one related to local traditions, the other related to the socialist state and political ideology. This was a social and cultural way in which the institutions at the level of the village community as well as the family by using the mechanism of social mimicry were able to preserve local cultural concepts while satisfying in full the needs of the state. Research on these institutions has shown that women in the period before socialism carried out most of the important social functions in the village and family. The reason for this can be found in a trait of the local cultural concept characterized by equal sex principles strongly related to the highly important economic institution of *gurbet* and *pechalba* (emigration and work abroad). The cultural and economic concept in which women very often were in a position to make decisions helped them to find an easier way to canalize and contextualize their own positions within the framework of the local socialist concept. The dynamics of the socialist cultural concept in the region of Golo Brdo in Albania has improved the status of women in the sense of providing access to economic independence in terms of the increased possibility of finding employment.

## NOTES

1 SMITH D.A., *Nacionalen identitet*, Biblioteka XX vek, 99, Belgrade, 1998.

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4 Ibidem.

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6 Archive of Institute of Ethnology and Anthropology (AIEA) in Skopje (Mkd), Informator: Safoska Zenepka, Project *Life in the border,* 2003.

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12 Филиповић С. М., *Човек међу људима*, Српска књижевна задруга, Београд, 1991, 118.

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# The Status and Role of the Village Woman and Family Relations in the Republic of Macedonia (19th-20th Centuries)

## (Based on the example of the villages in the Macedonian-Albanian border area)

Mirjana P. MIRCHEVSKA

Up until the beginning of the twentieth century the Macedonian village was characterized by a specific social organization based on a territorial principle, and consequently also featured a coherent economic whole.[1] The traditional way of life existed, almost without exception, until the Balkan wars (1912-1913), and in some cases until the end of World War I (1919) or even end of the Second World War (1945). It was rare for certain villages to continue functioning according to common village traditions right up until the 1960s. This way of living obliged each family to respect the rules of communal life. Adherence to the community, collective life, mutual production and consumption – all contributed to creating the highest level of unity among village members. Those elements that survived were passed from generation to generation as social village relics, useful habits and customs[2] that were especially important to populations living in naturally and economically isolated villages. Survival in a cruel mountain area that offers few privileges (apart from good livestock-breeding conditions) led to a perpetuation

of communal forms of living manifested through different social regulations and dictated by customary law. By analyzing the different aspects of the problem more carefully – cultural, social, legal, sociological, economic, historical, geographical – we would most likely be able to identify the reasons for the presence and survival of this model of collective life in the villages of the Western part of Macedonia.

The entire social life of the population in Macedonia is affected by customary law. The system of the customary law, on the other hand, is defined by the social structure of the traditional society and reflects and influences its sustainability and reproduction – i.e. it reflects the establishment of the balance of social forces.[3] Thus, the only relevant norms and rules of behavior are those that have been imposed by life itself, as dictated by the need to survive in the only possible way. Although customary law is static by definition, since it is based on the structure of traditional ways of thinking, i.e. upon ideal models of behavior,[4] traditional society is not. By analyzing a number of examples from various ethnic regions in Macedonia we see that the forms of customary law are resistant to change. In fact these models of behavior were formed within existing traditional culture, which is still seen in certain segments of human life, irrespective of whether this contradicts the positive law, i.e. the legal regulations unique to a territory of a state. However, some of these models of behavior are compatible with the legal norms valid in most states in the world. The fact that the traditional legal system of a certain society can be understood in its totality only when analyzed in relation to the social structure of it population is proved by the data gathered through field research.

* * *

According to contemporary ethnological research, the family falls into the category of those social phenomena that define the identity of a certain person, ethnic group, community or cultural environment. At the same time, the family is a social group within the framework of which a person passes most of his or her life. If we understand the family as a basic cell of organized human life, we can then fully understand the role and function of the family when it comes to human life and its influence upon personality and individuality.

According to contemporary authors who deal with the patriarchal, the existence of extended families is in fact a social and economic inevitability for the feudal and post-feudal villager who has been forced due to hardship to live in an extended family community that connects the work force through biological bonds. This is the only form of family that provides any possible basis for economic organization. This working organization was possible only in a situation of equal interests, a situation in which one member of the family who is powerful and deserves the trust of others manages everyone else. There are examples of certain "twists" on the "ideal" of communal life, much earlier than the emergence of the officially accepted reasons from most researchers dealing with this issue.[5] Clearly, we cannot gain such information directly from the current field research. However, certain data have been recorded in the literature. We incline to the opinion that many of the accepted regulations related to practical communal life were not free of exceptions, not in the way they were defined, but that there were certain drifts in this sense. This is how we were able to gain information related to the changes that took place within the framework of the patriarchal community that could be analyzed as phenomena characteristic of a patriarchal community in transformation. Above all, such changes should be understood in terms of the relationship between the

patriarchal and the contemporary, where the former is constantly growing weak under the influence and penetration of the latter.[6] Thus, the family as a patriarchal community exists as a reflection of the relations within the narrower social community, always and today, as a changeable organism.[7]

A basic cell of organized family life of the Macedonian population until the middle of the twentieth century was the *zadruga*, a form of extended family. The *zadruga* of the Macedonians in rural areas is a relic of an old form of clan social structure. Thus, the extended family or *zadruga* family, which encompassed a number of marital couples and their children (stemming from the same predecessor), was a key social organization, i.e. a specific social institute.[8] In patriarchal culture only the large communal families were considered "real" houses and only their members had a good reputation. According to Valtazar Bogisic,[9] the *zadruga* is a "village family, consisting of a number of brothers, cousins or related kinship with their wives and children". Mirko Bajraktarevic[10] defines the *zadruga* as an "institution of a biological, kinship related, production and economic type, a social community and a traditional customary community". The very term *zadruga* applied to this type of communal life has never been used by the population in Macedonia, not even in the Balkans. According to some researchers, the term *zadruga* was introduced by ethnologists and lawyers[11] and was only later adopted through legal texts and other literature as a term defining a certain type of family life.[12] The Macedonian population usually uses the terms: big family (*golemo semejstvo), kalbalak, tajfa*, big house (*golema kukja*), *galabija, domakjinstvo, naednomesto, na kup* etc. The need for a communal life was conditioned by a number of factors. The primary and most important factor was security, something especially important in the west, along today's

Macedonian-Albanian border. Under Ottoman rule, and especially the final two centuries thereof, when penetration and armed robbery by Albanian groups increased due to the weakening of the Ottoman state, the population was forced to live in extended family communities such as the *zadrugas*. If the family was more numerous, it was easier to defend. The second reason was given by the fact that the basic occupation of the population was livestock-breeding, an occupation requiring a large work force in terms of milk processing and all other ancillary tasks. By living in this kind of environment and managing this economic activity the population was obliged to adopt this form of community. However, although they were an established form of living, in some villages the *zadrugas* were not so large or numerous. This occurred where the population was lower and the households also less numerous. Most often the *zadruga* consisted of the parents, theirs sons with their families, and any unmarried daughters. In such circumstances the number of members did not exceed 15-20. Still, almost every village had a few "large houses" with up to 50 members, for example the house of Manojlovci in Kichinica, which in around 1910 ran to 48 persons.[13] In the village of Belichica, one of the larger *zadrugas* was that of Avakum Dimitrieski, which consisted of the parents with their three sons, three daughters-in-law, two of which had six and one of which three children.[14] The same rules applied to all *zadrugas*, irrespective of size.

In the Macedonian-Albanian border area there existed only *zadrugas* of the kinship type. Each was based upon the affirmation of the male principle, i.e. they were patrilocal. The only rule upon which the *zadruga's* survival is based is that its male members do not leave the family. Sons, as well as their heirs, stay in the house at least until the death of the father. The female members, through marriage, become members of the

husband's *zadruga*. Thus, on leaving home, the daughter looses her rights to her father's property. Since girls entered into marriage relatively young, at 15-18 years of age, the extended families consisted only of younger girls. There were strict hierarchical relations and defined obligations for each member. Each *zadruga* had a "head", i.e. someone who took care of everything and everyone in the *zadruga*. This person had no special name: he was referred to only in the third person singular as the *glavniot, domakinot, stopanot*. But even without the special name, all members knew what his role was and how extensive his power and reputation. Each community selected the cleverest male member as its head, since the reputation of the family as a whole often depended on his honesty and rational behavior. Families with a higher number of male descendents enjoyed a higher reputation. A bigger family meant a richer and more powerful community that was able to take care of its herds by itself and continuously improve them. The head of the Macedonian extended family was without exception the oldest male member of the family, the father and grandfather of adult sons and grandsons. His position was both key to the patriarchal system[15] while also being built on family hierarchy according to gender and age. The head or the *domakjin* is at the top of that hierarchy. We find proof of the role played by the age of the *domakin* in the use of language: he is often referred to as the "old man", not only as reference to his age, but also in the sense of his being "the first", "the cleverest". All male members of the community, including both sons and grandsons, were obliged to respect strictly and perform all the obligations created by him. It was not possible that any sons or grandsons do anything without the prior agreement of the head of the *zadruga*.[16] The son was not even allowed to pose a question without prior permission from the "old man". The authority of the head was indisputable – though quite often it

was also well deserved. In the villages of Reka and Drimkol, for example, it was never the case that a head of a *zadruga* was a tyrant or that he worked against his clan, causing damage of some kind. Some heads made their community famous, enriching and enhancing it. The role of the head was not only to delegate tasks; he also worked along side his sons. He was the first among equals, delegating tasks to the female members of the *zadruga* only after agreement with his wife, who was called *stopanka*, *kukjnica*, *domakjinka*.[17] He always had the last word, however: no one objected to his decision. Everyone respected his orders, since they knew they were for the good of the entire community. Many heads of *zadrugas* were simultaneously village heads. The extent of their reputations is given by the information that they had contact with the Turkish (Albanian) authorities and negotiated all the taxes that had to be paid. They also enjoyed a good reputation among the Albanian gangs, and on many occasions saved their villages from robbery, fire and murder.

Within the *zadruga*, the behavior of the members towards the head was determined by the unwritten rule. Each night he would discuss the next day's obligations with the sons and adult grandsons. Each knew his job in advance. This agreement referred to the larger agricultural or livestock-breeding duties – sowing, mowing, harvesting, sheep shearing, cheese selling – while going to market and buying products was the privilege of the head of the *zadruga*. The sons and grandsons reported each night on the work they had done and any difficulties encountered. On some occasions they would suggest something in relation to the work, but the head took each decision independently. One of his tasks was to choose brides for the sons.[18] His decision could not be changed without good reason. The *domakinka* was at the same time his wife, but if she had died or was sick, her role was taken on by the eldest

daughter-in-law. The daughters-in-law never talked first to the head of the *zadruga*. Only he could initiate conversation, though this happened seldom, and each daughter in-law normally worked in silence. The women did not even talk to each other if he was in the room. Everything happened in silence. The daughters-in-law communicated through glances and gestures, often trying not to be noticed by anyone.[19] Each night or during the day, the youngest daughter-in-law was obliged to bring water and a towel for the head to wash his hands. Women, including the *domakinka*, stood while he was seated. This also applied to the sons and grandsons. Sons could not light a cigarette in his presence, even if he was smoking at the time. The son could not be free in relations with his wife: he talked to her only when he had to, often in the imperative, while avoiding her eyes; and she followed his orders without a word. In many cases, the daughter-in-law has never had a direct conversation with the head of the *zadruga*. "*The old man was the head of the house. He had five sons, none of them had money. All of the money belonged to him. We sold wool, sheep, cheese, he took everything. When there was a need to buy something he did that. The sons only did their job, did not utter a word*".[20] They received their tasks indirectly from the *domakinka*. She told them what would be cooked for the day, which of the daughters-in-law would do the washing, which would bake bread, which would go to the fields, and which tend the livestock. Everyone worked all day, there was no time to rest. Even pregnant women did all jobs: fetched water in buckets, harvested and dug the earth, preformed all domestic tasks. Each morning "she" would impart what had to be done. The youngest daughter-in-law was almost without exception the one to make bread. When a pie was to be made, she had to make 6-7. The mother-in-law could help, but often assistance was given by the girls who were still unmarried. Bread was

made 2-3 times a week depending on the number of members of the *zadruga* and the time of year. At harvest time there were many "helpers" (*argati*) and that meant more bread. Each house had 4-5 dogs for sheep-herding and these ate corn bread. The *sejmens*, who lived in the *sejmen* rooms and protected the house from attack by robbers also received food from the household. Thus, 10-15 round bread loaves would be made in one go. All households had sufficient milk and milk products but no one could take anything to eat without the permission of the *domakinka*:

> My mother-in-law was the boss. "Mother, what are we going to do today for lunch, for dinner?" You had to ask her, you could not roast eggs even if your heart was crying out for roast eggs.. I had to fetch water, two buckets at once, my sister-in-law helped me. Our house was full. My mother-in-law made cheese, I did too. We had 190-200 sheep, horses, 5-6 cows. I made the bread but I wouldn't eat, I would forget to eat, I was so busy and worried. We got up with the stars and went to bed at 12, at midnight. We lived together, my sister-in-law and I, she wasn't married, but we didn't even exchange half a word, not "What are we going to eat? What are we going to drink?", neither in secret nor in public... First the children ate, then the men. Women, if there was place at the table, ate together with the men. If not they ate last.[21]

Still, if the woman was more capable, cleverer, she could exert huge influence over the male members of the *zadruga*, despite not be able to say anything in public. This was especially visible when it came to the selection of wives for the sons, and more so still when it came to selection of husbands for the daughters. Some women influenced other male members and the head of the *zadruga* so subtly that no one noticed. In fact, mothers

talked to their children much more than the father or the head, since their relationship with the sons was dictated by the special type of authority each had in the *zadruga*.

Each extended family had one or two sons or grandsons who earned money abroad. This type of economy was prevalent in the period after the fall of the Ottoman Empire, when nomadic sheep-herding was hindered by the establishment of the political borders between the Balkan states preventing the transfer of the sheep to the Thessalonica valley or the Adriatic coast in Albania. As a consequence, the number of sheep decreased and a surplus of labor was created. The population was forced to find new sources of income and many accepted working abroad (*pechalba*, *gurbet*) as their profession. Naturally, this had an influence on life in the *zadruga*. The *pechalbars* were especially respected since they were very important to the economic existence of the family. During their stays at home they enjoyed equal status with the head of the *zadruga*, including the same privileges. In the regions of Drimkol (near the town of Struga) and Reka, the woman were obliged to kiss the hands of the male members of the *zadruga*, especially those who worked abroad. Kissing hands was one of the ways brides, daughters, and daughters-in-law expressed their humility and respect towards senior male members. The bride kissed the hands of each adult guest during their visit. Contrary to the mountains villages, sheep-herding villages and villages with lots of economic migrants, this phenomenon was not present among the villages of the valley; or perhaps it simply vanished more rapidly.[22] If the *pechalbar* was older and had married sons, daughters-in-law and grandchildren his reputation was even greater. The most common destinations for these migrants were Istanbul or the other cities of the Ottoman Empire. Some returned home after years spent abroad.

Certain authors relate this phenomenon to the sheep-herding or former-sheep herding regions that had a strong clan culture with high domination by the father.[23] Generally speaking, the Muslims (Macedonians, Albanians and others) looked for work in Turkey, while the orthodox Christians (Macedonians, Vlach) went to Bulgaria, Romania, Serbia and Greece. Their families were divided economically: the male members of the *zadruga* lived in the village and took care of the herds, while one or two members of the same community lived and worked in another environment. This led to different attitudes to common life, marriage and the family. The migrants had an opportunity to meet people and families that were organized differently. This was one of the factors that helped the rapid dissolution of the *zadrugas*.

This type of economy was closely connected with the employment of helpers: *izmekjari*. Every well-off house had helpers who worked for and lived with the family. The families of the economic migrants (who had more money) always had an *izmekjar* to help the women with the herds or in the fields etc. Many had two or more boys employed as helpers. Some of these helpers worked for two or three houses simultaneously if the families in question were smaller and needed less work. The helpers lived in a specially built house or in a separate room. The head of the household paid them in cash and supplied food. They started as children of 10-12 years of age, and remained in the family until they got married, some remaining even beyond this point. Most helpers were Albanian, but there were also some Macedonians from the same region. In the village of Krakornica, Blagunovski Avram worked as a helper for Garip-pasha for 25 years. He in fact managed all the other helpers working on Garip-pasha's property.[24] Even if there was an economic migrant in the *zadruga*, the head of the *zadruga* was still the most powerful person. The *pechalbar* was

obliged to put all the income he earned into the mutual "money box".[25] This money was then allocated according to everyone's needs and the opinion of the head. We did not come across any examples in the villages of Gorna Reka and Drimkol where a head had been dismissed from his position due to drinking or overspending. A reason for dismissing a head, however, was often age, i.e. his inability to perform his duties due to old age. In such cases, the head of the *zadruga* would ask for dismissal himself, after which he would nominate a new head from one of his sons (often the eldest one). A grandson could also become the next head, especially if he had shown himself to be hard working and intelligent. The head also often used his physical inability to divide the *zadruga*, especially if it was a large one.

Although it happened seldom, a women could also take over the role of head. This happened in the smaller *zadrugas* and *zadrugas* where, due to economic migration, there was a lack of male members. Such a *zadruga* existed in the village of Kichinica. The women that ran the family had a husband, 4 sons and 4 daughters-in-law, each with 4 children of their own. After the division of the large *zadruga* she took on the role of head since her husband was sick and "more primitive", "plain". Since she managed the community well, even after their sons' marriage, she remained head of the *zadruga* until she became very old and the *zadruga* divided itself. Divisions of these communities were numerous. They could be divided when they had grown so much that survival was no longer possible. Division for this reason was initiated by the head. The *zadruga* was divided without exception if the head died and its members had already formed their families. One of the sons would remain in the house of the father to take care of the mother and would keep a larger share of the property (the so called "father's share") compared with other brothers, who shared the father's property equally. Any sisters who were not married would also remain

in the father's house until they got married. Their brother was obliged to take care of their marriage. Quarreling between the sisters and the wives of the brother could not be the main reason behind the dissolution of a *zadruga*, since the head and the male side of the community had the final decision on any dissolution. Communication between husbands and wives was also limited given their different obligations.

Communal life was neither easy nor simple. It required a high level of flexibility and tolerance and maximum mutual respect. The head of the *zadruga* was especially respected. In the patriarchal community, where all property was owned collectively, there was no place for individuality. Everyone behaved according to a set of pre-established rules. Any drifting from these rules was strictly sanctioned. In these conditions, individuality was not a priority, though it started to become so after the division of the *zadrugas*. Their dissolution is the first sign of the dissolution of the traditional way of life. Living conditions became easier to bear, and duties were reduced, especially for the families of the economic migrants where the parents lived with one or two sons in a loose form of community. Such families exist even today in the Western Macedonian-Albanian border areas. But in most cases the roles have been reversed. Now it is the sons who are the "bosses", who have the money, and the parents who take care of the livestock. Although in these families, consisting of three co-generations living together with the parents and one son, a daughter-in-law and their children, still, in a way, "everyone works for himself". Everyone has money and the parents feel secure. Those families that live in the villages together with the parents consist of a marital couple with children that live with the parents – the mother-in-law and the father-in-law.[26] In most cases the parents stay with the youngest son, according to the rule of minority, which is considered an old tradition and a

part of general Balkans customary law.[27] Later on parents would stay with the son who wanted to live with them, regardless of whether he was the eldest or the youngest. This phenomenon became prevalent after 1960-70 due to the education and employment of sons in bigger urban centers.

The rural family, as a basic cell of social life, has changed constantly, adapting to new social conditions but also adapting to the family, social and economic life of each individual community. On the basis of the empirical material presented here we can conclude that the father-type of *zadruga* prevailed in the Republic of Macedonia. This was the strongest type of *zadruga*, in which all members accepted the decisions of the father, i.e. the head of the *zadruga*. Although science posits two basic concepts of managing family relations (authoritative and democratic), in terms of the *zadrugas* in Macedonia the authoritative type was found to be present, though it also contained elements of democracy. This not only presupposes the reputation of the men in society, the reputation earned by a person who created or founded something, but it also presupposes that man's desire and ability to maintain his position. While this term contains other qualities, it also represents the prestige held in its environment, even the power to exercise social control over a certain social group.[28] Still, while the basic meaning of this term is the right to give orders, it also concerns the power to oblige any member of the community to carry out these orders. The words, "*the old man gave the command and we had to work as he said, we could say nothing to him*"[29] is a clear sign of the personality and power of the head of the *zadruga*.

The divided *zadruga*, which existed in parallel with the father-type *zadruga*, is another type of communal living. This type consists of male members that are always away due to migration or livestock-herding outside the home. There is also

a combined type of divided *zadruga*, where the *zadruga* is of the father-type but at the same time also divided. In fact most *zadrugas* were of this type during a certain period, when these two types of communal life existed simultaneously as a combined type of divided *zadruga*.

The brother-type *zadruga* also existed for a certain time. It was formed after the death of the father-head of *zadruga* and before the final division of the *zadruga*. However, the existence of this type can only be understood as a transitory type, since it did not prove very popular among Macedonian population. The brother-type *zadruga*, in which the eldest brother was the head, in most cases existed for only one or two years before dividing itself. The members of such *zadrugas* would wait one year after the death of the father, or even longer, especially if the mother was still alive or there were sisters that were still unmarried.

On very rare occasions there existed a mother-type of *zadruga*, in which the mother, due to the sickness of the father, would manage the family. These women were especially respected by the rest of the villagers,[30] because as heads they had a higher number of tasks and obligations, and they enjoyed the same rights and duties as the man-heads of other *zadrugas*.

Macedonians, especially those from the Western part of Macedonia, were respecters of gender-based hierarchy – however, age-based hierarchy was equally or, in some cases, even more respected. A young male, for example, especially if still a child, could not be respected more than his elder sister, aunt or mother. The male principle was respected more than the female one only in cases of similar ages, and it also depended on the status of the individual in the *zadruga*. Men and women became almost equal in status when they reached old age. In the Reka and Drimkol regions, women were especially respected when younger, albeit this was not shown

in public or verbally. In most *zadrugas* the male members were absent during the year. These economic migrants would not participate in family events and every-day tasks, sometimes for years on end, and consequently the entire responsibility for the house fell to the women: the wife, mother and daughter-in-law. The reputation of the family was also in her hands: she was responsible for obtaining respect and a good reputation for the family in the wider village community but at the same time also for casting "shame" on the family if she were to contravene the collectively and generally accepted rules of good behavior among the inhabitants of the ethnic area. Seen in this context, we are dealing with the matter of a realistic model of traditional culture in which women, through the mechanisms of female subculture, obtained an important share of latent rights. On the other hand, the women wore folk costumes of good linen (cotton, silk) decorated with imposing silver jewelry made by skillful artisans. This is a manifestation of the hidden respect women in traditional families of the past enjoyed from their husbands.

In general, Macedonians respect the *zadruga* way of life, especially the older male population (70-80 years of age), which experienced this type of community. Almost all stress that, at that time, "you knew how to behave, when to say something and, who should say what; not like now, when you have to take orders even from the youngest child". This was especially strong during the last ten years, when changes in family life also started occurring in the rural environments and radically changing the system of values. The female side of population, as opposed to the male side, justifies the current communal form of living through one of the sons. Women, when describing communal life in the past, complain of the hard labor; but it seems that for them the hardest part was that they could not tell anyone of their problems. The brides entered the family

*zadruga* through marriage and brought with them no dowry except for personal items of folk costume, linen items and some gifts for the husband and the members of the *zadruga*.[31] Not even a bride who was an only child and had no brothers or sisters brought a dowry with her:

> (...) my mother had only me, my father-in-law gave not even a dime, and she did not take a dime for me; while in the past they would have: 'pridalog as it was called. My father-in-law wanted her to have something, but my mother didn't. I have no brothers or sisters. But I brought a dowry. I even had clothes. The chest was full, and even upon it there were different things.[32]

A dowry was considered to create an unequal category among brides: "*If a bride brought with her a dowry she would separate from the others and she would not obey*".[33] If she was the only child the bride would inherit her father's property after the division of the *zadruga*. In the families with male and female heirs, the daughters did not inherit anything after the death of the father. They had the right only to a so-called "decent home" after they got married. This meant only a small part of the inheritance, much smaller than the inheritance enjoyed by the brothers and usually in the form of a dowry. The state laws did not have any role to play here, and this was therefore a manifestation of the power of customary law, especially in Western Macedonia. Under the same bracket comes the attitude that only male members of the community have the right to inherit the entire property, especially immobile property. Only sons have the opportunity to create progeny within the same family, while daughters create their progeny in another family. It is thought that if the daughter obtains a part of the immobile property then she enriches another family and not hers. Only

sons can enrich their family through people and property, they are the representatives of the clan, and it is for this reason that all land and livestock remains with them.[34] Such inheritance rules that take only the male side of the family into account are not only characteristic of the Macedonian population. They are also valid for most of other South Slavs and Balkan people and ethnic communities.[35]

A widow seldom left the communal family of her late husband. If she was young, up to 25 years old, and without children she could still leave the community. But in the past (18th-19th centuries) a widow very often remained in the community until the end of her life, albeit without children. With regard to inheritance, following the division of the *zadruga*, a widow with male children has an equal right to a share of the property as her brother-in-law. This was especially true if the deceased son had his own sons that were raised by the widowed daughter-in-law:

> (...) If the husband died early, she would seldom re-marry. The mother-in-law of my mother-in-law, her husband disappeared, these were rotten times (the period before the Balkan wars, my note), and she was left alone with one child. She did not marry, and my mother did not re-marry. They seldom get married again. If you don't have children, if people in the house like you, "Don't go...we'll take care of you, you'll stay, we will love you!"...Your father would accept you, but for you it would be a shame. My sister-in-law, she had three small children, she was a barite for 8 years (in 1983)... "Daughter of mine, life is not only today and tomorrow, think for yourself"... 'No', she said, "I will not leave the children". And she really didn't. That's how it was before, there was honor.[36]

In the past if the daughter-in-law decided to leave the community, most often the children would be left with their father's family. This was especially true in the Gorna Reka region. Tradition, with its two components of religion and custom, presented a continuity of social life. Customs were highly respected by this population. The community of Gorna Reka has a strong awareness of its customs which results in a greater need to practice them. In fact, the root of their authority forms part of the awareness of every individual who obeys these customs and respects his predecessors who practiced these customs also.[37] According to current knowledge, custom establishes the authority of the husband over his wife and children. And finally, the traditional environment, as no other, shows resistance towards any modern legal regulation, which are unfamiliar and distant and do not take into account the current stage of development of the village society and family relations. Although the influence of tradition over all spheres of human life has fallen over recent decades, its impact on our research should nevertheless not be underestimated, since there are still elements that exist as relicts.

The contemporary Macedonian rural family continues to dissolve. The reasons for this are understandable, since this area does not offer many possibilities for economic development. In circumstances of almost non-existent agriculture (except subsistence level), low levels of sheep-herding, and a complete absence of employment in the industrial sector, the population is continuing to migrate to the adjacent cities. This leaves the villages with just a few two-member households consisting of old people. The young people, who live in the cities, return to the villages only during summer, from May to November. This reduces the number of members in a family to two, especially in the villages in the Reka and Drimkol region (around Debar). The villages in this area are almost entirely empty. By contrast,

the villages in Drimkol (around Struga), being closer to the cities of Struga and Ohrid, are more numerous, and there is almost no migration from the village to the city. In these villages, there still exist extended families consisting of parents, one son, one daughter-in-law and grandsons, who are usually minors, i.e. there is a three-generational structure to the family. They practice sheep-herding and milk production, while someone from the family (often the son) works in the city or within the village structures (at the school, hospital, police, shop, etc.). This allows contemporary Macedonian families to stay connected with the city family.

According to field work conducted in the period 1992-2000, for the reasons mentioned above, there are no father-type *zadrugas* consisting of more than 10-12 persons. Consequently, we cannot even speak of a *zadruga*-type way of life if the *zadruga* is defined as a specific community with strictly respected norms and rules valid for each and every member.



Family Bilbiloski from the Bogdevo village, Gorna Reka region,
(Macedonian-Albanian border area), year 1955.
Source: The author's own archives.



Wedding ceremony for Sara and Radovan Bilbiloski from Bogdevo village, Gorna Reka region (Macedonian-Albanian border area), year 1961.
Source: The author's own archives.

## NOTES

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13 Source: Lichkoski Alekso, village of Kichinica, lives in Mavrovi Anovi (Gorna Reka ethnographic region), personal field information.

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33 Source: Spirovski Bogdanov Aleksa, originates from the village of Volkovija, but moved to the village of Sence, personal field information. In the literature there is information that says that dowries in Macedonia were particularly rare (especially in terms of immobile property or stock)... "The girl seldom brings a dowry; when her father dies and her brothers divide then she gets her share, but only if she wishes to, which is a rare case. Usually the girl does not bring a dowry. Their husbands do not ask for one, since it is a shame that the wife bring with her a dowry. Macedonia, the area of Galichnik", quoted from ERLICH, S. V. *Porodica u transformaciji, studija u tristotine jugoslovenskih sela*, Zagreb, 1964, p. 174.

34 ERLICH, V., *Porodica u transformaciji*, Zagreb, 1964. This was the answer given by all respondents to the question as to why their property is inherited only by the sons and not by the daughters. Personal field information.

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# Gender and Property among the Bulgarian Catholics in the Plovdiv Region during the First Half of the 20th Century

Tsvetana BONCHEVA

## Introduction

This paper presents partial results from the research still in progress devoted to gender relations based on property among the Bulgarian Catholics of the villages General Nikolaevo and Sekirovo. It focuses on the following problems: the legal regulation of the male and female right to property according to common, civil and church law; the dynamics of the relationship between norm and practice; gender patterns of ownership – qualitative and quantitative parameters of male and female property; forms and ways of acquiring property, such as inheritance, dowries, and sale/trade; power hierarchies – male strategies versus female tactics in the field of property and their reciprocal conversion (according to de Certeau's concept on strategies and tactics).

The territorial center of the research, focused on the villages General Nikolaevo and Sekirovo,[1] was chosen due to the fact that, for the period in question, the two localities represented the largest catholic settlements in the region, being ethnically and religiously homogeneous, which suggests the minimum

and indirect influence of other ethnic or religious groups on local lifestyle. The period chosen for the research is a period of transformation during which modernity, interacting with tradition in a specific way, was striving to assert itself as a basic principle of Bulgarian society.[2]

The sources used in the study incorporate census registers, property tax registers, household registers, various documents from the Catholic Church, and ethnographic field data collected by the author. The methodology employed combines various quantitative and qualitative methods: the aggregate method, the method of the representative data extract, the P. Laslett analysis methods for family structures, the gatekeeper and snowball methods, structured, semi-structured and in-depth interviews, and the biographical and comparative methods.

Based on Certeau's definitions of the analytical categories of strategy and tactics, in the present study I understand by strategies actions generated and controlled by a given place belonging to the subject of power and will. This place makes it possible to calculate the balance of power, capitalize on victories, prepare for future expansions and achieve a measure of independence from the shifting circumstances. By tactics I understand deliberate actions determined by the lack of a place of one's own: they always occur on someone else's territory, in a place imposed on them by an alien force. Tactics succeed in single strikes and tend to seize "the golden opportunity" but they do not provide a base for storing gains, increase possessions or plan retreats. While strategies rely on place, tactics operate with time.[3] The strategy-tactics dichotomy can be seen as a fractal one from the perspective of the concept of fractal distinctions and self-similar social structures, as stated by A. Abbott. Broadly speaking, according to this concept each member of a binary opposition incorporates the whole binary structure and can be redefined as its antagonist. The ongoing redistribution and subdivision of the

opposition members depends on the context of the social actors. The relational character of fractal distinctions makes them generate a clear social structure that replicates a hazy larger one.[4] Certeau also finds reason to treat the strategy-tactics dichotomy in the light of fractality, although he doesn't explicitly postulate a similar idea.[5]

## Gender relations and property

The empirical material used in this research shows that in the first half of the twentieth century patriarchal ideology played a dominant part in the social life and mentality of the communities examined. Patrilocality and patrilinearity, the basic constituents of this ideology, promote the establishment of land, house and name as distinctive private places where a whole range of male domination strategies take shape and operate. The priority given to land in this list of private places allowing the development of the man as an agent of will and power is a natural result of the priority of agriculture in an environment of local communities suffering financial shortages.

As a starting point for the analysis of the position of gender relations in the sphere of private property we can take the problem of the means of acquiring land ownership. The statistical side of the problem is provided by the data from the property tax registers of the two villages for the year 1929. For General Nikolaevo, the observations were made on the basis of data extracts for 100 men and 100 women. These do not claim to be representative, but aim instead to give a general outline of the basic features of the problems under investigation. Ninety of the 100 men in the data extract from General Nikolaevo possess land with a specified means of acquisition.[6] For 64 men (71.1 % of the 90) inheritance functions as a mode of gaining such property, either on its own or in combination

with other methods like purchasing, trading, donation and a dowry. In 33 of the property accounts, inheritance is recorded as the only means of land acquisition. Purchasing is the other basic means of gaining land, as used by 53 men (58.9% of 90). For 17 of the men this is the only means, while the rest combine this method with inheritance, trading, donation or a dowry.

As for the women, 92 of the 100 women in the data extract from General Nikolaevo possess land property with a specified mode of acquisition.[7] For 80 of them (87% of the 92) inheritance is either the only way of gaining land or is combined with purchasing, bartering or donation. In 68 of 80 cases, property has been acquired only by means of inheritance. In the property accounts of 15 women (16.3% of the 92) purchasing is recorded as one of the ways of gaining land, and the only means in 9 of the cases.

The quantitative parameters given clearly point to inheritance as the chief mode of land property acquisition used by both sexes. Moreover, the bartering registered are also likely to have involved inherited as well as purchased land. The parameters also clearly show the greater reliance of women's property acquisition on inheritance, which suggests a greater dependence on the family circle for women in property matters, since inheritance is a transfer of property between relatives. Men are comparatively more active participants in the property market.

Without questioning the precision of the juxtaposition, which is hardly possible because of the different sizes of the data extracts, it can be concluded that the case of the Sekirovo women is very similar to that of those from General Nikolaevo, only with an even stronger emphasis on inheritance in Sekirovo. Nineteen out of 25 women registered in the extant segment of Sekirovo's register are in possession of property.[8] For eighteen of them (94.3% of 19 women) inheritance is among the means of land acquisition, either in separation (in 12 cases) or in various

combinations with purchasing and trading. In 5 of the property accounts (26.3% of the accounts for 19 women) purchasing is recorded in combination with inheritance and bartering.

Examining the ethnographic field material collected helps us break down the stereotype and stagnation of the statistical account and face the complex puzzle of family relationships and land inheritance. The changeability of these relationships provokes the social agents to resort to various practices that reflect the struggle of the agents to preserve and redistribute power resources using inheritance according to the circumstances, either as an instrument or a pledge.

During the period in question, the common standard applied in the two villages embodies the egalitarian principle that guides the traditional system of inheritance and stipulates the allotment of equal shares in the father's property to all his sons. The property inherited by the sons is called "bashtina" (i.e. coming from/belonging to the father; patrimony). As a rule, the sons get their shares of the inheritance with the division of the multiple-family household (if the classification argued by P. Laslett is used).[9] Thus, the moment of transfer of property rights from the older to the younger generation depends neither on the death of the father nor the marriage of the male heirs, and only on the specific characteristics of the family life cycle and the duration of its stage of complexity, in particular. Traditionally, the sons' nuclear families leave home and acquire land after each has married, has been provided with enough draught animals and farm equipment, and has had his own house built through the joint efforts of the entire family. Within their development cycle, the family units pass through the stages of extension (i.e. they turn into an extended-family household) and complexity (when they become a multiple-family household). The varying duration and arrangement of the complexity stage reflects the changes of a whole system of

demographic, economic and socio-cultural factors. The ethnographic data displays a tendency for rich and middle-class families with more property to prolong the complexity stage. This is closely connected with the fact that each available worker is of particular importance in developing farming. Farmhands are seldom hired, except by the richer families at the time of harvesting, threshing or for emergencies. For example, during the First World War, F. and P.A., a mother and daughter from Sekirovo, hired a farmhand from Romania to help them while the head of the family was on the front. Between the 1920s and 1940s, the family of M.K. made a more systematic use of hired farmhands. This was one of the richest families in General Nikolaevo but they had only one son and three daughters, one of whom became a nun. When land resources are not sufficient to provide for a larger community, the sons quite often leave the family, either one by one, depending on when they marry, or immediately after the marriage of the last one. At the time of distribution of property, the father chooses a small part of the property for himself and his wife and continues living in his old house, usually with the family of his youngest son. After the death of the two parents, the son inherits the house and the father's share of the property.

The delineation of the specific characteristics of the family types that build up the property relations between generations and genders can be expanded using an overview of the data on the size and structure of the households, as found in the census registers and household registers mentioned above. By matching the data in the census registers on the population figures in the two villages for the years 1893, 1900, 1905, and 1920 we see that the average size of the family unit varies between 5.4 and 5.8 people in General Nikolaevo and between 6.2 and 6.6 people in Sekirovo. On the whole, the curve for population changes is unstable, though not too markedly.

Analysis of the household registers deals with representative data extracts produced by means of lottery selection.[10] These include 76 and 81 households in General Nikolaevo for the years 1935 and 1946 respectively, and 87 households from Sekirovo for 1946. The average size of a household in the General Nikolaevo data extract was 5.5 people in 1935, with a variation of 1.4 people,[11] and 5.1 people in 1946, with a variation of 1.8. The average size of a household in Sekirovo data extract for 1946 was 5.5 people with a variation of about 2 people. It is beyond doubt that the household register data and the methods used to process them give a more accurate idea of average household size, because, broadly speaking, they show the correspondence between the number of households and their size. Without aiming for maximum precision in the comparison of the qualitative and quantitative parameters taken from the census and household registers, we can observe a lack of dramatic change in the parameter for family type already discussed in both villages between the end of the 19th and the middle of the 20th century. During the stated period, the average size of a household in Sekirovo remained a little above that characteristic of General Nikolaevo.

The snapshot data on the structure of households, presented in the household registers (see Table 1), suggests that simple-family households were the most prevalent forms in the two villages during the two years in question, followed by the multiple-family and extended-family households. In General Nikolaevo, in 1935, and in Sekirovo, the fourth most popular type is the no-family household. Solitaries were recorded only in General Nikolaevo in 1946. The noticeable growth in the percentage of simple-family households in General Nikolaevo between 1935 and 1946 at the expense of a reduction in the percentage of extended-family and multiple-family households can be interpreted as indirect proof of the transformations that

have occurred in the family life cycle. They include a shortening of the stages of extension and complexity and a tendency for young couples and their children to set up their own households earlier. The markedly greater resemblance between the picture of widely-spread households of the above type in Sekirovo in 1946 and that of General Nikolaevo in 1935 suggests that the transformation process in the family life cycle in the first village was a little behind the times and slower to develop. Respondents from both General Nikolaevo and Sekirovo admit that in Sekirovo, unlike General Nikolaevo, until the middle of the 20th century and even later, families were larger, fathers less prompt in dividing the property between their married sons, and the practice of the sons' leaving the home one by one depending on when they marry less frequent. This peculiarity in the structuring of family types in Sekirovo is another argument used by General Nikolaevo's residents to describe the backwardness of their neighbors. Given the aforementioned correspondence between the capacity of land resources belonging to a family unit and the size and structure of this family unit, we can assume that the high rate of arable land reclamation in General Nikolaevo, which lead to land shortages, played a crucial role in the faster disintegration of the extended-family and multiple family households in this village. Sekirovo did not encounter a similar problem because its residents were able move to the neighboring Catholic village of Parchevich, founded after the Liberation mainly by Sekirovo newcomers, where there were unoccupied estates. It is probably due to land shortage that brickyards ("keranite") in General Nikolaevo are greater in number and are situated in neighborhoods inhabited by people with little or no property. The information in the property tax registers of General Nikolaevo from 1911 and 1929 also attests to the expanding process of land property parcellation. The earlier register contains a record of 586 property accounts and the later one 1543, i.e.

during the 18-year period the number of landowners increased almost three-fold. The data extract of 100 men in General Nikolaevo shows that in 1911 one person owned an average of 620 acres of land, while using the same-sized extract for 1929 this had fallen to 342 acres. The analogically-sized data extracts for women show that in 1911 a female owner had an average of 252 acres of land, but this fell to 168 acres by 1929.

While for the sons the moment they received their due share of the legacy was a direct function of the features of the family life cycle, daughters obtained their share of legacy at the time of their marriage. According to the traditional norm in both villages during the time period studied, the family would assemble a trousseau for the girl's marriage and give a dowry. This was a direct dowry in which property was passed from the parents to the daughter at her marriage representing her share of her father's legacy.[12]

The trousseau consisted of clothes and linen, the making of which, by hand, the maids were actively involved in. Since the early 1920s, maids began contributing to the assembly of the trousseau with the money they earned as part-time hired workers on the rich Orthodox landowners' farms or in the brick workshops of the neighboring Orthodox and Catholic villages.

The nature of the dowry is not regulated by a specific traditional convention but is a matter of decision conditioned by circumstance. A common component of the dowry is a certain amount personal property that, according to the generalized ethnographic data on General Nikolaevo, consisted of household utensils, a hen and a chicken, a young goat, a lamb, a sheep, a goat, or a cow, in a combination decided on by the parents, in particular the father. In Sekirovo, this personal property was restricted to clothing and furnishings, the wealthier families adding an animal – a young goat, a lamb, a sheep, a goat, a heifer. Most respondents in General Nikolaevo related the

inclusion of land in the dowry not only to the father's personal decision but also to the family's property status. They said: "Those who want, those who have enough, will give", "enough" here meaning enough to provide for the male heirs. When the means existed, however, a denial to give (at least 10 or 20 acres) was strongly disapproved of by fellow villagers. Thus, leaving a legacy of property becomes an indicator of the affluence and social prestige of the family unit and helps increase its symbolic capital. The narratives from Sekirovo create the impression of a more stable interiorization of the view that property should be distributed only among the sons. In both villages, the girls who were not excluded from the inheritance circle always received considerably smaller shares than the boys. They were usually given a field (from 10-20 to 30-40 acres, though possibly more if belonging to a more affluent family), to which wealthier families added a meadow, a vineyard, or a forest. In Sekirovo, the families usually restricted themselves to a field.

The ignoring of daughters as land heirs was justified by the idea that they are "strangers at home", as with their marriage, which anyway happened at an early age: they become members of another collective body where they realized their labor and reproductive potential.

The dowry is called "miraz" or "arizmo". According to some respondents, personal property is more frequently called "arizmo", although the term "miraz" is sometimes used also. The dowry is announced publically during the wedding party. In compliance with current conventions, the announcement was made by the bride's father. Quite often, however, when the dowry included land, it was the mother who gave the "arizmo" (i.e. the personal property), and the father who gave the "miraz" (i.e. the real property).

The mother may also assume the role of a legator of property (in the presence of a living father), but this only occurred rather

sporadically. The opinions in the two villages are contradictory: in one it is common for the mother's property to be given only to the daughters, while in the other it is to be shared between children of both sexes. Individual respondents stated that the mother's land was distributed only among the sons. The share of the mother's property inherited by the girls (announcement of which was also made at the wedding) was again called "miraz" as well as "materina" (i.e. coming from/belonging to the mother), a term found also in the property tax registers.

Among the exceptions we find examples of the father-in-law giving real property to the bride, a form of indirect dowry where the property is given by the groom's kin directly to the bride.[13] This was the case with the mother of A. P. (born in 1907) from General Nikolaevo, who got married at the end of the 19th century and received 20 acres of fields from her father-in-law at her wedding. A.'s mother gave A. the same field at her wedding (in 1924), and her father added another field of 50 acres to the dowry. Such instances of both parents granting property to the daughter, however, were not common in the villages we investigated. A.'s parents were wealthy, and had only one son (and six daughters), which allowed them to make this demonstration of social prestige in front of the similarly wealthy family of A.'s husband to which they were to be allied by marriage.

If the daughter receives no property when entering into matrimony, her father, if willing, may assign a small share of the estate to her when dividing it, or her brothers may give her a share in it after the father's death if she has kept up a good relationship with them.

The narratives from both villages facilitate a germination of this tendency for the "ladder-like" distribution of legacy – from fathers to sons, and subsequently to daughters – to be dated roughly to the period between the early 1920s and the

1930s. A more active development of this tendency is observed in General Nikolaevo. The initiative to distribute paternal property most often comes from the brothers. For instance, the brothers of A. T. (born in 1911) from Genaral Nikolaevo gave the daughter 120 acres of their father's property; while the brother of A. T. (born in 1932) gathered the three sisters and offered each 50 acres of their father's fields, making it clear that if they wanted more they would no longer be "close to each other". The respondents from Sekirovo, including quite a lot of women, often alluded to the idea that it was right for the sisters to refuse the legacy they were entitled to in favor of their brothers, thereby expressing their respect for them. This view calls to mind the alchemy of symbolic violence discussed by Bourdieu,[14] which in this case helps in the dissimulation of power tensions in the gender relationships by means of an emotionally tinged attachment, thus enabling their functioning unhampered. The reaction of some sisters against the aforementioned traditional view also appears in the form of symbolic metamorphosis. For example, the sisters of M.I.'s father (born in 1930) from Sekirovo asked their brother in the late 1940s to give them half an acre each of "bashtinia" as a keepsake from their father.

According to the general concept, a daughter in both villages who has received land as dowry cannot take part in the distribution of her father's or mother's property. One of the rare exceptions to this rule, confirmed by the ethnographic data, is the case of A. P. from General Nikolaevo. When A.'s father died in 1931, her brother summoned his six sisters so that all of them could decide on the division of property. He allotted 1.2 acres of land to each of them, a very small share to his mother, who was living with him in her late husband's house, and equal shares of the larger part of the father's property to himself and his aunt on his father's side, who was a village

nun and lived in the same house. A.'s life story makes it clear that the brother was unwilling to strain his relations with his sisters and especially with A., whose husband and in-laws were leading figures in the village and even had a certain amount of contact with Plovdiv's aristocracy. The respondent also pointed out that up until the wars – the Balkan War, the War between the Allies, and the First World War (around 1919) – "the woman was still under the Ottoman yoke". With the return of the men from the front, women's conditions changed. According to A., "people became more intelligent and started treating women in a different way". Actually, A.'s narrative is the only one of this kind in which we encounter an explicit critical appraisal of the wars as a turning point indicative of the changes in various spheres in the life of the local community.

By raising the question of the problem of the innovations transforming the traditional practices of inheritance by female children, we come to the problem of the official legal regulation of gender property relations. The inheritance law, which came into force in 1890, granted equal rights of inheritance to children of both sexes. The 1906 amendment to the law, however, stipulated that sons would inherit shares of land property and agricultural movable property of twice size of that inherited by daughters. (*The Official Gazette*, No 29, Feb. 7, 1906). The ethnographic material collected proves convincingly that these laws were implemented in the area examined. Consequently, there is little reason to discuss their influence on the liberalization of said traditional practices that allowed daughters to participate more actively in inheritance. Due to various economic and socio-cultural factors, mainly the low level of literacy and education in the communities studied, the majority of the population remained fairly ignorant of the existence of the inheritance law. Moreover, the chance of women (even where assisted by their husbands' families) going to court and

demanding their rights of inheritance was rather slim since they did not have the money to cover the expenses. Seeing the brother-sister relationship more as an emotional attachment and duty than as a gender inequality further prevented them from going to court. As a matter of fact, in the property tax registers examined here, only one of the property accounts in the General Nikolaevo register from 1929 (p.1690) shows property that was acquired through the courts. This transfer, however, was not between relatives.

The influence of the inheritance law on local practices was mostly indirect, which makes it difficult to detect. Some of the narratives from General Nikolaevo suggest the imitation of external models of behavior as a possible way in which it affected the village. Of course, these were adjusted to the situation to which they were applied. The marked tendency in General Nikolaevo for women to play a more active role in the distribution of the father's property can also be seen as a result of the internal logic of socio-economic development. With the ever increasing population and high rate of land reclamation in a given settlement combined with money shortages which depressed the land market, the more active distribution of property between the members of this settlement grew to great importance. The transfer of property in marital transactions appears to have been one of the forms of this increased activity. With men receiving increasingly smaller shares of their father's property, women's property started playing a more important role in the expansion of the family estate. The more active change of ownership raised the potential of using new and more effective methods for managing and dealing with property. The wife's heritage had a specific catalyst effect on the centrifugal forces acting within the multiple-family household, which were usually personified by the younger generations of sons. The ethnographic data provides evidence of cases in which the property inherited by women –

cornfields and yards, providing newly weds with a relatively high level of independence – enabled the sons to be more insistent when asking their fathers for an earlier separation of the nuclear families.

Of course, the hypothesis of grounding said transformations in the traditional inheritance practices upon the effect of factors internal to local development rather than on external influences could change after further study of this problem. For the time being, however, it is beyond doubt that the data presented so far challenge the thesis of the unilateral linkage of the appearance of the dowry in Bulgarian rural environment to the modernization influences from Western Europe as refracted through the prism of the laws adopted by the Bulgarian Parliament after the Liberation.[15] I will add only that a manuscript[16] dating to the period of 1818-1870, drawn up by a parish clergymen from General Nikolaevo and containing information on various forms of land transfer between local people (inheritance, purchase and sale, donation, mortgage, etc.) as well the granting of money loans, contains various cases relating to the participation of women in property transactions and the granting of interest-bearing loans (including those granted to close relatives, father, brothers), as well as the distribution of heritage. I will confine myself to one example only: on 8 August 1848, P. L. stated that he would leave 32 acres of land to his daughter L., and 96 acres to his sons. Whenever the latter were away, their real property was to be managed by the daughter.

The empirical material used in this study contains no clues as to any direct influence of the church over the property aspect of gender relations in said environment during the period under consideration. According to Father Y. P., a parish clergyman in Sekirovo, prior to the Liberation there existed parochial books of betrothal in which the clergyman entered the names of the

betrothed and the property each of them had to bring to the new family. Witnesses were also present – relatives, but very not close ones in order to keep impartiality. Later on, if one of the parties failed to keep its betrothal promises, the marriage was declared invalid. During the war between Russia and Turkey, these books were burnt and never renewed. Father Y. P. grounds the refusal of the church to become involved in proprietary relationships at a local level on the fact that there were frequent invalidations of marriages due to the refusal of one or both parties to keep to the property agreement of betrothal. The indirect influence of the church can be found in the strengthening of the priority position in the family held by the husband, an idea that was expressed both in Sunday sermons and in conversations held by the parish clergyman with the young boys and girls registered for a wedding.

According to the ethnographic data, the property inherited by the wife in both villages often came without its official legal sanction or was entered in the property tax registers in the name of the woman-owner immediately after its being acquired. In these cases it appeared under the property account of the husband and there was a sporadic note saying that the property had been brought on the distaff side. Thus, for instance, the property account of G. T. (pages 307-8) in the General Nikolaevo register for 1929 specified 80 acres of cornfields received as "dowry", while the whole real property of M. M. (page 938) was marked as "given as dowry". Members of the family and close relatives distinguished between the property brought by the wife, calling it "bride's/mother's cornfields" or "bride's/mother's property". Besides this, most men had no title deeds, though the property tax registers provided the official guarantee of their proprietary rights.

Thus, the said registers became one of the places of discourse created by the strategies of male dominance. This

was a place from which the postulate of male priority in the ownership of family property is sanctioned, legitimized, and officially reproduced.

The problem of power in proprietary gender relations, as explicated in the property tax registers, can be approached through a comparative examination of the age at which the representatives of the two sexes appear in the above mentioned documents. The following indicators have been used for the age characteristics of the data extracts of 100 men and 100 women from General Nikolaevo for the years 1911 and 1929: the average age of registered owners (X), the median (Me) indicating the age and positioned in the centre of the data extract, and the mode (Mo) showing the most frequently encountered age within the data extract. For the men from General Nikolaevo, in 1911 the average age was 47.7, the Me was 48, and the Mo was 56, while in 1929 the average age was 41.2, the Me 36.5, and the Mo 29. The dependencies between these indicators show that the distribution of age within the data extract for 1911 has left-side asymmetry (X<Me<Mo), meaning that the largest number of ages are grouped between the average age of 47.7 and the maximum age of 76. The respective distribution of the 1929 data extract is characterized by right-side asymmetry (X>Me>Mo), which shows that the largest group of ages range between the minimum registered age of 20 and the average age of 41.2. The interpretation of the difference between the age characteristics of men-owners for the two years in question fits into the context of the tendency discussed above: over the course of time, the phase of complexity in the family life cycle shortens and sons separate from their fathers earlier and acquire property rights earlier. The average age of women in the 1911 data extract for General Nikolaevo was 45.4, the Me was 45, while the Mo was 50 and 60 years of age; the age distribution has left-side asymmetry

(strongly expressed), which suggests an accumulation between the average age and the maximum registered age of 75. As for the women in the 1929 data extract, the average age was 46.7, the Me was 47, while the Mo was 55. The largest group of ages within this distribution, which is also characterized by left-side asymmetry, are grouped between the average age and the maximum registered age of 81. Comparison between the age characteristics of men and women in the four data extracts evidences a particularity which remains stable over time: most women appear on the registers as owners at more advanced ages when compared with men. Diagrams 1, 2, 3 and 4 provide a more detailed visual notion of the distribution of ages and the specificity of the age-gender-amount of land owned relationship for said data extracts for the two years. It is clear that both in 1911 and 1929, unlike men, women showed greater age diversity below 30, with the ages within the said range being more often represented in 1911. Similarly, in 1929, women showed a certain abatement of the lower age threshold. As far as the age-gender-amount of land owned relationship is concerned, the axes of differentiation reflect the social stratification rather than the age and gender statuses. However, in both years, the maximum amount of property owned by women is considerably below that owned by men.

Tables 2, 3 and 4 represent the types and amount of roofed and roofless real property owned by men and women constituting the said samples from General Nikolaevo and Sekirovo for 1929. According to the land registers, roofless real property includes cornfields, meadows, vineyards, forests, and hemp fields, while roofed real property includes houses as well as agricultural, craftsman's and trade buildings, and vacant yards. Without going into detail on the data presented in the tables, I will point out that as far as General Nikolaevo is concerned, where the comparison is adequate due to the similar scope of the data

extracts, the prevailing position of men is evident with respect to both the type and the amount of property owned.

The analysis performed so far clearly shows how, regardless of the male dominance in the field of ownership, it is impossible for the men/male-women/female dichotomy to be considered within the paradigm order of the presence-absence opposition in proprietary rights. Within their individual life cycle, along with the acquisition of different statuses, the men and women turn out to have different positions with respect to ownership and non-ownership of property, especially land, which is of the utmost importance in the local economies under consideration. The hierarchy of social statuses for both genders implies certain dynamics along the axis of more obligations/less rights – less obligations/more rights, and power, respectively. In the given communities, the woman is more valuable as a wife than a daughter, because it is in the family of her husband that she realizes her labor and reproductive potential. In her parents' home she has many obligations and only a few rights – the right to property ownership not being one of them. The acquisition of real property as a dowry broadens her often merely hypothetical prospects of developing various strategies related to the actions performed with the real property – its sale, its transfer in heritage, etc. – which are both a consequence of and a prerequisite for her relative independence and the greater power she enjoys within the family. These situations explicate the conversion of female-male, inasmuch as the traditional concept establishes property as being an attributive characteristic of man. These strategies are more often realized in the nuclear families and the extended-family households, or the multiple-family households if the woman is the husband's mother, i.e. the wife of the householder. As, for instance, in the cases of M. K. (born in 1888, appearing on the property tax register of 1929) and P.

C. (born in 1885, appearing on the property tax registers of 1911 and 1929) from General Nikolaevo and T. G. (married in 1924) from Sekirovo. Whenever the woman is in the position of a daughter-in-law in a multiple-family household and/or her real property has been registered in the name of her husband, the probability that she will act strategically is essentially negligible. Despite the fact that according to the traditional view the man may not perform actions with the property of his wife without her consent, according to the respondents there existed no real sanction that might deter them from doing so. Thus, the wife can do nothing other than apply various tactics in order to prevent her husband's abuse of her own property. The culmination of the metamorphosis of women's tactics and strategy is achieved in situations where the husband's mother in a multiple-family household becomes a widow. At this time, the latter totally assumes the functions of her late husband and becomes the owner of the family property (including on an official level) and disposes of it. Of course, this does not constitute a rule and is not realized in all such situations. After the death of the head of the family, a number of factors can contribute either to the disintegration of the family community or to its eldest son becoming the head of the family.

An example par excellence of the inversion of the paradigm dichotomies of male-female and strategy-tactics is the institution of village nuns, which was common to both villages.[17] Unlike monastic nuns, village nuns do not have a coenobitic lifestyle but instead reside at their parents' home, take informal oral vows of celibacy, and perform different duties connected with the church and the religious practices of the local communities. In well-to-do families nuns received a share of the heritage equal to that of their brothers, sometimes even larger. This provides them with the opportunity to become head of a family in certain cases, although this is infrequent. The real property

of the nuns was inherited by the relatives they lived with – most often this was the family of one of their brothers. The nun's ownership of land results in a specific circular transfer of ownership – from father to daughter and then to the brother – and ultimately the property does not move out of the circle of close relatives and contributes to the reproduction of patrilocality and patrilinearity.

The institution of sons-in-law residing in their wife's house and the institution of the will to transfer inheritance rights to the daughter to the detriment of the son/sons represent the other proper places that postulate the development of women's strategies with regard to property and force men to act in a tactical way.

Besides the above mentioned cases, men turn out to be in the weaker position of requiring "tactical blows" in order to benefit from those stronger than them in the extended-family household and the multiple-family household, where, even after getting married, they have to submit to the authority of the father and/or mother.

The dynamics of the man/male-woman/female, strategy-tactics relationship do not in any way exhaust the variety of configurations in which their inversion can be found. Within the framework of extended-family households, and especially multiple-family households, complex networks of relationships between relatives are built around the subject of ownership. The power aspect of these relationships undergoes various changes, reflecting the variety of life situations. The construction of gender identities is accomplished on the grounds of the conjunction of male and female characteristics, and on their dynamic opposition and mutual transfusion.

## SUPPLEMENT

### Table 1. Structure of households

| Household Category | Gen. Nikolaevo 1935 г. | | Gen. Nikolaevo 1946 г. | | Sekirovo 1946 г. | |
|---|---|---|---|---|---|---|
| | Number | % | Number | % | Number | % |
| 1 (a total number) | 0 | 0 | 4 | 4.9 | 0 | 0 |
| 1а | 0 | | 1 | | 0 | |
| 1б | 0 | | 3 | | 0 | |
| 2 (a total number ) | 1 | 1.3 | 1 | 1.2 | 3 | 3.4 |
| 2а | 1 | | 0 | | 0 | |
| 2б | 0 | | 1 | | 0 | |
| 2в | 0 | | 0 | | 3 | |
| 3 (a total number ) | 37 | 48.7 | 47 | 58.1 | 42 | 48.3 |
| 3а | 3 | | 5 | | 2 | |
| 3б | 30 | | 42 | | 36 | |
| 3в | 2 | | 0 | | 1 | |
| 3г | 2 | | 0 | | 3 | |
| 4 (a total number ) | 10 | 13.2 | 8 | 9.9 | 10 | 11.5 |
| 4а | 7 | | 6 | | 6 | |
| 4б | 1 | | 1 | | 0 | |
| 4в | 2 | | 1 | | 3 | |
| 4г | 0 | | 0 | | 1 | |
| 5 (a total number ) | 28 | 36.8 | 21 | 25.9 | 32 | 36.8 |
| 5а | 1 | | 1 | | 2 | |
| 5б | 23 | | 18 | | 26 | |
| 5б* | 21 | | 13 | | 19 | |
| 5б** | 2 | | 5 | | 6 | |
| 5б*** | 0 | | 0 | | 1 | |
| 5в | 0 | | 0 | | 2 | |
| 5г | 1 | | 0 | | 0 | |
| 5д | 3 | | 2 | | 2 | |
| 6 (a total number ) | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 76 | 100 | 81 | 100 | 87 | 100 |

Legend: Structure of households: categories and classes

| Categories | Classes |
|---|---|
| 1. Solitaries | 1а. Widowed<br>1б. Single or of unknown marital status |
| 2. No family | 2а. Coresident siblings<br>2б. Coresident relatives of other kinds<br>2в. Persons not evidently related |
| 3. Simple family households | 3а. Married couples alone<br>3б. Married couples with child(ren)<br>3в. Widowers with child(ren)<br>3г. Widows with child(ren) |
| 4. Extended family households | 4а. Extended upwards<br>4б. Extended downwards<br>4в. Extended laterally<br>4г. Combinations of 4a-4c |
| 5. Multiple family households | 5а. Secondary unit(s) up<br>5б. Secondary unit(s) down<br>5б*. With one secondary unit down<br>5б**. With two secondary units down<br>5б***. With three secondary units down<br>5в. With lateral units<br>5г. Frereches<br>5д. Other multiple families |
| 6. Indeterminate | |

Sources: Household registers for General Nikolaevo, 1935, 1946
Household register for Sekirovo, 1946
All the household registers are from the Municipal Archive in Rakovski.

## Table 2. Property owned by men in General Nikolaevo, 1929

| | Roofed property | | | | | | | | | | | | | | | | Roofless property | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I | Cornfields | | | Meadows | | | Vineyards | | | Forests | | | Hemp fields | | | Houses | | | Agricultural buildings | | | Craft and trade buildings | | | Not-built up yards | | |
| | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V |
| | 0-50 | 15 | 16.1 | 0-5 | 4 | 7.4 | 0-5 | 2 | 10 | 0-10 | 2 | 8.7 | 0-5 | 5 | 83.3 | 0-10 | 1 | 12.5 | 0-10 | 4 | 5.8 | 0-10 | 1 | 25 | 0-200 | - | - |
| | 50-100 | 6 | 6.5 | 5-10 | 13 | 24.1 | 5-10 | 6 | 30 | 10-20 | 6 | 26.1 | 5-10 | - | - | 10-20 | 8 | 10 | 10-20 | 13 | 18.8 | 10-20 | 2 | 50 | 200-400 | 8 | 9.9 |
| | 100-200 | 19 | 20.4 | 10-20 | 14 | 25.9 | 10-20 | 9 | 45 | 20-30 | 4 | 17.4 | 10-20 | - | - | 20-30 | 5 | 6.3 | 20-30 | 10 | 14.5 | 20-30 | 1 | 25 | 400-600 | 14 | 17.3 |
| | 200-300 | 9 | 9.7 | 20-30 | 9 | 16.7 | 20-30 | 2 | 10 | 30-50 | 5 | 21.7 | 20-30 | 1 | 16.7 | 30-40 | 9 | 11.3 | 30-40 | 12 | 17.4 | 30-40 | - | - | 600-800 | 7 | 8.6 |
| | 300-400 | 12 | 12.9 | 30-40 | 7 | 13 | 30-40 | - | - | 50-100 | 5 | 21.7 | 30-40 | - | - | 40-50 | 32 | 40 | 40-50 | 6 | 8.7 | 40-50 | - | - | 800-1000 | 18 | 22.2 |
| | 400-500 | 9 | 9.7 | 40-50 | 3 | 5.5 | 40-50 | 1 | 5 | 100-200 | 1 | 4.3 | 40-50 | - | - | 50-60 | 10 | 12.5 | 50-100 | 22 | 31.9 | 50-100 | - | - | 1000-1500 | 21 | 25.9 |
| | 500-600 | 11 | 11.8 | 50-60 | 2 | 3.7 | 50-60 | - | - | 200-300 | - | - | 50-60 | - | - | 60-70 | 3 | 3.8 | 100-200 | 2 | 2.9 | 100-200 | - | - | 1500-2000 | 9 | 11.1 |
| | over 600 | 12 | 12.9 | up 60 | 2 | 3.7 | over 60 | - | - | over 300 | - | - | over 60 | - | - | over 70 | 12 | 15 | over 200 | - | - | over 200 | - | - | over 2000 | 4 | 4.9 |
| II | min. | 1.5 | | min. | 0.4 | | min. | 0.3 | | min. | 0.6 | | min. | 0.1 | | min. | 9 | | min. | 9 | | min. | 10 | | min. | 204 | |
| | max. | 115.6 | | max. | 10.1 | | max. | 5 | | max. | 10.5 | | max. | 2.8 | | max. | 100 | | max. | 22 | | max. | 24 | | max. | 3000 | |
| III | 93 | | | 54 | | | 20 | | | 23 | | | 6 | | | 80* | | | 69 | | | 4 | | | 81** | | |

Source: 1929 Property tax register for General Nikolaevo, Municipal Archive in Rakovski.

Notes: * One of the owners has two houses; the table gives the total area of both buildings.
** Three of the owners have two not-built up yards each; the table gives the total area of both yards owned by each man.

**Table 3. Property owned by women in General Nikolaevo, 1929**

| | Roofed property | | | | | | | | | | | | | | | | Roofless property | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I | Cornfields | | | Meadows | | | Vineyards | | | Forests | | | Hemp fields | | | Houses | | | Agricultural buildings | | | Craft and trade buildings | | | Not-built up yards | | |
| | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V |
| | 0-50 | 20 | 20.1 | 0-5 | 5 | 17.9 | 0-5 | - | - | 0-10 | 1 | 9.1 | 0- 5 | 2 | 66.7 | 0-10 | - | - | 0-10 | 2 | 11.1 | 0-10 | - | - | 0-200 | 3 | 12.5 |
| | 50-100 | 22 | 232 | 5-10 | 9 | 32.1 | 5-10 | 5 | 55.6 | 10-20 | 1 | 9.1 | 5-10 | - | - | 10-20 | 6 | 17.1 | 10-20 | 7 | 38.9 | 10-20 | 1 | 25 | 200-400 | 4 | 16.7 |
| | 100-200 | 27 | 28.4 | 10-20 | 5 | 17.9 | 10-20 | 2 | 22.2 | 20-30 | 4 | 36.4 | 10-20 | 1 | 33.3 | 20-30 | 6 | 17.1 | 20-30 | - | - | 20-30 | - | - | 400-600 | 3 | 12.5 |
| | 200-300 | 16 | 16.8 | 20-30 | 5 | 19.9 | 20-30 | 1 | 11.1 | 30-50 | 1 | 9.1 | 20-30 | - | - | 30-40 | 4 | 11.4 | 30-40 | 4 | 22.2 | 30-40 | 1 | 25 | 600-800 | 2 | 8.3 |
| | 300-400 | 5 | 5.3 | 30-40 | 2 | 7.1 | 30-40 | - | - | 50-100 | 2 | 18.2 | 30-40 | - | - | 40-50 | 8 | 22.9 | 40-50 | 1 | 5.6 | 40-50 | - | - | 800-1000 | 3 | 12.5 |
| | 400-500 | 2 | 2.1 | 40-50 | 1 | 3.6 | 40-50 | - | - | 100-200 | 1 | 9.1 | 40-50 | - | - | 50-60 | 3 | 8.6 | 50-100 | 2 | 11.1 | 50-100 | 1 | 25 | 1000-1500 | 3 | 12.5 |
| | 500-600 | 2 | 2.1 | 50-60 | - | - | 50-60 | - | - | 200-300 | - | - | 50-60 | - | - | 60-70 | 2 | 5.7 | 100-200 | 2 | 11.1 | 100-200 | - | - | 1500-2000 | 5 | 20.8 |
| | over 600 | 1 | 1.1 | over 60 | 1 | 3.6 | over 60 | 1 | 11.1 | over 300 | 1 | 9.1 | over 60 | - | - | over 70 | 4 | 11.4 | over 200 | - | - | over 200 | 1 | 25 | over 2000 | 1 | 4.2 |
| II | min. | | 0.6 | min. | | 0.3 | min. | | 0.6 | min. | | 0.6 | min. | | 0.3 | min. | | 16 | min. | | 9 | min. | | 16 | min. | | 140 |
| | max. | | 60.2 | max. | | 6.2 | max. | | 7 | max. | | 33.3 | max. | | 2 | max. | | 72 | max. | | 145 | max. | | 210 | max. | | 3562 |
| III | 95 | | | 28 | | | 9 | | | 11 | | | 3 | | | 35* | | | 20** | | | 4 | | | 24*** | | |

Source: 1929 Property tax register for General Nikolaevo, Municipal Archive in Rakovski.

Notes: * There is no data on the areas of the houses owned by two women.
** There is no data on the areas of the agricultural buildings owned by two women.
*** One of the woman-owners has two not-built up yards; the table gives the total area of both yards.

**Table 4. Property owned by women in Sekirovo, 1929**

| | Roofed property | | | | | | | | | | | | | | | | Roofless property | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I | Cornfields | | | Meadows | | | Vineyards | | | Forests | | | Hemp fields | | | Houses | | | Agricultural buildings | | | Craft and trade buildings | | | Not built up yards | | |
| | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | acres | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V | sqm | IV | V |
| | 0-50 | 4 | 21.1 | 0-5 | - | - | 0-5 | 1 | 50 | 0-10 | 1 | 50 | 0-5 | - | - | 0-10 | - | - | 0-10 | 1 | 11.1 | 0-10 | - | - | 0-200 | 2 | 18.2 |
| | 50-100 | 4 | 21.1 | 5-10 | 1 | 25 | 5-10 | 1 | 50 | 10-20 | 1 | 50 | 5-10 | - | - | 10-20 | - | - | 10-20 | 2 | 22.2 | 10-20 | - | - | 200-400 | - | - |
| | 100-200 | 3 | 15.8 | 10-20 | 1 | 25 | 10-20 | - | - | 20-30 | - | - | 10-20 | - | - | 20-30 | 1 | 8.3 | 20-30 | 1 | 11.1 | 20-30 | 1 | 50 | 400-600 | 2 | 18.2 |
| | 200-300 | 2 | 10.5 | 20-30 | 1 | 25 | 20-30 | - | - | 30-50 | - | - | 20-30 | - | - | 30-40 | 1 | 8.3 | 30-40 | - | - | 30-40 | - | - | 600-800 | 2 | 18.2 |
| | 300-400 | 3 | 15.8 | 30-40 | - | - | 30-40 | - | - | 50-100 | - | - | 30-40 | - | - | 40-50 | 4 | 33.3 | 40-50 | 1 | 11.1 | 40-50 | - | - | 800-1000 | - | - |
| | 400-500 | 1 | 5.3 | 40-50 | - | - | 40-50 | - | - | 100-200 | - | - | 40-50 | - | - | 50-60 | - | - | 50-100 | 3 | 33.3 | 50-100 | 1 | 50 | 1000-1500 | 2 | 18.2 |
| | 500-600 | 1 | 5.3 | 50-60 | 1 | 25 | 50-60 | - | - | 200-300 | - | - | 50-60 | - | - | 60-70 | 2 | 16.7 | 100-200 | 1 | 11.1 | 100-200 | - | - | 1500-2000 | 2 | 18.2 |
| | over 600 | 1 | 5.3 | over 60 | - | - | over 60 | - | - | over 300 | - | - | over 60 | - | - | over 70 | 4 | 33.3 | over 200 | - | - | over 200 | - | - | over 2000 | 1 | 9.1 |
| II | min. | 1.2 | | min. | 1 | | min. | 0.5 | | min. | 1 | | min. | - | | min. | 28 | | min. | 9 | | min. | 30 | | min. | 63 | |
| | max. | 67.5 | | max. | 5.7 | | max. | 0.6 | | max. | 1.7 | | max. | - | | max. | 84 | | max. | 168 | | max. | 76 | | max. | 2450 | |
| III | 19 | | | 4 | | | 2 | | | 2 | | | - | | | 12* | | | 9 | | | 2** | | | 11 | | |

Source: 1929 Property tax register for Sekirovo, Municipal Archive in Rakovski

Notes: * Two of woman-owners have two houses each; the table gives the total area of both buildings owned by each woman.
** One of woman-owners has two trade buildings; the table gives the total area of both buildings.

Legend to the Tables 2, 3 and 4:

I - Type of property

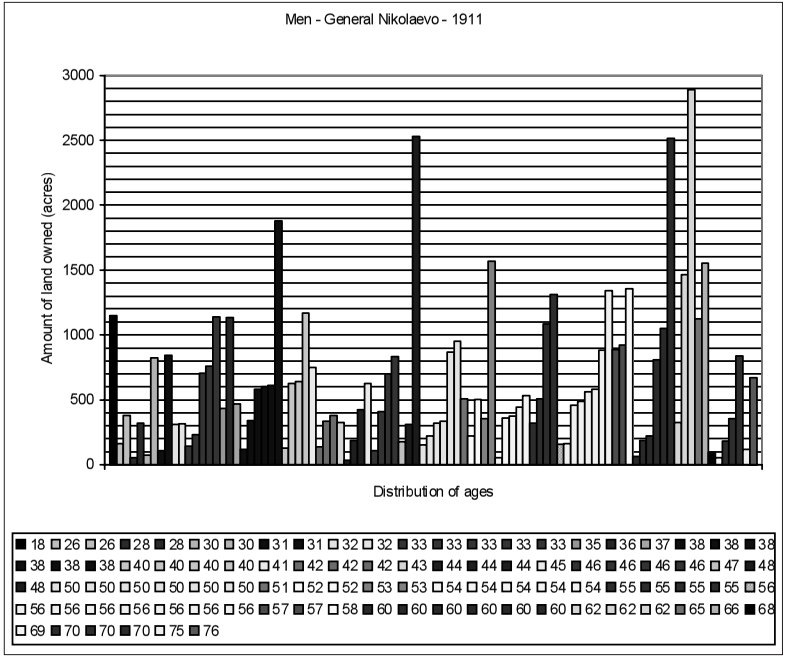
II - Minimum and maximum amount of the respective type of property owned

III - Number of men owning the respective type of property

IV - Number of men owning the stated amount of the respective type of property

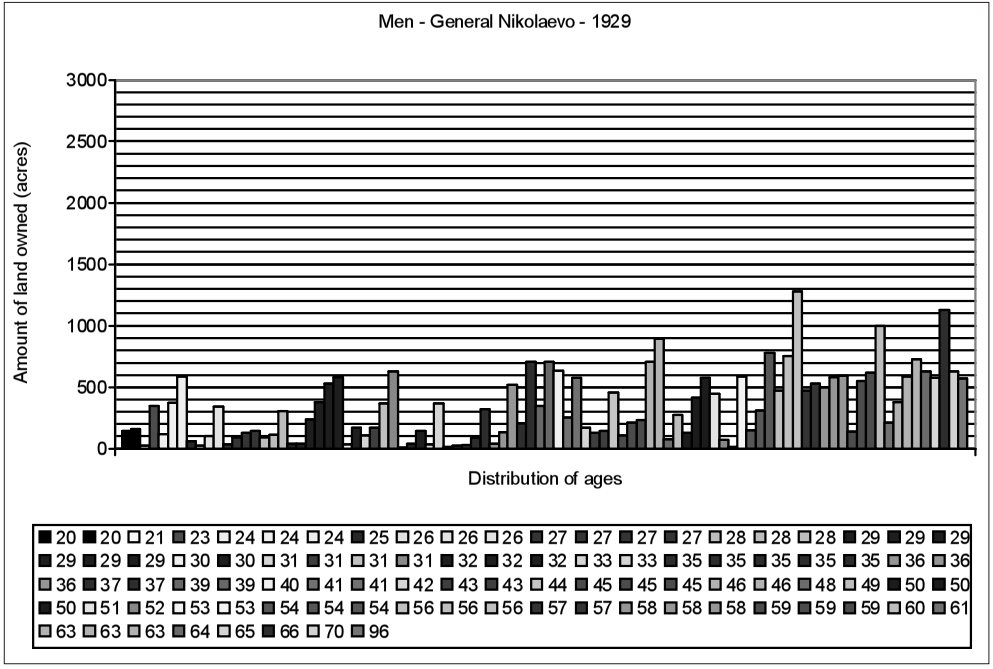
V - Percentage correspondence between the number of men owning the stated amount of the respective property type and the total number of men owning this type of property

Diagram 1



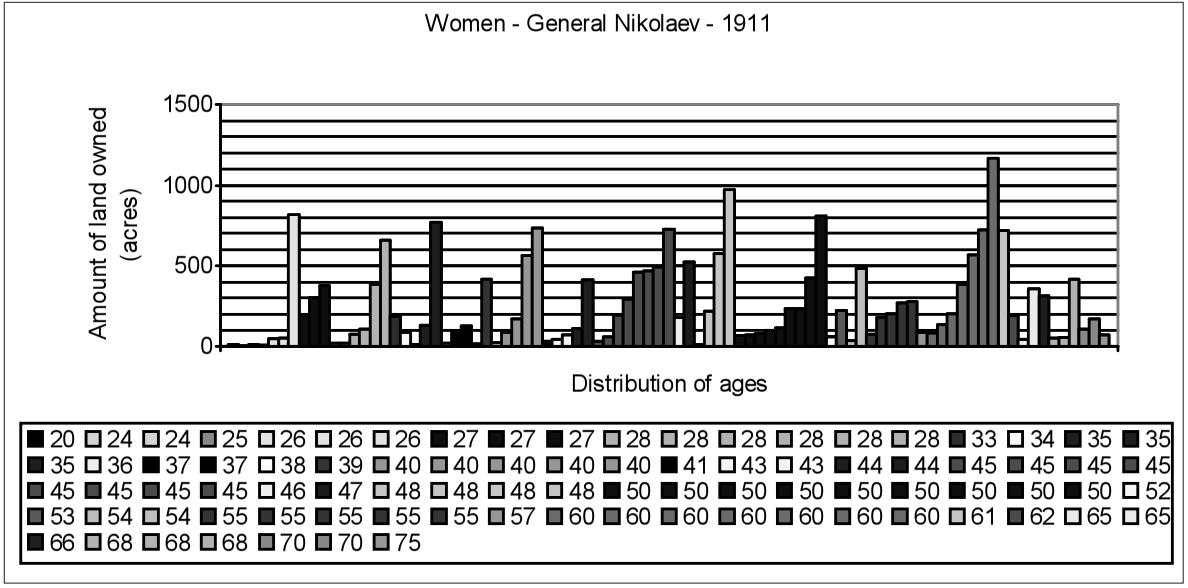

Source: 1911 Property tax register for General Nikolaevo, Municipal Archive in Rakovski.

Diagram 2



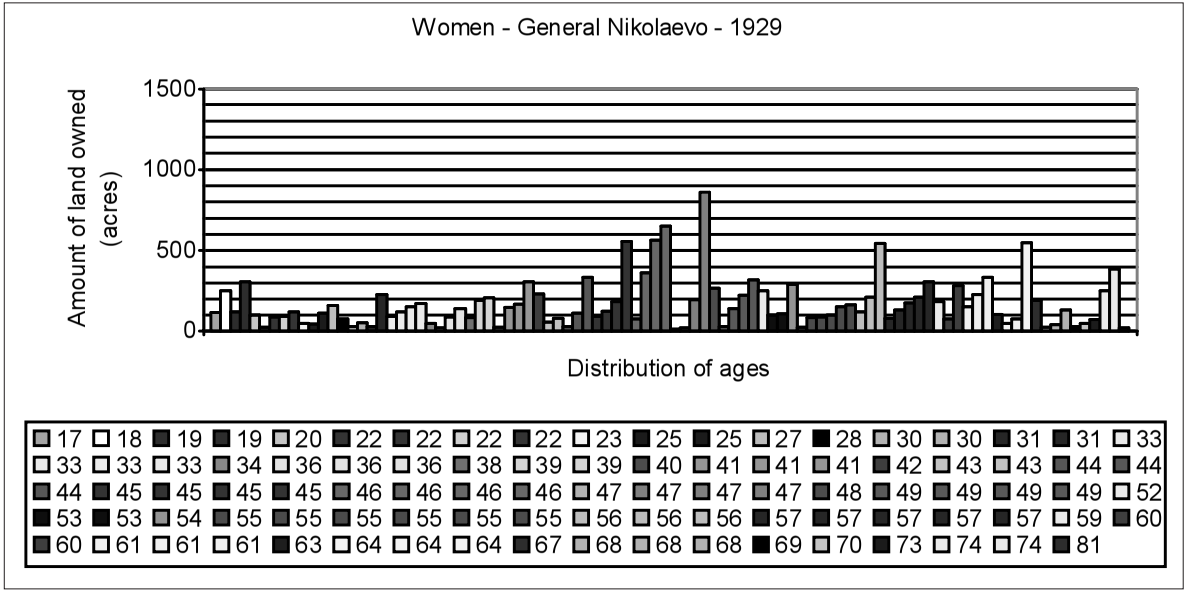

Source: 1929 Property tax register for General Nikolaevo, Municipal Archive in Rakovski

Diagram 3




Source: 1911 Property tax register for General Nikolaevo, Municipal Archive in Rakovski town.

Diagram 4




Source: 1929 Property tax register for General Nikolaevo, Municipal Archive in Rakovski.

## NOTES

1 Between 1885 and 1945, the number of inhabitants fluctuated between 2089 and 5663 in Sekirovo and 2022 and 5478 in General Nikolaevo - *Rezultati ot prebrojavane na naselenieto v Iztochna Rumelia na 1.I.1885*. Plovdiv, 1885; *Rezultati ot prebrojavaneto na naselenieto v Severna I Juzhna Balgaria na 1.I.1888. Okrug Plovdiv.* Vol. IX. Sofia, 1888; *Rezultati ot prebrojavaneto na naselenieto v Knjazhestvo Balgaria na 1.I.1893. Okrug Plovdiv*. Vol. VIII. Sofia, 1893; *Rezultati ot prebrojavaneto na naselenieto v Knjazhestvo Balgaria na 31.XII.1900. Okrug Plovdiv*. Vol.VI. Sofia, 1903; *Rezultati ot prebrojavane na naselenieto v Tsarstvo Balgaria na 31.XII.1905. Okrug Plovdiv*. Vol. VI. Sofia, 1911; *Rezultati ot prebrojavane na naselenieto v Tsarstvo Balgaria na 31.XII.1920. Okrug Plovdiv*. Vol. IX. Sofia, 1929; *Predvaritelni rezultati ot prebrojavaneto na naselenieto na 31.XII.1946. Broj na naselenieto po naseleni mesta*, Sofia,1947. Since 1966, without changing their location, these villages and village Parchevich have been making up the town of Rakovski, located 25 km northeast of Plovdiv.

2 See for instance SANDERS, I., WHITAKER, R., "Tradition and Modernization: The Case of Bulgaria", in LUTZ, J. and El-SHAKHS, S., ed. *Tradition and Modernity. The Role of Traditionalism in Modernization Process.* Washington, 1982, p. 147-163; BOTEV, N. "Nuptiality in the Course of Demographic Transition: The Experience of the Balkan Countries," in *Population Studies*, 44, no. 1, 1990, pp. 107-126.

3 De CERTEAU, M. *Izobretiavane na vsekidnevieto*. LIK, Sofia, 2002, p. 41-43, 49-51, 104-106.

4 ABBOTT, A. *Chaos of Disciplines*. University Chicago Press, Chicago, 2001. Compare also the analysis of S. Gal and G. Kligman about the functioning of the fractal semiotic processes: GAL, S., KLIGMAN, G. *The Politics of Gender after Socialism*, Princeton University Press, Princeton, 2000, p. 37-62; as well as J. Kaufman's comments on A. Abbott's concept in KAUFMAN, J. "Endogenous Explanation in the Sociology of Culture," in *Annual Review of Sociology*, 30/1, 2004, pp. 349-351.

5 De CERTEAU, M. *Op. cit.*, p. 53, 66, 106, 165-167.

6 Seven of these one hundred men have no property and three of them have property with unspecified means of acquisition.

7 Four women have no such property and for the other eight there is no specification as to the means of acquisition.

[8] There are no women with unspecified means of the acquisition for this kind of property.

[9] LASLETT, P. *Introduction: The History of the Family,* in: *Household and Family in Past Time*. Cambridge University Press, Cambridge, 1977, p. 28-31. The appropriateness of Laslett's classification is proved by the empirical sources used, i.e. census registers, household registers (including their definition of the term "household") and ethnographic field materials. The characteristics of the local concepts of family and household allow for the synonymous use of the two terms for the purposes of the present analysis. The specific, rare cases precluding the similar use have been taken into consideration. On the synonymous use of the terms mentioned see TODOROVA, M. *Balkan Family Structure and the European Pattern. Demographic Development in Ottoman Bulgaria*. The American University Press, New York, 1993, p. 109; BRUNBAUER, U. "Structura na domakinstvata v Srednite Rodopi (1850-1930)," in *Balkanistic Forum*, 3, 1997, p. 39-58; MITTERAUER, M., KAGAN, A., "Russian and Central Family Structures: A Comperative View," in *Journal of Family History*, Spring, 1982, p. 103-131.

[10] For the techniques used in producing a representative data extract by means of lottery selection see TSONEV, V. *Osnovi na reprezentativnoto izuchavane*, Nauka i Izkustvo, Sofia, 1958, p. 65-70, 124-125 and the following.

[11] The variation is determined by the maximum stohastic fault and shows the limits of the household average size for the general totality, which includes 284 and 589 households for General Nikolaevo for 1935 and 1946 respectively, and 372 households for Sekirovo. The size of the data extracts has been calculated on the basis of the maximum stochastic fault. For General Nikolaevo's extracts for 1935 and 1946 these faults are 25 percent (with a stochastic tolerance of 32 percent) and 36 percent (with a stochastic tolerance of 36 percent) respectively. For Sekirovo's data extract for 1946 the maximum fault is 40 percent (with a stochastic tolerance of 54 percent).

[12] See GOODY, J. *From Brideprice to Dowry. Appendix 2*, in *The Development of the Family and Marriage in Europe.* Cambridge University Press, Cambridge, 1983, pp. 240-261; GOODY, J. "Bridewealth and Dowry in Africa and Eurasia," in GOODY, G., TAMBIAH, S. ed., *Bridewealth and Dowry*. Cambridge University Press, Cambdridge, 1973, pp. 1-58; BARFIELD T., ed., *The Dictionary of Anthropology*. Blackwell, Oxford, 1997, pp. 129-130.

[13] See note 12.

[14] BOURDIEU, P. *Prakticheskiat razum,* Kritika i Humanizum, Sofia, 1997, p. 143-174; BOURDIEU, P. *Kazani neshta.* UI Sv. Kl. Ohridski, Sofia, 1993, pp. 127-144.

[15] E.g. compare with KASER, K. "Power and Inheritance. Male Domination, Property and Family in Eastern Europe, 1500-1900," in *Balkanistic Forum*, 1-2-3, 2002, pp. 19-40.

[16] This is kep in the archives of the community centre of culture in today's district of General Nikolaevo in the town of Rakovski.

[17] For a more detailed description of the institution of the village nun see BONCHEVA, Tsv. *Brak I semeistvo pri bulgarite catolotsi ot Plovdivsko prez purvata polovina na XX v.* IMIR, Sofia, 2005, p. 48-108; BONCHEVA, Tsv. "Towards the Problem of Women's Religious Celibacy among the Bulgarian Catholics in Plovdiv Region during the First Half of the 20th Century," a paper presented at the conference Single Women in History 1000-2000, June 2006, Bristol, UK.

# *Social Behaviour and Family Strategies in the Balkans (16th – 20th Centuries) / Comportements sociaux et stratégies familiales dans les Balkans (XVIe-XXe siècles)*

A Regional Symposium
New Europe College Bucharest, June 9-10, 2006

Program

**Friday, June 9**

09.00 Opening of the symposium
Ionela BĂLUȚĂ,
Constanța VINTILĂ-GHIȚULESCU,
Mihai-Răzvan UNGUREANU

09.10 Opening Conference
Eleni VARIKAS, professeur, Sorbonne, Paris VIII
*Quelques impensés de l'histoire de la famille et du genre*

9.50-10.00 Coffee break

**Session I:** ***Families and Their Patrimonial Strategies/ Les familles et leurs stratégies patrimoniales***
Chair: Violeta BARBU

10.00-10.20 Radu G. PĂUN, charg de recherche, Institut d'Etudes Sud-Est Européennes, Bucarest
*Stratégies de famille, stratégies de pouvoir : les Gréco-Levantins en Moldavie au XVIIe siècle*

10.20-10.40 Gheorghe LAZĂR, chargé de recherche, Institut d'Histoire Nicolae Iorga, Bucarest
*La route vers la haute société : les marchands et leurs stratégies matrimoniales (Valachie, XVIIe-XVIIIe sicles)*

10.40-11.00 Silviu ANDRIEȘ-TABAC, professeur, Université de Chișinău
*Stratégies patrimoniales et fondation d'églises : 'Sainte Trinité' (1913) de Cuhurești de Sus, district de Soroca, par les sœurs Eugénie et Alexandrine Bogdan*

11.00-11.30 Discussions

11.30-11.50 Coffee break

**Session II:** ***Social Structures and Interactions: From Norm to Practice/ Structures et interactions sociales : de la norme la pratique***
Chair: Ovidiu CRISTEA, Deputy Director, Institut of History "Nicolae Iorga", Bucharest

11.50-12.10 Violeta BARBU, directrice de recherche, Institut d'histoire Nicolae Iorga, Bucarest
*Notes préliminaires pour une anthropologie de la personne en Pays Roumains au XVII^e siècle*

12.10-12-30 Ligia LIVADĂ-CADESCHI, maître de conférences, Faculté de Sciences Politiques, Université de Bucarest
*La famille et la formation du bon « citoyen » : l'apparition des institutions de substitution (Roumanie, XVIIIe-XIXe siècle)*

12.30-12.50 Ionela BĂLUȚĂ, chargée de cours, Faculté de Sciences Politiques, Université de Bucarest
*La famille « cellule de base de la société » . De la construction idéologique la production normative (seconde moiti du XIXe siècle roumain)*

12.50-13.10 Silvia SOVIČ, Research Training Development Officer, School of Advanced Study, University of London
*Definitions and Documents in Family History: Towards an Agenda for Comparative Research*

13.10-14.00 Discussions

14.00 – 15.30 Lunch Break

**Session III:** ***Marriage and Family as Institutions/ Le mariage et la famille en tant qu'institutions***
Chair: Karl KASER

15.30-15.50 Levente PAKOT, PhD candidate, Budapest, Atelier Franco-Hongrois en Sciences Sociales; Faculté des Lettres de l'Université Eötvös Loránd (*ELTE BTK*)
*Marriage Between Relatives in Szentegyházas and Kápolnás Oláhfalu (Vlăhița and Căpâlnița) in the Period 1775-1850. A Study of Attitudes to Kinship in Cases of Marriage by Dispensation*

15.50-16.10 Aleksandra VULETIC, PhD candidate in history, Senior Assistant, Institute of History of the Serbian Academy of Sciences and Arts
*State Involvement in the Institution of Marriage in the 19th Century Serbia*

16.10-16.30 Elpida VOGLI, Research Assistant, Hellenic Literary and Historical Archive, Thessaloniki
*Family Tactics and Family Fortunes in Nineteenth-Century Greece*

16.30-16.50 Tuba DEMIRCI, PhD candidate in Ottoman History, Institute of Economics and Administrative Sciences, Department of History, Bilkent University, Ankara
*Family, State and the Blurring of the Public and Private. The Ottoman State and The Reform of the Ottoman Muslim Family in the Second Half of the Nineteenth Century*

16.50-17.20 Discussions

17.20-17.30 Coffee Break

**Session IV:** ***Family Structures Between Tradition and Modernity/***
***Les structures familiales entre tradition et modernité***
Chair: Anca OROVEANU

17.30-17.50 Karl KASER, Professor, Director of the Centre for the Study of Balkan Societies and Cultures, University of Graz
*Traditional Balkan Family Structures and Modernization Processes*

17.50-18.10 Marietta LIOLIOU, PhD candidate in history, University of Ioaninna
*The Family of Ioanina, end of 19$^{th}$ – Beginning of 20$^{th}$ Centuries*

18.10-18.30 Petko HRISTOV, Ethnographic Institute with Museum, Bulgarian Academy of Sciences, Sofia
*Family and Migrations in the Balkans (19th and 20th Centuries)*

18.30-19.00 Discussions

19.00 Dinner

**Saturday, June 10, 2006**

**Session V:** ***Sociability and Solidarity Between Constraint and Social Freedom/ Sociabilité et solidarité entre contrainte et liberté sociale***
Chair: Andrei PIPPIDI, professor, University of Bucharest

9.30-9.50 Mária PAKUCS-WILLCOCKS, Researcher, 'Nicolae Iorga' Institute of History, Bucharest
*'Borrowed Neighbours' in Sixteenth Century Sibiu: Attitudes and Discourses*

9.50-10.10 Constanța VINTILĂ-GHIȚULESCU, chargée de recherche, Institut d'histoire « Nicolae Iorga », Bucarest
*'Au sein de la famille' : solidarités et conflits sociaux dans la société roumaine du XVIIIe siècle*

10.10-10.30 Mihai-Răzvan UNGUREANU, Professor, University of Bucharest
*Family, Neighborhood and Sociability in Nineteenth Century Romanian Society*

10.30-11.00 Discussions

11.00-11.20 Coffee Break

**Session VI:** ***"Making a Couple": Social Practice and Individual Choice/***
***Vivre en couple : pratique sociale et choix individuel***
Chair: Mihai-Răzvan UNGUREANU

11.20-11.40 Pompilia Viorica BURCICĂ, PhD candidate, Department of History, University of Illinois at Urbana-Champaign
*Modern Couple or Veiled Patriarchy? The Companionate Marriage Among Interwar Romanian Intellectuals Between Aspiration and Reality*

11.40-12.00 Aleksandra PAVIĆEVIĆ, Ethnographic Institute SASA, Belgrade
*Socialization of Family - Support or Control?*

12.00-12.20 Anca DOHOTARIU, formation doctorale en sociologie l'Université de Marseille
*Les enjeux patrimoniaux de la vie deux en Roumanie après 1989*

12.20-12.40 Elitsa DIMITROVA, Ph.D. candidate in sociology, Center for Population Studies, Bulgarian Academy of Sciences
*Changing Norms and Values Regarding Marriage and Family in Post-socialist Bulgaria: Towards a New Marital Transition*

12.40-13.20 Discussions

13.20-15.00 Lunch Break

**Session VII:** ***Women and Family: Status, Roles and Property /***
***Femmes et famille : statut, rôle et propriété***
Chair: Eleni VARIKAS

15.00-15.20 Ana GHERGHEL, Université de Quebec-Laval
*Monoparentalité et rèaux de soutien. Le cas de la Roumanie dans la pèiode de transition*

15.20-15.40 Ines CRVENKOVSKA–RISTESKA, MA in ethnology, Institute of Ethnology and Anthropology, Skopje
*Women Status in the Region of Golo Brdo in Albania Before and During the Socialist Period*

15.40-16.00 Mirjana P. MIRCHEVSKA**,** Assistant professor, Faculty of Natural Sciences and Mathematics, Ss. Cyril and Methodius University of Skopje
*The Status and Role of Rural Women in the Republic of Macedonia and Family Relationships (19th and 20th Centuries)*

16.00-16.20 Tsvetana BONCHEVA
*Gender and Property Among the Bulgarian Catholics in Plovdiv Region During the First Half of the 20th Century. A Case Study of the Villages of General Nicolaevo, Sekirovo and Parchevich*

16.20-17.00 Discussions

17.00-17.10 Coffee Break

17.10 Final comments: Karl KASER

19.00 Dinner




# NEW EUROPE FOUNDATION
# NEW EUROPE COLLEGE

## Institute for Advanced Study

The *New Europe College (NEC)* is an independent Romanian institute for advanced study in the humanities and social sciences founded in 1994 by Professor Andrei Pleșu (philosopher, art historian, writer, 1990–1991 Romanian Minister of Culture, 1997–1999 Romanian Minister of Foreign Affairs) within the framework of the 1994 established *New Europe Foundation* (a private foundation subject to Romanian law).

Its impetus was the *New Europe Prize for Higher Education and Research*, which was awarded in 1993 to Professor Pleșu by a group of six institutes for advanced study (the Center for Advanced Study in the Behavioral Sciences, Stanford, the Institute for Advanced Study, Princeton, the National Humanities Center, Research Triangle Park, the Netherlands Institute for Advanced Study in Humanities and Social Sciences, Wassenaar, the Swedish Collegium for Advanced Study in the

Social Sciences, Uppsala, and the Wissenschaftskolleg zu Berlin).

Since 1994, the NEC community of fellows and alumni has enlarged to over 500 members. In 1998, the New Europe College was awarded the prestigious *Hannah Arendt Prize* for its achievements in setting new standards in higher education and research. One year later, the Romanian Ministry of Education officially recognized the New Europe College as an institutional structure of continuous education in the humanities and social sciences, at the level of advanced studies.

*Aims and Purposes*

- To create an institutional framework with strong international links that offers young scholars and academics in the fields of the humanities and social sciences from Romania and South-Eastern Europe working conditions similar to those in the West, and provides a stimulating environment for transdisciplinary dialogues and critical debates;
- To foster, through its programs and activities, the development and reform of the Romanian higher education;
- To promote contacts between Romanian and regional scholars and their peers worldwide;
- To cultivate the receptivity of academics and researchers in Romania for fields and methods as yet not firmly established here, while preserving what might still be precious in the particular type of scholarly approach that emerged, against all odds, in the local pre-1989 unpropitious intellectual, cultural, and political context;

- To contribute to the development of a core of promising young academics and scholars, who are expected to play a significant role in the renewal of the Romanian academe and intellectual life.

As an institute for advanced study, NEC is not, strictly speaking, an institution of higher education, although it has been consistently contributing to the advancement of higher education through the impact of its programs and of the activities organized under its aegis. In order to further enhance its support for the development of higher education in Romania, NEC has initiated as of 2003 the *NEC–LINK Program*, thus establishing its direct presence in the major universities of the country.

## *PROGRAMS*

### *NEC Fellowships (since 1994): 149 fellowships*

Each year, ten NEC Fellowships for outstanding young Romanian scholars in the humanities and social sciences are publicly announced. The Fellows are chosen by the NEC international Academic Advisory Board for the duration of one academic year (October through July). They gather for weekly seminars to discuss the progress of their research projects and participate at all the scientific events organized by NEC. The Fellows receive a monthly stipend for the duration of nine months and are also given the opportunity of a one–month research trip abroad, at a university or research institute of their choice. At the end

of the NEC academic year, the Fellows submit papers representing the results of their research, which are published in the series of New Europe College Yearbooks.

***RELINK Program (1996–2002): 35 fellowships***

The RELINK Program targeted highly qualified, young Romanian scholars returning from studies abroad to work in one of Romania's universities or research institutes. Ten RELINK Fellows were selected each year through an open competition; in order to facilitate their reintegration in the local scholarly milieu and to improve their working conditions, a support lasting for three years was offered, consisting of: funds in order to acquire scholarly literature, an annual allowance enabling the recipients to make a one–month research trip to a foreign institute of their choice (in order to sustain existing scholarly contacts and forge new ones), and the use of a laptop computer and printer. Beside their individual research projects, the RELINK fellows of the last series were also involved in organizing outreach actives within their universities (for which they received a monthly stipend). NEC published several volumes comprising individual or group works of the RELINK Fellows.

***The GE–NEC Program (since 2000): 29 fellowships***

Starting with the 2000–2001 academic year, the New Europe College administers a program that is financially supported by the Getty Foundation. Its aim is to strengthen research and education in the fields of visual culture, by inviting leading specialists from all over the world to give

lectures and hold seminars for the benefit of Romanian under–graduate and graduate students, as well as young academics and researchers. The program also includes 10–months fellowships for Romanian scholars, who undergo the same selection procedures as the NEC Fellows (see above). The GE–NEC Fellows are fully integrated in the life of the College, receive a monthly stipend, and are given the opportunity of spending one month abroad for a research trip. At the end of the GE–NEC year, the Fellows submit papers representing the results of their research, that are published in the series of the GE–NEC Yearbooks.

***NEC Regional Fellowships (2001–2006): 41 fellowships***

As of October 2001, the New Europe College has introduced a regional dimension to its programs (that were hitherto dedicated solely to Romanian scholars) by offering fellowships for academics and researchers from South-Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Slovenia, and Turkey). This program aims at integrating into the international academic network scholars from a region, whose scientific resources are as yet insufficiently known, and to stimulate and strengthen the intellectual dialogue at regional level. With the prospect of the European integration, and in complementing the efforts of the European Union to implement the Stability Pact, the New Europe College invites academics and scholars from the Balkans to cooperate towards overcoming the tensions that have won this region an unfortunate fame over the last decade. The Regional Fellows receive a monthly stipend

and are given the opportunity of a one–month research trip abroad. At the end of the grant period, the Fellows submit papers representing the results of their research, to be published in the series of NEC Regional Program Yearbooks.

***The NEC–LINK Program (since 2003): 88 fellowships***

Drawing on the experience of its NEC and RELINK Programs in connecting with the Romanian academic milieu, NEC initiated in 2003 a new program, that aims to directly contribute to the advancement of higher education in four major Romanian academic centers (Bucharest, Cluj-Napoca, Iași, and Timișoara). Teams consisting of a visiting academic and one from the host university offer joint courses for the duration of one semester in the fields of the humanities and social sciences. A precondition for these courses is that they be new ones and that they meet the distinct needs of the host university. The grantees participating in the Program receive monthly stipends, a substantial support for ordering literature relevant to their courses, as well as funding for inviting guest lecturers from abroad and for organizing local scientific events.

***The Britannia–NEC Fellowship (2004-2007): 3 fellowships***

This fellowship (1 opening per academic year) was initiated by a private anonymous donor from the U.K. The fellowship was identical to a NEC Fellowship in all respects. NEC contributed the one–month research trip abroad, all other costs being covered by the aforementioned donor.

***The Excellency Network Germany – South-Eastern Europe Program (since 2005)***

The aim of this program, financed by the Hertie Foundation, is to establish and foster contacts between scholars and academics, as well as higher education entities from Germany and South-Eastern Europe in view of developing the regional scholarly milieu mainly in the fields of European integration, transnational governance, and citizenship. To this end the program will be run, in its pilot phase of three years, by the New Europe College. At the present stage, the main activities of the program consist of a) hosting at the New Europe College prominent, as well as young promising scholars coming from Germany in order to give lectures both at the College and at universities throughout Romania, b) the organization of international scientific events with German participation, c) the setting up and development of an increasingly strong network of scholars from Western and Central and South-Eastern Europe. Given the experience gained after the pilot phase, the Hertie Foundation may consider extending the program by also involving other institutes of advanced study from Central and South-Eastern Europe.

***The Europa Fellowships - Traditions of a New Europe. A Prehistory of the European Integration in South-Eastern Europe (since October 2006): 8 fellowships***

This program, financed by the VolkswagenStiftung for the duration of three years, takes the now terminated Regional Program to another level. Its aim is to investigate the "pre–history" of the European integration of South-Eastern Europe, and to dwell on its diverse local and regional

heritage, thus offering the present Europe some valuable vestiges of its own less known past. Such a description of a Europe in *statu nascendi* may be highly relevant for nowadays consolidated Europe, all the more as this consolidation is, as recent developments have shown, subject to reevaluations, reformulations, and crises.

The project starts off in its first (pilot) year with 8 Romanian and foreign fellows, who will focus their the research on several aspects of everyday life, by studying the history of the costume, of the portrait, or of the "gastronomic memory."

***The Petre Ţuţea Fellowships (since October 2006): 5 fellowships***

Starting with the 2006-2007 academic year, NEC administers a fellowships program financed by the Ministry of Foreign Affairs of Romania through its Department for Relations with the Romanians Living Abroad. The fellowships are granted to researchers of Romanian descent, who are living abroad and are working in the domains of the humanities and social sciences, as well as to Romanian researchers, whose projects dwell on the cultural patrimony of the Romanians from abroad. During the academic year the fellows under this program will be actively involved in the scientific life of the College. At the end of the year they are expected to submit papers representing the results of their research, which will be published in the bilingual series of the Petre Ţuţea Program Yearbooks.

The New Europe College hosts within the framework of its programs ongoing ***series of lectures*** (an average of 40 per academic year) given by prominent foreign and Romanian scholars foremost for the benefit of academics, researchers and students, but also for a wider public. The College also organizes ***international and national events*** (seminars, workshops, colloquia, symposia, book launches, etc.). Another important asset of the New Europe College is its ***library***, including among its roughly 25,000 titles outstanding reference works and major works in the humanities and social sciences, as well as several thousand volumes and manuscripts donated to the NEC by private individuals from Romania and abroad. The holdings of the library are opened to readers from the academic and research milieus.

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Beside the above–described programs of the College, the New Europe Foundation and the College expanded their activities during the last years by administering or being involved in the following major projects:

***The Ludwig Boltzmann Institute for Religious Studies towards the EU Integration (2001–2005)***

As of 2001, the Austrian Ludwig Boltzmann Gesellschaft funded to the end of 2005—within the framework of the New Europe Foundation—an institute that focused on the extremely sensitive issue of religion related problems in the Balkans (and beyond) from the viewpoint of the EU

integration. Through its activities, the institute fostered the dialogue between distinctive religious cultures (Christianity, Islam, Judaism), as well as between confessions within the same religion, and aimed at investigating the sources of antagonisms and to work towards a common ground of tolerance and cooperation. To this end, the institute hosted international scholarly events, sustained research projects, brought out publications, and set up a topic relevant library, intended to facilitate informed and up-to-date approaches in this field.

***The Septuagint Translation Project (since 2002)***

This project aims at achieving a scientifically solid translation of the Septuagint into Romanian by a group of very gifted, mostly young, Romanian scholars. The financial support is granted by the Romanian foundation *Anonimul* and amounts to 120,000 USD. The translation is scheduled to be ended in 2007, four volumes having already been published by the Polirom Publishing House of Iași.

***The ethnoArc Project – Linked European Archives for Ethnomusicological Research (since 2006)***

*An European Research Project in the 6th Framework Programme: Information Society Technologies— Access to and Preservation of Cultural and Scientific Resources*

The goal of the ethnoArc project (that was initially started in 2005 under the title *From Wax Cylinder to Digital Storage* with funding from the Ernst von Siemens Music Foundation

and the Federal Ministry for Education and Research of Germany) is to contribute to the preservation, accessibility, connectedness and exploitation of some of the most prestigious ethnomusicological archives in Europe (Bucharest, Budapest, Berlin, and Geneva), by providing a linked archive for field collections from different sources, thus enabling access to cultural content for various application and research purposes. The system will be designed to conduct multi–archive searches and to compare retrieved data. In a two–year effort, ethnoArc will attempt to create an "archetype" of a linked archive that aims to incite modern, comprehensive, and comparative research in ethnomusicology, anthropology, or related disciplines, and to deepen and spread awareness and familiarity with the common European memory and identity.

The project includes an international network of seven partners: four sound archives, two multidisciplinary research institutions, and a technology developer: Constantin Brăiloiu Institute for Ethnography and Folklore, Bucharest, Archives Internationales de Musique Populaire, Geneva, Ethnomusicological Department of the Ethnological Museum Berlin (Phonogramm Archiv), Institute for Musicology of the Hungarian Academy of Sciences, Budapest, Wissenschaftskolleg zu Berlin (Coordinator), New Europe College, Bucharest, FOKUS Fraunhofer Institute for Open Communication Systems, Berlin.

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***Founder and President of the New Europe Foundation, Rector of the New Europe College***
Prof. Dr. Dr. h.c. mult. Andrei PLEȘU

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