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“Deviant Social Behaviour” in Transylvania (1850-1900)¹

D a n i e l a  D e t e Ș a n ²

Abstract. Demographically speaking the increase in the number of unmarried families has become a general problem in Transylvania in the second half of 19th century. The major changes in the marital behaviour represent the obvious consequence of the economic, social, political and cultural development. By investigating and interpreting the past, specialists in human and social sciences shall be able to answer questions related to unmarried families’ model.

This article analyzes the Romanian families without marriage and the non-marital births in Transylvania between 1850 and 1900. Based on unpublished archival documents, parish registers, population censuses and statistical publications the study intend to answer questions related to the couples living in “concubinage”, the causes favouring such a unmarried family model, the partners’ occupation, the territorial-geographic spread, the number out of wedlock births.

Keywords: social practices, unmarried family model, non-marital births, “poverty culture”, church, state, Transylvania

Introduction

The barriers existing in Transylvania during the second half of 19th century (social, legislative, economic, administrative, religious, cultural etc.), did not prevent people from adopting the family model without marriage. Specialists in human and social sciences have tried to understand its evolution.

By investigating and interpreting the past this article intend to answer questions related to unmarried families’ model, the causes and the elements favouring such a model, based on marital cohabitation and female responsibility, the formation mechanism, the territorial-geographic spread, the partners’ social and economic status, their legal status, age, religion, the image they created themselves in the society and how their children born out of wedlock were considered. The advantage of such a research is that it links the past to the present and to the future in a clear, measurable manner.

The article’s motivation was mainly determined by the wish to establish a system of indicators in order to trace a typology of the Transylvanian unmarried families; to analyse the data playing against the regular mechanisms of family formation through marriage in Europe; to provide a comprehensive insight on the family life issues. Based on the documents found in archives, the research reflected the real behavior of the population, the way in which ordinary people, particularly women, inter-related to cope with laic tendencies and modernity.

The purpose is to reconstruct the demographic characteristics of the Romanian unmarried families between 1850 and 1900 in Transylvania, part of the Austrian state until 1867, and thereafter the province of the Kingdom of Romania. The aim is to make a contribution to the historiography of social and family life, the sociology and demography of Transylvania and the development of the Romanian state.

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² Researcher III, Institute of History „George Baritiu” of the Romanian Academy, Cluj-Napoca, e-mail: dete76@yahoo.com
Hungarian state after 1867. In order to reach this goal, the article will make a micro-regional inventory based on a case study and a comparative analysis at the European level. The comparative framework will be constructed both in time and in space.

The specific objective is to offer a better understanding of the non-married cohabitation in Transylvania on the basis of various sources (historical, statistical, etc.) and on a combined methodology (quantitative and qualitative).

**Historical context**

In Transylvania the Revolution of 1848-1849 represented the main cleavage between the medieval and the modern times. The post-revolutionary period meant the abolition of feudal relations, the beginning of urbanisation and industrialisation, and an increased mobility of the population (Bolovan et al. 2009, 102). Consequently, these tendencies brought about changes in the private life of individuals. Liberalisation of conceptions concerning the couples’ relationship was a natural consequence of modernization felt at all levels: economic, social, political, cultural.

If, right after the 1848 revolution, the average number of illegitimate births was between 6-8% (Bolovan 2006, 225), Transylvania had in 1900, according to Princeton Indices calculated by the European Fertility Project, quite a high level of illegitimacy (Ih = 0,10)\(^3\), just like in Hungary, Sweden\(^4\), Portugal, and some parts of Austria, especially in Carinthia.

After 1900, we witness, in Transylvania, an increasing laicisation on account of the Church’s subordination to the state. The adoption of the civil laws in 1894–1895 marked the passing of marriage related aspects, matrimonial life and divorce from the Church responsibility to the laic power administration. (Bolovan et al. 2009, 107) The consequences of the laic legislation were felt at every level of private life, people adopting a behaviour corresponding to the modernizing trends in the epoch. Consequently, all these factors generated specific attitudes and behaviours in terms of family formation with or without an “official” marriage.

Given the rigor of the marriage laws, both laic and ecclesiastic, in Transylvania the so-called “wild marriages” perpetuated. The amplitude of the phenomena can be exemplified by the so-called “clandestine marriages” performed secretly without the ceremony imposed by the church norms, by the often concubinages of dismissed soldiers, or by the isolated cases of priests living in concubinages, or by Greek-Catholic theo-logians born illegitimately, “in infamous beds”, who asked to be ordained priests (ANDICJ FECG, 8345/1895).

In this context many questions arises: Which were the clerical norms, regulations and customs who were directly dealing with this phenomenon? To what extent the unmarried family model and extra-marital births were the result of imposed circumstances, or of the libertine spirit of those times? The level of the phenomenon rose with economic development and changing marriage pattern? How much and why Transylvanian society tolerated “concubinage” and out of wedlock births?

**The Data**

Because of the lack of an operational database at Transylvania level, and some frequent data inconsistency in the statistical volumes, it is necessary to make a polyvalent analysis, based on primary and secondary sources: parish registers, church documents, statistical volumes, press and periodic publications, memoirs, and on combined techniques: studies on specific cases, compared causal analysis, demographic investigation.

The parish registers give us access to the illegitimacy ratio that is the number of illegitimate children baptized relative to the total number of baptisms. The sources, as a measure of the propensity of illegitimacy indicate the changes in the number of children born out of wedlock and in the number of unmarried women in the popu-lation. The Transylvanian censuses for 1850, 1857, 1880, 1900 and 1910, as well as the volumes published by the Hungarian Royal Central Statistics Office (MSE, 1879–1891, MSK, 1893) may complete the database with descriptive statistic data (e.g. variation of illegitimacy indicator in Transylvania, variation of illegitimacy at urban-rural level).

The data that we used include all records for births in the period 1850-1900 in three villages from Cluj County, Aghireş, Brâišor and Upper Filea\(^5\). “The baptized protocol” offered information on day, month and year of birth, day, month and year of baptism, first name and surname of the newborn, the baptism place, first name and surname of the parents, occupation of the father and

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\(^3\) Ih = Index of illegitimate fertility (number of illegitimate births/1,000 unmarried women of childbearing age). See Shorter et al 1971, 387; Lee 1977, 403-425; Kok 2005, 343-367.

\(^4\) Sweden, a country with traditionally high numbers of illegitimate births, has perhaps the longest well-documented history of non-marital cohabitation of any European or North American country. See Matovic 1980, 336-345; Matovic 1984.

\(^5\) See Map 1 in Appendices.
neighbourhood in which the parents lived, religion, name of the godparents, name of the priest how baptize the newborn, the midwife, date when they were vaccinated against smallpox, observations, including whether the child was born in wedlock or out of wedlock. Data from parish registers were extracted from the National Archives of the Cluj County and have been entered into a database. The quality of the data in the parish registers was good given that some time the priest made mistakes, misspelled, or forgot to insert the required information. It is important to specify that is very difficult to find continuous series of parish registers for all Transylvanian ethnic and confessional groups. Therefore

The size of the villages differs: Aghireş is a big village (over 1000 inhabitants), and Upper Filea and Brăișor are small villages (over 400 inhabitants). The micro-zone is situated in the centre of Transylvania, in Cluj County. In 1875 the Cluj county area was 5.149 square kilometres. The capital of the county was Cluj. In 1900 the population of the county was 70% Romanians, 25% Hungarians, 4% Germans, 1% Slavic origin. The economy of Cluj was dominated by agriculture (85%). 5% of the total working population were employed in industry, 2% in public services, 1.5% in transportation, less than 1% in commerce and army (Recensământul, 1900).

The article is based also on original historical sources, selected from church archives from Cluj, in the collection of the „Cluj-Gherla Greek Catholic Bishop Diocese” and civil archives from Bistriţa, in the collection of the „General Court of Năsăud district”.

Theoretical considerations

As a starting point for the debate regarding the comparison between the unmarried family model and the European married family model, we have the dividing line set in 1965 by John Hajnal, from St. Petersburg to Trieste. We are equally guiding by a series of multi-dimensional classifying schemes drawn by Peter Laslett (Laslett 1980, 1-65) and Michael Mitterauer. (Mitterauer 1983)

As regards the geographical distribution, in the European historiography, the reference is the map published by the French sociologist Frédéric Le Play in 1879 and tracing family forms in Europe during his time. Also, the map derived from the Princeton European Fertility Project published in 1972, showing the provincial levels of illegitimate fertility around 1900 (Shorter et all 1971, 375–393).

Historical studies demonstrate that non-marital cohabitation in Transylvania is directly related to the poverty of peasants (insufficient means of existence and bad living conditions) and to the military law which established for young men as a prerequisite for marriage the age of at least 22 years old (Bolovan 1999, 181–190; Retegan 2006, 200–210; Brie, 2008, 348–373; Bolovan et all 2009, 205–222).

The ecclesiastical legislation played an important part in the genesis and preservation of unmarried families. Many impediments existed and remained for a proper marriage conclusion: lack of the partners’ consent, mental and physical disability, adultery, murder, natural kinship up to the 4th degree, spiritual relations resulting from baptism, the three annunciations in the Church, not knowing the prayers indicated by the church, mixed religion, etc. (Holom 2005, 237-258).

Another main regional variable was represented by the kinship system. (Mitterauer, 1983, Gates and all, 2006, 81–104) People who had either consanguinity relations or a certain affinity would often have a “deviant behaviour” and prefer concubinage. One of the unwritten marriage laws, saying that marriage shall be arranged between equal social partners, was complied with, in other words, rich men would marry rich wives and poor men would marry poor wives (Retegan 2009, 186).

Religion has also played an extremely important part in Europe, as in Transylvania (Kok 1990, 7–35; Bavel, Kok 2005, 247–263; Stepan 2005, 135–163; Schoonheim 2005, Retegan 2007).

Other explanation is related to economic and financial aspects: the significantly increased marriage-related costs as a result of the inflation following the revolutionary disaster, of the ravages caused by the 1848–1849 civil war, the obligation to pay taxes for marriage, for the bishop’s derogations and the significant expenses required by the engagement party and especially for the wedding party. The setting free of serfs after the fall of the feudal word in 1848 brought geographic and social mobility of the population.

The economic argument is most common: researchers put forward rising industrialisation, urbanisation, isolation and vulnerability of certain proletarian social categories. (Tilly et all 1976, 447–476; Lee 1977, 403–425; Schellekens 1995, 365–377; Black 2005, 50–65) However, for Transylvania we cannot explain the phenomenon by these classical explanations. Not only that the province had a low urbanization level (by 1869, only two Transylvanian towns exceeded the population of 5.000 Romanians: Brașov and Sibiu), but the Romanian concentrated, dense industrial areas were missing (Deteșan 2011).

Other explanation is related to occupational instability and absence of social protection. The Rroma ethnic minority fall into this category, with a
more libertine mentality, how increased the percentage of concubinage and illegitimacy.

It has already shown that the increase in illegitimacy and cohabitation is linked with migration. New inhabitants, the so-called “neorustici”, settle down in Transylvania villages after the 1848 Revolution, attracted by the gold deposits from Alba-Iulia County. They brought with them new mentalities, including in the conjugal relationship. Gypsies usually lived in most cases cohabiting. For them it was a “tradition”, a certain “group mentality” perpetuated from generation to generation (Knodel, Hochstadt 1980, 311).

Another cause of the rise in illegitimacy and cohabitation was the increase in the numbers and mobility of servants and wage workers. Because of their mobility, it became more difficult to ensure that marriage promises were respected in case of pregnancy. One of the permanent strategies of masters of domestic servants was to keep them unmarried at their home in order to be better served and cared for. Indeed, even though many servants were “life-cycle” servants who intended to leave service at marriage, it was evidenced that masters and mistresses convinced their employees to postpone or even to avoid getting married through pressure, economic rewards, promises of legacies (Fauve-Chamoux, 2004; Alpern Engel, 1994, 140–241). The studies of migration temporary migration (Smith 1980; Alter 1988; Blaikie 1993) have been defined in terms of the male experience and also in the context of female migration (Fuchs, Moch 1990, 1007–1031).

The inequalitarian family system, controlling strictly marriage of heirs and heiresses (and encouraging celibacy of non heirs), played an important part in the growth of illegitimacy in some European regions, an already proved fact with the rural regions of the Alps in the Habsburg Monarchy (Gruber 2008; Sumnall 2008). The inter-generation inheritance habit had major effects on the structure of households and on the economic strategies. The way in which goods were passed on to illegitimate children underlines another important dimension of the phenomenon.

Besides, inequalitarian inheritance systems in many stem-family regions of Europe (Fauve-Chamoux 2006, 171–184; Sogner 1998, 95–114), favouring a privileged heir or heiress, left other sons and daughters excluded from main inheritance share so that, lack of a proper dowry, they were condemned to stay single or to work in domestic service. In this context, female servants often bore children out of wedlock and were induced to form unmarried families when their union lasted with a stable partner.

The cohabitation and illegitimacy has often been interpreted socially as a decrease of the social control, as a “deviant behaviour” (Blaikie 1995, 641–657; Blaikie 1998, 221–241). Within a theoretical framework of „deviant behaviour” scholars have attributed the „illegitimacy explosion” of the early 19th century basically to weakening mechanisms of traditional social control exerted by the family and local community over adolescents during courtship.

The American sociologist Oscar Lewis (1959) has found that illegitimate marriages were common in the so-called poverty culture and appear most frequently during the early stages of industrialization. The people in the culture of poverty were marginal people who know only their own troubles, their own local conditions, their own neighbourhood, and their own way of life.

There is evidence in support of this hypothesis because the most deviation cases are represented in Transylvania by either the military or the marginal social categories: servants, day labourers, shepherds, ex-convicts, physically and mentally disabled, people with chronic diseases, or people without a permanent job, as very often Roma minority who presented most concubinage cases and out of wedlock births (Deteșan, Retegan 2011, 450).

Those prone to cohabitation out of wedlock in many cases belonged to the marginal social categories, which, as anywhere, were isolated and vulnerable. People who lived together out of marriage were determined by poverty, shortages and low living standards. They belonged to social groups with problems, vulnerable, deviated from the moral standards of society.

Gradually, the attention was drawn towards the theory related to the growth of concubinage and illegitimacy against the background of the sexual revolution, of the change in morals and women emancipation (Shorter 1971, 237–271; Shorter 1973, 605–640; Shorter 1976). This explanation does not apply in the case of Transylvania. It involved a new frame of mind in which women saw themselves increasingly independent of parental and husbandly authority, masters of their own emotions and ultimately of their own fertility. The sense of personal autonomy commenced among young, lower-class women and, it is likely, that with time, emancipation spread upward to older and more prosperous groups.

Then the theory of a “bastardy prone sub-society” was put forward by Peter Laslett (Laslett...
He stated that the rise of illegitimacy could be at last partially put down to the activities of a small deviant group of women bearing more than one illegitimate child. Such women referred to as „repeaters” bore an increasing proportion of all bastards. Possibly bastardy was almost „hereditary” in certain families (Smout, 1976).

Mitterauer’s 1983 book explain the regional differentiation in illegitimacy with several independent variables reinforce one another. The most important explanatory variables are religion, systems of kinship and family formation, court-ship customs, and labour relations. Consequently, all these factors generated specific attitudes and behaviours within unmarried families.

Findings

In a Romanian, rural, traditional population, strongly impregnated by religious feelings, illegitimate marriages and births out of wedlock were strongly condemned. The children resulted out of wedlock were carrying a blame which is reflected by the negative, unfavourable connotation attributed to them. The terms used in the 19th century, obsolete today, indicate a social stigma: „spuriu”, meaning “inauthentic”, „bitang”, meaning “born out of wedlock”, „furcalău”, „bastard”, „născut din pat nelegiuit”, therefore all these terms meaning: “born from unlawful relation out of marriage” (the child of a couple living out of marriage). The image reflected by the documents of the time is obviously exaggerated: shameless and godless soldiers took advantage of young virgin girls, or lived together with them and raised children born „from unlawful relations out of marriage”, and set a bad example for other young men by leading such a scandalous life (ANDJCI FECG 1858–295, f3; 1858–661, f1; 1858–2414, f23; 1858–2483, f1–3, 6).

The number of illegitimate children fluctuated, incurring positive and negative values, although the trend was ascending. The control sample reveals that a small proportion of children, between 1–5%, were born illegitimate between 1876 and 1889.

The research on the illegitimacy revealed slight differences if we compare the control sample to Cluj County, to the city of Cluj, or to others European regions.

Illegitimacy distribution in Europe was not uniform. Between 1865 and 1880, the minimum values were registered for Serbia (0.47%) and the maximum for Bavaria (15.79%). Here is a general overview of the illegitimacy rate: Ireland (2.68%), Russia (2.87%), England (5.36%), Italy (7.2%), and Hungary, including Transylvania (7.2%), France (7.34%), German Empire (8.71%), Wurtemberg (10.96%), Kingdom of Saxony (13.31%), and Austria (13.48%)11.

In Transylvania „illegitimate” children were treated differently regarding inheritance. Here are two examples from Năsăud district: Alexandru Hanga, notable public, had two sons: Liviu and Benjamin. The first one, tradesman apprentice in Lugoj was „illegitimately conceived” with Tereza, a servant. The latter was a student in Seghedin in the 8th grade and he was a legitimate child. During the inheritance trial of their uncle, Sever Hanga, the 42 years old captain decease because of gouty arthritis. Liviu was excluded from inheritance. He was declared as deprived of inheritance rights, as “illegitimate son”. Under the law, in the absence of a will, only the real nephew of the uncle had rights, namely Benjamin (ANDJBN FSGDN, CVIII/64 fl f 22, 33). The “illegitimate” children were excluded from inheritance and they were not allowed to claim any inheritance. This procedure comes along the French Civil Code which did not recognize a child born outside marriage. Filimon Oul, a land owner, handicapped, from Ilva Mare, passed away on 8th February 1867, aged 46, leaving behind assets estimated to 360.17 fl. The amount was a little bit over the average of a peasant’s assets estimated to 300 fl.12. In his will, Filimon Oul left his assets to his 4 children he had during his life together with Irina Buhos without being married to her, while his lawful wife, Palagia, had run away from home 9 years before. The children, Sidor (aged 8), Ilie (aged 7), Mina (aged 3) and the 4th unborn yet, received each equal parts of land and a cow. The house was left to his daughter Mina, on condition that she lived together with her mother, Irina. He excluded his lawful wife, Palagia, from the heritage. Under point 5 in the will, in case his children would have passed away, the land was to be given to his 3 brothers, Ioan, Grigore and Onofrim Oul, except for a garden which was to be given to the Greek-Catholic Church in his village. (Detesan et al 2011, 157)

The will was contested in Court by the brothers of the testator who declared themselves the

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7 For example in Alagna, in the Alps, it is clear that such a sub-society was indeed responsible for the bulk of bastardy in the nineteenth century. See Viazzo 1989.
8 See Appendices, Table 2.
9 See Appendices, Table 1.
10 See Appendices, Table 1, Graph 1.
11 See Appendices, Graph 1.
12 The value of peasants’ wealth varied between 18.39 fl. and 1289.60 fl. The poor would leave less, the rich would leave more.
inheritors. The reason of the dispute was the 4 plots of land given to the children born out of wedlock. The land was the most valuable assets of the peasants for which they would work, of which they would take care and which they would love incessantly. Unsurprisingly, most complaints submitted in court had as object the recognition of either the possession or the use right over land, whether it was arable land, forest or pasture.

The legal action of the 3 bothers of the deceased was against the minor children born out of wedlock represented by a tutor and their mother, concubine of the deceased. Will contesting was a practice in many cases. The procedure, based on art.125 and 126 in the Decree/1854 was not very complicated but implied a pile of documents, verbal debate between the litigating parties and eventually, an agreement written in a reconciliation protocol.

In this case, the inheritors of the deceased admitted the right of the 3 brothers over the land received by Filimon Oul in 1848 from his father to use it during his life. His lawful wife requested the dowry she had when she married Filimon Oul tantamount to 31.60 fl. (that is, a cow of 20 fl., 5 sheep of 10 fl. and 1 pig of 1.60 fl.) and gave up any heritage right, thus not claiming any asset from her husband and admitting the validity of his will. (ANDJBN FSGDN, cote CXVIII/5)

Interesting to note that the mother of the deceased, Lupa Oul, was herself born out of wedlock; this “practice” was therefore inherited over two generations.

**Conclusions**

These cases prove that social realities were slightly changing towards modernity. Modern family, including the family out of wedlock, was based on other logic and principles, in the sense that the institution of the family was different from today’s family. However, the fact that all children born out of wedlock, irrespective of their gender or birth dates, have access to heritage shows a change. Similarly, there is no difference between an unborn child, a foetus, and children already born. Practices of transmission from one generation to another of the “born out of wedlock” character from ascendants to descendants show once again that clear mechanisms were working at social level, family level and psychological level.

Relevant conclusions about the Transylvanian unmarried families are still an open issue. The real distribution of non-marital cohabitation and out of wedlock births are still to be proved for other Romanian villages. Some long-term objectives are to enlarge the data base in order to collect new demographic data and to extend the reconstruction of unmarried families and non-marital births at urban level and at Hungarians and Saxons. Cohabitation and out of wedlock births were not only rural phenomenon. Urban cohabitation has become a popular form of living arrangement and urban illegitimacy was in-increasing in Transylvanian cities at the end of 19th century.

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FECG Fond Cluj-Gherla Greek-Catholic Bishop Diocese

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Appendices

Table 1 Illegitimacy rate in Transylvania between 1876 and 1889

<table>
<thead>
<tr>
<th>Year</th>
<th>1876</th>
<th>1877</th>
<th>1878</th>
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<td>5.8</td>
<td>5.1</td>
<td>5.7</td>
<td>4.7</td>
<td>6.3</td>
<td>6.2</td>
<td>5.7</td>
<td>5.6</td>
<td>6.0</td>
<td>6.9</td>
<td>6.7</td>
<td>6.7</td>
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<td></td>
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<td>19.5</td>
<td>22.7</td>
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Graph 1 The evolution of illegitimacy rate in Europe between 1865 and 1880

Table 2 Evolution of illegitimacy rate in the control sample (1850–1900)

<table>
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<tr>
<th>Year</th>
<th>Village</th>
<th>Total births</th>
<th>Illegitimate births</th>
<th>(%)</th>
<th>Total births</th>
<th>Illegitimate births</th>
<th>(%)</th>
<th>Total births</th>
<th>Illegitimate births</th>
<th>(%)</th>
<th>Total births</th>
<th>Illegitimate births</th>
<th>(%)</th>
<th>Total births</th>
<th>Illegitimate births</th>
<th>(%)</th>
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<td>1851–1860</td>
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Sources: National Archives from Cluj, Fond Parish registers from Aghireș 2/1, 2/3, 1851–1904; Fond Parish registers from Brăișor, 38, 1850–1913; Fond Parish registers from Upper Filea, 106/C, 106/D, 106/E, 1846–1932.
Map 1 Case study

Map 2 Illegitimacy rate in Transylvania counties in 1880