

*Lori Jean Wilson*

Consanguineous or close-kin marriages are older than history itself. They appear in the religious texts and civil records of the earliest known societies, both nomadic and sedentary. Examples of historical cousin-marriages abound. However, one should not assume that consanguineous partnerships are archaic or products of a bygone era. In fact, Dr. Alan H. Bittles, a geneticist who has studied the history of cousin-marriage legislation, reported to the *New York Times* in 2009 that first-cousin marriages alone account for 10 percent of global marriages.<sup>1</sup> As of 2010, twenty-six states in the United States permit first cousin marriage. Despite this legal acceptance, the stigma attached to first-cousin marriage persists. Prior to the mid-nineteenth century, however, the American public showed little distaste toward the practice of first cousin marriage. A shift in scientific opinion emerged in the mid-nineteenth century and had anthropologists questioning whether the custom had a place in western civilization or if it represented a throwback to barbarism. The significant shift in public opinion however, occurred during the Progressive Era as the discussion centered on genetics and eugenics. The American public vigorously debated whether such unions were harmful or beneficial to the children produced by first cousin unions. The public also debated what role individual states, through legislation, should take in restricting the practice of consanguineous marriages. While divergent opinions emerged regarding the effects of first cousin marriage, the creation of healthy children and a better, stronger future generation of Americans remained the primary goal of Americans on both sides of the debate.

First cousin marriage is defined as a union between two individuals who share a grandparent. Most states that prohibit first cousin marriage broaden the marriage restriction to include first cousins once removed, i.e. those who share a great-aunt or -uncle. The terminology is confusing, as in the United States, many people commonly refer to their first cousin once removed as their second cousin. Legally, state governments use the term second cousin specifically to refer to individuals who share a great-grandparent.

The earliest laws preventing first-cousin marriage were enacted in medieval Europe. Pope Gregory I instituted these laws in 579 A.D. and the Church reaffirmed them in 1215 at the Fourth Lateran Council. The official position of the Church until 1917 was to prohibit marriages within the degree of consanguinity of third cousins. In 1917, the Church relaxed its position to allow marriages up to but not including the degree of first-cousin marriage. The Protestant position, as might be expected, was different from that of the Catholic Church. "At the time of the Reformation, Protestants argued for the jettison of papal authority as a basis for marriage regulations and for the

---

<sup>1</sup> Sarah Kershaw, "Shaking Off the Shame," *New York Times*, November 26, 2009, <http://www.nytimes.com/2009/11/26/garden/26cousins.html> (accessed April 24, 2010).

removal of all prohibitions against cousin marriages."<sup>2</sup> Lutherans, Calvinists and Anglicans all accepted varying degrees of cousin marriage. However, some later Protestant groups such as Puritans and Quakers opposed cousin marriage. Even with those denominations that allowed cousin marriage, unions "...could still be no closer in consanguinity than first-cousins.<sup>3</sup> In 1835, England passed Lord Lyndhurst's Act, which had the effect of prioritizing blood relations in kinship and minimizing the importance of affinity. According to historian Martin Oppenheimer, the implications of Lord Lyndhurst's Act were more fully manifested in the United States rather than in England or Europe.<sup>4</sup>

In the United States, a scientific, biological debate ensued with statistics offering support for both sides of the debate. Some states immediately enacted laws banning first-cousin marriage, others, however, held out. In the mid to late 1800s, opponents of first cousin marriage argued from an evolutionary anthropological perspective, contending that such marriages were "uncivilized" and practiced only by "savage" societies. Cousin marriage was viewed as being as barbaric as polygamy. Lewis Henry Morgan, a leading anthropologist who studied Native Americans and who had originally married his first-cousin, came to detest the practice. In his view, religions such as Mormonism, which condoned polygamy and consanguineous marriages were, "atavisms of an earlier age."<sup>5</sup> They had no place in American society and as such need to be eradicated.

Still, not every state passed laws immediately prohibiting first-cousin marriage. Instead, at the turn of the century, the issue was debated again in the context of immigration, assimilation, and standardization. States introduced new bans to prevent the "degenerate" races of Europe from "corrupting" the American population with their backward marriage practices and their "bad" genes, while opponents of first cousin marriage made efforts to end the practice among "white" Americans. First cousin marriage became an issue of eugenics in the late nineteenth- and early twentieth centuries, with the goal of creating a "better" American population.

United States citizens during the Progressive Era sought to fulfill the American dream of "a more perfect union." Americans wholeheartedly adopted the view that science could make not only a perfect nation but a perfect populace, as well, coupling the discussions about marriage with the emerging science of eugenics. With this goal weighing on their minds, the public debated the benefits and detractions of various forms of marriage. The first cousin marriage debate entered the arena of public opinion and became a hotly contested issue. The debate divided into two spheres: on the

---

<sup>2</sup> Martin Oppenheimer, *Forbidden Relatives: The American Myth of Cousin Marriage* (Urbana, IL: University of Illinois Press, 1996), 101.

<sup>3</sup> Alan H. Bittles, "Genetic Aspects of Inbreeding and Incest," in *Inbreeding, Incest, and the Incest Taboo*, eds. Arthur P. Wolf and William H. Durham (Stanford: Stanford University Press, 2005), 40.

<sup>4</sup> Martin Oppenheimer, "Lewis Henry Morgan and the Prohibition of Cousin Marriage in the United States," *Journal of Family History* 15, no. 3 (1990): 327.

<sup>5</sup> Thomas R. Trautmann, *Lewis Henry Morgan and the Invention of Kinship* (Berkeley: The University of California Press, 1987), 69.

one hand were those who opposed first cousin marriage per se, and on the other were those who opposed the legislation regulating first cousin marriage. While they disagreed on many of the issues such as whether or not close-consanguineous unions resulted in mental and physical deformations, both sides worked towards the same goal: a perfect American populace.

Because this paper examines public discourse in the first cousin marriage legislation debate in the Progressive Era, the paper relies heavily on newspapers. The dates examined fall between 1880 and 1915 and the project heavily utilizes papers available via *Chronicling America*, a database of newspapers maintained by the Library of Congress.<sup>6</sup> The papers were geographically heterogeneous, stretching across the nation from New York City to California, as well as Hawaii. Although Hawaii was not an American state during the Progressive Era, the issue was still publicly debated there. This geographical span shows that the issue was a national issue rather than isolated to a particular region. Additionally, the papers represented included both rural and urban presses; dispelling the common myth that first cousin marriages were isolated to rural mountain districts. States researched included both states that decided to enact legislation prohibiting first cousin marriage and states that chose not to restrict the practice. Some of the papers were religiously affiliated while others were secular. In short, the papers represent a solid cross-section of American public opinion regarding the issue.

Historians have discussed first cousin marriage in four different ways. Anthropologist Bernard Farber was the earliest scholar to examine the practice in the U.S from a historical perspective. He argued that state laws regulating first cousin marriage depended on when they entered the Union as well as where they were located geographically within the United States. For example, he argued that states that entered the Union relatively early such as Massachusetts were more likely to allow the practice while those who entered in the late nineteenth century were more likely to restrict the practice.<sup>7</sup> Historians since the 1990s, however, have concurred that there were too many inconsistencies in his over-complex work. More recently, scholars have looked at bans on first cousin marriage as a consequence of evolutionary anthropology, as a consequence of a cultural shift that emphasized biology over morality, or as a consequence of the Progressive Era's belief that the government was obligated to restrict marriage in order to improve political order.

Anthropologist Martin Ottenheimer researches prohibitions against first cousin marriage. Ottenheimer argues that in the mid-nineteenth century, anthropologists, including Lewis Henry Morgan, equated cousin marriage with native or pre-civilized societies. The emphasis on evolutionary anthropology resulted in a rash of state laws meant to affirm America's civility. Ottenheimer contends, "It is this evolutionary schema, with its equation of cousin marriage to uncivilized life, that would be a major factor

---

<sup>6</sup> *Chronicling America* can be found at <http://chroniclingamerica.loc.gov/>

<sup>7</sup> Bernard Farber, *Comparative Kinship Systems* (New York: John Wiley, 1968).

in the rise of the prohibition against cousin marriage in the United States.”<sup>8</sup> Further, he argues, during this period in both the U.S. and Europe, a shift in reckoning kin occurred. Previously, kin had been reckoned based on both affinal and consanguineous lines.<sup>9</sup> However, after Lord Lyndhurst’s Act, he notes that kin began to be reckoned exclusively through consanguineous relations.<sup>10</sup> Ottenheimer discusses the laws passed after the mid-nineteenth century as products of an American myth that equated cousin marriage with genetic inferiority.<sup>11</sup> His work neither explains why all states did not institute bans against cousin marriage nor does it account for the laws implemented or proposed at the turn of the twentieth century.

A. H. Bittles, a geneticist, argues that the bans on cousin marriage are best explained as products of the mid-nineteenth century.<sup>12</sup> His arguments, however, are not historical. Instead, Bittles quibbles about what he considers flawed science. He portrays America as oppressive for maintaining laws against first cousin marriage in the twenty-first century. “Currently, the USA stands alongside the People’s Republic of China and the Democratic Republic of Korea in maintaining civil legislation which, by forbidding first-cousin marriages, could arguably be held to be in contravention of international human right’s conventions on the right to marry.”<sup>13</sup> Bittles, like Ottenheimer, attributes the bans to biological or evolutionary science and places their genesis in the attitudes developed in the mid-nineteenth century.

Historian Priscilla Yamin recognizes the genesis of cousin marriage bans in the mid-nineteenth century, however, she argues that the bans reached their full political potential in the Progressive Era. “In this article, I analyze the critical relationship between the regulation of marriage and the family and the construction of a national political order.”<sup>14</sup> Yamin is right to notice the connection between the prohibition of first cousin marriage and American political identity. Her work focuses heavily on marriage as a political institution. She is most concerned with how attempts to regulate marriage were really attempts to reassert traditional values in the Progressive Era. Unfortunately, cousin marriage appears as little more than a footnote as she discusses but one state that instituted a ban against the practice in the Progressive Era. She does not mention the multiple debates in many state legislatures and newspapers regarding first cousin marriage. Scholars have

---

<sup>8</sup> Martin Ottenheimer, “Lewis Henry Morgan and the Prohibition of Cousin Marriage in the United States,” *Journal of Family History* 15, no. 3 (1990): 328.

<sup>9</sup> Affinal relations are commonly referred to today as, in-law relations. The term is used to denote people who are related by marriage.

<sup>10</sup> Lord Lyndhurst’s Act, instituted into British law in 1835 changed the legal reckoning of kinship. The new law required kinship to be based on biology rather than marriage. Before the law was enacted one’s affinal kin (those related by marriage) were considered as close in kinship as consanguineous kin.

<sup>11</sup> Martin Ottenheimer, *Forbidden Relatives*, 151.

<sup>12</sup> A.H. Bittles, “The Bases of Western Attitudes to Consanguineous Marriage,” *Developmental Medicine & Child Neurology* 45 (2003): 135-137.

<sup>13</sup> *Ibid.*, 137.

<sup>14</sup> Priscilla Yamin, “The Search for Marital Order: Civic Membership and the Politics of Marriage in the Progressive Era,” *Polity* 41, no. 1 (2009), 89.

debated the anthropological and political justifications for banning first cousin marriage. They have relied heavily on expert testimony from scientists and social scientists. Yet, scholars have not discussed how the emerging science of eugenics informed the public discourse in the first cousin marriage debate.

It is important to incorporate the public discourse into the scholarship of the first cousin marriage debate. Historian Nancy F. Cott argues that marriage in the United States functioned historically as a public institution. Though people have claimed throughout the years that marriage is a private institution, Cott contends that the collective public, "...sees itself and its own interests reflected in the couple's actions."<sup>15</sup> Therefore, in the form of both public opinion and governmental intervention, public will has been the primary mold of marriage throughout U.S. history.

Americans of the Progressive Era seemed to accept that certain classes practiced first cousin marriage. Society did not stigmatize the American upper or "aristocratic" classes who practiced first cousin marriage. For them, first cousin marriage functioned as a mechanism for solidifying control over vast corporate holdings. It also psychologically linked them to European royalty and reaffirmed their position as American "aristocracy." The *Washington Herald* in 1909 covered the wedding of Prince Alfonso of Orleans and Princess Beatrice of Saxe-Coburg-Gotha. The paper whimsically reminded readers of, "The wonderful way in which these personages were intermarried...."<sup>16</sup> The *Evening Public Ledger* in Philadelphia used a similar tone when describing the details of the DuPont-Belin wedding. The article also reminded readers that, "The DuPont, Lammot, and Belin families are connected by a number of marriages. Their combined wealth runs far into the millions and Mr. DuPont is said to be the sixth wealthiest man in the United States."<sup>17</sup> American society accepted that powerful capitalist families intermarried in the same way that European royals intermarried. The *Salt Lake Evening Democrat*, as early as 1885, spoke to the function of first cousin marriage among these families, "It is obvious why these marriages are most frequent among the aristocracy, who are led into them by the desire to keep together and to consolidate property."<sup>18</sup> Even though the paper spoke with some disdain, it nonetheless understood the function of first cousin marriage in upper-class families and aptly linked those families to aristocracy. Those that willingly attacked European royals for practicing first cousin marriages failed to point the finger at wealthy Americans who were guilty of the same thing. Further, opponents of first cousin marriage wasted no time going after marginalized groups including newly arriving immigrants and impoverished whites.

Advocates for legislation regulating first cousin marriage cited both cultural and biological reasons as justifications for banning close-

---

<sup>15</sup> Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 2.

<sup>16</sup> "Has an Odd Pedigree," *Washington Herald* (D.C.), August 08, 1909, sec. 2, 9.

<sup>17</sup> *Ibid.*

<sup>18</sup> "Intermarriage of Cousins: The Light of Statistics on the Wisdom of the Practice," *Salt Lake Evening Democrat*, October 14, 1885, 4.

consanguineous unions. Culturally, they hoped that instituting a ban would bring both immigrant and "backward" mountain communities in line with mainstream American practices of marriage. Biologically, legislation would cleanse the American population of "idiots," "imbeciles," and "freaks." Conversely, those opposed to legislation offered myriad cultural reasons stressing the lack of need for formally regulating first cousin marriage. They also attacked the validity of the opposition's science. Some scientists, who urged selective breeding, actually called for an increase in the practice of first cousin marriage.

Those who opposed first cousin marriage saw the practice as culturally inferior. They argued that only degenerate races practiced first cousin marriage. However, they recognized instances in which "white" people had fallen into the abyss of first cousin marriage. Historian Matthew Frye Jacobson notes that in the socially constructed view of whiteness at the turn of the century there existed varying degrees of whiteness. U.S. citizens made a distinction between being white and being ethnically white.<sup>19</sup> Historian Peggy Pascoe states that historians have, "...follow[ed] the rise in Anglo-Saxonism from Manifest Destiny through the Spanish-American War...."<sup>20</sup> She contends that an ideological change occurred in the 1920s that altered constructions of race. The new construction found its bases in culture rather than biology. Anglo-Saxon whites that practiced first cousin marriage presented a challenge to the standard pre-1920 biologically defined racial categories. In cases where normally superior Anglo-Saxons deigned to behave as lower class whites or even worse, Jews, opponents of first cousin marriage pinpointed isolation as the culprit.

Opponents of first cousin marriage, cognizant that closed communities often practiced close-kin marriage, blamed the practice for developing inferior cultures. This was particularly true in communities where "whites" made up the intermarrying population. Opponents of first cousin marriage, assured of the supremacy of the white race, found deficiencies in white, mountain cultures to result from first cousin marriage. In Kentucky, opponents of first cousin marriages considered feuding between mountain families a byproduct of first cousin unions. The *Paducah Sun* reported, "It is contended that the intermarriage of mountain families is the cause of much bloodshed in that section of the state."<sup>21</sup> The paper informed, "The mountain people come from the Anglo-Saxon blood, but their segregation has resulted in an abnormal percentage of marriages between cousins...."<sup>22</sup> The *Paducah Sun* left little room for doubt regarding where to lay the blame for feud culture. Luckily, for Kentucky, the paper offered a solution, "...by the prohibition of the marriage of first cousins and the infusion of new blood into the mountain families a better class of citizens would result."<sup>23</sup> Anglo-

---

<sup>19</sup> Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1998).

<sup>20</sup> Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of "Race" in Twentieth Century America," *The Journal of American History* 83, no. 1 (June 1996): 47.

<sup>21</sup> "Cousins Can't Marry," *Paducah Sun* (Kentucky), January 4, 1904, 2.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

Saxon blood, seen as unquestionably pure and above the barbarism of feuding, simply could not be at fault. First cousin marriage offered a convenient scapegoat.

Opponents of first cousin marriage also fretted that some of the newly arriving immigrant groups practiced close-consanguineous marriages. Unlike the mountain communities of Kentucky, however, these new groups did not possess Anglo-Saxon blood. Opponents of first cousin marriage attacked the new arrivals as "degenerates". Dr. Edward C. Spitzka, a famed neurologist who had served terms as President of both the American Neurological Society and the New York Neurological Society, heralded by the *Citizen* as an "Insanity Expert" lamented, "...the defective classes of Europe poured into our seaports..."<sup>24</sup> Dr. Helen King of the Wistar Institute, a proponent of first cousin marriage, even warned against inferior races in an interview with the *Evening Public Ledger* of Philadelphia, "...the only races who intermarry are degenerate races and therefore you get a race of even greater degeneracy."<sup>25</sup> Italians and Eastern Europeans were among the new groups to arrive in the U. S. at the turn of the twentieth century; however, the newly arriving Jews bore the brunt of the accusations from first cousin marriage opponents. The *Conservative*, a Nebraska newspaper, called the Jews, "...most consumptive of European peoples."<sup>26</sup> The paper gave a less than flattering description of Jewish people: "They are the shortest in stature and the most narrow chested, they live mostly in towns, they are especially exposed to infection from second-hand clothing, they are weakened by consanguineous marriages..."<sup>27</sup> Opponents of first cousin marriage stressed assimilation through ending the practice of consanguineous marriage, both first cousin marriage and uncle-niece marriage. The *Winchester News* in Kentucky ran a story on the Rothschilds Clan, a Jewish family who preferred cousin marriage. The paper stresses, "...from the Gentile point of view the number that have married cousins is appalling."<sup>28</sup> One rabbi wrote in the *Jewish Herald* about, "...the conflict between American and Jewish laws regarding marriage."<sup>29</sup> He further, stated that he had accepted an invitation to attend a, "...committee on the Harmonization of Jewish and American laws."<sup>30</sup> The rabbi held consanguineous marriages as the major point of contention between Jewish people and American culture at large. He noted, "Intermarriage of first cousins is prohibited in many states and the list is growing," and begged every rabbi to procure a copy of the *Summary of Laws of Marriage and Divorce*.<sup>31</sup> He insisted that it was the duty of rabbis to know both the laws of their states and of neighboring states. Accusing rabbis of

---

<sup>24</sup> Edward C. Spitzka, "Insanity is Essentially Rooted in Heredity," *Citizen* (Kentucky), March 2, 1905, 4.

<sup>25</sup> "Wistar Institute Proves By Rats Consanguinity No Wedlock Bar," *Evening Public Ledger* (Philadelphia), September 29, 1915, 8.

<sup>26</sup> NT, *Conservative* (Nebraska), December 26, 1901, 11.

<sup>27</sup> *Ibid.*

<sup>28</sup> "Rothschilds One Large Clan," *Winchester News* (Kentucky), October 13, 1908.

<sup>29</sup> "Jewish Marriages and American Law," *Jewish Herald* (Texas), August 4, 1910, 1.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

"...disregard[ing] the laws...," he warned, "As good citizens they should neither violate nor abet nor sanction the violation of statutory laws."<sup>32</sup> To bring his point home, the rabbi appealed to Jewish law, "...it should not be difficult to hold with the Talmudic maxim, Dine' d' Maichathe Dine, the law of the land is paramount."<sup>33</sup> Opponents of first cousin marriage worked together with rabbis to ensure the assimilation of Jewish people through the eradication of close-consanguineous unions. They believed that the root of Jewish biological inferiority lay in close-kin marriages. Therefore, the most productive way to end Jewish degeneracy in America required the discontinuation of the practice of close consanguineous unions.

Just as these cultural elements bothered those in opposition to first cousin marriage, so too did the biological implications. The mental and physical vitality of children produced by first cousin unions took center stage in the biological argument. Opponents of first cousin marriage turned to medical and scientific experts who claimed that close consanguineous unions were likely to result in offspring exhibiting mental or physical deformities. The most common physical deformity cited was deaf-mutism. The *Valentine Democrat* reported in 1897, "With regard to deaf-mutism, says the Medical Press, statistics show, for the most part, that the closer the degree of relationship between the parents, the more numerous are the deaf-mute children born."<sup>34</sup> While deaf-mutism was the primary physical deformity cited, opponents also pointed to other physical deformities or what they termed "freaks." A Kentucky newspaper printed the story of a woman in neighboring Tennessee who had given birth to two sets of triplets, two pairs of twins, and three singles. Her claim to fame, however, was as the, "...mother of the famous 'Bird-man,' who is now being exhibited all over the country."<sup>35</sup> The paper explained, "Doctors have made an examination of the prolific child-bearer, and pronounce the freak to be due to consanguineous relations."<sup>36</sup> In addition to deaf-mutism and "freaks," opponents of first cousin marriage charged close-kin marriage or inbreeding with causing diseases and even worse: sterility. In an article succinctly entitled, "In-Breeding," the *Sacramento Daily Record-Union* pulled no punches when it exclaimed, "...in-breeding...is an evil and has been marked by the disapproval of all ages, deteriorating diseases and sterility being the most prominent evil results in the human race."<sup>37</sup> If the goal of marriage lay in producing the next generation of American citizens, then any practice, which hinted at the possibility of sterility, required elimination.

Opponents of first cousin marriage equally concerned themselves with what they labeled "idiot" or "imbecile" children. Medical experts characterized a wide array of developmental disabilities using this terminology with scientists and physicians both performing surveys of records at asylums to arrive at their conclusions. The *Omaha Daily Bee*

---

<sup>32</sup> "Jewish Marriages," 1.

<sup>33</sup> *Ibid.*

<sup>34</sup> "Intermarriage of Blood Relations," *Valentine Democrat* (Nebraska), May 27, 1897, 3.

<sup>35</sup> "Two Sets of Triplets," *Daily Public Ledger* (Kentucky), January 24, 1893, 3.

<sup>36</sup> *Ibid.*

<sup>37</sup> "In-Breeding," *Sacramento Daily Record-Union*, March 13, 1880, 2.



reported on a study from Great Britain that suggested, "...first cousin marriages, at any rate, are to some extent favorable to the production of idiot children."<sup>38</sup> The *Omaha Daily Bee*, however, also reported that some evidence suggested that consanguineous unions were not the only fault and claimed that environment might also be a contributor to the defects. Dr. Edward C. Spitzka, the "Insanity Expert" mentioned earlier, left no room for doubt in his conclusions about close kin marriage. He warned that "defective classes of Europe" were contributing to the degeneration of the American population. However, he felt there was an even bigger culprit negatively impacting the health of American-born children. "But far more dangerous and of more radical importance is the increase of idiots and imbeciles. These are not imported: they are born here, and the question of their increase is traced to the consanguineous marriages of which I have spoken . . ."<sup>39</sup> The Catholic Church, in an endorsement of a Colorado law banning first cousin marriage, cited the dangers to a couple's offspring. The *Intermountain Catholic*, a newspaper that served both Utah and Colorado, stated, "...the law banning 1st cousin marriage is important ...in order to avoid physical and mental infirmities usually belonging to children brought into the world through marriage of close relations."<sup>40</sup> Opponents of first cousin marriage concerned with the health, vigor, and vitality of future Americans saw eradication of first cousin marriage as one method by which to ensure a physically healthy and mentally sane population.

The emerging science of eugenics played a key role in the debate. Sir Francis Galton, an Englishman who dabbled in various sciences, coined the term eugenics in the late nineteenth-century. The work of his half-cousin, Charles Darwin, influenced him deeply. Galton believed that by applying principles of selection to human breeding, scientist could clean the human gene pool of undesirable traits.<sup>41</sup> Opponents of first cousin marriage agreed whole-heartedly with Galton's ideas. They saw their task as ultimately a great cleansing of the American gene pool.

Opponents of first cousin marriage contended that first cousin marriages carried as much potential for danger as, "...the intermarriage of persons tainted with hereditary disease...."<sup>42</sup> When families that practiced intermarriage displayed characteristics of insanity the situation was exacerbated. The *Omaha Daily Bee* quoted a Dr. Clouston, "...there seems to be a special tendency for members of neurotic families to intermarry."<sup>43</sup> The *Los Angeles Times* went as far as to blame most of the hereditary ills suffered by humankind on mistakes made by our ancestors. "Large numbers of the feeble minded, insane, idiotic, and epileptic fraction (large indeed) of our population owe their weak or erring mental condition to ancestral

---

<sup>38</sup> "The Marriage of Cousins," *Omaha Daily Bee*, March 20, 1887, 11.

<sup>39</sup> Spitzka, "Insanity," 4.

<sup>40</sup> "First Cousin Marriages," *Intermountain Catholic* (Utah), May 21, 1904.

<sup>41</sup> For information on Francis Galton's many scientific pursuits including his interest in eugenics, see <http://galton.org>

<sup>42</sup> "Intermarriage," 3.

<sup>43</sup> "Marriage of Cousins," 11.

violations of nature's laws."<sup>44</sup> The problem of first cousin marriage was so large that, "Half the misery in the world results from bad lines of heredity."<sup>45</sup> Those opposed to first cousin marriage, however, claimed to have the solution. By eliminating first cousin marriage, "blood evils may be eradicated from the race."<sup>46</sup> For opponents there was no question as to the role the state should play in regulating the genetics of the American population. The *Los Angeles Times* implored, "Heredity is law! Should not law concern itself with heredity?"<sup>47</sup> Proponents of legislation banning first cousin marriage pushed for laws requiring couples to seek a medical examination before exchanging nuptials. In addition to the fears that consanguineous unions were responsible for impurities in the human gene pool, opponents also claimed that first cousin marriage could affect sex determination. The *Evening World*, a yellow press paper out of New York, sensationalized audiences with the terrifying possibility that, "...the preponderance of girl children among European royalty has to do with intermarriage..."<sup>48</sup> In a culture that favored male children over female children, such a possibility unnerved the public. It ran counter to the fundamental ideas of the Progressive Era, which promised a brighter future through science and industry. Proponents of legislation against first cousin marriage believed so strongly in their mission that they had no misgivings about the possibility that any such ban violated civil liberties as promised in the U.S. Constitution. The *Los Angeles Times* shrugged off charges that first cousin marriage bans violated civil liberties, "Be this as it may ...the problem must be solved aright or innocent posterity will suffer."<sup>49</sup> Opponents of first cousin marriage saw themselves as the trailblazers of a new and better America. The issue of civil rights paled in comparison to the gargantuan promise of a better America.

Those opposed to first cousin marriage called for severe and immediate legislation. They felt that states had an obligation to the people to bring to end a practice that had potentially damaging effects for the American population. Because marriage in the United States fell under the jurisdiction of state rather than federal authority, state legislatures ultimately decided the fate of these unions. The press portrayed the burden of the legislators in grave terms. The *Los Angeles Times* in 1898 covered the legislative debate in Ohio. The paper proclaimed that, "The soloons [*sic*] of the Buckeye State are grappling with one of the most serious matters that could confront a legislative body."<sup>50</sup> At the turn of the century, the primary goal of marriage rested in the reproduction of healthy children, therefore any ban regulating marriage consequently regulated the production of a new generation. Legislation, therefore, garnered serious attention from state legislators. A Kentucky politician in 1904 bemoaned that his state lagged

---

<sup>44</sup> "A Problem of the Day," *Los Angeles Times*, February 9, 1898, 11.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> "Boy Babies," *Evening World* (New York), December 3, 1902, 12.

<sup>49</sup> "Problem," 11.

<sup>50</sup> This is a reference to the famed Athenian lawmaker, Solon, credited with reforming the Athenian law code in the 6th century B.C.E.; "Problem," 11.

behind other states in promoting such an important ban. The *Paducah Sun*, calling him a Louisville politician quoted, "In many states promiscuous intermarriage is prevented by law, and it should be so here."<sup>51</sup> Like the *Los Angeles Times* reporter who covered the Ohio debate, the Kentucky politician saw the gravity of the issue. He begged his state to meet the challenge of creating a better Kentucky by ending first cousin marriage.

Those who supported legislation outlawing first cousin marriage met stiff resistance. They considered the laws both unwarranted and unwanted. Opponents warned that states had revised law codes regarding first cousin marriage without the proper debate. While they greatly respected the scientific authority of Charles Darwin and Alfred Huth, nonetheless, they urged that Americans needed to be actively involved in research before reaching any conclusions. In his book, *Consanguineous Marriages in the American Population*, George Louis B. Arner pointed out that, "Although American writers have had little part in the theoretical discussions, our legislators have been active, so that the statutes of every state specify degrees of kinship within which marriage is prohibited."<sup>52</sup> Arner and opponents of legislation disliked that individual states continued to pass laws regulating marriage when virtually all of the discourse and scientific analysis of first cousin marriage had taken place in Europe, predominantly Great Britain. Arner's objections found their justification in newspaper articles like, "Marriage Between Cousins: Scientific Opinions on Both Sides of the Question," published in the *Salt Lake Herald* in 1887. All of the scientific and medical authorities listed in the article were of European descent; most hailed from England or Scotland.<sup>53</sup> Opponents of legislation were equally frustrated with the knowledge that while scientists and doctors in Great Britain and Europe had debated the pros and cons of consanguineous marriages for decades, they had yet to introduce bans regulating the practice. The United States, however, much to their chagrin, had introduced laws based on the same debates.

Opponents of first cousin marriage bans argued that the laws were unenforceable. According to Arner, obtaining a marriage despite the laws was possible. He claimed, "...violations of the consanguinity clause are very frequent..."<sup>54</sup> The *Jewish Herald* quoted a rabbi, "...such marriages are usual and rabbis of little and long experience frequently disregard the law..."<sup>55</sup> In addition to simply disregarding the laws cousin couples sought out ways to enter into legal unions. Because individual states rather than the federal government regulated marriage laws, cousin couples who wished to marry despite their own state's laws could, in many cases, drive across the border of a neighboring state to tie the knot. Many stories in newspapers across America printed stories of such unions. The *Evening Public Ledger* in

---

<sup>51</sup> "Cousins Can't Marry," 2.

<sup>52</sup> George Louis B. Arner, *Consanguineous Marriages in the American Population* (1908) (New York: AMS Press, 1969), 14.

<sup>53</sup> "Marriage Between Cousins: Scientific Opinions on Both Sides of the Question," *Salt Lake Herald*, August 28, 1887, 12.

<sup>54</sup> Arner, *Consanguineous Marriages*, 15.

<sup>55</sup> "Jewish Marriages," 1.

Philadelphia reported in 1915 that Pierre S. DuPont, heir to the DuPont dynasty, intended to wed his cousin Alice Belin in New York because the Pennsylvania "...legislature prohibits the marriage of those of that degree of relationship."<sup>56</sup> The *Paducah Sun* called such couples, "matrimonial pilgrims" and exclaimed, "Paducah will no longer be the Gretna Green of numerous couples from Illinois, Missouri, and other states who come here every year to marry because they are first cousins...."<sup>57</sup> Even supporters of first cousin marriage bans were concerned with how easily couples circumvented the law. The *Intermountain Catholic* disdainfully recounted, "The young man and young woman, first cousins, are going to New Mexico, across the line, and have the nuptial knot tied in a territory not so particular about such things as they are in Colorado...."<sup>58</sup> Legislation opponents painted the laws as ineffective by showing that not only were they easily evaded, but sometimes outright ignored.

Opponents of legislation stressed that in addition to being easily evaded, the laws were unwarranted because they lacked popular support. The *Breckenridge News*, a Kentucky newspaper, reported in 1898 that the bill to ban first cousin marriage "...precipitated an exciting cross fire of floor expression."<sup>59</sup> The paper induced, "This means that there is a large element in the House which is opposed to such a law and it will hardly pass at this term."<sup>60</sup> The paper's prediction proved true as the divisive issue reentered the legislative arena again in 1904 when the *Paducah Sun* reminded its readers, "A bill to prohibit the marriage of first cousins has been proposed several times...."<sup>61</sup> Legislation remained unpopular in Kentucky for decades until a bill passed which outlawed marriages closer than second cousins in 1943.

Other opponents of legislation cried that popularity one way or the other did not justify a law that violated the fundamental individual civil liberties guaranteed to U.S. citizens in the Constitution. They wailed, "...the rights, powers, liberties of a free people would be abridged, endangered, abolished by such laws."<sup>62</sup> A central Kentucky paper, the *Semi-Weekly Interior Journal*, branded legislation as "unwise" and charged, "...it interferes unduly with personal rights."<sup>63</sup> By making this claim, opponents of the legislation essentially labeled laws as anti-American and inconsistent with the ideals of freedom and consent.

Besides being unwanted and unwarranted, opponents of legislation considered bans superfluous. They pointed to the declining numbers of first cousin marriages as the country urbanized. Why bother with outlawing a

---

<sup>56</sup> "P.S. DuPont," 1.

<sup>57</sup> Gretna Green is in Southern Scotland and is famous for elopements. The town received its reputation in the mid-eighteenth century when England introduced age restrictions on marriage via *Lord Hardwicke's Marriage Act*. Many couples from England crossed the border in defiance of the law. "Cousins Can't Marry," 2.

<sup>58</sup> "First Cousin Marriages," 4.

<sup>59</sup> "Both Houses Hard at It," *The Breckenridge News* (Kentucky), January 19, 1898, 1.

<sup>60</sup> *Ibid.*

<sup>61</sup> "Cousins Can't Marry," 2.

<sup>62</sup> "Problem," 11.

<sup>63</sup> "The Inter-marriage of Cousins," *Semi-Weekly Interior Journal* (Kentucky), December 2, 1887, 1.

practice that was slowly exterminating itself? Arner expressed this opinion in his book, writing about the declining practice, he said, "...the sentiment back of the law is more responsible for the decrease in the number of such unions than the law itself."<sup>64</sup> Arner realized that a stigma had emerged regarding first cousin marriage. The *Los Angeles Times* in 1908 quoted a Professor Pearson, "the population of our large towns rapidly drifts away from its relatives, so that little cousin marriage takes place..."<sup>65</sup> Pearson, like many others opposed to legislation, believed that even if first cousin marriages portended any dangers for the population the fact that the practice had already experienced a decline mitigated those dangers. Therefore, introducing legislation constituted a waste of time and represented overkill.

Winning the first cousin marriage legislation debate hinged on establishing scientific authority. In the Progressive Era people looked to science to improve their lives. Americans took for granted science's ability to make the World a better place, they also expected science to amaze, frighten and surprise them along the journey to the future. In 1915, the *Evening Public Ledger*, excitedly exclaimed the, "...waiting world holds its breath to find out just what new "stunts" science is going to perpetuate in order to startle us next."<sup>66</sup> Science, viewed as inexhaustible, was an important tool in the debate. Proponents of first cousin marriage realized an important part of establishing their own credibility as the scientific authority on the matter of cousin marriage, rested in de-legitimizing the scientific claims of their opponents. The *Daily Bulletin*, a Honolulu newspaper, in 1889, equated the opposition's claims with "prophecy" hinting that their opposition was based not in science but in revealed or religious knowledge.<sup>67</sup> Arner quipped, "...the greater part of the literature...is of a controversial rather than of a scientific nature."<sup>68</sup> The *Evening Public Ledger* quoted Dr. Helen King, "...the laws forbidding intermarriage...cannot base their existence on any scientific fact."<sup>69</sup> Winning the trust of the public and state legislatures required scientific credibility. Opponents of first cousin marriage legislation had to shine a negative light on the opposition's scientific claims. Equally, they had to prove their own credibility.

Those against first cousin marriage bans intimated that the opposition based its position on out-dated science. They contended that recent research showed that consanguinity did not cause mental or physical deformations. Disease and deformation, they argued resulted from inheritance and consanguinity itself posed no real harm. The *Salt Lake Herald* enlightened its readers, "...evil effects upon offspring seem to have been exaggerated except where there is a family predisposition to serious disease."<sup>70</sup> According to the *Los Angeles Times*, "This accords with the

---

<sup>64</sup> Arner, *Consanguineous Marriages*, 14.

<sup>65</sup> "Marriage of Cousins," *Los Angeles Times*, July 14, 1908, sect. II, 4.

<sup>66</sup> "Wistar," 8.

<sup>67</sup> "The Marriage of Near Kin," *Daily Bulletin* (Honolulu), March 19, 1889, 3.

<sup>68</sup> Arner, *Consanguineous Marriages*, 10.

<sup>69</sup> "Wistar," 8.

<sup>70</sup> "Marriage Between Cousins," 12.

practical everyday experience of the stock-raiser and horsebreeder [sic].<sup>71</sup> Not only did they claim scientific credibility, but they also emphasized that their position represented the common sense position. The *Daily Bulletin* of Honolulu stated, "Mr. Huth concludes that the accusations directed against marriages of near kin are not justified in the present state of science."<sup>72</sup> George Arner's study on American Consanguineous Marriages followed Huth's tome by twenty years. Arner continued to debunk the old theories. He re-examined the records of Martha's Vineyard, Massachusetts. Martha's Vineyard provided a closed society; perfect for a case study of consanguineous marriages. For years, the high rate of deafness was attributed to inbreeding. However, after reviewing the early settlement records of the island, Arner discovered, "...that among the first settlers were two deaf-mutes, whose defect has been inherited from generation to generation for two hundred and fifty years."<sup>73</sup> Opponents of legislation stressed that recent science considered the arguments of the past and rejected them as flawed. The latest scientists based their opinion on statistical scientific analysis, a newer understanding of inheritance, and empirical evidence rather than superstition.

Based on the new evidence, particularly a new understanding of inheritance laws, first cousin marriage proponents emerged. They not only defended the rights of cousin couples to marry, but they also encouraged them to marry if they had certain quality traits. The *Semi-Weekly Interior Journal* announced, "The marriage of cousins who are each of healthy family and physique ...is quite free from danger."<sup>74</sup> The *Daily Bulletin* added, "...a union between two consanguineous individuals, equally healthy and well-favoured [sic], ought to be encouraged."<sup>75</sup> The *Evening Public Ledger* concluded that cousin marriages, "...would be perfectly safe ...if they are carefully selected."<sup>76</sup> Even the *Omaha Daily Bee* who warned against the possibilities of insanity conceded, "...if close scrutiny reveals no hereditary weakness, neurotic or otherwise, the bans need not invariable be forbidden."<sup>77</sup> Dr. Helen King, who performed experiments on families of rats, applied her work to humans. She justified comparing humans to rats because they both belonged to the Class *Mammalia* in biological taxonomy. Her work revealed that in rats even a relationship as close in blood as brother and sister if, "...carefully selected and of a higher type . . ." resulted in, "...a higher type of offspring."<sup>78</sup> The *Evening Public Ledger* reporting on King's work claimed that the resulting offspring was genetically thirty percent superior to the parent generation.<sup>79</sup> Proponents of first cousin marriage firmly believed if they selected cousins with positive genetic expressions they would create

---

<sup>71</sup> "Marrying Kinfolks," *Los Angeles Times*, March 26, 1888, 2.

<sup>72</sup> "Marriage of Near Kin," 3.

<sup>73</sup> Arner, *Consanguineous Marriages*, 17.

<sup>74</sup> "Intermarriage," SWJ], 1.

<sup>75</sup> "Marriage of Near Kin," 3.

<sup>76</sup> "Wistar," 8.

<sup>77</sup> "Marriage of Cousins," 11.

<sup>78</sup> "Wistar," 8.

<sup>79</sup> *Ibid.*

stronger and healthier children through the intensification of good genes. U.S. citizens of the Progressive Era understood good genes to mean, strong, healthy (both mentally and physically) and virile. And, given the lack of stigma attached to the practice of intermarriage among the upper-class, it was also understood that good genes meant white, upper-class genes. By encouraging the mating of cousins with good genes, early eugenicists hoped to create a stronger, healthier, more mentally acute American population.

The first cousin marriage debate in the Progressive Era focused on creating a better America by engineering the American population, biologically and culturally. Opponents of first cousin unions favored legislation ending the practice claiming it threatened the nation by failing to assimilate degenerate races and promoted the biological decline of the American people. Those who opposed legislation fought back and insisted that these marriages did not threaten the nation. Some actually advocated using first cousin marriage as a scientific tool for the betterment of the gene pool. While both sides disagreed on how first cousin marriage affected the U.S population, they had in common one goal, "a more perfect union."

