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Maracaibo - Venezuela

Nº 97  
2021 - 1  
Enero - Abril

Revista de Filosofía, N° 97, 2021-1, pp. 71-91

## The Medicalization of Cousin Marriage in the 19<sup>th</sup> Century: Historical and Philosophical Approaches

*La medicalización del matrimonio entre primos en el siglo XIX: enfoques históricos y filosóficos*

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### Abstract

Este trabajo está depositado en Zenodo:

DOI: <https://doi.org/10.5281/zenodo.4876412>

Although incest (i.e., sex between siblings or between parents and offspring) is universally abhorred (per the Westermarck effect), cousin marriage (consanguineous unions) is only rejected by some cultures. Although in some Western countries, and especially in the United States, there is extensive legislation against cousin marriage, this has not always been historically the case. The negative attitudes towards cousin marriage in the West actually have a long history, and non-medical factors (religion, politics, economics, demography) have played a role in this regard. However, by the mid-19<sup>th</sup> Century, the stand against cousin marriage was medicalized. Even though ultimately medical studies have proven that cousin marriage is not particularly dangerous, negative attitudes towards it persist. This article approaches this problem from a historical and philosophical perspective.

**Key Words:** Cousin marriage; medicalization; incest; 19<sup>th</sup> Century; politics; religion

## Resumen

Aunque el incesto (es decir, el sexo entre hermanos o entre padres e hijos) es universalmente aborrecido (a partir del efecto Westermarck), el matrimonio entre primos (uniones consanguíneas) solo es rechazado por algunas culturas. Aunque en algunos países occidentales existe una amplia legislación contra el matrimonio entre primos, históricamente no siempre ha sido así. Las actitudes negativas hacia el matrimonio entre primos en Occidente en realidad tienen una larga historia, y factores no médicos (religión, política, economía, demografía) han jugado un papel en este sentido. Sin embargo, a mediados del siglo XIX, la posición en contra del matrimonio entre primos fue medicalizada. A pesar de que los estudios médicos han demostrado que el matrimonio entre primos no es particularmente peligroso, persisten las actitudes negativas hacia este tipo de práctica matrimonial. En este estudio, se aborda esta problemática histórica y filosóficamente.

**Palabras clave:** matrimonio de primos; medicalización; incesto; siglo 19; política; religión

## Introduction

Incest (i.e., sex between siblings or between parents and offspring) is frequently included by anthropologists and historians amongst the universal institutions of the human species<sup>1</sup>. This universality prompts theoreticians to claim that incest avoidance likely has a biological basis. This biological basis has come to be known as the Westermarck Effect, i.e., an imprinting mechanism that primes individuals raised together from infancy, to feel sexual repulsion later on in adulthood<sup>2</sup>. It is admittedly true that there have been a few historical exceptions to incest avoidance, such as Roman Egypt, in which brother-sister marriages were common. But, as Larry Arnhart observes, this appears to be the exception that proves the rule<sup>3</sup>. For, brother-sister marriages in Roman Egypt were more frequent between persons who were not raised together from birth, thus bypassing the Westermarck effect.

1 BROWN, Donald. *Human Universals*. New York: MacGraw Hill, 1991

2 SCHNEIDER, M.A. & HENDRIX, L. Olfactory sexual inhibition and the westermarck effect. *Human Nature*. 2000,11(1):65-91

3 ARNHART, Larry. "The Incest Taboo as Darwinian Natural Right," in Arthur Wolf and William Durham, (eds.), *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century*. Stanford, CA: Stanford University Press, 2004. 190-217.

Be that as it may, despite occasional historical exceptions, there are strong indications that there is a universal abhorrence to incest. Although there are various attempts to rationalize incest prohibitions (ranging from the religious to the medical), this abhorrence relies much more on an intuitive rather an analytic foundation, which again, suggests that it has a biological basis.

This has been verified in a well-known experiment by Jonathan Haidt<sup>4</sup>. He interviewed subjects, and presented the following situation:

“Julie and Mark are brother and sister. They are traveling together in France on summer vacation from college. One night they are staying alone in a cabin near the beach. They decide that it would be interesting and fun if they tried making love. At the very least it would be a new experience for each of them. Julie was already taking birth control pills, but Mark uses a condom too, just to be safe. They both enjoy making love, but they decide not to do it again. They keep that night as a special secret, which makes them feel even closer to each other. What do you think about that? Was it OK for them to make love?”

Haidt made sure that, in this scenario, there would be no biological, social or psychological risks. Nevertheless, the overwhelming majority of subjects answered that they morally objected to Julie and Mark making love. When Haidt asked them what is exactly morally wrong with the scenario, subjects were not able to say. Their answers seemed to be based on intuitive repulsion; in other words, they could not go beyond the mere “yuck” factor.

Haidt’s experiment has not been reproduced in other cultural settings, or with additional variations amongst Americans, and this is a good opportunity for further research. But, provisionally, two hypotheses can be formulated. First, experimenters will get the same results cross-culturally. With great likelihood, all human beings are repulsed by sibling incest, regardless of the alleviating factors considered by the experiment. Second, if the experimenters posited that Mark and Julie were cousins (not siblings) who are considering marriage, Americans (and most likely Westerners as a whole) would still be repulsed, but people from other regions of the world (especially the Muslim world and India) would likely not be.

This is because, although cousin marriage is outlawed in most legislations of the United States<sup>5</sup>, in many societies, it is allowed; about one billion people currently

4 HAITT, Jonathan. The emotional dog and its rational tail: A social intuitionist approach to moral judgment. *Psychological Review*, 2001, 108, 814–834.

5 PAUL, Diane & SPENCER, Hamish. “It’s Ok, We’re Not Cousins by Blood”: The Cousin Marriage Controversy in Historical Perspective. *PLoS Biology*. 2008, 6(12): e320

practice it<sup>6</sup>. In fact, it is the norm, as it appears to be very functional (it eases tensions amongst in-laws, it allows spouses to accommodate to their new home, it lowers the price of dowry). In contrast, Westerners remain scandalized at the thought of first cousins marrying, and some Western countries criminalize it.

Therefore, as opposed to incest avoidance, prohibitions of cousin marriage do not seem to rely on instinctual bases, and this explains why there is a universal taboo against incest, but not a universal taboo against cousin marriage. Consequently, this raises an important historical question: how did cousin marriage then, become forbidden in some Western societies, but most notably the United States?

As it happens, it has been a long historical process. Throughout, various motivations have been in play. Ultimately, the most common rationalization against cousin marriage has been medicalized; i.e., consanguinity is dangerous because of its deleterious genetic effects. But, a critical evaluation of the history of medicine allows us to understand that, frequently, medical discourse ultimately relies on non-medical motivations.

Critical historians of medicine have frequently made this point. Most notably, Michel Foucault's work on the history of psychiatry<sup>7</sup> and medicine as a whole<sup>8</sup>, bring forth the point that power dynamics ultimately underlie many of the major developments in the history of medicine. Ivan Illich's medicalization theory is also relevant<sup>9</sup>. According to this theory, human conditions and behaviors come to be defined as medical conditions, and thus become the subject of medical study, diagnosis, prevention or treatment. Ultimately, the result is that medical discourse encompasses most spheres of society, to the point of pathologizing behaviors that, in fact, should probably be considered normal. In most cases, the medicalization of normal behavior becomes a resource for specific moral reasoning, protected by the authoritative discourse of medicine. Consider, for example, the pathologization of homosexuality until its removal from the list of mental illness in the DSM-II. As many critics note, the reasons for which this particular behavior was pathologized, had far more to do with a particular moral concern, than with actual clinical evidence<sup>10</sup>.

6 MODEL, B & DARR, A. Science and society: genetic counselling and customary consanguineous marriage. *National Review of Genetics*, 2002, 3:225–229

7 FOUCAULT, Michel. *Madness and Civilization: A History of Insanity in the Age of Reason*. New York: Vintage. 1988

8 FOUCAULT, Michel. *The Birth of the Clinic: An Archaeology of Medical Perception*. New York: Vintage. 1994

9 ILLICH, Ivan. *Limits to Medicine: Medical Nemesis, the Expropriation of Health*. London: Marion Boyars. 2010

10 DRESCHER, Jack. Out of DSM: Depathologizing Homosexuality. *Behavioral Sciences*. 2015, 5(4): 565–575.

Likewise, it is important to ask whether the traditional antipathy towards cousin marriage is based on sound clinical evidence, or if there are instead historical conditions that primed some physicians and many politicians to advise against cousin marriage, more due to the moral zeitgeist of a particular epoch. In this article, we shall examine how cousin marriage has long been an issue of concern in Western societies, but it became especially so in England and the United States the 19th Century out of a medical concern, even though these discussions went beyond mere medical facts and medical motivations.

### 1. The non-dangerousness of cousin marriage

One may be tempted to think that cousin marriage is forbidden in the United States, simply because it is dangerous, and unlike other countries, Americans have the accurate medical information. This is not entirely true. While cousin marriage is not absolutely free of risks, it is not as dangerous as American (and Western as a whole) popular opinion frequently has it.

There is little doubt that incest is dangerous, and that is why natural selection pressured against it. In the academic beginnings of anthropology, most scholars considered non-evolutionary explanations for the universality of incest avoidance. E.B. Tylor argued that incest is prohibited for strictly social reasons; according to his theory, human groups have always tried to establish relations with other groups, and the way to do it is by forcing individuals to marry outsiders, and thus form alliances. Levi-Strauss posited a similar theory, claiming that the incest taboo encourages exchanges of women among groups, and this in turn strengthens alliances<sup>11</sup>.

Sigmund Freud even believed that our biological instincts are incestuous, but civilization intervenes to repress our Oedipal desires, which never truly go away<sup>12</sup>. These theories have been proven wrong on various levels. In contrast, the one theory that has persisted was proposed by Edward Westermarck. He posited that, as opposed to Freud's fantasies, humans have biological drives, not towards sexually pairing with our closest relatives, but rather, to feel sexual repulsion towards them. Westermarck realized that incest is dangerous, but natural selection came up with a mechanism that ensured that we would never feel sexual attraction for those that have been raised with us since infancy<sup>13</sup>.

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11 LEVI-STRAUSS, Claude. *The Elementary Structures of Kinship*. New York: Beacon. 2016.

12 FREUD, Sigmund. *Totem and Taboo*. New York: Dover. 1998

13 WESTERMARCK, Edward. *The History of Human Marriage*. New Delhi: Logos. 2007

Evidence ultimately proved Westermarck right. For instance, children who are raised together in Israeli kibbutz very rarely marry or even have sexual relations with each other later on as adults<sup>14</sup>. In Taiwan, there is a cultural custom in which very young girls are raised together with their future husbands; it turns out that, compared to the rest of the population, these marriages have far lower fertility rates and far higher divorce rates<sup>15</sup>.

This phenomenon, now known as the “Westermarck effect”, makes perfect evolutionary sense. Incest is dangerous, because it increases the chances of deleterious recessive genes becoming manifest. Most deleterious genes are recessive (that is the only way they can be preserved in the gene pool), meaning that having one copy is not enough for the gene to be expressed. Incest decreases the variability that protects the gene pool in case deleterious recessive genes appear. Species that practiced incest likely went extinct (proliferation of recessive genes would make them unfit), and for survival, evolution had to come up with a mechanism which ensured that incest would be avoided. It could have been sexual avoidance based on kin recognition, but in our case, the mechanism actually turned out to be a form of imprinting: we tend to feel sexual repulsion for those that have constantly been with us ever since we were children. At the time the incest taboo was thought to be strictly social, anthropologists believed that non-human animals mated with their close relatives. We now know that, at least in the case of most primates, close relatives do practice sexual avoidance, thus further proving Westermarck right<sup>16</sup>.

Therefore, it can be safely said that natural selection pressured against incest. But not necessarily against mating with more distant relatives, i.e., against consanguineous pairings. In fact, although consanguinity may also carry the risk of proliferating recessive genes, this may be outweighed by other selective advantages.

Similarity of traits in parents may turn out to be advantageous for various reasons. For example, if a woman with Rh- factor pairs with a Rh+ man, their child may be Rh+, and this can create complications in pregnancy and delivery. Instead, if that woman pairs with, say, a first cousin, there are higher probabilities that such a man is also Rh-, and therefore that also increases the chance that the child will be Rh-, thus avoiding the pregnancy and delivery complications.

14 DURHAM, William. *Coevolution: Genes, Culture, and Human Diversity*. Stanford University Press, 1991, p. 310

15 WOLF, Arthur. *Incest Avoidance and the Incest Taboos*. Stanford University Press, 2013, p. 48

16 DIXSON, Alan. *Primate Sexuality: Comparative Studies of the Prosimians, Monkeys, Apes, and Humans*. Oxford University Press, 2012, p. 120.

Patrick Bateson offers a more colorful example: “The size and shape of teeth are strongly inherited characteristics. So too are jaw size and shape... The potential problem arising from too much outbreeding is that the inheritance of teeth and jaw sizes are not correlated. A woman with small jaws and small teeth who had a child by a man with big jaws and big teeth lays down trouble for her grandchildren, some of whom may inherit small jaws and big teeth. In a world without dentists, ill-fitting teeth were probably a serious cause of mortality. This example of mismatching, which is one of many that may arise in the complex integration of the body, simply illustrates the more general cost of outbreeding too much”<sup>17</sup>.

Robin Fox adequately sums up the argument: “So nature aims for a middle ground: organisms breed out to avoid losing variability, but not so far out that they dissipate genetic advantages. In human terms this means that the immediate family is taboo, but that marriage with cousins should be preferred”<sup>18</sup>.

The fact that natural selection pressured against incest, but not necessarily against consanguinity, suggests that the former is unquestionably dangerous, whereas the latter is not as much. This seems to be confirmed by data.

It is admittedly true that when genetically related individuals mate, the chances that their offspring will have a higher degree of homozygosity (having the same copies of genes) increases, thus increasing the probability of having more recessive deleterious genes. But, this is a very limited effect. The National Society of Genetic Counselors, after doing extensive meta-analyses, in a conclusive report states that, overall, cousin marriage increases the risk of children with genetic defects by 1.7%<sup>19</sup>. This is roughly the same added risk as a 40-year old woman having a child. Thus, there is an additional risk in cousin marriage, but quite limited in scope. If women older than 40 are not legally forbidden from marrying, yet they carry the same genetic risk as cousins marrying, then one may begin to wonder if the traditional Western prohibition on cousin marriage relies more on non-medical factors.

There are some high-profile cases that seem to present more alarming data for cousin marriage. For example, it is frequently reported that about 50% of British Pakistanis marry their first cousins, and children in those communities are 10 times more likely than the general British population to be born with defects. Yet, this is not

17 BATESON, Patrick. *Inbreeding Avoidance and Incest Taboos*. In: Wolf, Arthur (Ed.). *Inbreeding, Incest, and the Incest Taboo*. Stanford University Press, 2005, p. 25-26.

18 FOX, Robin. *The Tribal Imagination*. Harvard University Press, 2011, p. 131.

19 BENETT R.L., MOTULSKYA.G & BITTLES, A. Genetic counseling and screening of consanguineous couples and their offspring: recommendations of the national society of genetic counselors. *J Genet Couns*; 2002, 11(2):97-119

necessarily due to consanguinity. As Diane Paul and Hamish Spencer argue, “British Pakistanis, are often poor... The mother may be malnourished to begin with, and families may not seek or have access to good prenatal care, which may be unavailable in their native language. Hence it is difficult to separate out genetic from socio-economic and other environmental factors”<sup>20</sup>.

### Early attitudes towards cousin marriage

As the rest of most contemporaneous societies, Western societies did not originally outlaw cousin marriage. The ancient Greeks practiced this custom<sup>21</sup>; in Athens and Sparta, even half-sib marriages were allowed<sup>22</sup>. This became the norm amongst the Ptolemaic dynasty in Egypt. The Romans had a more complicated approach. In some spheres, there was strong disapproval of cousin and uncle-niece marriage; this explains how Emperor Claudius’ marriage to his own niece Agrippina caused great scandal<sup>23</sup>. But, for the most part, although it was not widely practiced, cousin marriage was tolerated, and some imperial families did engage in it. For example, Emperor Constantine’s own daughters married first cousins. Emperor Theodosius eventually decreed against the practice<sup>24</sup>, but it never truly went away.

As the Roman Empire became more Christianized, the legitimacy status of cousin marriage became ambiguous. Some traditions posited that Jesus’ parents were first cousins themselves, presumably sanctioning consanguinity. And most importantly, the Bible contains no prohibition of cousin marriage whatsoever. The book of Leviticus includes a series of prohibited relations; these are mostly incestuous relationships (although, strangely, there is no mention of father-daughter prohibition), and some affinal relationships (i.e., the spouse’s relatives). Cousin marriage is fair play in Leviticus, and many Biblical stories even seem to support it.

Yet, it was the Church itself, the one institution that actively discouraged cousin marriage, and it played a major role in outlawing it. As Christianity spread throughout

20 PAUL, Diane; SPENCER, Hamish. “It’s Ok, We’re Not Cousins by Blood”: The Cousin Marriage Controversy in Historical Perspective. *Plos Biology* 2008, 6(12).

21 THOMPSON, Wesley. The marriage of first cousins in Athenian society. *Phoenix*. 1967, Vol. 21, No. 4.

22 AGER S.L. Familiarity breeds: incest and the Ptolemaic dynasty. *Journal of Hellenistic Studies*. 2005, 125:1–34.

23 GADOLPHIN, F.R.B. A note on the marriage of Claudius and Agrippina. *Classical Philology*. 1934, Vol. 29, No. 2

24 SHAW, Brent & SALLER, Richard. Close-kin marriage in Roman society? *Man*. 1984, Vol. 19, No. 3.

Europe, limitations on consanguinity became commonplace. By the 6<sup>th</sup> Century, it was actively prohibited. On the basis of Bede the Venerable's testimony, we know that Augustine (the first Archbishop of Canterbury) was advised by Pope Gregory I to forbid cousin marriage in his dioceses.

Gregory wrongly appealed to Leviticus (again, this book takes no stand against cousin marriage). But, he also invoked biological arguments against cousin marriage: he claimed that cousin marriage does not result in children<sup>25</sup>. This is factually not true, although as mentioned above, there is a slight increase in the risk of genetic defects.

Other Christian authors had scorned cousin marriage for different reasons. Augustine of Hippo argued that cousin marriage was an obstacle to State formation, and he believed that marrying non-relatives allows for expansion of social networks and "should thereby bind social life more effectively by involving a greater number of people in them"<sup>26</sup>. This argument has been echoed in more recent times, and some studies have found an inverse correlation between rates of cousin marriage and democratic institutions<sup>27</sup>. Medieval Visigoths also seemed to have an understanding of the tension between consanguinity and State information, and this may have been the main reason why they also forbade cousin marriage to a large extent<sup>28</sup>.

But, the best explanation for the Church's prohibition against cousin marriage is provided by Jack Goody<sup>29</sup>. According to Goody's theory, as the Church had become a powerful institution with big social responsibilities by the 6<sup>th</sup> Century, it required a large patrimonial state in order to provide and sustain social support for the disadvantaged. A series of reforms were thus passed, all with the ultimate purpose of weakening kinship groups, so that there would be fewer claimants to inheritance, and property would easily become administered by the Church. Adoption was discouraged, widow remarriage was scorned, celibacy was imposed, and bilateral kinship systems were encouraged. Ultimately, as kinship groups were debilitated, the Church had ampler opportunities to receive larger states that were left with no claimants in inheritance.

The prohibition of cousin marriage was part of these reforms. It served a double purpose. First, it debilitated kin alliances, as affinal relatives would no longer be consanguineal relatives; kinship gave way to more territorial-based principles,

25 BEDE *The Ecclesiastical History of the English People*. London: Penguin, 2010, p. 81.

26 AUGUSTINE. *The City of God against the Pagans*. Cambridge: Cambridge University Press, 1998, p. 665.

27 SCHULZ, Jonathan. Kin-networks and institutional development. *SSRN*. 2016 Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2877828](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2877828)

28 KING, P.D. *Law and society in the Visigothic kingdom*. Cambridge: Cambridge University Press. 1972

29 GOODY, Jack. *The Development of the Family and Marriage in Europe*. Cambridge: Cambridge University Press. 1983.

and as Henry Maine famously claimed, this was an important aspect of European modernization<sup>30</sup>. Second, given that the extent of cousin marriage prohibition was rather large, people now had a more difficult time finding marriage partners, and this made it easier for them to die without heirs, thus leaving their states to the Church.

Therefore, the Church had to decide up to what degree of consanguinity would cousins be allowed to marry. There were in Europe two ways of calculating degrees of consanguinity<sup>31</sup>. The standard way was the Roman (or civil) method: it counts the distance between relatives by summing the number of links from each related individual to a common ancestor (e.g. siblings are in the second degree, first cousins are in the fourth degree, and so on). But, by 1076, a canon from Pope Alexander II changed this. The Church switched to the Germanic way of counting. Under this method, only links up to the common ancestor are counted, without summing them (e.g., siblings are in the first degree, first cousins are in the second degree, and so on). This change enabled the Church to expand further its prohibitions against cousin marriage. Under the Germanic method, up to seventh-cousin relationships were outlawed.

By 1275, the Church realized that its prohibitions of cousin marriage were too extensive, and at the IV Lateran Council, under Innocent III, brought them back to third-cousin relationships or closer<sup>32</sup>. The Council of Trent in 1545 reaffirmed this regulation, and it has stayed in force until 1917, when restrictions for marriage were only placed on second cousins, and then in 1983, it was further reduced to first cousins.

But, the Church was malleable in all these regulations. The prohibition of cousin marriage became an intensely political and economic issue. Cousins within the prohibited degrees who still wanted to marry, could still get dispensations, provided they would pay some fee. Furthermore, the Church's prohibition on divorce was frequently bypassed by men who, upon investigating, discovered that they were related to their spouses, and thus, the marriage had to be annulled, because it fell within the range of prohibited degrees.

Naturally, Protestant Reformers were not impressed with these maneuverings. Luther's animosity towards dispensations is well-known, and this also extended to his views on cousin marriage, which came to dominate Protestant churches. On the basis of *sola scriptura*, Luther sought to revert back to Leviticus' original regulations. As

30 MAINE, Henry Sumner. *Ancient Law*. New York: Cosimo Classics. 2005

31 WATKIN, Thomas Glynn. *An Historical Introduction to Modern Civil Law*. New York: Routledge. 1999

32 MONGER, George. *Marriage Customs of the World: An Encyclopedia of Dating Customs and Wedding Traditions*. New York: ABC-Clío, 2013, p. 175.

mentioned, Leviticus does include extensive prohibitions of relations in marriage, but these have to do with incest and affinal relatives, not with cousins.

Likewise, the circumstances under which the Church of England came into being, also facilitated the acceptance of cousin marriage. As it is well-known, Henry VIII was the main orchestrator of the split with Catholicism, and his own marital life played a significant role. At first, Henry sought a dispensation from the Pope to marry Catherine of Aragon, his brother's widow. As he grew unsatisfied with her, he sought, as many other Catholic nobles had done, to annul his marriage, by claiming that the relationship with his wife was prohibited. But, instead of claiming that she was his cousin (as was frequently done), Henry attempted to hold on to Leviticus, and claimed that, inasmuch as Catherine had previously been married to his own deceased brother, there were grounds for divorce. The Pope refused to comply with Henry's request, and consequently, the Church of England was established. Henry then divorced Catherine and married Anne Boleyn, who in turn was executed. Henry wanted to marry Anne's own cousin, Catherine Howard. But, as affinity relations were considered to be basically on the same level as consanguineous relations, Catherine was also considered Henry's cousin. And so, to achieve his goal, Henry established a statute that allowed cousins in the first degree to marry, whether affinal or consanguineal.

Consequently, by and large, Protestant attitudes towards cousin marriage were laxer than in the Catholic world. Given that cousin marriage depended on dispensations, and these could be costly, in Catholic countries this custom persisted, but mostly amongst the royalty and nobility. By the 19th Century, cousin marriage was a well-established institution in the Protestant world, and especially so in England. It became a prominent theme of English literature, and a great number of industrialists and intellectuals of the upper-middle classes married first cousins. In fact, as David Sabeian argues, close kinship networks maintained through cousin marriage, became a crucial resource in the 19th Century capital accumulation and business enterprise across most European countries<sup>33</sup>.

### **The change of attitudes towards cousin marriage in the 19th Century**

By the 19th Century, there was a marked shift in attitudes towards cousin marriage, including Protestant countries, and most notably the United States. By

33 SABEAN, D.W. TEUSCHER, S. Kinship in Europe: A new approach to long-term development. In: Sabeian, D.W., S. Teuscher and J. Mathieu (eds). *Kinship in Europe: Approaches to Long-Term Development (1300–1900)*. Oxford: Berghahn Books. 2007

1835, the British Parliament had had extensive discussions about the legitimacy of some marriages. Lord Lyndhurst's Act was passed in 1835<sup>34</sup>. Basically, this legislative measure forbade marriages with a deceased wife's sister, a practice that was becoming increasingly popular in England during the Industrial Revolution. This debate was about an affinal relationship, but in both the United States and England, the interest was now shifting towards a debate on consanguineal marriages. Although cousin marriage was still practiced, it was becoming less popular than before, and eventually it became frowned upon.

Historians have typically come up with two explanatory factors for this sudden transformation. First, there were important demographic changes<sup>35</sup>. As a result of industrialization and urbanization, the fertility rate in the 19th Century was significantly lowered, and consequently, the pool of marriageable cousins was shrunk. People therefore had to look beyond kinship ties in order to find spouses because, simply, within the family, there were few available.

Second, industrialization also brought important economic transformations. Capital accumulation no longer relied on kin networks (as it is typical in landholding estates), but rather, as modern financial institutions do more often, on contractual relations. Kinship was no longer the prime economic organizing principle, and therefore, cousin marriage ceased to have the functions it did in previous epochs<sup>36</sup>.

But, these motivations were never made explicit, and most likely, are now understood only with the benefit of hindsight. Observers in the 19th Century did note that cousin marriage was becoming less popular, but with the positivist spirit of the time, adorned their explanations with scientific language. The old disputes between Protestants and Catholics regarding the right interpretation of Leviticus and its prohibitions of marriages amongst some kin, gave way to scientific discourse about the dangerousness of cousin marriage. And hence, even though originally this had been mostly a religious dispute, and now economic and demographic factors were at stake, the discussion about the legitimacy of cousin marriage was medicalized. Scientists and physicians began to discuss the potential harmful effects of consanguineous unions, and these debates in turn influenced the current prevailing attitudes towards cousin marriage in Western societies. Even doctors in novels expressed these concerns, as

34 NELSON, Claudia. *Family ties in Victorian England*. Westport: Praeger. 2007.

35 HAINES, M. 'Fertility and Mortality in the United States', 2019, Available at: <http://eh.net/encyclopedia/fertility-and-mortality-in-the-united-states/>

36 HALL, P. D., 'Marital Selection and Business in Massachusetts Merchant Families, 1700-1900', in M. Gordon (ed.), *The American Family in Social-historical Perspective*. New York: St. Martin's Press, 1978, p. 101-14.

Dr. Crofts in Trollope's *The Small House of Allington*: "I am not quite sure that it's a good thing for cousins to marry"<sup>37</sup>.

The first serious concern came from a study by Sir William Wilde, father of the prominent poet, Oscar Wilde. As the famine of 1845 struck Ireland very hard, governmental authorities sought to study, not only the effects of that particular famine, but also a wide array of epidemiological issues. Wilde became especially interested in the prevalence of deaf-mutism, and carried on a significant study on the matter in 1851. This study was the first to recognize the genetic origins of deafness in the early-onset variant. Wilde's study became notorious for using trained enumerators for the census. He also relied on physicians, who paid visits to persons suspected of suffering the condition, and then proceeded to obtain detailed family and medical histories<sup>38</sup>.

The study was not without its problems. One particular enumerator recorded children younger than one as deaf-mute, simply on the basis of not being able to speak. But, these initial technical difficulties were eventually overcome, and the study has become an important hallmark in the history of medicine.

For the study, Wilde collected 4747 cases of deaf-mutism, and estimated that, of those, 170 came from parents who were related as first, second or third cousins. This turned out to be 3.6% of the population. This result clearly showed that cousin marriage played a minor role in the etiology of deaf-mutism, and although Wilde believed that the number was probably higher than what the study found, he honestly claimed that the data adequately showed that there is no clear correlation between consanguinity and deaf-mutism<sup>39</sup>.

But, the intellectual elites persisted in their anxiety about the dangers of cousin marriage. So, new studies reexamining Wilde's results were carried out<sup>40</sup>. This time, they were done in remote populations, because it was believed that consanguineous marriages were more prevalent there. The results came out to be similar as Wilde's study, and no sound conclusion was reached.

An interesting follow-up of studies establishing a correlation between cousin marriage and deaf-mutism was carried out by Alexander Graham Bell, the famed inventor of the telephone, and educator of deaf children himself<sup>41</sup>. Taking students

37 TROLLOPE, Anthony. *The Small House at Allington*. New York: Penguin. 1991

38 RUBEN, Robert. William Wilde's Census of the Deaf: A 19th Century Report as a Model for the 21st Century. *Otology & Neurotology*. 2010, Vol. 31, Issue 2.

39 BITTLES, Alan. *Consanguinity in Context*. Cambridge: Cambridge University Press, 2012, p. 46.

40 MITCHELL, A.M. On the influence which consanguinity in the parentage exercise upon the offspring. *Edinburg Medical Journal*. Vol 10, 781-794. 1864.

41 MITCHELL, Sue. The Haunting Influence of Alexander Graham Bell. *American Annals of the Deaf*. 1971, Vol. 116, No. 3.

from an American school between 1817 in 1877, in 1883 Bell studied 2106 deaf children. He observed that 32.9% of the students came from families who had other deaf members. Very much as in Wilde's study, this was indicative that deaf-muteness has some genetic base, but it falls short of proving that cousin marriage plays a role. Bell believed that cousin marriage is indeed significant in this regard, because he demonstrated that there was some overrepresentation of some surnames, which were not common in the general population<sup>42</sup>.

Although Bell's assumptions were too hazy, on the basis of these findings, he urged lawmakers to prohibit cousin marriage. As it turned out, Bell's advice was accepted by most lawmakers in the United States. Unlike the religious discussions of the past regarding Leviticus, or the judicial discussions regarding the proper method to count kin degrees, this time the rationale was entirely medicalized.

Wilde's original study of the deaf-mute launched a new wave of medical discussions about the dangers of cousin marriage. The issue was now having political connotations in the United States. One clergyman, Charles Brooks, was particularly interested in imposing strict laws against cousin marriage, and in 1855 eagerly publicized another study by a noted physician of the time, Dr. Samuel Bemiss, perhaps the 19th Century physician who did the most to medicalize cousin marriage<sup>43</sup>.

Bemiss collected information from medical colleges, and tried to correlate consanguineous unions with the rates of early deaths and number of offspring. Bemiss' study was very hyped, as apparently it demonstrated a positive correlation. But, it now seems that Bemiss' study neglected some important social variables in his study. Much more than consanguinity, a stronger predictor of higher mortality rate was tuberculosis. This disease killed a greater number of individuals in the population made up of people born out of consanguineous unions, which, as Brittle points out<sup>44</sup>, it suggests that there was a significant difference in the living conditions of the two groups. Furthermore, many of the conditions that were allegedly the result of cousin marriages (mental retardation, respiratory illnesses, blindness, deformities), were in fact often caused by infectious diseases. Bemiss failed to take that into account.

Despite his scientific intentions, Bemiss' endeavor was actually cloaked in notions of pre-scientific medicine. He subscribed to humoral theories of health, and

42 WINZER, Margaret. *The History of Special Education: From Isolation to Integration*. Gallaudet: Gallaudet University Press, 1993, p. 101.

43 BITTLES, Alan. The bases of western attitudes to consanguineous marriage. *Developmental Medicine & Child Neurology*. 2003, 45: 135-138

44 BITTLES, Alan. Commentary: The background and outcomes of the first-cousin marriage controversy in Great Britain. *International Journal of Epidemiology*, 2009, 1.6

he believed that consanguineous unions would alter the necessary balance between humors in the human body. Ironically, many cures associated with humoral medicine (especially calomel, a form of mercury) were themselves the cause of many of the ailments (blindness, respiratory illnesses, etc.) that were blamed on consanguineous marriages<sup>45</sup>.

Be that as it may, Bemiss' conclusions were harsh against cousin marriage: "It will be perceived that parental infirmities are entailed with great certainty upon the offspring, and this, in the opinion of the reporter, constitutes the strongest argument against the intermarriage of relatives; the fact that family peculiarities, tendencies, and infirmities, either of mind or body, which may be so slight on the part of parents as to remain latent, become so exaggerated by this 'intensifying' of the same blood, that they are in the child prominent and ruinous defects"<sup>46</sup>.

Despite his aggrandized rhetoric, Bemiss' studies had additional considerable flaws. It turned out that the percentage of defective children was higher amongst unions of third degree than unions of first and second degree. This finding was not consistent with his original claims about the dangerousness of cousin marriage.

Even though these studies purported to be scientific and pretended to be solely concerned with the quest of truth, in fact, there was a heavy load of ideological circumstances underneath them. Ultimately, as has been the case numerous times in the history of medicine, medicine was used to advance particular ideological platforms. In the context of 19th Century debate around cousin marriage in the United States, this ideological platform were republican values that were upheld in opposition to what was then considered the aristocratic decadence of Europe.

As perceived in the thriving young American republic, this decadence in European aristocracy came largely as a result of inbreeding. Cousin marriage represented everything that was wrong with European conservatism: an undue attention to kinship relations as determinants of status and power. Although the debate around cousin marriage in the mid-19th Century was supposed to be strictly along medical arguments, the rhetoric was heavily political, and imbued with a republican ethos. Consider, for example, Dr. Charles Caldwell's words, another advocate of prohibiting cousin marriage in the early years of the debate:

"Be the cause what it may, both history and observation testify to the fact, that the issue of marriages between parties related by consanguinity always

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45 MCKINNON, Susan. Cousin marriage, hierarchy, and heredity: contestations over domestic and national body politics in 19th-century America. *Journal of the British Academy*, 7, 77

46 BEMISS, S. M. 'Report on the Influence of Marriages of Consanguinity upon Offspring', *Transactions of the American Medical Association*, 1858, 11: 319-425.

degenerate. They become enfeebled in time, both mentally and corporeally. This practice, which is fostered chiefly by the false pride of rank, has reduced almost to dwarfishness the nobility of several nations, especially of Portugal. It has likewise aided not a little in not only deteriorating, but nearly extinguishing, most of the royal families of Europe<sup>47</sup>.

Reverend Brooks (the clergyman who consistently promoted Bemiss' flawed research) had trouble keeping the pretense that his main intention in outlawing cousin marriage was purely scientific. His political intentions and his republican tendencies seemed difficult to be concealed, as he insisted that aristocratic families intermarried with the purpose of keeping property in the family, and American aristocratic families who engaged in these kinds of practices were running the risk of importing the same kind of degeneracy that was wiping away European nobility<sup>48</sup>. As Susan McKinnon assesses the 19th Century debate about cousin marriage in the United States, "a negative evaluation of marital mixing across ranks and between populations was dismantled by correlating out-marriage with the egalitarian ideals of republicanism and connecting it with the positive values of health, vitality, and progress—of individuals, family lines, and the new American republic"<sup>49</sup>.

Ultimately, in the medicalization of cousin marriage in the 19th Century, this particular issue was not just a useful trope to oppose the republican virtues of America vs. the aristocratic decadence of Europe, but also, to expand on the then-popular positivist dichotomies of civilization vs. barbarism. As the United States expanded westward under the banner of the "Manifest Destiny" doctrine, both politicians and the intellectual elite embraced a new imperialist ideology that was already thriving in Europe under the Victorian ethos. European powers expanded the notion of a "civilizing mission" as a way to justify their territorial expansions in Africa and Asia. This "civilizing mission" operated under the assumption that civilized nations had to educate barbaric peoples (the so-called "white man's burden"), and hence, intellectuals and scientists became fascinated by the contrast between civilization and barbarity.

This scheme informed their particular interpretative approach to History, as a continuous thread of unilineal process. 19th Century anthropologists were fascinated with this approach, and one particular American anthropologist, Lewis Henry Morgan,

47 CALDWELL, C., *Thoughts on Physical Education, and the True Mode of Improving the Condition of Man*. Edinburgh: Adam and Black. 1836, p. 21

48 BROOKS, C. 'Laws of Reproduction, Considered with Particular Reference to the Intermarriage of First-cousins', *Proceedings of the American Association for the Advancement of Science*, 1856, 236-46.

49 MCKINNON, Susan. Cousin marriage, 61

took special issue with cousin marriage, on the basis of this rationale<sup>50</sup>. Morgan himself was married to his own cousin, and out of this union, two daughters were born, but they died as a result of scarlet fever. Morgan had taken much criticism from friends and relatives for having married his own first cousin<sup>51</sup>, and he never contested it. The death of his own two daughters inclined him to think that cousin marriage was medically dangerous. But, apart from the medical arguments that were surrounding the cousin marriage debate in his own time, Morgan offered additional arguments of his own, and in time, they proved to be very influential, perhaps even more so than medical arguments themselves.

In his unilineal evolution scheme, Morgan believed that in the early phases of humanity, there was a promiscuous horde, with no sexual regulations whatsoever<sup>52</sup>. In fact, this was a common theme amongst Victorian anthropologists. As humanity became more civilized, incest rules were imposed, but sexual morals were still loose. In the final phase of civilization, monogamy and exogamy prevailed, and this was the phase represented by Europeans and their descendants in the Americas. Morgan considered cousin marriage as a remnant of that barbarous past that was still too close to the promiscuous and incestuous horde.

### **A reasonable yet uninfluential voice**

Apart from Morgan, another prominent scientist of the 19th Century had married his own first cousin, and he too was concerned about the health effects of cousin marriage. He was surely more renowned than Morgan himself: Charles Darwin. Darwin had been perturbed by a book published in his own time by one Alexander Walker, *Intermarriage: Or the Mode in Which, and the Causes Why, Beauty, Health, and Intellect Result from Certain Unions, and Deformity, Disease and Insanity from Others*<sup>53</sup>. As the title suggests, the thesis of the book was that consanguinity can lead to all sorts of medical conditions. Because Darwin himself had come from a family

50 OTTENHEIMER, Martin. Lewis Henry Morgan and the Prohibition of Cousin Marriage in the United States. *Journal of Family History*. 1990, 15(3):325-34

51 MOSES, Daniel Noah. *The Promise of Progress: The Life and Work of Lewis Henry Morgan*. Columbia: University of Missouri Press. 2009.

52 MORGAN, Lewis Henry. *Ancient Society: Or Researches in the Lines of Human Progress from Savagery, Through Barbarism to Civilization*. New York: CreateSpace. 2018.

53 WALKER, Alexander. *Intermarriage: Or the Mode in Which, and the Causes Why, Beauty, Health, and Intellect Result from Certain Unions, and Deformity, Disease and Insanity from Others*. Philadelphia: Lindsay and Blakiston.

that had practiced cousin marriage, and there were antecedents of alcoholism and mental illness, he was very concerned that his children might suffer the same fate<sup>54</sup>. As Morgan, Darwin also lost children in their infancy, and he was equally worried that this tragedy might have come as a result of him marrying his own cousin.

While working on his book about orchids<sup>55</sup>, he noticed that there is a natural tendency to avoid self-fertilization, and on the basis of this, he reasoned that nature itself had protected against consanguineous unions (as argued above, per the Westermarck effect, this is only true of siblings and parent-offspring relations, but not necessarily wider-kin relations).

But, as the superb scientist that he was, Darwin always had a keen interest in hard data, and sought to further investigate his initial hypothesis about the dangerousness of consanguinity. He made a proposal to one member of Parliament, Sir John Lubbock, to include in the census a question about cousin marriage, in order to investigate its prevalence and its effects on public health<sup>56</sup>. Ultimately, Parliament rejected Darwin's request, presumably because Queen Victoria was married to her own first cousin, and Parliament did not want to be in the business of hurting royal sensitivities, in case cousin marriage did turn out to be a public health issue. Darwin famously asserted that "... when the principles of breeding and of inheritance are better understood, we shall not hear ignorant members of our legislature rejecting with scorn a plan for ascertaining by an easy method whether or not consanguineous marriages are injurious to health"<sup>57</sup>.

But, Darwin's own son, George, took upon himself his father's original request. Given that Charles Darwin's own concern had been mental illness, George had an interest in investigating whether or not cousin marriage increased the incidence of mental illness. Therefore, in 1875 he designed a study that would compare the incidence of close-kin marriage in the general population with that amongst the parents of patients in lunatic asylums.

In his quest, George encountered one first problem: nobody knew how common cousin marriage actually was in England. George calculated that the chance that two

54 KUPER, Adam. *Incest and influence: the private life of bourgeois England*. Cambridge: Harvard University Press, 2009, p. 84

55 DARWIN, Charles. *On the Various Contrivances by which British and Foreign Orchids are Fertilized by Insects, and on the Good Effects of Intercrossing*. London: John Murray, 1862, p. 360

56 GRAHAM, Peter. *Jane Austen & Charles Darwin: Naturalists and Novelists*. London: Ashgate. 2008, p. 128

57 DARWIN, Charles. *The Descent of Man and Selection in Relation to Sex*. London: John Murray, 1871 p. 403.

unrelated people with the same surname would marry was a mere one in a thousand<sup>58</sup>. He then examined a list of spouses published in popular magazines, and found that, out of 18,258 marriages, 1.25% had the same surname. However, he noted that the incidence of cousin marriage was distributed by class, and on the basis of surveys, discovered that cousin marriage represented 4.5% in the aristocracy, 3.5% in the landed gentry, 2.25% in the rural population, and 1.15% in all of London<sup>59</sup>.

George Darwin then sought to investigate 19 lunatic asylums in England, Scotland, Wales and Ireland. He enquired what percentage of mental patients came from consanguineous unions. It turned out that only 3% of the patients in the asylums came from consanguineous unions, roughly the same as in the general population. This was a milestone in the study of the risks of cousin marriage. As Charles Darwin wrote to George, “put a sentence in some conspicuous place that your results seem to indicate that consanguineous marriage, as far as insanity is concerned, cannot be injurious in any very high degree”<sup>60</sup>. Despite his initial hesitations, Charles Darwin remained thoroughly convinced that cousin marriage is not particularly dangerous, and in the subsequent editions of his book on orchids, he removed the passage about nature having its own mechanisms to avoid breeding amongst kin. As had been the case with Wilde and Bell’s study of deafness, George Darwin did acknowledge the genetic bases of mental illness, but insisted that his study indicated that cousin marriage is not a factor.

### **Conclusion: what the history of medicine can teach about moral panics**

George Darwin’s study was a very valuable contribution to the history of medicine, and at least amongst the scientific community of England and the United States, there was consensus that cousin marriage was not especially dangerous. One particularly influential follow-up study was carried out in 1908 by Karl Pearson, investigating the prevalence of consanguineous unions in children’s hospitals. Very much as in George Darwin’s study, Pearson concluded that the diseases of children are not largely due to any consanguinity between their parents”<sup>61</sup>.

58 DARWIN, George H. “Marriages between first cousins in England and their effects,” *Journal of the Statistical Society*, 1875, 38, 155

59 KUPER, Adam. *Incest and influence*, 97

60 DARWIN, Charles. Charles Darwin to G. Darwin, December 6, 1874, *The Correspondence of Charles Darwin*. Cambridge: Cambridge University Press. 2003.

61 PEARSON, Karl “Cousin marriages”. *The British Medical Journal*, 1908, p. 1395

In fact, in the subsequent decades, eugenicists even argued that cousin marriage was a useful habit in the pursuit of the eugenicist goal of removing deleterious genes from humanity. As Alfred Henry Huth argued in a book defending the marriage of near kin, “The sole reason why we now prohibit these marriages is that our fathers did so, and their fathers did so before them”<sup>62</sup>. Eugenics, of course, had its own conceptual and empirical limitations, but the point is that by the latter 19th Century, despite the prior medicalization of cousin marriage in the preceding decades, scientists were beginning to understand that the concern about consanguineous unions was based more on stereotypes than on real evidence.

However, George Darwin’s study was not able to influence public opinion. The medicalization of cousin marriages in the early decades of the 19th Century had already opened a can of worms, and its influence has so far been irreversible. In that regard, George Darwin was a most reasonable, yet ultimately uninformative voice.

Upon learning about George Darwin’s study, Francis Galton, another prominent scientist of the late 19th Century, congratulated him thus: “You have exploded most effectively a popular scare”<sup>63</sup>. Unfortunately, the popular scare has persisted to this day. The “scares” Galton was referring to, are actually the “moral panics” that were originally studied by Stanley Cohen, and have subsequently been of interest to sociologists. A standard definition of a moral panic is “the process of arousing social concern over an issue – usually the work of moral entrepreneurs and the mass media”<sup>64</sup>. These social concerns are typically disproportional to the actual threat they represent, but they do keep the general population in a state of constant anxiety, which in turn, can facilitate autocratic tendencies in governments. Moral panics also facilitate the marginalization of certain undesired minorities in society; in regards to cousin marriage, this has been the case with Appalachian mountaineers (so-called “hillbillies”) in the United States<sup>65</sup>, and Pakistani immigrants in the United Kingdom<sup>66</sup>.

62 PAUL, Diane & SPENCER, Hamish. Eugenics without Eugenists? Anglo-American Critiques of Cousin Marriage in the Nineteenth and Early Twentieth Centuries. In: Mueller-Wille, Staffan & Brandt, Christina (eds.). *Heredity Explored: Between Public Domain and Experimental Science, 1850–1930*. Boston: MIT Press. 2016.

63 PEARSON, Karl. *The Life, Letters and Labours of Francis Galton*. Cambridge: Cambridge University Press, 1924, p. 188.

64 SCOTT, John. *A dictionary of sociology*. Oxford: Oxford University Press. 2014, p. 492.

65 LAPIDOS, Juliet. West Virginia, Incest Virginia? *Slate*. June 3, 2008. Available at: <https://slate.com/news-and-politics/2008/06/how-did-west-virginia-get-a-reputation-for-inbreeding.html>

66 SHAW, Alison. Drivers of Cousin Marriage among British Pakistanis. *Human Heredity*. 2014, 77(1-4): 26–36.

In the history of medicine, there have been many such moral panics. Epidemics such as AIDS or Ebola have elicited panic reactions in public opinion. Procedures that are perfectly normal and are actually good for public health, have sometimes been viewed with suspicion, and conspiracy theories interpret them as deliberate attempts by the medical establishment to directly harm the population at large; this has been the case with water fluoridation and vaccines.

Another variant of moral panics is the interpretation of normal and harmless behaviors, as if they were dangerous. Masturbation is a case in point<sup>67</sup>, and another clear example of medicalization, with moral prejudices overriding scientific facts.

The traditional approach to cousin marriage also falls under this category. As Alan Brittle observes,

“[this] unfortunate tendency continues, with a readiness to blame any and all types of adverse pregnancy, birth and childhood health outcomes on consanguinity, despite the lack of any obvious let alone proven causal relationship, adequate control for sociodemographic variables, or allowance for the influence of other important population genetic factors, in particular clan, tribe, caste”<sup>68</sup>.

In order to subvert this tendency, a proper genealogical enquiry (in the philosophical sense) must be in place. The history of medicine provides such service. By understanding the non-medical circumstances that have given rise to the animosity towards cousin marriage, the moral panic can consequently be reversed. As this article has showed, although it was medicalized in the 19th Century, historical concerns over cousin marriage have had more to do with matters of religion, politics, economics and demography. Once we come to understand these circumstances, we can lift the veil of medicalization, and come to assess the real risks of cousin marriage. And, as previously argued, although some risks are present, they are not greater than pregnancy at 40 years old. Therefore, a more balanced and rational stand is necessary, not only for the genetic counseling of potential relatives who do wish to marry, but also, for opening the conversation about needed legal reforms regarding obsolete laws penalizing cousin marriage.

67 HUNT, Alan. The Great Masturbation Panic and the Discourses of Moral Regulation in Nineteenth- and Early Twentieth-Century Britain. *Journal of the History of Sexuality*. 1998, Vol. 8, No. 4

68 BITTLE, Alan. Commentary, 1457



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# REVISTA DE FILOSOFÍA

Nº 97-1 \_\_\_\_\_

*Esta revista fue editada en formato digital y publicada  
en abril de 2021, por el Fondo Editorial Serbiluz,  
Universidad del Zulia. Maracaibo-Venezuela*

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