A legacy of altruism? Intergenerational property transfers, family relations and charity in preindustrial Dutch towns

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Introduction

When analyzing gifts, one can distinguish between ‘selfish giving’, which aims at receiving something back (return gifts, gratitude, status etc.), or truly altruistic giving, which expects no return favors. In Social Science History, gifts are typically analyzed as selfish. Our theories have trouble accommodating true altruism. In her important work on preindustrial urban communities, Kate Lynch (2003, 109) states that our “modern notion of altruism” did not exist in the pre-industrial period. Indeed, many other motives behind early modern giving behavior can be discerned: e.g. social status, religious considerations, the importance of family and urban community, etc. Nevertheless, recent sociological, evolutionary biological and anthropological scholarship (e.g. Lee, Piliavin&Call 1990; Batson&Shaw 1991; Andreoni&Vesterlund 2001, Henrich e.a. 2004, Bekkers 2007) has reinvigorated the debate on altruism in present-day societies. Contrary to what a long tradition of economic theory predicts, people do not necessarily always behave in their self-interest when it concerns giving or helping behavior. Depending on various variables, such as gender, age, wealth, culture, institutions and family relations, people display altruistic giving behavior to a lesser or greater extent, also in non-industrial societies. These studies lead me to hypothesize that in early modern European societies too, altruism must have been of importance.

But how to test this hypothesis? In the absence of the possibility of applying ‘voluntary contributions games’ to past societies, intergenerational property transfers through inheritance may be an excellent way to test the existence of altruism in past societies. Since the development of Roman law, property rights between generations have been increasingly protected. Moreover, in most European regions, within the boundaries of inheritance law, people could make additional provisions via wills or codicils for arranging property transfers after their death. Because of their voluntary character, and the information about what testators actually aim to grant their (family) relations after they die, wills form an excellent source to test to what extent altruism played a role within the broader context of intergenerational and other property transfers. Not only family was bequeathed; friends and charitable organizations regularly received their share of people’s legacies. Charitable bequests in wills were as a rule non-obligatory, and almost always happened in the context of giving to other people and institutions. By comparing givers and non-givers to charity with similar characteristics such as wealth, number of children, family composition, etc., we can test to what degree altruism may have played a role in charitable giving. On the other hand, different patterns in characteristics between donors displaying specific giving behavior, can also be illuminating.
This paper analyzes a database of 1,500 wills containing extensive information on property transfers, family relations and charitable bequests in preindustrial Dutch cities. The case of the Dutch Republic is particularly interesting, because according to some economic historians it constituted the ‘First Modern Economy’ (De Vries & Van der Woude 1997). Moreover, it experienced both a period of intense economic growth (c. 1580-1650) and of stagnation and decline (c. 1650-1800), which allows for an investigation of the extent to which people’s giving behavior may have been influenced by economic trend. Last, but not least, the Dutch Republic was known, both by contemporaries and economic and social historians, as a society in which private charity was relatively important (Lindert 1998, 106-108).

By modeling the proximity of the respective heirs qualitatively and quantitatively, I will explore possible motives behind these (intended) transfers, and try to find out to what extent patterns in the ‘closeness’ of their legatees can lead to an explanation for altruistic or more selfish giving behavior. This research contributes to providing a body of evidence for universal social preferences, in order to answer still underexposed questions to what extent these preferences are influenced by people’s economic and social environment (Henrich e.a. 2004, 9).

Figure 1 – The Dutch Republic, c. 1580-1795

Testamentary giving in the Dutch Republic, c. 1580-1800

Inheritance law in the Dutch Republic varied according to province, but there were many similarities. First, let me briefly discuss inheritance laws regarding marital partners. In the provinces of Holland, Utrecht and Overijssel, people married in community of property, and if one of the spouses died, only half of the joint estate went to the longest living spouse (De Blécourt 1969, 73-74). More variations were in order regarding the inheritance by other relatives, but in the cities in this study inheritance law happened to be quite similar. In Leiden, a city in the province of Holland, children were the first to inherit in equal parts, but when children (or their descendants) were absent,
parents would inherit, and only then (children of) brother and sisters. The next line of inheritance was grandparents, and if these were absent, uncles and aunts would inherit the estate (Schmidt 2001, 82). In the towns of Utrecht (province: Utrecht) and Zwolle (province: Overijssel), the first line was also children (or their descendants) who inherited equally. The difference was that grandparents in these cities would inherit before any brothers or sisters would, but the effect of this difference was in practice quite small (De Blécourt 1969, 341-342, 347-348). These legal practices remained unchanged throughout our period of investigation – even the coming of the French Revolutionaries in 1795 did not lead directly to changes in the civil code. Only in 1809 were the regional and provincial regulations abandoned by the introduction of the Code Napoléon (De Blécourt 1969, 40-41).

Within the confines of inheritance law, which granted at least a legitimate portion to each legal heir, people could make arrangements for their property in a last will. Often, married couples drew up a will to safeguard property for the longest living spouse. Since husbands and wives were not each other’s universal heirs, they needed a will to protect the joint marital estate. Sometimes, their will bestowed children only with their legitimate portion, or granted usufruct to the longest living spouse until his or her death, after which the remaining children would automatically inherit (Schmidt 2001, 90-94). In a will, testators could also appoint other heirs than their blood relatives, or make arrangements for bequests in kind, in money or equities. Moreover, people not only bequeathed relatives or friends who would not automatically inherit, but also charitable institutions.

At first sight, it is not exactly clear to what extent a bequest to charity in fact is a proper indicator of altruism. Especially if testators gave to charitable causes conditionally, which sometimes occurred, for instance if other heirs were to decease before them, or if they expected their legal heirs to protest against the will, it is questionable how altruistic this act really was. One could in fact argue that more in general, analyzing wills cannot tell us much about altruism because they are deeds too deliberate to assume any altruistic act, as pure altruism is by some social scientists defined as a selfless decision made in a split second.

Still, I assume that altruism was often on people’s minds when they were making their will, not only in terms of charitable giving but also in posthumously bestowing those relatives, friends or business relationships with a token of their love or gratitude. It may thus be fruitful to try to establish a degree of altruism by investigating the ‘closeness’ of the heirs people appointed in their wills – it must be stressed – out of their own free will. As it concerns “independent one-way transfers”, we could follow Kolm and conclude that bequests in fact represent the most pure form of gift giving, and at least come closest to altruism (Kolm 2000, 9). Moreover, if no elements of selfless motivation had been in place why then were there so many different configurations of stipulations people made in their wills? When analyzing large numbers of wills, we can study both patterns in testamentary giving and changes over time, and try to relate these changes to broader socio-economic phenomena. Also, it is possible to make quantitative analyses of (changes in) several characteristics of benefactors and their heirs (sex, marital status, social background).

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1 Grandparents would generally die before grandchildren who had any property to transfer, and in this case, the next line of inheritance was, like in Holland, brothers and sisters or their descendants.
2 Blood-related legal heirs inherited at least a third of the total estate, if there were four or less descendants who were blood-related, and half of the total estate if there were five or more blood-related legal heirs. De Blécourt 1969, 362.
Wills are an excellent source to investigate trends in giving behavior over a longer period of time. On the one hand, this is due to their consistency as a source, and on the other because wills contain so much detailed information about the broader context of the testators. Not only do they usually tell us much about the sex and stage in the life cycle of the people involved. They also often inform us on their professional life, their broader social networks, their family ties and even about conflicts that they were involved in, or might expect when their inheritance was to be divided (Cavallo 1995, 3-4; Van Leeuwen 1996).

Also, we can hypothesize about these testators’ motivations to bequeath family, friends, businesslike relations, and charitable institutions with money and/or goods in this way. Providing for their descendents will have been an important consideration, but the variances in favoring certain family members (or instead, not mentioning them in their wills, or in a later stage) may tell us more about personal preferences and genuine affection. Fortifying their social position and networks may not have been directly on their minds, since they would not live to enjoy it: stipulations in wills were generally not made public during testators’ lifetime, and after death, only those involved were typically informed by the notary. Still, highlighting differences between testators from various social groups may tell us about the importance of this consideration behind making a will.

The dataset

In the context of the research project ‘Giving in the Golden Age’, which studies private charitable donations in the Dutch Republic in the period 1550-1800, I have collected 1,500 wills were collected to investigate charitable bequests. Four localities in the Dutch Republic with a satisfactory geographical spread have been selected: Leiden in the West, Utrecht in the centre, Zwolle in the East and ’s-Hertogenbosch in the South (see Figure 1 above).

In order to establish trends over time four benchmark years (1600, 1670, 1740 and 1800) have been chosen. These particular years were selected for the following reasons. First of all, they roughly follow economic trends in the Dutch Republic, with upswing around 1600, stagnation around 1670, and general economic decline around 1740. The intervals (60-70 years) are quite equally distributed over the entire period, and some of the benchmark years (1670, 1740) coincide with important tax registers that were drawn up (Klein Familiegeld 1672, Personele Quotisatie 1742), enabling data linkage with records containing information on occupation, income and wealth. For each of these benchmark years a random sample of 100 wills has been taken from the local archives of the four towns. Only for ’s-Hertogenbosch around 1600, the quality of the archival data was not good enough to include 100 wills. This thus led to a dataset of 1,500 wills, of which as much information as possible has been entered into a database.

The wills typically contain information on the sex and marital status of the testators. Sometimes, an occupation is mentioned, or an estimation of testators’ wealth, but usually, I have added this information to the database by data linkage with other sources, such as census records or marriage registers. Also, the wills usually report in what physical shape the testator was, and sometimes their religion was mentioned. Figure 2 below shows a record from the database, listing the testator’s name (Margareta van Lommel), marital status (widow of Peter de Blij, earlier widow of Jacob Bemmel), her religion (Dutch Reformed), the number of children she had (0), whether or not she gave to charity (yes, a mortgage of fl. 200,- on a house she owned, bequeathed to the Reformed

\[3\]

For more information on the larger project, see: http://www.iisg.nl/research/giga.pdf.

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Diaconate) and the number of heirs she appointed in her will (11 in this case), including the inheritance they were allotted with. Also, an estimation was made of her total wealth (at least over fl. 8,000), which suggests that she was at least reasonably well-off.

**Figure 2 – A record from the Database**

By analyzing the entire dataset, certain patterns in the characteristics of the testators can be discerned. Table 1 below gives an overview of all testators in the database according to sex and marital status.

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Both</th>
<th>Male</th>
<th>Female</th>
<th>Both</th>
<th>Male</th>
<th>Female</th>
<th>Both</th>
<th>Male</th>
<th>Female</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>1600</td>
<td>5.7%</td>
<td>11.3%</td>
<td>0.0%</td>
<td>8.5%</td>
<td>12.5%</td>
<td>0.0%</td>
<td>6.3%</td>
<td>16.5%</td>
<td>0.0%</td>
<td>7.3%</td>
<td>14.3%</td>
<td>0.0%</td>
</tr>
<tr>
<td>1670</td>
<td>3.7%</td>
<td>7.7%</td>
<td>43.0%</td>
<td>2.0%</td>
<td>6.8%</td>
<td>49.3%</td>
<td>2.0%</td>
<td>1.8%</td>
<td>44.8%</td>
<td>2.5%</td>
<td>1.8%</td>
<td>49.5%</td>
</tr>
<tr>
<td>1740</td>
<td>4.7%</td>
<td>20.0%</td>
<td>0.0%</td>
<td>5.5%</td>
<td>14.8%</td>
<td>0.0%</td>
<td>7.8%</td>
<td>20.3%</td>
<td>0.0%</td>
<td>6.3%</td>
<td>17.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>1800</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.5%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.5%</td>
<td>0.0%</td>
</tr>
<tr>
<td>total</td>
<td>16.7%</td>
<td>40.3%</td>
<td>43.0%</td>
<td>16.8%</td>
<td>34.0%</td>
<td>49.3%</td>
<td>16.3%</td>
<td>39.0%</td>
<td>44.8%</td>
<td>16.5%</td>
<td>34.0%</td>
<td>49.5%</td>
</tr>
</tbody>
</table>

Typically, a will was drawn up by two marital partners. This could concur with the day of marriage, but another common moment to make one’s last will was when one of the spouses fell ill. From the information in the wills it appears that over one-third of the married couples making a will at least reported that one spouse was in bad health. Furthermore, Table 1 shows that both the division of testators according to sex and the distribution of marital status seem to have been fairly stable over the years. If the testators were not married spouses, chances were quite high that she was a single or widowed female throughout the period. Married women making a will in their own name, however, seem to have been a waning phenomenon in the eighteenth century.
In 58.2% of the cases, the occupation, title and/or wealth of the testators could be derived, either directly from the will or more indirectly, by data linkage to other sources such as census or population registers and marital records. Table 2 shows the division of testators according to social group. To clarify this table, some information on the social structure of the Dutch Republic is in order. Foreign visitors commented on the apparent lack of social distinctions in the Netherlands, and on the relative equality between people from different social layers. But although the division between societal ranks and classes was less strict than in other countries, it was by no means absent.

First of all, there were the elite. The Northern Netherlands traditionally had a very small nobility, which virtually died out because it was impossible to obtain an aristocratic title other than by birth. In cities and towns, the elite consisted of a few patrician families who filled positions in the local magistracy, together with very rich merchants, rentiers, but also high officials and representatives of the free professions, such as lawyers and medical doctors. These people, who had a yearly income of over 1,000 guilders, comprised about 8-10 percent of the entire urban population. Second, there were the higher middle groups, or the broad bourgeoisie: burghers with an income of 600-1,000 guilders per year (ca. 10 percent), and the lower middle groups, or ‘small bourgeoisie’, earning 350 to 600 guilders yearly – (ca. 35 percent of the urban population). These were the artisans, retailers, lower officials and officers, who were all more or less successful in providing for themselves and their families, although illness, death and misfortune were never far away in early modern society. Finally, the lower groups in society: lower skilled (wage) workers, day laborers, servants, and those who were really poor, earned less than 350 guilders a year and comprised about half of the population (Van Leeuwen 2001, 40-43).

As Table 2 shows, the workers’ category was very much underrepresented among the testators, which could have been expected since they simply often did not have many belongings to bequeath. On the other hand, it is rather surprising that in most years workers were somewhat better represented among those testators donating to charity (second column), with the exception of benchmark year 1800. What is even more striking is the presence of people from the middling groups among our testators, most notably in the seventeenth century. They also formed the large majority among those testators who included a charitable bequest in their will.

<table>
<thead>
<tr>
<th>Occupational/social status</th>
<th>1600 total</th>
<th>1600 with charity</th>
<th>1670 total</th>
<th>1670 with charity</th>
<th>1740 total</th>
<th>1740 with charity</th>
<th>1800 total</th>
<th>1800 with charity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elite</td>
<td>32</td>
<td>13</td>
<td>47</td>
<td>8</td>
<td>75</td>
<td>14</td>
<td>100</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>21.6%</td>
<td>26.5%</td>
<td>21.4%</td>
<td>18.6%</td>
<td>29.8%</td>
<td>26.9%</td>
<td>34.8%</td>
<td>57.1%</td>
</tr>
<tr>
<td>Middle groups</td>
<td>106</td>
<td>32</td>
<td>152</td>
<td>31</td>
<td>151</td>
<td>31</td>
<td>163</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>71.6%</td>
<td>65.3%</td>
<td>69.1%</td>
<td>72.1%</td>
<td>59.9%</td>
<td>59.6%</td>
<td>56.8%</td>
<td>42.9%</td>
</tr>
<tr>
<td>Workers</td>
<td>10</td>
<td>4</td>
<td>21</td>
<td>4</td>
<td>26</td>
<td>7</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>6.8%</td>
<td>8.2%</td>
<td>9.5%</td>
<td>9.3%</td>
<td>10.3%</td>
<td>13.5%</td>
<td>8.4%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total</td>
<td>148</td>
<td>49</td>
<td>220</td>
<td>43</td>
<td>252</td>
<td>52</td>
<td>287</td>
<td>21</td>
</tr>
</tbody>
</table>
To whom did our testators make bequests? And what did they leave to their posterity, loved ones and business relations? This will be scrutinized in great detail in the next sections, in order to try to discern patterns and find out more about early Dutch citizens’ motives to give.

**How much was given to how many?**

The testators in our database on average appointed 3.3 heirs, but more typically – as can be derived from the median – this number was 2 (the mean being stretched by the (relatively low) share of testators appointing up to 11 heirs; see Figure 3). Interestingly, there were significant differences here between testators from different social groups: those who could be classified as workers had a mean of 2.4 and median of 2 heirs, testators from the middling groups of society on average had 3.1 heirs (median 2) and for the elites these figures amounted to 4.7 and 3 respectively.

**Figure 3 – Distribution of number of heirs (total = 5,002) per will in the database**

A fairly large number of testators (398, or 26.5%) appointed only one heir (or, heirs, in the case of unspecified children). More than half (53.7%) of these wills containing a single heir consisted of an arrangement for spouses, usually by way of a mutual will. Typically, this meant that spouses appointed their partner as their universal heir: only in 10 cases did spouses not either arrange a universal heritage or the usufruct of the entire joint estate. In this case another financial arrangement was made, either in the form of a yearly subsidy or in the form of a sum of money to be paid out at once by the testator’s legal heirs. Nevertheless, also when spouses were designated universal heirs, certain preconditions were quite often included. In 58 of the 214 cases (27.1%) in which only the spouse was appointed heir, provisions were made such as ‘in case the marriage will not be blessed with children’. Another common precondition was that if the parent(s) of the first deceased spouse would still be alive around the time of his or her death, that they would either inherit their legal portion, or sometimes a more symbolic amount. In some cases, provisions were made for (step)children or other legal heirs. Such did Willem Brink from Utrecht, by stipulating in 1740 that his wife Christina van Domselaer would be his universal heir unless his daughter from a former marriage was still alive, in which case Christina only got the usufruct of his estate for as long as she would live (HUA, Notariat, U191a1-90).

Only sporadically did altruistic motives appear in these types of wills, which were clearly intended for providing for the surviving marital partner. For instance, only 13.6% of these wills
contained a bequest to a charitable institution, whereas this percentage was 22.6 for the entire
dataset. In one particular case, in Zwolle in 1599, this was even a precondition for the universal
inheritance right of the spouse. Herman Lubbertsen, baker, brewer and lay brother of the
Bethlehem Church and his wife Hermken Wolters appointed each other universal heir, provided that
the longest living spouse would donate 25 gold guilders to the “deserving poor” as well as 10
guilders to his legal heirs (HCO, City Archives, 2118, fol. 156). Another interesting arrangement was
made in the will of Jacobus van der Veen, who in 1740 appointed his wife Anna Maria van Aulem as
universal heir, provided that she would care for and lodge Hermanus, the son of his friend Louis ten
Clooster, until he would reach the age of 21 (HCO, City Archives, 2126, fol. 158).

In the case of children being appointed as single heir (in 14% of the cases), they were
normally also appointed as universal heir, sometimes under certain preconditions, such as that they
would have to accept the inheritance without opposition. A few parents explicitly stipulate a fidei
commis in the case of married daughters, stipulating that their sons-in-law were not to interfere
with their legal inheritance. Only in seven instances (12.5%) did parents also include a bequest to a
charitable cause. A particular case was that of the divorced woman Catharina Daat, who in 1740
appointed her only son, Jacobus Plakaas, as her universal heir. She mentioned in her will that
Jacobus was currently in the East Indies, and if he appeared not to be alive at the time of her death,
she would bequeath all her belongings to the Walloon Reformed Church in Leiden (RAL, Notaries,
2065, 25-02-1740). But this was rather an exception.

More in general, it seems that charitable donations were fairly uncommon among testators,
as Table 2 has already suggested: although fluctuating over space and time, less than a quarter of all
wills in the database contained a charitable request. Elsewhere I have shown that especially in
Zwolle, the percentage of people donating to charitable causes, most notably urban outdoor relief,
was remarkably high (Van Nederveen Meerkerk 2010). However, as this town was probably an
exception because wills were drawn up before the urban bench of aldermen instead of private
notaries, and because the average donation was significantly lower in Zwolle than elsewhere, I have
chosen to smooth out these differences by giving weighted averages of gifts (see Table 3).

Table 3 – Donations to charitable causes in Leiden, Utrecht, ’s-Hertogenbosch and Zwolle,
1600-1800

<table>
<thead>
<tr>
<th>Benchmark year</th>
<th>no. of wills with charity</th>
<th>weighted average per will (in fl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1600</td>
<td>88 (29.3%)</td>
<td>85.44</td>
</tr>
<tr>
<td>1670</td>
<td>118 (29.5%)</td>
<td>107.33</td>
</tr>
<tr>
<td>1740</td>
<td>84 (21.0%)</td>
<td>661.54</td>
</tr>
<tr>
<td>1800</td>
<td>31 (7.8%)</td>
<td>1765.44</td>
</tr>
</tbody>
</table>

As the table shows, in no benchmark year did the share of wills with a charitable gift exceed 30%,
although there were variations according to town. We must realize, however, that for instance
compared to early modern England, these Dutch shares did not vary notably (Krausman Ben-Amos
2008, 117). Also, the (weighted) average donation was fairly modest, if we consider that people who
made a will in general had some – or even much – property to bestow. Although information about
this is scarce – it was only possible to estimate the total wealth for 115 people in the database – 90
of these testators owned a minimum of fl. 1,500,- guilders. This leads us to conclude that charitable
giving by way of bequest does not fit the more general image of early modern Dutch citizens being particularly generous, or, if you will, altruistic.

On the other hand, if we look at trends over time, it does appear that while the average share of testators donating to charity went down, the average donation per will rose significantly, also when corrected for inflation (see Figure 4).

Figure 4 – Standardized rates average donation per will compared to inflation (1600=100)

So, while testamentary charitable giving became far less common in the eighteenth century, people who did bequeath became much more generous. This can probably be explained from an ‘elitization’ of giving by will in the course of the eighteenth century: as far as people’s social background could be traced, there are clear indications that while the majority of givers was from the middling groups of society in the seventeenth century, this shifted to the elites in the eighteenth century (Van Nederveen Meerkerk [2012] – see also Table 2 above). Also, there were differences according to sex and marital status. Married people as a rule were significantly less likely to donate to charity, whereas the chance that widowed men and women, and especially single men made a charitable request, was significantly higher.

This all may lead us to conclude that altruistic giving was not so widespread among Dutch testators after all. In this paper, however, it is suggested that altruistic giving was not necessarily restricted to charitable giving. Indeed, if we accept the definition of Batson and Shaw, that “Altruism is a motivational state with the ultimate goal of increasing another’s welfare” and “Egoism is a motivational state with the ultimate goal of increasing one’s own welfare” (Batson&Shaw 1991, 108), suddenly, a wider spectrum of testamentary giving may be viewed as inherently altruistic. Broader patterns of giving behavior towards family and friends may thus enlighten us on the extent to which testators displayed their generosity and selflessness. Therefore, a closer examination of relationships between testators and their appointed heirs will be presented in next section.

Relationships between testators and their heirs

We have already noted that over 25% of all testators only appointed one universal heir, typically their spouse or child(ren). This means, however, that almost three quarters of the people in our sample drew up a will containing additional arrangements. In quite a few cases, this involved a differentiation of the way the heritage ought to be divided between the different children after their parents had deceased, but other heirs, both related and non-related, were also often mentioned.
The Appendix to this paper gives an overview of the specific codes I have rendered the testator-heir relationships in the database. In a number of cases (c. 13%), this relationship could not be established, and sometimes, testators only indicated their ‘legal heirs’, which depended on their (to us unknown) family composition. In order to get a systematic view on the closeness of testators’ relations to their heirs, I have condensed the 18 categories into fewer categories, indicating the degrees of family relations we use nowadays, but which in general were already discerned in legal practice in the early modern period, as the section on inheritance law showed. Figure 5 gives the distribution into these denser categories of familiarity.

Figure 5 – Distribution of relationship of the testators (n=1,500) in the database with all their appointed heirs (n=5,002)

* including stepchildren/parents, as these were typically appointed in mutual wills

As Figure 5 shows, more than a quarter of all heirs were first-degree family – parents or (more commonly) children. Second-degree relations – siblings, half siblings and grandchildren or (less often) grandparents, constituted 18% of all heirs, slightly less than third-degree family, which comprised aunts, uncles, (grand) nieces and nephews and (second) cousins. Only a small minority of all heirs were not blood-related (1.5% in-laws, 0.4% friends and 4.2% business relationships). The category of ‘business relationships’ can be broken down into servants, lodging-housekeepers or inmates, people involved with the funeral, such as non-related testamentary executors or coffin carriers, and other business relationships, for example the testator’s vicar or medical doctor.

There were interesting differences between the respective heirs of testators from the various social groups in society. As Table 4 shows, making a will in order to provide for one’s spouse was far more common for the lower and middling ranks than for the elites. Part of this may be explained by the relative over-representation of unmarried people within testators from the elites (only 45% of all elite testators were married, as opposed to ca. two-thirds of both other groups). What probably also played a role is that people from the elite, and to a lesser extent from the middle classes, had already made prenuptial agreements at the moment of their marriage, and they did not need a will to provide for the division of the marital estate. Another difference between the social groups is that first- and second-degree family was somewhat more important for testators from the lower two categories than for testators from the upper strata. Furthermore, the elites were far more
inclined to bequeath to their business relations. Obviously, they had more property to divide, and they more frequently had business networks, as well as servants working for them.

Table 4 – Relations between testators and heirs according to social group

<table>
<thead>
<tr>
<th></th>
<th>Workers’ heirs (n=195)</th>
<th>Middling groups heirs (n=1762)</th>
<th>Elite heirs (n=1160)</th>
</tr>
</thead>
<tbody>
<tr>
<td>spouse</td>
<td>26,2%</td>
<td>19,1%</td>
<td>7,2%</td>
</tr>
<tr>
<td>&quot;legal heirs&quot;</td>
<td>2,1%</td>
<td>1,4%</td>
<td>0,5%</td>
</tr>
<tr>
<td>1st degree family*</td>
<td>33,8%</td>
<td>33,3%</td>
<td>25,7%</td>
</tr>
<tr>
<td>2nd degree family</td>
<td>16,9%</td>
<td>16,8%</td>
<td>15,2%</td>
</tr>
<tr>
<td>3rd degree family</td>
<td>11,3%</td>
<td>18,1%</td>
<td>22,2%</td>
</tr>
<tr>
<td>in-laws</td>
<td>3,1%</td>
<td>1,1%</td>
<td>2,2%</td>
</tr>
<tr>
<td>friends</td>
<td>1,0%</td>
<td>0,6%</td>
<td>0,2%</td>
</tr>
<tr>
<td>business relationship</td>
<td>3,1%</td>
<td>2,2%</td>
<td>10,3%</td>
</tr>
<tr>
<td>unknown</td>
<td>2,6%</td>
<td>7,4%</td>
<td>16,6%</td>
</tr>
<tr>
<td><strong>total</strong></td>
<td><strong>100,0%</strong></td>
<td><strong>100,0%</strong></td>
<td><strong>100,0%</strong></td>
</tr>
</tbody>
</table>

As regards the sex of the appointed heirs in general, women were clearly in the majority: 42.2% of the heirs were female, 31.5% were male. Figure 6 shows the sex of the heirs broken down to category, with the exclusion of the cases in which the sex was unknown. The figure clearly shows that the sexual distribution of children (02), stepchildren (03) and grandchildren (04) was quite equal. However, this is the overall picture – if we look at the data more in detail, the first mentioned heir among children was more often a son than a daughter, especially when both parents or only the father made the will. Among mothers making a will in their own name, daughters were somewhat favored among first mentioned heirs, but not notably (55% opposed to 45% for sons).

Figure 6 – All heirs in the database according to sex (sex unknown = excluded)

---

4 The rest were either both sexes (14.1%, e.g. in the case of mutual wills, or if children or siblings of both sexes were appointed), or the sex was unknown (12.2%)
Wills were a means *par excellence* to make distinctions in the treatment of different children, who legally were the first to inherit from their parents. In most cases, it concerned bequests additional to the legal inheritance. As described above, the eldest son was often the first mentioned child in the will, and apart from his legal share, he often inherited the business or craft of his father and/or parents. Sometimes, he had to compensate the other children for this, but this was uncommon.

Whereas (eldest) sons were often granted the craft or business, daughters were often rewarded for their loyalty to their parents, which sometimes implied that they remained unmarried. In 1670, for instance, the widow Bertien Gielissen van Gestel, an inn-keeper in the town of ’s-Hertogenbosch, appointed her daughter Maria as her universal heir, “for having always served her mother” (SADB, Notaries, 2757-80). In many other cases items with a personal value – certain clothes, silverware, books, paintings or jewelry, were specifically directed towards children. Typically, fathers bestowed special belongings (mainly clothes) to their sons, and mothers to their daughters.

Not seldom did parents make provisions in their wills to only bestow their children with their legal inheritance portion. Usually, this was not because they disliked their children, although there were some cases explicitly mentioning a conflict or argument, for instance on the choice of marital partner by a child. More often, however, these were preventive conditions in case children were to protest against the will, for instance when one of the parents remarried and wanted to secure the usufruct of the marital estate for their second partner. It also occurred that the provision was a way to compensate other children, for instance if the child in question had already had a dowry at marriage, and the other children were still unmarried, and/or because the child “had already gotten much during lifetime”. In other words, it would seem that the protection of the estate for the remaining spouse and an equal division among all children, especially unmarried daughters, was the most important priority of parents making a will. Second priority was dividing personal belongings to specific children.

In the reasonable number of cases parents were included as heirs (05), there was a slight bias towards mothers, which is not surprising as the life expectancy of women after the crucial period of childbearing was significantly higher than that of men in the early modern era. In the case of siblings (08 and 09) too, it is clear that testators in general favored sisters over brothers. If we look at the relationship more in detail, it appears that both male and female testators tended to favor their sisters: among testators who appointed a sibling circa 60% mentioned a sister and circa 40% mentioned a brother, regardless of their own sex. Part of this may be explained by demographic factors, but most of it is probably to be explained by preference. Table 5 below illustrates this.

| Table 5 – Testators who appointed brothers and sisters in their will: all mentions and mentions of siblings as first heir compared |
|--------------------------------------------------|--------------------------------------------------|
| **All testators mentioning a sibling** | **Testators mentioning their sibling as their first heir** |
| | heir (n=592) | heir (n=159) |
| | brother | sister | brother | sister |
| | male | 112 | 40.0% | 168 | 60.0% |
| | female | 122 | 39.1% | 190 | 60.9% |
| | female | 30 | 30.9% | 67 | 69.1% |
| | | | | | |
If we only consider the combination of sex of the testators who specifically mentioned a sibling as their first heir (the last three columns in the table), the preference for bestowing a sibling of the testator’s own sex seems to have been present for both men and women, though significantly more so among sisters. Almost 70% of all female testators who appointed a sibling as their first heir, mentioned a sister, whereas over 56% of the men appointed a brother. Typically (in almost 80% of the cases) the testator in this case was single or widowed. In almost half of these cases, the brother or sister was appointed universal heir, sometimes in combination with other brothers or sisters. But in the majority of cases, specific bequests were also made, often accompanied by information on the personal relationship between the testator and his or her sibling. In 1600, for instance, the Leiden widow Willem’tgen Cornelisdr. appointed her sister Dirckgen to be her universal heir, because “she had always shared their entire business and estate together”, whereas her other sister, Marij’tgen, ‘only’ received a bequest of fl. 100,- (RAL, Notaries, 64, fol. 32).

Often, testators bestowed their siblings with personal belongings dear to them, such as their (best) clothes, or jewelry. Sometimes, large sums of money were involved or even houses. Brothers and sisters however not always inherited unconditionally. An example of this is the case of Lambertgen de Brey, who in 1671 stated in her will that her three sisters would be her universal heirs, but that one of them, Reyntgen, got the usufruct of one of the houses she owned, on the condition that Reyntgen was “never to leave this house” (HUA, Notaries, U82a1-80). Other cases show that favoring a brother or sister may not have been out of particular affection but to discredit other possible heirs. Adriaen Schepers, cleric of St. Mary’s chapel in Utrecht, for instance appointed his brother Lucas as his universal heir “with the exclusion of all others, for fair reasons moving him thereto” (HUA, Notaries, U81a1-45). And sometimes, it was not so much the love of a brother or sister that motivated testators, but the wellbeing of their favorite nieces or nephews who had not yet come of age. Agnes van der Lipp from ’s-Hertogenbosch, for example, in 1740 gave her sister Gerardina the usufruct of all her belongings, for as long as Gerardina’s daughter, Anna, who had been living with her aunt for 8.5 years, had not yet reached adulthood or marriage (SADB, Notaries, 3000, fol. 12).

From the data, it is clear that testators donating to close family (first and second degree relatives) often differentiated between their children or their siblings, out of a combination of personal preferences, tradition and protection: the eldest son often came first, and typically inherited the family trade, unmarried daughters were often bestowed with extras, and personal bequests were made to children and siblings with whom testators had a special bond: women more often with daughters and sisters than with sons and brothers. There were, nevertheless, important distinctions between different social groups. Testators from the elite on average appointed more heirs, and were less likely to make provisions for their spouses and first and second degree relatives, compared to testators from the middling and lower echelons of society.

But what does this all tell us about altruism? Of course, personal sympathy may have motivated testators to give more to certain very close relatives than to others, but one could, except maybe for the bequests of specific beloved items, also view their giving behavior in the light of moral duty and tradition. Although there were margins within which people could display altruistic forms of giving to their closest relatives, much of this altruism was confined by the legal framework and social conventions. Therefore, it may be particularly rewarding to look at bequests to further and non-related heirs.
Voluntary bequests to distant- or non-related heirs

As mentioned, third degree family was very important for the testators in our selection of wills, even more so than second degree family. As nieces, nephews, cousins, aunts and uncles came relatively late in the ranks of legal inheritance, this may indicate that testators favored nieces, nephews and cousins over – for instance – siblings. Unfortunately, in Dutch language it is impossible to distinguish between nieces and nephews on the one hand, and cousins on the other, as they were both called ‘neven’ (male) and ‘nichten’ (female). This makes it hard to establish whether the inheritance descended the family line or if it property was transferred in the horizontal line.

Figure 7 shows how often third degree family was mentioned in the 1,500 wills, and in which instance these heirs were named.

Figure 7 – Numbers and position of third degree family mentioned as heirs (n=1,085)

If one was related in the third degree, it was somewhat more common to be appointed as second or third heir. Still 186 testators listed a niece, nephew, cousin or aunt or uncle as their first heir, a remarkably low percentage of whom were married at the time of making their will (10.8%).

Probably, the absence of a spouse and/or children, was a prime motivation behind appointing third degree family as legal heirs, and usually it concerned more than one heir: only in 22 cases (11.8%) was only one third-degree related heir mentioned. However, in the most common situation, with a third-degree related heir as second-mentioned person, the share of married testators was already over 20%, which indicates that appointing third-degree family was not only a matter of the absence of other relatives: quite often, it was a positive choice.

This becomes even clearer when we investigate the actual bequests given to third-degree relatives. More often than among spouses or children, it concerned very detailed descriptions of personal belongings specifically bestowed on special nieces, nephews or cousins. Eleonora Geertruid Casembroot, for instance, the unmarried daughter of an Utrecht patrician, bequeathed a considerable piece of land to her grandnephew and moreover gave her golden watch and her clavichord to her cousin in 1800 (HUA, Notaries, U256c38-93). Often, one of the nieces or nephews was privileged in the will with the explicit mentioning that she or he had been living with the testator(s). When Johan Hermssen en his wife Lijsken drew up their will in Zwolle in 1600, after naming each other the usufruct of the entire estate, they listed several names of his and her
nephews and nieces. They equally bequeathed them all with 10 guilders, except for Johan’s niece Beerte Everts, who was to receive 20 guilders “because she had been living with the testator” (HCO, City Archives, inv. no. 2118, fol. 177). These and many other examples of favoring nieces or nephews with special bequests, due to personal circumstances, were much more common regarding third-degree family than to the heirs that were more closely related.

The notion of friendship in early modern Dutch society was very different from our present-day connotation. In fact, most relations referred to as ‘friends’ were common to be blood-relatives in the early modern period (Kooijmans, 1997). Thus, it may not be surprising that the mentioning of non-related friends in wills was quite uncommon: only in 21 of the 5,002 heirs somebody we would nowadays consider a friend was mentioned. Only one friend was mentioned as a first heir: in 1800 did the widow Johanna Maria van Aken appoint Nycolaes Vyvre, a friend of her husband, as the heir of ¼ of her belongings (SADB, Notaries, 3581-49). Another example was the Leiden Annetgen Augustdr. in 1670 bequeathed 25 guilders to “her good friend Gerrit Jansz. Caret” (RAL, Notaries, 1069-166). In the same year, Maertje Maertensdr. van der Does bequeathed 50 guilders to her friend Sare Fison, who was living with her in her house in Leiden (RAL, Notaries, 891-30). Because the numbers are so small, it is trivial to make broad statements about this type of giving, but in this particular dataset women more often mentioned ‘friends’ as heirs than men.

Finally, it was more common to bequeath people with whom testators had had a businesslike relationship during their lifetime. In 1740, for instance, the wealthy unmarried daughter Charlotte le Bechellé from Utrecht bequeathed 1,000 guilders to both children of her own physician, because of “the excellent services provided to her by their father” (HUA, Notaries, U167a8-46). Being a medical doctor’s daughter herself, Charlotte may have been well aware of the importance of patients’ appreciation of this profession. In the same year, the unmarried Lucretia van Goor, who was ill and lived in the hospital, appointed the two church masters Bernard ten Cate and Willem Werf as her universal heirs (HCO, City Archives, 2126, fol. 202). And Johannes Massin, alderman in ‘s-Hertogenbosch, in 1741 bequeathed all his books to one of the ministers of the church he attended (SADB, Notaries, 3118, fol. 138).

The most common ‘businesslike’ bequests were made to servants. As Figure 6 has shown, it concerned almost 100 heirs, most of whom were female. Male and female testators alike were inclined to leave their servants something. The extent to which servants were bestowed, varied quite a lot. In 1600, Jan Evertsen and his wife bequeathed 15 guilders to their former servant, to be paid out after the death of the first spouse (HCO, City Archive, 2118, fol. 183), and in 1602 Geertien Alberts bestowed her servant Berbertien with her best cloak (HCO, City Archive, 2118, fol. 206). Usually, it was a fixed amount of money and/or some clothes or other valuables that were given to servants, varying from a small amount which constituted a few weeks wages, to rather large sums of money. Often, a black mourning cloth (or the equivalent sum of money to buy one) was also provided. Quite a few times it was mentioned that the particular servant would only inherit her bequest if she would still be in service at the time of the testator’s death. Such was the case with Francoise Louise Victoire van Elferen, who bestowed her maidservant Cristina Raube with a robe, a satin negligee and 200 guilders, provided that Cristina would still be her servant (HUA, Notaries, U256c36-9).

In general, it seems as if testators wanted to take care of their servants for some time after they died, probably to give them some room to find another master or mistress. The rich Utrecht widow Johanna Beems from Utrecht, for instance bequeathed every (unspecified) servant living with her at her time of death one year’s wage, and additionally 25 guilders, mourning clothes and a bed
with linen (HUA, Notaries, U184a7-128). Often a precondition was made that their servants were still serving them at the time of their death, although there were also examples of testators bequeathing their servants out of gratitude for their delivered services in the past. This becomes clear from the fact that some servants got a more special treatment by their masters. An example was Anna de Voogd, who, for her loyal services, not only got 300 guilders at once, and a yearly allowance after Margareta van Honthorst would die, but she was also allowed to remain living in her mistress’s house (HUA, Notaries, U166a17-45).

Colleagues and former colleagues were also sometimes mentioned in people’s wills. Sanderus Schimmelpenningck, for instance, a Catholic priest in the convent of Saint Gertrud, in 1598 left all the sisters living in the convent a yearly allowance, and bestowed the provosts with 24 guilders (HCO, City Archives, 2118, fol. 148). Of course, these were the decades after the Reformation, and we see quite a few bequests to fellow brethren or sisters in wills around this time, because it was quite uncertain how their fate would be. In 1670, Thomas Jaeson, a corporal in the army regiment located near Zwolle nominated a fellow soldier, Thomas Saunderson, as his universal heir. Apparently, Thomas had fallen ill, and as he was probably a hired soldier from Britain or Ireland, he wanted to name somebody closest to him at the time (HCO, City Archives, 2120, fol. 311). And Willemijn Clos, a servant for Johan Breyer in Utrecht, bequeathed another servant in the household, Annetje van Bijlevelt, with 4 silver spoons and forks, and her friend Antje Wollenaijster would receive her golden ring. All her other belongings went to Alexander Telman, “who was also living in the household of Johan Breyer”, which may indicate she had a relationship with him or it was her illegitimate son (HUA, Notaries, U173a7/76).

One could cynically perceive all gifts to business relations merely as return favors for delivered services during the lifetime of the testator, or as provisions for the (usually short-term) future for servants who suddenly lost their employment. However, as people were not obliged to make these provisions in their wills, and because far from every testator did so, it would seem that selfless motives were also involved. With a few exceptions, such as the soldier from Zwolle, it was not because of the lack of other heirs that these business relations were bequeathed. It was a positive choice to give them a – sometimes small, sometimes bigger – token of affection and gratitude. Nothing was expected in return, although in some cases (especially with regard to servants) the precondition that the relationship would still be intact at the time of the testators’ death, does point to a more businesslike approach to the bequest.

Conclusions
Distinguishing altruism – both in present-day and past societies – is not an easy task, and very much depends on how one chooses to define altruistic behavior. Assuming that multiple motives often play a role in people’s behavior (Batson&Shaw 1991), I have chosen to follow here Batson and Shaw’s definition of altruism as a motivational state with the ultimate goal of increasing another’s welfare. This way, Lynch’s observation that other motives, concerning status, family interests, et cetera, always played a role in early modern charitable behavior and thus altruism did not exist, can be countered. My conviction is that these motives may well have coincided with more selfless motivations behind testamentary giving, which was often done out of love, affection or compassion with other people, both distant and related.

Furthermore, gifts in the form of bequests can be considered as deeds of selfless giving in itself, if we realize that making a will as a rule was both non-obligatory and acted very consciously, or, as some social scientists have formulated, the most pure form of giving: independent one-way
transfers. Nonetheless, stipulations in people’s last wills were often in the direct family interest and related to common inheritance law. First of all, about half of all wills in the dataset had the main priority of providing for the longest living spouse, as the joint marital estate would legally be divided in half – one half being inherited by the legal heirs of the deceased partner. Other regular provisions concerned adjustments to the legal share of children’s inheritance: either to make arrangements for specific children, such as the eldest son, or to compensate for gifts other children had received during the parents’ lifetime, as a bridal gift or otherwise. Finally, wills might be drawn up in order to prevent undesired conflicts before or after the testators’ death.

Despite these more general functions of wills, the available data show that there were many differences in the way people decided to bestow their relations either with specific items or money. The analysis has shown that there were patterns in testamentary giving according to different groups of testators (gender, marital status, social background), but also that personal preferences played an important role. Many results have been mentioned already, but I will highlight some relevant patterns here. The largest group of testators were spouses making arrangements for the joint marital estate. After that, single and widowed females formed the most important group. Nevertheless, single men and widowed people were the most likely candidates to include a charitable bequest in their will.

Married people with mutual wills tended to have fewer heirs mentioned, and relatively less often gave to charitable causes. When children were mentioned in mutual wills, boys and girls were equally distributed, although the eldest son was usually mentioned first, and he generally inherited the family business. Unmarried people, who did not have children, often favored their siblings. Sisters were on the whole better represented among the total number of heirs, but when we look more closely at the first appointed heir, men clearly favored their brothers and women their sisters, usually involving very personal items dear to them in their lifetime. Finally, there were important differences according to social group. Testators from the elites less often used a will to make arrangements for the longest living spouse and in general had significantly more heirs than people from the middling groups and workers’ category. When it comes to charitable giving, however, only in the course of the eighteenth century did the elites become overrepresented among testators with a bequest to charity.

Apart from these more general patterns, we have also found ample examples of selfless giving in the individual wills in the database, which display that aspects of ‘selfless giving’ were certainly on testators minds. First of all, of course, there are the bequests to charitable causes, which were present in 22.6% of all 1,500 wills, though – as mentioned above – unequally divided among testators with different marital status and social backgrounds. Typically, these bequest were made unconditionally, which the intention to help the (deserving) poor. It must however be noted that only in a very few cases charitable institutions were bestowed with large sums of money, or even an entire inheritance. Still, charitable testamentary giving was of importance.

Secondly, we have found that further-off relatives (those related in the third degree) formed the second largest category of heirs, which indicates that testators did not want to leave their estate subject to common inheritance law, but wanted to bequeath their more distant relations as well, sometimes with very personal descriptions of the legacy. More in general, thirdly, the wills in the dataset provide a large body of evidence for the existence of very personal and detailfully circumscribed property transfers. Except perhaps in the cases were a mutual will was made, testators through stipulations in their wills not only display their intention to do justice to all of their
children, grandchildren, siblings, etc., but also that belongings very dear to them needed to be transferred to the right persons, for reasons often clearly described.

Finally, in bequests to business relationships and friends, we often see expressions of the love and gratitude from the testators. Although they could not literally expect something in return for their bequests, we could perceive them as ‘return favors’ for delivered services during their lifetime, as sometimes explicitly mentioned. Perhaps in the case of servants we can sometimes view bequests as a means by employers to bridge a period of sudden loss of income which would evidently occur after the death of a master or mistress. Still, all these kinds of gifts were certainly not obligatory and often contained very personal motivations of affection andthankfulness instead. All these observations lead me to conclude that selfless giving, in which the ultimate goal was others people’s welfare, was indeed prevalent in early modern testamentary giving, other motives such as family interests and social obligations notwithstanding.
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Stads Archief Den Bosch (SADB), Oud Archief ’s-Hertogenbosch, inv. nos. 5349-5350, Registers, waarin per wijk en huisnummer de namen van de bewoners, hun beroep, het aantal van de verdere gezinsleden, het bedrag van de belastingaanslag en de namen van personeel ofwel dienstboden en het bedrag waarvoor deze werden aangeslagen staan aangetekend, ca. 1808 (Population register 1808).

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### Appendix 1 – Relationship codes

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<th>Code</th>
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</tr>
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<tr>
<td>other business relationship**</td>
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*NB: in Dutch language it is impossible to distinguish between nephew/nieces and cousins

** e.g. minister, medical doctor; former colleague