PRIMITIVE CIVILIZATIONS.

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The history of civilization is, in great measure, the history of the progressive appropriation by mankind of the various resources of the natural world. To know what men do and what they have is to know practically all that history can tell us about what they are.

Even Aristotle, in spite of his contempt for all forms of mechanical industry, was obliged, when endeavouring to reduce the elements of the State to their simplest form, to include the ideas of property and acquisition. He defines a possession as an instrument for maintaining life; and the history of ownership is, in fact, a history of the way in which people live, or of the things wherewithal they sustain their lives. What a man takes, what he enjoys, what he uses; what he appropriates or identifies with himself by custom, thought, and affection,—this more than anything else goes to build up the fabric of his everyday existence. But, as the objects which come to be regarded as property increase in number, the social and political significance of their possession increases also; and we have to learn, not only what commodities are regarded as wealth in each community, but also how they are obtained or produced, under what conditions and for what considerations they circulate or change hands, and what conditions law and custom impose on their final possession, enjoyment, or use.

A complete history of ownership would thus furnish a complete history of civilization, or of the human race; for the character of religious beliefs, the state of art and science, and the course of political and social development are all reflected in proprietary institutions. Clearly, then, it is as impossible to write a universal history of ownership as a universal history of man. All that is possible, and all that it can be even useful to attempt, is to describe some prominent and representative types of law and custom, giving precedence, naturally, to those which have obtained over the widest space, or for the longest time, and have therefore left the least meagre records of their character. The eccentricities of savage tribes or civilized nations are of less importance than those enduring or recurring usages, which experience has shown to meet some permanent want, or express

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some deep-rooted tendency, of human kind. It is true that the most widespread and enduring usages are not so uniformly beneficial as to serve always the purpose of an example for imitation, but they have at least one advantage over purely visionary schemes of social organization, which have never been realized in fact. They are certainly possible. And we may learn from States which have lasted for thousands of years, in spite of their defects, how we, whose failings lie in other directions, might give stability to the foundations of the social fabric, without cramping its plan or stereotyping its details.

The use of history is not to sum up the varied experience of the past in a compact formula, but to enlarge our vision of the present by a reflection of past and future possibilities. What lies behind us is neither a direct advance along a single line of progress, nor yet a cycle of eternal self-repetition; and it is certainly within the power of historic science to discourage the repetition of the least successful social experiments of former times by tracing the causes and extent of their failure.

From some points of view it may seem as if the logical way to begin any sketch of the history of ownership would be to examine the psychological foundations of the human habit of acquisitiveness, as exemplified first among the lower animals and young children, and then among men at the lowest stage of civilization. Such a course has everything in its favour, except that it is not historical. Whatever we may know about modern Australians or Andamanese, whatever we may guess about our own flint-chipping progenitors, their experience does not belong chronologically to the first chapter of written history. Long before our ancestors had emerged from the savage state, into which we can only follow them with guesses, other races had reached their political prime, and secured for their proprietary institutions something of the fixity which we vainly covet for our own.

The earliest times of which we have any circumstantial knowledge are those in which we find States and nations having already reached the degree of civilization implied in the existence of written records. The primitive savages of antiquity have passed away, leaving no trace of their life beyond a few bones and such rude tools as have defied the force of time and weather. Our knowledge begins with the primitive civilizations of antiquity, with races already numerous and possessed of political, religious, and social ideas which are to a certain extent ascertainable.

Within historic times civilized nations have arisen, and the process of their development out of barbarism has gone on, as it were, in our sight. It is therefore natural to assume that ancient civilizations arose in the same way, out of the same elements; and, if this were so, we might begin the history of ownership by reconstructing, in imagination, the life and customs of the barbarians, who stood to the historical kingdoms of the ancient East in the same relation as Franks and Teutons to the kingdoms of the West.

But natural, and seemingly justifiable, as such an assumption would
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be, it is, after all, an assumption only; may, it is an assumption which carries with it a warning against any such imaginative reconstruction. There are fundamental differences between archaic and modern civilization, and we have no means of guessing what differences they point to in the antecedent state of society. If modern civilization is more complex than any archaic civilization, the records of which have reached us, it should follow that archaic savagery must have possessed a simplicity of which we can scarcely form a conception a priori, especially as it must be a simplicity not excluding the capacity for appropriate progress and development.

Modern progressive barbarians have been offshoots from a stock that has, somehow or other, come in fertilising collision with the products of an older civilization; and in their after career they have had either to conquer or submit to other races of varying degrees of cultivation. Hence the element of complexity, which we recognise to a certain extent in the civilization of Greece and Rome, and still more unquestionably in the history of modern nations. We are familiar with the manners and customs of non-progressive, barbarous populations, whose lives are simple enough; but we cannot recognise in them the representatives of the simple barbarians whose descendants founded the monarchies of Egypt and China. There must have been some undiscovered difference in the antecedents corresponding to the recorded difference in the results; and, as we do not know what this difference was, rather than supply the blank with guessing, this history will follow our sources in tracing first, the rights and usages of ownership recognised in the most ancient civilized States of the Eastern world, leaving the authentic records of barbaric life to furnish the first chapters of the second part of the narrative.

Egypt, Babylonia, and China are the three great seats of archaic civilization, and the ancient history of each is absolutely free from European influence. Two of them are remarkable for the permanence, as well as the antiquity of their national greatness; and all have left authentic records, from which we are able to reconstruct, to some extent at least, the outline of their social and industrial life, and to understand upon what principles they regulated that portion of it which had to do with possessions, or the instruments by which life is maintained. We do not attempt to guess what went before the birth of these nations. Their existence is matter of history, and, widely as their civilization differs from that of modern Europe, it differs not less widely from that of all the semi-civilized or semi-barbarous peoples with which European nations have come in contact in historic times. The points in which they resemble each other and differ from the rest of the world are mainly two; and these together are enough to explain why such nations arose, as and where they did, and also why the same phenomenon has not been more frequently reproduced in later times and other places.

That all life, growth, and beauty upon earth are born of the sun's light
and heat is a familiar fact; but it is not so generally understood that the life of the human mind, too, first started into splendid growth under the inspiration of the uninterrupted radiance of the same great power. A glance at a shaded map, showing the proportionate rainfall in all parts of the world, is in itself an historical revelation. Such a map, where the darkest shadows indicate continuous rain, will show also four white patches, representing the lands of cloudless sun. In the New World there are two such patches, a narrow strip along the coast of Peru, and a broader area in Mexico,—the two seats of advanced civilization in the whole double continent. In the Old World, as we know, Egypt is included in such a region, which reaches its greatest breadth in the Sahara, but sends out a loop eastward embracing most of Arabia and Persia up to the mountains of Kabul. The fourth and last of these remarkable districts extends practically over Central Asia, from Kashgar on the west to the eastern mountains of Mongolia, and from the highlands of Tibet to the northern shores of what was once the Mediterranean Sea of Asia; it includes cities and oases of ancient fame and culture, such as Yarkand and Khotan, and others long since buried in the desert sands, as well as the whole route to be traversed by any stream of migration, that turned its face eastward from the Bolor Mountains, in a quest that could find no settled goal short of the fertile valley of the Wei, in China.

In three continents such a coincidence of climate and history does not befall by chance, and a sound instinct led the first civilized dwellers in these fervent lands to deify the heavenly presence in which they saw, and saw truly, the father of their own greatness. But this same map shows us also rainless deserts that have given birth to no great nations, and are barren of all other life. The Sahara and the desert of Gobi have one condition of fruitfulness in ceaseless sun; but great kingdoms, it seems, only grow up where the land of ceaseless sun is watered by great streams fed from far away regions of almost ceaseless rain or snow; or, in other words, in fertile alluvial plains, traversed by great water highways. Such a position implies the possession by the earliest settlers of rich pastures and fertile arable land; domesticated animals and cultivated grains; abundant materials, both animal and vegetable, for clothing as well as food, and in all probability, some knowledge of metals brought from the highlands, whence races, like rivers, are wont to spring. Very few of the most advanced barbarous races possess all these advantages at once; and, as a crowning distinction, in the rainless lands, not too far removed from the Equator, the sun-god himself plays the drawing master through the cloudless days, teaching his apt and favoured worshippers how to perpetuate and dignify their history with a written record.

It may be a mere fancy that, where writing masters now trace their characters on the sand, the first framers of those characters traced in the same way the outlines of the shadows made by real objects; but it is a fact that hieroglyphic writing originated in lands with short clear shadows, and that the first delineation of natural figures would be rendered easier, if not
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first suggested, by the shadow pictures thrown by the sun on every rock and wall, and needing only, as it were, to be traced, not copied. Such of the Egyptian hieroglyphs as are not conventionalized show just such a profile outline—of a bird, a tool, a human figure—as a system of silhouettes would furnish; and the art of Egypt, Babylonia, and Mexico all possess characteristics which would be by themselves suggestive of such an origin. Whether hieroglyphic writing originated in this way or not, writing of a more or less remotely hieroglyphic character is associated with all the primitive civilizations we have named, and the possession of such writing, together with the nature and resources of the country occupied, are the two chief, common determining elements in their after career.

The use of writing, even in its most cumbersome form, is at once a sign of intellectual superiority and the cause of further progress. It is easy enough to indicate a few simple facts or events by signs or pictures answering to the imitative gestures or sign language of the deaf and dumb. The North American Indians and some other uncivilized nations have got as far as this. But to make a written language as copious as speech and as flexible as thought is a very different achievement, and we can hardly exaggerate the importance of the first step towards it. If the air was full of ghosts, when living men told well-remembered tales of their grandfathers, what must have been the effect produced when dead men could leave words written on the living rock behind them, substituting a real posthumous influence for the incalculable intervention attributed to them at the whim of imaginative superstition? In more ways than one the historic period begins then. Men think of their own and other lives, before and after, as forming part of the same story; the race puts on a kind of immortality, and its leading minds begin to crave after theories and principles of correspondingly wide and lasting application.

It is true that there have been unlettered races since, with a rich oral literature, and the possession of an alphabet does not necessarily lead to the development of a philosophic polity, but it is at least reasonable to suppose that the archaic philosophy and the archaic character, which we find existing together, owed their existence to substantially the same outburst of intellectual vigour. The great pre-alphabetic civilizations did, as a fact, develop, together with their system of picture writing, a full system of social and political ethics; a theory of human life and duty, which has a claim on our attention, not merely because we find in it the earliest commentary of human reason on human conduct, but also because the theory thus presented was accepted, more simply and completely than perhaps has ever been the case since, by the whole community, as the base and groundwork of every-day custom, and the common standard by which the conduct of all classes in their relations to each other should be tried. The primitive generalizations as to the duty of men and rulers, which meet us in ancient Chinese and Egyptian texts, may not have been formulated before the art of writing was invented, and they certainly were formulated when the art was still comparatively young. In any case their potency when
written as well as formulated was increased, at least as much as that of the king whose conquests for the first time obtained a monumental record.

Up to a certain point, the invention of picture writing would give a fresh stimulus to thought. But while the thought of each generation is controlled by its language, the development of a written language is controlled by its character. Pure hieroglyphs can express direct narrative or precept, and are admirably adapted for the composition of magic texts in which mysterious images are to be suggested, the significance of which it is left to the imagination of dupes or adepts to fill in as they please. But such a character is less able than a spoken language to lend itself to the needs of abstract thought or reasoning. A system of debased hieroglyphs must either develop into an unwieldy alphabet or syllabary, or it must confine the thoughts of those who use it within the round of familiar, more or less visualized notions; or else, as in China and Egypt, it must end by accepting in a measure both drawbacks. It is not by a chance coincidence that all pre-alphabetic civilization is conservative in tendency; the remarkable thing is that the world's first attempts at civilization should have been so temperately and judiciously conceived as to admit of the permanence, which the genius of their founders and their literature tended to demand.

If we would know what a primitive people, with sun, water, and the art of writing to help them, would make of their life, in a fertile land, we must confine our attention mainly to China and Egypt, for in those two countries the problems of civilized life were worked out continuously and consistently, with the least possible disturbance or interruption from without. In Mesopotamia, on the other hand, where an empire of kindred origin and character flourished at an equally early date, instead of such isolation as Plato coveted and Egypt and China long enjoyed, the primitive state found itself planted in the very centre and focus of international and interracial communication.

Primitive States are always of modest dimensions; and Sumer and Akkad had no natural frontiers on a scale corresponding to the national development. Vigorous nationalities were rising up all round, and whether they came in war or peace, for conquest or for commerce, it was impossible to bar the way against invaders. So it comes to pass that the industrial history of the valley of the Euphrates, if not less instructive than that of the Nile or the Yellow River, is very different and in a way transitional. The Egyptians were cultivators and artists; the Chinese are cultivators and artisans. The Babylonian excelled alike in science, art, industry, and agriculture, and was moreover a trader and a merchant, the forerunner of the ancient Phoenician and the modern Jew; only at the very bottom of his heaps of ruins, below the traces left successively by Roman, Persian, and Semitic conquerors, we find traces of the primitive economy, which, left to itself, possessed so many elements of stability, and in any case exercised an influence, of which we can scarcely exaggerate the importance, upon
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the thought and culture of the adjoining or superincumbent populations. In ancient Egypt we find the best stationary state at which the primitive civilizations of the Old World could arrive. China still survives, happily spared by the deluges of history, to show what the life of past geologic ages was really like.

To ancient Babylon, on the other hand, we owe the suggestions and some of the first motives by which men and nations are still unceasingly embroiled, with only the hope to comfort them that they may emerge out of the turmoil a trifle richer or stronger than before. Not that the primitive Akkadians invented or discovered our modern gospel of progress by catastrophe: it only happened to be their fate to dwell first in the land destined to serve as a battle ground for the ruling races of the world. Egypt and China led their own life, uncontrolled if not unmolested; the successive and rival empires of Mesopotamia had individually a briefer and less prosperous career, but they exercised a wider influence over the lives of other nations. Moreover, though power and prosperity were always changing hands, with almost modern frequency, in this central State, peace and prosperity were almost always to be found there; so that it seems as if the geographical position, which was fatal to political stability, was not equally injurious to those conditions of economic stability, originally perhaps shared by the Akkadians with their more secluded kinsmen and coevals.

Recent discoveries allow us to entertain as an hypothesis, though hardly yet to assert as a fact, that the nations thus superficially alike in circumstances, history, and temperament may have been also ethnologically allied. A possible community of origin, a real similarity in circumstances and temperament, resulting in a more or less complete similarity of institutions, are sufficient reasons for including the economic history of these three nations in the section to which they all belong chronologically, that is to say, in the first chapter of a history of ownership.

When the Old World was new and scantily peopled, the strongest offshoots of its ablest race gravitated towards the richest lands; but the usages which they share with feeble and less fortunate kindred must have existed in the germ before the separation, and have therefore been originally independent of the material abundance which founded the prosperity of the first great nations. We cannot attribute Egyptian greatness wholly to the spirit of the national customs and temperament, for the customs and temper have been shared by unhistoric peoples; we only know that they are, under certain conditions, evidently compatible with a fine development of national power and prosperity; and they have stood alone hitherto in their capacity for preserving such power and prosperity, when attained, for periods which the restless ambition of the West finds hardly credible.

The nations belonging to the group of which Egypt and China are representative are for the most part easy-going, pleasure-loving, and pacific, somewhat anarchic, in the strict sense of the word; that is to say, private life in them is little controlled by government or legislation; they are liberal, in the sense that public opinion always praised giving more than
getting, and required a free distribution of family property amongst the members of the household, and of State property among such members of the State as were in need; and they are also very strongly conservative, since all classes valued their life just as it was, feeling and believing that any change at any point must be a change for the worse. If we have to find a single word to describe the points in which these States resemble each other and differ from the modern world, which traces its intellectual parentage to Greece and Rome, it may be said that the civilization of the great civilized States of antiquity was domestic, and the civilization of European States political; that is to say, in ancient Egypt and Babylonia, and with some qualifications in China, the relations of family life and the details of domestic administration were entirely civilized and humane. As fighting States they were nearly as barbaric as their neighbours; foreign and domestic politics, in the modern sense, were equally non-existent, and there was virtually no political organization within the State; which is no doubt one reason why the otherwise stable fabric was so easily overthrown or revolutionized by the introduction of foreign elements. But the customs of family life, agricultural and commercial usage, and the respect for history, philosophy, and art were, in many cases, actually in advance of those reached much later in States with a political civilization.

Politics, in the modern sense, the thing as well as the word, is no older than the cities of Greece and Rome; the political, as contrasted with the domestic civilizations are those in which the organization of public life and government is considered of the first importance, and in which the public administration occupies itself mainly in regard to foreign affairs, wars and treaties, and the interests of the Government as such. The moral and intellectual qualities of political races cause their private life also to emerge from barbarism, but in this case the private relations rather lag behind the public ones in urbanity and refinement. In the domestic States the unselfish kindness shown by the normal father and mother to their children furnishes the model which the Government, in the comparatively narrow sphere assigned to it, is expected to imitate and reproduce. In political States, on the other hand, the natural relations of parents and children, husbands and wives, masters and servants are apt to be obscured or perverted by the intrusion of analogies of political authority and subordination.

The economy of Egypt, China, and Babylonia differ in a thousand details, and the usages or institutions which were common to them did not, of course, receive equal development in all or perfect development in either. It would therefore be unhistorical to substitute the logical ideal which we can construct after the event for a record of the real, more or less tentative experiments made independently, though on parallel lines. The surviving records, which reflect their ancient life, tell us most concerning family relationships in Egypt, concerning commercial relationships in Babylonia, and in China most respecting the relations between the ruler
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and the common people. In each case, of course, the comparative abundance of materials bearing on one or other subject is itself a sign of the relative prominence of that element in the national life. But the Egyptian mother or daughter, the Akkadian banker or commercial partner, the Chinese emperor or prime minister, are all figures that must have flourished in societies of identical type, with similar organization and ideals.

The term gynaeocratic has been applied to some of these communities, on the ground of their sharing the widespread archaic conception of family relationships, in which the mother is regarded as the natural head and namesake of the household; but it is scarcely appropriate, since the higher status and greater social influence enjoyed by women in these States did not result in their taking any greater share in the actual government, though it may have tended to minimise the action of the State in matters relating to the family. Primitive Babylonia alone shows signs of an actual precedence having been accorded at one time to women. In Akkadian texts we read of “women and men,” “goddesses and gods,” and there are other traces of the archaic principle of “Mutter-recht,” which suggest the conjecture that the domestic civilizations may have started from this principle, as Roman custom and the laws and usages based upon it start from the theory of patria potestas.

Communities in which this “mother-law” prevails are supposed to be those in which the organization of family life has been so recently effected, that manners and customs still survive which presuppose its non-existence; and children are called after their mothers because their fathers are unknown. We propose to discuss savage and barbarous customs in connection with the tribes and peoples actually known to us during their savage and barbarous condition, rather than in connection with hypothetical pictures of the pre-historic state of historic nations. It would therefore be premature to investigate, d proposito of Egyptian civilization, those cruder forms of family relationship which have been copiously discussed by Bachofen, Morgan, McLennan, and their critics and commentators. We can no more say why the Egyptian wife and mother enjoyed rights and privileges unknown elsewhere, than we can explain why Roman fathers took an equally exceptional view of their own prerogatives; but the singularities of Egyptian usage may be rendered somewhat more intelligible by comparison with the detached usages having the same genealogy which happen to have survived elsewhere.

There is no one of the leading traits of modern family life which can be put forward as so pre-eminently and absolutely natural as to be universal. Polygamy flourishes along with rarer experiments in monogamy, and has been practised by women as well as men. Children are sometimes reared and sometimes abandoned or put to death by their parents. Marriage is sometimes a light relation during pleasure on both sides, sometimes an indestructible bond, trebly woven of duty, inclination, and convenience, and sometimes it rests on a one-sided utility, involving the virtual slavery of wives; sometimes the authority of the father, sometimes
that of the mother, and sometimes that of both parents over their children is unrecognised, while elsewhere the authority of one—or it may be of both—is carried to the point of almost fantastical absoluteness. Our notion of what is natural in family relationships is compounded of all those features of family life which, upon a calm retrospect, appear to our present taste as useful and agreeable, wholesome and pleasant in their average mediocrity, and altogether beautiful and good in their perfection. The ideal of the present day has never been exactly realized in the past, but it may safely be said that no nation has attained to a civilization of any solidity and grace without organizing the domestic relations in a way that includes, at least, some ideal elements; and in what we have called the domestic civilizations, the organization of the family was complete at the earliest date to which our authorities extend.

Materials for the social and economic history of the ancient States, with a civilization of the domestic type, are only now beginning to be accessible, and, like the first missionaries in China, the pioneers of these studies startle us with their reports of an historic golden age in quarters yet undreamt of. It is argued, and with great plausibility, that the so-called *jus gentium*, the law of nations, to which the lawyers of later Rome resorted when desirous of correcting the narrow formalism of their own strict code, was not a mere metaphysical invention or imagination of their own, but that, in fact, this law represented the actual usage—or as much as Romans could understand of the usage—prevailing among the civilized nations which drew their inspiration, first or last, from Egypt and Chaldaea.

Without going so far as to advocate a return to the economy of China and Egypt, it must be admitted that, in the most literal sense, that order is nearer to the “state of nature” than our own; and therefore, whatever elements of good we can see in it to covet, cannot be ridiculed as out of reach, because it is against nature that they should be enjoyed. Still less need we hesitate to borrow directly any hints of wisdom that may be attainable now, from a source to which we are apparently already so much in debt. The correction of Roman law by the equity of the *jus gentium* bears a close resemblance to the correction of the English common law by the equity of the canon law, derived from the humanized ecclesiastical reading of Roman legislation, after the intervention of the *jus gentium*; and the seventeenth century writers on the law of nature and of nations added little of their own, while borrowing freely from the same sources. Thus twice already the aberrations of law from justice, in political nations, have been corrected or restrained by a reference to the usages which the Romans only half understood, and which are now more than half forgotten. And if, as will be seen, we have materials for judging afresh what the law of nations in pre-Roman times really was, we may claim to be better able than they to judge how much of it modern law and custom may profitably copy or adopt.

It cannot be said, to refer to a famous distinction, that *status* ruled in these earlier societies, and contract in those which have succeeded them;