



PRIMITIVE SOCIETY.

PART I.

THE remotely ancient man of the Quaternary Period, whose relics lie imbedded in drift-gravels and stalactite-caverns, seems to have left no special traces of his moral condition. We nowhere find his ten commandments sculptured in picture-writing on a Mammoth tusk, and if any of his moral precepts have been handed down by long tradition to modern times, these particular maxims can no longer be recognized in the world's heaped-up treasury of social science, to which hundreds of generations have brought their precious things. The only absolute testimony to the moral state of these rude præhistoric clans, is the very fact that they existed,—that they existed for generation after generation. Clearly, a man did not even in those wild days indulge his desires quite without restraint, he did not simply clutch whatever he longed for, and with his gnarled club batter in the skull of any one who stood in his way. Men and women must have had some restraint by way of marriage, some kindly care for children till of age to shift for themselves. These rough folk must have known how to live and let live, or they would simply have died out. It may be objected that this hardly comes up to what is meant by morality, being only the human development of that mutual forbearance, social union, and protection of the weak, which the lower animals agree to in their families and herds, or they too could not continue to exist and increase. There is reason to presume, however

that the social condition of the drift-men and cave-men was far above any such rudimentary state. Looking over a collection of their implements and weapons on a museum shelf, we may fairly judge by analogy that in their moral habits, as in their material arts, they had much in common with the rudest savages of modern times, users like them of chipped flint and pointed bone. Nor does this argument stand alone. In the social systems of barbaric and civilized nations, there may be shown abundant traces of development from an original savage state. As the ancient Egyptians, though skilful metal-workers, nevertheless kept up for a sacred purpose the use of the stone knife, and the modern Hindus still kindle the sacred fire by the friction of a wooden drill, so it is with many a quaint feature of morals, law, and politics, which retain in the midst of modern civilization the impress of ruder primitive society. Such survival of early social ideas and customs in the modern world will here be illustrated by various examples. There are thus two lines of evidence to be followed: the archæologist's line, that ancient man was savage; and the ethnologist's line, that savagery is the source of civilization. Now these two lines of evidence coincide and strengthen one another wherever they meet, and they meet over the whole area of anthropology. In the present two essays, designed to show that the theory of development and survival is as applicable to morals and politics as to other departments of culture, I have not endeavoured to take in the whole breadth of an immense subject, but to argue from a few selected topics as to some of its main principles, in preparation for a fuller and more systematic future dissertation.

Glancing down the moral scale among mankind at large, we find no tribe standing at or near zero. The asserted existence of savages so low as to have no moral standard is too groundless to be discussed. Every human tribe has its general views as to what conduct is right and what wrong, and each generation hands the standard on to the next. Even in the details of these moral standards, wide as their differences are, there is yet wider agreement throughout the human race. Among the wildest clans of wandering hunters and root-diggers, morality has not only taken definite shape, but has so shaped itself that civilized men can to a large extent acknowledge its laws, and to a still larger extent sympathize with them. Savage life, indeed, seems by no means primary in its nature, but represents a vast advance on the lowest conceivable conditions of human life. It does not carry the student back to the very beginning and foundation of morals. It cannot show the first developments of the moral sense, the processes by which man, at the earliest grade of culture consistent with his existence as man, may have acknowledged some primary code of morals. Nevertheless, savage life does display society at

work under comparatively simple conditions, and in its phenomena may be discerned many a trace of rudimentary stages in social science. The wild man of Brazil or Australia can often place in our hands the plain clue to moral developments, a clue by no means so easy to pick out amid the intricate entanglements of civilized conventionality. The Ethics and Politics of the lower culture, shown in the life the savage still leads, or led until the touch of civilized man paralyzed his native habit, may thus stand in lieu of the lost vestiges of social life among our own præhistoric forefathers.

Among travellers abroad as well as philosophers at home, there appear two contradictory opinions as to the moral state of savages. On the one hand, the ugliest stories are told to prove them brutal, filthy, licentious, false, and cruel; on the other hand, there is pictured the simple idyllic life of the noble savage, man in the happy state of nature. The reason why notions so opposite should have arisen and maintained themselves, is mainly that there is truth in both. Looking toward the worse side of the picture, it is easy to collect a museum of repulsive traits. Think of the shivering limpet-pickers of Tierra del Fuego, sparing their dogs in famine time and eating their old women, because the dogs could catch otters and the old women could not,—or of the heavy-witted dwellers in the luxuriant forests of the Amazons, whose brutish indifference is only stirred to its depths by the craving for murderous revenge or the mad drunken orgies of the moonlight dance,—or of North American warriors standing round to watch the women and children prolong hour after hour with curious ingenuity the agonies of the tortured captive at the stake. Yet these may be balanced by many a story of the attractive traits of wild men's life. Among American Indians, hospitality is a sacred duty. In the Mandan hut the pot was always boiling, and the hungry might come for meals at will; the lazy loafer who would not hunt for himself was despised, yet no one disputed his claim to sit and eat. It was thus also in South Africa. Among the Hottentots, he who had anything to divide would give till he had but a morsel left, and though their food were hardly enough for themselves, they would call passers-by to partake. The thrifty Hollanders showed some surprise at the black men's freehandedness, but their explanation was simple and conclusive, "Dit is Hottentots Manier," "'Tis Hottentots' fashion." Or again, it seems to us a gentle touch in the old German poem, where Crimhilt's rose-garden was fenced in with a single silken thread:—

"Sie het ein anger weite, mit rosen wol bekleit
Darumb so gieng ein maure, ein seiden faden fein."

Can modern days show any land so honest, that such slight fence can keep the garden against thieves? Yes, among the rude Juris of

South America, Martius the Bavarian traveller saw gaps in the hedges round the fields mended with a single cotton thread, and the same slight barrier in times past served to hedge in the crops of the natives of Cumana.*

In comparing savage with civilized life, so as to trace the ancestry of our modern ethics back into long-past savage times, an important principle comes clearly into view, which it is well to consider first in these inquiries. It appears that in a large measure the differences between the moral rules of lower and higher races may depend less on abstract ethical ideas than on the unlike conditions of life among savages and civilized men. To exemplify this, let us observe how people at different stages of culture have dealt with the aged in their last infirmity.

On the whole, the lower races maintain their old folks after they have fallen into useless imbecility, treating them with respectful and even tender considerateness, and among many tribes continuing this care till death. Among many tribes, however, filial kindness breaks down earlier. Such care of the incurably infirm seems too burdensome under the hand-to-mouth conditions of the rudest savagery, and it is judged best on all hands to give up the hopeless attempt to preserve a useless and suffering life. Thus South American forest tribes had brought themselves to reckon the killing of the sick and aged a family duty, and in some cases they simply ate them. We realize the situation fairly among nomade hunting tribes, where the strain of actual necessity is irresistible. The clan must move in quest of game, the poor failing creature cannot keep up in the march, the hunters and the heavy laden women cannot carry him, he must be left behind. Many a traveller has beheld in the desert such heart-rending scenes as Catlin saw when he said farewell to the white-haired old Puncah chieftain, all but blind, and shrunk to skin and bone, crouched shivering by a few burning sticks, for his shelter a buffalo hide set up on crotches, for his food a dish of water and a few half-picked bones. This poor old warrior was abandoned by his own wish, when his tribe started for new hunting-grounds, even as years before, he said, he had left his own father to die, when he was no longer good for anything. It appears from classic records, that various barbaric peoples in Asia and Europe kept up the savage practice within historical times. Such were the Massagetæ, of whom Herodotus relates, that when a man is extremely old, his assembled relations slay him and boil him with other meat for a feast, holding

* In a country where theft is so unusual, the habit of leaving doors open or only fastened with a thread, seems to show that the thread-fence is a mere sign to warn off intruders; beyond this, however, we hear of the notion that anyone who breaks such a fence will soon die, an idea also known to African magic.

this the happiest kind of death ; or the Sardinians, whose law, according to Ælian, was for the sons to kill with clubs their aged fathers, and bury them, considering it shameful to live on in bodily decrepitude. When a nation settled in the agricultural state has reached a moderate degree of wealth and comfort, there is no longer the excuse of necessity to justify slaying of the aged. Yet the practice may still go on, partly from the humane intent of putting an end to lingering misery, but perhaps more through survival of a custom inherited from harder and ruder times. This is well marked among our Aryan race. Slavonic nations continued even after their conversion to Christianity to put the aged and infirm to death, while among the Wends it is asserted that there was practised, as among the Massagetæ, the hideous rite of cooking and eating them. Old Scandinavian tradition tells of the worn-out warriors setting out for Walhalla by leaping from the *ätternis stapi* or "family rock ;" while in Sweden up to A.D. 1600 there were still kept in churches certain clumsy ancient clubs, known as *ätta-klubb*, or "family clubs," wherewith in old days the aged and hopelessly sick were solemnly killed by their kinsfolk. It may perhaps be a quaintly moralized survival of this barbaric memory, that in several villages of Silesia and Saxony there hangs at the town-gate a club with the inscription :—

" Who to his children gives his bread,
And himself so suffers need,
With this club be he smitten dead."

It has been pointed out to me that we have in England also this warning against King Lear's folly. Mr. Walter White, in his "All Round the Wrekin," mentions that over the door of an old almshouse at Leominster is an effigy of a man standing open-mouthed, and bearing an axe, with the following inscription :—

" He that gives away all before he is Dead,
Let 'em take this Hatchet and knock him on y^e Head."

The irony of setting such a moral over the poor old almsfolk is somewhat cruel, yet after all it shows the change between the realities of savage and civilized life. So in German custom, the transition from the hard old barbarism to gentler manners was really made many an age earlier ; when the infirm old house-father divided his substance among his children, he sat henceforth well cared for and warm in the "cat's place" by the hearth, till the end came. With advancing civilization there arose a growing feeling of a sacredness of life even apart from its use and pleasure. After age-long trial, the old short way out of suffering and discomfort was given up. It is curious that the advocates of "euthanasia" who have lately appeared among us, seemed

scarcely to notice (though they have been effectively reminded of it since) that they were proposing to bring back into use, with modern refinements indeed, the very "cure for incurables" which belonged to ancient savagery, but which has been so consistently rejected by modern civilization, that not one European in ten knows that it prevailed among his forefathers.

From this series of facts, moreover, it appears that mankind at different stages of culture differ utterly as to the morality of suicide and "euthanasian" homicide. Nor are such differences at all unusual in the moral standards of the world. If it be asked, What is morality? it is a fair answer, That those who brought the word into use meant what they said; *ethics* or *morals* imply a man's conformity to the customs (*ἥθη*, *mores*) of the society he belongs to. Civilized people are liable to underrate the power of custom in shaping the life of savages, who are supposed to live a reckless unshackled life, "at their own libertie," as an old writer says. The fact is just the contrary, that the wild man is bound hand and foot by custom in every important action of his life; what he shall do or leave undone is fixed by a traditional rule, which is so part and parcel of his being, that he does not even think of acting otherwise. No two races may have exactly the same moral standard, but every race has its own, and public opinion stamps it with the moral sanction. The old-fashioned intuitive theory quite fails to account for the diversity of moral standards. In fact, the moment we enter on the comparison of savage and civilized ethics, there parts and falls away before our eyes a thick curtain, which has shut in the view of whole schools of moralists, and that for many ages. Philosophers had their minds so set on the particular institutions of the society in which they were brought up, as to fancy they had before them the one ideal standard by which the morals of mankind were to be judged. It is easy for a moralist thus provided with a cut-and-dried system of precepts, to say they are established by nature, as Cicero has it in his dialogue of the Laws: "For to whom reason is given by nature, to them also right reason is given, and therefore law, which is right reason enjoining and forbidding." When in the 17th century Locke took up fragments of ethnographic evidence from the meagre store then available, he could hurl them with crushing force against this school of intuitive moralists. He appeals to any who have been but moderately conversant in the history of mankind, and looked abroad beyond the smoke of their own chimneys, whether nature has stamped these universal principles on the minds of those barbarians who with public approbation or allowance expose or bury alive or eat their children, or kill their aged parents, or cast out the dying to perish by cold and hunger or be torn by wild

beasts. Locke's argument is fair enough, so far as it applies. With strict propriety we call such acts *savage* or *barbarous*, using these terms at once as historical description and moral condemnation, but it is indisputable that the moral faculty is brought to bear on the acts in question by the races who do them; their customs permit them, ours do not; we say they are wicked deeds, they deny the wickedness.

It is not to be supposed, however, that the difference between savage and barbaric moral standards and our own consists entirely in higher civilization making heavier claims on virtue and laying harder restrictions on passions and pleasures. It is by no means always so, for even savage tribes are found condemning as crimes actions which more civilized nations may see no harm whatever in. One of the best cases of this is seen in the laws, represented not among all races, but among races at all levels, which prohibit marriage between not only near but distant relatives. Australians prohibit a man's taking a wife of his own clan-name, that is to say, as kinship is by the mother, he may not marry however distant a cousin on the female side. To violate this law is a crime which the Australians hold in the greatest abhorrence, in this agreeing exactly with certain tribes of North America. Were the question put in either district, is it worse to kill a girl of a foreign tribe or to marry a girl of one's own, an answer just opposite to ours would be given without hesitation. It is not necessary here to trace prohibitions of this kind through such tribes as the Samoyeds and Khonds, and such nations as the Chinese and Hindus, on at last to their survival in the Canon Law, according to which, relatives up to the seventh degree are prohibited from marriage, that is to say, without obtaining a dispensation. Nor need we follow the discussion with McLennan, Lubbock, and Morgan, as to the origin of these laws. For the present purpose we have to notice that the meaning of the prohibition, obscure to us, is totally dark to the savages who inherit it from their ancestors. Also, it is neither consistent nor practical, inasmuch as savages and barbarians usually trace distant kinship on one side only, whether this side be male or female; thus it comes to pass, for instance, that the man who may not marry his tenth cousin in the female line, may without rebuke marry his first cousin in the male line (his uncle's daughter), or *vice versa*. Yet these laws lie deep among the roots of savage ethics, and have the fullest moral sanction to back them, the individual and social consciousness of right and wrong. It is instructive to see this point of morals through the spectacles of a thorough old-fashioned intuitionist, ready to accept as natural any precept which education had ingrained in his own mind. Father Dobrizhoffer, describing the wild fierce Abipones of the Pampas,

says, "The Abipones, instructed by nature and the example of their ancestors, abhor the very thought of marrying any one related to them by the most distant tie of relationship." Thus a chief, when the missionary happened to speak of incestuous nuptials, broke out, "You say right, father! Marriage with relations is a most shameful thing. This we have learnt from our ancestors." The good Jesuit concludes with a remark which incidentally shows that the instruction by nature, as he calls it, had produced among these rude people other moral convictions less to his mind. "Such (he says) are the sentiments of these savages of the woods, though they think it neither irrational nor improper to marry many wives, and reject them when they like."

Special points of ethics have thus been used to illustrate two principles: first, that moral standards are not constant but develop with civilization; second, that such development does not follow one consistent course, but may diverge even into opposite directions. To gain a view of other principles, it is well to glance at evidence which is forthcoming as to the general moral order among certain savage or low barbaric tribes.

A general survey of the lower races shows that their selfish and malevolent tendencies are stronger in proportion to their unselfish and benevolent tendencies, than in higher grades of culture. It would be a wonder were it not so, and our talk of progress and civilization would be indeed a mockery. Yet savage society, under its most favourable conditions, shows the civilized man a picture of Paradisaic kindness and happiness which he looks on with delight, and even for a moment fancies he would exchange his own higher destiny for. This best savage life must be looked for among tribes prospering in their own land and under their native institutions, not where these have broken down under the influence of the white man, come not for their good but for their goods, as the old Spanish-American jest had it, and bringing with him new arts, new beliefs, new wants, new vices. It is necessary, too, for the observer to be on the footing of a trusted friend, a sort of honorary member of the community, that he may see how savages dwell together in peace and good-will. Thus the Dutch explorers and Mr. Wallace describe among the rude, fierce Papuans of New Guinea and the natives of adjacent islands, an inner tribe-life of peace and brotherly love, respect for one another's rights, obedience to the customs of their ancestors as laid down by the elders; "in general they give evidence of a mild disposition, of an inclination to right and justice, and strong moral principles;" among them the offence of theft is too rare to make it worth while to put fastenings to the houses, they are distinguished by respect for the aged, love for their children, and fidelity to their wives. On the other side of the

world, Europeans who have seen the home life of the Caribs, speak of it with the same admiring sympathy. Thus Schomburgk laments that civilization, with all its benefits, takes from men the purity of savage morals; among these simple folk he found peace and happiness, mutual love in the household, friendship and unpretentious gratitude, they have not to learn moral virtue from the civilized world, they do not talk about it but live in it, their word is deed, their promise is performance. Going up yet another stage in culture, we may study accounts of certain castes or tribes in India, not Hindus proper, but representatives of indigenous races of the land before the Aryan invasion. Colonel Dalton remarks on the kindly, affectionate manner of the Kols, and the absence of quarrelling and coarse abuse among them, a striking contrast to the habits of the more civilized Bengalis. To the Kols belong the quiet, inoffensive, good-natured, cheerful race of Santals, industrious tillers of the soil, who join to these gentler qualities the hardier virtues of the hunter and warrior. "They did not understand yielding," writes Major Jervis of them in the Rebellion; "as long as their national drums beat the whole party would stand and allow themselves to be shot down. . . They were the most truthful set of men I ever met with, brave to infatuation." This truthfulness, so surprising to Englishmen whose intercourse has been with the more sophisticated Hindus, marks the indigenous præ-Aryan races in many districts. It is so with the Kurubars of the Dekhan. Sir Walter Elliot, at a Revenue settlement, when a dispute arose between two Ryots, was surprised that the general voice at once pronounced in favour of one of them; he was told on inquiry that this man was a Kurubar, and "a Kurubar always speaks the truth." He quotes an old account of a poor, wretched, dwarfish jungle tribe of these people, whom the Ryots employed to watch their fields by night. This service they perform with the greatest fidelity and courage, having no other weapons than lighted torches, with which they rush at the elephants or other wild beasts, and dashing the fire in their faces put them to flight; the whole are of such known honesty, that on all occasions they are entrusted with the custody of produce by the farmers, who know that the Kurubaru would rather starve than take one grain of what was given them in charge.

Moralists, then, have to face the fact standing out thus distinctly, that it is possible under favourable conditions for savage and barbaric tribes to have not only a fair ideal of virtue, but a realization of it which may put many a more cultured nation to shame. The problem is, what causes have led even low tribes to the attainment of a moral standard, to which they owe the mutual good offices and restraints on which such welfare as theirs depends. Ethnology, though it cannot fundamentally solve this problem, can at any rate clear it and carry it back

one or two stages. Looking at the social state of the lower races, one of the first questions which arise is this—have their moral standards a direct origin in religion? Is it to the inculcation of moral duties as pleasing to their deities, or to the fear of divine punishment of moral offences in this world or another, that the Papuans and Caribs owe their morality? It does not seem so. The simple, honest, happy Aru Islanders have actually been claimed as an example of a race destitute of all religious ideas whatsoever. This is scarcely true, indeed rude carved wood fetishes have been seen among them; but they are certainly people whose lives are little influenced by such rudimentary theology as they may possess in common with the Papuans. These Papuans in general have skulls of ancestors or rude wooden idols as guardian fetishes, to which they sacrifice for help in sickness, and which preside over the households and give oracles to their worshippers. But it is no office of this religion to attend to morals. Nor was it the office of the Carib religion, with its good and bad (*i.e.*, beneficial or harmful) spirits and greater deities, and its sorcerer-priests. The sacrifices of slaves and goods for the use of the departed soul in the future life, and the notion of brave warriors leading a happy, but cowards a dismal, life in the land of souls, were among the few points in which Carib morality was influenced by spiritual belief. The contact of these religions with moral life is at most slight and secondary, and they scarcely afford a sanction or a direction, much less an origin, for the morality of their votaries. It is thus among the lower races of mankind in general. Many a rude tribe has lingered on to modern ages, as though on purpose to show us that early condition of mankind where the union of religion and morality had not yet begun, or was but just beginning. Both existed, but they stood on independent ground. Among savage races, whose theology is but the most rudimentary animism, in which the doctrine of souls and spirits furnishes the explanation of the life of man and the phenomena of nature, and where these souls and spirits are prayed to and propitiated as friends or enemies of man—among these savage races, there exists morality often not despicable in its kindly simplicity, but as yet it is not referred to the command or pleasure of any deity. If the essence of such a rudimentary religion were put into the form of commandments, we should find duty to the gods enforced, and that stringently. But the introduction of commandments of duty to one's neighbour comes later in religious history, and indeed marks the great transition from the lower to the higher religions. It is true that even in early stages of culture there begins the momentous union of the two codes, human and divine. The very points of the coalescence are marked by the evidence of known tribes. We see the souls of the dead worshipped as gods, and

as such naturally riveting the bonds of household morality which they were held by while yet in the body. We see the doctrine of the soul's existence after death in its primal ideas of gloomy ghost-life or happier dream-life, and then watch the entrance of the moral element in the conception of reward and punishment beyond the grave; at last we find the divine spirits invested with superhuman functions of moral control and judgment, and their servants the prophets and priests proclaiming moral law under theological sanction. Yet if ethnography had nothing else to teach, its study would be repaid by the value of its proofs as to the original separateness of these two great powers. Acknowledging in all fulness the influence of religion on the ethics of the higher nations, we must, I think, admit on savage and barbaric evidence the previous existence of an "independent morality" which was secular, consisting simply of recognized habits and rules of conduct between man and man, the systematic result of social forces.

In the attempt to trace this early independent morality somewhat farther toward its source, these accounts of a condition of happy equilibrium among low tribes will also stand the inquirer in stead. Setting aside the results of direct self-interest acting as a moral agent, let us limit our attention to that main element in their simple kindly moral order, which is expressed by the very word *kindly*, which one finds oneself using again and again in depicting their lives; they are people whose habits are *kind-like*, who behave to one another as of one *kind*, birth, family. Suppose a whole tribe to spring from a single household, without the family tie breaking away even between distant relatives, such a society would habitually practise the cheerful and trustful intercourse, the honesty and generosity, the mutual forbearance and helpfulness, which are simply the elementary relations of household life. How the family affections arose in man, how far inherited tendencies explain them, how far sympathy is in present operation to produce them, at what early point common interest teaches the rude household to stand and strive side by side, is perhaps rather a problem for the naturalist and psychologist, for inquirers into hereditary tendencies, such as Darwin, Spencer, Galton, Spalding, than for the ethnologist, who finds it established as the initial fact at the very entrance of his researches. It is shown by every observant traveller in savage regions, that the basis of society is the family. Even among the rudest tribes the family ties are distinct and strong; the patient tenderness of the mother's love, the desperate valour of the father fighting for home, the toil and care of both for the little ones, the affection of brothers and sisters, may be often masked or defaced by indifference or harshness, but they are always present, and often rise to poetic beauty and heroic passion. All through the

human race, from savagery to civilization, the family has been the very source and school of moral life. Dispensing with the pile of travellers' general testimonies to character, I will here only call attention to an interesting group of symbolic rites among tribes extending from the upper savage and through the barbaric range of culture. By these it will be seen how clearly the lower races themselves acknowledge the paramount moral force of the family tie.

When parties not of near kin to one another wish to bind themselves in peace or close friendship, it has occurred to men in different and distant regions of the earth to make their covenant of alliance by the significant act of mixing their blood, thereby making themselves of one blood. Thus is established between them that law of mutual good offices which marks the higher moral standard within the family, as contrasted with the lower moral standard between strangers in blood. The Karens of Birma unite in irrevocable brotherhood by mixing blood from their arms and drinking it with brandy. Among the Kayans of Borneo, Mr. St. John became brother to a native by mixing drops of their blood, the two partaking of the mixture by smoking it in a cigarette, or both might have drunk it mixed with water, by which ceremony an alien becomes a member of a Kayan tribe. A similar custom prevails among tribes in East Africa, where two men entering into a covenant of brotherhood sit upon the same hide, thus showing symbolically that they are "of one skin," and then they make slight incisions in each other's breasts, taste the mixed blood, and rub it into one another's wounds. In Madagascar, brotherhoods are formed by mutual tasting of blood, with dreadful execrations on the breaker of the compact. In that island, races and civilizations have met from two distant regions, Africa and the South Sea Islands; but inasmuch as the covenant by blood is practised in both these districts, the Malagasy may have had it from either side of the globe, a curious proof of the wide distribution of the custom. Such accounts are well marked in the classic world, as where Herodotus describes the compacts of the Lydians, when the parties wounded one another's arms and licked the blood, and the similar Scythian custom of the contracting parties drinking wine mingled with their blood. Among modern oriental nations may be mentioned the mutual tasting of blood by the Chinese when sworn into a secret society, and by the Hindus in the ceremony of their brotherhood-oath. Back in the ages of European barbarism, we remember the Scandinavian custom of entering into brotherhood by the two friends letting their blood flow together and mingle in a hole in the ground; in the Saga of Oegir's Feast, Loki reminds Odin how in old times they two mixed their blood. With range of custom far wider than the range of race or language, nations so far apart as the Hungarians and early Irish

were nearly alike in this mode of covenant. On the threshold of the higher civilization, the ancient rite falls into disuse. One curious survival of it is found in that repository of quaint old ideas, popular magic. In the superstition of modern Bohemia and Moravia, it is held that if a young man drops some of his own blood into a glass of beer and gives it to a girl to drink, the unconscious love-compact into which he thus inveigles her will turn her heart towards him.

In a weaker way, but plainly enough through all grades of civilization, the ceremony of eating and drinking together binds the partakers to behave to one another as members of the same household. Not to dwell on the innumerable details of this well-known custom, a practice may be mentioned in modern Asia which serves to connect it with the last. A party of Siamese making an ordinary compact will taste together a mess of arrack flavoured with salt and chilis ; but if it is some desperate enterprise they are enlisting for, then each man will drop some of his blood into the mixture, and thus the rite becomes the full covenant by blood. Now this form of covenant, absurd and repulsive to modern notions, from the ethical point of view claims our respect and even admiration. The greatest of all the onward movements of civilization lies in the spreading of mutual duty and affection into wider and wider circles, and it was no light matter in the history of the human race when men found a solemn means of extending beyond the narrow limits of the family the duties and affections of brotherhood. It was a step toward the "enthusiasm of humanity ;" toward the conception of individual men as forming part of the vast family of man, partaking in the record of their past and the expectation of their future, loosing self from the chains of selfishness to joy in the pleasure and sorrow in the pain of all human kind.

Next, speaking here not as a moralist, but as an ethnologist touching on morals, I have not to discuss the general ethical action of self-interest, as treated of by such writers as Bentham, Mill, and Bain. No doubt self-interest began in the very infancy of the human race, and within the bark hut of the rudest savage, to be the mighty agent it has ever since been in framing social laws, and compelling each individual for his own self's sake to obey them. My present argument bearing on the utilitarian side of morals is confined to a particular set of facts in the ethnography of savage and barbaric law. These have value as perfectly illustrating a process which utilitarian writers perhaps hardly define and insist on with the precision and emphasis it deserves from them, as forming one main connection between their two great principles, self-interest and the law of greatest happiness. In the history of culture, the steps are still to be seen by which mankind has been for ages ascending from the selfishness of one toward the common welfare of all.

If there are any two subjects on which the moral standards of the world can be distinctly tested, they are the morality and immorality of homicide and theft. Let us look at homicide first as a matter of right and wrong. From the earliest times there is nothing to show that any tribe or nation, low or high, ever considered the slaying of a man to be necessarily and of itself a wrong or wicked act. Under certain conditions, manslaughter has been or is considered allowable and even praiseworthy; the principal of these conditions being self-defence, revenge, punishment, divine sacrifice, and above all, war. - Yet no known tribe, however low and ferocious, has ever admitted that men may kill one another indiscriminately. Even the savage society of the desert or the jungle would collapse under such lawlessness. Is there then any moral law, "thou shalt not kill," recognized in savage life? There is, and there is not, and between this affirmation and negation comes into view a leading fact in the history of morals. To put the argument upon extreme cases, there are many tribes who approve the slaying of men simply as a test of the slayer's valour, and among these, three may be mentioned as working out this idea in a peculiar and forcible way. The young Sioux Indian, as Mr. Blackmore remarks, cannot have the title of brave or warrior till he has "got the feather" to stick into his head-dress, this being an ornament he may not wear till he has killed his man; and till thus qualified for society, he can scarcely get a girl to marry him. So Mr. J. G. Wood mentions the young Dayak of Borneo as not able to get a wife till he has gone out and taken a head, that is, has killed an enemy, or in default some hapless stranger, and brought his (or her) head home as a trophy. So, according to Colonel Dalton, with the skull or scalp which the Naga of Asam brought home, thereby qualifying himself to be tattooed and to marry a wife, who perhaps had waited years for this ugly marriage-licence. The trophy need not have been taken from the body of an enemy, and might have been gained by the blackest treachery, provided only that the victim were not of the slayer's own clan. Yet the Sioux Indians among themselves hold manslaughter, unless by way of blood-revenge, to be a crime, and the Dayaks also punish murder. Now to the observer who takes this particular law of homicide to be a product of the consensus of a tribe making laws to promote its own tribal well-being, the rule carries its own explanation in the clearest way. On the one hand, it is the law of a warlike tribe putting a premium on valour in slaying enemies; on the other hand, it is the law of a tribe which would fall to pieces if men were allowed to murder their own tribesmen wantonly. But it is not thus easy to explain such a law as sprung from a moral intuition or primitive definition of right and wrong implanted in or revealed to the human mind. If the homicide law of savage races

gave even a glimpse of an absolute principle forbidding the slaughter of man as man, if it showed signs of being the dwindled relic of a general law against murder, then there would be a fair case for the intuitional and theological schools of moralists. But it is hardly so. The rude Koriaks of Siberia are typical; they severely punished murder within their own tribe, but murdering a stranger was not minded. Father Dobrizhoffer complains that the young men amongst the Abipones "greatly withstood the progress of religion; for, burning with the desire of military glory and of booty, they are excessively fond of cutting off the heads of the Spaniards, and plundering their waggons and estates." Yet in another place he says "See! what mild, benevolent souls these savages possess! Though they used to rob and murder the Spaniards whilst they thought them their enemies, yet they never take anything from their own countrymen. Hence, as long as they are sober, and in possession of their senses, homicide and theft are almost unheard of amongst them." It is going needlessly out of our way to explain such a state of morals as depraved from an original higher standard. Such savage law takes account or no account of the slaying of a man, not on the ideal ground of his being a man, but on the practical ground whether he is a stranger or not. This doctrine holds an honoured place through half the history of civilization, and is only gradually dying out among ourselves. Classic Latin is satisfied to denote an enemy by simply calling him *hostis*, that is, a stranger or foreigner; and there is more than a jest in the famous picture of the Midland "rough" who ascertains that the passer-by is a stranger before he proposes the heaving of half a brick at him. Nor does the slave hold his life under the same law as the freeman. Thus arise the familiar doctrines of which ancient law is full, that slaying a tribesman and slaying a stranger are crimes of different order; that if one murders a freeman, blood must avenge the deed, but to murder a slave is at most a destruction of property, and so on through the history of the barbaric and civilized world into modern times, when one finds it still hard to persuade colonists that it is a crime of the nature of murder to kill a red man or a nigger. All this accords with what ethnology teaches throughout, that the early and rudimentary homicide-law, with the moral consciousness of right and wrong attached to it, forbade manslaughter only within the clan or tribe. Only with the development of larger intercourse and alliance was the idea of sacredness of human life extended to wider limits, and at last came dimly into view as a universal principle applicable to humanity at large.

~ The teaching of the law of theft among the lower races is similar. Read the account of that fierce South American race, the Mbayas, whose pride and glory and prosperity were fed by the slaughter and

plunder of other tribes. These warriors claimed divine sanction for their freebooting life; the Great Eagle, they said, had bidden them to live by making war on all other tribes, slaying the men, taking the women for wives, and carrying off the goods. Or for an instance from Africa, read the description of a Zulu party who have stealthily crept upon a distant village and massacred men, women, and children, returning with exulting hearts and loads of plunder from the ransacked kraal flaring on the horizon behind them. Yet both Mbayas and Zulus, within their own tribe-limits, have their definite moral obligations as to property. Their law, "thou shalt not steal," applies only to tribesmen and allies, not to strangers and enemies. It is well known that many North American tribes had a high standard of honesty among themselves, but this standard simply was not held to apply to foreigners, and especially to the white men, whom they thought it no shame to rob or cheat. Mr. Sproat puts this well in describing the Ahts of British Columbia. An article placed in an Indian's charge on his good faith is perfectly safe, yet thieving is a common vice where the property of other tribes or of white men is concerned. But, he says, it would be unfair to regard thieving among these savages as culpable in the same degree as among ourselves, for they have no moral or social law forbidding thieving, *i.e.*, intertribal thieving, which has been commonly practised for generations. Here then we find well-marked among savages the ethical stage of the ancient Germans in Cæsar's famous description; "larcenies beyond the bounds of each community have no infamy, but are recommended as a means of exercising the youth and of diminishing sloth." As Lord Kames justly observes, this was precisely the case of the Highlanders of Scotland till they were brought into subjection after the rebellion of 1745. The same causes act among certain classes or communities within the state, who, united by bonds of their own, look upon their fellow-citizens outside as foreigners. Our government has been of late engaged in putting down the criminal clans or castes of British India, clans whose moral law naturally seems to themselves virtuous, but which the authorities deem incompatible with the well-being of society. One of these clans is the Zaka Khail of the North-West Provinces, whose peculiar profession is that of digging through the walls of stables and dwellings by night in order to plunder. When a man-child is born among this clan, they consecrate it for its duty of life by the following curious symbolic ceremony: passing the baby three times through a hole dug in the house-wall, they say over him three times, "Ghal Shah!" that is to say, "Be thou a thief!" In the midst of modern civilization, the principle of honesty within limits is expressed in the maxim, "honour among

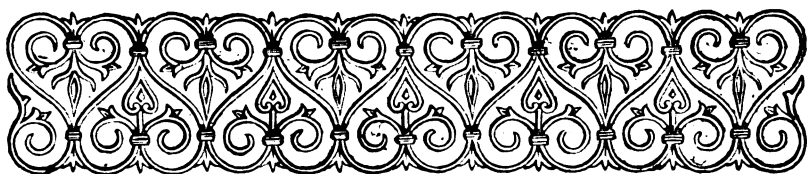
thieves," and worked out in the doctrine that outsiders, strangers, foreigners, and the rich are fair game, an opinion systematically acted on by classes who have a higher standard of honesty in dealings with their relatives and friends, and even with their whole social class. All this accords with the view that the ordinance which civilized moralists proclaim in the form of a universal law against theft does not arise from a primary moral generalization, but is a product of advancing culture, the prohibition in its earlier and ruder forms applying only within the limits of the family or tribe.

Looking into savage and barbaric law from this point of view, we seem to find ourselves at one of the main sources of utilitarian morals. To ascertain what authority established the savage laws against murder and theft, we may justly put the famous question of Cassius the lawyer, "*cui bono?*" "*who profits by it?*" It is likely that the particular body in whose interest the laws in question most directly operate, were the law-makers who propounded them. Now it is scarcely the individual in his own case who lays down an inconvenient principle restricting himself from doing harm or getting good when so minded; it is scarcely the reckless impetuous savage, possessed with rage or covetousness, who at the climax of his passion puts the moral check on himself. Nor is it mankind at large who profit by the savage laws restraining murder and theft within the tribe, but permitting them outside. The savage laws are framed directly and evidently in the interests of an organization intermediate between the individual and humanity at large—I mean the clan or tribe. The interests of this social organism are maintained at the expense of the individual by the discouragement of murder and theft within the society; but the society is satisfied with this, and till the ages come when higher ethical stages are attained to, the great outlying mass of humanity is left to take care of itself. Here, then, is seen the original lawgiving body enacting its laws for its common interest, the society which is ever sitting in committee and settling public opinion on utilitarian principles, shaping and re-shaping from age to age the unwritten traditional standard of morality and justice.

It is not unusual to hear utilitarianism denounced as selfish; here we see it performing one of its great functions, and notice the particular kind of selfishness this involves. A crime committed touches directly the interest of only a few; but the many unconcerned in the particular case use their influence in support of such a general rule as would be for the welfare of them and theirs if the case touched them, so that in fact self-interest votes for common interest, and individuals seeking their own greatest happiness add together into a community which seeks "the greatest happiness of the greatest

number." The leading modern representative of utilitarianism teaches as its creed that actions are right or wrong as they tend to promote or destroy happiness, not the private happiness of the individual actor, but the general happiness of the world. Without reproducing the arguments of Mr. J. S. Mill's utilitarianism, we may stand historically behind it, watching the social process by which its doctrine, at once so rationally selfish and rationally unselfish, has become prevalent in the higher nations. The rise of utilitarianism from its lower to its higher forms has coincided with, and in no small measure actually caused, the extension of the moral standard of the ancient family community to larger and larger societies. The great feature of the higher ethics, as both the great schools of moralists agree, is that moral laws of kindness and justice are binding on all men toward all men. But well may Professor Bain urge that this is far from a primitive or an intuitive suggestion of the mind. It is high doctrine, and it is late doctrine. The doctrine of the lower ethics, savage morality, is "thou shalt love thy neighbour, and hate thine enemy." Thy duty, it says, is to thine own people, not to the stranger. It is in the higher moral schools that the doctrine comes to be preached of duty universally due from man to man. And then at last the teaching of history being reversed, the argument being made to stand on its head, deductive philosophers and moralists persuade themselves that this absolute principle against injuring others in life and goods, this principle which only advanced nations can show at all, belonged to primæval man. Ethnology, taking the surer ground of experience, teaches that the full ideal morality of the future is not fundamental among mankind, but has been slowly evolving itself from the dawn of civilization. Morality, like charity, begins at home. Duty arose within the narrow bounds of the family and the clan, before it extended to the nation and the world. It may be some day possible to reduce to a single principle the two great moral agencies here examined, the tendency of family sympathy, and the tendency of public interest. The nice adaptation with which the two fit and work into one another in the actual life of society, at least favours the view of their being parts of one system and results of one cause.

EDWARD B. TYLOR.



PRIMITIVE SOCIETY.

PART II.

IN examining the evidence of development in Morals and Politics, there continually comes to my mind a childishly simple little story told by a Buddhist sage in argument many ages ago. It is the legend of the three child-princes who debate with one another how rice comes. Little Prince Anurudha settles the matter at once. "Rice!" he says, "why of course it comes out of the great golden bowl!" The child had always seen it served at meal-times from the golden bowl, and naturally concluded that this was its origin. But Prince Bhaddi knew something more than this—"It is produced from the kettle," he said; indeed he happened to have been in the kitchen and seen so much. The third, Prince Kimbila, had been even farther back than this in the history of rice; he had seen the servants husking it, and accordingly declared that it came out of the rice-cleaner. Then the princes' tutor joins in, and explains to them how many states and processes the rice had really gone through, the sowing and fencing and watching and reaping, before it came to be cleaned and cooked, and brought in for their young highnesses' dinner. Now this parable touches the origin of social laws. The philosophers who think that standard rules of right and wrong were given to or implanted in primæval man, ready-made and perfect, are like the little prince who thought his rice came straight into existence in the golden bowl. But those who look into the matter by the light

of ethnology may, like the other princes and their tutor, become acquainted with earlier processes by which the world's ethics and politics have been grown, and cleansed, and prepared.

We can scarcely bring before our minds in clearer light the relation of primitive and savage society to modern and civilized society, than by tracing the long and changing course of a custom which began as right and ended as wrong, which was once a virtuous act on which the very existence of society depended, and which has come to be itself a crime. Revenge is a passion well marked among the lower animals, and the study of its development there and in the most rudimentary human life may be left to naturalists. But among the rudest savage tribes, it is already recognized and organized as one of the great social forces. Let us trace the path of the avenger of blood along the course of history, from the savage days when his bloodstained spear was the very safeguard of society, to the civilized days when not only the kinsman's ancient duty is taken from him to be executed otherwise, but he is punished if he presume to maintain it in survival.

Sir George Grey's picture of the law of blood-revenge among the natives of Australia is not only touched in with an artist's hand, but has the merit of showing native custom as yet scarcely affected by European influence. The holiest duty a native is called on to perform, he says, is to avenge the death of his nearest relation. If he left this duty unfulfilled, the old women would taunt him; if he were unmarried no girl would speak to him; if he had wives they would leave him; his mother would cry constantly and lament she had given birth to so degenerate a son; his father would treat him with contempt, and he would become a mark for public scorn. This, by the way, is a typical passage as showing the enormous force with which, in savage society, public opinion is brought to bear on the individual, forcing his moral duty on him. The social sanction thus already gives to custom the force of imperative law. Here, also, there appears the important fact, which is as true elsewhere in the savage world, that though the native women are from our point of view miserably oppressed and ill-used, yet, for all that, they have their influence, they are principal agents in enforcing the social consensus by their arts of praising and aggravating, whereby they keep the men up to the mark of social propriety. The next point in the Australian law of blood-vengeance is, that if the individual culprit escapes, his kinsfolk are implicated in his guilt, and the avenger slays the nearest relative he can fall upon, the nearer the better. The consequence is, that when it becomes known that a murder has been committed, and especially when the actual culprit has run for his life, the greatest consternation prevails among the whole family connexion, for no one can tell where the blow will fall. The very

children of seven or eight years old, when they hear that some one has murdered another, know at once whether or no they are *jee-dyte* or kin to the murderer, and if so, are off to a place of safety. In this interesting account we see plainly recognized the remotely ancient doctrine of family responsibility, of which more presently. But inasmuch as it is everybody's interest that the culprit should be punished, for till then all his relations are in danger, there is generally an amicable settlement in which both families unite, and the avenging parties start on the murderer's track, to atone for blood by blood. That this rude law restrains murder within the community, and thus keeps society together, there is no doubt. But the inevitable tendency between clan and clan to make reprisals, avenging vengeance as murder, is one cause of those incessant tribal wars, which more than anything else have brought about that wretched hunted hand-to-mouth life which kept the Australians down so near the bottom of the social scale. This disastrous effect was all the stronger from the natives, like various other savages, finding it hard to admit the existence of what we call natural death, but rather setting it down to some malignant sorcerer having slain the man by magic arts. Therefore, when a man falls sick and dies, it simply has to be divined where the sorcerer is to be found who caused his death, and this is learnt by watching the flickering of the funeral fire, or the direction of tracks of an insect or footprints of an imagined demon from the grave. Then the avenger sets out across the bush and the waterless desert, with a relentless fury that sets at nought weariness and hunger and thirst, to track out the unsuspecting wretch on whom the diviner has fixed, and to wreak his misguided vengeance.

Turning to Dr. von Martius's description of the South American forest tribes, we again find the custom of blood-revenge operating as a penal statute. When a murder is done within the clan, vengeance is the private business of the families concerned; but when the murderer is of another clan or tribe, it becomes public business, the injured community hold council, and mostly decide for war, if they dare. The deceased's nearest of kin, the avengers of blood, will work themselves into drunken fury at a solemn debauch, chanting in wild songs the virtues of their murdered kinsman, and when the fight begins they rush on foremost, known by the black spots painted on their bodies to show their deadly office. Of course disastrous effects spring from such a system, the Indian's long years spent in brooding over a coming vengeance, the dark sly waylaying and stabbing, the gloating over the tortures of the enemy caught at last and bound to a tree and slowly hacked to pieces with knives and arrows, the spread of the feud from family to family, till it solidifies into intertribal enmity and hereditary war.

Such, in its nature and consequences, is the primitive law of blood-revenge, which, if space served, might be exemplified in further detail among the North American Indians, the South Sea Islanders, the rude tribes of Africa and Asia, and then carried on into the history of the barbaric nations, till where it is seen to have been slowly ousted by higher civilization. The ordinary Englishman's earliest and best ideas of it are derived from the Jewish law of the avenger of blood, and we note there one of the plans of distinguishing between unpremeditated and deliberate manslaughter, by the establishment of cities of refuge. The old German law recognized blood-revenge in its full and free savage form, while later provisions show the intermediate-stages through which the law of our forefathers passed on its way to our own. Within historical times, when every freeman was still allowed to avenge his wrongs by private war, the murdered man's kindred might and did raise feud against the murderer, and blood-feud raged or smouldered between clan and clan. But also the law had already fixed the were-gild or "man-money" which was the proper composition for a life, so much for a freeman, so much for a nobleman, and the family might, if they would, forego their vengeance, and take instead the price of blood. That is to say, the forefathers of the English 1000 or 1200 years ago, had just passed beyond the stage of unmitigated exterminating blood-feud which the wilder Circassian tribes kept up in the present generation; they had arrived at the stage of choice between vengeance in blood or in money which the jurisprudence of the Beduin Arabs maintains in our own day.

Going back from these later reforms, however, we notice the wonderful ethnological generality of the primitive law of blood for blood among mankind. Questions of bodily form and complexion, questions of connexion of language, have no direct bearing on it; it belongs to races of all colours, of all linguistic families, of all ages of chronology, with but this one limitation, which lies at the very root of the matter, that it is a characteristic of the lower organization of society. It was not by theoretical changes in men's ideal of right and wrong, but by the sheer pressure of circumstances in society at a particular stage of development, that the ancient usage was suppressed. When men are packed close in towns, the vengeance-laws which in a wild sparsely-inhabited land are bearable, and even beneficial, for lack of better, become a danger to the very existence of society. It is very interesting to see a tribe settling down into conditions of denser population, and acting on the avowed necessity of thus changing their criminal system. In the United States, the Creeks, always known as among the most progressive of the native tribes, have settled down more perfectly

than any to the conditions of civilized life, and of them this account was given some years ago: "Formerly the brother of the deceased avenged the murder; if there was no brother, the nearest relative. Among the Creeks, now, however, the murderer undergoes a regular trial before some of the leading chiefs of the nation, and is dealt with according to their decision." In South Africa, the Basutos, under the pressure of township life, have abandoned the old execution of revenge by the nearest of kin, and now give a certain authority to the chief to protect the manslayer till his cause is tried, and they assign a distinct reason for the change: "If we were to revenge ourselves (they say) the town would soon be dispersed." So among the Beduins, the wilder hordes hold fastest to the law of mutual successive murder in its pristine ferocity, while it is oftener among tribes under the influence of town life that the blood-money is taken, and the feud loosed. In modern Europe, the old usage has vanished, or passed into a state of survival. The ferocious Corsican vendetta raged within the present century. To put it down required a pitched battle between the old savage custom and the new civilized law. It was only by the most stringent severity in prohibiting the carrying of arms that the change was made; but it was made, and the avenger no longer lurks in wait on lonely mountain paths to claim the debt of blood, nor flees when he has done the deed to barricade himself in his lonely farmhouse and spend his life in holding it as a fort against the murdered murderer's clan. It is perhaps in the semi-barbarous provinces of European Turkey that this element of primitive culture survives with most strength. In our Indian Empire, it has not ceased to be a source of trouble and danger, as was manifested not long since. We forbid the avenger of blood to strike within our frontiers, where blood-enemies from the outside must meet on neutral ground. When Shir Ali the Affghan took on himself to execute the law of his country within British territory, when he smote his hereditary foe in the peach-groves of Peshawur, he was sent as a convict to the Andamans, and there by his fatal knife India lost a wise and beneficent statesman.

Among the barbaric nations who keep up in modern days the primitive law of vengeance, the Abyssinians show in an interesting way one of its special developments. As among the savages of the Brazilian forests one hears of the avenger of blood minutely and scrupulously hewing or stabbing into the murderer the exact wounds by which he had slain his victim; so the Roman *lex talionis*, the Jewish eye for eye, tooth for tooth, burning for burning, wound for wound, is still law in Abyssinia. Mr. Mansfield Parkyns illustrates the principle by a curious law-case. Two little boys, aged eight and five, wandering in the woods near a village, came to an owleh tree.

The elder climbed into the boughs and threw down fruit to the younger, but by mischance he fell down on his little comrade's head, killing him on the spot. The parents of the deceased child, hoping to get money out of the unwitting delinquent's family insisted on putting him on trial for his life. The case was argued at length, as it might have been at the tribunal of Barataria. The judges decreed that the boy was guilty, and must suffer death, the execution to be done in strict retaliation by the dead boy's brother, who should climb the tree and drop on the little murderer's head till he killed him. On hearing which most righteous judgment, it is recorded that the mother of the deceased, thinking her vengeance hardly worth risking another son's life for, preferred letting the culprit off.

In connection with the law of vengeance, there arises an instructive question of morality. Lord Kames, a Scotch judge, whose "History of Man" is an important eighteenth century work, brings forward what seem to him conclusive proofs of the overbearing power of malevolent passions in past dark ages of the world. There is no moral principle, he says, more evident than that punishment cannot be inflicted with justice but on the guilty, and yet the opinion was formerly universal that the innocent might be justly involved in the same punishment with the guilty. He refers to numerous cases: thus, when Hanno plotted to poison the Carthaginian senate at a feast, not only was he tortured to death, but all his family were cut off without mercy; in Macedon the punishment of treason was extended to the criminal's relations; Cicero indeed admits the hardship of punishing the child for the parent's crime, but considers the law excellent on the ground of expediency, as binding the parent to the republic by his love for his children; the retaliation of murder against the criminal's whole clan, the so-called 'deadly feud,' prevailed within historical times in England, and King Edmund made a law to limit it. Now Lord Kames may well give honour to the Israelite law for upholding a principle far in advance of this, "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin." In Lord Kames's time, however, the remark was not obvious as it is now, that this maxim appears not in Exodus but in Deuteronomy, that is to say, not in the earlier Code, but in the much later Revised Code. That the Jewish mind could without protest accept the doctrine of family retribution, which the new maxim so expressly abrogates, is well shown in the narratives of the execution of the children of Achan, Saul, and Haman for their fathers' misdeeds. If we look among the Beduin Arabs as the near modern relatives of the ancient

Israelites in race, language, and culture, we find them still keeping up the right of vengeance to the third and fourth generation against the manslayer's family, and even taking several innocent lives for one. There is, of course, a distinction between slaying members of the criminal's family instead of himself, and slaying criminal and family together. Yet the same principle is so far involved, that a man may be punished for his father's crime, and in practice there are intermediate cases such as this of the Beduins, where several kinsmen may be put to death for the crime of one. It is not for nothing, all legists must allow, that the Jewish law holds so high a place in the jurisprudence of the world. Israelite law proclaimed, ages before it came to be Roman law, that the penalty of the crime shall fall on the criminal alone. It curiously illustrates the change in the English standard of right and wrong which has come since King Edmund's time, that this intelligent judge, Lord Kames, has no idea but that his principle of individual responsibility is a precept of fundamental morality. One wonders that the facts he brought together from Greece and Carthage, from England and Japan, did not put into his mind that these nations acted on a principle of jurisprudence quite different from his own, namely, the principle of family responsibility. But his judicial life had seemingly confirmed him in the notion that his own legal education qualified him to sit in judgment on mankind, and teach them the abstract necessary principles of right and wrong. He is satisfied to account for the practice of punishing innocent relatives with the guilty, by talking of the power of revenge to trample on conscience and law.

Let us compare this crude decision with that of a lawyer of this century, whose mind has been turned to investigating law from the point of view of development. Sir Henry Maine simply points to the fundamental difference between the ancient and modern ideas of society. We look on society as an aggregation of individuals, but to the earlier view the unit was not the individual but the family. While the crime is looked upon as a corporate act, and the criminal's children and kinsfolk are involved with him in its consequences, the primitive mind is not perplexed with the questions which become troublesome as soon as the individual is conceived as altogether separate from the group. It is true that Sir Henry Maine does not go for evidence down to the lowest or savage stages of society, but his antiquarian research carries him quite far enough back to reach the required principle of family responsibility. Still farther back in civilization this principle is found in full vigour. We have noticed how among the Australians, when a murder has been committed, all the criminal's family, in Sir George Grey's words, "consider themselves to be quite as guilty as he is," and run for

their lives. In the practice of the South Sea Islanders, vengeance might fall not on the murderer but on some relative, perhaps an innocent child, for the whole family or tribe was responsible, and we hear of such cases as blood-revenge handed down as an heirloom for generations, the father on his deathbed whispering to his son the name of the man doomed to expiate the crime of his grandfather. In Kafir law, where punishment is mostly inflicted by fines, this doctrine of family liability is well marked, the father paying for his son's offence, and the family being responsible for any member who cannot pay. When a man obstinately refuses to obey the chief's orders, the whole kraal or clan is held responsible, and the chief inflicts the customary punishment known as "eating-up;" an armed party stealthily attacks the kraal, plundering the cattle, and firing on or spearing any who resist. Col. Maclean, in his "Compendium of Kafir Laws and Customs," thus quotes Mr. Warner, an official resident in Zulu-land: "The grand principle of Kafir law is *collective responsibility*, and on this principle depends in a very great degree the peace and safety of society. Do away with this, while the Kafirs still continue in their present clannish and barbarous state, and they would immediately become unmanageable."

Such evidence clearly shows that it is not immorality, but rude morality, which accounts for ancient laws punishing the innocent kinsmen for or even with the actual transgressor. A family is held to be an organic body which may be punished in any of its members. As a matter of practical expediency, any statesman set to rule a half-civilized people would admit the immense force of the theory of family responsibility, as a means of orderly government, acting just where our theory of individual responsibility breaks down. The mutual influence of the members of families is one of the strongest of social forces, and to hold the family responsible is to give the ruler control over this force, to be used on his side instead of against him. A governor with the task before him of putting down Italian brigandage or Irish landlord-shooting, might well wish to go back in history, that he might meet uncivilized crime with uncivilized justice at its proper level. Indeed, the society we live in does still in a measure keep to the old canon, visiting the sins of the fathers on the children. It is true that one is not hanged for being the son of a murderer, nor sent to prison for being the brother of a thief, but the social pains and penalties are nevertheless both severe and effective. On the whole, granting that the doctrine of modern lawyers, of individual responsibility as the true principle of punishment, is a vast advance on the legal ideas of the barbaric world, it has as usual to be admitted that the reform is not to be reckoned as all clear profit.

To conclude this subject, it is seen that the progress of legal ideas has caused the punishment of crime to be more and more taken out of the hands of the private avenger. Ethnology begins with the savage state, in which society at large does not take in hand the criminal law, but merely by public opinion encourages the individual to take his revenge for any injury done him, and in case of homicide compels the next of kin to avenge his slain kinsman. Next, society at large begins to take cognizance of certain crimes which the tribe judges to be destructive of itself as a body. Thus there are tribes who leave theft and murder to be revenged by the individuals whom they concern; but the sorcerer who kills men by his wicked spells is held to be a public enemy, dangerous to the existence of the whole tribe, and accordingly the whole tribe will join to hunt him down and bring him to the stake. Here, by the way, is an instructive example of Mr. Bagehot's principle, of the advantage of a common action in consolidating society, even if the action itself be as bad as bad can be. Then, as in course of time society comes to find its advantage, and therefore its duty, in repressing crime, it does this for ages with more or less of the old idea of vengeance, the vengeance of the law. At last comes in the higher doctrine that punishment should not be inflicted for itself, but only in order to benefit society by repression or example, or to reform the criminal. We have come to this stage in England, and at this moment it is interesting to watch and profitable to urge forward public opinion, set as it is on reforming a legal practice in which survives unreasonably the barbaric doctrine of vengeance. Look at the picture, in Grimm's "Legal Antiquities," of an ancient German court of justice, and see the king on his throne, grasping his own sacred beard, with the headsman at his back bearing the naked sword, while an injured woman and her friends stand waiting for justice to be done on the culprit bound before them—this is the reality of private prosecution for vengeance. Or open the Salic laws, and imagine a man coming into court with bandaged head to claim fifteen solidi from another who smote him so that the blood dropped on the ground; but defendant pleads as a set-off that plaintiff called him a hare, which aspersion on his courage the law amerces at six solidi—this also is the reality of private prosecution for compensation. But now-a-days, though the principle is acknowledged that punishment is public business, the injured party, though he may want no revenge and is to have no compensation, may be yet bound over to prosecute as if the old desire of retaliation were strong in him. He comes into court to do homage to the ghost of a dead law, to show how incongruously an old form may clothe a new idea. He will remain an instructive example of the principle of survival in culture,

till the institution of a Public Prosecutor acknowledge in England that it is society which claims to inflict punishment, not the individual who sues for vengeance.

Let us now turn to a new subject, where again the ethnological clue is indispensable to explain the conditions of civilized life. Glancing at the savage and apparently primitive stages of the law of land-holding, and comparing these with civilized stages, we see how through neglect of the historical method many a learned lawyer and historian has gone astray, as Sir John Lubbock points out that Goguet did when he assumed that property in land only began with agriculture. Among men in the rudest stage of wildness, mere hunters of wild animals, pluckers of wild fruits, and diggers of wild roots, it appears that the original land-law was ordained for the purpose of a game-law. Each tribe has recognized boundaries marked out by rocks or streams or trees, or even artificial landmarks. Among the savages of Brazil we read of the sorcerer-priests taking part in the solemn ceremonies of fixing boundaries, performing their sacred rites of rattling, drumming, and puffing huge cigars; here already the landmark begins to have the religious sanctity which cleaves to it so far along the course of civilization. In savage law, if a man of one tribe trespass in pursuit of game on the land of another tribe, the offence is serious, punishable sometimes with instant death. But every man may hunt within the bounds of his own tribe. The law of ownership of game is based on the idea that the animal becomes property by being struck, and the property of the striker. But certain conditions or modifications arise among the most savage tribes, where, for instance, the first who strikes the game, or all who strike it, or the whole hunting party, may have more or less of rights of ownership; even the owner of the weapon claims in some districts, and a famished Indian, after killing a deer with a white man's musket, has been known loyally to hand over the game to the owner of the gun as the person legally entitled. Thus, looking round upon the lower races of the world, we find among wild hunting tribes what may be regarded as the primitive game-law, namely, that all men of the tribe are free to hunt within the boundary of the tribe-land, the game only becoming private property by being killed. Though in after time agriculture made immense alteration in the tenure of land, yet the records of barbaric antiquity show clearly that the primitive game-law lasted on through stage after stage of civilization, and age after age of chronology. English history reaches well back to the period of the village communities, when but a fraction of English land was yet under tillage; the far larger part was wild forest and moor, and every commoner was free to take game within the wide limits of the common mark,

miles and miles of range. Since those times the law has been altered, and indeed the conditions of the case have been altered, for the game which once fed on the wild produce of the woods now to a great extent feeds on farm produce. Yet ideas belonging to the older state of things seem never to have faded quite out from peasant memory; centuries of law have not availed to eradicate from the rural mind the notion that poaching, though illegal, is not immoral. This idea did not arise, and what is more, would hardly have arisen, out of the modern agricultural conditions of the land; but it seems to keep up in survival an unbroken popular tradition, handed down from ages before feudalism, of a primitive state of law which may be traced through civilization, from the stage of the savage hunters of the Australian bush to the stage of barbaric Englishmen before the Heptarchy.

Inasmuch as the civilized law of real estate is a consequence of the introduction of agriculture, it is worth while to call attention to two points of ethnological evidence which carry on to a farther stage Mr. Darwin's remarks, in his "Descent of Man," as to the origin of agriculture. In wild regions there are still to be seen specimens of certain rude instruments whose type is a real record of the period when men began to till the ground. Unfortunately, travellers have scarcely noticed their historical interest, and have thus neglected to bring home for our museum things so inartificial as mere pointed sticks. But it is not yet too late, and perhaps this remark may meet the eye of some explorer who can still find the primitive agricultural implement in the savage's hands, and send it home for the edification of the modern farmer. Its nature and place in history is simply this. Some of the lowest tribes of man were found of late years living without knowledge of agriculture, or memory of their ancestors having any such art. But these tribes industriously collect wild roots, and to dig them up they carry some instrument, the rudimentary type of which is the straight stick with a point hardened in the fire, such as used by the Australians, or the double-pointed stake for digging roots or knocking down fruits, &c., without which no Abipone woman would set out on a journey. Now, the same instrument used for rooting up a plant will serve for planting it, when once the idea of planting has been reached: and accordingly Columbus found the natives of the Antilles tilling their soil with the mere pointed stick. The South African digging-stick, stuck through a heavy stone ball to give it force, has drawn the attention of the white men by its ingenuity, and accordingly specimens of it are common in England. The Hottentots in old times used it only for rooting and for digging out burrowing animals, but in the slight attempts at agriculture they have begun to make, it

answers the purpose of an implement for breaking ground and sowing. A step beyond this is to fashion a stake with a projecting point at the side; this is the rudest kind of hoe, and is used in North America among "Digger Indians" for root-digging, and also among the agricultural tribes as an instrument of tillage. It is remarkable that such a country as Sweden should show comparatively recent traces of a primitive tillage like that of the North American Indians. In outlying forests or heaths of South Sweden, the wayfarer comes now and then on a small plot of ground enclosed by a border of heaped stones. These plots lie waste now, but peasant tradition keeps in mind that they belonged to the old days of the so-called "Hackers," a rough agricultural people who tilled the ground with a clumsy wooden hack or hoe, a mere stake or fir-pole with a short projecting branch at the lower end, sharpened to a point. Such hacks, which in wild, old-world places in Sweden have not even yet gone quite out of use, represent another form of implement which uncivilized tribes, not yet passed from the root-digging stage to the tilling stage, have arrived at.

In South Sweden also, a district rich in relics of ancient custom, the memory remains of another process of very early agriculture. When Columbus landed in the West Indies, he found the natives at once clearing and dressing patches of soil by cutting away the brushwood and burning it on the spot. In modern times this simple method of bringing forest land under tillage may still be found in distant parts of the world, as for instance among the Basuto of South Africa, or the Bodo and Dhimal of North-East India, whose regular custom is thus to clear by fire a plot of land, till it for a couple of years, and then shift to a new spot. Now this shifting brand-tillage, as it may be called, was the oldest mode of agriculture in Sweden, known by tradition and even by late survival, and having the special name of "svedje-lands-bruk."

From these considerations as to the primitive cultivation of land, we pass to its legal ownership. It has been noticed that in the wildest state of human society the land of each tribe, where they hunt and root and gather fruits, is the property not of individuals or families, but of the whole community. Turning now to the laws of the rudest tribes who till the soil, such as the lower natives of Brazil, we find that when agriculture begins ever so slightly, it at once brings with it a law of real estate. Let a family clear and till a plot of land, that plot becomes the acknowledged property of the family who cultivate it, and gather in the crops unmolested. Beyond this there may and does arise, at the beginning of the agricultural stage, a social arrangement of great historical interest. When, in the course of two or three genera-

tions, one family becomes several, or when several allied families join together, they are apt to live united in a single house, one of those long and large huts in which each family has its own part and separate hearth; in such settlements this primitive federation owns jointly its adjoining plots of tilled ground. In North America also, among tribes in the early stages of agricultural life, much the same state of things appears. The tribe has its undivided hunting lands, while out of these any family may clear and till any plot they choose, which remains the family property during occupation.

To those conversant with Sir H. S. Maine's work on "*Village Communities*," these facts from the savage world have especial interest. Wherever in Europe the legal antiquary can dig down through the accumulation of modern and mediæval law, he comes on traces of the barbaric theory of landed property, according to which the wild moor and forest is the common hunting-ground of the tribe, the meadow-land is more or less held jointly as the common pasture, while the tilled plots are owned not by individuals but by families, a number of neighbouring households sharing among them the great village field. Through the ages which have elapsed since our Teutonic ancestors made their village settlements on this communistic plan, the old system of family landholding has almost everywhere in England dissolved into individualism; yet traces of the older system are still strong among us. The theory of commons has come down to our time under a feudal transformation, the lord of the manor having obtained rights over the waste land which originally belonged to the commoners. Besides this, numerous local customs which lawyers till lately have explained away by ingenious but baseless speculations, are now known to be simply survivals from the communistic times before feudalism. In many counties, any one who enquires will find within a mile or two of him some "lot meadow," on which several or all of the householders of a parish have rights of pasture, or some "Lammas land," or "shack land," where at a fixed time of year the neighbours may turn their cattle into the stubbles. In some places the huge "common field" may be seen, still divided by the turf baulks which cut it up into plots, distributed from time to time among the village commoners. Not many years ago, half the agricultural land in some shires still lay thus in common or commonable fields. If now we follow Sir Henry Maine by such evidence as this back to the time of the settlement of Northern Europe by the old Scandinavian and German village communities, we can then use the evidence from savage America to complete the whole chain of land tenure from the days of the earliest savage tillage of the soil with pointed sticks, to our own days of the steam plough. In arguing that the village community of our forefathers was developed from the early savage

agricultural conditions, I am satisfied to appeal to the authority of an eminent ethnologist, Dr. von Martius, who happens to be the best-informed supporter of the degeneration-theory, that savages are the fallen descendants of civilized nations. In consistency, this theory absolutely contradicts the development-theory of culture which I have been advocating. But Dr. von Martius, describing the land-law of the Brazilian savages whom he knew so intimately, is driven by sheer pressure of facts to drop his consistency. Forgetting all about his degeneration-theory, he talks quite naturally of the Indian law of family-land being in an "undeveloped" state, showing the transition between the law of tribe-land by which a whole tract is held in common for hunting, and the civilized law of private freehold. The case is indeed plain, showing us that while we have a land-law modified from that of our barbaric ancestors, their law again had its origin in the simplest forms of tenure still to be found among savages who have but just come to the agricultural stage.

The fact that in primitive society the plot of tilled land was owned not by the individual but by the family, fits well with the principle brought forward in the first of these two essays, that in early society the family, not the individual, is the unit. In the village life of even rude races, this principle leads to a further result of practical importance. When several families dwell together in more or less close approach to the union of a single family, cultivating jointly their plot of ground and living on the produce, their way of life is not the mere communism which has just been spoken of, but reaches the closer intimacy of actual socialism. The savage family is the original germ of the socialistic community, and it is interesting to notice that among races of low culture, as in the two Americas, socialistic communities are found in operation, formed by the amalgamation of several families who may even inhabit a single dwelling, a sort of savage phalanstery. Arriving at this level, socialism continues into barbaric ages as a somewhat important institution. A striking example is that of the *Vaccæi* (perhaps Basques), described by Diodorus Siculus, who says that they parcelled out their lands yearly, but gathered the crops in common, giving each his share, and punishing with death the peasant who should appropriate any to himself. In modern Servia and Croatia, villages have kept up such an ancient system, the land being not divided, but cultivated jointly under the direction of the elders, and the harvests shared equally among the members of the commune. Thus there arose among savage tribes, and continued to our own day among people at a middle level of civilization, socialism in its most pure and absolute form.

It is a matter of wonder to me that the theoretical politicians who have advocated the introduction of communism and socialism into the

modern civilized world, should have so shut their eyes to the ethnology of these institutions. Communism in land, and socialism in life, are simply two results of the attempt to extend the primitive household system to the whole village or tribe, endeavouring so far as may be to live as a single family. The place of the two systems in history is one not of theory but of experimental fact. Haxthausen remarked a quarter of a century ago, that the Utopia of European revolutionists still exists in Russia. The Russian Mir, with its equal division of land, equal rights of men, and absence of born proletarians, shows the advantages and defects of communism as clearly as the Servian or Croatian family-village shows those of socialism. It is not for nothing that these systems have held their social place through so long a course of history. Their results within certain limits of civilization have been admirable. The mutual helpfulness and honesty which communism fosters in the village, are among the best points of Russian peasant character. It leads to a tribal patriotism which is genuine though narrow, and to a supreme sense of the common interest, expressed in such proverbs as these as to the Mir or community; "Throw everything upon the Mir, it will carry it all," "No one in the world can separate from the Mir." For colonizing a wild country in barbaric ages, introducing pasture and agriculture, settling law and order, a sounder system could hardly have been devised than that of migration in communal villages. Even during the last thousand years the Russian village system has spread over an eighth of the world, and still it spreads over the lands of rude Asiatic hordes. Many ages earlier, it was under such a village system as these Slavonic communes show us, more or less perfectly, that one of the mighty works of the world was done, that of raising much or most of Europe from savagery to the Aryan level of barbaric culture, such as that of our Teutonic forefathers. But it is not less clear that the old village system could only answer well up to a certain level of society. It made prosperous and orderly barbarians, but it stopped short there. So long as wants were simple and land abundant, and the population could obtain their few necessities in their self-supporting villages, things went well. But when it came to pressure of population and necessity of industrial and social progress, the plan showed its worse side. The individual was indeed secured from falling into destitution, but, on the other hand, he could not rise. The use of money in other matters accustomed men to fair payments, but the communal system of equal division was obviously unfair between the better and worse labourers. Lastly, in every question of methods and implements, the most doggedly conservative and obstructive part of the community had the power of resisting improvements on ancient custom. No wonder that the ancient communism failed to compete commercially with individual-

ism in action and estate, and has after long trial been discarded in the civilized world. Perhaps, in modern times, co-operative schemes may be so contrived as practically to meet the difficulties against which the ancient schemes were so helpless, while retaining the noble qualities of the old united society. But the arguments of modern doctrinaires for communism and socialism, on abstract principles, seldom go much beyond an attempt to throw society back into the very institutions long ago tried and found wanting.

As a last topic on which to show how the ethnology of institutions throws light on their practical status, I will briefly notice two prominent effects of war on the constitution of society.

It need hardly be said that paternal and patriarchal government are most primitive institutions. As the family is the unit of early society, so the father's rule is the germ of law and authority. Thus among the rudest American tribes the father is head of the family, with power of life and death over wives, children, and slaves; he has that absolute *patria potestas* which lasted on among the ancient Romans till they had conquered the civilized world, and which only gradually broke down into our modern individualism. From the paternal government of the family, the patriarchal government of the tribe arises under savage conditions. Among tribes as rude as the Bushmen and Australians, the political development is seen, whereby the headship of the family passes into the chiefship of the tribe; the head of the family lives till he has a whole clan to govern, but his office has been during his latter failing years more and more executed by his eldest son, who at the old man's death is recognized as replacing him as chief of the community, his younger brothers remaining under him instead of branching off to become heads of new clans. Beside or instead of this patriarchal chief, however, there appears already among the lower races a chief of different kind, whose claim is not that of birth, but of popular choice. While the tribe-life goes on in its daily routine of hunting and fishing, and if it be a settled tribe, of planting and reaping, the wants of the community are fairly met under the patriarchal system, where the council of heads of families serves to guide and effectuate public opinion in public matters, and the hereditary patriarch has influence, if not much absolute power, over all. Why then should there be so marked a tendency toward elective chiefship; what circumstances are they which place a tyrant over the heads of a patriarchal democracy; who is this chief whom we find occupying in savage and barbaric life the various stages between the President of the United States as he is now, and the Emperor of Russia as he was a century ago?

In answer to this enquiry, let me call attention to an account of the constitution of a North American tribe. Hearne, an old traveller,

under stress of need joined a tribe of Coppermine Indians, and with them had to go, to his sore horror and disgust as it proved, on an expedition against a wretched helpless tribe of Esquimaux, whom the Indians considered scarcely human, and delighted to murder in mere wantonness. Yet, even this mockery of a real war-party, as Hearne saw, was enough to alter the whole tenour of Indian society. Clans which at other times carried on intertribal murder and pillage, became close and disinterested friends, property ceased to be private, and was given up without scruple to the common stock, and above all, the warriors who on ordinary occasions were an undisciplined rabble obedient to no commands, now became of one mind, ready to obey their chosen leader Matonabee, and to follow wherever he led. Here, then, the effect of war is seen in knitting the loose social bonds of savage life, turning a half-organized patriarchal horde into an organized army under a dictator. It is thus also with rude tribes of South America. Here the mere family chiefs have little tribal authority; but let war break out, the scene changes at once, and there steps forth one with the garb and insignia of a leader, chosen by acclamation or ordeal to command the fighting men of the alliance, with power absolute even to life and death over his warriors. As Dr. Martius was travelling with a chief of the Miranhas, a tribe rude even among the rude tribes of the Brazilian forests, they came to a fig-tree where the skeleton of a man was still bound to the trunk with cords of creepers; the chief explained that this man had disobeyed orders on the war-path, and he had had him bound and shot there, a savage St. Sebastian martyred in the cause of individual will against the growing authority of political organization. Throughout history, one constantly comes on the lines of this principle, that war most forcibly tends to produce absolute monarchy, giving the bold warrior and able administrator a supremacy which may nominally end with the campaign, but may also develop into permanent despotism. Our civilized world, now at last out-growing the need of "strong government" of the old despotic type, must yet acknowledge its service as one great means of national solidification. Thus it is clear that already in savage times war had begun one of its civilizing offices, in setting up the warrior-tyrant to do work too harsh and heavy for the feebler hands of the patriarch.

Another office, scarcely less important, which war had to perform in the organization of society, may be still seen in action among the lower races. The rudest savages are apt to kill their prisoners of war; civilization has made a distinct upward move when the war-captive is spared and made the slave of his captor. This state of things may be well studied in its various phases among the Indians of South America. Ferocious tribes, such as the Guaycurus and

Mauhés, though mercilessly slaughtering in war the vanquished warriors, will carry off the young children and hand them over to their own women to bring up for slaves. Other tribes, such as the Timbiras and Miranhas, will spare also their grown-up prisoners as slaves. Thus it comes to pass that a hereditary slave-caste is part and parcel even of savage society in South America, and so it is elsewhere among the lower races, as in North America and Africa, and so it is to be seen far along the course of civilization. It was Greek law that the prisoner of war became a slave; and as for Roman law, the quæstor held a sale of captives after every battle, and the slave-dealers regularly followed the camp to buy them up. Now, from savage times onward, what has been done with slaves? From savage times the freeman has been the warrior and hunter, but the slaves might not bear arms, they were set with the women to the inglorious work of tilling the soil. To take an example from classic history, when the Roman freemen were continually liable to be called off to serve in the wars, agriculture was carried on almost entirely by slave labour. Of the agencies which have effected the change from the wild nomade hunter's life to the settled agricultural stage of society, I doubt if any has been more powerful than the social law that the prisoner of war was to be his captor's slave. Here then is one of the great trains of causation in the history of the human race. War brings on slavery, slavery promotes agriculture, agriculture of all things favours and establishes settled institutions and peace.

Such, by the evidence of ethnology, have been the beneficial results of war and slavery. Yet of late years the mind of the civilized world has been set, and rightfully and successfully set, on putting down slavery. It had arisen in the savage state of culture, and done its work there and in the barbaric stage, but in spite of much survival and revival it proved incompatible with the civilized stage, and men thrust it out. This is the teaching of ethnology concerning slavery, and what is its teaching concerning war? Among low hunting tribes, war was simply a social necessity; had the Australians and Red Indians been at peace for a century, they would have exterminated the buffalo and the kangaroo. War has always been an admirable school of manly virtues, endurance and courage; we have here noticed how it has acted in condensing weak loose clans into strong united nations, and aided in the organization of regular government; and these merits it has still. Practically, the rights of defence and conquest are to this day, as of old, the basis of all national existence. Yet there is a growing sense in the civilized world of the *savagery* and *barbarity* of war, to use these words again in the double sense which conveys that strongest lesson of ethnology, the repugnance of the higher civilization against the ferocity proper

to the lower. Any Englishman who will read the history of war can recognize the change of manners or morals, since the not very remote days when any freeman who thought himself aggrieved might gather his friends around him, and go to war with his adversary. Private war has only disappeared during our last thousand years, and the same causes which did away with it seem to be acting gradually against public war, and bringing the world to look with increasing favour on political arrangements shaped to control all nations jointly, so as to throw back to rarer emergencies the last resort to arms. That the resources of modern civilization are in our day summoned to make an army a more powerful engine of destruction than ever, is true enough, but it is not the main point. The adaptation of modern arts to institutions of the barbaric world is no unknown thing. For centuries the revived slavery of the European colonies was helped and fostered by modern civilization; a slave might be seen working a steam-engine, the negro made acquaintance with the printing-press as a machine for advertising runaway slaves. But the alliance was unsound, and did not last. And though war may have a future of centuries yet of help from intellectual men, and respect from good men, it has fallen from its old rank. Savage and barbaric nations still keep up the old-world notion that man's noblest calling is to slaughter and plunder. We of the civilized world have come to talk of deplorable necessity, and of the end justifying the means.

— Thus, from age to age, social and political institutions change. It is not a mere shifting hither and thither. Civilization breaks down often, and falls back sometimes, but there is no such permanent set backwards as there is forwards. Dr. Adolf Bastian tells a pleasant story of a belief the Brandenburg people have about their Lake Mohrin and the monstrous Craw-fish that lives in its depths. When that monster shall come ashore, the town will go to rack and ruin, and all things will go (crab-like) backwards; the ox will go back to a calf, the bread to meal and the meal to corn, the shirt to thread and the thread to flax, the rector will be scholar again, and everybody will turn little and weak and silly as he was when a child. But years go on, we wait and wait on the shore, yet this monster of personified Retrogression scarce shows a claw; he has been so long coming that perhaps he may not come at all. Meanwhile, Mr. Herbert Spencer may rejoice to see society moving as steadily as ever in his line of evolution, organizing itself more and more accurately to its special ends. In its course, seen as ethnology can show it from savagery onward, many an old institution which in its time did its work and earned its rightful praise, has had at last to be given up. It is not for us, sitting in judgment on the men of the past, to try them by our modern views

of morals and politics. Their various grades of culture had each according to its lights its standard of right and wrong, and they are to be judged on the criterion whether they did well or ill according to this standard. Much that to them did good and was good, is changed or replaced in our time. For myself, when I consider what blood-revenge and slavery have done in savage and barbaric ages to promote the higher culture destined to abolish them, I think of Mr. Emerson and his definition of evil, that it is good—in the making. Of yet more practical account than what we think of institutions of the past, is our approval or condemnation of the institutions we live among, our support in conservatism and our guide in reform. Such evidence as I have here brought forward may help to make good the claim of ethnology to aid in such practical judgments. We could not if we would wipe out history, and begin the world afresh on first principles. Whether we will or no, the morals and politics of future generations must bear, like our own, the stamp of their origin in primitive society. But our social science has a new character and power, inasmuch as we live near a turning-point in the history of mankind. The unconscious evolution of society is giving place to its conscious development; and the reformer's path of the future must be laid out on deliberate calculation from the track of the past.

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