XIV

Another line of inquiry into the "origin of slavery" had been favoured by Schurtz, and this view has found some adherers.(1) Schurtz thought that

> "At first women were spared in wars; they were kept as workers (though the use of the working capacity of captured females who do not become relevant to the sexual economy of the respective society is rare enough to be regarded as an exception) and finally males too were kept to supplement the female work." /1/

This theory must assume a dearth of female labour which we can expect only in some types of agricultural societies, a set of conditions much too specialized to account for the treatment of captives in terms general enough to be used for a theory about the origin of servility. Why should the female captured in war form the nucleus of a servile institution? Why should she when forcibly attached to a society not her own in which no servile institutions had developed so far, be regarded as a person of lower social status? After all, exogemy is sometimes coupled with marriage by capture without implying such possibilities. This is, clearly, a problem in the elucidation of which we cannot take much for granted.

Marriage can be concluded as an agreement between two

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(1) References to authors who have, even quite recently, upheld this view are found in Lendtman. /2/

MS. B Bell. d. 748

kinship groups to unite a woman of the one group to a man of the other, and to indemnify the group which is losing the woman. The woman's group exercises certain rights over the children. This is complemented by a second type of marriage or concubinage, where the man secures exclusive rights over the children and the woman becomes a complete loss to her family. This may be brought about by payment of a greater indemnity (when, as we shall see in the case of the Ashanti, additional rights which are not transferred in ordinary marriage, are acquired by the husband from the woman's kin) or by the handing over of the woman herself as an indemnity or fine, which may mean that she is received by the husband as a wife married to him in the ordinary way in which transfer her group has forfeited the indemnification, or, (as is the case in most instances I know) this is regarded as a marriage of the second kind. Both possibilities are realised in West African and Indonesian pawnship, as we shall presently discuss in the appropriate chapter, where girls are pawned to the creditor who when the stipulated time has elapsed either marries the girl himself or marries her to a member of his family or to an outsider, in which case he keeps the <u>usual</u> (not a higher) bride wealth. Now, whether or not there is a difference in status between women of one society married in two different ways, or between a rightful wife and a concubine, this depends on two factors, first, the status of women

eligible for a complementary sexual union, and second, on the attitude of the man's kin, and hence his domestic group, to the children of the union. These two factors are interdependent, as in cases where for reasons to be outlined immediately, the children of the union are not accepted as equals by the man's kin, the woman who allows her children to be degraded in such a way, will be necessarily of lower status than the man; in which context it is immaterial whether she is lower by descent, or regarded with contempt because of previous promiscuity, or because she is expected to give birth to an illegitimate child. It must be stressed that the lowness of the woman's status is purely relative to the man's, and not absolute. In stratified societies a woman would not lose status through illegitimate union with a superior while she would through illegitimate union with a man of equal status; just as the man who had chosen her could not have found in his superior group a woman ready to forego the advantages of the dominant form of union, or likely to be permitted by her family to do so.

The attitude of the man's group to the children of a union of other than the dominant type depends on the kinship structure. Where descent is purely patrilineal, the difference between the two kinds of children will be comparatively negligible, while where dual descent matters, the difference will be great, as exemplified in Teuton law, particularly in old Norse law.

This criterion decides whether a type of supplementary union is regarded as "legitimate" or not. Where it is not, that is where woman and offspring of such a union are not accepted by the kin, it makes no difference, whether the woman in question is of a lower stratum of the society, or a foreigner without a place in the kinship structure, or a slave.

An examination of any African society with several types of recognized sexual union sufficiently explains the principles involved. Thus the Tiv of Nigeria have or had several kinds of sexual union recognized as supplementary to their dominant type of marriage which was an exchange marriage based on patrilineal and patrilocal arrangements. Some of these types can be regarded together with the dominant one as marriages in the proper sense, making provision for and reconciling the conflicting rights exercised by the two parties over the children, while other unions have to be regarded as concubinage. There is one type of union which has developed as complementary to exchange marriage, called "Kem marriage" or "Companionship marriage" and even "Sister-marriage", which is of interest here.

> "The meaning of 'Entering into companionship' was that when a man started to kem a woman, he went and cohabitated with her, and called her his "companion". It was called "Daughter of the family" because the woman was one of your own group, and of the same section within which you would not intermarry (i.e. through the wife exchange system); in some cases she may be even of the same family." /3/

Now this union was less valuable to the family of the man

because neither he nor his near kinsmen had rights over the children; therefore the daughters could not be used in exchange marriages by his brothers. The kem girl's father had the right over the children, and we can imagine several situations in which he would have preferred his daughter being in kem union to her being given away in an exchange marriage. In contexts like these it can be understood why the girl need not be of lower status to enter such an arrangement, and why her status was not lowered through kem. When we find the slave, the bought wife, instead of the kem girl, it need not mean that the low status of the former was necessary, but the social mobility that is connected with that status.

Finally we learn that the Tiv when desiring complete control over a woman would try to get one for bride wealth from a distint village thus excluding communication between his wife and her kin. The wife was successfully isolated and his household safe from interference. In such a marriage the woman's position did not differ appreciably from a bought slave, all rights concerning her and her offspring were surrendered in the sale. From all these marriage types differed the kem union where the girl remained in her father's house.

There are two things of interest here: first, that unstratified Tiv society does not connect types of sexual union with status; second, that certain ideas which we may, due to our social conditioning, entertain in regard to supplementary

union, cannot be applied here. We are inclined to think that a dominant marriage type imposes a certain kind of limitation, and therefore only one supplementary type is necessary to provide for a union free of such inhibition. That is not so. We find two entirely different arrangements, both of which we would all too readily associate with concubinage; the one (kem) gives the man jus in uxorem without involving him in the various vicissitudes of the jus in genetricem relationships; the other gives the man jus in uxorem and at the same time a fuller jus in genetricem than the dominant type. From this we can see that in a stratified society the woman of lower status is fitted for two positions both of which are functioning in a complementary way to the dominant type, and must not be confused in generalisations about concubinage.

When we consider, in connection with these general observations, sexual and marital relationships of female prisoners in a society which is not stratified, the following comments must be made.

Either there is only one type of marriage obtaining in the society in question, and other types of sexual union do not establish recognized jural relationships. Then the women would be married according to the dominant type, the captor receiving the bride-wealth or marrying her himself, or giving her to a near kinsman in marriage in which arrangement no bride-wealth is paid, or using her in an exchange marriage to

get a wife for himself or a member of his family. In all these arrangements the female captive functions as a woman of normal status, and no servile institution can be imagined to arise from these relationships; the deviation from the dominant pattern would be insufficient even for us to regard the relationships as pre-servile.

Another possibility for the captor is to use his rights over the woman to change the potestal arrangements concerning her, making her a slave and giving her in marriage to a male slave. This possibility, frequently realised though it is, has been excluded from the presuppositions of the relationships into which we are inquiring; for this would mean the existence of male slaves in that society, while we are investigating the origin of a servile status in the captivity of females.

As we can safely exclude celibacy from the possibilities arising out of a woman's capture in simple societies who in war "capture only women", the remaining possibilities are: that the captor foregoes his rights over the woman giving other men free access to her, or that she is prostituted.

As to the foregoing of the captor's rights we have to remember that only three kinds of value - to which the rights must relate - can be associated with a female captive: her value as a labourer, as a sacrifical object, and as a sexual object and mother of children.

In those cases where her value is primarily that of a sacrificial object and she lives long enough in the society of her captors for a status relationship to be established, liberal access to her is more likely than in the other cases, for two reasons: first her sacrificial value can be more easily separated from the other aspects of her person, i.e. more easily than her labour value can be separated from her sexual and procreative value, and second, as the sacrifice, (even where she is not the captive of the community, but of an individual), is invariably a communal one and not a private one.(i) and the rights of the captor relate chiefly to the honour derived from his ability to offer the victim to be disposed of at the communal occasion, the right of the community to the sacrifice is strong enough to make itself felt too in regard to the sexual value of the prisoner. This we had occasion to observe in the case of the female prisoner of the Tupinambá who when not used by her keeper, is used by other men, without affecting the right of the keeper to offer her

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(i) Where people in general, females in particular are sacrificed at funeral rites (private sacrifice) they are either individuals whose slave status has been established irrespective of war captivity (i.e. we are dealing with a slave owning society in which slavery has many functions) and they are put to death at the funeral of the person who held rights over them as slaves, no difference being made as to the mode of acquisition; or, if such distinction is made, it is one between several kinds of servile status; or the victims are war prisoners who had no established status among the captor society.

for sacrifice. But even in that instance two things may be noted: the female prisoner moves about freely in the tribe and shares in the work of one household; her relations with men are to be seen rather as a concomitant of her sexual maturity and her inability to conclude a lasting sexual union with a man other than her keeper; these relations ought not to be seen as resulting from a sexual aggression of men who claim this right on the basis of status difference. (1)

Second, it is to be noted that her bearing children conceived in promiscuous intercourse must have created a difficult problem for Tupinambá society: in this patrilineal structure the male prisoner's children shared his lot, the offspring of the female prisoner were free like their father. If the keeper was the father, he would bring up the children in his house even if the woman was sacrificed; in the case of this abstention and notorious promiscuity of the woman he would be less willing to accept the children as his, while the men frequenting her would hardly compete in their eagerness to take

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(1) It may be noted in this context that even in a society like the contemporary Western one, where domestic service does not connote slavery, a female servant would have a sex life independent of the household and would be the more promiscuous the less chance there was to give up the service; and this would be understood without making a (erroneous) correlation between the degree of her promiscuity and the difference of status between the girl and her masters.

responsibility; it rather seems that the unfortunate woman's promiscuity if taking its natural course would have hastened her fate.

That type of case can be dimissed anyhow, as we do not know of any society that uses only women for sacrificial purposes, let alone specializes in female prisoners. But the case has been discussed in order to illustrate that here, as in almost any other context - with the exception of those pertaining to a leisure class - the procreative faculties of a woman are not only more important in terms of psychological motives than the attractiveness of sexual gratification to be obtained from her, but that the former are relevant to change or maintenance of social structure while the latter are not.

When the dominant value of a female prisoner does not relate to her sacrificial use but to her working capacity or to her sexual and procreative functions, the following principles are involved in the captor's foregoing his right or sharing it with others: rights over a woman as a working member of a group can never be separated from rights over her offspring. The possibility mentioned would thus imply a separation of the purely sexual value of the woman from the two other aspects - a thing very common in the life of leisured classes, but rare in stratified societies generally, and impossible in simpler ones.

Of the Beni Amer we are told by Munzinger /4/ that among

them, as in many other societies, there was made a distinction between slaves of the first generation and the later generations; the former who included prisoners taken in raids and bought slaves as well lived near the master's camp, the male slaves being personal servants of the master, the women living promiscuously, as far as their relations with the master group were concerned; Munzinger calls this prostitution. The slaves of later generations enjoyed a higher status, formed recognized family units which as households were part of special slave camps that elected their own chiefs. From the scanty description of Munzinger it seems that he means by "prostitution" the following state of affairs: a slave woman was under the potestas of her master who claimed rights over her offspring; but he would not claim exclusive sexual rights without making her a permanent concubine; thus not living as a concubine with her master, nor, apparently, being able to live with a man in a household arrangement, such a slave woman would be frequented by several males among whom the men of the master group would be predominant, as these would be able to make more congenial presents. In this manner these women would both fulfill a luxury function and cater for the needs of young nobles who were not yet marriageable; they would, at the same time, entertain relations with male slaves. Thus the masters would not be regarded as fathers of the children, which, according to Moslim slave law, would have necessitated

the raising of their status.

Thus it seems that in this case we cannot speak of a causal relation between the social function of this sexual promiscuity (I hesitate to call it prostitution) (i) and the change of status which makes one person the slave of another; nor can we assume this in any other society where slaves of both ~~slaves~~ sexes are kept and the status is inherited, and where the female slave does not form part of her master's household. A high degree of sexual promiscuity is likely in a case like the one of the Beni Amer, where, however, the life of the slave woman of the promiscuous generation is part of a much more complex institution, and in cases of pariah-relationships. In the latter instances the women live outside the society of the ruling group being part of another social structure the

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(i) For some reason or other the term prostitute is applied far too loosely by ethnographers, even in recent publications. To quote one example, Verne F. Ray wrote 1932 of the Sanpoil, a Salishan group of Northeastern Washington (italics are mine): /5/

"Prostitution was common, as might be expected in a polygamous community. It was common knowledge that certain women could be had by anyone at any time. It was an insult to be called a..., the term applied to a prostitute. Even those whom the name fitted resented it. These women received no payment for their services. They were probably hypersexuals and those who were not sufficiently attractive to obtain a husband. In striking contrast to traditional Sanpoil standards 'these women did not care how a man looked'. Prostitutes, however, sometimes eventually married. The common objection to marrying a prostitute was not a moral one, but the fear that she would not remain faithful.."etc. One cannot help thinking that the Sanpoil and related Salishan peoples of Northeastern Washington would have been really surprised when meeting a prostitute.

jural aspects of which are contemptuously ignored by the ruling group. This we had occasion to mention when speaking of the sexual relations of white men with coloured women in the Southern States, and the position of the Maku Indians will be a second case in point.

On the whole servile women either live in their master's household or with husbands of their own status. In every case of the first kind (i) the master who does not use his female slave as a concubine has to be indemnified by any man or by those acting on that man's behalf who desires access to her. This indemnification relates to the master's <u>potestas</u> over the woman's procreative functions, be it that a free man desires concubinage or marriage with that slave, or that the master of a male slave wishes to give him that woman as wife. The indemnification may, as the case may be, coincide with the buying off of the woman, or may be a condition of the jural validity of the union, or may refer to the status of the offspring. All this has nothing to do with prostitution, which in its connection with status differences is peculiar to complex societies, (ii) nor does it or can it explain a state of

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(i) An obvious exception is the intentional slave breeding, this again a feature of social complexity.

(ii) Mathieson mentions e.g. this concerning British slavery in Jamaica:
"A witness examined by a Committee of the House of Commons in 1832 admitted that the hospitality of a planter always included the offer of a black girl; and plantation accounts were found to contain such items as these: 'Hire of Gracey, a mulatto, to Mr -- at £20 per annum, hire of Anne Clarke, a mulatto, to Mr -- at £16 per annum.' -Anti-Slavery Reporter, v. 77." /6/

affairs in which "only women" or "at first only women" were enslaved or taken prisoners in order to make them slaves. These general remarks about the position of captured women can be thus summarised: the simpler the society, the less distinction can be expected to be made between the various aspects of the potestas which is exercised over a captive. If she is not married straight away or after reaching maturity, (a) she is attached to the household of the captor in another capacity, which implies her change of status, be it that she lives with the master's family as his concubine (i) or servant, or both. In the latter case the status difference may be personal or institutional. In the first case (b) the potestas held over her can only be changed into another kind of potestas, i.e. the woman joining another household in another capacity than

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(i) There is no completely reliable account of conditions in which female prisoners of war live with their captor as a subordinate member of the household and as concubine whose children are regarded as being on equal footing with the other children of the household. The description of the state of things among some not clearly specified tribes of Indians of the Amazon region by the Marquis de Wavrin /7/ may be mentioned here. The women become concubines of the captor and hold a very inferior position in his (patrilineal) polygynous household. They are exposed to hostile treatment from the side of the other wives whose taunts may drive them into suicide. It seems that the status which they gain in the course of time is a matter not of standardized jural relationships but of their personal endeavour and adaptability. Their children are brought up with the other children of the family, and no stigma of hostile consanguinity or inferior origin attaches to them.

the one in which she shared in the first household; in the second case (c) the same kind of potestas can be transferred to another person: the woman has become mobile in the society of her captors, and there is an inverse reciprocity existing between the degree of her mobility and the degree of fixity of her status. It is only in the latter context that we can examine servile relationships in the proper sense. Wherever such conditions obtain, we find them part of an established institution of slavery of both sexes, in which institution there is maintained a status difference between successive generations of free men and successive generations of slaves. Finally, where captured women do not form part of the household of a man of the captor's society (in whatever capacity that may be) and live separate, this involves more complex principles of class (d) and caste (e)

Of all these cases type (b) a pre-servile relationship, is relevant here. It can be characterized as follows:

1. The potestas exercized over the woman by the captor or master of the household differs in kind from that which he or others (wife's kin) hold over his wives and daughters.

2. This potestas is not differentiated; the man in whose household she works has access to her as a matter of right, as this is part of his control of the household in which additional female members stand to him either in a wife-husband or in a daughter-father relationship.

3. The children of this union will remain part of the family. Their status will depend on the respective kinship system; thus in an extremely patrilineal society there may be no difference at all between the children of such a union and those of a normal marriage, while in matrilineal societies this kind of servile concubinage may very well constitute a secondary and complementary kind of marriage, or conform completely to the jural ramifications of an established complementary type.

4. The potestas exercized over the woman in this manner cannot be transferred to another man without undergoing fundamental changes. The captor's rights are rights ad personam, constituting a pre-servile relationship (resembling some aspects of the Indian custom the recording of which by Kautilya was mentioned in the preceding chapter).

The clearest description of what in a patrilineal society this status may imply, which is neither that of a wife nor that of a slave, is contained in the laws regarding concubinage with prisoners which are given in Deuteronomy. (i)

> Deut. xxi, 10. When thou goest forth into battle against thine enemies, and the LORD thy God delivereth them into thy hands, and thou capturest into captivity (some) of him (i.e. of the enemy),

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(i) I am afraid that I found all translations I consulted for the wording of this quotation too inaccurate for my purpose; thus I am reduced to offer my own translation which is literal but otherwise unsatisfactory.

11. And seest among the captives a woman that is well-built (i) and thou hast a desire unto her, and wouldst take her to thee to wife,

12. Then thou shalt bring her into the interior of thine house, and she shall shave her head and let grow her nails, (ii)

13. And she shall shed the cloth of (her) captivity, (iii) and she shall sit (iv) in your house, and lament her father and her mother a full month; and after that you mayst enter unto her, and be her master(v) and she shall be thy wife,

14. And it shall be, if thou have no (more) interest (vi) in her, send her off (to go) as behoves

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(i) Well-built and not beautiful is the translation of yafat-toar; this is composed of yafe "beautiful, handsome" etc, and toar "shape". The Pentateuch is rather consistent in the use of these expressions. When describing a woman as sexually attractive the words yafet-mareh are used (pulchra aspectûs), stressing the appeal made to the senses; this expression is used e.g. when Abraham tries to explain to his wife that she may be too attractive for the Egyptians. But when the fact is stressed that a woman is well-made as a woman, the above expression is used, meaning that from the point of view of her physique that woman would make a very good wife The difference seems to matter here.

(ii) Following the mediaeval commentators Rabbi Shlomo ben Yitzchak (Rashi) and Rabbi Nachmanides, who realised that to let the nails grow is a custom of mourning, I too discarded the usual translation "pare her nails".

(iii) i.e. the appropriate mourning dress should be provided for her for which she is to change the clothes she wore when she was taken prisoner.

(iv) "sit", and not "remain", as is often translated. The Hebrew word for sitting implies, among other things, the mourning posture.

(v) ba al, "lord, owner" (the ba al of the house corresponds exactly to the Greek despotes) must not be translated as "husband"!

(vi) the word for desire used in 11 is not repeated here. As no offspring of the woman is mentioned, we have to assume that she is childless; and to translate "desire" would not do justice to this aspect but merely relate to the waning sexual attraction.

> her independent mind (1) but thou shalt not at all sell her for money, thou shalt not deal with her as (if she were) an inferior (assuming that thou art entitled to do this) because thou hast bent her.

This passage has suffered rough justice from the hands of the most learned commentators, both mediaeval and modern. It has been pointed out by them that here the Pentateuch obviously makes allowance for human weakness (i.e. sensuality and male aggression), and taking this sorry state of human nature for granted, tries to safeguard the victimized woman. Nothing of all this is true, nor is it reasonable to explain the performance of the mourning ceremony as a condition of the woman's acquiring the new faith. It is not legitimate to assume for the times of the Pentateuch a <u>community of faith</u> of members of both sexes. The ritual obligations of women were negligible, and a foreign woman would be assimilated socially and ethnically, but not in the manner suggested.

In stipulating that the woman ought not to be treated as the man's wife, nor as his slave, the Pentateuch safeguards the Hebrew kinship and social structure: the woman is a member of a hostile group which has no interconnubium with the Hebrews; if she bears children, these cannot, as children of a free Hebrew man, be of inferior status; therefore an arrangement must be found which is neither marital nor servile in a strict

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(i) The usual translation is "..go whither she wishes"; to make quite clear that this is not a question of falling in with her impulses, but a matter of recognizing the woman's independence, the Pentateuch uses the expression <u>lenafsha</u>, lit. "according to her soul."

sense. But it has to combine some features of servility with features of marriage.

The fact that the woman enters the union not on the grounds of her or her family's deliberations, but solely because of the captor's wish, and that therefore the two groups, the kin of the man and the kin of the woman, are not involved in the arrangement as equals according to custom, constitutes a featuer of social asymmetry (i) which may or may not give rise to a servile relationship.

When a person is enslaved, in the strict sense, it means the severing of his kinship ties. This is taken so much for granted that the severance need not be enacted: the enslavement is tantamount to kinlessness. Therefore in a case in which no enslavement is intended the severance must be ritually enacted; and this happens here. In order to give the man rights over the woman which are rights (ii) in genetricem without resorting to marital arrangement to secure such rights, the rights of her kin must be completely eliminated; she must be made kinless in order to fit into the new potestal arrangement which is to be part of the Hebrew kinship and household structure. Her bewailing her father and mother as if they

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(i) The term "social asymmetry" will be explained fully in the chapter on Bambuti symbiosis.

(ii) I am using here the term Mrs Bohannan employed in her analysis of Dahomeyan marriage / 8 / distinguishing between jus in uxorem and jus in genetricem.

were dead constitutes the legal preliminaries for her new relationship. Therefore the mourning ceremony must be carefully observed in the interest of all parties, and this is not a case of allowing out of kindness her mourning; nor is the mourning insisted on because of religious reasons, as stated before.

A characteristic feature of our regulation is that no mention is made of the children of this union; so much is it taken for granted that with the preliminaries fulfilled the status of the children would be normal. Nor is the childrens' fate referred to at the end when the status of the woman after her release is described. The implication cannot be that the woman is allowed to take the children with her, as this would go against the spirit of the whole arrangement, and unlike the result of a divorce when a woman rejoins her kin, would mean that a man abandons his children to an uncertain fate because their mother has lost attraction for him. (i) Nor can it mean that the woman is separated from her offspring, and that thus her fate would be much more miserable than that of a slave. The only conclusion to draw from the wording is that the sending away of the woman takes place only when (but not necessarily because) she is childless (not necessarily barren).

(i) Such an occurrence is described for the patriarchal time, in the story of Hagar and Ismael, and the account is quite plainly that of a wrong being done and being mended.

The final words insist that once the concubinage is ended the woman must be regarded as a free agent; no claim concerning her can be put forth by anybody, and it is realised that the establishing of such rights and claims irrespective of the limitations of the concubinage would bring about the servile status of the woman. But this was to be avoided at the outset, and at the end the point is made that the man must not deduce servile rights (treat her as a tahat, a lower one) from his having used her as a concubine, let alone sell her into slavery.(i)

Having formed some general ideas about the lot of female captives in simpler societies, and having scrutinized a few instances, and very different social contexts, we may return to the argument mentioned at the beginning of this chapter. Can it be admitted as plausible that servile relationships and institutions have developed from the use of keeping alive and as members of the society the women who have been taken prisoners in tribal warfare? Schurtz when advocating this view was thinking chiefly of the working capacity of these prisoners; I have tried to show that this value and function cannot be isolated from other values and functions.

(i) The application of these commandments can be understood only in the (post-patriarchal) society of the Pentateuch; in later periods - e.g. in the type of society which the Proverbs refer to - the composition of the household and master-servant relationships must have been appreciably different.

Unfortunately, there is no society with a well known social structure recorded as having attached to itself female captives only. Landtman who follows Schurtz's argument supports it with a reference to the Safwa tribe; as the instance is not less interesting than many others about which still less is known, we may take the Safwa as a case in point.

We have an ethnological account of this tribe, by the missionary Elise Kootz-Kretschmer. There are only a few data to be gleaned from her work. The Safwa live north of Lake Nyassa. Kootz-Kretschmer describes the status of the chief without giving data for conjecturing the relation between kinship segments and political organization. He appears to be the village chief. But he is not the lord over the village so much as the undisputed owner of "the land". We do not know the confines of the chief's land: whether it is the land utilized and built on by a village, or whether it is a larger area. The chief rules the village as owner of the land and in his capacity as supreme judge and arbitrator, presiding over the council of village elders.

"The chief" says Kootz-Kretschmer /9/ , "is the owner of the land, to him belong the trees, the rivers, the game of the steppes. A man who wants to cultivate a piece of ground has to ask the chief for it; the chief tells him where he may dig. The cultivator never becomes the owner of his fields. But the chief will not take away the land from the man without reason; the latter may cultivate it as long as he pleases.

When a man leaves a chief's land, he cannot sell the field on which he worked, for it is not his own. Nor can he give it to his kinsmen or friends. When a man leaves orderly and openly, i.e. if he is not forced

to escape because of a crime he committed, he is allowed to sell his crop. But if the man has been involved in a conflict the chief impounds his crop as well.

The chief owns the trees. If a person wants to cut timber he has to ask the chief's permission. On leaving the land (i.e. the chief's area) the man can give his hut to his relatives who remain in the country. But if he leaves in a quarrel, the hut will belong to the chief who disposes of it and may have it burnt down if this pleases him. All possessions left behind by a man who takes to flight, his cattle and other animals belong to the chief; nobody else can claim them."

"The Varakuta are the chief's lads; he has selected them to live in his hostel. (i) It is their duty to follow the chief wherever he goes: they have to be always in his presence, so that he can see them. These Varakuta are the policemen (ii) of the country. The chief sends them to people who are in his debt. They go to the debtors and take them and their belongings to the chief.(iii) The varakuta live in the chief's hostel and eat his food... When they are grown up, he calls them

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(i) Translating into English the German rendering of native statements I have found expressions which are not further explained in the text and which have to stand self-explained by their context. To these words belongs the one I have translated by "hostel" (Herberge); the indication seems to be that the native term thus rendered does not mean house or any building as habitation, referring rather to the specific social function of the dwelling. Hostels are mentioned in this context only, from which circumstances we may infer that the Varakuta lived in a special house of the chief, called by a special word in Kisafwa.

(ii) No passage in these texts warrants this metaphorical usuage of the word policemen which is a little confusing. These youthful bailiffs of the Safwa chiefs did not act in reference to a civic body and civic duties, nor had they any rôle to play in the prevention or detection of crime; in fact, they did not act for the chief in his capacity as president of the council of elders, but were his servants in his capacity as lord of the land.

(iii) Presumably so that part or all of the belongings can be impounded by the chief; the bailiffs have no authority, apparently, to confiscate property themselves.

forth from their hostel and tells them: 'Go and get yourselves wives; you are big men now!'

This is the custom with the Safwa and Nyixa. But the great and powerful chiefs ... themselves provide wives for the Varakuta. These are kidnapped girls of the (same) country or female war captives whom they have enslaved... And then only the smaller boys stay behind in the hostel." /10/

Thus it seems that the position of the Varakuta differed from that of other boys of the tribe in the following way: the former were temporarily transferred from the potestas of their fathers to that of the chief without any severing of the kinship ties that linked them through their primary groups with the tribal structure as a whole. At a time when other boys left their parental house to marry and set up their own house, the Varakuta left the chief's hostel to do the same. Their relation to the chief did change through their marriage as their relation to their fathers would have changed under ordinary circumstances. Leaving the chief's hostel, the Varakuta took up a position in the tribal structure which had been implicit in their pre-hostel existence. The Varakuta institution did not establish a servile status, for the following reasons:

1. The relationship was a temporary one, modifying an individual's life during a time when he was anyhow under another's potestas. Therefore the temporary transfer from one potestas to another did not affect the tribal social structure.

2. The institution is a case of extension and intensification of the royal power with the help of additional

relationships based on familial authority structure. The relationships were established in a manner which did not infringe the rights of the groups concerned.

3. The boys selected were not detached individuals, e.g. orphans, who would have entered into the new relationship with a handicap of social inferiority.

4. The varakuta had, as far as the chief was concerned, to behave as inferiors ("so that he can always see them"); perhaps they behaved towards him with a deference which was more marked than that shown to him by his own children; but this was balanced by the other, and structurally much more important, aspect of the institution; the varakuta who acted on the chief's behalf and with authority delegated to them, were a privileged group within the society. (An interesting feature of this bodyguard of minors perhaps might have been that they could act with a lesser degree of personal responsibility against the society at large than a grown up person, which situation was utilized by the chief.)

Against this fragmentary background we have to examine the following information:

> "There are only female slaves in Usafwa. Some have been carried off in wars, others bought (i) with ivory, yet others picked up on the roads when the (raiding) (ii)

(i) This seems to imply women of slave status of other tribes bought by the Safwa.

(ii) Words in brackets are my addition.

enemies had gone and some of the non-Safwa or other Safwa group) captives had escaped from their captors and could not continue (for weariness or hunger). Yet others had been paid for homicide. There are only a few cases of male slaves. These originate in raids or in avenging feuds which one chief carried on against another; then slaves were carried off, be it as small children, or (grown up males) rendered helpless." /11/

Leaving aside the exceptional occurrence of male "slaves" for later discussion, we are told of a society where the women are of two kinds; we do not know whether this reflects a status difference or not. The description of a woman handed over as indemnity for homicide rather suggests the negative. This does not differ in effect (whatever the motive) from the practice of dual or threefold marriage types obtaining in many societies. The three kinds of female "slaves" have only this in common: they have been attached to the households in which they live by other means than the dominant form of marriage; in other words, no recognized complementary form of marriage has developed among the Safwa, and therefore the types of union which are exceptional, are lumped together in one category. We learn that the powerful chiefs when dismissing their <u>varakute</u> gave them girls to marry who were legally kinless persons attached to the chief: kidnapped girls from the village itself, i.e. girls who could not be reclaimed by their kin because that group was too weak to protect them, and girls who had been captured from the enemy. The distribution of female slaves among his entourage by the chief is a frequent custom in many of the more complex African societies; but

here the young men provided with these females were setting up their household and not receiving gifts of a luxury character. It is not possible to assume that the chief's favourites were provided with wives of an inferior status. In fact when we compare the various kinds of "female slaves" mentioned by Kootz-Kretschmer's informants in the light of the general observations made before, we find types intervening between pre-servile relationships and complementary marriage forms.

Thus it seems likely that this elasticity of jural categories is not caused by a variability of the social status of the women concerned, but by the fact that only one type of marriage is recognized; and the more forms of marriage are being recognized - which in Africa and Indonesia is a certain sign of growing social complexity, but, peculiarly enough, seems to be unknown in aboriginal American societies - the more clearly defined becomes the status of a woman who is united to a man by means different from those employed in the various marriage forms; conversely, where not enough alternative marriage types have developed, complementary unions would be formed by an attachment to women who are, according to existing institutions, already of servile status and whose social mobility therefore is unhampered by kinship obligations. It can be seen from this how wrong a theory would be which were to assume that such a use being made of slaves is a reason for their enslavement.

As to Safwa society, we can rest assured that there no more than in any other society was a servile status confined to women of foreign extraction, nor can we believe this relationship to give rise to further servile developments; this would be, as I hope to have shown, a structural impossibility.

The exceptional keeping of male prisoners, or rather of male children taken in raids and of male grown-ups taken in feuds under the leadership of the chief, we shall discuss in relation to the much more satisfactory data we have of the Lushai (next chapter).

The point of greatest interest for this investigation, however, is this: we see in Safwa society two quite different institutional nuclei. The position of the varakuta has nothing to do with the way in which this society assimilates its war prisoners. In the line of the preceding argument we would have to explain this in the following manner. The varakuta were attached to the chief without rupture of their kinship and other social ties; they were not under the chief's guardianship as detached persons. Therefore no institutional links were formed to combine the various elements subject to exceptional potestal arrangements. In order to make the necessary comparison we have to select a society of slightly greater complexity, combining some of the features we have noticed in the context of Uitoto chiefship, and some aspects of the varakuta institution. The best instance of

this type, and the only pure one (owing to the absence of servile institutions in the strict sense) is provided by the Lushai of the Kuki Chin in Assam.

XV

The Lushai are a division of the Kuki Chin. The latter, a Tibeto-Burmese speaking people, are related to their neighbours of the same linguistic family (the North Assam group) which includes the Naga tribes on the one hand and tribes like the Aka, Abor, and Miri on the other. The eastern part of this population is called Chin by the Burmese, the northern Kuki by the Bengali. Thus they are referred to as Kuki Chin, and inhabit "the major part of the highlands between Bengal and Burma." /1/ While for historical and other reasons, the linguistically and to some extent ethnically allied groups in Burma proper have formed complex societies, quickly integrating large areas, social organization in the mountain parts of the north west developed on different lines. Though ethnologically only in varying degrees, the so-called Lushai differ much in social structure and economy from both the Manipuris and Nagas, but in the latter aspect there is a marked difference even from the Chin, their closest kinsmen.

The Lushai are a group of Kuki clans which have come under the rule of one particular clan, the Lushei clan, that gives its name to the whole population. Territoral segments of the other clans have amalgamated with subdivisions of the Lushei in villages. Through the rise of village chieftainship the clan system has lost much of its importance. Only smaller patri-

lineal units (called in our sources now families, now extended families) remain as factors of Lushai social life. The degree to which kinship connections are used and thus remain in memory, is related to the political importance of the respective bodies. The clan of the Lushei themselves seems the least disintegrated one, and its best preserved unit ("family"), the Thangur, is the one from which all the village chiefs descend.

Their system of agriculture is based on the tilling of burnt clearings, which later they abandon for fresh ground. This is known as the jhum system throughout Upper Burma and Assam. /2/ Among the Lushai it necessitates changes of the village site when the land within reach is exhausted. This happens at intervals from four to five years.

> "In old times these moves were often of considerable length - sometimes as much as three or two days journey - and sometimes a halt for a whole season would be made at some temporary site, the people living in huts alongside their cultivations". /3/

This agricultural nomadism goes with a poverty in material goods. There are no non-utilitarian articles for which surplus produce may be exchanged; building and furnishing of houses is without luxury.

> "Even in the house of powerful chiefs, little will be found but a few rough and low wooden stools, some wooden platters, some earthenware beer pots.., some brass pots, and many baskets in which valuable or perishable articles are preserved." /4/

In a legend concerning a foreign clan living among the

Lushai, this is said of a man Chongthu, the inventor of a ritual song:

> "Because he was so rich in Mithan (bos frontalis), gongs and necklaces, he first celebrated the Chong." /4/

On the whole, the only things to which ritual value is attached, are head trophies and mithan. The head trophies do not play such a prominent part as with the "real head hunters": possession of heads is not associated with rank. The mithan is killed for food, in which consists its only utilitarian value. On the other hand this animal is their largest unit of wealth. It functions very prominently in ritual, bride wealth, indemnities and fines. The mithan are given salt by their owner but otherwise left to seek their pasture for themselves. Not being looked after, they cross-breed with the wild variety of the jungle. They are all part of one herd, that of the village. Herds not being units of ownership and units of care, and changes in mithan numbers not being of direct importance to the people's livelihood, the mithan economy, though complex, has nothing to do with cattle money types. The staple food is rice, meat is supplementary, and hunting far more enjoyed than agricultural labour.

The village is the only political unit. The Thangur family to which the chief belongs, is represented in every village. The other villagers may together form the sub-unit of a clan, or several clan units may be present. The latter case seems more common. The most prominent house is that of

the chief. Opposite stands the bachelor house. There are as many bachelor houses as there are clans in the village. The mithan herds, after returning from jungle pasture sleep in the night under the bachelor houses.

> ".. each village is a separate state, ruled over by its own lâl or chief. Each son of a chief, as he attained a marriageable age, was provided with a wife at his father's expense, and given a certain number of household from his father's village and sent forth to a village of his own. Henceforth he ruled as an independent chief, and his success or failure depended on his own talents for ruling. He paid no tribute to his father, but was expected to help him in his quarrels with neighbouring chiefs.. The youngest son remained in the village and succeeded not only to the village, but also to all the property." /5/

The village is not completely bound to a chief. If the latter's rule is regarded as unsatisfactory, or too harsh, the village may separate from the chief, attaching themselves to another member of the family. Though the chief could not interfere with a collective exodus, he tried to prevent single persons from leaving him.

> "..it was (for him) customary to confiscate the paddy of any person who left the village without permission, but leave was seldom refused, if the emigrant intended moving to the village of a friendly chief; and if the fugitive took refuge with a more powerful ruler.. a demand for the prompt surrender of all his property .. could not be ignored". /6/

The chief was primarily a war leader, though he could not take an active part in the fight. All chiefs belonging to one family, a truce concerning their persons was observed. /7/ Lewin, commenting on the disrespectful behaviour of a drunk villager towards his chief, was answered by the latter:

> "On the warpath or in the council I am chief and my words are obeyed; behaviour like that would be punished by death. Here, in the village, that drunkard is my fellow and equal." /8/

Raids were directed against other Lushai settlements, while other tribes, as e.g. the Nagas, remained usually unmolested. /9/ The raiding range was remarkably wide. Shakespear records the case of a raid, about 1850, when the villages concerned were apart "about seventy miles in an air-line, and at least twice that by the jungle path". /10/ In all these affrays the casualties were small; on the whole, warfare was not highly developed. The art of surrounding the villages with stockades was copied from the warlike Chins in the course of the second half of the 19th century. /11/

> "As a rule, only strong women and children who could keep up in the retreat were taken, all other captives killed on the spot, and should any captive lag behind, a spear-thrust quickly ended her career, and her head was taken on to form an ornament in the raider's village. Occasionally a few young men were carried off to be killed during the festivities which were held in honour of the success of the raid." /12/

Elderly villagers appointed by the chief form the village council over which he presides. It meets in his house to discuss village affairs, to decide disputes and to levy fines. The losing parties pay fees which are kept by the councillors. Part of the imposed fines are kept by the chief. The chief appoints a man to call out his orders, and agricultural specialists who decide on the location of jungle clearing. These specialists have the first choice. The village crier

also allots public labour. He is given in payment a small basket of rice from every household, while the agricultural experts have to pay the chief: in their case the general tax of two baskets of rice is trebled. Thus they have to indemnify the chief for the authority delegated to them. The crier's profession, on the other hand, is regarded as service to the village.

The semi-servile institutions forming part of this social scheme will be outlined as follows.

> "Among the Thados and Chins" writes Shakespear, /13/ "real slavery used to exist, and men and women were sold like cattle. Among the Lushais this has never been the case, but there is a class known as "boi" who have been miscalled slaves by those ignorant of their real condition."

These boi, we gather from the description, are persons attached to the chief in various ways, and the Lushai distinguish several kinds of boi accordingly.

One institution is characterized by names which may be translated as "chief's house boi" and "chief's outside boi".(i) Isolated persons become the chief's houselings. Among these are listed mainly people who have been isolated through the death of others, and cannot re-create the kind of association in which they had been absorbed. These are orphans, widows

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(i) Inpuichhung boi: in = house, pui = big, inpui = big house, house of the chief, chhung = within. /14/ (I am not quoting synonymous terms, of which there are several.) Inhrang boi: in = house, hrang = separate. /15/

who do not remarry, and children of young widows who re-married and whose husbands refuse their house to the children from their wives' first marriage. In the latter case the alternative is mentioned of the children being brought up by their deceased fathers' relatives. Family solidarity does not seem to extend appreciably beyond the nuclear group. At least this may be inferred from the sharing out of the bride wealth, the greatest part of which (3-10 mithan) is kept by the bride's father or brothers, while comparatively trifling amounts are given to the father's sister and others, whereby friends not belonging to the family appear on equal footing with the relatives. /16/ There are, moreover, no cases of blood vengeance recorded, in which people other than the nearest male relatives retaliated. Under these conditions it is not surprising to find many persons as the chief's houselings, who in other simpler societies are taken care of by people under the obligation of a much wider kinship alliance. These people are

> "looked on as part of the chief's household, and do all the chief's work in return for their food and shelter. The young men cut and cultivate the chief's jhum (clearing) and attend to his fish traps. The women and girls fetch up wood and water, clean the daily supply of rice, make cloth and weed the jhum, and look after the chief's children. In return the boi get good food and life in the chief's house, and often wear his ornaments and use his guns and weapons. They have to do very little more work than they would have to do if they were independent, and, on the other hand, they are free of all anxiety as to the morrow." /17/

From this it seems that the boi, in their intercourse

with the other villagers, are allowed to identify themselves with the chief. And their labour, detailed above, conforms to the prevailing division of labour according to sex, and lacks all elements of degradation.

> "As all the chiefs are of the same family, a boi is at liberty to move from one chief's house to another. If a chief or his wife treats a boi bery badly, the injured one goes and seeks for a new master, and as a large number of boi is considered to increase a chief's importance, every chief is willing to receive him, and therefore boi are generally well treated." /18/

Chief's-house <u>boi</u> can hold property. The means by which they may acquire it, are not stated. Every boi can leave the chief paying him one mithan or its equivalent. As bride wealth varies between 3 and 10 mithan, this payment has to be considered a comparatively small indemnity, the formal acceptance of which by the chief acknowledges the separation.

> "When a male <u>boi</u> reaches a marriageable age, the chief generally buys him a wife, (i) and he lives with her for three years in the chief's house; should he marry a female <u>boi</u>, the couple have to live six years in the chief's house." /19/

Thus on the payment of bride wealth for his <u>boi</u>, the chief invests appreciably more than the one mithan that constitutes the <u>boi's</u> ransom; whence further liabilities ensue.

After the period of three or six years respectively, the chief's-house <u>boi</u> changes into an "outside <u>boi</u>".

> "He sets up a house of his own.. and works for himself, but is still in some respects a <u>boi</u>. If he kills an animal, he has to give a hindleg to the chief, and failure to do so renders him liable to a fine of one mithan or its equivalent". /20/

(i) Meaning, apparently, that the chief pays bride wealth on his behalf.

Mutual obligations, apart from the duties rendered by the outside boi, are the basis of this jural relationship.

> "If the chief is in want he can call on his boi to help him, if they have any surplus, and if the boi is in want, he can look to the chief for assistance." /21/

Apparently, no new obligations are incurred through use of the chief's resources under these circumstances. The second generation of boi receives a different treatment in the various villages; the general rule is that those of the children who inherit the boi status, whether their father or parents died as houseling or outside boi, are outside boi.

> "Some chiefs have made it the rule that only the youngest son, who inherits his father's property, is a boi, the remainder of the sons and all the girls being entirely free. Others insist that all the children are boi, and that the chief is entitled to the marriage price of the daughters. They give, as a reason for this, that the chief paid for the boi's wife, and so is entitled to consider the children as boi." /22/

From this we may conclude that the strongest element in the chief's claim is a right evolving from the payment of bride wealth.

> "A female boi is allowed to marry, and the chief receives the marriage price, and when this has been paid in full, he has no further claim on the woman or her children during her husband's life time, but should she be left a widow, she is sometimes forced to re-enter the chief's house; but as a rule, if she behaves decently, she is allowed to remain on in her husband's house, and manage his property on behalf of his children, who are never considered boi. Should she remarry, the chief will again receive whatever sum is paid as her marriage price."

This illustrates the import of the bride wealth's reception by the chief for any of his female boi. It is an

indemnity paid for the cession of the chief's rights to the husband. This cession does not end all the chief's rights, does not sever all the ties between chief and boi woman, just as, in the case of an ordinary woman's marriage, her father's family retains certain rights. When an ordinary woman - one hesitates to call her a free woman in contrast to a boi woman - becomes a widow, of the two rivalling claims concerning her, that of her paternal kin and that of her husband's kin, the latter proves stronger in the majority of cases. /23/ But as the chief's claim is stronger than that of an ordinary woman's kin, it cancels the claim of the deceased husband's family; if she has children, the case is different. These children belong to the husband's kin, and, "if she behaves decently" i.e. if she is accepted by the husband's family as custodian of the children, her connection with that family is stronger than that between her and the chief: she remains "independent".

There is another point to be considered in the comparison between a relationship established by the payment of bride wealth for an ordinary woman, and a relationship established by the payment for a boi woman. The transfer of the bride wealth established relationships among all the persons concerned; the bride wealth is shared by several recipients in an ordinary case; but when a boi woman is given away the undivided amount goes to one person only. Thus the rights of the chief which are recognized and not completely

relinquished by the transfer of the bride wealth, and the undivided amount is correlated to a more concentrated right. Thus in the person of the chief, apart from his political authority, rights and duties are accumulated which otherwise would be scattered among several people.

Yet another institution is that of the Red Dao boi.

These boi are people who needed the chief's protection and took refuge with him:

> "Murderers closely pursued by the avengers of blood rushed into the chief's presence and saved their lives at the expence of their own or their children's freedom. Debtors unable to pay their creditors sought the chief's protection, and he released them from their debts on condition that they and their children became boi. Thieves and other vagabonds avoided punishment by becoming the chief's boi. Civil disputes were unblushingly decided in favour of the party who volunteered to become the chief's boi." /24/

Red Dao boi do not live in the chief's house. They have the same duties towards the chief as the outside boi. But without local variation, all their children inherit their status, and the chief receives their daughters' bride wealth./25/ It is not mentioned that a Red Dao boi can buy himself off. This is the case with another kind of boi, the "Enter by Promise boi."

> "These are persons who during a war have deserted the losing side and joined the victors by promising that they and their descendents will be boi.. (Such a person) can purchase his freedom for a mithan, and if there are three or four persons in one household one mithan will release them all. As a rule, the daughters of (these).. boi are not considered boi. (Such a boi) does not live

> in the chief's house, and is in most respects in the same position as an.. (outside) boi." /26/ (1)

Shakespear seems to have simplified too much this description of the boi status of prisoners of war, as the above statement seems to contradict his account of the state of things in chief Kairuma's village:

> "When we first visited Kairuma in 1891, we found some 80 houses of Thado, Biate and other clans living in his village in a species of serfdom very much on the footing of the .. (Enter by Promising) boi, only that Kairuma received a mithan out of the marriage price of each of the daughters as well as the other dues. These people were remnants of conquered clans and were not allowed to leave the village. I was assured that, if any of them tried to run away, a party of young men would be at once sent off to kill or bring back the fugitives. When Kairuma's village was burnt, owing to its continued contumacious behaviour, all these people made their escape to the villages of their own clans." /27/

From this it seems reasonable to conclude that the status of prisoners of war among the Lushai differed according to their origin. There were the ordinary village feuds in which the hostile sides regarded themselves as united by some bonds of clanship. In the case of the chiefs it was too close a kinship relation to allow for active fighting. In the case

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(1) Chemshen boi: chem = dao (the short sword or long knife of the hill tribes), shen = red; Tuklut boi: tuk = promise, lut = to enter. /27/
It is peculiar that the name Red Dao boi is given to those who take refuge with the chief because of internal village conflicts; superficially, this name would have been more fitting for one or the other category of war prisoners, as the red dao is a symbol of feud. "Should the message (of the chief)" writes Lewin /28/ "be a hostile one, the messenger carries a fighting dao, to which a piece of red cloth is attached."

of the other villagers, different sections of the same clans may have opposed each other. The composition of the villages indicated above, usually excluded situations in which such composite Lushai groups who faced each other, were of totally different clans. And even when the villagers of the one side belonged to a clan which was not represented among the population of the other, the hostile villages recognized a common bond; whether this was expressed in terms of a common descent of all the Lushai clans, or whether it was felt to be the allegiance, common to them all, to chiefs of the Thang-ur branch of the Lushei clan, we do not know; nor is this revelant. But structurally, there is no great difference between a person's transfer to another village, because of his becoming captive in a feud and the perpetual shifting of individuals, families and larger groups from one Thang-ur dominated village to another; whether this latter movement occurred at the splitting off of a new village at the accession to independence of the chief's eldest son, or whether it was the case of a collective exodus in revolt against an unpopular chief, or the moving from chief to chief of dissatisfied boi etc. All these, including the integration of Lushai prisoners through chiefly patronage, were various movements within the same framework, the three components of which, clan allegiance, territorial integration, and leadership of chief, were implied in each case in the same way. But the taking prisoner of

individuals and groups who do not belong to the framework of feuds and population movements, was bound to constitute relationships of a different nature. This difference we can only appreciate in regard to another institution, that of the sâl.

Sâl were captives of individual members of the chief's force. Shakespear distinguishes between voluntary and involuntary surrender, this is implicit in his statement on the capture of the "Enter by Promising boi". Of the sâl he says: /30/

> "Their position is different from that of any of the classes of boi. They are the personal property of their captors, and I am told that when guns first made their appearance in the hills the western tribes used to exchange their sâl with the eastern tribes for guns, one strong sâl being worth two guns. As a rule only children and marriageable women were taken captive, and the latter were disposed of in marriage, the lucky captor acting in loco parentis and taking the marriage price. The children grew up in the captor's house as his children, and as a rule were so well treated that they seldom wished to return to their former homes."

Before comparing the status of the sâl with that of the captives who belong to and become attached to the chief, let us consider this: a surrender that takes place in the course of military actions or while the conquered village is being looted, must be mainly a surrender of person to person. If warriors, or groups of warriors, surrender while not, or not yet, engaged in single combat, they can only surrender to the whole hostile force, which means to their leader, the chief; they are, in this regard, in the same position as groups of householders whose homesteads have been taken by the raiders.

Thus the distribution among chief and commoners of the prisoners is conditioned by the mode of resistance, without implying an appreciation of it. Captured warriors would be more likely to be found with the chief, children and women perhaps more evenly distributed. The sale of captives abroad having been caused by the traffic in and need for European weapons, can be discarded for the present purpose as not bearing on the primary structure of these institutions. These later changes made desirable the acquisition, too, of grown up male captives, possibly warriors, by the commoners, for sale abroad. Before this happened, the commoners' captives were, we are told, women and children, who were quickly assimilated to the village structure through marriage and - albeit not formalized-adoption.

Thus to be sâl meant to be a person for whom a commoner of the village (in which that person had not been born) acted in loco parentis. The right to do so, and the right to exclude claims of others to do the same, was derived from the act of capture. There were three possibilities of acting in loco parentis:

1. To transfer a woman who had not been part of the man's (the captor's) household to another man's household as his wife, on receipt of the bride wealth.

2. To give away in marriage a woman who has grown up in his household, as he would give away his own daughter;

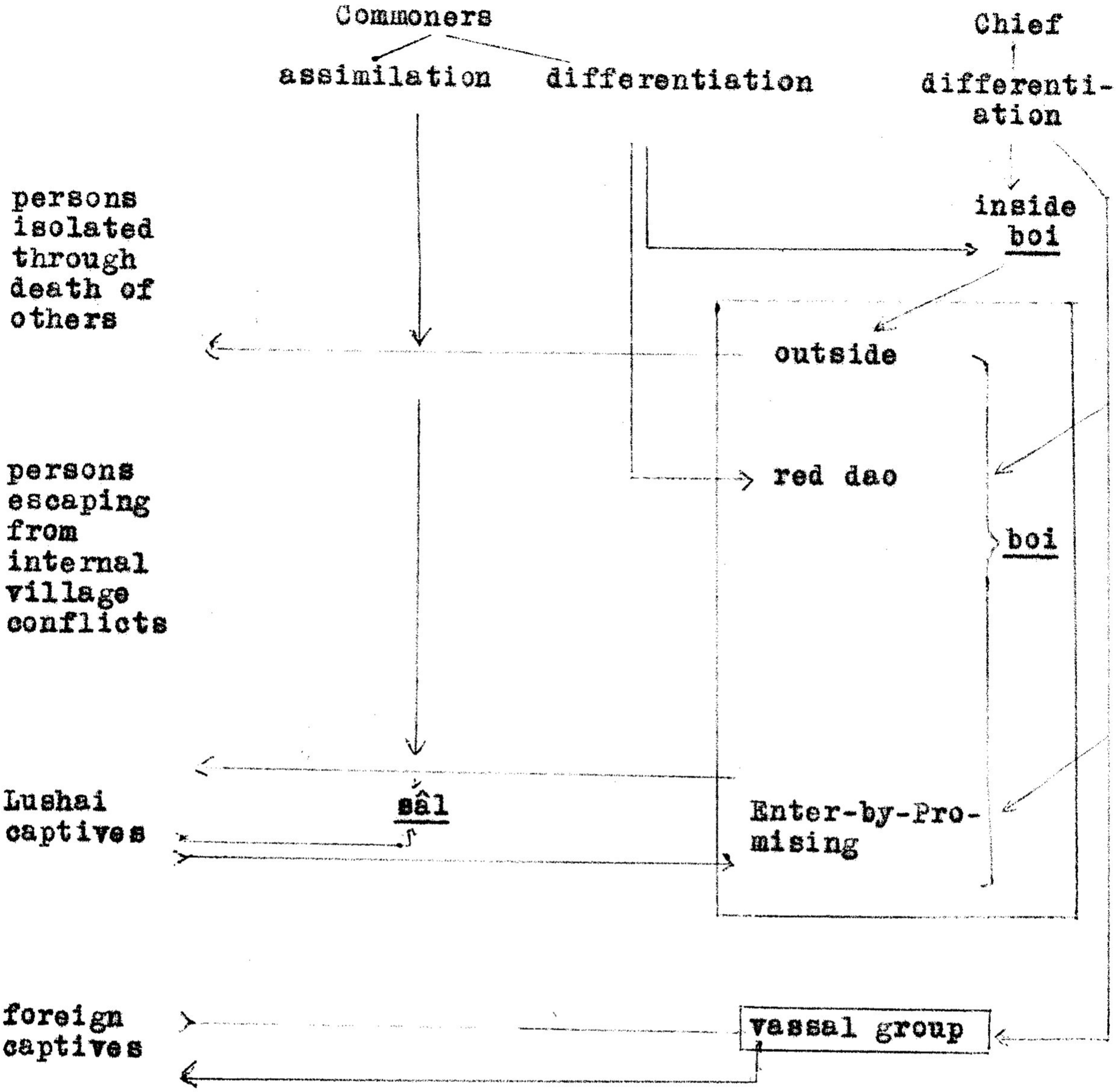
3. To assist in marriage a man who has grown up in his household, as he would help his own son toward marriage.

This would make the commoner more interested in the adoption of female children; he would like to bring home from a raid a boy, if he had no son of his own. It also explains the preference for unmarried girls in raid capture, which Shakespear seems to imply; unmarried women could be more easily assimilated in the way described. But all this suggests that the home-ties of the captives taken in ordinary village feuds were respected as part of a common and wider social structure.

In this general structure the Enter-by-Promising boi differed from the sâl only through different relations to the chief. Captives who came in charge of commoners were assimilated to the village unit, captives who came in charge of the chief became differentiated. And those captives who could not be assimilated by the village - grown up males - were ipso facto in charge of the chief. Differentiation we may call this process because it results in setting up a body of people who are different from the other villagers and who are grouped together because of their special obligations to the chief. This differentiation and this assimilation are interdependent and complementary in a process of integration which is the main object of interest to the sociologist.

From all these groups of people differed the foreign (not

Lushai) prisoners, taken in wars which had nothing to do with the feuds just discussed. These people, we may infer from the description quoted represented entire sections of captured villages. They were not isolated persons whom village and chief tried to integrate into the existing structure; they were groups of inter-related families who, if their escape could be prevented, at a later time would become a foreign clan living among the Lushai; and (structurally, not culturally) they would become Lushai-ized to the degree, to which they took part in the splitting off and moving about of Lushai groups within the framework of Lushai villages and chiefdoms. The fact that they were regarded as a social unit of its own, and not as a group of people whose integration into the village needed additional authority structures and social mechanisms, is born out by the marriage of the women who were among these people; not the chief nor any other Lushai had a claim to their bride wealth, because nobody acted in loco parentis. The girls were given away by their own people like the other girls in the village. But the chief taxed the bride wealth received by the fathers of the girls.



The boi System of the Lushai of the Kuki-Chin.

Assimilation and differentiation as parts of an integrating process.

The exceptional character of taking male sâl prisoners compares well with what we have learned about Safwa structure. There as here was the main interest in the capture of females, without their enslavement being intended. Once they had passed into the village and the dangers of the hostile transfer had subsided, there was no degradation involved in the new potestal arrangement. The difference between the position of these female sâl and that of the Safwa female captives is that the latter's marriages were regarded as being similar to other marital unions which gave the husband more rights than the dominant type of marriage: acquisition of foreign women who would have to live out of touch with their kin (i) and union with women who were handed over in the discharge of fines, while the sâl marriage of the Lushai was the only one of its kind.

A more fundamental difference lies in the function of the chief. In the case of the Safwa chief-varakuta relationship this function can be regarded as a differentiating one: the lads attached to the chief become differentiated from their fellow tribesmen through this new relationship. But in the case of the boi of the Lushai the differentiation has set in before the individuals establish their relationship with the Thang-ur chief; they are warriors who surrendered

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(i) Among the Tiv the marriage of a girl from a distant village fulfilled the same function.

and would be a foreign and difficult element in the village, orphans, widows etc who cannot rely on the support of their kinfolk and therefore find themselves in a special position, people who have involved themselves in conflicts from which they cannot extricate themselves by their own effort and the resolving of which may affect group relationships and disturb the orderly conduct of village affairs. In all these cases the individuals establish an alliance which makes it easier to fit them again into the village structure, and, particularly in the case of people of the same village, the situation which isolates them and makes them different from the other villagers, the subsequent institutionalization of their different position through their alliance with the chief, and the final re-assimilation of these people or their descendents must be seen as parts of one process of integration (cf. diagram).

We notice the importance attached to the marriage of the boi. In the case of the orphans it is to be expected that they reach maturity and have to marry. But this does not seem to apply only to orphans: the general impression is that the people who are allowed to solve their difficulties by entering into boi relationship are young persons. This seems the only clue to the alternative of submitting a man to the communal legal procedure and the customary penalties, or letting him have a new start as boi. There is a difference, though not a jural one, between persons committing crimes and

misdemeanours, who are young and though for jural purposes just as responsible as older ones, cannot be punished in the same way as older people without damaging the life of the community, and older offenders who have already gone through their crisis of revolt against the social order, and become involved in conflicts as ne'er-do-wells. Modern society copes with the difficulty by assuming a gradation of responsibility, which is at its lowest when the chances of improvement of the offender are the highest. Simpler societies have not this concept of juvenile delinquency, but as in smaller human groups the adjustment of individuals is more urgent, and persons cannot easily be spared, the function of the chief to whom the offender escapes and with whose help he becomes re-integrated, is very vital indeed. It is not suggested that the chief acted from other motives than with a view to enhance his prestige by attaching as many people as possible to his house; yet another question is why the community on whose goodwill and co-operation Lushai chiefship completely depended permitted this institution to exist. The answer may very well lie in the direction indicated: a certain part of offences and conflicts are the work of maladjusted persons whose punishment is sought by the offended or victimized party, but whom the community does not wish to be entirely excluded. This maladjustment must be seen as a normal product of social gorwth: society cannot reproduce itself without allowing for

a certain proportion of people who do not fit in, create difficulties and become detached. The boi system worked as a device to overcome these results of normal social life.

The conditions of the functioning of this system can be summarized thus:

1. The peculiar kinship cohesion among the Kuki Chin: the solidarity groups were very small, as far as help for people in need are concerned, while on the political level large kinship segments were active.

2. The position of the Theng-ur chiefs in the villages: the chiefs belonged to one family, the dissatisfied boi could exchange his patron without such a migration, or rather circulation, affecting the prestige of the individual chief; thus the boi retained some liberty which made his position not appear degrading.

The differences between this system and one of servility is obvious; the greater interest lies in the fact that the status can be inherited. Even from the incomplete data of this instance we can see that from such a system no slavery can develop if all the other social factors remain the same. A development of slavery from the state of things described, and this would have to mean an arrangement in which chiefs only could have slaves, (i) would presuppose changes having taken

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(i) An arrangement very common in many parts of Ludonesia.

place either in the relation between chief and village, or in the political functions of the kinship groups, or both. But an increase of the control and disabilities of the boi, which would justify us calling the system one of slavery, could not be due to economic factors. We have seen that even the up-setting of exchange values caused by the introduction of rifles resulted only in prisoners being sold; but the fact that prisoners were sold for rifles did not affect the status or the labour functions of those not sold.

XVI

Comparing Uitoto and Lushai society, we may describe the latter almost as pluralist. The villages are composite units, each kinship segment has a bachelor house of its own; but the solidarity of the larger groups is very weak. Therefore, before coming to any conclusions as to the way chieftainship affects the apportionment of detached persons, let us consider a structure in which the two kinds of power, balancing each other, are harmoniously integrated. The Chagga chiefdoms seem particularly useful for this purpose, and, though no servile relationship proper comes under survey, the institution of the clan-exile is worked out so carefully that its study sheds light on all the principles involved, some of which are important parts of many servile institutions. The population has been described among others by the Rev. B. Gutmann in several detailed monographs. He often refers to the changes brought about in recent years, and several times he attempts a reconstruction of earlier times. The peculiar balance between chief and clan authority he explains by a late development of chieftainship among the Chagga. For the present purpose, however, only those data which refer to the state of Chagga society at the beginning of this century are considered. Societies change more or less rapidly, but the history os such changes has nothing to do with the morphological significance of individual

phases, however short lived.

The Chagga live in the Kilimanjaro region of East Africa. There are 31 chiefdoms and 400 clans. Some chiefdoms count less than 1,000 heads, one over 17,000. The clans are patrilineal, patrilocal and exogamous. At earlier times alliances were formed among groups of three clans whose members intermarried regularly.(i) The clans are either strictly localised or dispersed through several chiefdoms. They retain the old clan name, or they represent new offshoots of 50 old clans, sub-units which have become independent. In all these cases the clans exist as firm territorial units. Thus in one particular chiefdom numbering 7,000, Gutmann counted 80 independent clans, 40 of which had been associated with their territory for a long time. The clans stress their difference to an unusual extent. They differ in their marriage rites, and as the most fundamental difference they regard the pregnancy periods attributed to the clans. The Chagga hold that the women of some clans bear their children for 8 months, others for 9, and yet others for 10 months. Women are not supposed to inherit these qualities. They acquire them through marriage, conforming to the biology of their husband's clan./2/

The ritualized segregation of the clans is coupled with an effective internal organization. Each clan is led by two

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(i) These triple alliances seemed to have been based on exchange marriage. /1/

officers: by an old ritual expert, called the Old One and by an energetic younger man who acts as the chief administrator and attorney of the clan.(i)

The Old One supervises the ritual affairs of the clan and represents the clan where its ritual interests are involved. The attorney sees to it that the clan orphans are properly fed and he assists their marriages. He represents the clan before the chief. Or, to put it differently, the chief negotiates with the clan through one of its members appointed to that office by the clan. The attorney stands, as it were, on the outer-most boundary of the clan-sphere. /3/(ii) The officers of the chief, on the other hand, are members of their clans, and it is through clan ritual that the office is acknowledged. When rituals installing the chief's officers have to occur at the chief's place, this happens in the presence of ritual representatives of the clans concerned. These officers are administrators of the districts of the chiefdom. They are responsible to the chief, and they have to plan and order the soccage work. They are, however, not completely responsible for all soccage affairs. Absenteeism is the concern of the soccage signallers, who call the labour groups to work and to

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(i) I have substituted these names for Gutmann's translations of the native terms, as these sound somewhat fanciful in English.

(ii) All this has of course disappeared in the course of European (German) rule.

whose office attaches great ritual importance. These signallers are regarded as clansmen rather than chief's men. If a district officer finds a signaller inefficient, he informs the chief who summons the attorney of the clan to which the inefficient signaller belongs; the attorney delivers the chief's proposals for a change of the officer, and the clan reacts to it. Moreover, all signallers form a ritual alliance which is highly respected; this is the main occasion on which the ritual particularism of the clans is set aside, while the beasts for the signallers' feasting are provided by the chief. /4/ In jurisdiction the balance between chief and clans is no less carefully preserved, arbitrator-judge, jurymen and advisors, all acting in well defined spheres of competence.(i)

This is the background against which the institution of the clan exile has to be seen.

The clan expels harmful or asocial or unpopular members. These are not individuals who have committed crimes, as those would come before the chief's court and the clan could not

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(i) Structurally the most interesting feature of interclan and clan-chief relationship was the prohibition of alliances of blood brother hood between individuals. Such alliances were permitted between groups (clans or segments) in which case the total structure was strengthened. Blood brotherhoods of individuals which cut across clans were illegal; they were against the interests of the clans concerned, and against the constitutional relation as well which existed between clans and chief. Therefore the offender was punished not by his clan but by the chief who impounded some of his cattle. /5/

sever its ties with the man before the judgment has been carried out. Exiles are people who have not shown enough clan solidarity, by siding with other units or the chief; or persons from whom the clan wishes to withdraw its solidarity, as e.g. men for whose debts the clansmen had been made responsible too often, persons whose court fines the clan had too often helped to pay, soccage slackers, whose additional penal labour the clan may share, etc.

The expulsion happens in the presence of chief and clan members. The clan attorney produces the solanum plant, which is the country's commonest weed, and the fruit of which symbolises nature as enemy of human society and labour. It is the symbol of outlawry. The fruit goes from hand to hand and is spat on by the clan members. Then the attorney throws it at the person who from that moment is exiled. The clan is no longer responsible for him, and he and his family are in the charge of the chief. /6/ Ritual curses are uttered by the clansmen and the exile has the choice of two attitudes. He may meekly acknowledge the clan's decision or he may retaliate, cursing, proclaiming his decision never to return to the clan./7/The latter case, the complete breach is rare, (i)

(i) The clan is interested in avoiding this complete breach which would leave them affiliated with the near relations of the exile, now a hostile man. It is of particular interest that this does not refer to male kinsmen of the exile, though without any deeper

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and here we shall deal with the most common events of Chagga life. Let us therefore consider the first possibility only.

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knowledge of Chagga structure one might have supposed that a case in which two brothers separate, one of whom remains in the clan and easily identifies himself with the exile, would be the case most likely to be avoided. This is not so; in fact, the separation of brothers and rifts in the male line are compatible with the general pattern of social growth, according to which lineages split and groups separate. "An exile" says Gutmann /87 who has separated himself from his clan by reciprocating the curse - by means of the 'curse of the bell' - seems to the clan a constant threat to their existance, if he has a sister of his own or a married daughter." Gutmann relates that the people of the clan fear that the exile may be able to induce these women to put spells on them which would affect the clan, so that the clan would become extinct. Ahalysis of the symbolism shows that the spells are directed against the fertility of the clan land and against that of the men of the clan. To prevent the danger, the clan has to call before the chief the exile, and his sister, or his married daughter accompanied by her husband, and the representative of the clan with whom the exile is now residing. In this assembly countermagic is performed by the chief which seems to bind legally the parties. One might say that the magical rite has the funetion of a solemn promise. An explanation satisfied to remain on the level of the ritual idiom would have to say that of course it was for the female to damage the males who are the lineage, and that spells to bring about male sterility should emanate from females. All such explanations do not account for the particular avoidance of a separation when a married daughter would be the potential danger. Why need not the sister be married to be dangerous, and why must be daughter be married to be a source of anxiety?

Apparently the hostile self-exclusion of the exile would, under certain circumstances, damage the whole web of kinship. If the man's sister were to marry, the clan would lose her, because the woman's brother would be the main link between her and the clan; if he leaves the clan and his daughter has not married yet, the girl is not given away as a woman of the clan, and is lost like his other children to the clan; unlike his sister, the unmarried daughter is not supposed to stay where she is.

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The chief may keep the man as his servant though this seems to be the exception. Probably it happens only when the chief has had important business with the man prior to the expulsion, or when public opinion regards him as responsible for the clan's decision. When the expulsion is believed to be unwarranted, the exile's mother's birth clan receives him./9/ From the description it is not clear whether this clan approaches the chief and whether in such a case the exile is completely adopted or on what terms he lives with that clan.

The most common procedure is this: the chief, in his administrative capacity, approaches another clan, asking them to receive the man. This we shall call the protective clan, distinguishing it from the home clan. Once the exile is settled with the protective clan, there are three possibilities: either he is found unbearable there as well, in which case he is handed back to the chief. The chief announces this state of things, declares that he has no interest in the man and surrenders him to the public. This surrender of the exile and his subsequent execution are strictly speaking not chief or clan affairs. In this case the public, confronting the chief, does not fall into social bodies with various interests, and the man is killed by the public and for the public. /10/

If, on the other hand, the daughter is married, through that marriage an important relationship is established between two clans which may be seriously damaged.

If the exile has proved satisfactory he either remains with that clan till his death (though not during and after his death) or he returns to the home clan.

His status in the protecting clan is clearly defined. No stigma attaches to him; he enjoys the cooperation of the clansmen as an equal. In full possession of his property, he can deal with it as everybody else. He is not, however, a member of the clan. He does not share in its ritual nor in its ritual peculiarities. If he marries, he does so according to the rites of his home clan from which ritual experts are dispatched to supervise the ceremony, without having any personal dealings with the exile. /11/ Personal contacts between home clan and exile, are most carefully avoided on the whole, though it is customary to manifest good will in an impersonal manner, and cooperation takes place on important occasions.

Meeting in the road, exile and home clan member address trees with greetings, and uttering thanks in the name of the greeted trees. When an exile is in danger it is on members of his home clan that the duty of intervention devolves. Thus on the warpath, when food is short and people fall down exhausted, men will be called on to assist distressed exiles of their clans. The clansman approaches into the exile's sight, and no further. He halves his provision, leaving one portion on the ground. When withdrawing he sings a song,

stating in an impersonal manner, seemingly to the world at large, the meaning of the transaction. Singing, he reiterates that "solidarity has proved strong in hunger". Only after his withdrawal is the exile supposed to help himself. These impersonal songs are stereotyped; this indicates their frequent use. The exile's wish to show himself grateful provides another occasion for these songs. He approaches the grounds of his home clan in night time, leaving outside the man's hut a portion of an animal killed for this purpose. Then he sings from a distance a song ending in "do you hear, it is I who am talking." The benefactor acknowledges immediately, singing in his hut: "Thank you, father of the head, thank you, father of the woman." /12/ This obscure formula is not interpreted by Gutmann. It may be a reference to the two lineages, the one (part of the homeclan) to which the exile's paternal ancestors belong ("father of the head") and to the paternal lineage of the exile's mother ("father of the woman"), thus alluding to the exile's identity in lineage rather than clan terms, and avoiding not only names but also the address of a supposedly unknown person. It is to these lineages that thanks are due. This, however, is merely conjectural.

- Neither the clansman nor the exile talk to others of this gift exchange.

The exile must not be buried by the people of the protecting clan, nor in its grounds. The chief instructs the

homeclan to fetch the body, though usually the exile is fetched while ill, as even the occurrence of death on foreign ground has to be avoided. /13/

There is, on the whole, the tendency to take the exile back after some years of "improvement". The parties concerned in this transfer are again the two clans and the chief. The initiative is supposed to be on the side of the exile. Whatever secret negotiation may have preceded the first public step, the latter consists in the exile's approaching the chief from whom he asks mediation, presenting beer to him. After the homeclan's notification by the chief, the clan attorney (the description refers to him as "leader" of the clan, but the context suggests the above conclusion) brings to the chief a cow and a goat. The cow is killed under ritual circumstances and one of its legs and the goat are given by the chief to the attorney of the protecting clan. The rest of the cow belongs to the chief and his people. Two ceremonies follow, the first being the transfer from clan to clan, the second the reinstating of the exile into his place within his clan. In the first ceremony the attorney of the protecting clan brings the exile whose arm he holds, and tells the chief that the clan, having received this man out of the chief's hands, is prepared to return him. While the attorney releases his hold the chief takes the man's arm, and in an address to the men of the home clan he points out the man's

conciliatory behaviour, merits and economic success, to which, as the receiver of taxes, he testifies. Now the people of the home clan put their hands on the man, and questioned by the chief they reiterate that they are holding him fast. The chief withdraws his hand and the exile has returned.

The second ceremony is intra-clan. It is connected with expiatory sacrifices propitiating the ancestors and in its course juice of solanum fruit is added to the slaughtered animal's blood by the attorney. In drinking this mixture together with the returned man they re-create their alliance./14/

The legal concepts underlying the procedures are shown very clearly in the ceremonies, for which reason I have given a detailed account of them. The position of the solanum exile illustrates two things: how the apportionment of allegiances of unattached or isolated persons is related to social structure, and the nature of the chasm that exists between a man expelled from a comparatively small group of strong solidarity on the one hand, and that group on the other. We have to correlate two features, viz. the status of the exile and the unsevered ritual bond and occasional cooperation between exile and home clan. In this way the clan supports its exile, backing his status publicly. Having the same ritual allegiances as all other tribesmen, he cannot, as long as these ties are publicly recognized, sink lower in the social scale. This excludes servility, though the threat of being killed

without further ado, if the protecting clan rejects him, makes the man live in a position entirely different from other tribesmen.

But the preservation of the ritual bond and of a minimum of solidarity is incompatible with the very denial of it which is the purport of expulsion. The attitudes of aversion and cooperation are present together at every meeting of exile and clansman. It "is a relation in which there is both attachment, or conjunction, and separation, or disjunction, between the two persons concerned." And

> "social disjunction implies divergence of interests and therefore the possibility of conflict and hostility, while conjunction requires the avoidance of strife. How can a relation which combines the two be given a stable, ordered form?"

This is Radcliffe-Brown's question in his paper on joking relationships /15/ and his answer is that the two ways of coping with this situation are given in customs of either joking or avoidance. Joking relationship we will have to observe in the intercourse between the sultans and the pygmoids of Lake Kivu (ch. XIX), avoidance we find in this case; and the impersonal songs are a particularly significant variant of avoidance custom. It must be noted, moreover, that this is the only instance known in literature, of formal avoidance on the socio-political level. Thus we can see, how close the institutions under discussion still are to the life of kinship groups and their jural idiom. There is no doubt, we have

been describing kinship mechanism acting on a higher level of social organization.

As soon as the man finds himself severed from his clan, he is situated in a social no-man's-land, a space which is not structured by clan life and clan spheres. This space is the domain of the other social force, the chief. Thus his expulsion from his clan is tantamount to a transfer into the charge of the chief.

The possible exception we have noted is that the man may be received by his mother's birth clan. This merely means that the expulsion from his own clan does not completely annihilate a man's other relationships, the most important of which is that with his mother's kin. If this relationship provides a firm enough bond, the man may transfer himself to that group. But the Chagga organization being strictly patrilocal, the rival claim of the maternal group concerning an individual's alliance is not formed. The reason for this may be put in the following manner: while a Chagga's paternal lineage /16/ forms his clan, the paternal lineage of his mother does not act as a force, as far as he is concerned in this latter descent line, it is only the minimal lineage, an inconspicuous element within its clan, which is active. To this minimal lineage, comprising three generations, he is allied; this is shown in many ritual relationships existing between a man and his mother's male relatives (three generations),

chiefly her brother. It is safe to say that on the whole the two lineages must be complementary in order to develop compatible strength. They can be complementary only if the one is like the Chagga's paternal lineage, while the other would have to comprise his mother's uterine relatives and her female ancestors. But this not being the case in this asymetrical arrangement based on dual unilateral descent. Both lineages being paternal, the one which is part of the man's own clan is infinitely more important, the mother's kin having a claim only qua family and not qua clan. Therefore the transfer to the mother's birth clan is an exception, depending, we may conjecture, on particular features of individual relationships, and not on features of the structure. (i)

The fact that the chief delivers the exile from his charge into that of another clan has two aspects. Passing from one clan to another is impossible without passing a social sphere outside clan-land, which belongs to the chief. The chief, on the other hand, does not keep the man, because of the still existing ritual ties between the man and his clan, and because of the future possibility of his return. Under such conditions the keeping of a larger number of ex-clansmen would be no asset

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(i) The mother's uterine line is also noted. It is, in Dr. Fortes' terminology /16/ a submerged lineage, having no social functions but only vague magical meaning. This magical meaning (important in contexts of fertility,) is not ritualized. /17/

to the chief. His control of these men would be doubtful, conflicts between him and the clans unavoidable. Such conflicts exist; the political organization, however, is based on goodwill between chief and clans, and we have observed the various institutions that exist in order to minimize the conflicts.

The crucial fact to which the explanation of every feature under discussion returns, is that the exile retains his ritual allegiance. This must be accounted for by the ritual particularism of the clans which reflects a very strong internal solidarity of these groups, and by the clans' desire not to lose unnecessarily people and their offspring.

It is difficult to achieve this end, that is, temporarily to alienate people from their group (as a sanction of the jural sphere of clanship, which sanction is unrelated to the Chagga 'State law' and legal procedure), and to do so without losing the person to the society as a whole, and without lowering his status. We can appreciate the difficulties when we consider the very complex mechanism involved: the "state actions", the three rituals and the whole set of avoidance customs. If we care to put it that way: this is the cost of the preservation of autonomous egalitarian clans under chieftainship, which clans prevent any of their members' servility.

The instance of the clan exile is interesting for two more reasons. It is an instance of internal asylum, that is to say the clan exile has not to go outside his society in

order to take part again in social activities, nor does he need - as happens in the case of the boi institution of the Lushai - to attach himself to a person who is outside the social sphere of the conflicts to which he owes his isolation. On the other hand, there are some features which the two institutions have in common: they both provide temporary solutions (which in the case of the boi may stretch over several generations) of difficulties which must arise in the normal course of social growth in which solidarity groups cannot be reproduced with the same regularity as human beings are produced; and these temporary solutions are part of a process of social adjustment.

Second, a lowering of the exile's status which would make him a servile member of the clan of his choice, cannot be conceived without allowing at the same time for a change in the relationships existing among the clans and between clan and chief.

Discourse (to Chapter XVI)

on some problems of asylum

The position of the Uitoto, Lushai and Chagga chiefs in regard to the apportionment of detached persons has been described, because of the importance ascribed in this study to these pre-servile relationships for the development of servile institutions. Before attempting a comparison of these three types as to structural implications, the range of problems connected with this should be briefly outlined.

1. The relation of the paramount political power of a society to its other authority structures.

2. The conditions under which political power is extended and acts as a differentiating factor on groups of the society.

3. The protective power associated generally with a society's central political power.

4. The gradation of the spheres of political power as conditioning the protective power and the protective mechanisms developing out of it.

5. The conditions under which protective power is extended to members of the respective society only, or to outsiders as well.

These interrelated problems can be dealt with in an appropriate way only in a large scale comparative and analytical study concerned with the interrelation of authority structures. It is impossible, in the present context, to do more than indicate the problems, and return, albeit regretfully, to the

traditional categories of ethnological literature, into which the above problems have been fitted. Thus problems 3/ and 5/ are usually discussed under the heading of asylum. This shall be done here as well (with the necessary criticism of these concepts); a distinction will be made between internal and external asylum, after which we return to 1/ and 2/, as far as the Uitoto, Lushai and Chagga data can be discussed under these headings.

As to asylum, this being a group of institutions, the following observations can be made:

A conflict arises in a social field covered by the activities of a society the (however structured) sub-units of which are A, B, C... A person of C, involved in this conflict, finds himself in a position in which C cannot yield protection to him. He invokes the protection of A. In this arrangement A is not necessarily detached or aloof from the sphere of the conflict, the unit A functioning on the same level as B, C.. A merely substitutes its own protective power for that of C, and does it on particular terms. The person concerned is either unable to invoke C's protection, or finds C's protection unsatisfactory, or is involved in a conflict with members of C.

Another possibility is that the person seeks the protection of a group distant from the social field of the conflict, be it that the society's sub-units are widely spaced,

or that the fugitive enters the grounds of another society.

A third possibility is that the protective power functions on a level different from A, B, C. This is the case with the paramount political authority of a group, or with - as is common in West Africa - sanctuaries, shrines, oracles which are extra-clan or even inter-tribal.

It is profitable to bear in mind these structural differences, rather than to embark on explanations which border on psychology. The latter reason thus: magical power attaches to authority. Magic is protective. Wherever we find authority, the possibility of magical protection is concomitant. Unchallengeable power may yield unchallengeable protection. To Thurnwald, e.g. this magical element appears to be the same in the various kinds of asylum, and the explanation he desires is the pointing out of this common feature. /18/ As in other fields, e.g. in the various institutions of marriage, inquiry is not satisfied with the exposure of the common element, this approach is discarded here as well. As indicated, it is determined primarily by the society's structure which of its factors is permitted to have the greater protective potential; it is only secondarily a matter of social structure whether the protection given forms a temporal or permanent relationship; and the terms of such a relationship do not depend only on the relation existing between the different spheres of authority. Thus a variety of factors is involved, the working

of each of which can be illustrated by morphological series.

As the notions of social parity and protection are incompatible, the cases of asylum given on such a basis conform to the pattern of short term hospitality, Both the parties exchange gifts, thus testifying to their equality, as the protector serves the protected during the meal to make it quite clear that the other person is not inferior; Badani Arab etiquette goes as far as preventing a difference being made between guest and supplicant, thus protecting the stranger against questions answers to which would disclose his circumstances. Similar usages seem to have prevailed among the Homeric Greeks and the Teutons.

Inequality of protector and protected being very marked in most cases, protection forms a basis for servile relationships. The discussion of a marginal case may be useful:

According to the customary law of Albania a man who feared his enemies and could not rely on the protection of his own kinsmen (his group being too weak perhaps) would approach a more powerful person to take him into his service. This service concerned specified work, either herding or agricultural tasks. Though herding exposed the man to his enemies more than any other occupation it seems to have been the service sought most often by supplicants; the law protecting the man was known as that of the coban, the shepherd /19/: The man was treated in all matters as the paid herdsman of his

protector, who protected him in the same way as his other servants and the members of his family. If the supplicant was killed the protector avenged the murder of a member of his household. Nevertheless, the supplicant had not the same status as the other servants. He might be a person of independent means, he certainly did not depend on his master as employer; he could terminate the relationship, whenever it pleased him.

Thie relationship can be described in various ways. We may say, e.g. that the man's status as a servant was fictitious, in fact a legal fiction enabling him to enjoy another man's protection carrying the injunction to blood vengeance. He could not avail himself of the other's protection by becoming a member of his family: such an adoption might tie him either with dual kinship obligations, or might necessitate the severing of his home ties. Neither would be wanted for a temporary refuge. Thus we have to distinguish the status of ordinary servants (which of course includes the obligations of the master towards them) and the temporary status of a man which has become (for quite irrelevant reasons) assimilated to the servant status; in the affinity of these two status within one authority structure we have a parallel to the several boi status in the Lushai system. In the Albanian case this has not been institutionalized. The reason for this difference must be seen exclusively in the difference of position in the

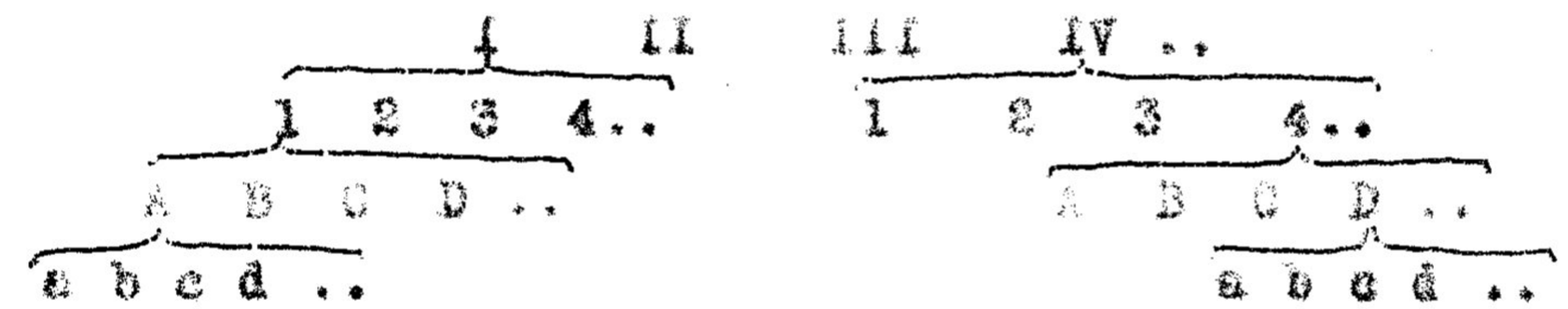
social structure of the Albanian householder and the Thang-ur chief respectively. On the ethnological level of investigating asylum types, the two instances are similar; even from the point of view of comparative jurisprudence we may, in the two cases, detect a similarity; but in a structural analysis and comparison, the dissimilarity will be decisive.

However we put it, we have to recognize the case as somewhat unusual and have to account for it by the anomalous circumstances. These are characterized by the absence of powerful chieftainship or of any other central authority of hierarchy while at the same time the master-servant relation seems highly developed. The coincidence of these two features being exceptional, we have to expect resulting details of similar rarity.

Setting aside now the question as to the terms on which asylum is granted, let us consider the protecting party, As mentioned, the protecting potential of the chief is conditioned not only (1) by his relation to the authority of sub-units (clans, heads of clans, family elders), but also (2), and this is most important where supplicant members of his own tribe are concerned, by the degree of his "aloofness". This second point we shall explain at the beginning and leave a full discussion of the first to a later stage.

The degree to which the paramount authority is detached from conflicts arising within or among sub-units is indicated

by the chief's jurisdiction and the structure of jural spheres. While he is the highest judge in some societies, in other societies jurisdiction is left to the sub-units, which at the same time perhaps stress the chief's supreme qualifications to act as arbitrator, whether in his capacity as warden of the ordeal or otherwise. In such societies we find a hierarchy of procedure, concerning the different levels of association (family, clan, tribe, district, realm) in which conflicts arise and offences and crimes are committed. Classifying these levels a (a b,c..). A(A.B.C..), 1(1,2,3..) and I(I,II,III,IV..),



the general principle of such jurisdiction can be thus expressed: Conflicts between members of a will be dealt with by the highest authority of e; conflicts between members of a (belonging to an A) and b (belonging to same) will be dealt with by the highest authority of A; conflicts between members of an a (which belongs to an A belonging to 1) and a b (belonging to a which belongs to a 4) will be dealt with by the highest authority of the appropriate unit on the 1 level (comprising both the 1 and 4 groups). The smallest unit enjoying this kind of autonomy need not be as large as a

family in our sense, i.e. a group of father, mother (or mothers) and children. It may be as small as to comprise only the sons of a wife who is part of a polygynous family, so that the next level only would comprise a man, his wives and their children. It is indeed the extreme case in which we find this. Among the Fan or Pangwe, conflicts between a woman's sons are nobody else's concern, and as no sanctions can be worked within this circle of complete solidarity, a man who kills his brother goes unpunished. If, however, a man kills a son of his father by another wife, a conflict develops on a different level. Then the units involved are those of the full-brothers of the victim on the one side, and the killer's full-brothers on the other. One group has to indemnify the other for the loss of a man, and this is done by handing over the right to use one of their women (killer's sister) as an exchange bride; the balance is achieved, when the victim's group, through bride exchange, receives an additional woman. If the exchange bride is not surrendered by the killer's group, he is set upon and killed by the victim's full-brothers. /20/ Conflicts and offences of a much less serious kind, however, when they involve groups of a higher level, are brought before the highest authority of the village. Then the village chief, assisted by the elders, decides; he is paid for his arbitration, while the elders see to it that the decision is carried out. /21/

In the course of this survey societies will be mentioned where centralized jurisdiction is an integral part of regal authority, while it will be seen that many societies form intervening types. In the present context it may suffice to point out this series, to which the following consideration may be added.

The more conditioned a society is by centralized arbitration and authoritative jurisdiction the more modifications of the internal asylum we have to expect. In other words: The chief being the judge or symbolizing legal authority cannot as a rule grant escape from his own judgment, or frustrate legal procedure by anticipatory measures. A difficulty arises the recognition of which goes far to explain certain usages. We may refer to them as reflecting a "split" in the chief's social personality. The conditions under which, and the occasion on which the chief can be forced - as it were against his will - to grant asylum, become clearly defined, while at the same time the ritual significance of the merciful mechanism is emphasized. The supplicant or deliquent touches certain regal perquisites or performs specified symbolic actions, the prevention of which would not be impossible, and the asylum is invoked; protector and protected obey together. Needless to say the elements of the particular ritual idioms are not created for or in such usages. They have their life outside such contexts and therefore cannot be explained by

these usages. It is perhaps more often the case that the formalized asylum applies to outside refugees. There the function of the symbolic actions is quite obvious: by these means the supplicant enacts his relationship to the protector exacting thus the recognition of the public. For the logical consistency of the procedure it is irrelevant whether the chief asks the supplicant to perform these actions to make his position clear, or whether the supplicant is "supposed to do so". As there are no facts to support a theory, it would be futile to argue whether the formalized procedure attached at first to the out- or to the inside asylum. Its function in connection with the inside asylum, however, seems to be clear.

A further degree of the "split" is shown in the instances where a member of the chief's family takes over the asylum function. This can be observed among the Tswana. Their system of punishment seems to have developed under the influence of military law and disciplinary sanctions. Therefore punishment is quantitative and deterrent; thrashing is rather prominent.

> "If the sentence imposed is a thrashing, it is carried out immediately after the trial.. But if, while the man is thrashed, one of the bystanders feels pity for him and appeals to the headman or chief, the latter should order the thrashing to cease at once.. Or, if, as soon as the sentence has been pronounced, the man is able to break away and run into the homestead of the Chief's wife or mother, he is regarded as having found asylum and cannot then be thrashed.. The right of asylum extends, not only to cases in which the sentence is thrashing, but to all other cases except homicide.

> Any man sentenced by the Chief, no matter what the sentence, and making his way into the homestead of the Chief's mother, by whom he is then brought to the kgotla (i) must be pardoned for his offence. The fact that under such circumstances he entered the late Chief's house is a sign of his complete submission to the Chief. He is said 'to have entered the Chief's belly', and comes out of it completely absolved." /22/

We note, first, the bystander's intervention. His initiative forces the chief to shorten the chastisement. The initiative cannot come from the chief-judge. The intervention by the Chief's female relation before the execution of punishment is more important: here the status of the delinquent is changed, the crime deleted and the chief has to acknowledge the complete submission of the culprit.

It is clear from the above that the fact that we find in many, and not necessarily more complex societies, the chief paying, in such a situation, the criminal's fines and making him his debtor slave, is not a variation of a custom, but indicates a fundamental difference in social structure.

(i) The men's meeting place in a hamlet; political-administrative centre of social units. The kgotla of the Chief - mentioned here - is the centre of the tribal administration.

XVII

The various instances dealt with in the preceding chapters have brought to attention one fact more than any other: the relation between status and kinship; be it that, as in the one group of cases, the establishment of kinship ties excludes a servile status, be it that, as in another group of instances, the integrity of the kinship ties assures the stability of the status. This is, generally speaking, not surprising as most instances mentioned occur in class- and casteless societies. Only in the framework of social structures of the latter kind, where group relations exist which connote a status difference may a servile relationship be established between a member of one group and a member of another without impairing the right of the lower person to maintain and establish relationships furthering the social cohesion within his group (which group is related to others of similar status). This will be seen (in later sections of this study) to matter most for the distinction between domestic and class or industrial slavery.(i)

Domestic slavery occurs in class societies at least as frequently as in simpler ones. It is nevertheless not part of the class structure, and if slaves are employed industrially

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(i) By domestic slavery, is of course not meant the slave's exclusive use for domestic work, but his attachment to a household.

as well, it happens often that the legal norms applied to the status are taken from domestic slavery only.(i) For domestic slavery, whether found in stratified or unstratified societies, there is the general rule that it is incompatible with the preservation of the complete kinship connections of the enslaved individual. That may mean that the enslaved person is deprived of his former kinship connections - being alienated from his people or expelled by them - but is allowed to contract a marriage that is legally valid, giving him certain rights over his children, while in other societies this too is excluded.(ii) In pure class slavery, and in slavery of caste societies, there is no objection to the social cohesion of the servile group. An exception is European plantation slavery, where, particularly in the colonies of protestant countries and of the French,(iii) slave families were not

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(i) About this point, particularly in relation to the Aristotelian theory of slavery, see the discourse to this chapter.

(ii) As e.g. in Roman society. About this see the same discourse.

(iii) This will be dealt with fully in the appropriate section of this study. The different treatment which the Negro slaves found in the Spanish colonies is due to the influence of Islamic law, and its slave law in particular, exerted on the respective legal concepts of the Spaniards. This humanitarian tendency was confirmed by some trends of the economy of Spanish colonization in the New World: the colonists were interested not only in using slaves but also in having a large population of enfranchised slaves who would become the lower middle class of the new society, and engage themselves in trades which the immigrants who wanted quickly to enrich themselves had to neglect.

"recognized", i.e. they were perpetually split up by sales of individuals. (i)

But for domestic slavery it has to be maintained that as a rule the person entering servility severs his kinship ties; this means, contrarily, that the maintenance of some kinship solidarily implies the readiness of the kin to redeem the slave, which fact influences the status of the slave. In societies where we find a difference of status between the debtor slave and other kinds of slave, this is due to the former's kin remaining interested in the enslaved.

The abruptness of the severance of the kinship ties through sale can be seen in the story of Joseph, where the old father when coming to Egypt has to address his son as a stranger, has to make him perform a vow the formalities of which are incompatible with the Hebrew family taboo (contact with the father's genitals) and has to adopt formally the children of

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(i) Where the society was firmly established on a slavery basis and had passed the stage which Sombart /1/ describes as an economy of looting ("Raubbau" and "Raubokonomie") to ensure extra profits through reckless exploitation of soil, natural resources and manpower alike, the position of the slave became somewhat different, as is obvious when we compare the state of things in the Southern of the United States with that among the shifting planter population with strong home ties so dominant in earlier periods of the West Indies. In the Southern States, that is to say in the late 18th and early 19th century, a "good family" would not easily part with a slave, and would keep slaves "belonging to the family" even to their economic disadvantage. A well established and respected planter family would sell some of their slaves only in extreme stress. Nevertheless, side by side with this semi-feudal attitude, there existed the totally different one of the "slave breeding states", where slaves had to be produced, assorted and distributed like any other commodity, regardless of the social ties that existed among the unfortunate people.

his son into his own family. (i)

From this point of view the instance of the clan exile is of special interest, as the man's kinship ties are kept intact and his social status is therefore unaffected by his expulsion.

In ethnographic literature very often instances of so called slavery are mentioned in which the status of the enslaved person is not inherited. For North America Macleod has made a very comprehensive compilation /3/ from which it appears that slavery with inherited status was common only in the Northern Pacific coastal area, but was alien to the native institutions of the rest of the continent. Persons who were enslaved in such a manner were either prisoners of war who were neither killed nor adopted formally into a family/or tribe, or they were debtors among whom were people very frequent who gambled away their freedom, and finally people who had been bought as slaves from an area where hereditary slavery existed.

Nieboer has given much attention to the sources we have of the North American Indians, and the thoroughness of that part of his survey is one of the most outstanding features of his work. /4/ Complemented by Macleod, some of this data support this observation of Nieboer's /5/

> "Niblack tells us that the Tsimshian sold slaves to the Tlinkits and interior Tinneh; but, 'the last-named had no hereditary slaves, getting their supply from the coast'... we may suppose that among these interior Tinneh

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(i) With the story of Joseph as bearing on the sociology of slavery, I have dealt more fully elsewhere./2/

> slavery existed in a rather embryonic state, and would not have existed at all but for the slave trade. The early ethnologists overrated the influence of imitation and derivation of social institutions; but we must not fall into the other extreme and underrate it." ..

Institutions are imitated, and the fact that slavery "of an embryonic state", that means in every case not hereditary slavery, is so often found in areas in the neighbourhood of others where a full institution of slavery is flourishing, does not always relate to a spread through slave trade. Numerous instances from Indonesia could be quoted in support of this.

In regard to these instances of slavery that is not hereditary, some of which instances may be due to imitation while others certainly are not, a few observations have to be made. It is a little misleading to attach this negative label to such institutions; from a certain point of view, something is lacking, the status fails to be inherited, slavery is not "full". But what does this mean in positive terms? Surely only this, that the "slave", male or female, is joined in marriage with a non-"slave"; (i) and it is misleading to say, as it is often done, that the children follow the status of the free partner. This suggests an alternative which does

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(i) Marriage among slaves is not considered here, partly, because in most societies where slavery is not hereditary there are not enough slaves to make this a general rule, and partly because in some cases, as will be quoted from Tauxier, these "mixed marriages" are arranged on purpose to accelerate the assimilation of the "slave".

not exist. The children are born in the tribe and are people of the tribe; the "slave" parent remains what he is, that is to say, in such societies this is an exclusively personal status which does not belong to the things that can be inherited. We have to connect the inheriting of this status with the inheriting of other kinds of status in the same society, and not explain, e.g. as Nieboer does, /6/ the institution of hereditary slavery on the American North Pacific coast by the fact that food there is very plentiful; it is too well known to dwell on it that in that area rank systems and rank economy (potlatch) are most highly and consistently developed. (i)

While we know very little of so called non-hereditary slavery in North America, we are better informed about some African institutions of this kind. The instances of interest here are taken from one area, that of the Mossi-Gourounsi tribes of the French Sudan. The Bobos, according to Tauxier /7/ are agriculturalists who live in villages which are composed of seversl "soukala", extended family houses. The inhabitants of a soukala may comprise: a man, his younger brothers, his sons, the sons of the brothers, and his and the brothers' grandsons, the wives of these men and their unmarried daughters.

(i) This belongs to a group of problems which Hobhouse, Wheeler and Ginsberg intended to elucidate when they correlated their figures and curves of "slavery" and "nobility".

The soukala group owns fields which are the common property of the group. The ownership rights are vested in the head of the group. These "grosses familles patriarcales", as Tauxier calls them /8/

> "do not need slaves for the agricultural work. And the Bobos have very few slaves indeed."
>
> These slaves are fed, clothed, provided with wives like the other men of the soukala by the soukala head. They work for him, that is to say for the family, keeping the same hours and subjected to the same condition as the other men of the soukala.
>
> When they die, their property goes to the head of the soukala."

These "slaves" are prisoners of war. The Bobos do not buy or sell prisoners, which custom they regard as shameful, and as forbidden by their ancestors. From the data of neighbouring tribes it seems, but is not clearly stated, that the slaves were given also girls of the soukala.

More data are available about the Menkiéras who to some extent resemble the Bobos, though they have cattle and the soukala group gets broken up more easily. The soukala head gives away in marriage all the girls and finds wives for all the young men. The bride wealth he receives and the bride wealth he pays - three cows and two steers is regarded as a substantial bride wealth - balance each other. /9/ The members of the soukala have, besides the communal property, small plots of ground of their own. If individual members were to buy a slave to have him work on their holdings, the profit derived from this would have to go to the head, just as all objects of

greater value become communal property.

> "As to feeding and clothing, he (the slave) receives like the other members of the soukala. The head of the soukala pays for the wife to be given to an unmarried slave. If the slave has daughters, the head gives them away in marriage. When the slave dies the head inherits his property." /10/

Thus the so-called slave is in every regard treated like the other members of the group, he marries a "free" woman, he works along with the others; the only difference is that he cannot leave property to his children. This does not matter economically as private property is relatively unimportant and important expenditure is put to the charge of the community, or rather, as the Menkiéras seem to see it, is borne by the head of the soukala. But though economically unimportant, the difference is of jural significance, stressing the special relationship between the "slave" and the head. It is that element which we find both in servile and pre-servile relationships: the "slave" is related directly to the head, and not through kinship links - intervening generations etc - which are important in the social structure.

Another group is that of the Nankanas. Pastoral life is for them just as important as agriculture. This is the main difference between them and the groups just mentioned. It makes soudula structure more complex. Tauxier distinguishes four types: those of people who actually live together and amongst whom everybody works for the group; of those who live

together, but among whom some work for the group while others work on their own; of those who live together but amongst whom each member has his own private land property; finally, of those who live, work and, to some extent own apart. The soukala cohesion is of course stronger, and the position of the head more important, in the two first cases. But even there, the head pays only for a man's first wife, while he must defray himself the expense of successive marriages. /11/ The head is the judge of the soukala, he performs the sacrifices and is succeeded by his younger brother. Even in the second type, he procures wives for all young people and gives the girls away, and in this respect there is no difference in his obligations and rights toward the children of his nephews who work apart, and other members who do not /12/ In the third type, where all live together but every component (elementary) family (called ménage by the author) has its own fields, nobody works for the head apart from his unmarried sons, his wives, unmarried daughters and slaves. He is not responsible for the food or clothing of people other than this relatively small group, but he has the same functions in the arrangement of marriages of both sexes, and sacrifices for the soukala. The same applies to the fourth type, though there the householders may perform their own sacrifices, and participate in the head's grigris. /13/

Slaves were of two kinds: bought ones and prisoners.

It is not quite clear whether the former could be re-sold; the prisoners certainly were not sold. As in the previous instances the slaves were fed and clothed by the head of the soukala, and the unmarried ones provided with one wife. A married slave had a private plot like the other members of the group. The married slaves worked for six hours in the morning, and, after an interval, for three hours in the afternoon on the fields of the master, the rest of their time they could spend on their own holding. The unmarried slave worked several hours more. The bride wealth for the slaves' daughters is taken by the head as that for any other young females of the group. In the two last types of family organization it seems, but is not quite clear, that slaves could be owned by males other than the head. In these cases the owner acted toward the slave as the head in other instances and inherited the slaves' property. It seems that the status of the slave was not lowered by his attachment to the smaller unit. /14/

Among the Dagaris and Zangas the community settlement of the extended family prevails. These groups had in former times many slaves. Only the head of a soukala was the nominal possessor of slaves. Most of the day they worked for him - that is for the community, the rest of the time was devoted to their private holding. As to their marriage, and the right to give away their daughters, the same customs existed as among the preceding groups; the same distinction was made

among them between the kinds of slaves: bought ones and captives. (i) The slaves were fed, but not clothed by the head, who inherited their property. As in the other instances, status was not inherited, which is remarkable, as people of both sexes were bought. /15/

To give two more variations of this pattern in the same region: Among the Mandé-Dyoulas the slaves lived in the soukala compound. If they were numerous, that is more than six or seven, they had a separate compount that was called a soukala, without any particular rights or relationships being connoted by this name. The slaves worked partly for the head of the "real" soukala, partly on their own holdings. All the slaves were fed by the headman, but only the unmarried were clothed as well. The head procured wives for the male slaves, the girl slaves he married to men of the soukala. /16/

Finally, among the Yarsé slave owning was not restricted to the soukala head, every man could hold slaves. They lived in the master's soukala, but if they were too numerous, in a special compound or at the side of the main compound. If they lived separately, the people in command of the slave compound were usually elder war prisoners. (Of the rights and

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(i)

A man was bought	for 40-50.000 cauris,
a woman	for 40.000,
a young girl	for 70.000,
a young man	for 60.000,
a child	for 30.000.

duties of these "slave" elders we learn nothing.) There was a difference between the communal slaves, i.e. those of the head of the soukala (Tauxier's esclave familial) and the slaves of individual members of the soukala (esclave particulier). The former kinds of slaves worked when unmarried from about 8 a.m. till 4 p.m. on the communal fields, with an interval of two hours. Married slaves were owners of private plots on which they were supposed to work before 8 a.m. and after 4 p.m.(i) One day in the week they were entirely free and could work for themselves. During the dry season their labour hours were not scheduled so carefully, and they divided their work between the communal and their private fields. Unmarried communal slaves worked along with the married ones and the other men on the communal fields, keeping the same hours. But as they had no private holdings, the private fields

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(i) In all the instances referred to before, Tauxier gives similarly precise figures for slave labour, and notes seasonal variations. I have quoted him only in this instance, as I do not attach much value to these hours. If we were informed about the labour hours of the other people, so as to allow for a comparison to be made, of course the case would be different.
Another difficulty is this: we are not told about the relative sizes of the communal fields and the holdings of individual members and slaves which Tauxier calls small. By this omission more than one information is withheld. Not only do we not know what in terms of exertion it means to work both kinds of fields, not only can we form no opinion concerning the value to the individual owner of the additional manpower, we do not learn enough about the status relationship which would be to some extent explained by the relative sizes of slave holdings and other private fields.

of the wives of the head were put in their charge for the rest of the time, each slave being attached for that purpose to one woman whom he addressed as "mother", and sometimes they would even help in the work on private holdings of individual male members of the soukala, but this seems to have been rare.

Slaves of individual members seem to have worked still harder. Like the others, they worked for the head, that is on the communal fields, keeping the same hours as the communal slaves. After 4 p.m. they went to the private holdings of their masters, before 8 a.m. and on their free day they worked on their own holdings, if they were married.

During the dry season, their work was divided more liberally between the head, the masters and their own private holding.

The communal slaves and those of individual masters are fed throughout the year by the head of the soukala. He clothes the unmarried ones, the married slaves have to clothe themselves.

The communal bachelor slaves were provided with wives by the head who bought them often as slave girls for 50 to 60.000 cauris. Since the French Government stopped this trade, 1.000 slaves had to get wives themselves. (It is not said how they managed this). The slave girls were given away by the head to men of the soukala.

If the slave was private, these functions were fulfilled by the owner, instead of by the head. The property of the

communal slave is inherited by the soukala head, that of the private slave by his master. But this property was sometimes given as a present to the sons of the slave. /17/

Thus we notice a closer connection between the master's function of providing a mate and his right to the slave's property.

All this applied only among the Yarsé communities the soukala structure of which was not broken up. There was another type as well called décommunautarisé by Tauxier. There the slave works for his master alone, from 7 a.m. till 2 p.m. Later they work (if married) their own fields. During dry season they are left, more or less to themselves. The slaves were fed, and if unmarried clothed by their master; he procured wives for the man and gave the slave girls in marriage; for the daughters of the slave too the master received bride wealth. Since the slave trade was stopped, these marriage rules have changed somewhat, a tendency was noticed among masters with many slaves to marry them among themselves, which led also to a slave's son marrying a slave's daughter. /18/ It is not difficult to see, that it was precisely this arrangement which was formerly avoided by the procuring of wives from outside. Thus the group became for a short time stratified, the "free" people being exogamous, the "slaves" tending toward endogamy.

In all these instances the question of the slave status

of the children of slaves does not arise. But we cannot regard this as the incompleteness of an institution, having observed how carefully and by what variable methods the slave was fitted into the soukala structure. We have to regard the soukala type as an expansive form, both spacially and economically, very much in the nature of the wards of the Southern Bantu. While the young wards of the Southern Bantu, which have not enough people to make them economically worthwhile, are joined by poor, that is herdless, people who strengthen the ranks of the family and occupy an inferior position, not taking part in the family affairs but are in no way servile, in our group of cases the necessary human material was supplied through tribal feuds and the institution of the slave trade the purposes of which were quite alien to the Mossi-Gourounsi type of society. We have observed several variations of a main pattern in which the jural relationships of the so-called slave were modelled on those of the other male members of the group; the marrying off of the slave girls, the providing of the slaves with wives by the head of the soukala does not make these slaves different from other male members; where people generally had private holdings, the slaves had them too; otherwise they did not. The temporary attachment, in one instance (Yarsé), of the unmarried slaves to the wives of the head has many parallels in Southern Bantu ward structure. The only office of importance, in our group

of tribes, is that of the head of the soukala; above him there are village chiefs and still higher chiefs, but the soukala itself, the only unit to which the slave has to be adapted, is by its nature neither stratified nor does it allow for rank (with the exception of the chief office). Therefore the slave, the outsider entering the group, becomes assimilated to the homogenous structure. This is not possible in one generation, but care is taken that the children should fit in completely.

These Western Sudanese cases may stand for many which are described as slavery, or rudimentary slavery, but are nothing of the kind. It is a type of pre-servile institution which has much in common with Lushai and Chagga clan exile patterns, but little with slavery proper. The pre-servile institution of the Mossi-Gourounsi is of a kind which cannot develop into slavery, because it is fitted to the social order of un-stratified society.

Status relationships and kinship structure may be inter-dependent in many other ways. It would be interesting to investigate e.g. the servant status among some societies, when it is a point of policy to avoid the enslavement of the servant who does not work for wages. One instance may suffice to indicate what is meant. Of the people of the Oasis of Siwah, a mixed Berber-Arab population, we learn that they belong to several patrilineal groups which could be described

in lineage terms. Cline says:

> "Men employ their poorer male relatives as servants. Sheikh Muhammad Tomi, when young, worked as a servant of his rich brother. Later he himself grew rich, his brother died, and he became sheikh. One never employs married people or one's female relatives in this way." (i) /19/

Between a man and his maternal relative, a person not identified with his group, a new relationship would have to be formed, and as this could be formed only on the basis of that person's duties in the house, a non-kinship relationship of servile character would arise, probably quite incompatible with the relation existing between the two kinship groups. The servant of the paternal kin enters the household as a person of the family; he is treated as a minor, and therefore he must be unmarried.

There is to be considered yet another correlation between kinship structures and status. This is the position of the illegitimate child, not (as was pointed out in the instance of illegitimacy in the Tswana ward) in the society at large, but in relation to the mother's group among whom the bastard lives. In the large and unstratified units of the Tswana the child is badly treated because of his lack of paternal protection and his anomalous position, but when grown up, the fatherless person can wholly identify himself with the mother's group.

(i) My italics.

In societies which are distinguished by rank systems and correlated concepts of wealth, this must be different: the bastard cannot inherit rank, and as he is without rank, he has to be poor as well. The resulting relationships were often described as slavery. A good example of this so-called slavery was the position of the illegitimate child in various North Californian societies.

Bancroft writes of them /20/:

> "Illegitimate children are the life-slaves of some male relative of the mother, and upon them the drudgery falls; they are only allowed to marry one in their station, and their sole hope of emancipation lies in a slow accumulation of allicochick (shell money) with which they can buy their freedom."

This becomes clearer when compared with some other data concerning specified North Californian tribes. I am quoting Nieboer's summary of Powers /21/:

> "Among the Karoks ... when the purchase-money for the wife has not been paid, the children are looked upon as bastards; they live as outcasts and marry none but persons of their own condition. Among the Hupas a similar system prevails. A bastard is much despised; when old enough he is taken from his mother and becomes the property of one of her male relatives; he is not a slave, and yet has no share in the privileges of the family. The produce of his labour belongs to his master; he may marry only a person of his own condition, and is treated with ignominy. What he wins by gaming is his own; when this amounts to 15 or 20 dollars, he is free. His children are of the same rank."

Here is the terminology of slavery used to describe relationships of an entirely different nature ("buy their freedom" "master" "becomes the property"); the result is confusing.

We are dealing here with a group of societies in which a rank-wealth system prevailed, and in which a man's status depended on the bride wealth paid for his mother. Illegitimacy therefore, that is an instance where no bride wealth at all was paid, meant more than illegitimacy elsewhere. The amount of shell-money or proceeds from hunting mentioned as necessary for ending the servile relation seems rather a belated refunding by the offspring of the bride wealth not paid for his mother. He buys himself off from "a male relative of his mother", that is presumably the person (or his heir) who would have received the bride wealth in the first place. Not having refunded his mother's bride wealth he cannot pay for a woman to become his own wife, and of course marries a person in the same degraded position; the couple and their offspring will remain "bastards" till their kinship obligations are put right. But as this happens in a type of society where concepts of rank and wealth are very firmly rooted, a stigma attached to the new descent group; after their "liberation" they would still be not equals of the kin of the respective mothers, and would have to make a new start from the bottom of this tribal society.

All this has to remain conjectural, as the groups in question have been detribalized or extinct for some time, and no verification is possible. But on the whole, this interpretation seems more plausible than one which credits a society with enfranchisement without slavery, describes the persons as

outcasts though they are definitely attached to certain persons and households, and almost imputes caste features to an arrangement which is explicable in terms of rank - the terms which matter most in that type of society.

As an interesting feature of this pre-servile relationship we may note that the degraded person labours for the "master" who has a right to the man's earnings with the exception of some activities which are probably specified and include hunting, activities the proceeds of which are the man's property. This double enterprise which entails two jural relationships concerning property, is reminiscent of the institution of the peculium, very common in various institutions of slavery.

We have reached the end of this section in which a survey of institutions of various kinds was made with two main objectives. 1. to learn more about the ways in which persons become detached from their social groups and become parts of other groups, and the conditions imposed on this process by the structure of the society, in particular by the division of power between sub-units and paramount authority; 2. to this purpose institutions have been studied which could not be called institutions of slavery in the proper sense, so that, at the same time, some insight could be gained as to the factors preventing the development of full slavery or factors the absence of which is responsible for the relationships in

question remaining pre-servile.

Concerning the first point, enough comments have been made in general terms during the course of the survey; as to the second, only this has to be added:

In theoretical literature the impression has been created that when a person attaches himself or herself to a new social unit or becomes attached to it forcibly, there is the alternative between enslavement and adoption. On adoption, in this function, there exist a great amount of recorded data, which it has not been thought necessary to investigate in order to refute such surmises as the above. We have seen that - as indeed most observers have noticed before - there is no such alternative between becoming a full-fledged member of the new group, or remaining within it as an individual sui generis, labouring under great disabilities from which is no release unless the status reverts to its opposite.

In other words: When we ask why in a certain instance prisoners or other detached people do not become servile, and why in another instance they are obviously in an inferior position without this implying a status which is inherited and allows the person exercising the potestas to transfer the servile one into the potestas of another, it is assumed as plausible that the answers to these two kinds of question must lie in the same direction, this being a two-fold way of asking: why does not slavery develop? This can be shown not

only not to be plausible, but wrong. Adoption, in the sense used above implies that there exists a gap - people not having enough children or having lost a son or husband in war,- that is to say there is pre-established a social personality to which the detached person has to be adapted. No such gaps have to be filled by the persons who are involved in the institutions discussed. In each case we have seen the institution function in a manner that does not allow of the question: why do not these people have another institution instead? (For this is the implication of the question: why does not slavery develop?). Every institution discussed here has been observed to have a number of functions no other institution can fulfil.

If we ask, what are the conditions, favouring on the one hand servile relationships, on the other relationships exhibiting some of the features of the former, but fulfilling different functions, e.g. why a tribal society like that of the Mossi-Gourounsi has people of lower status in their midst without this status being inherited, while other tribes had hereditary slavery, or if we ask why the boi of a Lushai chief laboured like the other villagers, while other societies had slaves whose labour functions differed from those of free men, the difference must be sought in the total social structure and not in labour devices or the lust for power of certain individuals. But if these structures are so different as to develop

and maintain within themselves institutions not congenial to other structures, how can we account for the rise of slavery? In answer to this, we can only note the absence of some conditions in the societies which have only pre-servile institutions and no servile ones. It is always the same: homogeneity versus stratification; be it that the homogeneity refers to the labour functions of the members of the society, be it that the stratification refers to a rank system.

The discussion of the Uitoto and Sushai material has thrown some light on the old question whether the origin of slavery is "extra-tribal" or "intra-tribal". Though no slavery did or could develop out of these institutions, they help us to understand the way detached people, that is those who enter the society from outside (as prisoners of war) and those members of the society who become isolated through lack of protection or their criminal action, are assimilated by the social body. In both cases the difference between inside and outside does not matter. The institution develops in regard to both possibilities. Concerning more complex societies and the development of servile institution in the proper sense, it may happen (as we shall see in a later section), but in most cases does not, that a specialization in one or the other direction develops.

By saying that the alternative of the two origins of slavery was an old question, I did not mean Nieboer's

contribution who, certainly unwittingly, provided new terms for old categories. It seems that 2000 years ago and earlier Chinese scholars enlivened their discussions on sociological and historical subjects by introducing the same controversial topic. Did slavery come about as an enslavement of criminals or of prisoners of war? This is, surely, in terms other than the question about the intra- or extra-tribal origin of slavery? (i)

T. Pippon, to whom students of the sociology of slavery owe a debt for his translation of "Chung kuo nu pei chih tu" (The Slave System of China) by Wang Shi Chieh, (ii) in his introduction (which particularly in sociological insight, falls below the level of the original) says that:

> "The assumption which is almost general in the whole of Chinese literature, that slavery developed only to provide punishment for criminals, seems to be erroneous. Certainly, the enslavement of criminals is an important source of slavery, but to trace back to it the whole slave system, as is done by most Chinese writers, contradicts the natural sociological development." /23/

Wang Shih Chieh mentions that Feng Su T'ung (Wylie, Notes, 163) said that "in the old law there were no slaves; the slaves were all criminals". And from Shuo Wên Chieh-tzu (about 100 A.D.) our author quotes: "In the old times all the

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(i) In contexts other than the hypothetical origin of slavery we shall find Nieboer's dichotomy very useful, especially when discussing the several slave status that may co-exist in a society.

(ii) For expert opinion on this monograph cf. Eberhard's review /22/

slaves were delinquents". /24/ Our author, presumably because of his acquaintance with Morgan and Engels, argues against these scholars; he believes that nomadism preceded "the agricultural stage", and that slavery evolved among agriculturalists making use of captured nomads. /25/ But the enslavement of criminals which has to be admitted, Wang Shih Chieh regards as a later development. Even the commentary to the Chou li is listed among the ancient writings which, apparently against some opposition, stated that slaves were criminals or their families:

> "In the Old Times slaves were the men and women who had been arrested by the authorities of the district as bearing collective responsibility." /26/

This again refers to the families of criminals. (i)

A fuller answer to some of these questions will be given, when we have reviewed a number of institutions of totally different kind, completing the range of pre-servile relationships.

(i) Chinese slave law will be dealt with in several sections of this study.

Discourse (to Chapter XVII)

on the Aristotelian theory of slavery.

Nothing could be more suitable as a complement to these remarks which sum up the attempted comparison of pre-servile relationships in regard to the apportionment of detached persons, than a re-valuation, made on such a basis, of the theory of slavery which is so prominent in that most remarkable of all sociological essays, Aristotle's analysis of social structure, a work which forms the first book of his Politics, but ought to be judged on its own merits and certainly not treated as mere introduction to the master's political theory.

This theory of slavery was of no use to the sociologists who were interested in slavery as a system of exploitation, and whose adequate imagination dwelled on the conjectural origins of this institution: the devouring or rape of prisoners of war. But what must have been surprising to the 19th century sociologists, is still deserving comment: the fact that Aristotle so purposely neglected the use of slaves outside the household. He must have been aware that in his time slaves were being worked to death in mines, and it is unlikely that no information had reached the polyhistor concerning the use of slaves in agriculture generally, in plantation economy in particular, though this system was alien to Greece. Is it, then, because of the intended neatness of the logical deduction that he described the slave as an instrument not of <u>poiesis</u> (production) but of <u>praxis</u> (action) of life?

Has the profoundest observer of man and nature neglected an important aspect of an institution because it would upset a well balanced system of pigeonholes? It is possible that contemporary sociological research is better fitted to answer this question than earlier investigations.

Aristotle sets out to describe and analyse social structure, and he begins with the smallest unit, the household. He classifies human relationships in so far, but only in so far as they form part of this smallest structural unit. The next question concerns the relationship between these small units. He is very careful not to be sidetracked by other sociological issues which would lead him away from the main task: the first purposeful analysis of social structure undertaken in human history.

> "The parts of household management will correspond to the parts of which the household itself is constituted. A complete household consists of slaves and freemen. But every subject of inquiry should first be examined in its simplest elements; and the primary and simplest elements of the household are the connexion of master and slave, that of the husband and wife, and that of parents and children." (i)
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> "We have therefore to consider what each of these three relations is and ought to be: I mean the relation of master and servant, (ii) of husband and wife, and thirdly of parent and child. (I say gamikê and teknopoiêtikê, there being no words for the two latter notions which adequately represent them.)(iii)

(i) Barker's translation.

(ii) servant: means slave (translator's whim)

(iii) Jowett's translation.

> "But besides the three factors which thus present themselves for examination there is also a fourth, which some regard as identical with the whole of household management, and others as its principal part. This is the element called 'the art of acquisition' (chremastic); and we shall have to consider its nature." (1)

The complaint about the insufficiency of the Greek language and the groping for new expressions are, for a sociologist very moving; for here is the first case on record - we can hardly regard it otherwise - of a scientist realising that in dealing with social relationships he has to use a new terminology, expressions which mean just these kinds of relationship and nothing else, and that for such a purpose the current words would not do. These current words were precise enough to argue with their help before a court of law complicated cases of inheritance and misuse of guardianship rights. Aristotle's contemporary Demosthenes found no reason for a reflexion on the inadequacy of the language of his people, when discussing the relationships between persons in terms of rights and duties. We cannot escape the conclusion that Aristotle discarded a jural terminology, and this not because of its popular character when compared to the needs of scientific classification, but because he wanted to classify something different: the kinds of relationship, each of which may be described in terms of rights and duties; and some of these rights and duties may be repeated in each instance of the three kinds of relationships.

(i) Barker's translation.

But what are these three basic relationships? How do they differ from others, e.g. the relationship between two brothers, that basic pattern of all alliances in all societies? Aristotle's three kinds are three kinds of potestas. They are connoted in the household: the head of the household has the one potestas over his slaves, another over his wife, the third over his children. Only in the household are these three kinds of relationships found together, and only there they have been differentiated from each other. There is a definite conception of social differentiation behind Aristotle's classification, and the most impressive feature of it is that he distinguishes clearly - though he does not use these words - jural and institutional differentiation on the one hand, and occupational on the other, a feat rarely performed by the theoreticians of society who followed the father of science.

> "The female (i) and the slave are naturally (ii) distinguished from one another. Nature makes nothing in a spirit of stint, as smiths do when they make the Delphic knife to serve a number of purposes: she makes each separate thing for a separate end; and she does so because each instrument has the finest finish when it serves a single purpose and not a variety of purposes. Among the barbarians, however, the female (i) and the slave occupy the same position, the reason being that no

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(i) meant here is not the sex but the position; it would be better to translate "wife" rather than "female" or "woman" from the context it is clear that Aristotle is not thinking of daughters, unmarried women, and sisters. It is a relation of "ruling and being ruled" - the husband-wife relation.

(ii) naturally: through physis as defined hereafter.

naturally ruling element exists among them." (i)

The occupational specialization, on the other hand, Aristotle does not explain by physis, the laws of existance and growth, which for him include the laws of social growth; (ii) thus the society of the barbaroi, or as we would say: primitive societies, is inferior through being less differentiated. This lack of differentiation (which is not the occupational one) is caused by the absence of the "ruling element" and therefore the position of the slave and the housewife coincide. Aristotle's assumptions about primitive man are not confirmed by any of his observations. This society of the barbaroi is a fiction, just as the savage of Rousseau was fictitious. The Aristotelian fiction tries to explain why the barbaroi are ethnically inferior by reference to an imaginary state of things which is characterized by a lack of differentiation. This he does in order to prove that the barbarians are slaves as a matter of course, and that for a Greek to use them as slaves is quite in the natural order of things. This purpose impresses itself so much on his modern readers that in the ethical evaluation of an obvious fault in the great man ("even

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(i) Barker's translation.

(ii) I say "social Growth" advisedly, and not "evolution." When Aristotle is thinking of the laws ruling multiplication and differentiation in human society we have to speak of social growth. As to "social evolution" proper, it follows from his classification of governments, that he believes, like Ibn Khaldun and Vico after him, in a cyclical movement.

Aristotle says..") the ingenious point he made about the differentiation of the two institutions, is lost. (i)

The fourth principle of the household is the art of acquisition. Here we have to distinguish between what Aristotle says about acquisition, as part of his sociological theory of the household, and that which is, in effect, a piece of cultural criticism directed against the changes wrought by money economy. In the first context - the second has nothing to do with our subject - it is misleading to translate acquisition (chremastikê) by money-making. (ii)

Aristotle raises a number of questions which could be simplified by this summary in modern terms: is the organization of the household conditioned by acquisition, i.e. by economic enterprises which aim at more than the mere maintenance of the household? He replies in the negative. Acquisition, according to him, whatever other opinions might be held by contemporary philosophers, is

> "a part of household management;.. because it is impossible to live well, or indeed to live at all, unless the necessary conditions are present." (iii)

Thus "acquisition" affects the family organization primarily only in a mild way. The kind of organization must be

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(i) e.g. Haarhoff. /27/

(ii) as Jowett translates.

(iii) Barker's translation.

compatible with the acquisition of the things necessary for the subsistence of the group; but the family is not an acquisitive organisation. Therefore, Aristotle argues, the differentiations that take place within the household are not due to what we to-day should call the economic factor. The description of the non-economic part of the authority structure develops into a very ingenious argument which we shall follow after a few considerations about potestal arrangements in classical society.

Aristotle's distinction between kinds of potestas seems justified in regard to the type of society he was discussing. To this type belonged not only the Hellas he knew, but also Roman society well into the time of the Empire. For that type of society it was characteristic that all authority exercised over individual human beings could be described legally as a jus in rem over a person, and had to conform to one of the three main kinds of potestal arrangements. The structural function of this jural technique can be best described as facilitating the working of four rules which have been never stated in jural terms.

1. No person could be the object of several potestal arrangements of the same kind, or of different kinds, i.e. a man could not legally be claimed as a son by one man and as a slave by another, just as he could not be the son of two patres.

2. A person could be transferred from one potestas to another, if these potestal arrangements were different in kind. A son could become a slave, a daughter a wife, a daughter a slave or a vestal, a wife a slave etc. (Re-marriage of a divorced wife would have meant her transfer to a potestas of the same kind, particularly if it had been a formal marriage in manu of the old kind. Hence the divorce laws of Rome developed comparatively late /[28]/.) A slave could become another person's slave through sale. This exception rather characterized the slave status.

3. All temporary potestal arrangements tended to conform to one of the three main kinds. Hence, when a slave was manumitted, he became the client of his former master, a relationship conforming to that between father and son.

4. A person under potestas could himself exercise potestas, provided that the potestas he exercized was of a lower kind than the potestas exercized over him. This main rule of the compatibility of the kinds of potestas, prevented the development of a hierarchical structure: this would have arisen if a person were to wield the same kind of power as was wielded over him, and power would have thus been delegated. But in this society there was not a hierarchy of individuals, but a gradation of kinds of potestas.

The most interesting instances of this are the potestas exercized over the vestal virgins and that over the soldiers

in the army of the republic.

The vestal was transferred from the potestas of her pater into that of the pontifex maximus. She could not be serving in the temple and at the same time be under the potestas of her father; she was attached to the deity and the pontifex maximus exercised control over her on behalf of the deity. The flamines (the lower priests under the pontifex) and the vestals were legally in manu of the pontifex; the official terminology leaves no doubt about that: pontifex maximus capit flaminem, virginem Vestalem! This acquisition - mancipatio - is witnessed by four persons and the libripens; the acquirer (the pontifex), legally the person "qui mancipio accipit", touches the man to be flamen saying: Hunc ego hominem ex iure Quiritium meum esse aio", and Marquardt remarks that the whole procedure is modelled on that of the sale of war booty /29/. More outspoken is the formula referring to the vestal virgin who is likened (not symbolically but in jural regards) to a woman prisoner: Capi autem virgo propterea dici videtur, quia pontificis maximi manu prensa ab eo parente, in cuius potestate est, veluti bello capta abducitur." /30/

The vestal, says Bocking/31/, cannot be a member of a family, a iuri subiecta persona; the death of her former pater does not affect her status by making her sui iuris, and she cannot inherit ab intestato. The "veluti bello capta abducitur" makes it quite clear that the potestas which the

pontifex exercizes over her, is not, from the Roman point of view, patris potestas (as Marquardt imagined still to be the case /32/) but, for legal purposes he was the dominus and she his slave. Thus her transfer to the pontifex meant a transfer into another kind of potestas; she was not transferred from one father to another.

The vestal officiated for 30 years, after which time she was emancipated and rejoined civil life; then she could even marry. Changes made under the Empire have obscured the issue; under Augustus a freedman's daughter could become a vestal, i.e. the daughter of a man who was client of another; this had been just as impossible as the bride of a pontifex or the daughter of a flamen becoming a vestal; and vestals could, in later times, acquire and hold extensive property. /33/

Nevertheless, the conception of the sacred virgins being tied to authority must have influenced many notions concerning them. One instance is the power ascribed to the vestals to arrest the movements of escaping slaves. This may be discussed here, as it has been misunderstood by at least one great scholar.

> "Pliny" writes Fowler /34/, "tells that even in his day people believed that a runaway slave who had not escaped out of the city might be arrested by a spell as a means of keeping the runaway within the city. The word for spell is here precatio, i.e. a prayer, not carmen, which is the usual word for a spell; and Pliny evidently thinks of it as addressed to some god. But no doubt it was originally at least a genuine spell, of the same kind as others used in private life .. and it implies a

> belief in some magical power inherent in the Vestals, of whom we are told that if they accidentally met a criminal being led to punishment they might secure his release."

This seems a rather peculiar interpretation designed to have the Vestals prayer appear as a spell of a "primitive kind" and thus to conform to Fowler's theme, viz. that religious utterances not easily accountable for belong to the earlier stratum of spell and magic while rational religion is part of the later, and to Fowler more attractive, State religion of the Romans. As there is not much "sense" in the Virgins intervening on behalf of the slave owners, their prayer had to be a primitive spell, whatever the contemporary Pliny might have thought about it. In reality things are much simpler: Vestals could hold the runaway slave within city boundaries by their prayer, because their association with the centre, the hearth of the city from which radiated the non-political control over the city as a spacial entity; for a prayer of intercession they were peculiarly qualified in this instance as they were, according to Roman law, slaves themselves, transferred from the <u>potestas</u> of their respective <u>patres</u> instead of into that of husbands, into the <u>potestas</u> of the <u>pontifex maximus</u>.

Their power to release criminals whom they met accidentally, is a quite different matter. It belongs to the same complex of ritual behaviour, which forbids the pontifex to enter a house where a death had taken place. Contact with

corpses, with the delinquents going to their death, with criminals made impure. Hence the power of the Vestal to avert the impurity by turning the criminal into a non-criminal, without interfering in the spheres of law and its administration.

Yet more interesting is the position of the Roman soldier. It has been said that in the history of the Roman military organization three phases are to be distinguished. These are

1. the time of the army of the cives,
   a) before Servius Tullius,
   b) from Servius Tullius till the reforms of Camillus,
   c) after Camillus;
2. the time of the army of mercenaries, which kind of army became prominent in the civil wars and vanished with the republic, and
3. the time of the standing army, the army of the monarchy. /35/

The second and third phase are of no interest in our context. But the first phase saw the cives in a double position: as a young man under the potestas of his pater, whose potestas could not be infringed by other rights exercised over the son, and as soldier enjoined to follow the command of his centurio. This difficulty was got over by transferring formally the soldier from patris potestas into the potestas of the centurio.

This potestas was clearly defined; its most important feature, was that a man under this potestas could not marry. One might be inclined to argue that this was necessary for a fit army which could be kept on the move. But all these common sense explanations must be abandoned when we learn that not only did the military camps swarm with peregrinary women, meretrices, "who could not be got rid of either in the time of the republic or under the Emperors" /36/, but that before the law enabling soldiers to marry was passed in the fourth century, there were several stages of legalised concubinage admissible Under Septimus Severus, both legionaries and men serving with peregrinary troops, could have only one "housekeeper" each, the foceria. The union with the foceria differed from a legal marriage, in excluding the soldier's patria potestas over his children: he was, in law, the genitor, but not the pater of the children who had to take their mothers' names and grew up in the camps. (i)

Once the soldier was released from service he had the right to a matrimonium justum; then they could legalize, if they wished to do so, the concubinage in which they had been living, thus altering their relation to the children.

> Gaius says (1,75): Unde et veteranis quibusdam concedi solet principalibus constitutionibus connubium cum his

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(i) There is an extensive literature on the soldier's connubium and matrimonium. Mommsen has compiled most of the relevant data; I am following here Marquardt's concise exposition. /37/

> Latinis peregrinisve, quas primas post missionem uxores duxerint, et qui ex eo matrimonio nascuntur, et cives Romani, et in potestate parentum fiunt.

Thus within the organization of the army the nexus of two potestates was impossible: a man could not be under the potestas of his centurio, and exercise at the same time potestas over his children. From this we see that, not in the terms of a legal system, but in practice, the case of the slave who could not conclude a legally valid marriage, was one instance of a type: it was not so much the question of the slave being unable to have the ius in uxorem over a woman because she was under the potestas of a master, what mattered structurally was the inability of the slave to have potestas over his children. (i)

The time which saw the changes in army life, leading finally to the soldier's ability to live in matrimonio iusto while in service, witnessed other changes as well; very important among these was the growth of the institution of clientage, which no more meant merely the relation between the master and his freed slave, but a hierarchical devise.

In his brilliant description of "Daily Life in Ancient Rome", Jérôme Carcopino writes: /38/

> "The men ... rarely stayed at home. If they had to earn their bread, they hurried off to their business ... Even if they were unemployed they were no sooner out of bed than they were in the grip of the duties inseparable from

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(i) Another interesting parallel, that between the soldier's and the slave's peculium, cannot be followed up here.

being a "client". For it was not only the freedmen who were dependent on the good graces of a patron. From the parasite do-nothing up to the great aristocrat there was no man in Rome who did not feel himself bound to someone more powerful above him by the same obligations of respect, or, to use the technical term, the same obsequium, that bound the ex-slave to the master who had manumitted him.

The patronus for his part was in honour bound to welcome his client to his house, to invite him from time to time to his table, to come to his assistance, and to make him gifts.. Clients who also practised a trade supplemented their earnings by the patron's dole, and in order not to arrive too late at their workshop they ran round to their patron before daybreak. As the importance of a magnate depended on the size of his clientele, a man would have tarnished his reputation if he had preferred a long morning in bed to the pleasure of the mob at his morning receptions. Such relaxation might pass in the provinces..; but in Rome the great man would not dare to be inattentive to the complaints of one, the demands of another, the salutations of all.

A severe and meticulous code of etiquette regulated this obligatory attendance..

> Each morning, therefore, Rome awoke to the coming and going of clients discharging these customary politenesses. The humblest of all multiplied their attendance to collect as many sportulae as possible; the richest were not exonerated from paying client calls because they had first received some. For however high a man might climb in the Roman hierarchy, there was always someone above him to claim his homage. There was in fact no one in Rome, save the emperor alone, who recognised none greater than himself."

For such a hierarchy of a personal kind to come about, a disintegration of the kinship group and the household unit of old had to take place; and the complaints about the deterioration of family life precede the further changes of Roman society.

It is as well to remember that of hierarchical structures there are several kinds; the kind mentioned does not imply

authority being delegated. The patron has not a client by virtue of being a client himself. The remarkable thing is only that he can be a patron while being a client.

A hierarchy which differed both from the above and the feudal one was characteristic of Ashanti society a few generations ago, of which Rattray writes /39/:

> "Akoa: This term, which is now often somewhat loosely applied by interpreters to mean 'slave' in the degrading European sense, to the African mind meant originally nothing worse than the condition of voluntary and essential servitude in which every man and woman stood in relation to some other person or group. A man's nephew and niece (i) are their uncle's nkoa, a man's wife is her uncle's akoa, a man's children are their uncle's nkoa, a subject of a small Chief is the latter's akoa, while the small chief again is the akoa of the greater, and so on in an ever ascending scale, until, at a later date, we reach the era of the great Amenhene (petty Kings), who in turn became the nkoa of the central authority at Kumasi, the Asante Hene (King of Ashanti). He was the akoa of the 'samanfo (spirits) and of Nyame (the Supreme God).
>
> The word 'subject', with all the obligations it implied, is the best rendering of this term, in which there was originally nothing derogatory. By a simple process of analogy, the word also came to be applied to a class of persons over whom an individual, as apart from his group, exercised almost complete authority. Thus the nephew (who was the akoa of his uncle, who was in turn later the akoa of his Chief, and so on up the scale), when he came to possess a person over whom he had individual control (during his lifetime) also - perhaps out of consideration for his feelings - dubbed that person his akoa (subject) rather than odonke (slave). The process did not even cease here, for this akoa might, as we shall see, actually come to possess a person who was under him, whom he in turn would call his subject. In this final adaptation of its original meaning, the term begins to merge very nearly into the odonko, the slave proper. This latter term originally designated a person who had been 'bought', and was of a race other than Ashanti."

(i) i.e. Mother's brother's children.

Here again, with the possible exception of the highest political level, authority is not delegated. Another difference is this: Rattray gives us here only what one may call the vertical aspect of tenure of persons, seeing the structure in terms too near those of feudalism. The horizontal aspect of the structure (excepting political offices) shows the individual as a point of intersection of social units which exist on the same level of organization, and as far as we can speak of individual will or independence in Ashanti society, it existed in the balance of the rival claims made on the same individual. The (vertical) hierarchy combines with these group alliances, creating a network of great density. This complementary function of the hierarchy is absent in the type described and in feudalism. But all three types have in common one feature - the feature of hierarchic structure - the <u>compatibility of rights exercised over a person and by that person</u>. This feature was absent in the society Aristotle had in mind, just as it was absent in early Roman society. The absence of this feature made those societies what we assume them to be: the prototypes of the individualistic social scheme, grading and classifying the types of potestal arrangements, but regarding the individuals as unique.

Now, the classification of potestal arrangements into three main types is a general feature of human society. It depends on - and is indeed a very important structural feature

of - the society which of the three kinds is sufficiently dominant to assimilate others. In Greco-Roman society we saw that this was the potestas exercised over the slave. In the same way we find in many societies, particularly in Africa, the potestas exercised over the wife to be the dominant type, assimilating others. This is only possible where the jus in uxorem is distinguished from the ius in genetricem. One type of this distinction is familiar: the ius in genetricem is regarded as being vested in a deceased person and the factual husband (or lover) has legally only the jus in uxorem. (Leviratic marriages, ghost marriages, etc.) The reverse is of interest here: the exercising of the jus in genetricem by a living person who has not, or even cannot have access to the woman.

Thus among the Shona, we are told by Bullock /40/:

> "A man is considered to have a prior right, as compared with other suitors to his wife's younger sister.. She may be a mere child, and so survive her affianced husband while still an unmarried girl.. Nevertheless, if lobolo had been paid, she would, by this local custom, become the 'property' of her elder sister's son by the deceased husband. Being his aunt, he could not take her to wife, but called her his 'little mother', and kept her at his kraal, allowing and encouraging her to cohabit with temporary husbands, so that she may bear children which he claimed.."

The right in genetricem can be even exercised by a woman, as we learn from Dahomey, where a woman of exalted position wishing to found a lineage to which she could leave property (her rights in such offspring not being infringed by those of

a husband or his group), would contract legal marriage with other women for whom she would procure lovers, and as the pater of whose children she would be regarded. /41/ Similarly, we hear of a female chief among the Chagga who married a woman. She created a new line of descent, and the grandson of this union acceded to chiefship two generations later. /42/ (i)

Finally, it may be remarked, that there is the third possibility, i.e. the assimilation of various potestal arrangements by the paternal potestas. This feature, so prominent in the societies of the Ancient Semites, we shall discuss in the context of Babylonian adoption laws in the appropriate chapter.

Thus the three kinds of Aristotle assume a new significance. (ii) As mentioned, he suggests that these three kinds

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(i) Another case of splitting the rights in uxorem and in genetricem is the one mentioned: the relation between the Roman soldier and his foceria. Here the man acquires only the rights in uxorem. For the opposite procedure, i.e. somebody acquiring only the rights in genetricem, there is no European parallel.

(ii) W. Jäger writes about Aristotle's First Book: /43/

"He intended to develop in the introduction the fundamental natural conditions of all political existence, in order to construct the state from nature, out of his simplest presuppositions. These presuppositions are the three fundamental elements of all social life, master and slave, man and wife, parent and child. The way in which he carries out, or rather fails to carry out the resulting threefold division of his material shows that there were certain difficulties in his path. The first book discusses only the first of these fundamental relations, the question of slaves and its connexion with the economy of social life. As to the two other subjects proposed, marriage and children,

(contd. on next page).

became differentiated in the nuclear unit, the household. In this scheme, slavery is a sub-species of one kind of potestal arrangement. The slave's inability to control and own is of the same kind as the inability of the Roman soldier to marry. Let us consider now the function of the slave, according to the Aristotelian theory.

> "The first problem which may be raised is whether the art of acquiring property is identical with that of household management, or is a part of it, or is ancillary to it, and whether if it be ancillary, it is so in the sense in which the art of making shuttles is ancillary to the art of weaving, or in the sense in which the art of casting bronze is ancillary to the art of sculpture. Either of these ancillary arts serves its master art in a different way; the one provides it with an instrument, and the other with material.. That the art of household management is not identical with the art of acquiring property is obvious. " (i)

Aristotle consoles his readers by remarking at the end that these had better be discussed in connexion with the problem of the family, 'when we speak of the different forms of government'. At first sight this looks like an incomprehensible failure in consistency and lucidity, and it makes the close of this book very unsatisfactory. The explanation is that he was in a very awkward position, and only violent means could help him out of it. Marriage and the family had already been liberally discussed in the earlier version of the Politics, on the occasion of the criticism of Plato's demand that wives and children should be common. He was therefore obliged either to delete this earlier treatment, thereby destroying the main attraction of his criticism of Plato's Republic, or to abandon the account of it in Book I, and content himself with a reference to that in II. He chose the latter. The mutilated structure of the first book is thus the consequence of its adaptation to the older version.."
Thus the essay has suffered from the use the author made of it by turning it into an introduction to his Politics.

(i) Barker's translation.

Aristotle goes on to say that there are various kinds of things to be acquired, and various modes of acquisition. No general questions as to the relation between Acquisition and family structure can be asked; we would have to ask about the several kinds of acquisition separately. We would say to-day, that in some types - e.g. in the peasant family - the organization of the household is part of the organization for the process of production, while other types of families and household - e.g. that of the middle classes - are not. Aristotle makes the division between primary production and money making. His difficulty is, that he thinks of the slave of the urban family, while he has to admit that the most common type is the peasant family; he is reluctant to explain a basic institution in reference to the minority type. We need not dwell here on the complications arising from this. What, is the main point of interest, is the function of the slave if

1. this function is part of the family structure,
2. the family structure is non-economic?

Aristotle's answer is that the slave must be defined as a live instrument, but that there are two ways of being instrumental. Something can be an instrument in production, poiesis, when the service rendered produces something outlasting the service, or it can be an instrument of action, praxis, doing a service which is complete in itself.

"We may add that, since production and action are different

> in kind, and both of them need their own proper instruments, those instruments must also show a corresponding difference". (i)

Just as there is a difference in inanimate implements, the shuttle being an instrument of production, the bed or clothes of action, live tools can be described in the same way. Even if we do not much appreciate this conclusion from analogy, the implication is more than remarkable: that the status of the slave is defined by his being an instrument in the household, not one of production, but one of "action" - that is, his functions are complementary to the division of work and apportionment of rôles necessary to maintain the structure as it is. Persons whose status is thus defined can become also "implements of production"; but this aspect does not interest Aristotle. He concludes the argument:

> "Life is action and not production; and therefore the slave is a servant in the sphere of action."

Time has proved the correctness of these seemingly abstract ratiocinations: when "life" ceased to be one of "action" and became thoroughly chremastikê - the slaves disappeared.

(i) Barker's translation.

PART THREE.

XVIII

In this survey of pre-servile relationships and institutions which is intended to show the functioning of some of the principles which together with others make up servility, the following chapters will deal with servile symbiosis and extra-tribal patronage. These are relationships and institutions which arise in the contact of two societies, one of which is simpler of structure than the other. These simpler societies to which reference will be made have in common a low degree of densité morale; they are all lower hunters, i.e. their hunting techniques have not imposed social patterns relevant to the organization of group activities. Hunting is supplementary to extensive gathering of forest products; fruit, roots, herbs, insects and smaller animals. Chieftainship is non-existent or rudimentary. The sexual division of labour is the main organizing principle; age groups are unknown. Children are taught only by their parents, and the small family is the dominant authority structure.

Contacts between such groups and societies of agriculturalists, or cattle breeders with supplementary agriculture, can be entirely hostile. In such cases the simpler group has nothing to contribute to the life of the more complex one, which encroaches on the area of the former, and these are annihilated. That process of annihilation - not one of war-

fare - can last a long time. The "inferior" people are killed on sight, they are forced to perpetual evasive group movements which make the social unit even less stable, their camps are attacked and their children kidnapped and alienated. Instances of this kind are well known from Brazil, and from the Malay Peninsula, but they seem to be rare in Africa, where the best described case is that of the contact between the Mountain Dama and the Herero. /1/

These instances are different from the clashes between cattle people and agriculturalist, where on both sides a greater degree of social complexity prevails. In the cases mentioned there are two principles involved: the difference of the economic type and the difference of densité morale.

But the cases in which the contact is one of uncompromising hostility seem to be in the minority. Very often constant relations are formed which can be discussed in terms of established institutions. Such institutions are either instrumental in the perpetuation of the inferiority of the one group, or they introduce relations of equality so as to balance the economic pressure exercised on the inferior group.

It is perhaps justifiable to speak of economic areas, e.g. groups of interdependent economies. In these areas (which may have had much to do with the formation of culture areas) we find, not always in voluntary co-operation, groups which economically differ among themselves so much, that the

area seems to represent a pluralist economic regime. This in itself does not imply a political integration, but rather cultural ties which have been rarely evaluated in this context. The chief feature of such economic areas are linguistic, if we can extend this term to all modes of communication. It may lead to the establishment of one language as trading language or lingua franca, without implying the superiority of the speakers of this language, or their great proficiency in trade. It only indicates a degree of economic interdependence, which can also be indicated by the opposite phenomenon: the multi-lingual tribes in certain regions of the Rio Negro area in Brazil /2/. It also leads to the spreading of sign languages as prerequisites of the silent trade that is carried on with the simplest societies in the area. It has been pointed out that, e.g. drum language in that function does not depend on the use of drums. This has been noted in Mindoro and Sumatra where traditional signals are drummed on aerial roots. /3/ About silent trade and tree drumming among the Kubu of Sumatra we have reports as recent as 1918./4/ The Kubu groups which had settled down as agriculturalists and the "wild" tribesmen who continued living in the jungle kept up an intercourse in this manner. Therefore, the habits of communication and linguistic peculiarities of any group of the very simple people is of great sociological importance for the forming of an opinion as to their isolation or affiliation.

The pygmies of Central Africa are interesting in this regard as well. The fact that they speak Bantu dialects, while no language that is their own has been discovered so far, has been often commented on. Suffice to say here that it is not a sign of their having been conquered or oppressed politically; it is only an indication that these simple tribes of hunters have shared for some time in the activities of a variegated economic area.

One Pygmy group, the Bambuti or Efé of the Ituri forest, in the Belgian Congo have been made the subject of more intensive ethnological research, chiefly by the Pygmy specialist P. Schebesta. Schebesta's interest is primarily ethnological, sociological information is only incidentally supplied. Thus we have only surface data as to Efé social structure, but Schebesta has dewlt with scholarship on what to him seemed the paramount sociological fact of Efé life, the symbiotic relations between the Pygmies and their neighbours, the Bantu Lese and Bira. Schebesta has written several travel books of a popular kind and two volumes of scientific purport, and here shall be summarised the subject as described by him in both kinds of publication.

Iron tools and bananas are the two commodities which the Efé have come as regard as necessary supplements to their productivity. The fact that they cannot supply these things themselves, is important enough for them to be elaborated

mythologically.

One myth says: once the Bambuti were the only human beings in the jungle, successful hunters they were. One day before a Mambuti hunter miraculously appeared a banana plant, and a bird (of a species generally important in their hunting lore) told him to shoot. Shots into the centre of the cluster of fruit make it disappear. The bird advises to aim at the green fruit at the apex of the bunch. By these magical means the banana plant is secured and brought to the camp. When later on the Negroes made their appearance the Pygmies showed them the use of the banana, the craft of the smith and explained the relation between the sexes. The Negroes took to iron work, banana growing and cohabitation, the first offspring being half-Pygmy, owing to the manner of the demonstration. /5/

Another myth credits the Shimpanzees with banana planting. Entering a Shimpanzee village, a Pygmy noticed a banana plantation. He took a Negro with him and showed him the fruit. The Negro did not dare to eat, so the Pygmy made a start. The Negro suggested that they ought to plant for themselves. He took a shoot with him, the Pygmy a fruit. Both planted, only the Negro was successful. The Pygmy told the Negro: "I knew, I would not make a farmer; that is for you. I would rather remain a hunter. You go on planting bananas. I shall eat them, because it was through me that you came to know them." /6/

The Negro gives a different account:(i) A negro had a bitch whose thieving annoyed him so much that one day he nearly killed her by beating her. She ran away to share the company of the jungle animals and gave birth to six children. They were Pygmies. From the villages she stole different kinds of tools and weapons, and taught the children to hunt. When the Negro, attracted by unusual noises, discovered the lair, he got frightened and wanted to escape. But the Pygmies set upon him. "Is this the man who nearly killed you, mother?" "Yes, but spare him, it was my fault, I ought to have stopped thieving". From that time Negroes and Pygmies were well acquainted. The Pygmies attached themselves to the Negroes and ate their bananas. /7/

These stories deal with bananas, iron, procreation and mutual sufferance. Both Negro and Pygmy claim superiority in their terms. But the Negro admits to having been in the power of the jungle folk, and Pygmy admits to his inability to plant bananas. Both testify to their interdependence, if not to their equality.

Stanley had already called the Pygmies parasites of the Negro farmers. This is one way to see this symbiosis, which is a general feature of Pygmy life.

> "The degree of this symbiosis" says Schebesta, "varies locally; but there are no Pygmy groups which are not

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(i) Schebesta does not say, whether this is a Lese myth.

> allied, in one way or other, with the tall farming population of their neighbourhood... It is possible that at the beginning the Pygmy hunters opposed the farmers who made inroads upon their forest, till they came to appreciate agricultural produce and iron tools. Perhaps it was because of these commodities that the Pygmy approached the intruder; and perhaps he was the first to do so. But then the farmer must have realised the advantages that this connection offered him:... a comparatively easy way of obtaining women, and in economical respects the utilisation of the labour of the hunters. From this an intimate symbiosis developed, based on the one hand on intermarriage of forest farmers and hunting folk, on the other on the exchange of commodities ... There are still to-day Bambuti who are well pleased with that order of symbiosis, while others have rebelled against it and are still rebellious, because they feel themselves losing more and more of their natural freedom and getting tied firmer under the farmers' yoke.." /8/

Only about 30% of the average daily food of the pygmies is of animal nature (chiefly small animals, reptiles and insects); exceptions are caused by the occasional kill of big game, e.g. elephant and by the termite harvest. /9/ Schebesta gives us a very long list of their vegetable food, /10/ from which it seems that the bananas are a late addition which makes most of the very difficult collecting unnecessary. This nutrition ought to be evaluated with a view to the prevailing sexual division of labour, Men are chiefly hunters, women, apart from weaving baskets for fishing and food collecting, have to collect vegetable food and vermin. /11/ This food is despised by the men. /12/ It may be suggested that this has a good deal to do with the pygmy marrying off his women to Negroes. The bananas replace female labour. So the Pygmies who among themselves practise a very strict exchange marriage,

do not lose female labour, or not all of it by giving away the girls on this different basis.

> "For the forming of this symbiosis" says Schebesta, "the banana plantations are of the greatest importance. Any other crop, if at all present, plays an inferior part... For the banana is the daily bread of the forest dwellers. The cultivated banana, as compared with wild growing vegetable food, has the advantage that it grows in great quantities, besides it has a better taste and is more nutritious.
>
> It would be wrong to imagine that Bambuti group and patron change. A pygmy group - usually a kinship group - makes a permanent arrangement with a negro. He becomes the patron (i) of that group, and they share in his crop.
>
> This alliance with a Pygmy group is handed on to the heir when the patron dies; thus one Negro group and one Pygmy group remain knit together." /13/

Thus it is a relationship enclosed in the processes of social growth. It has to play its part in all contexts where the succession of generations is involved. But it is not a relation between groups of the same size. On the one side is one domestic group whose rights in regard to the Pygmies are vested in one man; on the other side there is a larger kinship unit, no member of which stands out in his relation to the patron, though individual Pygmies of the group may form additional ties with the family of the patron.

This does not exclude the Pygmy group from alliances with

(i) Schebesta uses the expression Wirtsherr (implying both host and overlord). As this expression is unusual in juridical and ethnographic contexts, I did not feel obliged to find a literal translation; instead I am using patron, as this word would come most readily to an English speaking person describing the above facts.

other Negroes. But in all these additional relations, no general claim to the crop of the Negro can be made; nor is there any responsibility for keeping the Pygmies fed. All this goes with the more solemn undertaking just mentioned. The Pygmies cannot change their patron; they may damage him, if they feel cheated, they may run away; but they will not get a tribesman of the patron to take his place. This, though Schebesta does not give any further explanation, seems to mean that the rights of a patron are regarded primarily as rights which exclude claims by others to similar rights. This is a right of one Lese as against another, and the exclusiveness of this right is a function solely of Lese structure, and is not brought about by any feature of inter-Efé relationships. The Lese patron is responsible to other Lese for damages done by his Efé group.

Thus the two social structures are not involved to the same degree in this patronage arrangement, which is one feature of asymmetry. Another is the aforementioned correlation of a kinship <u>group</u> of Efé on the one side, and of a <u>single</u> Lese on the other; that the rights in regard to the Efé group are handed on in such a way as to make them remain within one Lese family, is a secondary feature, an assimilation of these rights to Lese property concepts. But it does not make the patronage arrangement an alliance between two groups. It is an asymmetrical arrangement between a group and an individual. This

is an extension of Lese familial authority structure. Schebesta remarks that the responsibility held by a Lese for his Efé is of the same kind as the responsibility of a Lese head of a larger kin group (i) for his people. /14/

There is only one way for the Efé to rid themselves of this patronage: to start banana growing themselves. This does occasionally happen, and it puts an end not only to the patronage but also to the Efé way of life. It means a social change against which the Efé is protected by the patronage arrangement. /15/

It is useful in contexts as these to distinguish between

1. the inequality in regard to a relationship or activity, which means functions of the status differences involved;
2. the inequality as meaning a disequilibrium, or lack of reciprocity in the mutual obligations,
3. and the asymmetrical way in which two social structures are involved in a larger relationship.

While 1/ and 2/ are closely related to each other - some students may relate them in terms of Simmel's distinction between form and social content - 3/ is of an entirely different nature. This concept, for brevity's sake to be called social asymmetry - whereby always two <u>structures</u> and

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(i) Unfortunately, it is not possible to gather from Schebesta's account the size and nature of the kinship segment he has in mind.

not merely two partners are implied -,refers to one kind of conditions or structural setting in which social inequality (1/ and 2/) may develop or exist. Social asymmetry is not a jural concept.

Let us consider now the economic advantages which both sides are deriving from the symbiotic arrangements.

> "As compensation for the agricultural produce and other commodities which the Bambuti receive, they offer mainly game and labour.. In many places there is an informal agreement according to which a portion of every killed animal must be given to the patron. The Bambuti try to evade this obligation by cheating the Negro; often they refrain from bringing the game to their camp and eat it where it was killed. Of course the Negro does not put up easily with such a fraud. When he discovers it he reproaches the Pygmies and takes forcibly his share or more. He enters their huts where he suspects game to be hidden, and takes of it regardless of the protests of the Bambuti." /16/

Here it must be noted that the right of chiefs to certain portions of killed game is fairly common, and it is most important where the people are agriculturalists or have for other reasons very little meat, as Munzinger tells of the Bogos.

> "The patron collects his Bambuti, particularly the women, where work is to be done. The latter have to bring into the village Phrynium leaves for covering the huts, or keep in order the roads... Often one finds Bambuti women working in Negro households and boys follow their patrons as servants and carriers. But in some areas.. the Pygmies are used very profitably in hunting elephants and in hunts with nets. The elephant hunts yield to the patron the valuable ivory which he can sell. For the price he gets wives and can easily pay his taxes." /17/

This suggests a rather careful observance by the patron of the Efé sexual division os labour. The demand of the Efé, on the other hand, for a steady supply of bananas, is regulated

by the agricultural economy of the Lese who are not given to too many concessions to the wants of the Efé. The amount of bananas due to the Efé group is stipulated, and regularly fetched from the fields by the Efé women. Usually the wants of one Efé group are satisfied by their patron; if this is not the case, the Efé get additional bananas through barter and by stealth. They never steal from the groves of their patrons; but as he is responsible for the thieving of his Efé, this seems to put on him a greater pressure than would the pilfering of his own fields. /18/

There are no detailed descriptions, either by Schebesta or others, which would allow us to form an opinion as to how the supplementary barter arrangements, particularly those concerning iron objects, are fitted into the general scheme of this symbiosis. Nor do we learn enough about Pygmy-Bantu intermarriage. That it is fairly common we may infer from Schebesta, and from the existence of a pygmoide belt round the area of the pygmies proper. Pygmy girls are desired by the Bantu because of their fecundity. Lese and Bira girls rarely marry Efé, which Schebesta explains by the unwillingness of most of them to share the hardships of the jungle life. This explanation does not satisfy entirely, but there are no data from which to provide another, though the direction of surmises is obvious. On the whole, Bantu girls are not averse to taking Efé males as lovers. /19/

No details are available as to the bride wealth paid for an Efé girl. From the general trend of Schebesta's argument it can be concluded that some stipulations concerning banana crop form part of the arrangement. Most unfortunate is the omission of observations on the distribution of these mixed marriages. We ought to know whether they take place between the patron's group and his clients or quite irrespective of the patronage institution. (i)

The co-existance of the social asymmetry mentioned and the reciprocal obligations, make necessary additional institutions of alliances to weigh the balance in favour of equality. This, at least, seems the structural function of the initiation alliances described more fully by Schebesta. Among the Lese, every 4 or 5 years a group of boys is prepared for initiation and circumcised. The ages vary between 8 and 16. The initiation includes moral instruction, the boys initiated together form an age group. This grouping cuts across the kinship segmentation, and includes the Efé as well, who regularly take part in the rite.

> "Negro and Bambuti boys of the same circumcision group are united in a life-long and most intimate friendship

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(i) Nor do we learn from this source whether the Pygmy spouse of a Bantu becomes part of a monogamous or polygynous household; whether there is a tendency among young men who cannot afford to marry a Bantu to take a Pygmy girl as their first wife etc. All this of course would have some bearing on the status of the groups combined in this symbiosis.

which is almost as firm as the bond between real brothers. To every Negro boy a Pygmy boy is attached, and they are circumcised together, the Negro first, then the Pygmy. After the completed circumcision, the Negro blows his horn, the Pygmy his little hunter's whistle, as a sign of rejoicing, and the women in village and camp answer with noisy jubilations." /20/

The function of initiation alliances in forming solidarity groups to counterbalance the vertical authority structure, is, in Africa, not uncommon in connection with chiefship. Thus among the Chagga /21/ the chief's son was initiated together with a group of commoners, and this age set were his friends and body guard. They were the people interested in this man's succession to chiefship. The ideal pattern was to have one chief's son with every age set. It was, according to Gutmann, chiefly by these means, that the alien chief clans established power and popularity among the Chagga.

But the Kare - relationship (as it is called) goes further than that. It makes the Pygmy a member of the age set system of another society, but attaches him to one individual as well.

> "From now on these two call each other 'Kare' and remain inseparably united unto death. Nothing can dissolve their alliance. Every Pygmy has his Lese Kare, every Lese his Pygmy, Kare... The Negro supplies his Pygmy Kare with (iron) arrow (heads) and spears, in exchange for which the game killed by the pygmy belongs to him. The Kare brings a portion of the game he kills to the hut of his Negro Kare and keeps the rest to himself and his kin.
>
> But if the Pygmy kills ... an elephant, then he cuts off its tail and a piece of the trunk, and speeds with it to his Kare. On the way he blows joyfully into his hunting whistle. In the village he may kill without further ado his Kare's best goat, or cut off as many bananas as he pleases - it is all his. But the game that he has killed does not belong to him - it belongs to his Kare..
>
> Another custom has it that the Negro cannot eat the

> first fruit of a new grove before his Pygmy Kare has tasted of it, for which purpose he may have to be called from a great distance." /23/

When the Efé encounters difficulties in obtaining a wife through the exchange marriage system, because he has no female relative to give away, he can demand the support of his Kare who will get him a wife; presumably bride wealth is paid for a pygmy girl. There is no reciprocity in this obligation. On the death of his Kare, Efé or Lese are given to demonstrative lamentations in the village or camp of the deceased. In tribal feuds one Kare gives the other all support possible and goes with him into the fight. /24/

While the Kare relationship may affect the Efé's wife and children, but no wider group, the patron may lend whole groups of Pygmies to hunting expeditions for a consideration; and while, in the event of a man's death his Kare would exact vengeance and act against those who are supposed to have caused this death by witchcraft, a death of an Efé on a hunting expedition to which he had been lent by his patron, has very different results: the patron demands damages from the man to whom the hunter had been lent, the patron, not the Efé's kin, nor, of course the Kare. /25/ (i)

(i) This use by the Bantu of Pygmy elephant hunters is a very recent development, not forming part of the basic symbiotic arrangement. It is brought about by the taxation of the Negro through the European administration. There is only one way to get money or valuables quickly when in difficulty: so the pygmy has to foot the bill. This exploitation is quite merciless. The mortality of the hunters is high, the loss even of one good hunter to such small groups is disastrous, and the family is of course in no way compensated.

This gives us an indication of the difference of the institutions which are different structurally, and concern different spheres of life as well; one being primarily economic, the other primarily magico-religious; the economic institution an extension of familial authority structure, the magico-religious one irrespective of kinship organization.

Through the Kare relationship the Efé is drawn into many other social activities of Bantu societies, in all of which his participation manifests and explores his parity. He can become the blood brother of individual Bantus and join their secret societies. /[26]/

The most important society of this kind is the Tore, a society of men of the whole area, in which Lese, Bira, Nyari, Efé and other tribes take part. The main function of the Tore society is regarded as the intimidation of women; but it is connected with the Pygmies in two ways.

First, according to Bantu tradition, the Efé were the inventors of this society. There is no Efé tradition to support this fiction. Secret societies are quite alien to the life of the Pygmies. But it suggests that in the belief of the Lese and others, the Tore has much to do with the Efé. /[27]/

Second, an important funtion of Tore is the protection of the banana fields; this is done with lianas which have Tore magic. A field thus protected cannot be entered by women. This protection is particularly necessary against the Efé.

When a household needs bananas, man and wife will go to

the grove. The man will cut the fruit and reach it to the woman who remains standing outside the spell area. Magic closes the grove, magic has to open it. The opening ceremony is a minor orgy of the Tore, during which the terror instruments are sounded, the villagers take cover, and the property of unpopular women is damaged. Thus the pygmies are enlisted on the side of the magical protection of the groves; unwelcome satisfaction of the Efé banana needs may become a female offence in the eyes of the male Efé.. /[28]/

Thus the Lese-Efé symbiosis represents a system founded on the co-operation of two societies, one of which is inferior in regard to its economy and densité morale; it depends on the agricultural produce of the stronger society, but can damage it by devastating the fields and witholding meat supply. There seems a greater demand for the agricultural produce than for the game. The mutual obligations are organized in a system of patronage based on social asymmetry, the effects of which are carefully prevented from developing into a complete inequality, as such an inequality would be resisted successfully.

On the other hand, we see the necessity for authority structures and obligations of this asymmetrical kind for the maintenance of co-operation.

The system under discussion could be called extra-tribal patronage. It allows for the control of a group of people without detaching them from their society. Leaving aside

economic considerations, we may summarize thus the various aspects and functions of the system:

1. It allows for a perpetuation through normal social growth.
2. It preserves the social cohesion of each group while allowing at the same time a high degree of social penetration,
3. Its social asymmetry is structurally balanced by other relationships.

Further east we find the pygmoid population of the Batwa living in symbiosis with the Hutu of Lake Kivu. The case is entirely different from the preceding one, as both Batwa and Butu live under the rule of "Hamitic sultans", i.e. chiefs of the cattle owning nobility of the area who are referred to as Hima in one, as Tusi in another locality. A second point of difference is the higher degree to which the agricultural people make use of the forest; a third the caste like segregation of the two groups who hold each other in contempt, display none of the egalitarian features of Ituri symbiosis, and rely on the Hima sultans for arbitration in conflicts arising out of their symbiosis. For sketchy information on these very interesting relationships we are indebted to Father Schumacher's account of his "Expedition to the Kivu Pygmies of Central Africa".

The Batwa are acculturated to a much greater degree than

the Efé; they have learnt to carve ornaments and freely use agricultural produce secured by exchange from the Mutu. Two facts may be cited to indicate the greater economic complexity (which goes with a greater "administrative" simplicity) of the Batwa as compared to the Efé symbiosis. The Batwa impose on each other fines to be paid in beer or poultry /[89]/ the former of which is supplied to them by the Mutu; and they are much more specialised hunters than the Efé. It is as specialised hunters that they are allotted to parts of the jungle by the Mima chief, and they keep the Mutu out of their domain, because these are not real hunters. They have to beware of Mutu traps in particular, and these contrivances, easily built by the agriculturalists, are destroyed when found; but this attitude to "illegal" pursuit of game by outsiders has made them so concerned with their skill in "real" hunting, that they do not trap themselves, and have developed a superior contempt for game trapping which elsewhere is very prominent among the economic activities of Pygmies.

Batwa society itself is very simple. They live in small hordes which belong to a tribal unit. While the hordes, consisting of a few families, (hordes numbering a dozen families with 30 to 50 male members are rather exceptional) are led by a headman, while the whole tribes have no political organisation or chiefs. Nor are there any specialists amongst them - apart from the hunters amongst whom the elephant hunters enjoy a high

prestige - and there is no division of labour except that according to sex, There are no age grades or groups, though old people, children, girls, women, bachelors tend to remain among groups of similar persons. /30/

The source of all jurisdiction and rights concerning hunting and hunting areas is the Hima sultan. The latter's position among the Hutu makes him the owner of the jungle area, in which the Batwa are his tenants: their rights over the jungle is thus safeguarded against the intruding Hutu by paramount authority. The sultan (or his officers) has also allotted hunting grounds to each Batwa horde, and is appealed to in respective disputes. For all this the Batwa have to pay a tribute to the sultan. There exists a tenure of the jungle by the Batwa, who have to be asked for permission and indemnified by anybody, including the hunters who the sultan may send there.

> "..(To the latter the Batwa says:) 'He has given you the right to hunt. But has he transferred to you the property of the forest? Tender to us the legal due, or we will prohibit your entering the forest.' Thus in all important cases the authority of the sultan decides. The leaders of the hordes, moreover, conclude with each other agreements which are legally binding. If they cannot agree they appeal to the courts of Hima chiefs, a procedure which leaves open a final appeal to the sultan." (31)

Under normal conditions permission to stalk or to hunt in large groups is granted by the Batwa, but not, as mentioned, trapping. One Batwa group may pursue game over the borders of their hunting area into that of another horde; if the game

thus killed is an elephant, one tusk goes to the horde in tenure. But if the relations between the groups are strained - and this seems to happen frequently, - the whole animal is impounded by the owners of the area.

Much more complicated are the conditions under which the Hutu can hunt in the Batwa forest. These are regulated by a very peculiar use of hunting dogs. The Batwa do not keep dogs themselves, nor are the Hutu in a position to train their dogs. This is the basis for a unique exchange. When a Hutu desires to have a hunting dog, he will give it to the Batwa to be trained accompanied by a jar of beer. From the animals killed with the help of the dog he gets a share, the formula being: "You get eight skins and I get eight skins". The dogs are provided with bells, and when a Hutu hunts with a (Batwa trained) belled dog in the Batwa jungle, he does so tax free. If he were to take other dogs, he would be taxed; /[32]/in this terminology there is no difference between taxing and fining. Thus the Batwa have succeeded in excluding almost all kinds of Hutu hunting, with the exception of hunting with bell dogs, from which they derive profit; it is an admirable arrangement which leaves them in control of the hunting in their forest.

The Batwa produce certain goods for exchange: the men carve bows, arrows, walking sticks for journeying, and fire sticks, and prepare the skins. /[33]/ The women make belts and weave liana fibres. Thus there is no economic pressure strong enough to make them abandon their sexual division of labour.

They barter these goods for food or iron tools which are used as money. The food they regularly get in this manner includes beans, peas, sorghum, batatas, eleusine corn, beer, maize, taro, and portions from domestic animals, both from slaughtered ones and from those killed by lions. They get several kinds of iron tools and weapons which are not used as money, such as arrow points, and cooking vessels. Some commodities they purchase are luxury goods, such as tobacco pouches, pipes, combs and ornaments. All barter trade takes place in the Hutu village, with the exception of the exchange of game killed by the pygmies.

Debts are incurred on both sides. The Batwa never work for wages nor do they enter service of any description, with the exception of the attendance on the Hima. They are found frequently at the courts of the chiefs and sultans.
As mentioned, the demarcation of Batwa areas is a function of the Hima chief. This has no ritual aspect. The chief is interested in this demarcation because by fixing the rights of the one, he also draws the line for the other and gets information on the Hutu. This matters in the taxation of the Hutu by the Hima. By monopolizing the arbitration between the two groups, the Hima control of the Hutu is intensified. The Hutu cannot encroach on the Batwa without getting in conflict with the Hima.

As the most frequent cases necessitating arbitration or

sanction, Schumacher lists these: taking away from another man the girl he wants to marry; divorce without mutual consent; robbery; killing or wounding a man; use of the forest without being entitled to it; arson; stealing a Hutu beehive which stands in a Batwa area; taking of antelope and monkeys out of traps; violent quarrels between husband and wife; insulting parents and in-laws; perjury; extra-marital intercourse, particularly rape. Of all these cases only those come before the chief in which both Batwa and Hutu are involved. /34/

While the group relation between Batwa and Hutu is characterised by suspicion, contempt and segregation, between the ruling group and the pygmies there is a joking relationship which is much in evidence when the Batwa come to the court of the chiefs or sultans. They enjoy there the fool's licence, greet everybody with the most vulgar insults, without regard to rank, and throw dirt on the sultan. Etiquette has it that nobody must take the pygmies seriously, the insulted sultan merely smiles. When Father Schumacher notified the sultan of his impending departure to the Batwa, he

> "smiled roguishly and said: 'Are you not ashamed of yourself? When you come back, I will have to harness you to my litter.'" /35/

Thus the chiefs and sultans exercise an indirect patronage over the Batwa, by virtue of their ruling the Hutu. The joking relationship existing between Batwa and Hima, but neither

between Batwa and Hutu or Hutu and Hima, is perhaps explicable in terms of this indirectness. According to Dr. Fortes' study of the Tallensi, joking exists between people and groups which stand to each other in a next-but-one relation, such as ego's wife's brother, ego's brother's wife, or the relation between two clans which are not bound together by any bond, but each of which is affiliated to the same third clan. /36/

XIX

Another type of symbiosis is represented by the Negritos of Northern Luzon and their Malay neighbours. Vanoverbergh has published a series of articles on the subject, from which the following information can be gathered. It will be necessary, at the same time, to offer criticism of the interpretation of some of these facts which Vanoverbergh has allowed himself.

The Negrito-Malay relationships resemble to some extent those existing between the Ituri Pygmies and the Bantu agriculturalists. Here it is not the banana but rice, on which the jungle people have begun to depend as an essential part of their diet. But there are several important differences.

The Negritos depend now on their rice supply to such a degree that "rice starvation" is a threat to their existence. The Malay population, on the other hand, does not need jungle products as badly. This has created a definite economic superiority of the Malays. The Negritos, moreover, do not exchange or market freely their products, but negotiate chiefly with a concessionaire, who has a trading monopoly with certain Negrito groups. The Ituri Pygmies had to deal with a farming population, not with traders. The third point of difference is that a large part of the jungle produce the Negrito have to offer for their livelihood, has to be in a manufactured state. Thus their mode of life has been affected by the exigencies of

that kind of labour, as well as by their dependence on the commissionaire. The policy of the trader, like that of all people in a similar position the world over, is to have the needy primitives run up debts which gives him a hold over them.

> "The bulk of the forest product which (the Negritos) gather, and most of the articles they manufacture, baskets, mats, hammocks, are bartered for rice." /1/

The extent to which Negrito life is modified by these relationships can be seen from the existence of special paying camps.

> "When the concessionaire had nothing else to do, he gathered the Negritos into a temporary camp in order to allow them to pay off their debts. He took with him a sack of rice, some salt and a certain amount of tobacco. It goes without saying that the Pygmies had to eat, not only those that actually worked, but also the women who had little babies to care for, and the children who were not yet strong enough to take their share of the common burden. And so our concessionaire was ever ready at hand with his rice, and he could always give them the required amount in exchange for rattan. Even when they did not want any, he repeatedly urged them to take it and to have more than the customary number of meals a day.
>
> Sometimes in the day time, but more generally in the evening, when it would not interfere with the work, ~~he opened~~ he opened his bag and distributed the much coveted tobacco mostly to the youngsters, more especially to the girls who would come to his hut after their day's work and have a prolonged chat - the tobacco again was given in exchange for rattan.
>
> When ready to go to A... in order to sell the rattan, he started making a list of what the Negritos wanted him to buy for them, and he often helped them out by enumerating several articles... When he came back, the Negritos would get these articles in exchange for rattan, the number of strips having been stated by the concessionaire before he had bought the article in question and before it was seen by any of them.
>
> How much he made them pay for the things he bought for them at A... I do not know; but that it was at least double the price cannot reasonably be doubted by anybody who has ever seen the Malays at work in such transactions.

> The Negritos knew nothing of the real price of these commodities, and the value of the strips of rattan was very vague to them; as a consequence they had to leave everything to what they called the kindness of the concessionaire." /2/

Vanoverbergh obviously believes that the products of the Negritos should be valued as if they were produced for the same market in which the Malays offer their goods; in fact, as if the Negritos were part of Malay economy. He misses the significance of the contrary state which prevails: the separate existence of the two economies, that of the jungle and that of the cultivated land. The economic inferiority of the Negritos implied in this scheme is their exclusion from an economy and from a market the goods of which they need for their existence. Therefore the exchange channel is not under their control and is monopolized. But their inferiority does not arise from or consists in their being cheated. It is wrong to assume a "real" price of the commodities the Negritos produce or need. There is only a price as fixed in inter-Malay economy, but the general market for both Malay and Negrito does not exist.

This leads Vanoverbergh to the following calculations:

> "Let us now enter into a few details with reference to the value of the rice given by the concessionaire, and that of the rattan prepared by the Negritos. For every 100 strips the concessionaire paid out to the Pygmies what he called one media..which should represent half a gauta ($1\frac{1}{2}$ liters). Incidentally it should be noted that at S... one media is paid for 300 strips of rattan... Half a gauta was worth from 5 to 6 cents at the time. The rattan was sold at A. (market) for 25 cents the 100 strips. No expense for transportation should be taken into account, as the concessionaire rowed his own boat and brought back with him, on his return trip, several commodities, that would net him a large profit." /3/

This last remark about the cost of transport is perhaps the most futile one, as it estimates on "normal" grounds transactions which are part of a monopoly run on extra profit lines right through. The cleavage of the prices (1:75) does not imply "cheating" but the relation between the two economies. Vanoverbergh continues to calculate rattan production in connection with Negrito rice needs and their starvation level:

> "A Negrito married couple could scrape from 500 to 700 strips a day, if they worked constantly; but one should not forget that the men had to spend a certain amount of time, sometimes half a day, in gathering the product in the forest. Now, taking two very hardworking Negritos, man and wife, and supposing them to be scraping rattan from morning till night, we come to the following result: 700 strips at one media, the 100 strips equals $3\frac{1}{2}$ gautas (from 35 to 42 cent). If an adult takes three meals a day, he would need approximately $\frac{5}{16}$ of a gauta; consequently one gauta would last him about three days. The two Negritos, man and wife, would thus have enough to eat for a little over five days. This does not look so bad at first sight; but let us remember: first, that we left out the time lost in gathering the product, the needs of the children.., the lost days (typhoons etc), and all the other things, clothes, combs, salt, tobacco etc. of which the concessionaire convinced them to be in need; and second, that we took the maximum of work that is possible to the best and hardiest of workers, supposing at the same time that the woman had no baby to nurse, a freedom which is rather a rare occurrence ... Everything considered, I believe nobody will be astonished to learn that at the end of two weeks these particular Negritos, who at the start had been indebted for 800, 1000, 1200, 1500 strips of rattan had to pay the concessionaire on some further date 1000, 1200, 1500 strips of rattan respectively, Thus instead of paying off their debts or part of them, they had steadily been adding to them and they were much poorer at the end of two weeks of work, that was supposed to be lucrative, than they had been at the beginning." /4/

It is not very realistic to regard, under such conditions, degrees of indebtedness as degrees of poverty. The rattan

production of the Negritos is not "supposed to be lucrative" for them; its purpose is to keep them supplied with rice, which cannot be their sole diet, because if this were the case, there would be no economic reason for their living in the jungle. In his interviews with Negritos Vanoverbergh was told that they did not expect ever to be able to pay back all their debts. Debts are being accumulated, till the debtors disappear and start arrangements with another Malay concessionaire. This practice was disclosed to the observer by the Malays, and not by the Negritos.

> "Leaving aside the products of a forest that is open to everybody, what is the remuneration the Negrito receives (from farmers, not from the concessionaire) for the baskets, winnows, etc, he manufactures? A basket which it takes a thrifty woman at least one day to complete is sold for one media.. just enough for two men to have two meals each. /5/

It seems that the forest is not "open to everybody", on the contrary, the fact that the Iloko Malay farmers do not enter it to collect its products, is the basis of the relationships just described. The low standard of the Negritos, far from being caused by this exchange,is detrimental to it. They buy, according to our author, only occasionally cloth, trinkets and combs. Rice is the only coveted commodity. Therefore the pathetic endeavour of the Malay trader who in the paying camp tries to make the Negritos eat more than the usual number of rice meals, which shows the limited exchange possibilities rather than the cunning of the Malay.

As there are Negrito groups (the so-called settled ones, as different from the "wild Negritos" who live in the jungle as hunters and food collectors) who live as agriculturalists near the jungle, it seems rather exaggerated to suppose that the jungle people live on rice exchange alone. There are obviously stages of "acculturation" in this Negrito-Malay contact, one of which is characterized by mixed rice diet, and another one by supplementary jungle work: on invitation of a trader settled and wild Negritos may combine in rattan cutting. /6/ The greatest difficulty for survival seems to be found in the stage described by Vanoverbergh; it seems a much harder life than that of the simple hunter or the ordinary agriculturalist. Apart from the economic superiority of the farming population and the traders, there is no element of inequality apparent. The sociological characteristics of these symbiotic Negrito groups can be summarized as follows:

1. The wild Negritos depend on an economy of a different society without being able to influence its market.

2. Their social organization is affected by group movements which are performed to order (paying camps),

3. by the moving away of too greatly indebted families,

4. by the rattan work which man and wife are performing together (the scraping, not the cutting), which apparently is the only Negrito work done in this way,

5. by the formation of groups of men for rattan cutting,

which is a uniform group activity alien to the life of independent Negrito men.

The hardships of this life are entailed by economic pressure. There are no servile relationships formed, nor institutions to safeguard the egalitarian aspect of the symbiosis. There is no such aspect, again chiefly for economic reasons: the agricultural population does not need jungle produce for their subsistence.

The Semang of Malakka we find in a symbiosis with their neighbours, Malay farmers which resembles the state of things among the Negritos. The social organization of the Semang groups is an a higher level, compared to the Pygmies and Negritos. The leader of a horde is regarded as owner of the horde's hunting, or rather food collecting area. He has no rights over the members of the horde, but is the arbitrator of conflicts, particularly in difficulties of divorce. The horde itself is a kinship unit to which families related by marriage may become attached without being regarded as being part of it. /7/

Like the Negritos, the Semang become indebted to Malays, who, however need not be professional traders. They are given rice and cloth, for which they have to collect jungle produce. Rattan cutting is very prominent among these activities. Sometimes a whole Semang camp is mobilised to satisfy the creditor, who may accompany such working parties.

Schebesta met such a creditor leading his pygmy group and mistook him for their headman. The Semang are often fetched from their jungle camps in order to help a Malay in agricultural labour. It is not expressly stated, but is implied in the description, that these working parties are composed of both sexes and are labouring without sexual division which in their "normal" life is carefully preserved. /8/

Apparently in most of these symbiotic Semang groups the splitting of the rattan and the weaving of Hapoi mats has become the main occupation. /9/ The symbiosis is regulated seasonally, During the period following the harvest the Semang are left to their own resources /10/. They have become bilingual. /11/

When the Semang come into the villages, either to make a deal, or called by the creditor, they are treated with contempt by the Malays. They must not enter the houses of the Malays, and if they have to stay over night, they sleep in the empty space underneath the floor of these pilar dwellings. /12/

Some groups, notably of the Kenta Semang, have given up their jungle life and have attached themselves to various villages. /13/ In this state they are even less valuable to the Malays and thus become a kind of pariah population relying on occasional labour and begging.

But when the primitive group does not depend on the food supplied to them by the trader, and when the distance between

the two groups is appreciable, the trader has to adapt himself to the social structure of the more primitive group. This happens in the culture contact with the Kubu of Sumatra where the trader settles down amongst the tribe, marries a relation of the headman and derives a prestige from this arrangement which he utilises commercially. He is called the djenang, a kind of chief, and the marital ties he has with the Kubu are neglected in the context of his own society. (i) /14/

(i) I am using here Thurnwald's account. His sources are unfortunately unobtainable in England (one of the books having been destroyed during the war).

XX

The next type of relationship to be outlined here is that existing between the Tswana and the Bushmen (Sarwa). The nature of this relationship has been the object of intense discussion, since the Ngwato of the Tswana had been reported to be keeping slaves and the taking of action seemed desirable. In this case, then, the difference between servile and pre-servile institutions has roused other than academic interest.

The Bushmen, a hunting and food gathering population of South Africa have suffered badly by the contact with several higher organized societies, so that their numbers have dwindled away. Worst of all were the European colonists who exterminated these shy and lovable people with a merciless savagery for which it is not easy to find a parallel, even in the darkest chapters of European progress and economic development. Summing up the results of this "culture contact", Stow says: /1/

> "Suffice it here to say that the Bushmen were pursued and destroyed with a relentless and almost savage ferocity, clan after clan being annihilated: the men were shot down without mercy, and the surviving women and children were dragged into a state worse than slavery."

Contacts between the Bushmen and other Africans entailed much suffering for the weaker and almost defenceless people, though they were spared mass extermination. Of the Namaqa Hottentots Fritsch wrote: /2/

> "Amongst the Namaqa the lowest class of the population consist in the main of individuals belonging to the

despised tribes of the Mountain Dama and the Bushmen. It is rather doubtful whether we ought to call them slaves, as there is no fixed law (amongst the Namaqa) which would distinguish between free and slave. These people are regarded as being lower by birth, and their harsh treatment seems to be connected with their descent. But we cannot regard these people as being really servile, as happens only with persons who have been taken prisoners of war.."

Irle writes about the Herero: /3/

"There is no slavery among the Herero..they regard it as nefarious to sell human beings. They neither buy or sell a child or a servant. Prisoners of war, the children and women of the Mountain Dama and the Nama, they keep as servants, and the lot of these people is, according to their behaviour, grievous or easy to bear. The Mountain Dama are not treated worse than might be any poor Herero servant. As all who do not belong to the Herero, they are called Ovatua which made people infer that they were slaves. But an Omutua does not mean slave, only non-Herero."

Vedder says /4/ that these Mountain Dama were persecuted because of the damage they did to the cattle of the pastoral tribes. For these hunters cattle did not differ from other game and they did not respect the ownership of the herdsmen. Nama and Herero became therefore their enemies.

> "There were times when the Mountain Dama moving in the open spaces had to signal to each other barking like dogs or imitating the cry of monkeys, fearing the roving Herero who would either kill on sight a Dama whom they found, or take him away as servant for lifelong forced labour".

The Tswana exercised control over the Bushmen by attaching groups of the latter to tribal groups of their own. The patronage was vested in the Tswana chief and his family, and was derived from rights over the land in which the Sarva-Bushmen roamed. The groups had to pay tribute and individual

Sarva were taken into the Tswana wards as servants. These Sarva, Schapera says /5/

> ".. are to be regarded as servants or dependents rather than as slaves. Often no doubt they are harshly treated, but they are never bought or sold, and are free to marry as they will, although they generally remain attached to the same family for long periods. The men are entrusted with the care of the flocks, and accompany their master on the hunt and in the old days also to war, and in general must be ready for any kind of service. The women attend to domestic matters, clean the hut, fetch the wood and water, maintain the fire, and so on, and also milk the cattle, when the mistress or daughter of the house does not herself do so."

In a later work Schapera's account is coloured by the Tagart Report, and he has to say /6/:

> "They are attached to the chief and other wealthy and prominent members of the tribe, for whom they must perform all kinds of menial services. They can be transferred altogether or lent by one man to another, irrespective of their own wishes; if ill-treated they have no other remedy than to run away if they can, but are often followed up and brought back forcibly; if living in the veld, they can have their children taken away from them and brought to their master's home for domestic service; they have no right of action against their master for any wrongs they inflict upon them, such as seducing their women; and they have no share in the tribal government.."

Thus it seems that the position of the Sarwa is no worse than that of the peasantry in central and eastern Europe was until well into the nineteenth century. The London Missionary Society, perturbed by reports alleging gross forms of slavery in the midst of tribes in their care, conducted an enquiry in 1935. They invited Chief Tshekedi Khama to answer questions and explain the situation. The spirited and dignified exposition of the Chief is very instructive indeed. Unfortunately

the inquiry concerned chiefly the personal services rendered by the servants, and not the group relations. We do not learn any detail of the tributes paid (in game and disks cut out of ostrich egg shells). Thus we hear:

> "The thing which apparently misleads .. is the phrase that 'the Masarwa belong to the Chief'. Now if we black people talk about the chief we do not mean the chief at all; we mean the chief as representing the tribe in an official capacity... If we say 'the Masarwa belong to the Chief' it indicates no more than when we say they are in the power of the chief, i.e. they are like other Bamangwato under the rule of the Chief.
>
> And this is what is meant when it is said that if a man is sent out of the country, his family reverts to the chief, it is because in the nature of things there being no elder to come between them and the chief, they are ruled direct by the Chief." /7/

It is unlikely that a structural analysis can improve on this succinct statement.

Tagart reported /8/:

> "Their personal rights are not equal to those of the Bamangwato; they enjoy no share in the government of the tribe, and their marital and paternal rights are liable, though in practice not often subject, to interference from their master.."

While acknowledging as a matter of course that the alien population of the Sarwa did not enter the highest circle of responsible kinsmen, to the second point Chief Tshekedi Khama answers: /9/

> "If I as a Mongwato had a daughter, she would not choose her own husband, and even so she does see a man she wishes to marry, we who are her parents can say: 'No'. It is also in the case of a man who chooses whom he wishes to marry. The parents can veto it. It is not only the parents who can do this but any senior relative has the right, and.. since we have come in contact with the Masarwa we treat them as we treat our own people."

These statements which I did not wish to quote extensively in this context, make it quite clear that in this relationship we are dealing with a transitory stage between an extra-tribal patronage vested in the chief and a mild form of serfdom; serfdom it should be called rather than slavery, because the group relationship is being replaced by rights to specified services, whereby the circle of the people entitled to such services is slowly being enlarged.

XXI

There is a similarity to be observed between the position of the so-called slaves in the soukala of the Mossi-Gourounsi tribes and the Sarwa servants of the Ngwato. In both cases these servile persons are attached to and controlled by a group, the rights of which to do so are vested in one individual, the head or chief of that group. The differences are manifold. In the Mossi-Gourounsi type, the master-servant relationship is a matter of one generation. This is not the case with the Ngwato. Moreover, the Sarwa stand in a twofold relation to the Ngwato: as a group that is tributary to the chief, and as servants picked from that group and attached to the wards of the chief and his descendents. In the former position the social and kinship cohesion among the Sarwa is not interfered with; in the latter they are no longer part of a cohesive group of their own, and their marriages are regulated as if they were part of the Ngwato, though they share none of the political rights of the tribe. Thus a segregation is maintained, and at the same time broken up because of the economic value of the segregated people, a phenomenon which is fairly widespread.

Of course the possibility of complete segregation has also materialised amongst the simpler peoples. In such cases we find a structure resembling very much a caste structure.

as no rights by individuals or over individuals are exercised, this kind of relationship can be mentioned only briefly. An instance about which there is some scattered information available is that of the Maku Indians who live among the Aruak. /1/ They live as pariahs in parts of Aruak villages and are prisoners of war or their descendants. The tribes they belonged to are living on a much lower level of organization than the Aruak, who are the enemies of the "inferior" groups. The inter-tribal relations are much the same as those between Southern Bantu and the Bushmen. The assimilation - if it can be called that - of the captives is different. They are and are meant to remain an alien body in their victors' villages. They do not combine with them in economic activities and are not attached to households. No individual relationships exist, apart from prostitution. The diet of the Maku is appalling in comparison to that of the Aruak. Moreover, their segregation makes them a strictly endogamous group which makes them a continuous source of contempt for the exogamous master race. Maku serve as scapegoats in any disaster, be it of a public nature or that of the death of individuals. Maku witchcraft is held responsible and Maku are killed. Neither the fact that these prisoners are kept alive, nor any detail of their treatment can be accounted for by economic motives. Structurally there is a similarity between such a small pluralist society and a caste society; in fact, many

of the primitive groups of India were slowly transformed from tribal groups into castes.

Thus the institutions of servile symbiosis and extra-tribal patronage can be classified (see adjoining diagram), according to the kind of affiliation and control, and as to the persons in whom the rights to control are vested.

Comparing these institutions with the pre-servile relationships discussed in the preceding section, we have to make the following comments:

1. As to the organization of labour.

In the first part, during the discussion of types of labour organization, mention was made of two types in reference to servility. The one implied the exemption of a person from the sexual division of labour, the other the existence of a group of persons ready to perform communal labour beyond the frequency and amount of such labour performed by other persons of the society. Generally speaking, in the first type of pre-servile relationships, i.e. in those of an individual kind as opposed to group relationships, we found no tendency to either form; sometimes menial tasks are being performed by the person in question, as in the case of young illegitimate persons, e.g. in the North Californian instances. In the second group of pre-servile relationships, i.e. those of a group kind, we found stray occurrence of menial tasks, while the transformation of the lower group into communal working groups is fairly

A structure of superior group	1 belongs to or is a caste society	2 not caste, agric.bias fixed internal market	3 neither A1 nor A2
B type of contact	a open conflict	b cooperation	
C form of integration or other results in structure of inferior group	becomes group in caste system	annihilation of soc. unit. service arrangements or enslavement of individuals	exclusion fr. market, trade monopolies
morphological similarities	1	2a	2b

a open conflict	b cooperation	
		enslavement of individuals
		extra tribal patronage
		α vested in chief
		β diffuse
		3a
		3bβ
		3bγ

1. simpler groups in India.

2a Pygmoid groups in Malaya; Maku - Aruak relations.

2b " " " " ; on Luzon; Kubu of Sumatra(?)

3a Mountain Dama.

3bβ Ituri Pygmies.

3bγ Sarwa; Kivu Pygmies.

frequent: this happens when the Ituri Pygmies are called on to help in road building but more frequently when an economic pressure is exercised on the groups, as in the case of the various Asiatic Pygmy groups. In these instances of economic pressure we find the communal working group composed of both sexes. It is impossible to say how far the social organization of such people becomes modified through their being used as communal labour groups without sex dichotomy, that is to say, how this permanent labour pattern can be imposed on the previous social organization. In the absence of field observations on this point, it is unsafe to hazard guesses. But it appears as a possibility, that the deterioration of Negrito groups into Pariahs attached to Malay villages has been brought about by this factor, and not only, as the observations referred to suggested, by a desire for a more stable diet.

It may be of interest to inquire in cases where groups of natives are being employed by Europeans who control their land, how far the entailed deviation from the customary mode of labour hastens the disintegration of the society. Hitherto students were inclined to regard as the sole cause of disintegration among employed natives the introduction of money economy and the destruction by labour migration of the basic family institutions. If, however, the guess - for it is no more than that - were right, this would go a long way to explain the comparative rarity of extra-tribal patronage and servile symbiosis

among simpler groups; for the disintegration caused by the new forms of labour would accelerate the replacement of the group relationships by individual pre-servile or servile institutions. The Ngwato-Sarwa relations are a case in point.

From this can be inferred the further course of an inquiry into slavery: the study must be applied to servile institutions of societies where we find both pre-servile relationships or related phenomena and servile institutions. Only there can we see in terms of organization of labour what functions are fulfilled by servile institutions which are not fulfilled by the others. The cases which are particularly important to investigate are North West American native slavery, that is slavery in a region where "proletarian" labour groups are at the disposal of the wealthy, and slavery in some of the West African societies where slavery exists side by side with the pre-servile institution of pawnship.

2. As to social organization in general and kinship structure in particular.

We have seen that pre-servile institutions of the individual kind are temporary, and, with a few exceptions (e.g. some of the boi types of the Lushai) are personal arrangements, not involving relations between generations of people. Pre-servile institutions of the group kind on the other hand, tend to permanence. In the relation between the Bambuti and the Lese generations of patrons and generations of pygmies are

closely linked. The same can be seen in the case of the Ngwato. But where economic exploitation is the driving force, as in the case of the Asiatic Pygmy groups, the arrangements are shifting and short lived.

Thus we find that <u>in those cases in which a structural permanence is possible, or is established, the labour functions are differentiated, without a direct causal nexus existing between the two phenomena</u>.

On the whole, we could observe that pre-servile institutions are not connected with the formation of nobility factions at the other end of the social scale; the only other social differentiation with which pre-servile relationships are often connected is the rise of chiefship.

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