ABSTRACT of the THESIS

"A Comparative Study of the forms of Slavery.

by

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exempt from the application of the sexual division of labour.

The next section deals with relationships existing between individuals which involve a degree of servility, but do not express a desire to have this servility perpetuated, which thus does not form part of the basic structure. These institutions called here pre-servile which sometimes are confused with slavery, develop in processes of social integration of detached persons (prisoners of war, offenders, orphans, bastards etc.) and are distinguished from pure slavery. The third part deals with a group of pre-servile institutions arising out of economic smybiosis of two societies of different densité morale.

In these institutions of extra-tribal patronage and servile smybiosis we find arrangements of social asymmetry and a tendency toward servile forms of labour which is rare in the former group of pre-servile institutions. Some attention is given to the relation between structural permanence of the institutions and the differentiation of labour forms. There exists a correlation of this kind, but no causal nexus.

ABSTRACT.

This thesis is composed of three parts all of which are to form the introduction to a general sociology of slavery. The first part is a theoretical introduction. In it first of all the meaning of the word Slave is discussed, but the word is not defined as a scientific term. The changing and accumulating meanings are illustrated from 18th and 19th century dictionaries. Thus some insight is gained into our conditioning in using the word, and pseudo-scientific questions, arising out of this accumulation of meanings can be excluded from our inquiry.

Placing slavery in a classification of the institutions of social inequality, we can define "servile institutions" as institutions sui generis, just as the three other main kinds: rank systems, class and caste structures.

The relation between servility and the organisation of labour is outlined. This necessitates some general remarks on the meaning of 'labour' as a sociological term which tend to be rather critical of attempts to describe labour in terms of motives. Two types of labour are thought to be particularly important in relation to servility: communal labour, that is the performing by many in unison of the same work, and menial labour, which, in the sense used here, causes a person to be

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A Comparative Study of the Forms of Slavery.

Thesis for the degree of D. Phil.

I N T R O D U C T O R Y N O T E

When I started several years ago a study of the forms of slavery which was to be submitted as a thesis for the degree of D. Phil, I knew very little about the variety of the material to be surveyed, and of the many theories necessary for the assimilation of these copious and complex data. It is questionable whether any reliable work can be produced on such a far too ambitious scope; but however unscholarly and immodest such an undertaking may be, there seemed a need to exist for a comparative study of some forms of servile institutions which justified my persevering. When I reached the stage of writing up my results,however, I found it quite impossible to present as a thesis the whole of this comparative study; the sheer bulk of the writing made this inadvisable.

When I considered which sections of my work were most suitable to be presented for academic purposes, I thought it best to choose those parts which were closely knit together, and which had the most bearing on general sociological theories, Thus I decided on the first three sections, though these had been planned as introductory parts and do not fulfil the promise of the title; they are no more than an introduction to the study of institutions of slavery in the strict sense. The introduction is of two kinds. There is a theoretical part,

discussing the meaning of the word slave and the way contemporary conditions had impressed themselves on the various definitions attempted; then the object of inquiry is as far as possible narrowed down and the question is asked, and to some extent answered, how institutions of slavery could be, for the purpose of formal sociology, fitted into a system of the institutions of social inequality. To this end the kinds of social inequality are classified. As labour functions matter very much in servile institutions, a short survey is made of theories about labour, and the organization of labour is analysed in reference to servility.

This gives an opportunity for discussing the approaches and methods of several earlier works.

The two other sections deal with what I found necessary to call pre-servile institutions; a group of phenomena often confused with slavery which have some elements in common with servile institutions.

I wish to indicate the place which these sections are going to occupy in the completed work. The introductory parts have to be followed by a section on types of those institutions of slavery which are not conditioned by class and caste structure; there will be compared some simpler African and Indonesian forms, the slave laws of the Pentateuch and early Mesopotamian institutions. This is followed by a section comparing more complex institutions, particularly slavery in

Ashanti and Dahomey with North West American types which are conditioned by rank systems; pawning and debtor slavery of West Africa and Indonesia are to be compared. The sixth section deals with various aspects of slave concubinage, as complementary marital union and as institution of luxury. In this context "racialism" will be discussed; this discussion will be based on a comparison of concepts of inferiority in societies where dual descent matters and where, therefore, emancipated slaves continue to be a different kind of human beings and offspring by slave concubines are regarded as inferior. The seventh section is going to deal with caste and slavery, and will contain comparisons of Nepalese, Ancient Indian, Somali, and Mauretanian institutions. The eighth and last section has to deal with complex class societies and their kinds of slavery; the instances will be taken from the Ancient East, Roman slavery, the Aztec laws, and modern European plantation slavery. A discourse will deal with the relation between the system of punishment existing in a society, and its servile institutions, while another will indicate the social structures incompatible with slavery, comparing chiefly Southern Bantu cattle economy with the money economy of later capitalist society.

As the parts assembled in this thesis originally were meant to be read in connection with other parts not contained here, it was sometimes difficult to avoid reference to

"another section of this study" where a problem or an institution would receive full attention. Such reference I have not always omitted; though such remarks are rather apt to stress the fragmentary character of my thesis, their omission might have created the impression of superficiality or ignorance where something important to the study of slavery is mentioned, but the context does not allow for adequate treatment.

I have to apologise for my use of Nieboer's famous work on "Slavery as an Industrial System"; it was impossible for me to obtain the improved second edition (1910), and I had to quote therefore from the first edition (1900). During the last weeks of my work I had access to a copy of the second edition, but had no time to check in detail which of the theories propounded in the first edition were maintained in the second. In a footnote I am comparing the scope of the two editions, to remain fair to Nieboer; on the whole I have satisfied myself that no fundamental differences occur in the passages quoted or cited here.

TABLE OF CONTENTS.

Page.

PART I. 1-140

THE MEANING OF SLAVERY; THE TERMINOLOGY OF INEQUALITY; LABOUR AND SOCIAL STRUCTURE.

Chapter I. 1

The Origin of the word 'Slave'.

Chapter II. 9

The Meaning given to Slave since the Middle Ages is illustrated by definitions from English, French and German Encyclopaedias from the Eighteenth and Nineteenth Century.

Chapter III. 29

Slave in Sociological Contexts: a term of interstructural reference, not to be defined.

Chapter IV. 32

The Slavery-Serfdom Dichotomy and European conditioning.

Chapter V. 37

Servile Institutions as a kind of social inequality. The phenomena of social inequality.

Chapter VI. 42

Institutions of Inequality as kinds of status relationships: the four main types are rank, class, caste and servile institutions. Rank system as different from rank order (status distribution). Criticism of Landtman's use of the term Rank. Lowie on Rank, Caste and Class. The Definition of Class according to Weber. Class and social cohesion. Class and Caste: clashes between class and caste

Page.

Chapter VI. contd.

principles within one society. (Travancore and North America).

Chapter VII. 58

Classes and Castes in non-class and non-caste societies; "Primitive proletariat" (MacLeod on North-West American Indians); difference between Pariah and Pauper groups. Caste formation and discriminating segregation generally. Race concepts and religious segregation; Jewish segregation. The merging of declassé groups submitted to common segregation; colour bar in Cardiff; coloured people in Mauritius.

Chapter VIII. 74

Servile Institutions and their Classification. Criteria of range of inequality and institutionalization. Household and authority structures; dual status of slaves.

Chapter IX. 83

Definition of Labour. Bücher and the Functional School. Is a purely sociological definition of labour possible? The issue clouded by functionalism. Labour not definable by motives; division of labour different from organization of labour. Malinowski's and Firth's use of Bücher's approach. The significance of the sexual division of labour, of communal and menial labour.

Chapter X. 98

The Function of Servile Institutions in regard to primitive labour organization. Schurtz on Slave labour. Criticism of Firth's conception of drudgery. Technology, economic stages and slave labour. Some criticism of Nieboer and of Hobhouse-Wheeler-Ginsberg.

Page.

Discourse to Chapter X on: 130

The Luxury Effect and the Effacing of the Enslaving Process.

Chapter XI. 137

Conclusions. Necessity to investigate Pre-Servile Institutions. Status relationships and jural relationships; Radcliffe-Brown on structure and jural relationship. Status mobility and the compatibility of jural relationships.

PART II. 141-326

THE APPORTIONMENT OF DETACHED PERSONS IN

PRE-SERVILE RELATIONSHIPS AND INSTITUTIONS.

Chapter XII. 141

The Kinless Person and the Orphan. Withdrawal of solidarity raises the question of new potestal regulations implying change of status; the situation brought about by rescuing another person (Kautilya Arthasâstra). Relation between solidarity and authority structure. Orphans in Athenian law. Words for Orphan and Drudgery in Indo-European languages. Orphans among the Dehueloche, the Lepchas and the Tenetehara.

Discourse to Chapter XII on: 157

Jural pluralism in regard to social structure and social actions transcending the autonomous jural spheres. Jural spheres according to Durkheim, Ehrlich and Weber. Weber's idea of the imposition of the jural idiom of Prominent Groups criticised. Jural spheres and degrees of conceptualisation. Chain actions and inter-dependent jural spheres. Expulsion of kinsmen; the Nordic concept of Frith. Expulsion among the early Hottentots.

Page.

Chapter XIII. 181

The Relation of the Uitoto Chief to Orphans and Captured Children. The Spencerian theory of the origin of slavery from cannibalism. The Upiacá captive children. The Position of the sacrificial victim among the Tupinamba: a pre-servile relationship.

Chapter XIV. 199

Can Slavery develop from the status of Captured Women? (Schurtz and Landtman). Alternative marriage types with and without status implications. Female prisoners of war and their relation to the captor in unstratified societies. Conditions under which the following aspects of the captive woman can be separated: sexual, procreative and economic aspects. An interpretation of the Deuteronomic Law concerning concubinage with a captive woman. The institutions of the Safwa: the Varakuta lads and the Safwa Chief; the statement that Safwa have only women as slaves.

Chapter XV. 228

The Boi system of the Lushai Kuki Chin. Continuous detachment of individuals from solidarity groups a feature of social growth. The process of reintegration and the function of the Chief. Boi relationships as transitory stage.

Chapter XVI. 251

Chiefship or Kingship Segments as Assembly Points of Detached Persons: an alternative that depends on the social structure only; this exemplified by the institution of the Clan Exile among the Chagga. Integrity of kinship ties as major factor in the exile's status.

Discourse to Chapter XVI on: 267

Asylum as one of the types and techniques of apportionment of detached persons.

Page.

Chapter XVII. 279

Conclusions. Enslavement and the Severing of Kinship Ties. The story of Joseph. Other relations between kinship and servile status. Nieboer on North American slavery. Pre-servile relationships among various groups of the Mossi-Gourounsi of the French Sudan compared; Analysed as examples of 'non-hereditary' slavery; Absence of heredity in slavery as a positive feature of structural relationships. 'Enslavement' of illegitimates by Mother's kin among North Californians explained as pre-servile relationship. Nieboer's distinction between intra- and extra-tribal origin of slavery; and similar discussions in Chinese literature.

Discourse to Chapter XVII on: 304

The Aristotelian Theory of Slavery. Why Aristotle deals with household slavery only. Aristotle's distinctions between kinds of potestal arrangements. Kinds of potestal arrangements in Greco-Roman society generally. The status of the Vestal Virgin and the Roman soldier in the time of the Republic. Incompatibility of potestal arrangements as opposed to hierarchical structures. Later Roman hierarchy as different from Feudal and West African hierarchy. Aristotle's concept of the slave as 'A servant in the sphere of action.'

PART III.

SERVILE SYMBIOSIS AND EXTRA-TRIBAL PATRONAGE. 327-370

Chapter XVIII. 327

Economic Areas and Interrelations of Heterogenous Societies. The Efé Pygmies of the Ituri Forest and their symbiosis with the Lese; a patronage and Kare relationship.

Page.

Chapter XVIII. contd.

Social asymmetry.The Symbiosis of the Batwa pygmies and the Hutu; their relation to the Hemitic Sultans; hunting rights and joking relationships.

Chapter XIX. 351

The Negritos of Northern Luzon and their Malay Neighbours. The trader as extra-tribal patron; diet, indebtedness and coercion. Criticism of Vanoverbergh's notion of exploitation. The exclusion of the weaker group from the market economy of the major society. Similar arrangements concerning the Semang of Malacca.

Chapter XX. 360

Extra-tribal patronage exercised by the Ngwato Chiefs over the Sarwa bushmen. The dual position of the Sarwa as tributary group with internal social cohesion and as servants of the Chief forming part of Ngwato society.

Chapter XXI. 365

Conclusions. Ngwato patronage compared to arrangements whereby the weaker group lives in caste-like segregation. Pre-servile relationships compared as to organization of labour, and as to social structure. Temporary and permanent pre-servile relationships. Relationship between structural permanence and differentiation of labour functions.

PART ONE.

I

Slave and hence slavery are words which during the Middle Ages came into use among various European nations. During the following centuries these words were found in almost every European language, with the exception of the Slav or Slavonic languages. These words are derived from Slav, an exclusively ethnographical term. People belonging to that ethnical group were often kidnapped, traded with, and kept as chattels [1], in a position which, when the words slave and slavery came into use, did not conform to the legal and social position implied by the dominant servile institution. While the latter, in spite of great variety, was habitually referred to in terms of rights and duties, of service rendered and protection given, and while this system of rights and duties seemed to be the essence of lawful relationship, a large part of the social field came to be regarded as being of a different nature, and its institutions, if not utterly "lawless" (a-legal rather than illegal), expressive of different kinds of laws. The more restricted and clearly defined the rights and duties of servility in a country became, the greater a difference was felt to be between such a state and one of "lawless" subjection.

For eight centuries this vast field of diverse phenomena was known in Europe under the name of slavery. Perhaps it is

not of great importance to know whence this name came and how it spread. These questions have been dealt with by the appropriate experts, and their discussion, an outline of which shall be given, has concerned two alternatives.

The word <u>slave</u> came into use first spreading either as a trade name, i.e. as a name for a commodity bought and sold on slave markets, or it was from the beginning a term describing a lower status. In the first case it would have originated with those who bought Slav nationals on the slave markets, when we would have to consider as localities of origin the Adriatic coast and perhaps Byzantium. In the second case, the origin would lie on the ethnical frontier between the Slav and Germanic speaking groups, where Teutons had established themselves as overlords of Slavs; and the best administered countries (as the Frankish Empire) would suggest themselves in the first place, as centralized administration upholds a uniform terminology in such matters.

Parallels can be provided for these alternatives. The Arabs called their more light skinned chattel, taken from Abyssinian countries, <u>hubush</u>. This word, meaning "Abyssinians" referred, and still refers, to the lighter slaves of "Hamitic" stock, chiefly the Gallas. <u>Hubush</u> is definitely a trade name. It refers to the market value of such goods, as distinct from the value of darker slaves taken from other African nations. It does not denote a status, does not mean a slave as opposed

to a freeman, or a privileged type of slave as distinct from a less privileged one. [2]

On the other hand, the Indian word dasa, meaning among other things a slave, at first applied to the dark skinned pre-Aryan tribes. Its use for "slave" connotes the superiority of the Aryan invaders rather than any trading activities. [3] Similarily, an Anglo-Saxon word for female servant and concubine is wylen (Wealh = Welsh), which at first must have meant a Welsh girl; then such a woman taken as concubine by a Saxon; and lastly a concubine as distinct from a lawful wife. [4]

If we consider in a similar way the material on slave accumulated by historians and philologists, we first have to examine the usage of the ethnical term Slav.

In the sixth century A.D. we find the Greek words Sklavênoi, Sklabênoi, the Latin Sclaveni and the Greek Sklabos (Authors: Agathias, Maurikios). [5] The insertion of the k sound between the s and the l of the Slav word has been much discussed. Baist, disagreeing with Dies and Miklosich, has shown this insertion as unlikely to take place in Greek; Greeks would be more likely to insert a thêta, and indeed, the forms Sthlavinoi and Sthlavoi do occur, if only rarely. [6] In German too, such an insertion would be exceptional, while for early Italian Baist has shown many parallels. [7] Thus, concludes Grimm's Dictionary, the insertion of the c or k is

a peculiarity of the Romance languages. /8/ This would point to a Latin speaking group, not necessarily in Italy, as the first users of the word.

But this evidence is complicated by two facts. The regular use of the Middle Latin Sclavus occurs in the documents of Charlemagne and his successors, and is there on record earlier than in Italy. Second, as Baist has stressed most successfully, ethnical groups calling themselves Slavs were not in contact with Teuton speaking peoples (whether or not the latter did use Middle Latin); Slav groups in contact with Teuton groups called themselves Wendi, (i) Sorbi, etc., and were named accordingly in the German vernacular. Thus, in the famous legal code Sachsenspiegel, the German version has Winden while the Latin one uses sclavi: /9/

> "Sklavênci, Sclaveni is the name of the Southern Slav tribe which, as the first of its race, encountered the Romaics in the regions of the lower Danube in the sixth century; soon they were driven by the Avars .. into Illyria .. where they became Italy's neighbours, divided from her by the Adriatic." /10/

In later times other Slav tribes used the same name, viz. the Slovinci of the Baltic and the Slovaci north of the Hungarian plain.

The meaning of the word has also been disputed. Some historians connected the name with the slav word slava "glory".

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(1) The old German forms of this word are Winid (Wined), pl. Winida, or Wint, Winde, pl. Winden.

This etymology was abandoned before the beginning of this century, and now the other view is generally held: Slovani were the speaking people, i.e. those whom the various Slav tribes could understand (slovo = word), while the others were called dumb people (Nemec = German, from nemy = dumb); similarly, the Greeks had called those who could not make themselves understood, mutterers, barbaroi, and the Norsemen described the Eskimo as shriekers = skraelingerna.

No case can be made for the use of the name Slovan among the Slavs in the Dark Ages, as a general ethno-political term. It seems indeed, as if the neighbours who called the Slavs thus were Latin and Greek speaking people who came in contact with Southern Slavs in the north of the Balkan peninsula. This would support the deductions from the inserted k sound. To sum up: it is most probable, that the general ethnical appellation Solav, Sklab originated among Latin speaking people, between Dacia and Illyria, and that this word was used and spread by Byzantine writers. The use of the term Solavus (ethnically) in Latin documents drawn up by the Carolingian chancellary (1) does not imply vernacular usages. The imperial offices employed clerics whose language was related to an Italienate background and not to typical situations of Germanic

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(1) ": de negotiatoribus qui partibus Solavorum et Avarorum pergunt". (Charlemagne) or "Avaros atque Solavos qui ab orientali parte Baiovariae sunt". (Louis) /1/

life.

Turning now to <u>sclavus</u> denoting a servile person, we have to discard Baist's conjecture /12/, based on the assumption that the Arabs of Spain were the first on record to use the word thus. This instance, (from Dozy) refers to the tenth century. But there are earlier Carolingian occurrences. Grimm's Wörterbuch quotes two very relevant passages from a charter given to a Bavarian monastery (853) /13/:

> "omnes homines qui super easdem res commanere noscuntur, et ad praefatum monasterium (St. Emeran) pertine videntur, tam Bajoarii, quam Sclavi, liberi et servi .."
>
> and ".. ut nullus index publicus .. super homines libros vel sclavos (of the same monastery) ullam potestatem habeat in quoquen illos distrigendos .."

While the first passage uses the word <u>sclavus</u> obviously as an ethnical term, the expression of the second "libros vel sclavos" must refer to the status; and as otherwise we would have to credit the document with too much ambiguity we have to assume that the Sclavi of the second passage were the same people as those meant in the first: they were servile Slavs.

This is the first recorded instance of the use of the word <u>slave</u>. It occurs long after the conquest of Lombardy by Charlemagne, and two hundred years later than the first recorded use (by Greeks and Latins) of the ethnical term; a period during which Slavs were traded as chattel in the Adriatic area. /14/ From this it is only fair to conclude, with that degree of certainty which the incompletely recorded

usages allow us, that the word came into use first as an ethnical term (north of the Balkans), second as a trade name for chattel (Adriatic, Lombardy) and third as a term denoting a social status (in the early German Reich). As a trade name first confined to the eastern mediterranean, it quickly spread from the centres of medieval slave trade. Later on we find the word in almost every European language (with the understandable exception of the Slav languages), as the Provencal esclau, esclava, the Spanish esclavo, the Portuguese escravo, the Italian schiavo, the German sklave, the Frisian slaaw (North Fris.) and slaef (West Fris.), the M. Dutch slave, slaef, Dutch slaaf, Middle English sclaue etc. /15/.

The Arab word which was derived from the same root, by no means replaced any of the native expressions, and it was never quite identical with 'abd, the general term for slave. The word is believed to have come to the Arabs of Spain through the Mediterranean slave trade, from Italy. /16/ It seems that its use was kept close to the original meaning, i.e. the trade name. The wider meaning was of ethnical or racial significance. In siklâb (pl sakâlib and sakâliba) the Iberian Arabs had a word which referred to European chattel, eunuchs ~~enmques~~, and generally to people outside the oriental pale, without stressing their religious or political allegiance. Thus an assiklâb meant either an 'abd of European extraction who, perhaps having become a Moslem, was not called "Frank";

on the other hand, Dozy quotes a passage from an Arab historian, describing the Emperor Otto II as as-sklâb./17/ In later days we find medieval writers (Arab and Persian) using the ethnical term more strictly for all Europeans who are neither of the Latin, nor the Germanic races. /18/

In his dictionary Dozy gives a verb derived from that root meaning to castrate (i) a person. The use of different forms of nouns for the ethnical meaning seems of later date, and the Arab word for Slav which is now in use (as-slaf) must be quite recent.

Most ethnical terms of the Arabs, from whatever source they may be derived, are so called nisbe forms, i.e. (substantivated) adjectives ending in i; in an exceptional case they would be more likely to borrow the plural from the foreign tongue, adding to it a derivatory singular. In this case, however, the singular is the primary form which has been provided with more arabized plurals. Without putting too much stress on this argument, it may be said that the first people of that name met by the Arabs were perhaps individual chattel.

(i) saklaba: châtrer un homme, le faire eunuque. /19/

II

The meaning of slave was very much enriched by translatory use. The word came to be regarded as translation and thus an equivalent of servus, the Roman term for the dominant servile institutions of various periods of Roman Civilisation, a term bearing the burden of centuries of legislation and jurisprudence. And into slave were transferred by translation the meanings of 'abd, when "slave" came to refer to the dominant servile institution of Mohammedan civilisation and the contexts of the most complex and perhaps most carefully worked out slave-laws of all times.

The Hebrew ebed and the doulos of the New Testament did not only describe servile institutions in Hebrew society and the Hellenic East: the consistent metaphorical usage of these words referred to the relation between God and man, and this meaning was essential in Judeo-Christian monotheism. Therefore the translators of the Bible fouhd it impossible to use ignominious vernacular equivalents and they had to resort to the terminology of European feudalism. "Knave" was thought more fitting and it corresponded to Luther's "Knecht".(1)

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(1) Luther's use of Knecht for obed and doulos influenced strongly the German terminology. As late as 1743, the greatest 18th century German Encyclopadia, called Zedler's Lexicon after its publisher, dealt under the heading Knecht with Jewish, Greek and Roman servile institutions, while under the heading Sklave came all the corresponding institutions of "barbarian peoples" as the Moslem nations

(contd on next p.)

Later the broader expression "servant" was used. But the Vulgate had translated servus and that "meant" slave; thus obed and doulos too "meant" slave and the intercultural equation could not be narrowed into a smaller field of reasonable implications.

This very useful allusiveness of the word slave continued to work its way through the centuries. New societies came into the range of habitual reference, ancient remains and legal documents were excavated, and "slaves" were found everywhere. Slaves were the most profitable merchandise for centuries, slavery a flourishing institution in the Americas and Indies. Elements of Roman slave law were incorporated into American and South African legislations. More important still for the meaning of slave was the movement that led to the "abolition of slavery". For this was the greatest general controversy in European ideology since the Reformation. The discussion was long protracted, it ranged over most fields of theology, political theory, ethics and economics, and all the implications and meanings which slavery had accumulated, were thrown into the melting-pot.

Moreover, before this discussion had assumed its

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of Arab and Turkish languages, and colonial plantation slavery. While the status of the Knecht could be explained in reference to the biblical slave code, Roman law and cherished literature generally, the a-legal state of the Sklave was kept apart, as an object of horror and pity.

historical volume and tenor, there was already an active desire to order and to sift rationally the knowledge derived from hitherto disconnected sources and disciplines, and to represent for the benefit of the rising middle classes a compact body of facts and of interrelated theories and opinions. In the encyclopaedias of France, England and Germany, we find slavery defined according to the needs and usages of contemporary ideologies.

The encyclopaedic interpretation of slavery can be surveyed here but briefly. In such a cursory study only a few points can be considered in relation to which short lived canonization of linguistic usages seems particularly relevant.

These points are: First, the need to reconcile a definition derived from Roman law with various current usages of slavery. This need would differ according to the importance attached to the tradition of Roman law in the respective country.

Second, there was the need for an explanation, why the Roman and the biblical code of slavery differed so markedly. In a country with a catholic background this discrepancy would be regarded, or bridged, in a way different from that peculiar to a country of a protestant background, however secularized either may have been. As the Babylonian slave law at the time was yet unknown, the biblical one appeared singularly humane, and remarkably different from any other servile in-

stitution. Those, however, who regarded "slavery" as godless and Israel as God's people had to explain, why such a nation had not entirely discarded this institution.

Third, it was necessary to use the term <u>slavery</u> in such a manner that it could apply to many institutions which became known in the course of the nineteenth century.

Fourth, the meaning given to <u>slavery</u> had more or less to fit it into a series of similar terms describing human society. While the 18th century had a predilection for definitions of an aesthetic and abstract kind, relating and arranging terms within a small orbit of meaning, the 19th on the whole preferred putting a plausible theory of the origin of the thing meant in the place of a definition, or to couple the theory of origin with a brief and purposely unsatisfactory definition. Either method served the same end. Biblical slavery, however, is exceptional, as the theories of origin relating to it go back much further. But these are either playfully mythological, or they are extensions of theological reasoning, and neither of these shows, in that period, adaptation to a theoretical conception of society.

Fifth, everything said on this topic, was influenced by the various stages of the abolition campaign.

As to the fourth point, it has to be observed that the only sociological theory holding the field in the middle of the 18th century, and thus capable of influencing the

encyclopaedias, was that of Montesquieu. His was an ambitious scheme which dealt with all known social relationships. Necessarily, the majority of his observations were not original. But so much has been written on the synthetic character of his work that we are sometimes apt to forget the great debt which we owe him for an achievement that must be distinguished from his social criticism and from the merits of individual remarks. This achievement consists in the purposeful emancipation from their former contexts of statements made by jurists, economists, historians and others. Theories about the influence of climate on civilization had been formed before /[1]/, but it was left to Montesquieu to combine such reasoning with theories about the consistency of jural relationships or the policy of nations. This combination seemed more significant - and it still is - than the ill-informed climatic theory itself. This combinatory achievement lifted modern inquiry to the level on which Aristotle, Poseidonios and Ibn Khaldun had theorized. Unsatisfactory, as most of Montesquieu's individual theories were soon destined to appear, the impact, even of these individual elements, was stupendous.

Therefore we find in the famous Encyclopédie of 1755, (i) M. de Joncourt quoting Montesquieu:

(i) For these quotations from encyclopaedic works no pagination will be given in the notes referring to individual paragraphs. The complete bibliographical data will be given at the end.

"L'esclavage est l'etablissement d'un droit fondé sur la force, lequel droit rend un homme tellement propre à un autre homme, qu'il est le maître absolu de sa vie, de ses biens, et de sa liberté."

"Cette definition convient presque egalement a l'esclavage civile, et à l'esclavage politique: pour en craionner l'origine, la nature, et le fondement, j'emprunterai bien des choses de l'auteur de l'esprit des lois, sans m'arrêter à loiler la solidité de ces principes, parce que je n'a peu rien ajouter à sa gloire."

This is a remarkably composite exposition. The first paragraph refers implicitly to the code of Justinian and to the later conceptions of ius gentium. It implies a conception of two sets of relationships which exclude each other. The first of them is founded on agreements, contracts, and established correlations of rights and duties. The second results from the application of force. Whether or not the wielding of force is in agreement with an established system of laws, is not relevant to the assumption that, once force is wielded, it gives rise to relationships sui generis. This dichotomy is not meaningful, unless we understand that it is believed in by those who desire all relationships founded on force to be replaced by relationships of the first kind. As both, unchecked political powers (those of an autocrat being the favoured example) and authority exercised by a master over his slaves, seemed to involve the same principle, (i) Montesquieu gave slavery a meaning suggestive of unparliamentary

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(i) This idea of course goes back to Aristotle.

rule (despotism) and of servile institutions. These "two kinds of slavery" make their appearance in the second paragraph of the article.

The third paragraph, again, confronts institutions founded on force with the jus naturale, pointing out that all men are born free. The fourth paragraph mentions work for wages as a more natural kind of employment, as it came about not by force, but "par une suite necessaire de la multiplication du genre humain". This proved a good arrangement for both sides, to the economic advantage of all concerned; but it could not be otherwise, as the basic relationship was assumed to have been a contractual one, and the parties entered it voluntarily (" .. formé par un libre consentiment, par un contract .."). This rightful state of earning and employing, however, could not prevail in its purity. Wars were waged, prisoners were kept as chattel. "La loi du plus fort, le droit de la guerre injurieux à la nature" corrupted the natural relationship between rich men and their poor servants.

Thus far concerning our fourth point. As to the third, the encyclopédiste distinguishes two kinds of slavery, "réelle" and "personelle".

> "La servitude réelle est cette qui attache l'esclave au fonds de la terre; la servitude personnelle regarde le ministère de la maison, et se rapporte plus à la personne du maitre. L'abuse extreme de l'esclavage est lorsqu'il se trouve en même tems personnel et réel."

As to the second and first point, the place of Roman law

and the divergent institutions covered by the same name, the encyclopédiste found an ingenious approach. Assuming a basic norm of slave laws, which norm was of course represented by Roman law and custom, he has to explain the Hebrew slave laws as anomalous. They were brought about by the extreme villainy and ferocity of that nation which necessitated severe restrictions by the law giver. Surely, they would have worked all their slaves to death, had they not been provided by laws seemingly in advance of all the nations known to M. de Joncourt.

The first edition of the Encyclopædia Britannica 1773 keeps closer to the biblical tradition.

> "Slave, a person in the absolute power of a master, either by war or conquest. We find no mention of slaves before the deluge, but immediately after, viz. in the curse of Canaan; whence it is easily inferred that servitude increased after that time; for in Abraham's time we find it generally established."

Then follow a few remarks on Roman slavery, double the length of the preceding paragraph. The Encyclopædia concludes:

> "Slavery is absolutely abolished in Britain and France, as to personal servitude. Slaves make a considerable article of traffic in America. The British South Sea Company have, by treaty, the sole privilege of furnishing the Spanish West Indies with slaves."

This is all that, in 1773, an educated Briton was supposed to desire to know about slavery.

Ten years later, the second edition elaborates the above statements. On the authority of Menaga and Vossius, learned traditions of the 17th and 18th centuries are discussed.

Slave comes from Solavus "the name of a Scythian people whom Charlemagne condemned to perpetual imprisonment." An analogous explanation is provided for the Latin servus which is derived from the name of the Serbians. But a rival ethymology is mentioned - as erroneous as the first one - and as it had been current for some time, this terse rendering shall be quoted:

> "The Romans called their slaves servi, from servare to "keep, save", as being such as were not killed, but saved, to yield money either by sale or by their work."

There is, moreover, an addition to the reprinted passage about the flood and Abraham: it refers to a quaint rabbinical tradition according to which Nimrod started slave raiding trading.

This is half of the article, while the other half, in about 200 words, gives a description of Roman slavery. Under the different heading of servant, however, another contributor who is in closer contact with the thought of his time, advances a pithy argument, showing why slavery is incompatible with lawful usages. The points raised do not differ from those made by the protagonists of the anti-slavery movement. Some similarity can be seen between this article and Clarkson's famous essay on "The Slavery and Commerce in the Human Species" (in Latin, Cambridge 1785). It is interesting that the code of Justinian provides the starting point. The three ways in which a person becomes a slave are enumerated: through war

captivity, or birth (both jure gentium) and through self sale (jure civili). Of course, all three possibilities are refuted as logically inconsistent and morally unsound.

Without anticipating the results of a special and extensive research into 18th century anti-slavery literature, I should say that it seems as if before Montesquieu's "Esprit des lois", Roman Law had not been of such an importance in English anti-slavery arguments.

Thus the second edition of the Encyclopaedia Britannica, if not explicitly advancing two different conceptions of slavery, shows two approaches, one scholarly, traditional and biblical, the other concerned with Roman Law and topical issues.

Five years later the second great French encyclopaedia made its appearance ("Encyclopédie Methodique). It dealt with slavery in its legal section. Again, the beginning of the article deals with Roman Law, and at the start no reference is made to biblical slavery. The subsequent statements continue a tradition of discussing jus gentium and jus naturale. A contradiction is made clear which is supposed to exist between the jus naturale according to which every one is born free, and slavery imposed by social (not natural) agencies.

> "Les jurisconsultés romains deffinissoient l'esclavage une constitution du droit des gens, qui somettoit un homme àl'empire d'un autre, contre la loi naturelle.
>
> En effect, par le droit naturel, tous les hommes naissent incontestablement libres; mais la loi du plus fort, la loi de la guerre, l'ambition, l'amour de la domination, le luxe ont introduit l'esclavage dans toutes les parties du monde, et chez presque toutes les nations..

> Nous entendons par esclave celui qui est privé de la liberté naturelle, et qui est soumi à la puissance d'un maître; et par esclavage l'état de la personne qui est en servitude.."

After which the encyclopédie gives some descriptions of slavery among the ancient nations, and of colonial slavery. The latter, at least in its legal aspects, is represented by extracts from the Code Noir which was supposed to regulate slavery in the "French Islands".

The first German encyclopaedia referred to before (Zedler, 1743, before publication of "Esprit des lois") defines a slave as a person who has to work in obedience to orders, without being paid to do so. Slavery results from war captivity or from victimization by slave raids; or the slave is born into this state. The article mentions but briefly colonial slavery, and reports that the Christian slaves of the Turcs and other Mohammedan nations fare much worse than the Africans in the Americas and Indies. The major part of the article consists in a highly coloured account of these unfortunate Christians who are at the mercy of the Moors. Another article, as remarked before, deals with the servants (Knechte) under which heading are described the servile institutions of ancient Palestine, Greece and Rome. There are kept separate on the one side institutions based on however strongly disapproved laws and associated with esteemed literature, and on the other side Mohammedan and colonial slavery. The latter form one unit; both are opposed to Christianity as 18th century

Germany understood it. This was slavery practised either by the archenemy of Christendom - thus suggestive of lawlessness - or by the seagoing European nations of that time. The Germans were in a position quite different from these nations and easily managed a severe disapproval.

If we compare this twofold approach with that of the second edition of the Encyclopaedia Britannica, we find a similar dual grouping of institutions, while the headings (slave, Sklave, servant, Knecht) are reversed. The principle is the same, the names do not matter greatly.

The New Royal Cyclopaedia (1788) almost verbatim reprints the slavery (not the servant) article of the second edition of the Encyclopaedia Britannica.

There begins, with the latter's third edition (1797) the habit of pointing out the vagueness of the word slavery: the discussion on Abolition had brought forward too many facts. Hence:

> "Slavery is a word, of which though generally understood, it is not easy to give a proper definition. An excellent moral writer has defined it to be 'an obligation to labour for the benefit of the master, without the contract or consent of the servant'. But may not he be properly called a slave who has given up his freedom to discharge a debt which he could not otherwise pay, or who has thrown it away in a game of hazard? In many nations, debts have been legally discharged in this manner; and in some savage tribes, such is the universal ardour for gaming, that it is no uncommon thing for a man, after having lost at play all his other possessions to stake, on a single throw of dice, himself and his children. That persons who have thus lost their liberty, are slaves, will hardly be denied; and surely

> the infatuated gamster is a slave by his own contract. The debtor, too, if he was aware of the law, ... may justly be considered as having come under an obligation to labour for the benefit of a master <u>with his own consent</u> .." (article's italics)

In this manner, the Encyclopaedia starts off, selecting an obviously defective definition, less complete than that of the Code of Justnian, and confronts it with a great variety of data. And it continues smoothly:

> "This definition of slavery seems to be defective as well as inaccurate. A man may be under an obligation to labour through life for the benefit of a master, and yet that master have no right to dispose of him by sale, or in any other way to make him the property of another; but the word <u>slave</u>, as used among us, always denotes a person who may be bought and sold like a beast on the market."

After asserting that "by the law of nature" all men have "an equal right to life, liberty, and the produce of their own labour", the encyclopaedist finds it not

> "easy to conceive what can have first led one part of them to imagine that they had a right to enslave another. Inequalities of rank are indeed inevitable in civil society; and from them results that servitude which is founded in contract, and is of temporary duration."

Given a difference of property (and not of rank, as previously expressed) a tendency would develop among the rich to hire as servants some of the poor; which relationship is not against the "laws of nature", as it is supposed to make both parties "happier than they would be out of it." But as no such happiness can exist without contracts, "real" slavery has none of it, and the question arises how, if at all, we connect the happy state of serving the rich with the grossly unnatural

state of slavery.

The obvious solution is to account for <u>slavery</u> in terms of its supposed origin. Once we are arrived in the sphere of myth, plausibility is unbounded. The assertion - since elaborated by Spencer [illegible] and others - is made that "slavery took its rise among savages who in their frequent wars with each other, either massacred their captives in cold blood or condemned them to perpetual slavery." This theory which seems connected with Hobbes' thoughts rather than with a belief in the natural rights of man and the social contract, is strengthened by the aforementioned etymology of <u>slaves</u> (servi) as "spared ones".

Such reasoning could, at that time, still be combined with traditionalism, and so we return to the Bible to learn about <u>slavery</u> that it began

> "among the violent persons whom our translators have called 'Giants' (Gen. VI.) though the original word literally signifies <u>assaulters of others</u>. Those wretches seem first to have seized upon women whom they forcibly compelled to administer to their pleasures; and from this kind of violence the progress was natural to that by which they enslaved their weaker brethren among the men, obliging them to work for their benefit without allowing them fee or reward."

Thus the giants broke into the world of man and introduced into his order another which did not allow them fee or reward. If these giants were the first slave owners, "the first dealer in slaves seems to have been Nimrod." Here the aforementioned rabbinical tradition is elaborated, until it becomes quite

obvious that for a man, in a society of hunters, to be called a mighty hunter, means that he was chasing and disposing of game not merely animal

Considering the different background, it will be understood why the Encyclopaedia approaches the anomaly of Hebrew slavery in a manner very different from that of the first French Encyclopédie. "Whilst slavery, in a mild form, was permitted among the people of God, a much worse kind of it prevailed among the heathen nations of antiquity."

Six pages describe servile institutions of the ancient Greeks, Romans, Teutons, and those prevailing in the European colonies; a discussion of native slavery in Africa tries to prove its existence prior to European contacts, and the remaining four pages are devoted to arguments of the familiar type against the notion that slavery is or can be lawful. The degree to which slavery was identified with wanton interference with human lives unprotected by law and authority, can be gauged from the exception the writer is willing to make:

> "Fraudulant bankrupts indeed, of whom we see daily many, might with great propriety and the strictest justice be compelled to extenuate their debts by labouring for the benefit of those they have injured; and criminals of other descriptions might be made to work for the benefit of the public; but in both cases the task to be performed should be ascertained by the law, and the persons of the labourers be protected by the state. If such can be called slaves, their slavery is undoubtedly consistent with every principle of virtue and religion; for they suffer nothing than the due of their deeds."

The proposed institution does not differ much from those of

many a "savage" society with which we shall deal later. The writer of the article might have been asked how he proposed to regulate the relations between the delinquent and his family, and what kind of status would result for these women and children from the proposed innovation; such questions, however, can only detract from the keen social criticism implied in the cited words. - At the end of the article the writer returns to the Bible; though he extols the clemency of the Mosaic Law and the virtues of Abraham, it is plain that the fact that the Hebrews had "slavery" at all, neither agrees with his notion of the people of God nor with that of "slavery".

The increase of public interest in the various problems of slavery can be seen from the increase in volume of the respective articles. The article in the 1797 edition is 12 pages long, about 50 times as long as the article in 1783; and it is followed by a long article on slave trade which deals with the endeavours of the abolitionists. With slight alterations this article is reprinted in the following editions. The eighth edition (1860) - in which the slavery article is a complete reprint from the seventh edition 1846 - still repeats the article of 1783 up to its section on West African (Guinea Coast) slavery; which section is followed by a report on the abolition laws. (1830)

The nineteenth century encyclopaedias of Britain and Germany show in their articles on slavery those features:

uncertainty as to how to define slavery, stressing the buying and selling of persons as criteria (not aspects of their legal position or economic rôle in terms of type of labour or standard of living), and, particularly the English encyclopaedias of the second half of that century, the slavery of the mythical savage who butchers or enslaves.

The Oxford Encyclopaedia of 1828, after reprinting the first paragraph of the slavery article of the 1783 Encyclopaedia Britannica, continues by quoting a few conflicting views on the desirability or morality of slavery; which is followed by a quotation from Stephen's excellent "Slavery of the British West India Colonies deliniated":

> "..But have these opponents told us what they mutually understand by slavery? By no means. Is it then a term of such certain and uniform import, as to demand no definition? The reverse is notorious. <u>There is not, perhaps in the whole science of policy, a word which has a greater variety and a wider range of meanings ..</u>(i) In general the term is applied by the possessor of civil liberty to designate every state of society in which this blessing is less perfect than in their own, or even less guarded by the constitution from future violation or decay. To withhold a due portion of <u>political influence</u>(i) from any class of men is, in the language of controversy, to enslave them; and to restore it is emancipation."

Thus Montesquieu's wide conception of slavery, civil and political, is used in a new manner: not to show that servile institutions are related to other kinds of inequality, not to

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(i) My italics.

elucidate slavery, but to show and utilise the ambiguity of its implications. Surely, Montesquieu was interested primarily in proper and lawful government and in the analysis of despotism. He harmed what he called _despotism_ by attributing to its victims features of _slavery_. This was nearly half a century before the anti-slavery movement reached its peak; now, on the descending slope, and a few years before complete abolition, the reverse was the intention: to point out that slavery was merely one of the many forms of inequality.

"Nor", continues Stephen and the article,

> "is domestic slavery less diversified than civil or political. The state known by this or synonymous appellations, in the ancient world, had many essential varieties: the slavery of Egypt, as abundantly appears in scripture, differed from that of Judea; the state of the Spartan helots from that of the slaves of Athens; the Roman slavery from Grecians; and both very widely from that of our German ancestors."

The argument about the inevitable inequality of rank resulting in a servitude founded on contract and of temporal character, and its incompatibility with "a traffic so unnatural and unjust", is taken over, in some places literally, from the 1783 Encyclopaedia Britannica. The interest is extended to Arab slavery and slave trade; this, however, for purely apologetic reasons, as it was worth while to prove that African slave trade had not been started by the Europeans.

The Brockhaus "Conversations-Lexicon" of 1824 writes:

> "Slavery in general is the state of a human being deprived of his rights (rechtloser Zustand), in which

state another person regards him as his property. Through this state numan beings become commodities. Like so many beasts destined for transport or slaughter, the merchant drives them to the market where the Non-European (i) purchases boys and female slaves as well who have to serve as means to gratify his desires. The debasing of woman to an animal ... is the most shameful result which spread from Central Asia - not India! - and which weighs as a heavy curse on the lands of the orient, crushing to the ground the continent of Africa."

There follows a lengthy dissertation on human rights and reason which is entirely derivative. Every sentence points either to Montesquieu or the later English abolitionist literature. The desire to connect a certain region or climate with the origin of slavery - afterwards occurring frequently in German books - goes back to Montesquieu. The perverted dwelling on imaginary and repulsive racial features, associated with the unattractive and foreign institution, may be quite original, and typical of a widespread attitude.

This is one of the major articles of "Brockhaus", numbering 12 pages, and containing many references to Greco-Roman slavery, slave laws and customs. It is entitled Slave Trade.

W. B. P. Bliss, "The Encyclopedia of Social Reforms" (2nd edition New York - London, 1898) says that

> "Slavery is the first condition in which labourers as a class appear in history. In the hunter period of our human history, the conqueror does not enslave his vanquished foe, but slays him at once; in the pastoral period slaves are generally captured only to be sold;

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(1) My italics.

but when sedentary life begins, slavery originates ..
"Wherever slavery has existed it has meant wrong, injustice, violence, brutality engendered both in master and slave. Prisoners of war, held for debt or self sold slaves have had little but cruel treatment until their emancipation through death".

Thus generalisations are made on the ground of purely European institutions which are reconciled with a conception of social evolution. The diversity of "slavery" of which by then more had come to notice, had to be mentioned as "exceptions" from this general rule; and we learn that Hebrew slavery was one of them, because it "was milder than that of any other nation", while the household slaves of the "Mohammedan East are treated as members of the family with tenderness and affection".

III

What use can the comparative sociologist make of a word like slavery? Surely, the word's ambiguity does not warrant disapproval from his point of view. On the contrary, he will find it belonging to a group of terms which we conveniently may call terms of inter-structural reference. The English words husband, wife, king, when used in a certain way, belong to the same group of terms. They do not merely mean husband, wife and king of contemporary English society; they point also to institutions of far away societies and ages. These words are pointers, and as such they defy definition, which would be necessary if they were descriptive or analytical terms. Unless we adopt an abstruse algebraic vocabulary, we have to use such words. What we call ambiguity is the logical aspect of their very function.

But we must note a difference which we make in our use of such terms. When a student sets out to describe marriage in an African tribe, he uses of course the words marriage, husband, wife etc. The meaning of these words is clarified by the subsequent unfolding of social contexts. The writer may even define marriage in that particular society by saying: husband and wife "mean" in this society this and that. Whatever he says, it cannot be put under the heading "What do we really mean by marriage?" This we may explain as a conscious

use of terms of inter-structural reference. It is as if marriage implied two groups of facts, the person using the term being conscious of that grouping. The first group, however small, would include certain facts which can be enumerated, while the second group would consist of facts infinitely numerous. Thus, when we say that a Chinese princess or a Siberian chieftain is or was married, only facts of the first group, the minimum group, are being alluded to. But when we say: "The Smiths are married", we have said much more, because we have attached to these two persons an almost infinite number of data which are due to our social training. We use marriage as a term of inter-structural reference consciously, being aware of the minimum and the maximum range of allusiveness.

Or, when a writer refers to a man as King of Dahomey or Tahiti, he will later set down the relations existing between such a king and his subjects, thus clarifying his terms. The use of king as term of inter-structural reference is a highly conscious one. The positions and persons of English monarchs are surrounded with images, associations and values which are regarded as so far specialised and unique, that to call an African king does not at all make his image conform to the images and connotations of English kingship. Hence we shall not find in contemporary books questions which come under the heading "What does kingship really mean?"

Terms of inter-structural reference have different histories which are part of our social conditioning, and which precede the scientific use we may make of them. The reason for the fact that we are using with so little consciousness slavery as a term of inter-structural reference, is indeed a simple one: there are no slaves in our society at present, no persons have taken part in our social training who would be implied by the full range of the allusiveness of slave; and, psychologically speaking, the place of "the slave" of our immediate social experience has been occupied by the Roman servus or the negro slave of America's past. These figures are familiar to us because of our education, but not because of our immediate social training: we know of them but little. Nevertheless we do use slave as a pointer term like husband and king; hence the uncertainty and the question "What does slavery really mean?"

Moreover, while we know in every instance with certainty whether husband or king are used simply for reference or as a metaphor, we have to exercise conscious care in order to detect the metaphorical use of a word like slave. The phrase: "The proletariat are the slaves of modern civilisation" is a case in point.

IV

A more confusing difficulty is this: while slave amassed the allusiveness above described, European societies knew servile institutions of a different kind, the serfdom of the feudal order. Parallel with slavery, serfdom accumulated allusiveness, in such a way that the conception of servitude worked with a dichotomy. Any servile institution came to be regarded either as one of serfdom or as one of slavery. Under the heading serfdom came anything that differed from slavery, such as the institutions of villainage, peonage, etc, while the meaning of slavery was constantly being widened in order to embrace every servile institution to which the label serfdom could not be attached. This peculiar dualism continues into our day.

Mediaeval studies provide us with different definitions of forms of serfdom, definitions based on legal documents and illustrated with such items of human behaviour as can be gleaned from contemporary literature. This lucidity may be said to continue when European writers discuss Japanese feudalism, or the legal documents representing the feudal period of ancient South Arabia. But outside these and similar provinces of research, terminology becomes vague. Were the people of the agricultural servile class in ancient Mexico or Peru slaves or serfs? This question has been asked

several times. But no such classification can give more meaning to the scanty data in our possession.

Often, when authors describe servile groups in African or Indonesian tribes, they state that the institution under discussion ought to be called serfdom rather than slavery. Various reasons are given for such a decision. It may be that the institution is involved in a pattern of land tenure, or that people of that inferior status enjoy a freedom of economic enterprise not suggested by American negro slavery, or that they are not being treated harshly.

Opinions about harshness or mildness refer either to pre-conceived ideas as to how slaves are "generally" treated, or they reflect the attitude of the observer who, putting himself into a slave's place, distinguishes between a treatment which, being a slave, he would resent, and another which he would be able to bear for some time.

Social anthropologists fashioning generalisations about institutions seem particularly helpless when approaching this nebulous dichotomy. To quote one instance, Thurnwald says that it is difficult to draw a hard and fast line between slavery and serfdom. But, if pressed for criteria for differentiating the two, he would suggest that there always seem to be more serfs in a society than slaves. /[1]/

Prescientific sociological inquiry is not limited to Europeans. But this dichotomy does not seem to influence non-European minds; at least it has not occurred to Ibn

Khaldun, or to the writers of Chinese chronicles or Japanese jurisprudence. It is our historical conditioning which makes us look back to the slavery of antiquity, to mediaeval serfdom and to that unpleasant prank of "evolution", American and colonial Negro slavery. To realise the peculiarities of this conditioning may help us to distrust generalisations which are in agreement with it. The chronology just mentioned is part and parcel of this conditioning.

It is not the contention of these remarks to blame scholars for something that belongs rather to the history-lore of this civilisation than to their work. No historian accepts, e.g., that Christianity has abolished Roman slavery. But the very way in which historians describe its gradual eclipse and survival into the Middle Ages /[2]/, that air of discovery and contradiction certainly presupposes ideas which, much better than any historical research show what European civilisation would like to regard as its past. (1) The same air of discovery and contradiction surrounds investigations into the system of

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(i) The following passage from Professor Toynbee's ambitious historical work, may be quoted in illustration of those very popular ideas: /[4]/
"Since the institution of slavery has been recognized to be intrinsically evil by a consensus of all men in all times and places who have been in a position to study it at first hand objectively, it must be regarded as <u>one of the merits</u>, or at least as one of the advantages of <u>Western Civilisation</u> that in its history down to the advent of the democratic and industrial régime, <u>this pernicious institution had never played at all a dominant part</u>." (my italics)

colonial slavery in the mediaeval Levant /[2]/ or into the slavery of Renaissance Italy /[3]/.

To-day it is only a popular belief that types of organisation which show the greatest economic complexity and in their regulation the greatest efficiency, represent the highest stages of moral evolution, whatever "stages" and "moral evolution" may mean; it is unlikely that an educated person would regard the economic life of mediaeval feudalism as "more advanced" than that of the Roman Empire; nevertheless, it seems difficult to discard the notion that serfdom developed out of slavery, as a further step taken by evolution. Spencer is not the first thinker to try to dispel this misconception /[5]/, and the Encyclopedia of Social Sciences will not be the last work of its kind to include a similar admonishment. /[6]/

If we accept the continuity of slavery from Mediterranean antiquity down to the colonial slavery of modern times, if we recognise that slavery played an important rôle in Mediterranean economics through the ages, and was tied to money economy in all parts to which Mediterranean capitalism (Roman, Mediaeval or modern) spread, we have to regard modern colonial slavery as the culmination of this tendency and as the consummation of an European economic inheritance; and that it developed in the wake of the cultural Renaissance of Europe, is hardly surprising.

To sum up: slavery and serfdom are terms of inter-structural reference. For historical reasons they are used with a small degree of consciousness and interdependently. This interdependence appears as alternative. But we ought not to relate this dichotomy to the wealth of sociological data relevant to theories of servility.

V

In the preceding pages, when referring to an institution the name of which, slavery, was discussed, or when mentioning an allied type of institutions which, rightly or wrongly, are distinguished from slavery, the expression servile institution was used. This expression suggests itself as appropriate, as it is general enough, but at the same time specific enough to mean a category of the institutions of social inequality.

In theoretical literature social inequality is usually discussed under two quite different headings. This depends on whether authors are investigating patterns of repression or the status relationships within one society. Thus in Max Weber's voluminous and comprehensive work "Wirtschaft und Gesellschaft", a survey of inequality is given in the section entitled "Typen der Herrschaft" (Types of Power). There seem to be almost two different kinds of study, one comprising what may be called the features or phenomena of inequality, the other, disregarding these phenomena as techniques in the upholding of a structure, dealing primarily with the structure.

Weber's approach seems in this respect not far removed from the Marxian, in which on principle techniques of repression and types of political power are identified, privations and remunerations regarded as complementary. This is the more surprising as Weber elsewhere tends to overemphasize

the distinction to be made between the intent and the contents of social action.

It is comparatively easy to select features of social inequality irrespective of their contexts, and to classify them. Such a procedure can lead to various results. The following grouping under three headings shares the disadvantages of such summary essays.

1. There is what one may call general authority; general, because here is meant authority not qualified by its occurrence under specific conditions, nor acting to originate specific actions and bring them to a desired end. General authority modifies the behaviour of those subjected to it, without this modification being explicable in terms of specific actions which, be it in the economic or ritual sphere, have a beginning and an end. Ritual values may or may not be attached directly to general authority, but responses to it we can always relate to systems of values. Attachment of explicit values depends on the institution in which such an authority plays its rôle. The acceptance of general authority means the readiness to accept all orders given by it in regard to certain spheres of life. Such a behaviour is expressed as a behaviour of marked deference. All words like deference, humility etc., describe an attitude that is one of readiness to accept orders the purport of which the humble individual treats as being unknown to him. This conception of general

authority comes near to M. Weber's charisma, but it is a wider conception, as Weber speaks of charisma only in instances where a person wields authority by virtue of the ritual values attached to him, these values stressing the uniqueness of such a person. General authority includes the authority of people of exceptional knowledge and experience, the authority of seniors in regard to juniors, parents in regard to their children.

2. There is the power to direct persons to the performance of specific tasks. Under this heading comes all power to control activities, and the rightful demand for services a person may be in the position to make. The more clearly specified, the fewer such tasks and services are, the less they are associated with attitudes of deference and humility.

Thus we can say that the more these tasks and services are part of a system of interdependent activities in which the controlling person is involved, the less of general authority and attitudes of deference and humility we can expect to find.

3. There is the exclusive right to certain kinds of action and kinds (or forms or ranges) of possession. These rights are usually summarised as privileges, but when using the term in such a wide sense, it is well to remember that it refers not only to the economic life or the political administration.

Thus among the Aztecs only the nobility had the right to

build two storied houses and to wear certain ornaments. For the Aztec state these privileges were so important, that it secured them by ordering the death of offenders. /[1]/

There exist, moreover, in conformity with privileges of individual persons or defined groups, specific privations of individuals or of groups singled out for such a treatment. Such individuals or groups are deprived of rights to kinds of action and possession, which rights are assumed to be vested in all the other members of that society. Where, either as a temporary measure, or permanently, individuals are kept in such a state of privation, this is the result of sanctions imposed on them, or it is regarded as an equivalent of punishment.

Thus in these "negative privileges" - to use Weber's expression - the notion of deservedness is part of the privation, just as it is part of the "positive privilege". Conformity of privation and privilege becomes more obvious, when we think of its application to groups rather than to individuals. To give a parallel to the Aztec example, according to contemporary Afghan usage, non-Moslims are forbidden to build for themselves houses of more than one story. It is not the case that all the Moslems of Afghanistan are in the habit of building high houses; they assume the right to be vested in themselves for the sole purpose of specific privation of minority groups.

Under these three headings are summed up the chief <u>phenomena</u> of inequality. They cannot be used for the

classification of inequality, that is to say for the classification of institutions, because at least two of the three combine in any institution of inequality. Such an institution can be analysed as to how any of these phenomena combine in it. But as this can be done only with attention to the social context, the approach must be different.

VI

It is a different matter to classify institutions of inequality as types of status relationships. It may be useful to distinguish between status relationships and institutions of inequality in the following manner.

The latter expression refers to the social status of individuals or groups which live combined in one social scheme. The two terms are interdependent as there is no sense in talking about the social status of a person in reference to a group, if all the members of that group have the same status. However, in the usual manner of speaking, social status seems to imply formalised behaviour and jural contexts, whereas social inequality does not always refer to formalised behaviour, sanctions and arbitrations. Thus inequality is a more general term; it may mean the rank order in a temporary association where the distribution of rôles and functions is not connected with the total social structure. Grading in rank and authority is a general feature of social life, however small the unit or sub-unit under observation. Only when a person's rank or authority is recognised throughout society, we speak of a <u>social</u> status.

The types of organisation which show well marked features of this kind can be classed under four headings:

1. rank systems.
2. class structures.
3. caste systems.
4. servile institutions.

Rank systems (as different from rank order which term for us refers only to the general diversity of social status), connects ownership of rank with either wealth or offices or both, on the one hand, and with privileges on the other. Rank in that sense, though it may be vested in single individuals, is shared by other persons, associated through kinship ties or other means. Such rank, then, may be inherited and passed on through a line of descent; it may be conceived in terms of offices for which only members of certain kinship groups are eligible. This may lead to the setting apart of certain kinship groups with definite privileges, in which case these groups are called nobility. But the general pattern of the distribution and the handling on and inheriting and sharing of these priviliges cannot, in simpler societies, be discussed in terms of the offices, as the pattern is primarily conditioned by the kinship structure. (i)

(i) The best known exposition of these fundamental matters in anthropological literature, is that of Prof. Lowie in his "Primitive Society". There, however, rank order, which is a general principle, and of which it is said that even "in a relatively simple culture and in a markedly democratic community individual differences

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Such systems may be part of, or overlap with caste and class structures, with which they are very often confused.

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produced nevertheless enormous differences in social rating", is discussed under the heading of rank, while the phenomena of rank system and nobility are discussed as caste. /1-2/ Landtman, in his work devoted to the study of the subject of inequality, maintains that /3/ "the equality which is the principle object of sociological interest is not the equality of capability and attainment but of conditions and circumstances. The inequality in question here, is not inequality of personal gifts but of established social gradations". This distinction between the psychological aspects of a person's qualifications and a type of social structure ("established social gradation") is not a sociological classification. It does not follow that societies without established social gradation must lack what Lowie called "enormous differences in social rating" or, that differences in social rating, without an established social gradation, are only a matter of "capability and attainment" and not of social circumstances. Thus denying in his premises rank order, status differences, to societies without a rank system, Landtman can entitle his first chapter "Equality of Rank Prevailing among the Lowest Races" - which is, of course, nonsensical. An account of the Kiwai Papuans, whose society Landtman had chosen for a field study, provides an instance of this complete equality. "The social equality of the Kiwai Papuans manifests itself the more completely and convincingly as it implies not only the nonexistence of an differentiation as regards social standing but also the nonexistence of any division of labour and of any disparity regarding the distribution of property. In social respect every man is on a footing of equality with all the rest, and no one has any authority over his fellows." /4/ Compared with this must be the following statements: "Every man is the owner of more land than he can use. If a man cannot work his garden himself ... his wife and children will do it for him; if he is unmarried, he will hand the plantation over to his brothers or somebody else, who then provides him regularly with the necessities of life and inherits the ground after his death. /5/ And: "The old men are the authorities resorted to in cases of dispute, for they know to whose fathers the various allotments used to

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As these two latter types are all important in the construction of the more complex societies, it is necessary to distinguish them carefully. This can be done best with the help of a simple logical model. Persons taking part regularly in complex social activities will group themselves in one of the two ways which illustrate the two different structural principles. Either the frequency of interaction will be decisive or the interest in the respective types of activities.

In the first case results the constitution of a group in regard to that type of activity. Conflicts arising out of the activity will be strictly localised within the group which will segregate itself from other groups, preventing the group's sharing in other activities, that would imply similarly high rates of interaction with non-members of the group. Two

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belong". And /6/ "A man's most valuable possession is his landed property, and in former times transference of land from one owner to another was wellnigh unknown except by inheritance." etc.
But Landtman is forced to qualify the use he has made of rank; "Among peoples who have no distinction of rank, not all individuals, however, are necessarily on an equal footing as regards authority and influence, apart from the divergences of station accruing from different personal endowments". /7/
In such a usage, rank does not mean:
1. "divergence of station accruing from different personal endowments."
2. distribution of "authority and influence";
3. nor does it mean quite definitely, what of late social anthropology has come to call rank systems, viz. rank as a connotation of all the privileges which are related to an office that is interdependent with several other offices. This does not render the word meaningless; but it can hardly be called a descriptive or analytical term.

tendencies will be observed: one towards the monopolising of the activity, another towards the segregation of the group in terms of kinship units.(i) The caste pattern is established with ideal completeness when the whole society consists of such compartments, each of which is at the same time an occupational unit and an endogamous kinship unit, with a cultic centre which combines both occupational and kinship aspects of the association. Such complete patterns have never been established. Even in India, the classic land of caste rule, we find castes with similar occupations, and exogamous castes, though the latter are exceptional.(ii)

For the purpose of formal sociology it is irrelevant which process in any given case is the initial one, that of the segregation of groups conceived as kinship units, or that of occupational limitation; because a social unit in a more complex society cannot be segregated successfully as a kinship unit, unless an occupational limitation is imposed, and no permanent occupational limitation can be imposed on a group successfully, unless it is segregated as a kinship unit, however vaguely conceived (e.g. as a "race") the supposed kinship cohesion may be.

(i) O'Mally relates that Indian soldiers who had served in the war, decided on their return to live together and constitute an endogamous group, a new caste. /8/

(ii) There is an extensive literature on caste and exogamy in India. This is summarised in Hutton./9/

Thus in any society the direction of segregating techniques against a sub-group results in establishing it as a caste, whether the segregation is self-imposed or not, and whether the caste thus established would fill a gap in an already existing caste society, or would be set up in contrast with the total social structure (as a single noble group or a single pariah group).

In the second case, associations among the persons taking part in a type of activity are formed to ally those who have the same kind of interest in that activity, or who in regard to the association formed in that activity and similar activities, represent identical or identifiable categories of status. This grouping into "classes" differs from the first kind. It does not imply the formation of social sub-units. Classes are amorphous associations; they may be composed of, or contain structured social groups.

Thus Weber (to quote one sociologist for many) is very careful in stressing that classes are not "Gemeinschaften" (here to be translated "structured sub-units" rather than "communities"); "they represent" he says /10/

> "only possible and frequent basic conditions (Grundlagen) for social action. We will speak of classes,
> 1. if a specific and causal component forms part of the life chances of a major number of persons,
> 2. which component is realised only in regard to economic interest in the ownership of goods and in gain ('Erwerb'),
> 3. under the conditions imposed by the market (of both goods and labour)..."

The third point of this definition refers specifically to modern society and would have to be stated slightly differently for purposes more general. The difference here between Weber's treatment and the Marxian approach is the latter's assumption of a social cohesion of the persons grouped in an economic class. In order to make this position quite clear, he continues /11/:

> "Every class may thus be the bearer of 'class actions' - which is possible in an infinite number of forms, but the class is not this necessarily, and, a class is not a socially structured unit ("Gemeinschaft"), and it leads to misconceptions, when classes are dealt with on equal level with such units."

(I am not translating Weber's "Gemeinschaft" as "community", because he explicitly states /12/ that he is not using the term with the same intent as Tönnies.)

When we bear in mind the points Weber insisted on, and think at the same time of the aims of contemporary American semi-anthropological research into urban stratification, we arrive at a definition of approximately this type:

Classes are:

1. Those groups of a population within which associations of maximal cohesion and interaction can be formed;
2. The persons belonging to a class have approximately the same social status;
3. This common status is related to the part some members of the class play in social actions and processes, in which they are related to persons of one or more other

classes; the common status refers in particular to the part played by some members of the class in a dominant, uniform mode of production;

4. Thereby it is understood that at least two classes are related to every mode of production dominant in a class structure;

5. The common status refers as well to the rôle all the members of the class play in the distribution of commodities.

The definition does not imply

1. That a class is an integrated body social or politic;

2. That in the dominant modes of production to which reference has been made, members of one of the classes must participate as owners of the means of production;

3. That in a class society all people belong to classes;

4. Or that in a class structure all classes relate to the same dominant mode of production.

In anthropological literature of a more general kind we find the term <u>class</u> used very loosely; the ambiguity is often embellished by a distinction made between economic and social classes; in such cases no explanation is given as to how an economic class appears as social entity (apart from an income-grouping), and in what way such an entity differs from a social class. The looseness of this usage of the term makes it also possible to maintain that <u>caste</u> is a more primitive form which

evolves into class structure - a process which has been nowhere recorded.

Among recent anthropoligists writing systematically on social inequality, Landtman holds an extreme position when he says: /13/

> "By classes, in the application of the term to early stages of social evolution, I understand more or less homogeneous divisions of the population, separated from each other in respect to precedence and privileges. As a rule these different groups represent different employments, whether it be that special avocations are reserved for certain classes, or that there is merely a general division of work between them."

Here we get a confusion of everything which it is worth while to keep apart: rank, class and caste. Occupational cohesion and political gradation are thrown together, the divisions which in the different cases can hardly have anything in common are nevertheless all "more or less homogeneous". And Landtman continues: "To each class is usually assigned a certain rank." Thus divisions of the population, separated from each other in respect to precedence and privileges are usually assigned a certain rank as well. What social actions can be imagined to bring about first this separation and then the rank? Sapientis sat ...

While a considerable amount of sociological work has gone into establishing, clarifying and enlarging the concept of class structure, (i) caste, as a general feature of social

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(i) A very comprehensive survey with terminological discussion is to be found in Halbwachs who gives a useful bibliography.

structure has not yet found adequate treatment. This is due to several facts: much attention has been given to the Indian caste system, the strict kinship observances and thorough ritualisation of which make it a unique phenomenon. Thus studies have tended rather to account for this uniqueness in terms of Indian society and history than to analyse it as a variation of a general type. (i) The apologetic attitude of Indian students has led them, moreover, not to comparison of their caste system with similar structures in North West or North East Africa, but with individual European institutions and instances, such as the mediaeval guilds, or the prerogatives of aristocratic groups, or the privations of European working classes, all of which has very little bearing on their subject. (ii)

The creation of caste groups in non-caste societies has received some attention from Weber, but only as far as these

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(i) Hutton, and the authorities quoted there on general theory of caste. Before more extensive data were available authors were less chary of the establishment of general categories. Robert Hartmann, to quote one instance, writing in 1876, goes beyond the older learned comparisons of Indian and ancient Egyptian caste by claiming that no "Berber nation is thinkable" without caste structure. /19/ But he too confused the existance of servile populations (Tigrè vassalage) with caste features, dealing under the heading of caste now with groups which are part of feudal orders, now with groups like the corporations of crocodile and hippopotamus hunters in Nubia and Abyssinia /15/.

(ii)

"pariah groups" are relevant to his theories on the sociology of religion, and not in relation to either total caste structures or the mechanisms of their maintenance. Pariah groups in primitive societies have been dealt with by ethnologists, but only on the ethnographical level. (i)

The discussion of two examples may help to clarify further the use made here of the terms class and caste.

S. Mateer has collected valuable information, through observation and reading of older accounts, on the relationship that existed in Travancore between Brahmins and Nayar castes on the one hand, and "outcasts", particularly the Pulayar, on the other. In this area both Brahmins and Nayar were agriculturalists, perhaps from old, using the labour of outcast groups. These outcasts or low castes numbered about one third of the total population /15/. The men who worked for a high caste landowner stood to him in a servile relation, the technicalities of which are not relevant here.

For the most part the workers regarded themselves as debtor slaves of their lord, though the incurring of the debt was merely the binding formality which began the servitude, and the repayment of the debt, or, in other cases the completion of the stipulated number of years, ended it. But this

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(i) A summary of Pariah groups among Arab Beduin: Henninger / / and the literature quoted there. An incomplete survey of pariah groups in simpler societies.

servile institution did not exist independent of caste. Only members of certain castes were eligible for this servitude, and they, or their descendents, became ordinary caste members again, once the servile relationship was ended.

Thus the low castes were the labour reservoir for the landowner, and, while membership of such a caste did not bring a man into any servile relationship with another person, this caste membership was the condition and background for all such arrangements. These outcasts inhabited the outskirts of the villages; their delapidated houses, their filth and appalling diet have often been described. /16/ The master, strictly observing the caste rules, did not contact his labourers. While working together with them on the fields, he would shout his orders from a distance. This situation developed some very remarkable customs.

"The various castes" says Mateer /17/

> "met at fighting grounds at Pallam, Ochira, etc; and at this season it was supposed that low caste men were at liberty to seize high caste women if they could manage it and to retain them."

According to Gundert /18/

> "this time of terror was in the month Karadam (15th July-15th August) during which high caste women may lose caste if a slave happens to throw a stone at them after sunset".

> "The Pariahs of North Travancore formerly kidnapped females of high caste whom they were said to treat afterwards in a brutal manner. Their custom was to turn robbers in the month of February, just after the ingathering of the harvest, when they were free from fieldwork and at the same time excited ... (through

rituals) .., they broke into the houses of Brahmans and Nayârs, carrying away their children and property, in excuse of which they pretended motives of revenge rather than interest, arguing a tradition that they were once a division of Brahmans, but entrapped into a breach of caste rules by their enemies making them eat beef. These crimes were once committed almost with impunity in some parts, but have now disappeared. Once having lost caste, even by no fault of their own, restoration to home and friends is impossible to Hindus."

Barbosa, writing in the 16th century, was the first to report this custom. /19/ "These low people" (the Pulayars)

> "during certain months of the year try as hard as they can to touch some of the Nayâr women, as best as they can manage it, and secretly by night, to do them harm. So they go by night amongst the houses of the Nayârs to touch women; and these take many precautions against their injury during this season. And if they touch any woman, even though no one see it and though there should be no witnesses, she, the Nayâr woman herself, publishes it immediately, crying out, and leaves her house without choosing to enter it again to damage her lineage.(1) And what she most thinks of doing is to run to the house of some low people to hide herself, that her relations may not kill her as a remedy for what has happened, or sell her to some strangers, as they are accustomed to do."

"Somewhat hard this upon feeble and helpless women"

comments Mateer (1883),

> "who should have been protected, if necessary, from such risks, by their husbands and other male relatives, who had themselves virtually invented and created the imaginary crime, yet strictly carried out the retribution for it!"

Mateer's remark is the obvious one to make. Nobody can suppose that protection of these women and children was impossible, if earnestly and rationally desired. The result of these

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(1) Mateer's translation. We should rather translate caste and not lineage.

activities which were performed with ritual regularity - the customary season varying from place to place and in time - was to spread the fear and hatred of the low castes concerned. This widened the gulf between the castes, thus being beneficial to all those interested in the perpetuation of caste conduct and the perseverance of caste strictness, however painfully it affected the victimized individuals.

If there was a need for this re-inforcement of caste rules, we have to seekits cause in conditions detrimental to their perpetuation. These conditions are the above described relationships between the landowners and their workers; to the latter must be added the whole population which was eligible for servitude. By definition caste systems do not provide for situations in which castes co-operate, however servilely this co-operation is regulated. Therefore caste conduct has to be re-inforced in order to survive antagonistic conditions.

If we agree with Senart and other writers who regard the Indian caste system as pre-Aryan, we shall not fail to give the same explanation to many instances described as cruelties against the lower castes and outcasts. We shall not make responsible caste structure as such for these features, but rather the intrusion of non-caste society into India (the Aryan invasion, Moghul feudalism, and industrial capitalism). Thus conditions were created under which the untouchables have

to touch and have to be touched in order to remain untouchable.

It is noteworthy how much there is in common between the customs just described and the anti-Negro rioting which takes place with a certain regularity in the Southern of the United States of America. (i) While the (sexual) aggressions in the first case were faithfully enacted by a ritual minded population, they are established in the second in a somewhat chaotic and haphazard manner: the real drama is the revenge taken for the alleged incident. To ask whether these allegations are true or not, shows an insight similar to that of Mateer's complaint against the unfairness to which Hindu ladies were subjected. The veracity of the allegation being irrelevant to the riot, it may suffice to ask what kind of behaviour the riot is re-inforcing, and how this compares to the first case.

While the incidents of the first case strengthen a pattern of behaviour that is weakened or contradicted by situations which imply class relationships, the incidents of the second case relate to a class society in which the negro population plays a rôle of a different kind. The fear and hatred caused by the allegations and the riots re-inforces the determination of the white population to look up securely the coloured people behind social barriers which are not part of a class structure, and which are constantly being threatened and loosened by

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(i) Cf. Myrdal's work, esp. under "riots", "lynching" and "The Southern Rape Complex" /20/

relationships normal in the give and take of class society, its economic competition, its exchangeability of master and servant, employers and employees.

The group which the negroes would form, if the class structure of the larger society were not to prevail, could best be described as a caste: it would exactly reproduce all the features we know as characteristic of castes in their structural setting, restriction of the choice of professions, which thus would become hereditary, restrictions of social contacts outside the caste, prohibition of connubium and convivium. This cannot be enforced permanently in a society whose other groups are not conforming to caste structure but base their conduct on competition and social mobility.

Thus we can talk in both cases of clashes between structural principles. Class and caste represent different social relationships, involve different social mechanisms; they may be combined in one society, but then they must conflict.

VII

To return to our main problem: can there be anything which we would have to regard as class or caste without its being part of a total structure of its kind?

There are certain instances of "classes" in non-class societies, as e.g. the pauperised groups among North West American Indians and Eskimos. MacLeod who has drawn attention to these groups, actually calls them primitive proletariat /1/ They consist of individuals who for some reason or other have lost the complex equipment needed for their chief economic enterprises, and who, in this reduced state, are unable to replace their loss. The equipment is of such a nature that it cannot be produced by the work of a single individual. The manufacture of fishing vessels, nets, harpoon contraptions, in some cases even the storage plants for fish need team work taking place in periods of calculated time for which preparations have to be made. The people thus deprived of means to maintain their livelihood use the implements of others and are given or can retain a specified part of the catch.

Actually, they undertake the usual fishing expedition with other peoples' boat and gear, and whether we have to regard the amount they surrender to the owners as a consideration for lending, or whether the amount retained by the working party constitutes a payment for labour, is a question which cannot

be decided on the basis of the available data.

We know from certain African areas /2/ which border on cattle areas on the one side, and on areas of simple agriculture on the other, that the use of cattle in agriculture in the mixed zone is limited by the number of cattle at disposal. Difficulties arising from these conditions are overcome by fixed arrangements for lending of cattle for ploughing, etc. But in all these cases part of the means of production - the soil - is owned by the cattle borrower, and the stipulations as to what quantity of crop should compensate the cattle lender have to be regarded as fixed exchange rates agreed upon by people of equal status, or as arrangements, in which status differences are not factors of first importance. It seems, moreover, that the cattle borrowers in such communities do not constitute discernible groups, either through overlapping with kinship segments, or through a difference between the interaction rates obtaining among them as compared with the interaction rates within the community as a whole.

But in the North West American instances the pauper groups are clearly defined units, which are formed by impoverished clans. It seems (the sketchy information does not make possible a firmer assertion) that this poverty is not associated with one clan as such, nor with individuals as such, but that the pauper group consists of a group of clans. As wealth and status are in these societies interdependent, the pauper group

is one of low status. The totems of these clans are not associated with the offices of the tribe. But the existance of the group does not involve the structure of the rest of the community. Employment of paupers does not enhance one's rank, nor is the rank order as expressed in terms of offices influenced by the number of people who are excluded from it, nor, finally, is the relation affected which exists between noble clans and the clans of (non pauper) commoners. This seems to be an instance of a class formation in a society without class structure.

Many societies of cattle nomads include paupers, men without herds. Their rôle varies, and future research may show that these variations go together with variations of the kinship structure. Among the Kirgis and other Central Asian nomads /3/ the herdless man works as herdsmen and servant of the rich, becoming part of the prosperous household and receiving wages. The poor man does not attach himself necessarily to a kinsman. In such a system, which has much in common with the Southern Bantu, the poor are perpetually being split up, and do not form groups. Nieboer has collected many instances of these relationships which could be easily complemented from more recent research. /4/

Arab beduin society differs in this, as in many other respects both from the cattle people of Central Asia and South Africa. Among Northern Arab beduin pauperised groups are very

common. They are clearly defined and different from impoverished individuals who attach themselves to more fortunate kinsmen or to the sheikh. There is an extensive literature on the subject from which it appears that status, cohesion and activities of these groups vary a great deal. Some of them have a definite pariah existence outside tribal society, and are called tribes themselves by courtesy. Others follow closely the migration of a certain tribe and are regarded as being attached to it. Some of these groups have definite occupational traits like smith's work, iron mending, etc, typical pariah or "gypsy" occupations, which may include that of dancers, musicians, singers, and entertainers, with some degree of prostitution. Others do not seek employment but live entirely on begging, making collective begging raids on the camps of the tribe which they "patronise". While to these latter groups no stigma of impurity attaches, but only a contempt which leaves room for joking and teasing, others are regarded as impure and contaminating by the beduin. The literature refered to is purely ethnographic or ethnological; there are no data available as to the internal structure of these groups. The impression created by these general accounts is that of a series of societies and sub-societies, differing in their relations to the real beduin tribes, and ranging from pauper groups which may have a class character, to pariah groups of definite caste character. All this is part of a

social life which is not structured in class or caste scheme. (i)

Thus we see in these nomad societies a relation between employment and the social cohesion of pauper groups. The cohesion can be best maintained when no employment is sought. (ii)

We find that the "proletariate" of the North West American Indians differs from the other pauper groups discussed. The characteristic points are these:

1. The social cohesion of the pauper group is not affected by employment; the group remains a cluster of normally functioning social units. Those of its members who, as we shall see later, enter individual servile relationships, thereby dissociate themselves formally from their former kinship unit. When their servitude or that of their descendants comes to an end through manumission, they do not return to their original unit.

(i) Absence of caste structure refers to the North of Arabia only.

(ii) In many complex societies - European mediaeval towns, in recent periods of Chinese civilisation - beggar groups have existed which superficially resemble the paupers of the Arabian and Syrian desert. This similarity is misleading: avoidance of social contacts with the majority of the members of a society, or the uniform abbreviation of that contact (as happens e.g. when several people ask for alms in the same conventionalized way) must lead to the same result: a barrier is erected, on either side of which people have complex relationships but across which plays only stereotyped and abbreviated social intercourse. The barrier does not suggest any kind of structure of the groups on either side, and we can presume that the well organized state of the beggar groups may be adequately expressed in terms of the distribution of regular beats etc.

2. Contempt is shown by the other groups of those who belong to a pauper group. This is expressed in an abusive treatment of the symbols of the impoverished, e.g. their totems. /5/ The behaviour of contempt is conditioned by gradation according to wealth, which gradation obtains outside the pauper group. It is not modified by or caused by relationships evolving from employment: relationships capable of such an influence are formalized in servitude.

This can be summarized as follows: though the paupers form a distinct group with distinct function in the economic order, the attitudes toward them show no conformity with what we usually regard as typical class conduct. The condition of the paupers, on the other hand, can be described under such headings.

3. The economic survival of the pauper group depends on their employment. Their attitude to the others must be conditioned in situations of employment which must exert on them a more active influence than the gradation of wealth which is outside their social sphere.

In the last point, however, our information on the North West American paupers (i) seems to agree with what we know of

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(i) The material regarding Eskimo paupers is even less satisfactory. The inference is that they do not form distinct social units. Individual paupers find irregular employment. In no way can we talk here of class phenomena.

other similar groups:

4. No prestige evolves from dealings with paupers nor out of their employment. Such prestige is connected with wealth, rank, servile institutions (number of slaves). Thus no difference is created between those who have, and those who have not pauper relationships.

The formation of castes in simpler non-caste societies will have to be dealt with in our survey of pre-servile relationships and institutions. Here have to be discussed only the principles underlying these formations, not only in simpler societies, but in general terms. In accordance with our classification of the phenomena of inequality (ch. VI.) we may say that privations a group is made to suffer tend to establish this group as a caste, irrespective of individual actions and their rationalisation. We may use Weber's expression "negative privileges" if this helps us to remember that we are not comparing privileged groups with those lacking these privileges ("underprivileged" is therefore an expression most useful in class contexts, while "negative privileges" cannot refer to class structure.) The degree to which the establishment of caste and caste conduct succeeds is not related to the efficiency with which these privations are put into operation; it is conditioned by the structure of the society as a whole, as can be illustrated with instances of American post slavery Negro segregation, or from Jewish exile history.

Privations of groups, it has been remarked, operate with the notion of deservedness. This notion can refer only to distinct groups and, as it cannot have a temporary qualification, it has to apply to all former and future members of that group. Therefore it has a connotation of kinship and race - just as this is the case in regard to "positive privileges" of groups. This happens regardless of the meaningfulness of concepts of kinship or race in other contexts of the same society. In fact, the privation of a group may be the only context in a society's life where notions of wider kinship relationships or race concepts remain or become significant. (i)

The privations a society intends to inflict or is inflicting on a group, are part of a system of privations. This whole system need not be in operation; it is however only the whole system of which we can say that it represents features of caste differentiation as characteristic of a total caste society. But every privation of a certain type implies the whole system.

Therefore it is possible to make a distinction between segregating restrictions and the discrimination of the group thus segregated. The term <u>negative privileges</u> we may retain

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(i) Privations, just as positive privileges, tend to establish a body of persons as an association <u>sui generis</u>, divorced from the values of ordinary social life. In that respect, incestuous and otherwise tabued marriages in the king's family, and the pariah's carrion eating belong to the same phenomena.

for the latter of which there is an infinite variety; the former, the basic segregating privations can be thus classified:

1. Exclusion of the group from all activities during which ritual values are originated or perpetuated. The group would damage such activities, and it is chiefly in this context that it is regarded as impure. (Magical impurity, lowness of ritual status and heterodoxy being interchangeable.)

2. Exclusion of all individuals of the group from permanent relationships (as different from short termed contracts) in which they could establish superiority of any kind.

3. Prohibition of all relationships which would bring other people into the group's kin; particularly: formal interdiction of connubium. (i)

4. Prohibition of all situations in which, with members of the group, equality could be established, or a conformity

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(1) The prohibition of connubium need not prevent at all sexual intimacy. The latter could fall under 5/, as abbreviated, "impersonal" form of contact for which the various types of prostitution and affairs with partners of low status provide an ample range. On the contrary, the taking for granted of the possibility of forming with ease sexual relationships under exclusion of matrimonial developments may even reinforce the barrier: Thus Myrdal insists /6/ ".. in some regions with a large Negro population, cohabitation with a Negro woman is, apparently, considered a less serious breach of sexual morals than illicit intercourse with a white woman. The illicit relations freely allowed or only frowned upon are, however, restricted to those between white men and Negro women."

of interests symbolized (friendship); particularly: formal interdiction of commensality. (1)

5. Provision of abbreviated and conventionalized ("impersonal") forms of intercourse with members of the group, and prohibition of all other forms of intercourse with them.

The starting points of segregating privations may be 1/ or 3/ or 4/; the rationalisation of the privations may emphasize either. Accordingly, we talk about religious or racial segregation, and where reinforcing tension has to be enacted, about religious or racial persecution. Regardless of this distinction, the technique of both kinds of segregation must be the same, as it connotes the ritual values of the society and the cohesion of the segregated group in terms of the common descent of its members.

This can be illustrated by the first decision taken against Jewish communities on European soil, the <u>canons</u> of the

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(1) The definition of situations regarded as generating equality or incompatible intimacy must vary with the respective structures. Thus in the United States the sharing by white and coloured people of the same train compartment violates the colour bar; but the colour bar is not violated by Negroes who enter the compartment as railway porters. However free and easy their behaviour, they are the white man's employees and not his fellow travellers. Similarly, any other <u>menial</u> occupation can bridge the colour bar, as such an occupation in itself testifies to the segregation. The employment of Negro cooks or nurse maids, intimate as these relationships may seem, does not imply equality, and is therefore, in spite of its intimacy, not contaminating. Such an attitude would, of course, be incomprehensible in the context of oriental caste relations.

episcopal council at Elvira, Andalusia (A.D. 306), and by their completion and elaboration in the decree of Sisiput, King of the Visigoths (612). The canons mentioned are prior to the establishment of Christianity as the religion of the Roman State and Empire; they are the measures of a community in a precarious condition, fighting against pagan groups, heretics and Jews at the same time, and the barriers put up in 306 protected primarily the Christian communities and prevented their disintegration. Later on the same decrees were used by a powerful and secure society in attempts completely to segregate the only remaining heterodox group. /7/

Canon 49 demands from the landowners (possessors) that they should not suffer the presence of Jews (at that time farmers) at the blessing of the fruit, as their presence would invalidate the benediction (ne nostram irritam et infirmam faciant benedictionem). Christians acting against this order would be excommunicated.

Canon 50 forbids all Christians, both clergy and laymen, to dine with Jews. Offenders would be denied the holy communion while they were continuing their misbehaviour.

Canon 16 forbids Christians to give their daughters in marriage to Jews and heretics. Offending parents were to be excommunicated for five years.

Canon 87 orders that a married Christian man who committed adultery with a Jewish or pagan woman, was to be excommunicated.

This brings out clearly points 1/, 3/ and 4/ of the segregating restrictions.

The edict of Sisiput confirmed the canons of Elvira, adding the provision, that a Jew ought not to be permitted to have a Christian person in his service or under his tutelage, under any title whatsoever, whether the person be a freeman, a slave, a nired servant, or any other kind of underling. /8/ - Thus point 2/ of the segregating restrictions comes into operation.

In the following centuries a development took place among the Jews which added more severity to the elaborate food prohibitions already in existence. These and the highly specialized marriage regulations were concomitant with the transformation of European Jewry from an alien religious community into an European caste; the climax of this development was reached when the shulhan arukh (1564) codified what, in comparison to Indian systems, stands out as an extremely consistent caste conduct.

The process which welds into a cohesive group the people who have been submitted to segregating techniques has been insufficiently studied by sociologists, and it is therefore not yet permissible to form generalisations. Some features of it are, however, rather obvious, and have been well described by various observers.

Thus Dr. Little sums up his enquiry into the state of

affairs among the coloured community of Cardiff of which he says:

> "In the Bute Town or Docks area of Cardiff, of which Loudoun Square is the focal point, there is a mixed coloured and white community in the proportions of perhaps more than four coloured persons to one white. The basis of this community is the coloured seaman and white housewife, and the main racial elements represented are Negroid and Arab. The community has been in existence in varying size since the end of the last century, but did not reach significant proportions until the time of the first World war. Since then it has become firmly established, and has now been in existence long enough to produce a second generation of adult age and child-bearing potentialities." /9/

This community which not even from the point of view of the surrounding people can be regarded as racially homogeneous is treated as a group. It suffers from its general domestic and social instability, the high cost of living and

> "the limitation of educational and vocational opportunities for the coloured juveniles and children.
>
> These factors, taken in conjunction with the overt manifestations of colour bar in the city, seem to have produced a reaction which in emotional terms is in some cases even stronger than the outside attitudes of prejudice. The same reaction seems, in turn, to bring about on occasion some very definite sense of group consciousness and group responsibility; since under any strong and overt manifestation of colour bar, differences of cultural and racial background tend to become very largely submerged, and for the time being forgotten. It is entirely through this type of event that the community can be spoken of as sharing a common body of experience, for it will be plain from what has preceded that it is yet too diverse in terms of sect, race, language and culture to be able to lay claim to any continuous and marked communal body of interest." /10/

These are "caste features"; other structural elements are non-caste, and therefore of secondary significance in the

evolving inter-group relation. Little continues:

> "Nevertheless, the last point requires some qualification since among the large section of African origin there is at least one organisation at work with, it appears, a fair degree of cohesive force. The implications of the movement, though nominally social, must realize themselves in political form before they become effective,(i) and as yet they do not engage the interest of the womenfolk to any great degree.."

Very interesting facts concerning the merging of heterogeneous groups who had in common their position on the other side of the colour bar could have been observed in Mauritius when the colonial Government abolished slavery in stages, apprenticing the plantation workers and domestic servants in increasing numbers, while for certain kinds of work indentured Indian workers had to be imported to fill the gaps; in this situation the necessity arose for the white population to treat slave and apprenticed black in certain regards in the same way and extend this treatment to the luckless Indians. The missionary Backhouse gave this account of the resulting situation:

> "After the passing of the act abolishing slavery, an arrangement was sanctioned by the Colonial Government, for the introduction of a great number of Indian labourers into the colony. They were engaged at five rupees, equal to ten shillings a month.. For every day they were absent from their work, they were to return two days to their masters, who retained 1 rupee per month, to repay an advance made for six months wages, and to defray the expenses of the passage. If these men came to Port Louis to complain of their masters, they were lodged in the Bagne prison, till their masters were summoned. The masters had a great advantage before the magistrate over their servants; the latter being foreigners, but few of them could speak French, and they had none to assist them

(i) My italics.

in pleading their cause. They universally represented themselves as having been deceived with respect to the kind of labour expected from them. But perhaps the greatest evil attendant on their introduction into the Mauritius, was the small proportion of females imported with them; only about two hundred were brought with upward of 10,000 men .." /11/

> "Many groups of Indian labourers and slave apprentices were working in the sugar plantations, in the lower part of the island; and several companies of Indian convicts were mending the roads. The Negroes and Creoles (i) of this country have adopted the Indian salutation of salam ... We frequently noticed the countenances of people of these classes brighten up, on being thus saluted .. The salutation was the most cheerfully returned by the barefooted (ii); the people who wore shoes, being free, set less store by the exhibition of kind notice." /12/

It seems that in this instance the scarcity of women among one of the declassed groups and subsequently intensified contacts with the other groups on the same side of colour bar had strengthened the incipient cohesion. In this context it is significant that all the people concerned - Indian indentured labourers, Indian convicts, African slaves and apprenticed slaves adopted the same greeting, which originally could not have been used by more than a minority among the Indians. If it is not worth while speculating on a state of things which might have arisen if the labourers had been settled permanently, it is certainly instructive to reflect on

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(i) Backhouse uses the word creole not as it was used in the French colonies, meaning a colonial Frenchman, but in the debased meaning of the word, signifying a halfbreed.

(ii) Neither slaves nor apprentices were allowed to wear shoes. /13/

the difference between this state of things and the racial tensions between Africans and Indians which so dominate non-European social life in South Africa to-day.

VIII

By servile institutions, as different from or complementary to the other forms of inequality, a relation between two or more people is meant, in one of whom rights are vested regarding the other persons, which rights 1. are not derived from kinship obligations, and 2. are maintained to the exclusion of similar rights of other persons. These rights may be established either in regard to specified actions of the servile person, or in the other extreme group of cases, they may approximate to the concept of ownership prevailing in the respective society.

This series of institutions is very varied. The only feature common to all the institutions is that the relationship (whether one of service obligation or one of "ownership") existing between the two people in question, establishes the social status of the servile person; this status has a total social range (an expression to be defined shortly) and it refers primarily to the said relationship and not to social cohesion between this servile person and others who are not the person's "master".

There are various ways of classifying the institutions of servility thus defined. One distinction would differentiate those institutions which form part of class relations from those which are part of caste relations, and both from servile

institutions which are not implied in caste or class structure or maintained in a society which has neither class nor caste structure.

Another distinction can be made in regard to the two extremes of the series: rights to services and ownership of persons. But the types to distinguish are so varied that the customary serfdom-slavery dichotomy cannot be applied to it. The strictness of the ownership principle varies as well - a fact shown quite clearly by Nieboer - , so that, to single out a group of institutions of the latter kind as "slavery" must be to some extent arbitrary.

A third distinction can be made in regard to the focal point of morphological or genetic series: whether a servile institution can be described in terms of the extension and intensification of the power of the political head of a society, or as the extension and intensification of the power of the pater of a household.

For a sociological survey of the main forms, it is advisable to work with a combination of these classifications. The simplest forms of servility are doubtless those which are not involved in class and caste structures. But a primitive slave system would, apart from the application of the concept of ownership to the tenure of human beings, have to have some additional features in common to make it a phenomenon distinguishable from other servile institutions. That is one

implication which we will have to discuss in relation to the organisation of labour. Another is the peculiar relation of the servile institution to various features of kinship organisation.

Two points are suggested in regard to kinship organisation, which ought to be elucidated:

1. The status of a minor held by the slave;

2. The existence of the slave system as product of the normal social growth of the community.

The first point will be dealt with in the following chapter, the second will receive some attention here.

When reading accounts on the subject, one feature appears to be uniform: the slave is a kinless person. This, it may be said at once, is a general feature of slavery, whether found in simple or complex societies. But of interest here is the complementary nature of this kinlessness of the slave and his status as defined by his relation to his master's domestic unit, and, moreover, the processes inherent in the societies, by which people become detached from their kinship groups and attached, on different terms, to others. Thus the main interest will centre on societies where slaves are or were constantly produced by the normal functioning of the social organism, while slavery based on supplies from outside will be of secondary interest. This is, incidentally, the way to throw some light on the old question about the origin of slavery.

But we have to introduce two more criteria in order to narrow the subject of inquiry.

For an analysis of servility it is necessary to insist on two criteria; the first we may call the range of inequality, the second the degree of institutionalisation.

Letourneau remarked (1897) /1/:

> "In all primitive societies woman represents the domestic animals, the beasts of burden which the more advanced societies possess: she is indeed treated as a slave, and this certainly is one of the reasons why slavery has been instituted so late in the course of social evolution."

As statements of this kind have influenced the investigations of scholars like Westermarck and Nieboer, it has to be stressed that from a more recent point of view three different circumstances are being confused here.

1. There is the status relationship or the rank order in the society as a whole, being part of the society's total social structure. In this scheme, women of some societies may be ranking lower than the men. Criteria for the lower rank of women are not to be sought in terms of recent stages of our own society (i) viz. the degree of freedom a woman has in choosing her husband or in consenting to a choice which has been made for her. We have to think rather in terms unfamiliar to us, such as the difference between the amount of indemnity to be paid for the killing of a man and that for

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(1) Nieboer /2/.

the killing of a woman. (i)

2. Different from this is the amount of work which is being allotted, in accordance not only with social status, but with other factors as well, including the society's technical means.

3. There is a status relationship within sub-units like domestic groups which chiefly refers to the difference of the sexes, majority, minority and seniority; this does not necessarily coincide with an individual's general social status. (i)

Thus it is a very widespread feature that the sons of a man rank according to their seniority, for purposes of the distribution of functions within the family or household, for the purposes of inheritance and those of representation of the kinship group in other and wider social contexts. But that does not imply necessarily a higher social status of the elder brother; it concerns the relationship between elder and younger brother and all contexts in which they act and are regarded as brothers. No instance, e.g. is known where a higher wergeld is demanded for the killing of an elder brother. Or a minor's affairs may be controlled completely by his parents, a child's wishes may not matter when in opposition to the wishes of his parents, and he may have to approach them with deference. But as far as insults and damages by

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(i) Cf. Westermark on 'Killing of women' /3/.

outsiders against members of this family are concerned, there is no status difference between father and son, unless this be in virtue of an office held by the father irrespective of his household's authority structure.

This seems so obvious that it would not be insisted on, but for the great difficulties found by Westermarck and others in distinguishing the status of a minor from a servile one.

The following example may dispose of the issue. According to Schapera /4/ the Tswana who in former days killed illegitimate children, have ceased doing so. The child grows up in the ward of the girl who is his mother, that is in the girl's father's ward. Here the child mixes with the other children and is regarded as inferior. He or she has to do the most unpleasant work, and is treated with contempt by the other minors. However, when reaching maturity, this person, if a girl, is married off in the same way as the other girls of the ward, the same customary bride wealth is paid for her, which could not be the case if she were inferior. The only way of describing the girl's status, therefore, is to speak of two status, one referring to the society as a whole, the other to the rank order within her home group. There she is an inferior person, but this inequality has no total social range. When speaking of servile institutions, we mean an inequality of total range.

The next criteria is that of institutionalisation. One

example may suffice to explain the concept.

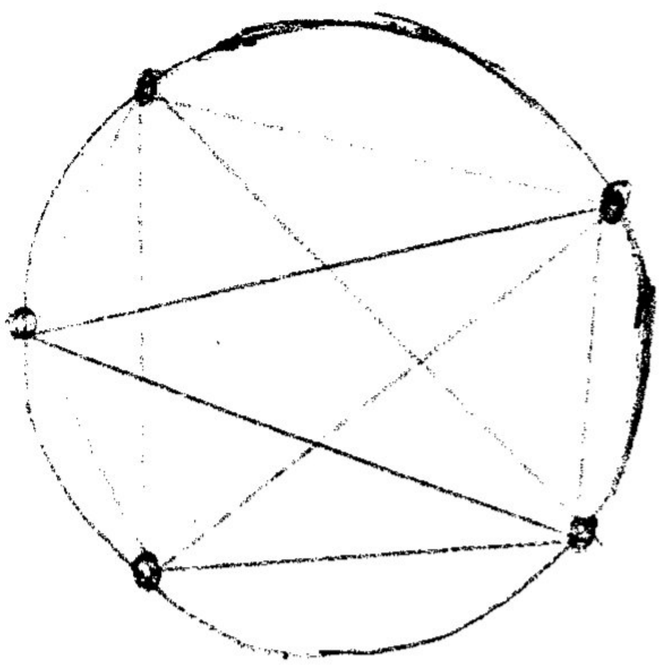
According to Radloff /5/, among the Altai-Kalmak a man who had intercourse with an unmarried woman and did not show an intention to pay the kalym for her and to marry her, was set upon by the male relatives of the girl. If he then formally declined to pay the kalym, he was beaten till he asked them to stop, and agreed to pay a fine, which was a quite negligible sum in comparison to the kalym. This beating and the payment of the fine ended officially all obligations of the man and of the male relatives.

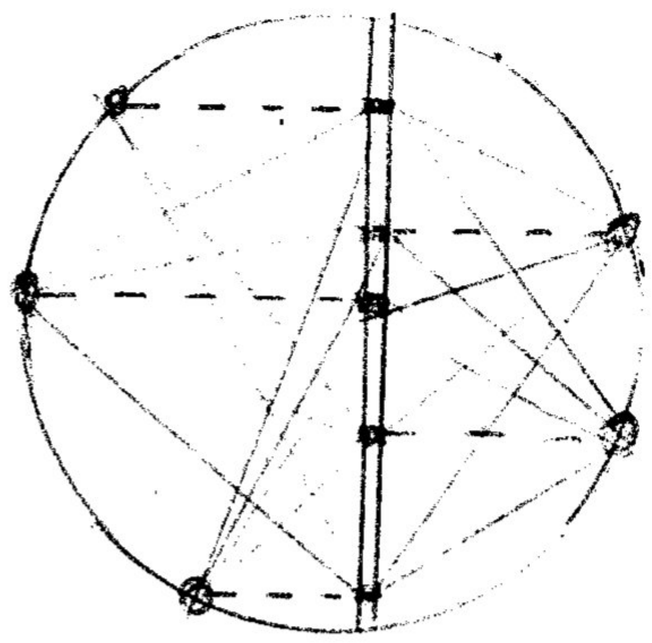
The girl continued to stay in her parents' house, but she was no longer regarded as a daughter, apparently being no more marriageable. She was treated with contempt by the family and had to work like a servant. This meant a removal of the girl from her place in the family while she remained a member of the household.

Her servile status can be regarded as customary in so far as implied by a customary sanction. But it was not typical for the household of the Altai-Kalmaks to include a declassed servile family member. This status is not implied by the institution of the Altai-Kalmak family. It is not institutional in regard to their typical family and household situations. Thus we may talk about an inequality which is institutional and another that is not, without implying the range of the status or the severity of oppression, or, directly, the frequency of occurrence.

Scale of gradation of status in a family group and

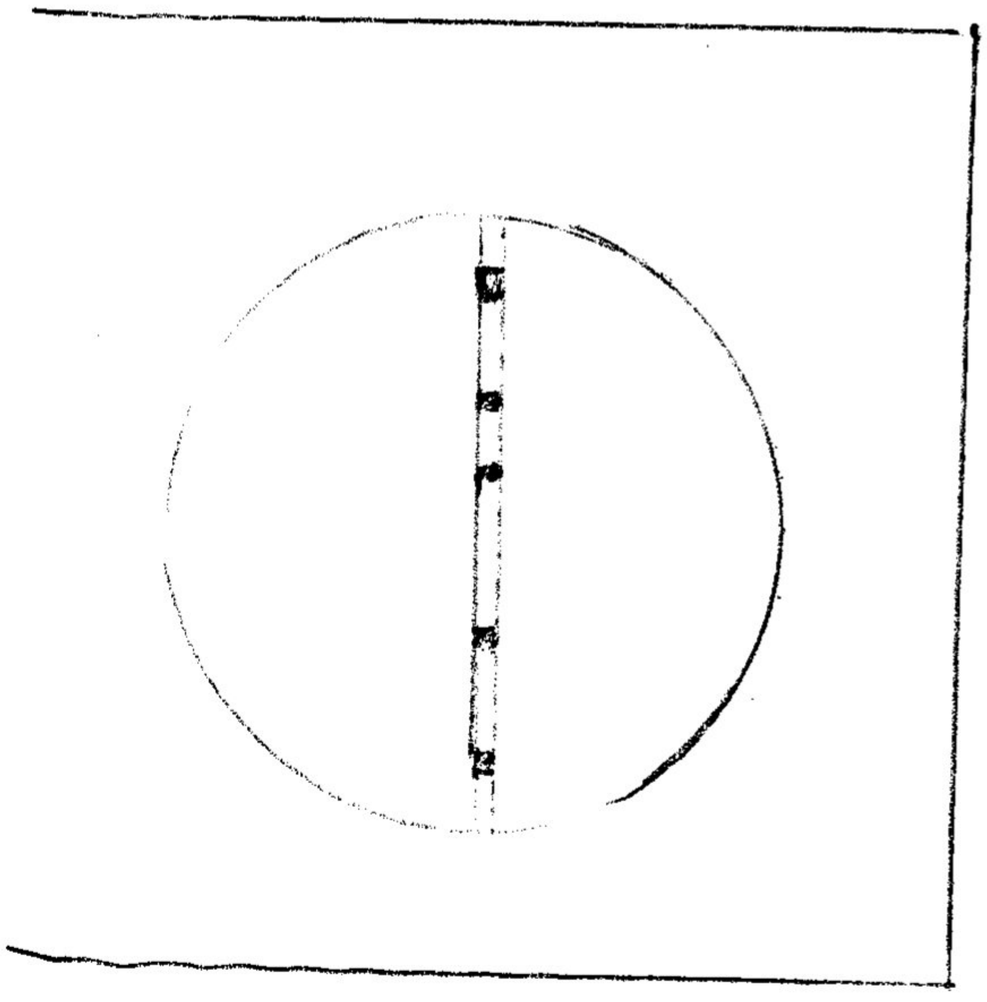
projection of scale

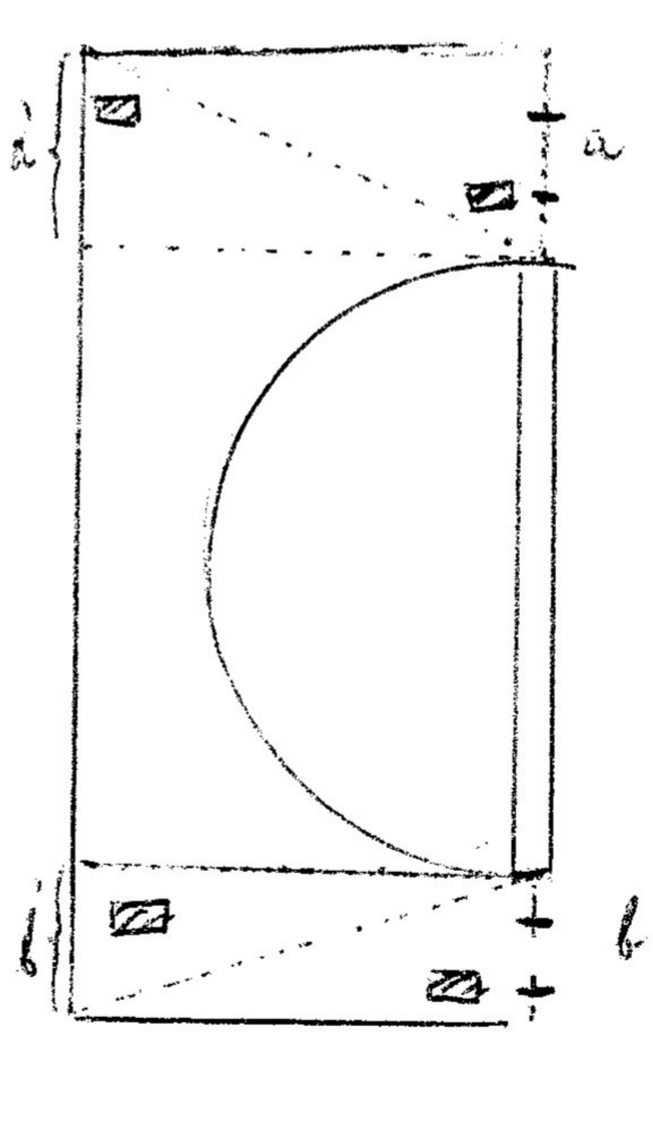




members of family interrelated

interrelation in terms
of a scale of gradation





territorial group
family ☐ and household

members of household who are
not members of the family group

a',b' : projection of the gradation
scale of the family group

a ▭ honoured guests } in the
b ▭ servile members } household

The conception of the range of inequality viz. that of the two status, is relevant to our inquiry for yet another reason. The authority structure of a household, or what we call the smallest territorial unit, has to follow a different logical model from those underlying the rank order in a society. In the first case the rank order does not allow for duplication of status and the concomitant structural opposition, which is all important in larger social framework. The family which identifies itself with a household ranges its members according to sex and seniority; if the unit is polygynous, the seniority of the various wives is taken into account. The relation of the members is such that it can be recognised in terms of a single scale of authority or gradation (figure 2 of the diagram). This can be expressed by two axioms:

1. The gradation is identified with the group, the associated persons referring to each other and to their association in terms of the gradation.

2. Contacts of certain kinds between the graded group and other individuals take place in terms of that gradation or scale of internal authority.

The latter point is decisive when a person who is not a member of the family pays them a formal visit, or when a person is attached to the household, without being a member of the family. Then the relationship is established in such a way that the cohesion of the scale remains unbroken. The new

person cannot be treated as ranking, say between father and elder brother, or elder and younger brother; nor can he remain, strictly speaking, outside the scale. The rank is given in terms of the projection of the scale; the newcomer ranges either above the pater, which is the formal treatment of the "honoured guest", or below the youngest child, when he is attached to the household as a servile member. (fig. 4 of the diagram.) The stricter the rank order is observed in the family, the less is it possible to place the honoured guest otherwise than above the family rank.

Servile persons attached to households very often have a dual status. The degree of intimacy they enjoy in the household and the fixed place they accordingly hold in the authority structure of the household group cannot be reconciled with their status in the society as a whole. In a study of this kind our interest lies not in affecting this reconciliation, but rather in showing the divergent principles involved. The quick advancement of a slave to leading rôles in the family to which he is attached, unrelated to his low social status, is a feature which often has been remarked. Another is the resentment shown by servile persons (and even by their masters) when they are addressed according to their social rank. "Slave" then is a word of insult - to the slave when he appreciates his position in terms of the household to which he belongs.

IX

To complete our preliminary considerations, attention must be given to the general theory of the organisation of labour, and its terminology as servile institutions seem greatly to matter in that context. These questions have been dealt with by Malinowski and Prof. Firth, both of whom are indebted to the pioneer work of Bücher. Thus Prof. Firth writes: /[1]/

> "The essential feature of labour is that it implies exertion or effort of one kind or other, either physical or mental. It cannot be regarded, however, as including all types of activity. It must be distinguished in the first place from movements of the purely reflex kind and even from the instinctive activity characteristic of the lower animals; one of its salient features is its purposive character. Again, it must be separated from another kind of activity, play or recreation, which, though purposive, aims at different results from those achieved by labour. The one seeks satisfaction within the activity itself; the other pursues a further end. The theory of Karl Bücher that work has developed out of play is for this reason not very plausible, failing as it does to recognize the fundamental difference in the nature of the end to be attained by each."

And Malinowski, reviewing Buxton's uninformed essay on "Primitive Labour", wrote earlier in much the same way: /[2]/

> "It is only after we have distinguished labour from purely animal instinctive movements on the one hand, and from recreational activities on the other, that the problem emerges. Even in the satisfaction of his wants, such as search for food, provision of clothing and shelter, man may act instinctively on the animal pattern, or else reach his goal by cultural standardised patterns of behaviour. It is only the latter which I suggest should be regarded as forms of labour in the science of culture...

> it is the achievement of something tangible and useful which must enter also into the definition of labour.. "

There seems to have been made an effort to define too much. If we desire to define for sociological purposes labour, if we want to formulate a sociological concept of labour, it is useful to be aware of the fact, that labour has other meanings as well, with some of which science cannot dispense. It is better to relate the sociological implication we wish to give to labour to the other meanings of that expression, rather than to try to define several meanings of the word at the same time. There is labour as an ecological concept; we may say that a colony of beavers does a measurable amount of labour or work, referring to the change of the environment brought about by the colony's activities. If we compare these changes with the respective expenditure of energy, these two ecological values have to be correlated in terms of labour or work. Here the use of the word is legitimate, because it is necessary. In the same ecological sense we may talk about the labour of a human group.

Second, labour is also used in the bio-physical, or as some German schools had it, bio-technical sense, meaning a certain type of bodily functions described in terms of that organism's nutrition and expenditure of energy.

Third, labour and work are being used in psychological contexts where the use of the term presupposes knowledge of the drives of the respective individual, not mere surmises

about "motives" behind a population's activities.

If we intend to use the expression labour in a fourth sense, we ought to mean an aspect of human activities not alluded to by the other meanings of the word; and if this concept of labour is to be a sociological one, we are committed to the assumption that sociology is something not involving primarily the aforementioned aspects of activities.

There is no activity as such which could not be labour at one time and something quite different at another. Prof. Firth's definition covers the fishing activities of everyday Maori life. But it cannot be applied to the ceremonial fishing, of which Firth provides such a vivid description. (1) This fishing expedition is a feature of the Maori ritual calendar, and is a joyful holiday for all. Moreover, it yields fish which are valued and eaten like any other catch of fish. - We may also think of not uncommon instances such as the fishing and hunting performed as sport, the yield of which activities is nevertheless sold; or the work of the professional sportsman, or the case of a priest celebrating a family ritual in his own house, or the activities of prostitutes.

When, in a sociological context, we say that an Eskimo

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(1) The passages quoted by Firth /3/ refer to the ceremonial fishing of a small species of shark; the fish are eaten and the activity cannot be classed as non-economic.

watching an ice hole, is performing a labour, we do not mean that his motives for doing so are different from his motives in performing other activities, as this presupposes a choice having been made by the man - which is begging the question. Nor do we mean that in the tribe's language there is formulated a concept labour which is used by the people to differentiate that kind of activity from other kinds. Nor do we mean that the Eskimo watching the hole in the ice is, far from "acting instinctively on the animal pattern", "reaching his goal by cultural standardised patterns of behaviour".

Nor do we allude to the fact that man needs food. When we single out this activity and call it labour, we mean that the Eskimo is doing something his household expects him to do; on his return home his wife will clean and unfreeze his gear and deal with the catch; the activities of the man and the woman are interdependent in a way which cannot be altered without affecting the social structure. Thus, sociologically speaking, it is impossible to define labour and to discuss afterwards the way in which it is apportioned and divided; on the contrary, we have to describe labour as part of an activity which is divided and apportioned in a certain way. No psychological surmises can veil this tautology. Labour is an activity, interdependent with other activities of other people, which other activities in some cases belong to the same category as the first, in others they do not. The apportionment of

these activities is part of the given social structure. Thus, when a man who belongs to a society but is single and without kin, performs single and uncontrolled activities which are in accord with the laws of that society, and does so in order to gain his livelihood, we regard it as labour, not because this is necessary to the man's physical survival, but because his society expects him to do something towards the gaining of his livelihood, and certain activities of others, organised by that society for, e.g., the protection of this person, are performed under the condition that he behaves in the way described.

The difference between labour on the one hand and other activities on the other hand, including games, or ritual activities of laymen, consists in the fact that the apportionment of the rôles and functions in the latter activities is regulated by other kinds of authorities or offices and connotes other sets of value.

The very beginnings of English social anthropology /4/ and the school of Durkheim have made us familiar with many ramifications of the concept of the division of labour, the allotting of different types of tasks to different types of people, the basis of this difference being either the sexual dichotomy, or the existence of age groups /5/, or the specialisation of single individuals. From this concept it is necessary to distinguish that of the organisation of labour,

a concept used by Bücher who influenced authors as different as Max Weber and Malinowski.

Organisation of labour does not, primarily, refer to the apportionment of types of tasks to types of people, but to the way the allotted tasks are performed, either singly or in co-operation with other persons, whereby the nature of this co-operation is qualified further. The two concepts sometimes overlap and it is difficult to avoid ambiguity, as the quotation from Malinowski perhaps shows. If we distinguish in this manner single work from group work, the first will have to be subdivided in reference to control or supervision or their absence. The two modes of group work Malinowski has distinguished as communal and organised labour, which has led to valuable observations in his field work:

> "These two conceptions are not synonymous, and it is well to keep them apart. ..Organised labour implies the co-operation of several socially and economically different elements. It is quite another thing, however, when a number of people are engaged side by side, performing the same work, without any technical division of labour, or social differentiation of functions. Thus, the whole enterprise of canoe-building is ... the result of organised labour. But the work of some twenty to thirty men, who side by side do the lashing and caulking of the canoe, is communal labour." /6/

> "Communal labour is an important factor in the tribal economy of the Trobriand natives. They resort to it in the building of living huts and storehouses, in certain forms of industrial work, and in the transport of things, especially at harvest time, when a great quantity of produce has to be shifted from one village to another, often over a great distance. In fishing, when several canoes go out together and fish each for itself, then we cannot speak of communal labour. When on the other hand they fish in one band, each canoe having an appointed task,

then we have to do with organised labour.

Communal labour is also based upon the duties of .. relatives in law. That is, a man's relatives in law have to assist him, whenever he needs their co-operation. In the case of a chief, there is an assistance on a grand scale, a whole village will turn out. In the case of a commoner, only a few people will help. /7/

While the difference between single uncontrolled work (of which the Eskimo instance is an example) and single work which is controlled or supervised in various manners (of which there are abundant examples to be found in all walks of life) is of little importance to the present subject, a further subdivision of the latter form matters greatly. This is the kind of labour which is usually called menial.

The word is used chiefly in reference to work done in a household, implying despicable work or drudgery. But the same work when done by the house wife according to the prevailing division of labour, is not regarded as menial. To understand this we have to realise the servile implications of the sexual division of labour and those of its absence.

Bücher's theory of the sexual division of labour has been criticised successfully by O. Leroy. /8/ While Bücher maintained that sexual division of labour was a mark of primitivity, Leroy, quoting Lowie, insists that this is not so. But we can go further than Leroy and say that there is in fact no society known to us, in which sexual division does not obtain. It may vary according to class stratification within one society. Or it may, as in contemporary Western society, be rationalised

in terms of the physical strain involved in the one kind of labour. But however unwomanlike and "strenuous" a work is which ought not to be performed by the housewife - it can be done by another female, the servant girl. And a male servant finds it within his province to do some of the most extremely "womanish" work. In other words, the sexual division of labour does not apply to the servile task. In regard to the servant, the sexual division of labour of his master's group is a privilege from which he is excluded. This exclusion, making the servant, for the purposes of labour division, a sexless person who, in this regard, ranges with the children, is a mark of servility easy to recognise. It constitutes the servant's tasks as belonging to a province not related to either the primary divisions of the master group or the safe-guards and rationalisations which are concomitant and establish what is generally called human dignity.

This "sexless" labour is of such great interest, not only because it illuminates the relation between sex, personality and labour,(i) but also because it links up with the status implicit in many servile institutions which we have had occasion to compare to the status of a minor Unfortunately,

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(i) The institutionalized neglect of prevailing sexual labour codes is familiar to us from all instances where degradation, humbling of persons is intended or a break with their former existence is manifested (prison work, army life).

authors have taken this peculiarity of servile labour so much for granted, that when mentioning the menial labour of slaves, they fail to record details of the upsetting of the sexual division of labour.(i)

Mrs Milne gives, in regard to the Palaung of the Shan States, a description which bears on the relation existing between the degree of servility and the observance of sexual labour division:

> "Sometimes servants are kept by rich people, to help in the house, and are looked upon as members of the family. They are fed with the same food as the master or mistress, and eat at the same time; they receive their clothes and what money they require, in reason, without any particular sum being arranged beforehand. There is often a great deal of affection between the servants and their masters."
>
> "There are also, in a few families, servants who receive a stated wage, but these are looked down upon by the servants of the other class. A man or boy (ii) who is a servant would never be asked to carry water; so that if a wealthy woman had a man servant, but not a woman servant, she or her daughter would still go down to the stream or to the spring for water. The servant, however, might be sent for firewood or to cut grass for the horses.." /10/

While in this system the difference of status in the household is based on the receipt of money wages, the actual behaviour and labour obligations which make up the social

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(i) As an exception may be noted Czekanowski, who tells us explicitly of the slaves that they work irrespective of sexual labour codes. /9/ General remarks in African accounts, that the fields are worked by the women or slaves or both, imply the same state of things. Another instance will be given in ch. 10, when discussing Firth's opinions on slave labour among the Maori.

(ii) My italics.

personalities of the two kinds of servants relate to the sexual division of labour. Thus in this case the obligation to neglect the sexual division goes with the greater discrepancy of status, or in other words with the greater degree of servility, and is not connected with the servant's holding the status of a minor in the domestic group. On the contrary, it is quite possible that the servant who is "looked upon as member of the family" is actually regarded as a minor in the contexts of the household, but his having according to the peculiarities of the system, a higher status than the hired servant, (who is and remains an outsider and related to the family as a whole in terms of the rank order not of the household, but of the total society) shifts to the hired servant the obligation concomitant with the lower status.

In most contexts, however, we can assume that lowness of status and position of a minor in reference to family and household coincide.

Malinowski, in the passage quoted above, stresses the fact that communal labour is invoked on the basis of parity (kinship and neighbourly obligations) or by the chief, and that the work for the chief does differ in quantity only from other communal labour. There is, from the literature cited by Bucher and others, no doubt possible about the intimate connection between the various kinds of communal labour. There are nowhere essential differences observable between such work

ordered on the basis of equality or ordered by the paramount political authority. We cannot escape the conclusion that chiefship has used and extended that pattern of labour which, existing from the beginnings of human group life, was the form primarily accessible to authoritative bidding. The transitions from the communal work for the chief, and the soccage work performed for the chief of the Chagga, as described by Gutmann, is a gradual one. (i)

Here, however, a modification is worth noticing for which we are indebted to Gutmann's precise recording. In the soccage work for the Chagga chief, the people worked in columns, according to sexual division. There was the column of men, that of the women and that of the not yet initiated boys (including strong young men of 18); each of these columns had tasks assigned to it in agreement with the threefold division, and each column was called to work by messengers of their own. On occasion penal work was done too. This was imposed on soccage slackers or recalcitrant newly conquered populations. The amount of work ordered did not seem to vary from that of usual soccage work. The chief difference was the humiliation

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(i) The descriptions given by Bücher on various features of communal work are too familiar to dwell on the subject: the bidding, the rhythmical, stimulating quality of the uniform work, the feasting. Communal work has been often described since Bücher's time. The most famous description is Meounier's account of the collective house building by Berber villagers.

that consisted in ordering people of all ages and sexes to work together. /11/

Generally, we have to subdivide the forms of group labour in the following manner: as to the uniformity or multiformity of the component individual tasks, and as to the nature of control. This is a classification of labour processes; here the interdependence of component part-activities (tasks) has a meaning different from the interdependence of the single tasks, as discussed above in the case of the Eskimo male and female activities. Group labour implies that the total of all the activities performed lies in one undivided social field of its own, which is conditioned by the other social fields in such a way that allotment of rôles and supervising activities which are part of the process, do not exist independent of status relationships within the total structure.

As to the distinction between series of interdependent tasks performed by several people, and that kind of labour which is called organised labour, it is clear that no hard and fast line can be drawn, as this is a case of gradual transition. It is these transitions we are talking about when discussing the technological developments of mankind, or the increasing "division of labour".

While, even within one society, the difference between single, interdependent tasks and organised labour seems a matter of transition, the difference between these forms of

labour and that of communal labour, which is perhaps the oldest social activity of man, seemed so clear cut to observers as to deserve theoretical comment. It is outside the present task to conjecture on the probability of the evolution of organised labour which may have come about as a hybrid of the two older activities. The main interest, for us, lies in the authority structures latent in the forms of group labour.

From this point of view group labour is more diversified than from any other.(i) As to uniform labour processes, we find a particularly loose and "unorganised" one to be very common. It occurs when individuals perform together, for the sake of the group stimulus, tasks which they may and do perform independently as well. To this belong many female activities, particularly the food-gathering of women, not only in simpler societies, but also, e.g. berry picking, in country districts; the rota system of women spinning together is or was fairly widespread in European country districts. Similar arrangements are resorted to in emergencies (mending or knitting in groups for soldiers.) But already in the spinning meetings, at least in parts of 18th century Germany, particularly in the Slav Minority areas, a modification of the voluntary association is noticeable; it became the custom of the assembled girls to nominate one to be in charge of the procedure. This

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(i) Firth has analysed only the types of organized labour /12/

overseer had to warn slackers who were talking too much, and she had to use determination with male visitors who kept the girls from working properly.(i)

On the whole, free working associations of this kind are appreciated for the semi-recreational character of the group activity. (Hop-picking in England.)

The transition is gradual from this type to cases when the labour group is performing a work which, though subdivided into uniform individual tasks, no individual could achieve on his own. The greater the discrepancy between the achievement which is within one individual's working capacity, and that of the group, the more permanent is the structure given to the work association. In a general antithesis of communal and organised work, the terms used may be somewhat misleading, because they suggest an amorphous character of the former. This is not so. On the contrary, the foreman-pattern is quite typical of many permanent forms of uniform group work.

Sometimes this communal work is so organised that it can achieve results which we would expect only from organized labour. The clearing of the forest, when done efficiently, cannot be subdivided into uniform tasks. Thus, with the Chagga, the working pattern is rationalised not in terms of

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(i) Thus in (Slav) Lower Lusatia the girls of a communal spinning group elected a senior girl to supervise the work and direct the singing. She was called Kantorka. /13/

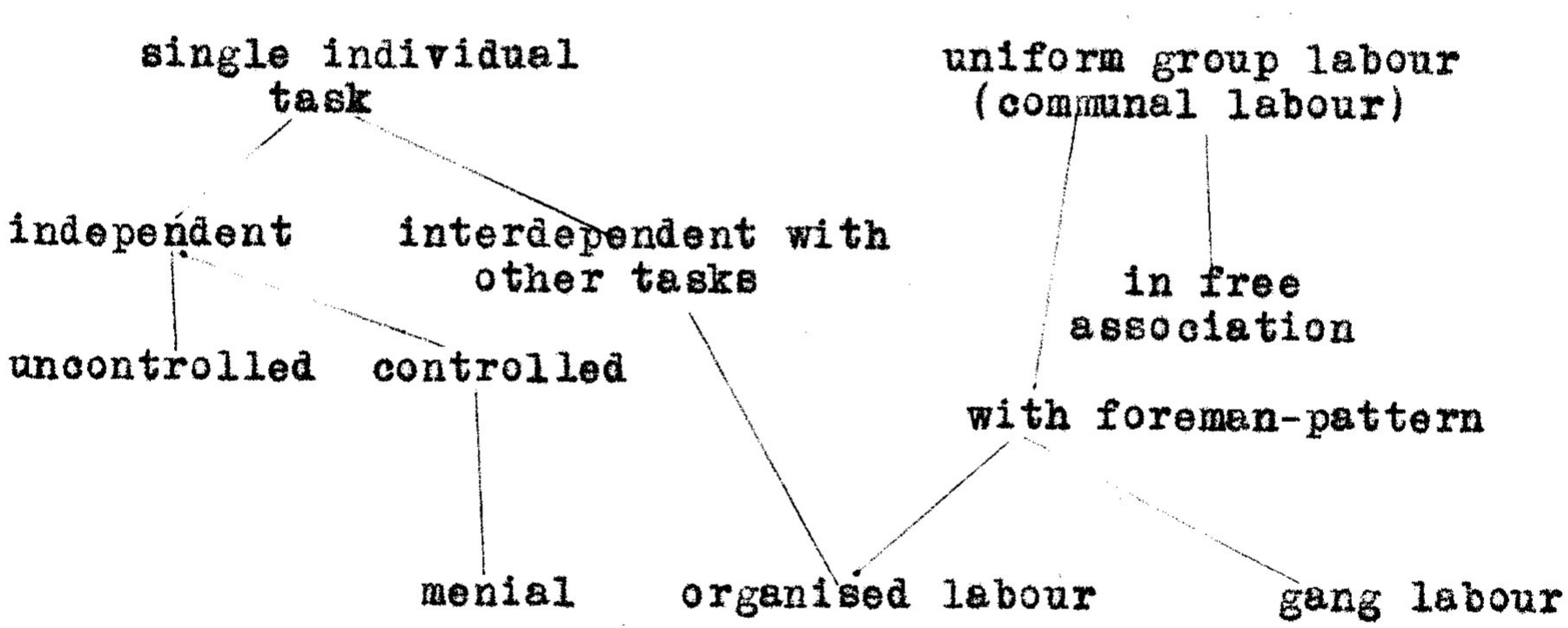
special tasks, but in terms of the sexual (threefold) division of labour. Three groups of tasks are constituted, which are performed by the appropriate divisions as communal labour. Thus communal labour patterns and the primary labour dichotomy strengthen each other.

Structurally, communal labour differs from organised labour chiefly in this: that individuals can be attached to and detached from the working units of the former with much greater ease. Thus the forms of communal labour can be interfered with and used by outsiders in authority much more easily than the forms of organised labour; and in societies where a great part of the necessary work is done by uniform labour groups, servility, in terms of labour organisation, may not imply more than transference of individuals to different working units, working for other interests, and, perhaps, more frequently.

A special form of uniform or communal labour must be taken notice of, in which we find a taskmaster instead of a foreman. The taskmaster is a professional overseer, that is to say, he does not owe his position to his proficiency in the work he is supervising, but to the authority vested in him, and the brute force he may be allowed to use. This form of labour, usually called gang labour, is perhaps the most primitive of the surviving forms of group effort: primitive because of its uniform activity, the simple authority structure, and the lack of working skill (and the corresponding responsibility) of the

overseer. It is only because we associate gang labour with prisoners, and with particularly oppressive forms of plantation slavery and servile work in mines, that we think of it as an organisation sui generis, completely severed from other types of association. In reality, however, transition between this and other kinds of uniform group work is gradual, and it is because of this easy transition that communal labour is so often affiliated with servile institutions.

To summarise the classified forms of labour, this diagram may be of use:



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In spite of Leroy's criticism, it must be conceded to Bücher that - to use terms rather different from his - in simpler societies the form of labour (in the sense discussed above) is more firmly rooted in its structural context than with us. While we may associate forms of labour merely with status relevant to our class structure, and with our sometimes blurred and sometimes haphazard sexual division of labour, in simpler societies, and in non-capitalistic regimes generally, labour is seen as something identical with its associational aspect and the place of that particular association in the social structure. There is a rigidity in simpler societies to be observed as to the kind of work and form of labour appropriate to occasions and grouping of the co-coperating members of the society, which, once the activities are multiform, makes us expect social mechanisms that would direct individuals from one kind and form of labour to another, without this change being, in the terms of the society, justifiable. The very rigidity of the sexual division of labour, (i) or the kinship obligations, political authority and ceremonial feasting, that go with communal work, will make desirable changes of two kinds

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(i) Bücher's most convincing example is taken from Livingstone's New Missionary Travels, referring to men suffering famine because there were no women present to grind the corn. /1/

more than any other: the attachment to households of people to whom the sexual division of labour does not apply, and the formation of a group of people who can be called to communal work without the otherwise necessary preliminaries.

To effect these changes is, among others, the function of servile institutions. It would be perhaps too euphemistic, to refer to this as status adjustments to labour situations, but, on the other hand, care should be taken not to confuse these functions of servility, however important economically they may be, with exploitation.

Thus Schurtz /2/ remarks that in many parts of Africa female agricultural labour has given way to slave labour. The implication is that in these regions where "slave labour is modelled on female labour", women were the agriculturalists (i) because of the sexual division of labour obtaining there.

In the cases of African and Indonesian pawns and debtor slaves which we shall have the occasion to discuss in another part of this study, these persons do not, unless enslaved more oppressively, perform work which would not be forthcoming as a result of kinship solidarity. But it is not asked for on kinship grounds. Slaves performing or taking part in

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(i) Buxton makes a few all too brief remarks about women doing all the agricultural work in some African societies /3/. In Baumann's more recent study undertaken for a very different purpose of historical ethnology of such African societies, a complete list is given based on a painstaking survey of all the available sources. /3a/

organized labour are rarely mentioned; this is a hybrid form of more complex societies. Schurtz was very interested in the problem why slavery does not at all, or only negligibly, matter in the development of native African trades. Here one conception should be mentioned which was not only very popular during the time of the abolition campaign, but has lingered on in books on general topics. The slave is not the unskilled worker par excellence, as opposed to the freely endowed and generously trained wage earner. The slave is working in a labour pattern which, because it differs from organized labour, is not readily associated with skill. But the shifting of the enslaved person from one type of communal, uniform labour to another, has made this the labour pattern accessible to servility. It allows for the mechanical multiplication of the working means and the enlargement of the scope. It does not imply limitations of individual skill. (i)

(i) John Stuart Mill, e.g. remarked with enviable assuredness, and Nieboer quotes him in proof of his own reasoning: "It remains certain that slavery is incompatible with any high state of the arts of life, and any great efficiency of labour. For all products which require much skill, slave countries are usually dependent on foreigners.. All processes carried on by slave labour are conducted in the rudest and most unimproved manner." Nieboer quotes /5/ a few more authorities making the same ill-informed generalizations which are based, in the last analysis, on the contrast between the industrial North of the United States and the slave owning South. Aristotle's view, for all his European presumption, at least admitted that the societies of the Barbaroi were run on different lines; but the nineteenth century thought that with some theories about

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Wherever Schurtz, in his painstaking study of old African crafts, records slaves employed as craftsmen, he has to qualify this either as referring to economically independent craftsmen of servile status, who work like other men of their profession, but have to give to their masters a proportion of their earnings - as the Bussa slaves in Nigeria do - or to slaves who work as groups of helpmates of smiths, again performing simple, uniform tasks, like the manufacture of iron bars, which are the raw material for the industry - as in the case of the slaves of the Mandingo smiths - or they are used in the mass production of goods which are otherwise produced by the women of the tribe. While Schurtz does not grasp the significance of this limitation of slave labour - he actually wonders why no complex factory work has developed out of this mass employment of slaves in Africa (i) --, he differs from later writers in relating slave labour to woman's work and uniform mass activities. He does not think that the "unpleasantness" of a task makes it appropriate for slave labour, as Nieboer seems

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some of the features of early European capitalism they had discovered everything about man and his toil. It is of course well known that slave owning Rome did not introduce things of greater beauty and precision from areas of free labour, just as it is known that the rude Teutons and Huns who had very little use for slaves captured skilled craftsmen of slave owning countries to keep them as slaves and benefit from their superior art/.[5a]/

(i) This is astonishing for Schurtz, because of the use he mentions the Ashanti making of slave labour in gold washing, and of the slaves who worked in the mines of the old Kongo Kingdom. /[8]/

to think. /6/

> "We might even say, the ruder the agricultural implements, the more disagreeable it is to till the soil, and the more likely that a man does not want to do it himself if he can get a slave to do it for him."

Firth, too, seems to fall into a similar error:

> "As might be expected, the most unpleasant and dull work was assigned to the slaves. They drew water, bore loads of food and gear, helped in the cooking, and did much of the paddling of the canoes. All this was in conformity with the not incomprehensible principle that no one will perform unpleasant work without special incentive if he can make other people do it for him .. /7/ "

"As might be expected" and "not incomprehensible principle" gives away a prejudice which kept the sociologist from recognizing that he had listed tasks which belong both to the male and female sphere of labour, and that the significance of such work consists in the fact, that the sexual division does not apply to it, and not in its unpleasantness. (i) The mere "fact" of unpleasantness of a task does not suggest why a servile status is necessary for its performance. We must beware of this kind of commonsense reasoning; it is the stock-in-trade of pseudo-sociology, used for filling the gaps of

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(i) Various aspects of this upsetting of the sexual division of labour through servility have been discussed in the preceding chapter. We can hardly exaggerate the importance of this type of system for the development of the household in more complex societies. The division of labour in Vedic India may be quoted as an instance. Bandyopadhava says in his treatise on the economic life in ancient India /9/: "Husking, winnowing and many other similar duties were entrusted to women, though towards the close of the Vedic period slave girls and slaves were employed."

19th century economic theories. We cannot take for granted that people of all societies do any work, however repulsive to them, provided a "special incentive" is offered. This "special incentive" belongs to the same group of assumptions as the aforementioned labour motives of functionalist theory. There is no motive for entering an activity apart from the socially patterned associative character of that labour. A woman does woman's work because she cannot live as a woman otherwise. A man goes hunting, because he is for all purposes a hunter. No motives or incentives can induce the man to do woman's work, or the woman to do man's work.

An obvious limitation concerning the abolition of the sexual labour division in regard to the slave has to be noted. In many societies there are male labour functions which are taboo to the women without exhibiting social virtues, as happens in warfare and hunting, but having a strong ritual connotation. This is e.g. the case where women are not allowed to milk the cattle; then this is conceptualized not in terms of a division of labour, but one-sidedly, as a taboo concerning the women, in other words, as a ritual disability of one sex. In such cases slaves may be asked to perform ritual or semi-ritual functions from which women are barred, though these slaves are otherwise working regardless of the sexual labour division.

A typcial instance is the one quoted by Fowler:

"Cato has preserved the formula for the propitiation of Mars Silvanus in the private rites of the farm; it is to

> take place in silva, and its object is the protection of the cattle, doubtless those who have been turned out to pasture in the forest, and are therefore in danger from evil beasts and evil spirits. Now this res divina may be performed either by a free man or a slave, but no woman may be present, nor see what is going on." /10/

It seems that a point which Nieboer all but made has remained unnoticed by those who regard his work as "a classic", and even by the writer himself in the further developing of his argument. Nieboer did not fail to notice that the slaves of the fishing and hunting tribes of North West America were largely employed to do work which was otherwise regarded as female labour. But he saw this as a one sided arrangement which imposes female labour on a man of servile status, and not implying a more general principle of servility which means that servile persons of either sex have to perform tasks irrespective of how these tasks are allotted to males and females among the free population.

Nieboer's treatment involves these observations in his argument about the limited function of slavery among non-agriculturalists (of which more in this chapter); and he deals with what he seems to regard as perversion of the male slave's labour functions in the context of similar changes of free males, and, finally, he biases, not so much his approach, but the sociological significance of his results, by giving his examples from an area in which occurred the more interesting instances of institutionalized homosexuality. Of course he

does not go into the details of these institutions which are outside his or anybody else's survey of servile institutions. But on the reader who has some ethnographical knowledge, the impression will be created that here is a set of highly specialized social relationships from which it is neither safe nor desirable to generalize. (1)

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(1) Homosexual institutions concerning the change of the social personality of a young male and his subsequent (fictitious) marriage to another male has nothing to do with the relationships under investigation; I have also neglected homosexual relations between a chief and young men of his tribe selected for that purpose, as I have ascertained that this only shows some of the luxury functions of homosexuality and at the same time the exclusion from tribal social life (through attachment to chief) of abnormal persons. As to the occurrence of homosexual relations in master-servant relationships of servile persons, I found it to be insignificant. This may be due to the greater intimacy of such intercourse compared to the normal one, which would argue against a status difference of the persons involved, though in normal sex relations such a difference very often increases the intimacy by making the intercourse more "private" and not tying the socially superior partner to practices approved by his society and regarded as compatible with the social dignity of the partner.

Moreover, where homosexual practices are only part of the life of the leisure class, the luxury aspect would dominate so much the relation that a male slave would be eligible for a much shorter period of his life for such usage, than a female slave for her master's enjoyment, and taken altogether, the male slave's homosexual life would be too short a period to become significant institutionally.

Hence, in the poetry of the Middle Eastern nations, where the attractiveness of boys and affection for them is praised, these youngsters are described as free agents if they are being courted, and there is no implication of their servility. On the whole it can be said that homosexual use of male slaves obtains where

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Nieboer noticed that among the Eskimo, men who are unable to hunt do female work; he quotes Crantz who speaks of a young Greenlander who when a boy had been spoiled so badly by his mother that he was quite unable to go out in a kayak. Such a misfit would not be regarded as asocial, as he could still perform work of other kinds which was in demand.

Crantz says:

> "This man was employed by other Greenlanders like a maid-servant, performing all female labour, in which he excelled". /12/

Similar conditions seem to prevail throughout the Eskimo area; Boas says of the Central Eskimo that cripples who are unable to hunt do the same kind of work as women. /13/ To understand this we have to realise two things: the high esteem which among the Eskimo, and indeed among many similar tribes, the skilful hunter enjoys (i), and the very strict

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male prostitution occurs as well.

As to the perverted sexual use of female slaves, we know next to nothing. This may be due to what was said about the incompatibility of status differences with homosexual intimacy, which incompatibility, at least to a casual observer of several societies, seems to be more pronounced in the female sex. But it is certainly due to the fact that no investigator has been sufficiently interested to study or even to observe bisexual relations of women and the part they play in the cohesion and internal hierarchy of female associations.

One instance is mentioned by Bieber who writing about the Kafidjo says that there the female slaves in their earlier girlhood had to be at the disposal of their masters' wives. /11/ But even that instance is not sufficiently described to make clear how it fitted into the authority structure of the household.

(i) Nieboer gives a good summary of the attitudes towards hunters and the prestige they enjoy in various tribes /139/.

sexual division of labour among the Eskimo which makes it quite impossible for any individual task, however insignificant in itself, to be isolated from one of the two spheres of labour the interdependence of which has been worked out so carefully.

A very different matter is the woman's work done by men among the Ojibway Indians and the Itelm ("Kamchadal"). (i) There such men are treated as wives, and actually are used sexually. Niebor deduces from this that while female labour among the Eskimo was in high demand, in those latter societies for the men working as women "the performing of domestic labour only would not probably be sufficient for them to get their subsistence". /14/

It would be very easy now, half a century after Nieboer's theorizing, to hold up to ridicule this "economic" interpretation of sexual perversion, not only of the man living as woman, but also of the man using him; but apart from this, we have to realise of course that neither Nieboer nor his sources provided data from which we can isolate as a social factor the demand for domestic labour among arctic and sub-arctic tribes, saying that this factor is stronger in the one case, weaker in the other. Such surmises not only lead nowhere - they start from nowhere.

The important feature is that, as Niebor says, in all

(i) Nieboer's account of these tribes is based on Tanner and Steller. Cf. also Czaplicka /13/.

these cases where men both work and function as women, they do not stand in a servile relationship to the householder to whom they are attached. This would invite the following sociological interpretation: the presence of a perverted male may be, in societies of the kind mentioned, incompatible with the authority structure of a "polygynous" household; the bisexual male using the pervert would have to set up a separate household for the purpose of this union; the servile status of a man working as a woman, on the other hand, would be a product of the very complex relationships among the several people of one normal household group, but would not result from the relationship between two persons. Therefore the pervert would not be attached to a family, (1) would live with a man in a separate quasi-family household, which would be maintained by the male work of the one, the female work of the other man;

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(1) This is different among the Itelm where a pervert male may live with the whole family. Whether this is due to the polygyny of the Itelm or to the shamanistic functions of the perverts (koekchuch) is impossible to decide. Krasheninnikov, the best authority on the Itelm says:
"The Kamchadal have one, two or three wives, and besides these some of them keep koekchuch who wear women's clothes, do women's work, and have nothing to do with men.. The Kamchadal women are tailors and shoemakers, which professions are regarded useless to men, who are immediately regarded koekchuch if they enter these vocations .. The women are not jealous, for not only do two or three wives of one man live together in peace, but they do not even object to the koekchuch whom some Kamchadal keep instead of concubines." (quoted from Czaplicka. /14a/

the female labour functions of the pervert ought to be regarded rather as additional qualifications enabling a man to set up house with him, and not, as Nieboer seems to believe, as the primary endowment to be supplemented by perverted sexual functions to make the relation worth while in a society with little need for domestic labour. Thus, in such an arrangement, servile relationships can hardly develop. But so scanty are our data that, as far as scientific value goes the above surmise is no better than Nieboer's.

Nieboer, who does not analyse status relationships - as of course nobody else did at the time - speculates on the rise of servility in regard to the facts just discussed. His conclusions have nothing to do with the authority structures of households, nor with economic factors proper:

> "Only where either peaceful surroundings of a fighting power much superior to that of the neighbours makes the existence of men performing female labour possible, and where at the same time female labour is so much valued that the more labourers can be got to do it the better, can there be male slaves performing women's work." /15/

We do not want to anticipate the results of a more detailed analysis of the labour functions of slaves in North West America, which will form part of another section of this work, but it must be insisted here that the conception of servile males doing exclusively domestic work is misleading. This is meant to apply to the natives of North America the dichotomy of "gainful occupation" and "work inside the household"

which is very important in the structure of the bourgeois family, particularly of the 19th century. Among the North Americans there is not a division between hunting and fishing on the one hand, and domestic work on the other, but many and manifold tasks like the making and mending of fishing gear, the collecting of roots and berries, the building of canoes are neither associated with the activities which are highly esteemed because in them male prowess and the highest social virtues are manifested, nor is there anything "domestic" about them in the European bourgeois sense; nevertheless, these tasks are divided between the two sexes according to unequivocal rules. When a male slave helps in house building, he may be performing a female task which, however, is not "domestic" at all, and when he helps in the manufacture of canoes, he is doing man's work, without otherwise taking part in pre-eminently masculine pursuits. Therefore Nieboer's reasoning about the evaluation of female labour and of "domestic labour" in particular is misleading. (i)

(i) Attention should be drawn to Nieboer's method in determining what woman's work is. He does not analyse the society of reference, but gives a quotation from J. Dawson's work on the Australian aborigines (1881). There, i.e. in Western Victoria, female labour meant "erecting habitations, collecting fuel and water, carrying burdens, procuring roots and delicacies of various kinds, making baskets for cooking roots and other purposes, preparing food and attending to the children." This, Nieboer contends /16/ "may be taken as a fair type of female labour among hunters in general". No such "fair type" exists, and we cannot learn from

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In connection with the erroneous conception of primitive slave labour as an agglomeration of the most unpleasant tasks, there has been some discussion on how to fit the slave who works in such a manner, into an evolutionist scale of technological stages. Both Nieboer's classic on primitive slavery and the collective essay on "The Material Culture and Social Institutions of the Simpler Peoples" by Hobhouse, Wheeler and Ginsberg are using, with various modifications, the scale of stages which was introduced by Crosse and Hahn.

The first two stages, the Lower Hunters and Higher Hunters, are fused in one by Nieboer, but taken over as separate stages by Hobhouse from the German systems. The pastoral stage is accepted without further criticism. But the agricultural stages are modified by Nieboer in the following manner;

> "Hahn .. distinguishes hoe-culture, agriculture proper and horticulture. But hoe-culture is carried out by nearly all agricultural savages; besides, the division is purely technical and therefore cannot serve our purpose. What we want is a division according to the place agriculture occupies in social life. We must ask to what extent a tribe is occupied in and dependent for subsistence on agriculture. For on this, and not on the form of agricultural implements, it will depend whether slaves are wanted to till the soil. A slave may be set to handle the hoe as well as the plough."

After this follows the common sense argument about the rudeness of implements in relation to the likelihood of slave

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Australian aboriginal life whether or not among the Eskimo the building of the snowhut is man's work, or the making of the "woman's knife" woman's work.

labour. Nieboer continues:

> "Perusing the ethnographical literature, we found such great differences between the several savage tribes in this respect, that we have thought it best to distinguish three stages of agriculture .. The first agricultural group will contain those cases, in which agriculture holds a subordinate place, most of the subsistence being derived from other sources, viz. hunting, fishing, or gathering wild-growing vegetable food. The tribes of the second group carry on agriculture to a considerable extent, but not to the exclusion of hunting etc. The third, or highest, agricultural stage is reached, when agriculture is by far the principal mode of subsistence, and hunting etc. hold a very subordinate place, so much so that, if the latter were entirely wanting, the economic state would be nearly the same.
>
> But our information is not always very complete, and so it is not always clear to what extent subsistence is derived from agriculture. In such cases we shall make use of some secondary characteristics ... The facts indicative of the first stage of agriculture are: Women only are occupied in agriculture, 2. The tribe is very mobile, habitations are often shifted. Those indicative of the second stage are: 1. The tribe has fixed habitations .. 2. The lands are irrigated. Those indicative of the third stage are: 1. The lands are manured, 2. Rotation of crops is carried out, 3. Domestic animals are used in agriculture, 4. Agricultural products are exported." /17/

Nieboer is at pains to explain that these economic types, on the whole, are not to be regarded as stages, owing to the impossibility of fixing the emerging of the pastoral type in regard to the agricultural ones, while, on the other hand, the agricultural types have to be regarded as stages because they imply a time sequence. This improvement on Spencerian and Grosse's evolutionism was lost in the Hobhouse-Wheeler-Ginsberg Essay where both the German and the Nieboer classifications reappear as "stages".

But from the present point of view, and, indeed from any other Nieboer's classification is of little use. It is neither a sociological, nor an economic grouping. It does not classify according to complexity or densité moral, nor according to any other truly sociological criteria. The classification is not economic either: a close relation between types of food supply and types of labour organization is tacitly assumed, in order to give the classification according to food supply a socio-economic significance; but as slavery is part of this labour organization (particularly in Nieboer's approach, who deals with "Slavery as an industrial system"), far too much of the correlation to be established by the research is assumed for the preliminaries of classification.

Nieboer who tries (as will be mentioned later) to deduce the emerging of slavery from a type of distribution of land and commodities, has little patience with the economics of the over-simplifying evolutionist materialism of Spencer.

> "In the absence of industrial activity, slaves are almost useless; and indeed, where game is scarce, not worth their food"

says Spencer /18/, and is criticised by Nieboer: /19/

> "It is true, where food is more plentiful than it is among most hunters, slaves can be of more use; but we cannot think that the only cause why slavery does not exist, is that the slave is 'not worth his food', i.e. that the produce of a man's labour cannot exceed much his own primary wants. For we meet with several instances, among these tribes, of people whose wants are provided for by the labour of others."

This is followed by references to instances where the sexual division of labour, among the simplest societies, seems to the author to amount to just that: the provision of peoples' wants by the labour of others. Moreover, points out Nieboer, in these simplest societies rank order often takes care of a type of labour distribution which Spencer seems to associate with slavery and denies to the lowest hunters and foodgatherers. Australian headmen have definite rights to services rendered by their tribesmen, especially by selected groups of unmarried young people, who work for the chief and his family and are in permanent attendance. The same is said of the Andaman Islanders, Man's account of whom is quoted:

> "They (the chiefs) and their wives are at liberty to enjoy immunity from the drudgery incidental to their mode of life, all such acts being voluntarily performed for them by the young unmarried persons living under their headship." /20/ (i)

This certainly is a valid refutation of Spencer which, however, does not advance Nieboer's argument who, in order to prove his case resorts to common sense reasoning of gravest simplicity, for the purposes of which he identifies the "lowest stage" with perpetual nomadism and hunting expeditions of individuals all of which would exclude the keeping of servile

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(i) According to Radcliffe-Brown /21/ this chiefship of the Andamnese was not an indigenous institution, but brought about by European administration. Formerly the Andamanese had leaders or elders of kinship groups, and in a camp might have been found several of such men.

persons detached from other societies ("extratribal slavery") but affect "intratribal slavery" to a lesser degree.

> "..The keeping of extratribal slaves must be very difficult to hunters. Hunting supposes a nomadic life; and the hunter who roams over vast tracts of land in pursuit of his game, has not much opportunity to watch the movements of his slave, who may be apt to run away at any moment. And if the slave himself is set to hunt, the difficulty amounts nearly to impossibility. Moreover, the hunting slave will be much more inclined to run away than a soil-tilling slave; for the latter, during his flight, has to live in a make-shift way on the spontaneous products of nature; whereas the former continues hunting, as he has always done; his flight has not the character of a flight." /22/

After discussing the value of domestic work as a factor conducive to the establishment of slavery, Nieboer concludes /23/ that "the non-existence of slavery among most hunters and fishers is now accounted for". Continuing his survey he comes to the not altogether surprising result that there are after all slave owning hunting and fishing populations which are sedentary, accumulate wealth and may use slaves even in hunting and fishing, and not only for doing the domestic work. /24/

In his survey of slavery among agricultural societies, the result shows that servile institutions are quite independent of his carefully thought out pseudo-economic categories, and that the frequency of "positive cases" of slavery among any of the three agricultural types has nothing to do with that type but only with the degree of stratification in that society. We cannot escape the very simple conclusion that what Nieboer calls slavery is to be found chiefly in sedentary societies

which are stratified and in which a surplus is produced and wealth accumulated; and that it is irrelevant which modes of production are the economic bases of the stratified societies, though we find, again not against anybody's expectation, that the most complex technology goes with the more complex stratification and the greater stability and accumulation of wealth. These simple facts had to be proved, even if they could be conjectured by pre-scientific reasoning; that Nieboer did not devise a method to find these simple facts, but that he interested himself in the drawing of correlations between quite arbitrary "economic" types and the institution of slavery (not various types of servile institutions), is a different matter.

Before suggesting alternative approaches, some impression should be conveyed of this survey which introduced our science so prematurely to the study of slavery. The following table is an extract from Nieboer's work showing the distribution of "slavery" (without any attempt to classification) according to area and Nieboer's categories.

	H		A1		A2		A3		C			
North America	+15	-23 (N.24)	-	+6	-	-11	-	-1	-	-	+15	-41 (N.42)
Central and South America	+ 2	-6	+6	-10	+1	-2	-	-	-	-	+9	-18
Australia	-	-23	-	-	-	-	-	-	-	-	-	-23
Melanesia	-	-	+4	-8	-	-5	-	-	-	-	-	
Polynesia	-	-	-	-	+2	-5	-	-	-	-	+6 (N.1)	-23
Micronesia	-	-	-	-	-	-5	-	-	-	-		
Malay Archigplago	-	-2	13	-3	32	-1	+10	-	-	-	55 (N.64)	-6 (7)
Indo-Chinese Peninsula	-	-2	-	-1	5	-	-	-	-	-	+12	-13 (N.1)
India	-	-2	+2	-4	5	-4	-	-	-	-		
Central Asia	-	-	-	-	-	-	-	-	-	-3	-	-3
Siberia	+1	-4	-	-	-	-	-	-	-	-3	+1	-7
Caucasus	-	-	-	-	-	-	+1	-	+2	-	+3	-
Arabia	-	-	-	-	-	-	-	-	+2	-	+2	-
Bantu Tribes	-	-	+4	-2	+21	-7	+3	-1	-	-3		
Soudan Negroes	-	-	+2	-2	+13	7	+3	-	-	-		
Pygmies etc.	-	-3	-	-	-	-	-	-	-	-	+59 (N.65)	-28
Hamitic peoples	-	-1	-	-	+4	-1	+2	-	+7	-1		
Cases in classes (+162 -162)	+18	-66	+31	-36	+83	-48	+19	-2	+11	-10		

Explanation: H hunters, which includes all societies not subsisting on agriculture or cattle breeding.

A1
A2 the three stages of agriculture, according
A3 to Nieboer's definition.

C Cattle breeders.

This table shows the positive and negative cases of slavery compared by Niebor.(i) I have used both his grouping and the names he gives to his categories. His geographical units are not very convenient, nor do they seem to have been used accurately. The usefulness of the economic categories is limited, not only because of the non-sociological classification of types of agriculture, but also because of the Cattle breeder group which is made to include elements as heterogeneous as the Toda, Samoyed and Southern Bantu.

(i) As I mentioned in the introduction, it was only during the last week of my writing that I could avail myself of the second edition of Nieboer's work. The above data are taken from the first edition. The second is somewhat enlarged. The difference can be gauged from these numbers of cases in the second edition, summarized in his Recapitulation chapter: /25/

North America;	+15 (Pacific Coast)	-42
Central and South America	+9	-17
Australia		-30
Melanesia Polynesia Mycronesia	+8	-30
Mal. Archipelago	+69	-8
India and "Indo-Chinese Peninsula"	+13	-11
Central Asia		-4
Siberia	+1	-7
Caucasus	+3	-1
Arabian Beduin	+2	
Africa	+90	-31
	+210	-161

Thus the second edition enumerates 67 more "clear" cases (i.e. instances of which the data were sufficient for Nieboer to say whether they were positive or negative); of these 48 are positive and 19 negative.

Where Dr Nieboer has made mistakes in adding up his figures, I have put his figures in brackets.

It should be noted too, as a feature of this classic survey, that the 9 Eskimo tribes are counted as 9, Gallas as 1, Turkomans as 1, Ancient Nations of Honduras as 1, Wild tribes of North Mexico as 1, Arab beduin, of both Arabia and North Africa, 2, because accounts concerning 2 tribes were consulted, etc.

In "The Material Culture and Social Institutions of the Simpler Peoples, an Essay in Correlation," the three authors, Hobhouse, Wheeler and Ginsberg made a belated attempt to correlate more institutions than merely "slavery" with material categories; belated it may be called because at that time - 1930 - social structures of the simpler peoples had been already described and analysed in excellent monographs, and the awareness of the complexity of the simplest social structures was so general among those interested in sociological theory that one wonders why again, and with so much zest, scholars ransacked ethnographical literature in order to extract from fragmentary records of little known tribes items like "women only captured", and correlated them with equally isolated "facts".

The three authors use the following categories, which for them are stages in the evolution of mankind:

Lower hunters

Higher hunters

Agriculturalists 1

Pastoral people 1

Agriculturalists 2

Pastoral people 2

Agriculturalists 3.

The chapters of interest here are those in which the authors deal with the treatment of prisoners of war (thus accounting for the main source of supply of extratribal slavery). The summary is given thus /[26]/:

"

	total cases of war	total cases of relevant information	vanquished slain	men only slain	women and children slaves	generally slaves	adopted	exchanged or set free.
L.H.	23½	14	6	3	5½	1	1	1
H.H.	61	52	23	17	10	11	9½	7½
A 1	30	26	15	6	1	4½	12	0
P 1	7	4	0	0	0	2	1	0
A 2	92	65	44	7	8	15	14	7½
P 2	9	3	1	1	1	1	0	1
A 3	60	53	16	7	6	35	2	1½
	298½	214	105	41	32½	60½	39½	18½

" This final table is analyzed in the following manner: Grouping together (1) the cases of 'Generally slain' and 'Men only slain', (2) the cases of 'Women and children slaves' and 'Generally slaves', (3) the cases of 'Adoption, exchange, liberation', we get the following tables, in which the figure

in each column is also reduced to a fraction of the total number of cases of which we have information."

	Total	Slain	Slaves	Equal
L.H.	14	9 (.64)	6½ (.46)	2 (.14)
H.H.	52	40 (.77)	21 (.40)	17 (.33)
A.1	26	21 (.81)	5½ (.21)	12 (.46)
P.1	4	0 (.0)	2 (.50)	1 (.25)
A.2	65	51 (.78)	23 (.35)	21½ (.33)
P.2	3	2 (.66)	2 (.66)	1 (.33)
A.3	53	23 (.45)	41 (.77)	3½ (.07)

Then follows the evaluation of these precise figures /[27]/:

"Ignoring the Pastoral peoples, for whom the numbers are too small to be of value, we find (a) that the practice of killing some or all of the vanquished predominates and is nearly constant till we reach the highest agricultural stage, where it drops by 50 per cent. This remark is only to be qualified by the fact that the percentage is rather lower among the Lower Hunters, which may be due to the small number of whom we are informed, but possibly reflects the fact that most fighting here is a matter of blood revenge in which honour is satisfied by the slaying (i) of one or two of the enemy in cold blood. (b) The drop in the practice of killing prisoners in

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(i) All this after Rivers' penetrating remarks: "In Northern Africa, as in other parts of the world, the practice by which the injury of a member of one social group may be recompensed by the offender becoming a member of the injured tribe or family, suggests that

(contd. on next page)

in A.3 is the reverse side of the equally sudden rise in the practice of enslavement. It will be noticed that this remains low in the first two stages of agriculture. The moderately high figure among the Lower Hunters is almost entirely due to the capture of wives. If we omit the enslavement of women and children, the fractions (disregarding the Pastoral peoples) are:

L.H.....07
H.H.....21
A.1.....15
A.2.....23
A.3.....66

This probably gives a better view of the conditions. Apart from the capture of wives, the enslavement of captives is very rare among the Lower Hunters, rises to about 20 per cent of the cases among the Higher Hunters, and remains about that level till we come to the Highest Agriculture, where it becomes the normal method.
(c) Considering that the capture of wives shades off into adoption, we may, in spite of the low figure for Lower Hunters, regard the milder methods brought together under the heading "Equal" as nearly constant till we reach A.3, where it almost disappears in favour of slavery."

Apart from the unsatisfactory procedure of analyzing groups (P.1, P.2) of which we have not sufficient data, and then discarding them on these very grounds - though if they

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there is an idea of the integrity of the group which is much more important than the emotion of revenge given by Professor Westermarck as a cause of warfare.." /28/. Can it really be argued that the alternative of a prisoner becoming a member of an injured group, thus re-establishing its integrity, or his being slain for allied ritual purposes is decided according to technological stages? Is it not true, e.g. that among "Lower Hunters" the size and cohesion of solidarity groups may vary just as much as among peoples of "A.3?" The search for "facts" which can be measured and grouped may isolate "facts" which have such qualities, but no other importance.

were not discarded, they certainly would destroy the steady rising curve from .07 to 66 - there is another feature which becomes very obvious when we arrange the figures simply according to their height. (We too will discard P.) The first 5 posts will suffice.

1	.81	.....A.1.	slain
2	.78	.....A.2.	slain
3	.77	.....H.H.	slain
		.....A.3.	slaves
4	.64	.....L.H.	slain
5	.46	.....L.H.	slaves
		.....A.1.	equal

Thus, if there is any reliability in these figures, we have to expect among Higher Hunters the same percentage of cases in which prisoners are slain, as we have to expect to find among A.3 societies enslaving their prisoners; and, relatively, just as many Lower Hunter societies would enslave their prisoners as A.1 people would treat them as 'equals'. Whatever this may mean, it certainly does not signify a triumph of the statistical method in comparative sociology.

As to the "broad results" of the study by the three authors of servile institutions, two groups only will be quoted here, to convey the method they used. They thought it necessary to classify servile institutions, and decided on 4 groups:

1.	Serfs or slaves	
2.	Women slaves	(of which only one case, and a rather doubtful one, could be found.)
3.	Tributaries	(Which covers a very wide range, from the group vassalage of ethnical units of the kind described in the third part of this thesis as "Extra-tribal patronage", to a state of affairs more akin to feudal structure.)
4.	Life and death power	(i.e. of the master. This has been regarded in literature as a very important criterion not, unfortunately, for an evaluation of the relationship between slave holder and paramount authority, but because of its moral significance. The master's life and death power exercised a great fascination (to be compared only to that of cannibalism) in a period to which the three authors pay a belated homage.

The following are two specimens of the method /[29]/:

	Nobles	Rank by wealth	Serfs or slaves	Woman slaves	Tributaries	Life and death power.
L.H.						
S.A. (16)	1	-	4½	-	1	-
N.A. (57)	8	4	18½	-	1	6
Asia (6)	-	-	3	-	-	-
Afr. (-)	-	-	-	-	-	-
Ocean.(1)	-	-	-	-	-	-
A.3.						
Afr. (63)	11	2½	48	-	1	11
S.A. (1)	4	-	1	-	-	-
N.A. (4)	1	-	3	-	-	-
Ocean.(1)	-	-	1	-	-	-
Asia (30)	11	1	24	-	1	5

It is obvious that this classification of servility cannot produce results which would aid our insight into various types of social structure. While it is not astonishing that the authors did not pay attention to the special phenomena of a chief only owning slaves, it is hardly excusable that they did not deem it necessary to make a difference between institutions where the slave could be manumitted, and others where he could not. Nor did it occur to them that a society's having several servile institutions at the same time may constitute a feature very different from the existence of a single institution; the neglects are numerous, the achievement that of a single-minded endeavour to show the rising curve of "slavery" from the lowest of the hunters to the highest of the agriculturalists. This is done by the fraction method explained before; here are the figures of "nobility" and those of

"slavery" quoted side by side /39/:

	"Nobles	Slaves
L.H.	0	.02
H.H.	.11	.32
A.1.	.03	.33
P.1.	.20	.37
A.2.	.15	.46
P.2.	.24	.71
A.3.	.23	.78 "

The co-ordination of "Nobility and Slave Class", as our authors call it, is a departure from Nieboer. But "nobility" is hardly the only feature of social complexity to be correlated to the various servile institutions.

As to the statistical exploration of the interdependence of economic factors, we are, after the preceding discourse on the types of the organization of labour and the criticism of previous attempts, in a position to indicate in theory, which factors ought to be brought into relation to servile institutions. Disregarding for the present purpose the criteria of social complexity, the following aspects of the organization of labour ought to be dealt with.

1. The sexual division of labour pertaining in that society in relation to the most important economic activities.

2. The importance of communal labour,

   (a) as to frequency and economic relevance;

   (b) in relation to the paramount political authority (tribute labour).

(c) as to the mode of organization (degree of uniformity, foremen, etc.).

(d) as to the variability of the labour pattern according to the context of the bidding (by chief or neighbour).

Compared with agricultural societies, pastoral ones use communal labour to a much lesser degree than organized or isolated labour. Communal tasks like housebuilding, road making, forest clearing are rare in pastoral life; viz. the more common it is, the more supplementary agriculture and the exigencies of sedentary or semi-sedentary life make themselves felt. Tributary labour for the chief which when rightly understood, means communal labour on the chief's bidding to some extent indicates the degree to which communal labour matters in a society. Work of this kind for the chief is unknown to pastoral peoples with the exception of the Southern Bantu and East African cattle people.(i)

3. The labour performed by age set organizations and its relation to communal labour (merging or separate existence.)

These are the more important points to be made in regard to the inter-relation of labour forms; this may be regarded as one group of economic factors. The others would come under

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(i) As to tribute labour and its political importance compare Fortes and Evans-Pritchard's African Political Systems, vol. I.

the headings of production, exchange values and luxury.

As to production, we have to decide whether the slave takes part in a closed economy which is only negligibly supplemented from outside, or whether he helps in the production for goods exchange of supplementary character, or for a market proper.

As to exchange values we have to know whether the slave himself represents a unit of value to which reference is made in transactions.

As to luxury we must know something about wealth and status of the masters of slaves who are not of economic importance, and something about the additional functions of such slaves, their dress and the way they are looked after.

This is not meant to advocate a correlation of economic facts only, in order to account for a servile institution. But if economic facts have to be correlated, these are the relevant ones and less than this bare minimum will not do.

Such a diversity of facts necessitating detailed information cannot be made the object of a statistical survey as the one mentioned. There are only very few societies of which we know enough to use them for a comparison of structural relevance. The endeavour to add up facts like "women only captured" cannot be frustrated by our difficulties, and it is therefore possible that the broad approach of the evolutionist may retain some attraction. If so, the ways of comparative

sociology and the study of imagined progress will have to part no less decisively than historical ethnology branched off from the study of simpler societies.

Discourse (to Chapter 2)

on luxury and servile behaviour.

When considering the various factors which may condition a person's servile behaviour, special attention must be given to luxury. The sociology of luxury has been often discussed; two aspects of it have been studied more than any other: the economic incentive provided by luxury for processes of production and accumulation generally, and for the early phases of industrial capitalism in particular (W. Sombart); and the function of luxury as a prestige policy in contemporary class differentiation (Veblen).

Sombart /31/ has classified the two main trends of luxury as a quantitative and a qualitative one: people who surround themselves with objects the function of which is primarily non-utilitarian and designed to enhance the prestige of their owners, will either tend to accumulate great masses of such objects, or they will lay great store in the rarity and perfection of the individual object. In the complex societies with which Sombart is dealing, the second type appears later. He distinguishes several phases in the development of luxury.

1. Tendency towards internal exhibition and household display ("Verhäuslichung"), leading from public to private display.

2. Tendency towards objectivisation, leading away from seigneurial origins, quantitative "personalism", and subjective evaluation towards interchangeable units of commodity-character.

3. Tendency towards sensual refinement of the objects

which, among other things, leads to the demand that a maximum of labour should be invested in every individual object.

4. Tendency towards concentration leading to the use of a maximum of luxury objects in a given time span.

5. Tendency towards changing fashions.

6. Tendency to import from distant countries.

It is easy to see that all these points can refer not only to lifeless objects, but in exactly the same way to the use of servants, whatever their status in the society in question. The same may be said of Veblen's concept of conspicuous waste: this too applies to commodities and servants alike. Wherever prestige value attaches to the holding or employment of servile persons, we are justified in describing the institution in the above terms, even in terms of Sombart's 2nd point. But these considerations become useless when we ask ourselves how a servant's existence as a luxury object may influence his behaviour; it is not so much the fact, which we take for granted, that the non-utilitarian aspect of the employment will counteract the exploitation which may or may not be part of the raw institution - the easing of the labour of such fortunate servants we should associate with luxury; the question is slightly different: having formed some general ideas about the servant's place and his corresponding behaviour as part of his social actions, we ask how the luxury existence may modify/the social significance of this behaviour.

Neither the sociologist nor the acute historian will help us further; we have to enlist unusual advice. It is only in aesthetics that I can find a useful lead, particularly in the lucid exposition of Roger Fry. Rather than translate Fry's statements into a more general and sociological idiom, and take the credit for his reasoning, I will give the quotation in full, though it is extraneous to our subject matter. /32/

> "The art object .. which is regarded by its owner primarily as evidence and symbol of his social prepotency ought by preference to be of a rare and precious material, and in its execution it ought to declare the high degree of the skill of the craftsman, since the most skilful craftsmen are themselves rare and difficult to employ; and this craftsman should be shown to have spent great care and pains in the execution. And one of the ways of proving this is when the object is already finished from the artist's point of view, he should devote a great deal of further time and care to obliterating all traces of his own handiwork - smoothing out and polishing down the marks of his tool. Let me remind you of one instance of this phenomenon, which is proof that it does exert great pressure. Rembrandt was ... a rather successful artist until his own pupil Gerard Dou spoiled his market by offering to the public pictures in which all traces of brushwork were effaced in a polished and licked surface. Dou not only achieved the exact representation of objects, which was to the public the chief meaning of a picture, but over and above that he saw to it that there was no trace left of how the illusion had been accomplished, and the enchanted public left Rembrandt for Dou.
>
> Here then we get evidence of what I call the luxury effect on works of art. You have only got to stroll through Bond Street to see how evidently luxury objects are made with the utmost precision, and how the surfaces are mechanically exact and uniform. Look at metal cigarette cases or expensive china and you will see that no trace of an artist's sensibility is allowed ever to appear...
>
> But this is not the whole of the story. If we consider the craftsman himself we shall find him as likely as not to be only too willing to co-operate in suppressing the traces of his own sensibility. We may,

> I think, hypothecate a ... fashioning urge as one of the factors in the making of works of art ... The fashioning of shapeless matter like clay into a preconceived shape is evidently one expression of this drive. Now since this feat is a difficult one, because of the resistances of matter, the maker will show his power over this most completely when the shape ultimately achieved is perfectly regular and even throughout, when it has mathematical or mechanical perfection. So that the craftsman qua craftsman is always trying to rival the infallibility of the machine. If the craftsman happens to be also an artist he may recognise that the expression of his own sensibility is significant and may even be content to pass as a clumsy craftsman rather than obliterate it ...
>
> We have now got some idea of the number of factors which may be discerned when we consider the surface texture of an art-object.
>
> (1) A spiritual need for order.
> (2) The luxury effect.
> (3) The craftsman's pride in his skill."

If we assume that the same social forces are acting on all luxury objects we can substitute for the surface of the lifeless object the behaviour of the servile person. And if we see this behaviour as part of Fry's three-factors-scheme, the latter can be translated in the following manner:

1. A spiritual need for order; instead of this we find in servile situations the tendency to comply with authoritative task assignments. The total structure of these assignments is accepted by the "good servant", irrespective of the person of the master. This element of order has nothing to do with the performance of individual tasks; it is extraneous to the display of skill.

3. The craftsman's pride in his skill: (i) this means in

(i) This expression of Fry's shows his acquaintance with Veblen's writing.

our situation the conscious use the servant makes of his efficiency. The competence of the servant qua labourer, again, has nothing to do with his status; and the pride he takes in this competence marks the "servant's dignity" which is closely associated with Veblen's pride of craftsmanship. But this "pride" is the servant's pride: it has primarily nothing to do with pride and prestige of the master. Though the employment of competent servants reflects one's status, this competence is not brought about by a refinement of the servant's luxury function.

2. The luxury effect. While, in a lifeless object, the luxury effect is not brought about by anything that implies the relationship between owner and object, the case is different when a person is the object of refined luxury. The effacing of the artist's effort from the surface of the object may, in the lower types of luxury, mean that the servant is made to behave with machine-like precision; then his individuality is effaced in favour of the illusion of a lifeless tool. This type of effacement we will readily associate with cases in which servants are kept in great numbers; this makes it complementary to quantitative luxury which, in Sombart's scheme is a lower type. Lower it is for this very obvious reason too: the effacing of the individual personality features of the servant bears direct testimony to the owner's power who reduced another person to this position. It is a

display of social power; the element of rarity in the object is excluded.

But this effacing of traces of workmanship may be directed, instead of against the servant's personality, against the social mechanism which truly "produced" the piece of art. The servant of a luxury institution ought not to show traces of the processes which transformed him from an independent into a servile being, while, at the same time, he is expected to perform servile tasks. While the luxury object, according to Fry, approaches in its perfection the mechanically produced commodity, though it ought to be handmade, the luxury servant is assimiliated toward one of two appearances, which equally exclude the reality of the live tool: the lifeless tool or the free agent.

Hence we have to exercise great caution when assessing the social significance of humanising tendencies in servile institutions, particularly in Latin antiquity and in Moslem domestic slavery. The insistence on the "humane" approach, when originating in the houses of the rich and most prepotent, is not to be correlated with forces which alter the master-servant relation. The ethical idiom of justification is of lesser interest than the true luxury function of this humanism.

XI

When we consider the topics and conclusions of our discourse, that is, the various meanings given to the word slavery according to the interest caused by servile institutions at one time or other, and further, the relation which from the point of view of sociological research seems to exist between servile institutions and other forms and institutions of social inequality, and lastly the bearing servility has on the organization of labour and vice versa, a approach to the problems of chief interest does recomend itself; not to follow the example of those students who have identified a social status with economic functions and kinds of labour, but to separate as far as possible the two sides of these very complex phenomena. That does mean to study servility as a status relationship not very dissimilar from many others from which it has to be distinguished; or rather to describe and analyse the whole range of related relationships and pick out those of servility as structurally peculiar. This done, we may have gained an insight into the basic sociological principles involved, and apply our knowledge to the study of a few well described institutions of slavery.

This approach brings under discussion many aspects of status mobility and jural relationships which have been dealt with in various contexts of theoretical literature, sometimes

in connection with theories of slavery. It is advisable to follow up these theoretical clues and to go to and fro between the selected examples and theoretical literature, even when the particular question at issue does not seem too closely related to a study of slavery. By these means a large ground can be covered, institutions which never before have been looked at together can be compared, and theoretical problems can be related to more fundamental issues.

Moreover, this approach offers the opportunity to discuss institutions which have been regarded as slavery without justification to classify them in that manner. To give them their proper place in terms of the respective social structure is more than a mere terminological clarification. And as these types of institutions which were misunderstood as slavery had been frequently used in attempts of explaining the "origin of slavery", these surmises, whether made by the theoreticians of "evolution" or by adherers of the some-do-and-some-don't school of comparative ethnology, will come under discussion.

It is impossible to criticize the students who have been the first to give attention to our problems and then start with the same aims they had in mind. If since then, and through no fault of theirs, our conception of the complexity of social relationship has changed so much that it almost prevents us from essaying a wider comparative study, this must also force us not to look for one central problem which can

be "solved". One might just as well say that the various complex institutions called marriage could be treated for a central problem that could be extracted and submitted for solution.

Hitherto some care has been taken to keep distinct what can be broadly called status and status relationships from jural relationships as connoting rights and duties. The reason for this is that we have to investigate not so much the possibility of making general propositions concerning the rights and duties involved in a given status, or a system of such status, but we have to deal with persons changing their status according to rules which would be difficult to define in terms of rights and duties. Society can be perceived as a static system and then the relations between the individuals can be seen in such jural terms. The most uncompromising statement of such an approach is given by Radcliffe-Brown where he proposes to deal even with the most general principles conceivable - he calls them sociological laws - in terms of rights and duties.

> "The sociological laws (he says /1/) i.e. the necessary conditions of existence of a society ... are:
>
> 1. The need for a formulation of rights over persons and things sufficiently precise in their general recognition as to avoid as far as possible unresolvable conflicts,
>
> 2. The need for continuity of the social structure as a system of relations between persons, such relations being definable in terms of rights and duties."

But we may very soon find ourselves investigating kinds

of rights that can be exercised over a person while other rights are active, and we may find that the question of compatibility of rights is answered differently in various social structures. General propositions about these types of compatibility cannot be made in terms of rights and duties, though they are undoubtedly relevant to the study of social structure.

To this could be answered that Radcliffe-Brown's definition does not imply that there is only one type of social structure in existence, and that in my remark I merely maintained that there are several types.

This could be accepted as relevant if

1. it can be shown that variations of the compatibility of rights are variations of the same structural principle, and

2. that the range of these variations can be deduced from the nature of the jural relationships.

I intend to make it plausible that this may not be the case, and that, to speak on the same level of abstraction, there may be a relation between the kinds of status mobility (i) and the kinds of compatibility of jural relationships.

(i) Cf. the discourse to Ch. XVII.

PART TWO.

XII

Investigating the types and functions of servile institutions, one comes to notice a number of institutions which among themselves have very little in common, while they have peculiar affinities to kinship organization on the one hand, to servile institutions on the other. These social phenomena - they will be referred to here as pre-servile relationships and institutions - involve various types of social superiority; that of the chief over the commoner, that of the socially integrated person as against the detached individual, that of the political head of a more complex society over members of a simpler one which is economically or politically affiliated, etc. All these instances represent conditions which we associate with servile institutions, but they lack certain other structural elements that would make the potestas exercised, the rights enjoyed, a permanent institution of social inequality which is inherent in a social system. Therefore a comparative survey will be made of these pre-servile relationships and institutions, as a means to isolate the lacking elements which we then have to appreciate fully in the part they play in forming servile institutions.

The term pre-servile, in the sense used here, does not imply a chronological order, nor does it intimate that each type of servility has evolved out of a pre-servile type.

As a matter of fact, all pre-servile types described here can be found co-existing with servile types, but care has been taken to select, for the sake of the simplicity of the argument, as far as possible, instances where only pre-servile types are functioning.

In the first section of this survey pre-servile types are compared which exist in relation to the apportionment of detached individuals. It depends on the social structure of the society on what terms and in relation to what types of authority detached individuals (orphans, widows, divorced wives, prisoners of war etc.) become integrated again.

The kinless person in general, the orphan in particular, are in most societies conceived to be of lower status because of his lack of the protection which is provided by the individual's kinship group. Prof. Lowie writes:

> "No worse affront can be hurled in the teeth of a Kurnai Australian than to call him an orphan; and the same is true of the Crow Indian of Montana. That so harmless a term should be resented as the most offensive imprecation seems strange, but there is an explanation for it. Among the ruder people influence is often dependent on the greater or lesser number of faithful relatives. The kinless orphan is consequently damned to social impotence and considering aboriginal vanity it is natural that the vocabulary should contain no more degrading epithet." /1/

Thus it seems that among those Australian and North American groups - to which Lowie doubtlessly could have added many more - "orphan" is far from being a harmless term; and when "aboriginal vanity" resents the use of the word, it does

hardly more than a civilized vanity that makes a man resent being called a bastard. The two positions and respective insults have much in common. Both kinds of individuals lack that protection which is regarded as natural and associated with ritual values. The difference may consist in the slur on the reputation of a person's mother, or it may be due to the structural functions of lines of descent, or to the rules of inheritance. But here the dissimilarities end, and it is noteworthy that in Roman society orphaned children were excluded from certain ritual ceremonies; moreover, we may reflect that even in this sentimental age in which people make themselves believe that their desire to help orphans is solely due to their personal insight into the mental agonies and bodily discomforts of such children, a residuum of feeling has to be explained which gives people visiting an orphanage the awkward impression that they are descending into a social no-man's-land. The injunction to help orphans abounds in the many epochs and societies of mankind; but there has never been a society in which those recommended to protection, whether orphaned children, or distressed maidens, or widows, or the old and disabled, have been regarded as being on the same social footing with those who can afford to help them.

There may be a great discrepancy between a person's status in regard to a specific action in which he takes a dominant part, and the status he enjoys as a member of the respective

society in terms of the solidarity which groups of that society are or should be obliged to extend to him. As in simpler societies these solidarity groups are secured by an individual's kinship ties, we find in many a myth or tale of oral literature the theme developed of the man who is esteemed for his personal prowess but at the same time, being a stranger, a person without kin in that society, is unable to overcome his isolation; the honours heaped on him by the king or paramount chief cannot make up for the lack of that solidarity which only kinship can command.

This discrepancy is shown perhaps most poignantly in the terrible climax of Er Taghyn, a Kirgis epic, that jewel of oral literature which Radloff has preserved for us. Er Taghyn, a hero in the truly epic fashion who slays whole armies single-handed, has lost touch with his tribe and serves as war leader under foreign chieftains. He is a great man as long as he is in charge of the warriors, or more precisely, as long as the warriors are in action. Once, after a great battle in which his leadership and bravery again had saved the tribe, he climbs a tree to make sure how many of the hostile force have managed to escape. While his victorious men are dispersing he falls from the tree. He has injured only the muscles of his back, but this makes it impossible for him to get up unaided. He calls out for help but after the battle his authority over the men is ended, and nobody turns back; nobody is obliged to

listen to his call, only his horse remains obedient. Thus he has to resign himself to impotence and death, and at the same time the hero of the day and the underdog of tribal society, he starts that terrifying monologue, cursing human society and futile ambitions. /2/ (i)

More remarkable still is another feature of the isolation of individuals in societies where a person's status depends on actions of solidarity of specific groups of persons which hold rights over that individual. When in an emergency a person is saved by another who is not obliged to come to his help, this action, even where people of the same society are concerned, may create a status relationship between the two individuals involved in the incident: the rescuer has rights over the rescued and assumes responsibilities. In the absence of help given by those who are obliged to give it, it is assumed by the person who comes to aid instead, that the obligation did not exist, and the new status relationship is created in the assumption that no obligation existed on the side of the endangered individual's kinship group, so that for the purposes of jural obligations evolving from the situation, the saved individual rates as kinless, and the rights his

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(i) Thinking of Aristotle's famous words "The man who is isolated - who is unable to share in the benefits of political association, or has no need to share because he is already self-sufficient - is no part of the polis, and must therefore be either a beast or a god." /3/ - we may say that the epic negates the alternative: the hero is both, beast and god..

kinship group had in regard to him are assumed to have lapsed and have been transferred to the rescuer.(i)

This attitude is obviously most important when the situation is such that the new relationship formed through the rights of the rescuer can lead to actions which irrevocably affect the rescued person's status and life; in other words, where young women are saved and have to yield themselves up to those intervening on their behalf. It is astonishing that a situation, fraught with conflicts arising from competing claims, has not been dealt with firmly by many legislations. As it is, only Kautilya in his famous Arthasâstra has suggested laws to apply to the difficult situation.

Kautilya has to be cited with some caution. His book, the celebrated exposition of early mediaeval Indian statecraft and social theory, a cross, as it were, between Manus Laws and Machiavelli's Prince, is not important to the sociologist because it lays down laws which were thereafter observed by the people; of course, it does nothing of the kind; it suggests how, in conformity with royal ethics and to the interest of the King, existing legal customs ought to be used. Kautilya does not fancy his Prince as a law giver, nor does he want to go outside or change social realities known to

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(i) References to such customs are not infrequent in travel books (Africa and China), but I had to neglect these data as they are never full enough to be of sociological relevance.

him. Thus his book has to be taken rather as a survey of political, diplomatic and legal usages, made by a very conservative mind for political purposes. I have used two translations of the Arthasâstra: the very straightforward English translation by Shamasastri, which sometimes glosses over complicated renderings of the text and is altogether too smooth, and J. J. Meyer's German translation which has neither the advantages nor the disadvantages of Shamasastri's work. I am quoting the German translation in English, giving the other in brackets where the discrepancy seems important. /4/

> "Who rescues another man's wife who had been carried off by hostile force or a forest tribe, or has been swept away by floods (When a man rescues a woman from enemies, forests or floods), or has been forsaken in jungles or during a famine, or put away as dead, may enjoy her according to agreement. But one who is of higher caste, one who declines, and one who has children he has to let go for ransom. (A woman of high caste, with children or having no desire for sexual enjoyment, may be left off after receiving an adequate amount of ransom.)
>
> The man may enjoy according to agreement the woman of others whom he has rescued out of the hands of robbers, out of the torrents of a river, from famine, or in times of political upheaval, or who has disappeared in the jungle, or has been taken away in the belief that she is dead, but not one who has been cast out because of royal majesty (i) or by her family, nor one who is of higher caste, nor one who declines, nor one who has already children. Such a one he has to bring back for adequate ransom. (ii)

(i) This, Meyer explains in a note, does not mean a woman discarded by a king, but one who had been expelled because of offences against the king. One may disagree here and prefer Shamasastri's translation who thinks of expulsion by decree. It is possible that royal order added authority and severity to caste expulsion.

(ii) Here Shamasastri's translation is completely at variance and does not make sense.

This systematization of usages concerning abandoned or distressed women implies not so much rights of the rescuer as the fact that women can, under certain conditions, co-habitate with their rescuers without being held responsible by their fathers or husbands ("women of others" I take to refer to both married and unmarried women, in fact, women either under the potestas of father or husband) for wantonness or unfaithfulness, nor being sanctionable for a breach of caste conduct. The exceptions are telling. When she has children, the rescuer's rights do not cancel out completely the rights of her husband's family; it is then more desirable for the whole group that she may be re-united with them. One who declines - seems to refer to women who are certain that a ransom will be forthcoming. One who is of higher caste - Meyer thinks, in a note to this passage, that this may even be translated as "one of Brahmin caste" - of course cannot be treated in this way without breach of caste rule; here the rights of the family are not involved, but those of her caste. If she has been cast out by her family, she has to join the caste system proper; her liaison with a man of the same caste or one of not much lower status would bring her back by the back door, so to speak, and undo the intended sanction.

There seems to be necessary, for the appreciation of incidents and relationships of the sort which has been just described, the awareness of an aspect of authority and

solidarity which is not generally realised. A person is held in his place of social security by the authority exercised over him and by the actions of solidarity he can command. In all structures which are based on or evolved from the familial pattern, the person wielding authority and the persons committed to actions of solidarity are not necessarily the same. A son depends for closest co-operation on those who stand in the same relation as he does, either to his father or his mother's brother, according to the respective descent reckoning. Thus in this relationship a person demands solidarity in virtue of the authority exercised over him, but not, unless he is a minor, directly from the person in authority.

A wife is in a quite different position from a son: she can expect solidarity from her own children or from her own kin, if that group retains rights over her after the marriage. But her position is quite anomalous if she can, of right, expect help and protection from her husband only; this may be a temporary state, as in the case of a newly married and yet childless woman who is a new addition to a polygynous household or of one whose relatives live far away, etc. But, on the whole, authority structures and solidarity groups which are involved in one relationship of the above two types, are never identical,(i) or completely overlapping, but interdependent

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(i) Even the most clearsighted student of the theory of society, Georg Simmel, failed to see this difference.

(contd. on next page.)

in various ways.

Hence, when a woman who normally occupies a place in society in which she is sheltered securely by the authority exercised over her and by the acts of solidarity she can command, ~~and~~ changes from such a position to one in which she depends on one person only, who is holding authority over her and is the only person to whom she can apply for help and

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This becomes apparent in his discussion of the reasons leading to the prohibition of incestuous relationships /5/. His well documented explanation is that such relationships would undermine or be incompatible with the authority structure of the household ("Die Aufrechterhaltung von Zucht und Ordnung innerhalb desselben Hauses") "As long as in Rome severe domestic discipline was going strong" he says, "marriage was forbidden to all persons who were under the same potestas; which meant relations to the sixth degree. In the same measure in which was relaxed the close solidarity ("Enger Zusammenhalt") and the strict uniformity of the household, this law was watered down, till, in the time of the Empire, even uncle and niece could be married legally. Thus prophylaxis becomes unnecessary once people cease living in such close propinquity." Of course relations of such a wide range did not live in the same house together, and it is very probable, that the domus thus constituted was a segment of the gens but not a dwelling place subjecting its inmates to close propinquity and frequent interaction that would lead to primary solidarity; in the same way the Arab Beduin bait does not mean so much a tent as a kinship segment, as Mrs. Peters' researches have shown; and the same may be true of the ancient Hebrew beth. Thus Simmel has shown very lucidly the connection between the range of an authority structure and the range of marriage prohibition; but he identifies the range of that structure with a group of maximal solidarity, and in doing so, he seems to give the same explanation for the prohibition of incestuous unions as later Malinowski provided, in apparent ignorance of the sociologist's work.

redress, the potestal arrangements concerning that woman have undergone, even if only for a short time, a change in kind. Such changes may not be important enough either because of their rarity or because of the temporary character of the relationship, to cause a conceptualization in terms of the appropriate jural idiom. But it is the same type of potestal change which is to be noticed in cases of actual enslavement. Even where the pater familias does not exercise over his slave rights which are different from those he holds over his son, the latter can rely on his brothers for redress and solidarity, while no such help is given to the slave by his fellow slaves.

The potestal change can be observed in many cases where persons through isolation lose their social place and find a new one, whether this happens through the death of those who formerly held authority over that person, or through his expulsion from his solidarity group.

This can be observed, in various degrees in connection with the position of orphans in human societies. To quote only one instance of the regulations concerning orphans in a complex society, we may select ancient Athens where these laws and regulations were well recorded.

There were three different arrangements recognised; there were

1. tutores testamentarii who were put in charge of the

children according to the will of the deceased parents,

2. tutores legitimi — the next of kin ordered by the legal authorities to accept responsibility,

3. tutores dative — "when the archon made his own choice, which happened when the tutores testamentarii were unwilling or unfit, or if nobody came forward to offer guardianship." /6/

Orphans enjoyed special privileges; the only tax they had to pay was the exceptional war tax, which was an emergency measure. But when orphans were children of debtors to the State, i.e. indebted to the tax collector, the children were officially dishonoured (the state of atimeia), unfit for public offices etc, till the debt was paid; no child with live parents was made responsible for their defaults; but the orphan was, in some ways in the potestas of the State, and as such in a relation to the creditor which differed from that which existed between the State and their parents or other people./7/

In societies without the institution of chiefship, orphans and widows join individual households. Among the Eskimo, e.g., orphans would live with a family, and the boy orphan would be brought up to be a hunter, like the other children, and not as a servant, while the orphan girl would be supposed to do household work. Authorities agree that these children

were working rather hard. But as soon as the girl was marriageable and the boy joined the hunters, their slight disabilities disappeared. If a man had intercourse with a girl in his charge, this was regarded a very shameful thing and he was publicly disgraced. /7a/ Because of the inadequacy of the data it is impossible to say whether that meant a protection of the orphan by society, or whether this resulted from regarding the guardian-ward relationship so much in the nature of a parental one that the mis-use of guardianship seemed incest.

In the context of orphans, their position and labours, a philological observation would not be amiss: it concerns the word group which is derived from a common root and which in the various Indo-European languages signifies little children, drudgery, slaves, and heritage. The brothers Grimm in their German dictionary must have been the first scholars to deal with this word group. They assumed that child was the primary meaning, from which derived slave, (the word for the minor and the slave are identical in most languages), heir and orphan; and from slave, drudgery. This was plausible enough, but more thorough and recent research could not agree with it.

Walde and Pokorny, in their comparative dictionary of the Ide languages, believe that the primary meaning of the root orbho - was "orphaned, an orphan"; from which came the Celtic and Germanic meanings "orphan's property = heritage", the

Old Indian and Slav "orphan = small child, small, weak, helpless", and Slav and Armenian "orphaned and unprotected child which has to do all the low work for a pittance, servant, slave".

Here are some of the words listed by Walde and Pokorny:

1. Gr. orphanos orphaned; Lat. orbus deprived, robbed of a thing; Arm. orb, orboy orphan; Old Ind. arbha- small, weak child;
2. Old Ir. orb(b)e, orpe heritage, heir; comarbe co-heir;
3. Goth. arbi, O.H.Germ. arbi, erbi, As. ierfe, yrfe heritage;
4. based on an intr. verb arbē-io I am an orphaned child made to work hard:
   Goth. arbaiþs drudgery, labour; Old Isl. erfiði, As. arefoþ, aerfeþe drudgery, labour; O.H.Germ. arabeit, N.H.Germ. arbeit labour;
5. Arm. arbaneak servant, apprentice, helpmate;
6. Old Bulg. rabъ servant, rabota servitus; Czech rob slave; robě babe; Russ. rebyata children, rebenokъ child.

In simpler societies it depends on the size of the kinship segments and the range and kinds of solidarity within the respective larger unit, whether the orphans - or other detached persons - are cared for by their kin or handed over to the chief. This political authority may be anything from the head of a large kinship segment to the village chief, or may be even, as we will see presently in the case of the Lepcha, the village

headman in a rather complex society.

Thus Musters, who lived for many years among the Tehuelche Indians of Patagonia, writes of their chiefs that they were in command only when the group was travelling or when the chase had to be organized. Otherwise the chief had no authority, and Musters says of these Indians that "Their natural bias is to independence and rather insubordinate ideas like 'one man being as good as another'". Nevertheless, the chief was "sometimes designated by the more endearing epithet of yank or father". /8/

The chief was always ready to afford asylum to the destitute, and Musters describes how full of various sick or bereaved people the tent of the chief with whom he travelled used to be. /9/ After a man's funeral, "the widow who cuts her hair short in front and assumes black paint, repairs, bag and baggage, to the toldo (tent) of her relations, or if she has none in the party, to the toldo of the chief." /10/

About the Lepchas of Sikkim we learn that

> "If there are children with nobody to look after them, as occasionally occurs, the head of the village, the Mandal, will take them into his household. When they are young they work for the Mandal like a servant, but when they grow up, the Mandal arranges a marriage for them and they are then independent. There is at no time any coercion." /11/

The attachment to his house of as many people as possible may be a chief's policy designed to gain more prestige and to derive economic advantages from the enlargement of the

household; in some cases, as that of the Tenetehara Indians, a Tupi-guarani-speaking group of North Eastern Brazil, this policy is followed not only by the men in paramount political authority, but also by the heads of the kinship segments which constitute the village.

Wagley and Galvao write /12/ that

> "each Tenetehara village is politically autonomous. Inter-village relations are maintained by means of visits for ceremonials and for trade, and by intermarriages.
>
> Since the time of the Jesuits, each village has had a secular chief ... appointed by some authority outside the tribe .... In general, this chief is only an intermediary between the Indians and the Neo-Brazilians. He is generally but one of several leaders or heads of the extended families which make up a village. However, the respect that he is accorded by outsiders frequently increases his prestige in the eyes of the villagers.
>
> Each family leader unites about him a large number of kin, either in his own house or in contiguous houses. He may have several young men living with him whom he calls "son" and as many young women whom he calls "daughter" (own daughters, real or classificatory brother's daughter, or wife's real or classificatory sister's daughter) as possible. Because marriage is matrilocal, and sons-in-law must work in the gardens of their father's-in-law at least for a year or two, these daughters attract followers for the family leader. According to his individual capacity, the family leader attracts large extended families more or less permanently around him."

The relation between chief and orphans may have several important structural ramifications which can be studied among South American primitive societies.

Discourse (to Chapter XII)

on jural pluralism in regard to social structure and to social actions transcending the autonomous jural spheres.

At this point a brief discourse is necessary to clarify a difficulty which often creates confusion when students discuss jural relationships and at the same time and in the same terms the collective discharge of obligations. The transfer of the wergeld from the killer's group to that of the victim, is the crucial instance of the jural relationship existing between the two groups and within each group. One may say that, as jural units, these groups exist in reference to such situations, and therefore actions which are reciprocal between them should be described in a unified jural terminology: as a matter of fact, this is done by the societies themselves. The distribution of the shares of the wergeld within the paying group, and even the decision on whether wergeld should be paid or not, is a totally different matter; it represents a different level of organized social activities which may be conceptualized in different jural forms. As no social action of individuals on the second level reciprocates with social actions on the first, it is an erroneous presupposition that jural relationships throughout the society must be consistent; they may be as inconsistent as religious attitudes.

The separate existence in most societies of criminal and civil law has drawn attention to these problems. Among the investigators intent on analysing the basic facts of the problem, Dürkheim stands out as the scholar most deeply conscious of the heterogeneous character of the elements involved; nevertheless

he is responsible for some fatal simplifications which have affected sociological concepts.

From the ideas he contributed I will quote with Gurvitch's comments thus indicating at the same time the place occupied now by Dürkheim's theories in the respective discipline. Summing up Dürkheim's position, Gurvitch says: /13/

> "The Division du Travail Social, 1893, properly selects as the starting point for its study the problem of the relation between forms of sociality and kinds of law. 'The visible symbol of social solidarity (conceived as a solidarity in fact, that is, a form of sociality) is the Law.' 'Hence we can be sure of finding all the essential varieties of social solidarity reflected in the law.' And inversely, an objective classification of the kinds of law, a classification valid for sociological research, can be only accomplished through a classification of the forms of solidarity; in fact, the distinction between public and private law 'accepted among jurists serves only practical purposes' and designates only law privileged or not privileged by the State, whose dispositions in this respect are essentially variable. Private law often includes jural structures quite analogous to those included in public law (for example, family or trade union law are not by nature different from constitutional law); the State itself did not exist in all epochs of social life, nor has it always since its inception played the same rôle. Thus, sociology of law must distinguish between the kinds of law. The first necessary classification will be that between law corresponding to a 'mechanical solidarity' or solidarity through similarity, and law corresponding to 'organic solidarity', or solidarity through dissimilarity. The law corresponding to mechanical solidarity is penal law; that corresponding to organic solidarity is family, contractual, commercial law ...
>
> Durkheim finds evidence for the parallelism between repressive law and mechanical solidarity, restitutive law and orgsnic solidarity. (i) Indeed, repressive sanctions

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(i) Here, the reader will observe, is an instance of Dürkheim's legalistic handling of the problems; for he isolates sanctions in terms of their conceptualisation.

(contd. on next page.)

and the penal law which they accompany, protect the most essential social similitudes. The repressed crime is a rupture of the mechanical solidarity, 'an offence against the intense state of the collective consciousness, against a collective ideal identical in all.' Moreover, 'the more the mechanical solidarity predominates' in a society, and 'the more the individual is integrated in a homogeneous society without intermediary, (i) the more repressive law will prevail over restitutive law. On the contrary, restitutive sanctions protect the differentiation of society in specialized functions, in sub-groups, in individualized personal activities. Restitutive law guarantees the free division of social labour, of which it is itself an effect: it is associated with a more flexible ideal, which admits of its particularisation'. In a society where organic solidarity, a society among the dissimilars, becomes predominant, a great part of the law liberates itself from the penal law and even begins to prevail over it ...

A more detailed analysis leads Dürkheim to distinguish certain sub-types within these two main types of jural regulation and forms of solidarity. Thus within the restitutive law, Dürkheim contrasts contractual law and law which goes beyond contract (domestic law, trade union law, constitutional law etc.) He notes furthermore that 'in the contract not all is contractual', and that often 'our voluntary co-operation creates for us duties which we did not desire', i.e. there often arises under the form of contract the autonomous statutory law of numerous groups which cannot be reduced to the sum of their members, or what, since Dürkheim, has been called 'actes-règles' (regulatory acts) or 'contracts of adhesion'. Likewise, the organic solidarity seems, according to Dürkheim, to break down into what he himself calls 'contractual' or delimitative solidarity, and a more intense and more positive solidarity which might be designated as solidarity by interpenetration or partial fusion..."

In his later researches, however, Dürkheim tempered his initial optimism about legal evolution. Even in his Deux lois de l'évolution pénale (1900), he separated the

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Sanctions against minors of a household, e.g. not being "legal sanctions" but very important for a general theory about the structures of sanction systems, are repressive and not restitutive, though the family is the unit of organic solidarity, in Dürkheim's view.

(i) My italics.

state from any necessary tie with organic solidarity and emphasizes its independent rôle as a factor in the evolution of punishments to the extent that it is based on domination.

'The intensity of the punishment ... becomes greater, the lower the type of society and the more absolute the central power. (In fact) the structure of the social type and of the governmental organ must be carefully distinguished. That is why there are two independent factors in penal evolution. And since they are independent, they act independently, sometimes even in opposite directions..."

There is no reason for disagreeing with those who have seen in these ideas the main advance made in sociological jurisprudence since the invention of this discipline; one may even say that in these words the new discipline comes to life; but since then, some changes have occurred in our conception of social structure which necessitate criticism. The later developments of the sociology of law (different from the treatment of juridical states and developments as corollaries to socio-political history, as in Paul Vinogradoff's work), notably in Ehrlich's and Weber's work which tends toward a "legal typology of inclusive societies" /14/ has, to some extent complicated Durkheim's position. As to the juridical non-systematic side of Ehrlich's approach, Gurvitch characterizes it by saying that

"... Ehrlich winds up by connecting the problem of the differentiation of jural regulation exclusively to that of levels of depth, as though every kind of law did not have its own series of super-imposed strata". And:

"..The vertical pluralism of levels replaces in Ehrlich any study of the horizontal pluralism of forms of sociality." /15/

But new light is shed on problems of structure when Eugen Ehrlich deals with what unfortunately he calls "the pacific and spontaneous order of society", this is defined as "a criss-crossing of a plurality of inner jural orders of particular groups, exclusive of the state". /16/ Ehrlich, and this is a great loss not so much to the various sub-disciplines of jurisprudence, but to social anthropology, does not support this thesis with any detailed analysis. But as this position is very much relevant to the present study, I will repeat some of the quotations compiled in Gurvitch's survey, leaving out those which are more important in regard to the most complex societies, and italicizing the passages that matter most in our context. /17/

"The inner order of groups is not only the primary historical form of all law, but this order is now, as always, a fundamental basis."

"To-day, as always, the effectiveness of law depends chiefly on the mute action of associations which bind individuals together. Expulsion from an autonomous circle, whether it be church, trade union, party, family, trust or any other group, loss of a job, of credit, of a clientele, are the most real means of fighting infractions of law."

Thus Ehrlich holds, that - in Gurvitch's words -:

"Abstract legal propositions formulated by the State .. are addressed essentially only to state courts and other State organs. Groups and individuals live in total ignorance of the content of these propositions,. They know only the spontaneous jural order of society, composed of 'institutions', in regard to which every rule is simply a superficial crust, a projection. It is, then, only a tiny part of the jural order of society which may be affected by State legislation, and the greatest part of spontaneous law develops quite independently of abstract legal propositions.'" /18/

This latter belief, while tenable in regard to the logical aspect of the systems of thought and behaviour evolved in autonomous jural groups, seems, for sociological purposes very wide of the mark. State legislation conditions the existence, influences the policy of those groups which, in jural regards, appear as autonomous jural groups. The acts of Russian State legislation which transformed the village community into a social unit of collective responsibility and a tax paying group, formed, as a matter of fact, a type of social unit with a jural structure of its own, and such well marked features of jural autonomy that for a long time scholars were misled into believing that this "village communism" was an archaic survival.

Further criticism will be deferred till an exposition of the whole, composite system is given. - In this, we again will rely, for brevity's sake, on Gurvitch's book which tries to reconcile to some extent Dürkheim's, Ehrlich's and Weber's approaches. This leads him to formulate this typology: /[19]/

> "Taking all these points into consideration, we arrive at the following jural types of inclusive societies:
> (1) legal systems of poly-segmentary societies, having a magico-religious basis;
> (2) legal systems of societies given homogeneity by the principle of theocratic charismatism;
> (3) legal systems of societies given homogeneity by the pre-eminence of the domestic-political group - relatively rationalized systems;
> (4) legal systems of feudal societies based on the juridical pre-eminence of the Church - semi-mystical and semi-rationalized systems;
> (5) legal systems of societies unified by the pre-eminence of the city and the empire - more rationalized systems;

(6) legal systems of societies unified by the pre-eminence of the territorial State and autonomy of individual will; (1)

(7) legal systems of contemporary societies in which the groups for economic activity and the territorial State are struggling for a new jural equilibrium - transitory systems."

Now this typology tries to tabulate the types of unification of autonomous jural groups in terms of a common denominator, a jural equilibrium: the conceptual and procedural idiom of law of a total composite society. It does not refer to the idioms of the autonomous jural groups; nevertheless we can take this as an indication of the special features of the respective autonomous jural idioms, that is, if we beware of two mistakes, one which would be crucial, and another, which would be concomitant with its erroneous criticism. We must not for a moment believe that the social unit or segment or type of association, whose "pre-eminence" establishes the unification does so by imposing the idiom of its autonomous jural group: a unification brought about (in the language of these scholars) by the pre-eminence of the Church does not make the Canon Law the law of the country, nor can we regard in any way the legal systems which ruled mediaeval Europe as extensions, modifications, elaborations of Canon Law. But the Canon Law remains active within the Church and is applied by the Church in instances which according to specific agreements fall under its jurisdiction. The width of this jurisdiction does not make Canon Law a general jural system either.

(i) a point which certainly ought not to have been made, as the concept of the autonomous individual will is a legal one, and a creature, not a creator of jural idioms and procedure.

This is not the result of a deliberate policy of the pre-eminent association, in our case the Church; it is brought about by sociological laws which lie outside the present discussion; nor did the pre-eminent associations always refrain from making attempts to impose their jural idiom. Numerous instances of such mistakes on the side of ecclesiastic bodies come to one's mind: the several codes of law which were compiled by the great of the Syrian Church to regulate the life of laity, and which Eduard Sachau so assiduously edited before it was realised that they were the ineffectual writings of priests and never exerted influence, though the Church did rule its flock; or the exactly parallel Buddhist law books of early Burma which were evolved from Buddhist Canon Law, and had no relation to the "reality" of ancient Burmese life which was ruled by King and Temple - writings which belong to the curiosities of literature, but cannot, as the pioneer work of Le Measurier once suggested, be regarded as laws regulating the life of human beings; nor could the great law book of Abyssinia which evolved from the canons of the Coptic and Ethiopian Churches, venerated as it was by the Christians of the country, ever have influenced jural concepts and procedure of the country to the needs of which it was of course never adapted; and when the Abyssinian Church in centuries past exerted great political influence which perhaps even affected matters of common law, this was due to the remarkable degree

to which that Church (through its participation in feudal land tenure) penetrated the life of the village communities ../20/

But it is equally wrong to dismiss or classify as pertaining to actes règles or mere bodies of statutary law the idiom preserved as a matter of necessity by the association responsible for the establishment of unity. The rules of the Manchu banners had certainly no direct connection with the Chinese Law of the Manchu Dynasty; but it is sociologically incorrect to interpret the rules of the banners, very complex regulations dealing with military organization, kinship and land tenure of the Manchu proper, as statutary law of a group within the state; nor can the laws of this all-powerful body be regarded as a special tribal law, a law of an ethnical province in the huge framework of the Empire and formally on the same level with the tribal laws of Mosso or Miao-tse groups. The bannerrules affected the administration very much, and the unification evident in every sphere of life was unthinkable without them. Nor would it make sense to regard the statutes of the Communist Party of the Soviet Union (V.K.P.) as what they are declared to be. The people of that country are ruled by Soviet law, for which the V.K.P. is largely responsible; they are not ruled by the laws of the V.K.P.; but it would be wrong to regard for formal reasons the V.K.P. statutes and procedural regulations for the conferences of the smallest subunits as statutory law; compared as to their social

penetration (and not as to the property rights or spiritual values involved) Canon Law and the Statutes of the V.K.P. have much in common; they have more in common than Church and V.K.P.

After these remarks, which are particularly necessary in regard to Max Weber's exposition of the problems and terminologies involved /21/ (if not as correction, at least as a "rider"), (1) let us consider of what use could be the rather complex edifice to the limited interests of comparative sociology.

When Dürkheim related jural types to types of solidarity, he had in mind primarily a comparison of different societies in

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(1) It is well known that Weber's Wirtschaft und Gesellschaft, part of which is the "Sociology of Law", was written when the author's health was failing; Weber died before he could polish and condense the work. It is not possible to conjecture on which parts of the book he would have been most likely to improve, had he been allowed to do so. Therefore criticism is offered with great hesitation, and only in regard to a point which seems to be in agreement with a main feature of the oeuvre: Weber who was very painstaking in the deliniation of autonomous provinces of social life and who with ingenious delicacy explored the channels of reciprocal influences and cross-fertilization, tended to abrupt simplification of relationships if they in the slightest degree involved the problem of domination, Herrschaft. The impact of normative ideas or principles of organization permitted him to use rugged simplifications - if the influence came from the socially stronger. The awareness of detail that was given to Weber did vary, according to whether he was dealing with a problem of "horizontal" or "vertical" sociology. In the latter case he is not always the reliable guide he otherwise might be; and the above simplification of a problem of Herrschaft may very well belong to the same chapter, to which he contributed what he thought he knew about the "mentality" of "pariah groups".

which either the one or the other type of solidarity prevailed; and when analysis led him deeper into the matter, he dealt with different solidarity groups of one society. But then he saw the group as isolated entities: here a domestic unit, there a trade union, etc. These types refer to entities which are related to each other in a social structure; but Dürkheim related them to jural types only, and whatever merits or faults there may be in the correlations he established, there remains the question: how are the co-existing jural types related to each other in a social structure?

Weber and Ehrlich were concerned with the plurality of jural forms in one society. Ehrlich, in his scrutiny of vertical pluralism, associated the top level of social organization with the most abstract law, unintelligible to the ordinary citizen and in its function independent of such intelligibility; the lowest level is represented by mute action - that is action without codified or even overt conceptualization - and this exposition of "mute actions of associations which bind individuals together" as relevant jural phenomena, relevant both as structured types and as to their function in the total jural structure, may be hailed as a discovery. But still, there are many intervening types which remain unclassified and as to the classification itself, we must realise that the great cleavage for Ehrlich lies in the difference of jural idioms. Not highest and lowest level of organization are

opposed, but abstraction and muteness. This is surely a cleavage which cannot be regarded as a general social phenomenon, important as it may be in some types of society. In simpler societies the degree of conceptualisation does not indicate the level of organisation in which the jural type is functioning. When we e.g. reflect on the best description available of jural pluralism in a simpler society, Gutmann's account of the Chagga, where the autonomous existence of clan law and State (chief's) law is analysed, we might even tend to credit the clan law with a higher degree of conceptualisation.

While Weber undertook a systematic classification of the various ways in which jural types may be superimposed on one another, Ehrlich went a step further by pointing out the dependence on the lower jural types of the highest type, the State Law. Both these approaches have more bearing on the study of social structure than Dürkheim's earlier theories. Nevertheless, the student of social structure will find that the problem of greatest interest to him has not been stated. He does not ask how it is that several jural groups can co-exist in a society, nor does he inquire into the modes of suppression of the variety by a dominant type. The student will be interested chiefly in the question: how do the various autonomous groups co-operate, and what is the relation of the mode of co-operation to the social structure as a whole?

In an inquiry of such obviously limited scope, attention is directed chiefly on this: there are social actions which can be called chain actions because they are composite; these chain actions penetrate several social spheres, several autonomous jural groups, and each group participates in its own way and in terms of its jural idiom in the composite action. The regulation of the co-operation of various jural autonomies cannot be described in juridical terms; it is the function of political offices; and from this point of view a careful re-examination of some political institutions of simpler societies will be necessary where this political function is still inseparable from juridical functions. All this is beyond the scope of the present brief discourse, which will be further narrowed to isolate the matter relevant to the discussion of servile institutions.

Simmel who discusses related problems from a different angle, gives an example which is of interest here. He tells us of an aristocratic Anglo-Saxon gild of the 11th century:

> "When a member kills another man (not member) in self defence or in just revenge, the others have to contribute to the imposed wergeld; but if he does it out of foolishness or sheer bravado, he must bare his guilt alone. Thus the actions of the individual becomes part of the association, only as far as they are moral; if the actions are immoral he has to keep his own counsel. [22]

Simmel continues to point to the exceptional character of this stipulation when compared to the statutes of other gilds of the time in England and Denmark, where the principle "let

all bear it, let all share the lot" did not admit of reservations.(1)

For our present context, however, the moral principle involved is of secondary interest. The remarkable feature is the incongruity of the two jural spheres and idioms. The law of the payment of wergeld, the indemnification of the group which had suffered loss of life, does not refer to the circumstances of the homicide or murder. A distinction made as to the motives of the killing would be quite alien to this concept. The other jural sphere uses the concept of motive.

Now in discussions on the history of jural concepts it would be pointed out, that this is an interesting case, because we assume that laws and regulations neglecting the question of motive are older than those which differentiate and distinguish according to psychological possibilities. A law making a distinction between wilful murder and unintentional homicide would be more "advanced" (or whatever epithet of evolutionist morals would be chosen) than a law which does not make this distinction; and, again, a law concerning wilful murder would be more "advanced" for distinguishing noble from ignoble motives.

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(1) It may be here remarked that the mediaeval gilds are not quite as extraneous to a discussion of simpler solidarity groups. Grönbech says in his authoritative work: "Strangely enough, in the very period of transition, when frith was being ousted from its supremacy as conscience itself, it finds definite expression in laws, to wit, in the statutes of the mediaeval gilds, a continuation, not precisely of the clan, but of what was identical with clanship, to wit, the old free societies of frith or communities of mutual support.." /23/

Therefore it would be noted as an illuminating fact that in this instance motive concepts were "already" in operation in one sector of social life while in another the more primitive jural concepts were lingering on.

Nothing of all this has any bearing on social reality. The fact is that two jural idioms are interdependent in this case as in any other where a group decides whether it should estend its solidarity to a misbehaving member or not, in compliance with the other idiom, that of inter-group regulations concerning homicide and other matters. Questions about the likelihood of repetition of the deed cannot be discussed without some reference to observations which we associate with motives. When decisions concerning the establishment of fact, the motive of the action, and the procedure necessary for the adjustment of the social equilibrium are all discussed and taken on the same social level and in the same jural idiom, this does not mark an advance made in morals but a change in the relation to each other of the social groups concerned.

When it was said that two actions are interdependent and that each is conceived in a different jural idiom, the following state of things was meant: the two types of social action, the one of asking satisfaction from the solidarity group of the transgressor, the other of individual members of that solidarity group who contribute to the decision on whether or not solidarity ought to be extended to the transgressor, are social

actions which do not interlock directly; they need not, therefore, be conceptualized in the same jural idiom. But the demand for satisfaction addressed to the group or to the individual as member of the group, and the response of this group are interdependent; they interlock directly and must be conceptualized in the same jural idiom. Thus it is reasonable to talk of a composite or chain action which implies the participation of several jural groups and idioms.

This will be described in detail in the case of the clan exile of the Chagga (Cf. Ch. XVI). Here the two chain actions, the expulsion of a clan member and the clan's taking back the exile, will be seen only in relation to the three jural spheres of Chagga society: the one constituted by the jural relationships between chief and clans (forming together with the constitution of the territorial organization the State Law of the Chagga), the second, constituted by the jural relationships existing between the clans, irrespective of the chief's office and not normative in regard to the territorial organization, and the third, constituted by the jural relationships existing between clan members.

We can symbolize the chain actions with the help of the following diagram in which rituals and ceremonies which are binding legally are shown as ⊕.

	expulsion of clan member	taking back of exile
INTRA CLAN jural relationships	①	②
INTER CLAN jural relationships	③	④
Jural relation-ships between CHIEF and CLANS	⑤	⑥

These general remarks about the interdependence of jural groups and idioms lead to two conclusions in regard to the subject of our study.

1. In all cases of groups expelling members or withdrawing solidarity from them, we need for a full appraisal of the type of event and of the social status resulting from it, not only data in terms of the tribal inter-clan relationships and constitution, but also accounts of the procedure within the group primarily involved; the fact that these procedures may be conceptualised in a different jural idiom, or not overtly conceptualised at all, does not make them less relevant for the inquiry - on the contrary. But no account of the "law" and the different jural relationships in a tribal society will

provide us with such complete data, because the European investigator assumes that he is dealing with one jural idiom only, and that those parts of a composite social action which are not conceptualized in terms of the jural idiom connected with public arbitration and official sanction, are not jural matters. Therefore we cannot expect to be given an entire picture, and instead we have to make do with descriptions which state for what kind of offence individuals are likely to be expelled, and what social status is concomitant with such an expulsion.

One of the greatest difficulties in assessing such composite actions is that the same terms may be operative in the several jural idioms involved. Perhaps one instance of this will suffice: the Nordic frith had, according to Professor Grönbech's exposition, several meanings. It may mean the result of legal action, of the payment of fines and indemnities, of a war in which the defeated has to submit to the victor: there is a relationship established of frith, which can only be mistranslated by "trust", "confidence"; this frith is not the absence of conflicts either, but the adjustment which has been brought about excludes as far as possible political and legal sanctions; thus the groups who have established frith among themselves are like kinsmen to the outsider. But the same term also refers to that which binds kinsmen together as a matter of course. This appears clearly

in the frith formulas, of which Grönbech writes: /24/

> "It was no empty phrase when the frith formula of Iceland called the parties reconciled by the most intimate name, and declared that they should 'share knife and joint of meat and all between them as friends and not as enemies, and should cause of quarrel arise between them in after days, then goods shall pay for the wrong and never spear let blood;' (i) it must necessarily mean the words as they stand, since it can cold-bloodedly pass on to the conclusion that 'the one of you who tramples on peace made, and strikes at frith once given, he shall wander aimlessly as hunted wolf, as far as ever men hunt wolves to their farthest."

One may say that this secondary frith differs from kinship frith. Kinship obligations are conceived as a result of frith; secondary frith means the imposition of conditions analogous to kinship obligation. Kinship frith is as follows:

> "A crude, but not altogether unique instance of the compelling power of frith (writes Gronbech /25/) is found in the story of Hrolleif of the Vatsdoela. This ne'er-do-well ships to Iceland ..., makes his appearance at the farm of his uncle Saemund and claims to be received there in accordance with the bond of kinship between them... When life with Hrolleif in the homestead becomes unendurable, and Saemund's son Geirmund complains of him as intolerable, Hrolleif opines that it is shameful thus to rail over trifles, and discredit one's kin. He is given a holding, kills a man, for which killing Saemund has to pay the fine, and when at last he has crowned his record by killing Ingimund, Saemund's foster-brother, who on the strength of their friendship had given Hrolleif land of his own, he rides straight to Geirmund and forces the latter to protect him, by the words: 'Here I will suffer myself to be slain, to your disgrace.' We find it hardly remarkable that Saemund, when a neighbour calls with well-founded complaints against his nephew's doings in the district, should give vent to a sigh: 'It were but good if such men were put out of the world.' - but what does the neighbour say: 'You would very surely think otherwise if any

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(i) This seems to exclude not only killing in revenge, but also wergeld proper.

> should attempt it in earnest.' Here lies the great difficulty: Saemund is obliged to hold by Hrolleif as far as ever possible; not merely to cover him, but further to maintain his cause in face of his opponents."

Hrolleif threatens his kinfolk with disgrace if they are not going to live up to <u>frith</u>; this would reflect on their general social status (not merely on intra-clan relationships). And it is this dual function of the kinsmen's <u>frith</u>-relating to the cohesion of the kinship group <u>and</u> to the status of the individual, - which makes it possible for two different jural idioms to be affiliated in the way described.

Such affiliations in terms of multi-valent concepts may veil the fact that we are dealing with separate jural groups; there is the danger that we mistake as features of a uniform jural conceptualization, what in reality is a mode of integrating the co-operating jural spheres.

We are, however, after such considerations able to gauge the full measure of the error which would make us assume that the integration of co-operating jural spheres is brought about by the imposition of a pre-eminent group's jural idiom on the whole society; such an assumption would make it impossible for us to analyse properly the composite social actions mentioned. With greater clarity than in most other contexts we can see here the difference between the approach of the student of comparative jurisprudence and that of the sociologist.

2. In all cases of groups expelling members, we have to pay attention to the relation of the expelling group to the

society or tribal group as a whole; we have to ask whether the expulsion took place in terms of the jural idiom of a social section or in the idiom of the higheet level of organization. If we neglect these distinctions, it would remain a matter for conjecture why in some societies people are expelled from one segment and re-attached to another unit of the same society, while in other societies people are expelled from the tribe as a whole and have to enter a different society. As this difference bears on the person's status created by his expulsion and re-attachment, it is of interest here.

In societies where kinship cohesion is conceptualized in terms similar to the Germanic frith, i.e. where the solidarity is very active and formalized, and where the inability to act in the appropriate manner reflects on the prestige of the frith-less, expulsion is enforced by the society on the kin-group. This happened in the case of the Teutons in their representative political gatherings which were at the same time the tribunal for inter-clan differences. There, in the thing culprits were exiled from the society, i.e. the solidarity group was forced to acknowledge the severance of their obligations toward the individual. In such cases expulsion figures as punishment, while where the kinship group expels, and the individual remains within the society, this is not usually a penal sanction but a measure resulting from an action against

the individual in which the man's kin is unwilling to share responsibility or fines. The expulsion of an individual by his caste, of which more later, combines features of the two kinds of expulsion.

The procedure typical of the ancient Teutons is not restricted to a certain level of social organization or "culture"; nor can we say that it is "higher" or "lower" than the clan expulsion. The Hottentots e.g. acted in the same way. According to Godée-Molsbergen's compilation, one of the earliest Europeans to come in contact with the Hottentots, a Dutch seaman, related regretfully: (i)

> "It would be impossible to obtain slaves here, for they will not for anything in the world dispose of their children or any of their relations, having an outstanding love and regard for them."

Dapper, in his famous Kaffaria, describes a little later legal procedures among these peoples. While homicide is punished by death or fines, theft on large scale, particularly cattle theft, is dealt with in a more elaborate manner. The culprit is brought before an assembly over which the (village) chief (ii) presides and in which his group is represented. Some bodily punishment is inflicted first - Dapper's account of this is now taken not to be quite true to "savage" life but

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(i) In Schapera's translation, quoted in a foot note in his "Early Cape Hottentots" /26/

(ii) Dapper calls the chief King, but from the context it is obvious that only a chief of a smaller tribal unit could be meant.

exaggerated for the relish of his European readers - and:

> "Finally, after enduring all these sufferings, he is sometimes banished as well, and expelled from the village, so that he must live like a slave to some one else." /27/

This statement seems to indicate that the exile attaches himself to another Hottentot group on terms very different from those implied by his status as member of kin and village. He is attached as an alien to another village, but we cannot conclude from this change in the social status that it meant slavery, as the European observer took for granted; in fact, servile institutions are unknown to the Koi-San peoples.

XIII

The Uitoto belong to a group of lesser known tribes of the North West Amazon region. There social structure is very simple: the tribe is an endogamous unit, the territorial and political aspects of which are not known. The territorial unit is homogeneous, representing one kinship segment; this appears to be the largest exogamous unit of that structure. It forms one village and is headed by a chief, whose function in the kinship organization is not known. But we may infer that he is the leader of this kinship group and in this capacity chief of the village. (We would know more about that point if we had information concerning the inter-village cohesion of the tribe, which, doubtless, would explain the function of the chiefs in the large kinship group called tribe.)

Farabee describes thus the society of the Uitoto:

> "..(They) marry outside the village, but within the tribe. No one, except the chiefs and the medicine men, is allowed to have more than one wife. The medicine men are allowed to have three or four, while the chiefs may have as many as they wish. The sons of a chief must always marry the daughters of other chiefs. The three or four hundred people living in one group are considered as one family, and all of the children are brothers and sisters." /1/

As in many of the simplest societies, the chief has the duty to protect those who are left without kin. This is most easily understood in the case of a boy who loses his father: as the boy cannot, apparently, join his mother's people, and

the relation between him and his father's brother or the new husband of his mother would not, according to this kinship structure allow for the taking of jural responsibility by these men, the chief acts <u>in loco parentis</u>.

> "When a young man wishes to take a wife, he speaks to his father, who makes arrangements with the father of the girl he desires; but if the boy's father is dead he goes to the chief instead. The boy makes a present of tobacco to the chief, works for the girl's father, and gives him tobacco and coca." /2/

He also has to bring game and other food which, divided up, is eaten by all the inmates of the house. In partaking thus they show their agreement. In this simple economy, presents are given and payments made which do not demand processes of accumulation or excessive activities; their function is nevertheless the same as large payments in other societies.

An additional population, the children captured in wars, has to be integrated.

> "The Witoto are not a war-like people, but are forced at times to go to war, and at such times are well organized under a chief..
>
> When they kill men in war, they cut off the heads and the arms, and carry them home, where they eat the flesh of the heads, throw away the skull, and make flutes of the arm bones. The heads are boiled, and the teeth taken out and made into necklaces.
>
> When prisoners are taken, they are brought home, and killed in the plaza by an executioner... Captured women are tied to a pole in the centre of the plaza, and left there overnight, when any man who wishes may have access to them, a privilege seldom accepted, The next day they are killed by the executioner." /3/

While the grown-up prisoners are dealt with in this way, children are kept; Whiffen, in a description of the tribes

of that region, says about both the Uitoto and Boro (Issa-Japura region), that they bring up these children as "slaves"; the institution he is describing, has obviously very little to do with slavery; so he uses the term with some hesitation: /4/

> "Slavery among the Indians themselves is little more than a name, for a slave belongs to the chief, and soon becomes identified with his family.
>
> Though slaves have frequently a chance to run away, they seldom do so, for they are usually treated with kindness, and probably are nearly as well off in the houses of their victors as in their own. Captives of both sexes under the age of seven years, or thereabouts, are kept as slaves by the conquering tribe; above that age they are destroyed, as they possess intelligence enough presumably to betray their new tribe to their old one.
>
> When a slave reaches man's estate he is permitted to identify himself with the warriors, as any other boy..; and thereafter is looked upon as free; but the chief would consider that he had a lien of sorts on such a man, and this would be commuted by payment of perhaps half his shooting bag, probably until the time that he married.
>
> If the chief dies, the slaves become the property of the new chief, but a man, if already a warrior, would no longer feel himself bound to a new chief, except insofar as tribal discipline might enforce on all the warriors.
>
> A woman slave may be purchased from the chief by the gift of some small present to his wife. After this the girl is free."

This one case may stand for many in contradiction to the facile theorizing about the savages who first killed all their prisoners, possibly eating them, and slowly learnt to replace blood lust by exploitation, when their economic "evolution" had made them mature enough for the keeping of slaves.

Cautiously Spencer advanced the view:

> "Evidence suggests that the practice of enslavement diverged by small steps from the practice of cannibalism.

> We may infer that the keeping of slaves too numerous to be immediately eaten, with the view of eating them subsequently, leading, as it would, to the employment of them in the meantime, caused the discovery that their services might be of more value than their flesh, and so initiated the habit of preserving them as slaves." /5/

It is of course now very easy to ridicule such theories, as since Spencer's days theories about the social function of magic have gained considerable ground, (i) so much so that it seems ill-informed to explain cannibalism in terms of rational motives relating to the nutrition value of human flesh. But even when we reject this method of comparing "wrong motives" - ritual motives with secular motives which appear as alternatives perhaps only in middle class contexts of certain types and times - we may seem to accept, or may be accepting indeed, this method of explaining hypostasized changes by a comparison of supposed motives which are posed as alternatives without reference to situations in which the necessity of making a choice is a product of the social structure in question.

(i) It must be remembered, of course, that this Spencerian rationalism is a tour de force; when these ideas about cannibalism were put forward (The Principles were published between 1879 and 1896) Robertson Smith's theory of the sacramental character of the collective meal were under discussion; and Spencer left unheeded commonsense observations of travellers which were very much in his line, like the following remark of Sir Samuel Baker (1867!): "where Polygamy is in force, women should be too dear to kill; the price of a girl being from five to ten cows, her death is equal to the actual loss of that number." /6/

It is unfortunate that Landtman felt obliged to support in part Spencer's theory of the origin of slavery from cannibalism. It is remarkable that even Landtman's wide reading could not provide more than one example in proof of this theory so attractive to 19th century evolutionism, viz. a case where captives before they were eaten were actually made to work for a time span of economic relevance.

This is the case of a Tupi population, a great number of tribes which are usually referred to collectively as Apiacá. These Brazilian Indians were, like all other cannibals of whom the older sources give information, technologically advanced part-agriculturalists; von Martius remarks on their well-built canoes and on their religion the hereafter of which had in store for them a wealth of luxurious fruit brought forth without man's toil; /7/ a population, one may say, which cannot be classed among the most primitive. Of these Apiacá Landtman says:

> "..(They) carry off children in war and allow them to grow up with their own boys and girls. These young captives are treated well except that they have to work in the plantations tied together in pairs by a string round their necks. When attaining the age of twelve to fourteen years they are generally killed and eaten at a great village festival." /8/

This warrants the following general comment in regard to trends of human evolution:

> "The experience required regarding the usefulness of putting prisoners to compulsory labour - in the first hand, possibly, for their own sustenance - may, no doubt, be regarded as one of the principal inducements to

> enslaving them once for all. Utility has made itself felt in this instance also.. " /9/

Von Martius is given as authority; but actually von Martius is quoting the more circumstantial account of Castelnau /10/ and adds to it valuable observations which are much to the point at issue. The Apiacá, like many other Brazilian tribes, were cannibals; in their wars they killed all grown-ups they could capture, and cut up, cooked and ate the corpses. The children of the enemy met with a different treatment: they were taken back to the victors' village and dealt with as above described. It must be noted that the fact that the children were tied together does not indicate "compulsory work"; they wereprevented from escaping while unobserved in the plantation; no information is given from which we could conclude that these children performed tasks which other members of the community did not; nor is there the slightest indication that their labour was of any economic importance. Castelnau's informant told him how, when he had been a boy, he and his mother had wept because a playmate of his had met with this terrible fate; but they could not do anything against the established custom.

Von Martius remarks /11/ that in his belief initiation rites are connected with this particular feature of cannibalism. He mentions the three horizontal lines of the facial painting of these tribes, and says:

"Children have only one line, on their cheek; the line

> round the mouth is added when they reach puberty, and only the individuals who have this line are allowed to partake of human flesh."

From this it may be inferred that only people who, through attaining a certain age, have the necessary ritual qualification can eat humans and can be eaten by them; captives of the proper age groups were slain and eaten immediately, while others had to wait till they were old enough. Thus it seems obvious that in this case at least the struggle between the motive of abominable lust and the nobler motive of economic exploitation which so enlivens the existence of the Spencerian savage, did not take place, (1) or, to quote Landtman, "utility has made itself felt in this instance" not more than in most others.

Returning to the Uitoto instance, we find several features of sociological importance. The most remarkable is this:

After Nieboer's classification of slavery as intra- and extra-tribal this distinction has come to be used in every analysis of servile institutions. It is certainly true that different servile relationships will develop, according to

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(1) The student of social psychology in general, and of the folklore of capitalism in particular, who does not accept Herbert Spencer as his guide but chooses the latter's theories as a suitable subject for research, will perhaps agree that the above theory is a variation of a theme with which Weber's researches into the ethics of protestantism have made us familiar: the conflict between carnal desires and industry, between lust and saving, between horrible greed and devout if lucrative self-denial seems to have been projected by the atheist philosopher too far back into the dim past of the race, and in a very odd manner indeed.

whether the persons in question have been members of the society in which they become slaves, or whether they come from outside. But it must be insisted here that this does not imply different structural aspects of the society; in fact, where the chief is concerned as the crystallizing point of servile institutions, his relations of intra- and extra-tribal kind must condition each other. This we can see on the simplest levels of organization, as in the Uitoto case. In the chief's house[1] the orphans of the village are collected; the protection provided in this manner is part and parcel of the social function of Uitoto chiefship; and because this is so, outsiders, captured children, are brought to him as well. The question here is not which of the two relationships is chronologically the first, but which accrues primarily to chiefship in such a structure; and there can be no doubt that the chief's relation to the detached persons of this village is primary. This statement does not refer to relationships which may have existed in the Uitoto village prior to the rise of chiefship; it does not impute a chronological order of Uitoto institutions. Moreover, it does not mean that, in the system described, the chief's authority over the orphans of his own village is independent of the fact that children from

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(1) That the children of both extractions live in the chief's house is the only explanation for the presents given to the chief's wife on the marriage of a "slave girl"; she has to be indemnified for the loss of a servant.

outside are brought to his house as a matter of course and brought up there.(i)

While this point is of general interest and opens questions of method, the others are confined to Uitoto society. It is remarkable - if we can rely on the truth of this statement - that the relation between chief and captured children is, apparently by the Uitoto themselves, conceived as connected with the chief's office and not with his person: thus the girls who must be regarded as servants of the chief's wife would have been on the change of chiefship attached to another woman, the wife of the new chief. But this is mere conjecture which is unlikely ever to be verified. This, however, seems clear from the available data: the status of the captive children cannot, in jural respect, be regarded as more servile than that of the orphans of the tribe. As with the latter, the chief deals with the captives in loco parentis and his rights over them cease when they marry and set up a household of their own.

When grown-up prisoners of cannibal tribes are spared for some time, they very often take part in the life and work of their captors. The attachments formed in this manner and the claim of the community concerning the life and body of the

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(i) i.e. if it really means more than simply the alien minors being inherited from his father, the previous chief.

former prisoner come into conflict, and these conflicts have to be regulated. This is the case among most Tupinambá tribes. The information concerning these ethnical groups and their customs is scattered through the respective ethnological literature; no sociological field study has been undertaken; thus the very authoritative compilation made by Metraux for the Handbook of South American Indians offers welcome help. According to this work, among the Tupinambá distribution of prisoners and the fate of their offspring were conditioned by a peculiar patrilinear marriage arrangement.

> "From existing documents we can only surmise the type of social organization prevailing among the Tupinambá ... They lived in large communal houses, whose occupants were related either by blood or by marriage and were probably the members of a patrilineal extended family. A man's brother's daughter was regarded as his daughter, but his sister's daughter was his potential wife. The children of a woman of the tribe by a captive father were regarded as members of the enemy group and were consequently eaten.. The children of a tribesman were always fullfledged members of the community irrespective of the mother's status." /12/

Though the groups were patrilineal, marriage seems to have been matrilocal when a girl married outside her mother's family. But in such cases the couple had the tendency to settle, after some time, in the husband's father's longhouse. This happened in the following way:

> "The preferred marriages were between cross-cousins and between a girl and her mother's brother, or in case there were none, the mother's nearest male relative. The maternal uncle carefully supervised the conduct of his future bride if he did not wish to take advantage of his marital claim, and had to be consulted if his niece wanted to marry another man. If the husband was not

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the girl's mother's brother, he became his father-in-law's servant. He had to assist him in all economic activities, such as housebuilding, opening clearings, hunting, fishing and fuel gathering. He also had to accompany him on the warpath, carry his burdens, and supply him with food and shelter... Suitors.. worked 2 or 3 years before they acquired their wives; and after this they had to settle with their in-laws and remain in their service." /13/

"A man could also have wives scattered in different villages. Polygynous wives were given to surprisingly little jealousy and quarrelling, though they often included women of other villages who had been captured in war." /14/

"A man with several daughters attained considerable authority and prestige because he had under him both his sons-in-law and his daughters' suitors. Men who had changed names often, having killed several enemies in battle or sacrificed captives on the village plaza, /15/ acquired great prestige and influence in the community."

This is known about Tupinambá political organisation:

"Each long house had a headman who was under the village chief. Some villages had two or even three or four chiefs.. Some chiefs extended their power over a whole district and commanded a great many villages. Rank was determined by war prowess (capture and ceremonial execution of prisoners), magic power, oratorical gifts, and wealth." /16/

"The authority of chiefs~~is~~ undisputed in war time, was subordinated to the sanction of a council in peace.

This council was composed of the elder men and famous warriors who met on the village plaza for any important decision." /17/

"A hunter or a fisherman, upon returning home, shared his catch first with the headman of the long house and then with the members of his household." /18/

This is the necessary background for the following description of the fate of the prisoners which is sub-titled "Slaves", though, as will be made clear presently, there is

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(1) or another male relative on her mother's side.

hardly any trace of slavery in this complex of customs and relationships.

> "Though, with few exceptions, all prisoners, male or female, were eventually eaten, they were kept long enough in the community to be considered a special class within Tupinambá society. Possession of a prisoner was an envied privilege. One who enjoyed it did not hesitate to make the greatest sacrifices to keep his charge happy and in good health. A man would starve rather than deprive his captive of food, and usually gave him a daughter or sister as a wife. Lacking a close female relative, the captor would ask a friend to give him a woman for the purpose, a request sure to be granted, for conjugal ties with a prisoner were regarded as honourable. In certain cases the prisoner was married to the widow of a warrior killed before his capture and was allotted the deceased's hammock and ornaments. The relations between a prisoner and his new wife were identical with those of any other married couple, and were supposed to last for ever, the woman being just as attached to her temporary husband as in normal wedlock. These prisoners' wives, it is said, had the responsibility of preventing their husbands from running away, but the statement is to be accepted with reserve. Some authors report cases of women who grew so fond of their husbands that they escaped with them.
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> Female captives were often taken as secondary wives or concubines by their masters, but sooner or later they were ritually sacrificed unless they belonged to an influential man who had become fond of them. If their masters did not care for them, they were allowed to have sexual relations with whomever they wished. The skulls of female captives who died a natural death were crushed.
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> Prisoners were kindly treated and regarded their masters, whose quarters they shared, as relatives. The Tupinambá were heartbroken to see Europeans mistreat the prisoners they had sold to them. They would come from far away to visit them, and would hide and protect any of their former slaves who escaped.
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> Prisoners had fields for their maintenance and were free to hunt or fish. They were welcome at the feasts and drinking bouts. It seems, however, that like a son-in-law or a brother-in-law, they were obliged to work for their masters. They were moreover, reminded of their servile condition ~~by a servile condition~~ by a few restrictions and humiliations. They could not make a present or work for anybody without their masters' consent. They were forbidden to enter a hut through the

> thatched wall, though other people might do so. They must, under pain of death avoid amorous relations with a married woman. If they fell sick, they were immediately sacrificed. Further, at any time they could be the target for the most violent insults and abuses. A woman who refused to accept willingly the sacrifice of children she had by a prisoner, was severely censured, and her family shared her disrepute." /19/

On the whole, we have more detailed accounts about the cannibalistic habits of the Tupinambá than of any other group of similar predilection. Some important details, however, are missing, e.g. the exact relation of the executioner to the "master" of the captive; this would matter if we were to determine the functions of the killing-honours in the whole system; and as the near male relatives of the killer change their names simultaneously with him, and as the acquisition of a new name is the most conspicuous honour in Tupinambá society, this would perhaps help to explain how the distribution of honours links up with the kinship organization. All this we shall never know.

But though the central position of this human sacrifice in Tupinambá society is not fully elucidated, the status of the prisoner can be clearly understood. He is for the community at large the sacrificial object, and collective interest concerns him only in that capacity. He cannot be kept in the village for any length of time without some mode of integration into the society's social life resulting from his presence. He cannot be degraded (e.g. through imprisonment or any other kind of segregation implying contempt)

because this would be contrary to his exalted position as a sacrificial victim; as we have seen, connections with the prisoner are regarded as honourable.

For this integration, and this is the most important feature to notice, no new institutional technique is used. It is a case which has formally some similarities with that of the Uitoto chief who "absorbs" and integrates captive children in the same way as he functions in relation to the orphans of his own village. The Tupinambá keeper (i) deals with the prisoner as his father-in-law. Even when he does not give his own daughter to the prisoner, he acts as a father-in-law, exercising <u>potestas</u> in terms of a matrilocal arrangement. The male prisoner's children who are born in the village are sacrificial victims, in accordance with patrilinearity.

As to the civic disabilities of the prisoner, we should hesitate to ascribe to them servile significance, as Metraux seems to imply. The fact that the prisoner must not, under the pain of death, have intercourse with married women of the village, is in agreement with the patrilineal principle just mentioned. The status of such offspring (who would be not merely bastards) would be so doubtful as to give rise to very serious conflicts which would not concern the mother's chastity or questions of paternity, but the alternative whether or not

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(i) Under these circumstances, the expression <u>keeper</u> seems to meet the case much better than <u>master</u>.

the child was to be treated as co-villager or as sacrificial victim.

The "insults" mentioned by our authorities constitute a somewhat different problem which, however, does not seem to bear on servility either. The "insults" consisted in pointing out to the prisoner his future fate in terms most repulsive to people of other cultural conditioning. Metraux writes:

> "Nothing would have reminded the prisoner of his impending death if, on certain occasions, he had not been exhibited in public and again (i) exposed to jeers and provocations. At drinking bouts, portions of his body were allotted beforehand to the carousers, each of whom - in the victim's presence - learned the part he was to receive at the ceremonial execution." /20/

Thus it seems that the behaviour which we should regard as insulting was not so much part of the victim's man-to-man relationships in the village of his captors, as it was a ritual feature of a collective attitude; such behaviour was displayed at village gatherings of an official character. We do not know whether it was part of a ritual pattern of stages which lead up to the actual execution, or whether this was the method to ensure the rights of the collective over the victim, in the face of the various social relationships he had established.

Lastly, the prisoner was subject to a certain etiquette when he entered a hut. He had to use the entrance, but could

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(i) as it happened when the prisoner was brought into the village.

not, as other people did, pull aside the wall thatching to walk in. As we do not know about entrance etiquette when people were visiting their father's-in-law and other villages, nor, indeed, anything about Tupinambá symbolism of walls and doors, entrance and escape, doors and daughters of the house, etc, we cannot take it for granted that this custom displayed a disability, much less, explain the hypothetical disability as part of a servile status.

The temporary integration of the female prisoners was a less complicated task than that of the males. Their sacrifice was less important ritually, lacking, of course, all the features which were part of the victim's warrior character. The rivalry between his and the executioner's valour, symbolizing, among other things, the prowess of the two hostile villages, the mock escape, the combat with the executioner and the taunting defiance of the victim. The females could have intercourse with anybody without involving the kinship structure, and could be assimilated to the social group on the basis of these sexual relationships. As secondary wives and concubines they lived apparently on equal footing with the other wives of the household; at least the absence of quarrels seems to indicate that. The fact that a influential man could keep alive a female captive against the demands of the community shows two things: that the female captive was of lesser ritual value than the male captive, and that the claim of the

individuel to the woman depended for its success, as against the claim of the community, on the individual's social standing.

On the whole, the female prisoner's lot was even less servile than that of the male, who was protected against degradation by the high ritual value associated with his sacrifice. Her offspring were full-fledged villagers, and she was spared even that degree of subservience which applied to in-laws and male prisoners alike.

There is no point in this whole system of interlocking customs and rights, of which we could say that from here could develop a servile relationship, or that from here could be envisaged a tendency to increase the economic function of the prisoner and make the arrangement more permanent. Thus it has to be insisted that the relationship was in no way a servile one; it is very likely that similar conditions existed among the cannibal Melanesian tribes whose little-known customs Rivers summarised. What he has to say about that form of Melanesian "slavery" seems to point in the direction of the above interpretation: /21/

> "Close examination of the social functions of these so-called slaves reveals a state of affairs very different from what we ordinarily understand by slavery. Thus there are persons in the head-hunting districts of Melanesia who are habitually called slaves by writers, when a close study of the culture shows not only the existence of sentiments towards them which we associate with slavery, but also that the so-called slaves may have social functions of a very important kind. The individuals in question are captives, taken in the course of head-hunting expeditions, and they are often spoken of as "heads". Thus, one is told, that the booty of an

expedition amounted to fifty heads, but on further inquiry one learns that ten or twenty of these so-called heads were living persons brought home at the same time as the heads needed to satisfy immediate ceremonial needs. Further, one discovers the appropriateness of the term when one learns that these persons will provide the heads needed on future occasions. Meanwhile their captors treat them as their own children; they marry the women of their captors, and have certain important religious functions, especially the performance of acts so sacred as to carry with them the element of danger which among such people is never far removed from sanctity. Moreover, I was told in the island of Vella Lavella that such a slave or head might become a chief... It is possible that a more exact enquiry into the social status of these so-called slaves in other parts of the world would reveal similar features..."