

PROPERTY:
ITS ORIGIN AND DEVELOPMENT.

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PREFACE.



MY inspiration for this book, as for earlier volumes, has been drawn from that fruitful method which alone, I believe, can throw light upon sociological origins: I speak of the ethnographic method, which consists in looking upon existing inferior races as living representatives of our primitive ancestors. I am not here concerned to justify this method of treatment. It is the very basis of evolutionary sociology, since it allows us to study *de visu* the series of social stages swallowed up in the gulf of the past. By its help the most distant ages rise again in flesh and blood; by the most scientific of incantations the past becomes the present, and the observer can simultaneously criticise the successive phases through which civilised peoples have taken chronological cycles to pass. Whatever fresh sociological question may be approached, it thus becomes possible to study all its historic and prehistoric links, to embrace, at a glance, the slow strivings of humanity, and call up a spectacle of striking interest.

The evolution of the right of property, the subject of the present work, can, thanks to the ethnographic method, be followed step by step, and the lessons to

be derived from that examination are extremely important. The right of property is the great social mainspring; it is the giant whom primitive races imagined as crouching beneath volcanoes, and causing earthquakes by every movement. No great political revolution but is correlated with some modification of the right of property; no metamorphosis of this right which does not bring with it a political transformation.

In truth, we are here in presence of a powerful instinct, one springing from the very bowels of humanity. I have endeavoured to show that the desire to appropriate is simply one of the manifestations of the instinct of self-preservation, a thing imperious and tyrannical, as are all primordial impulses. But it would be a mistake to conclude from this that the instinct of property cannot be ennobled and idealised. From the point of view of perfectibility, it may be compared with the sentiment of love, capable of inspiring the sublimest devotion, and yet with no other physiological basis than animal rut. The instinct of property, like that of sex, becomes poetic as it is tinged with altruism.

But, as will be seen in the following pages, there seems to be a sort of moral contradiction between the forward march of civilisations and the gradual metamorphosis of the right of property, since this right begins in collectivism and tends towards individualism. Yet primitive man is far from being endowed with refined feeling. He is, however, weak, very poorly armed to carry on his struggle for existence in isolation, and that he may victoriously resist the hostile and injurious influences that assail him from

every quarter, he must unite himself closely with others in little groups : union is strength. Thanks to this needful and salutary solidarity, the ape-like man of the earlier ages was able to increase in numbers, intelligence, and morality. But when, after thousands of years of incessant effort, the battle was gained against the greater part of the dangers that had threatened his cradle, his ancient, ill-tamed, lower sentiments awoke, and a struggle took place between liberated egoism and the irksome solidarity of the first societies. Common property, with its thousand restraints, no longer sufficed an individual aspiring to possess property of his own, entirely to himself, which he had, according to the ancient formula, "the right to use and to abuse."

Such has indeed been the latest form of the right of property in all societies which have sufficiently evolved to reach it. Must we therefore conclude that this form is final and incapable of development? When they have finished this book, my readers will, I hope, be persuaded of the contrary. In fact, in all civilised societies which have preceded our own, the absolute supremacy of the unrestrained and selfish right of private property has been the forerunner of decadence, the main cause of ruin. A more enlightened humanity, having at last succeeded in creating sociological science, may, we would believe, avoid the rock whereon Athens and Rome were shipwrecked. It will understand that the war of each against all and all against each cannot be a sufficiently solid social foundation ; it will perceive that, for the sake of the common safety, it is urgent to idealise the right of property ; not, of course, by slavishly copying institutions which

their own imperfections have destroyed, but by replacing the licence of the selfish right of property by an organisation which, whilst it is altruistic, is also reasonable, scientific, upholding without annihilating the individual, leaving his freedom and his initiative unfettered.

The debate, or rather conflict, has already begun ; the new world is striving against the old. What will be the issue of the conflict? I am amongst those who have faith in the future.

CH. LETOURNEAU.

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I. The Instinct of Property.

Before entering upon the study of the various forms and transformations of property in animal and human societies, it will not be useless to go back to the actual origin of the instinct of property itself. An instinct it certainly is, an innate and ruling propensity. Amongst mankind it has been the great factor in history; before it religion has bent submissive; around it societies have been organised; by it the greater part of codes has been dictated; by it empires have been built up and destroyed. Finally, animals themselves, at least intelligent animals, whatever their zoological type, obey it exactly as do men.

Now when a propensity assumes so universal a character, we may be very sure that it has its root in actual biological necessities, in the depths of organic existence. Indeed, the instinct of property is but one of the manifestations of the most primordial of needs, the need of self-preservation, of existing, and securing existence to offspring. The banquet of nature is very irregular and sometimes very niggardly; the guests are numerous, hungry, and often brutal. Yet, under pain of death, a place must be gained there, defended, and, as far as possible, retained, for continually recurring needs must constantly be satisfied. The severity of the struggle for existence may be greater or less, but it goes on without a truce; therefore the more intelligent the organised being, whether man or animal, the more he takes thought for the future, the more he tries, by securing some sort of property, to reduce the element of chance in his life. In developed nervous centres, whether of a man or of a bee, the incidents of life leave a lasting imprint; a battle fought, a danger encountered, a painful effort made to obtain food or shelter, are written upon the memory and survive there. If an individual has one day succeeded, with great difficulty, in gaining provisions or a covert, he naturally desires more extensive appropriation, sustenance exempt from risk, a sure and permanent lodging. Upon this his mind perpetually dwells, and, according to the measure of his capacities, he procures these precious possessions, this security against misfortune; he becomes a proprietor. But this may

be done in various ways, sometimes selfishly, in isolation, if the individual is gifted enough or well enough armed with force or cunning to suffice unto himself; sometimes collectively, if those concerned are sufficiently intelligent, sufficiently sociable, to supplement their native feebleness by combining, by creating a powerful cluster through the union of small individual energies. These two very different methods of understanding property are found in the animal kingdom, and each of them makes its own mark upon the manners, tendencies, and mentality of the species.

Even putting on one side the most inferior animal species,—those amongst whom psychic life is still a rough outline, a mere glimmer,—it may be said that in the animal kingdom the instinct of property is generally very short-sighted. Most animals live from day to day without any prevision of the future. They seize all that falls to their teeth, their beaks, or their claws, all that they esteem edible, and consume it immediately. For them property is simply what they can seize and devour. We shall find more than one instance of the same gross conception of property amongst men. Primitive Rome even allowed it a large place in her code; she held it as *res mancipi* (*manus capere*), property on which the hand might light. Later I shall have to speak of this in some detail.

II. *Property amongst Animals.*

This sort of temporary property, which they seize as chance offers and consume or destroy on the spot, is the only kind known to those less developed animals which are incapable of foresight, and also to powerful animals whose almost irresistible strength dispenses with the necessity of thought for the future. The larger felines—the lion and tiger, for instance—have no need to store up provisions; so many other mammals wandering in the forest or open country are their easy prey. In like manner the elephant, by reason of his enormous strength and his herbivorous and folivorous tastes, can sleep each night without anxiety for the morrow. The tropical forest is his inexhaustible larder; he is not compelled to economise. He is a great noble

whose opulence permits him to be extravagant. Merely for one meal the African elephant (*Elephas Africanus*) breaks down and uproots a large number of trees and shrubs, strews the forest with prostrate trunks, so that, like an epicure, he may relish the flavour of a few delicious branches.¹ Yet the elephant ranks amongst the most intelligent, the most sensible mammals; he is the god Ganesa, the emblem of wisdom in Hindoo mythology; but at the same time he is a potentate rarely subjected to the harsh lessons of want. We know only too well that, amongst mankind, the rich and powerful (they are practically one and the same) behave exactly like this pachydermatous aristocrat.

However, there is a somewhat higher kind of property known to many animals, and desired and defended by them: landed property to wit. The lion lives alone, or at most in a temporary family; but he needs a vast hunting-ground. This territory must be well furnished with game, and he chooses it himself. Having done so, he will allow no intruder to poach there. He has fixed its boundaries on his own leonine authority. If another animal of his own species ventures to infringe upon the domain he has taken for himself, he protests, lays a complaint against the invader after his own fashion, and, if the latter does not attend to him, has recourse to the *ultima ratio* of kings and lions, a battle, the issue of which decides the judicial contest.²

This claim to the ownership of a certain ascertained territory is common amongst animals. In bird families it is a constant, almost a universal fact. Amongst them the boundaries of the district are more strictly determined, and are defended, *unguibus et rostro*, more energetically, when the proprietor, or would-be proprietor, is a flesh-feeder or a fisher; for then the domain is a hunting-ground, absolutely necessary to the maintenance of life. When it happens that the preserves and fisheries are very prolific, their winged owner does not maintain his rights so rigorously; his watchfulness relaxes, for he no longer feels the prick of need.³ This is natural; yet we know that it does not always obtain

¹ Houzeau, *Facultés mentales des animaux*, i. 263.

² *Ibid.*, i. 194.

³ Espinas, *Sociétés animales*, 439.

in our human societies, where the fiery zeal for accumulation often strangely surpasses the limits of necessity.

Neither is it rare amongst mammals to claim a territory in virtue of individual, family, or collective property in it. The aurochs, preserved under the special protection of the Emperor of Russia, in the Polish forest of Bialoviza, live there in herds, excepting a few misanthropic or unsociable individuals who wander alone. But the same herds always frequent the same woodland districts, usually in the neighbourhood of some running water, and this division of the forest soil is so strict that the keepers charged with the preservation of the aurochs have been able to distribute between them the care of the various small groups.¹

The wandering dogs of Egypt have similar customs; each pack chooses a habitat, and, says an eye-witness, "Woe to the dog who strays into a neighbour's territory. Many times I have seen the other dogs fall upon the wretch and tear him."² Thus again, the pariah dogs of India quarter themselves in the part of the town where they are born. Each of them has his particular district, his own country, which he carefully clears of intruders, while for his own part he never crosses its boundaries.³

Monkeys behave in much the same way. Thus the cercopithecus lives in troops in the forests, under the government of the old males, and each horde claims a special district for its own use, wherein no individuals from another horde are tolerated.

Now this claim to the possession of a given territory is the very foundation, the first origin of property in the soil amongst human societies. More than once in the following chapters I shall have to speak of other hunting-grounds, the exclusive enjoyment of which is claimed by savage tribes, who conceive that they have a right to forbid access thereto by neighbouring and rival communities, and punish violation of the boundaries with death. I mention in passing these instructive analogies between animals and men; they throw a singular light upon the origin of the right and instinct of property. It is indeed extremely interesting to find the rough but perfectly recognisable rudiments of our two

¹ Franklin, *Vie des animaux*, 199.

² Brehm, quoting Hacklander.

³ Franklin, *loc. cit.*, i. 151.

principal forms of property, real and personal, amongst numerous animal species, many of which are possessed of small intelligence.

III. *Property in Dwellings.*

On the other hand, and more human still, a good many animal species have a very lively hankering after property in dwellings. But this propensity is satisfied with more or less industry and intelligence, according to the species. The less ingenious animals put up with a purely natural lodging, cave, rock-shelter, or what not. The brown bear, for example, likes to take up his abode in a natural cavern, and there live alone, like a morose philosopher. Other and more industrious animals make their own caves or dig themselves burrows.

The situation of these subterranean dwellings is not chosen haphazard. Thus the fox, before establishing himself, visits and explores the neighbourhood, searches every excavation to make sure that it hides neither snare nor foe. His inquiry finished, he goes on to install himself, digging rooms and passages, and contriving a multiplicity of exits, which must be far from each other, and at the same time very distant from the centre of the habitation.¹ The badger does the same, and almost all rodents have more or less complicated burrows. Those of our wild rabbits are known to every one as models of such abodes. As G. Leroy² remarks, rabbits certainly have the idea of property, for the same families retain hereditary occupation of the same burrows, merely enlarging them as their numbers increase, exactly as the Pueblo Indians, in Central America, add supplementary dwellings to their phalansteries. The founders of these underground cities did not decide lightly; they were careful in the first place to start the burrow in a spot that was secure from inundations, to arrange the entrance in such a way as to mask the interior of the abode, and so forth.

It is very probably the inclination to hoard, the desire to put their reserves of food in safety, which suggested to

¹ Franklin, *loc. cit.*, i. 131.

² *Lettres sur les animaux*, 48.

the rodents the idea of thus digging themselves habitations. Nevertheless this inclination may also be observed, though in a very rudimentary form, amongst our domestic dogs, and amongst many flesh-feeders, who, being neither architects nor purveyors, content themselves, when they possess food in excess, with making a hole in the ground, and there depositing their surplus provisions, their hoard, hiding the deposit with the rubbish they pile over it. The more skilful rodents dig real warehouses. Thus the hamster (*Mus cricetus*) has learned to dig itself two subterranean excavations. One is its sleeping-room, which is strewn with dry grass, and kept perfectly clean. The other is used simply as a storehouse for victuals. Amongst the rodents these reserves of provisions are often considerable. They have taken long to accumulate, and must serve to sustain the animal during the whole of the inclement season.¹ This is forethought for a distant future.

Like many animals, our prehistoric ancestors were troglodytes. In the earliest times they contended with wild beasts for the use of natural caverns; then, like the rodents, they conceived the idea of digging artificial ones, and finally, of constructing huts. However, this last characteristic is by no means peculiar to man. The huts of beavers, for instance, are certainly very superior, from an architectural point of view, to those of many Fuegians. Every one has read the description of beaver villages, of their dam, their circular lodges with a single entrance, ending in a dome, and containing a residential chamber and a room for provisions; the whole somewhat similar to the huts of African negroes. Each beaver-lodge shelters a family, and the whole group constitute an actual tribe. The skilful construction of these lodges, and the great thickness of their walls, are well known.² Yet the beaver is an animal of only medium intelligence. It often happens, amongst animals as amongst men, that a special aptitude develops singly, and becomes the more striking in consequence of the torpidity or absence of the others.

In speaking of what may be called "house property" amongst animals, I have hitherto borrowed my examples

¹ Houzeau, *Facultés mentales*, etc., i. 262.

² Franklin, *loc. cit.*, ii. 260, 261.—Espinass, *Sociétés animales*, 454.

from the class of mammals; but still more curious facts of the same nature may be observed in other classes of the animal kingdom. Many birds are also possessed with the idea of hoarding, and all are more or less able architects. The owl (*Strix otus*) buries its surplus provisions, like the dog. The shrike, or butcher-bird (*Lanius collaris*), feeds upon grasshoppers, mice, and small birds. Does a hunting expedition supply him superabundantly? He then hangs or rather impales his victims, where he can find them later, on the thorns of bushes or on twigs.¹ A Californian woodpecker (*Melanerpes formicivorus*) bores holes in trees wherein to place his booty. In autumn he may be seen pecking away at pines and oaks, and slipping acorns into the cavities he has made.² Jays also lay up provisions. The magpie, polyborus, anomalocorax, ptylonorhynchus, and chlamydera hide and treasure up certain objects, ornamental luxuries, without apparent use, but which they seem to value highly.³

Everybody knows how much the constructive instinct is developed amongst birds, how varied are the forms of their nests, and with what heroism they defend these family dwellings. Though nests are by no means permanent habitations, and are specially constructed for the rearing of young, they none the less constitute actual property, sometimes doing duty for a series of years. Thus old ravens return year after year to the same nest, and, as they form monogamous unions, if one of the pair happens to die, the surviving partner, after contracting a new alliance, still brings his companion to the ancient abode.⁴

This attachment to home is not peculiar to ravens. Numbers of birds merely repair their nests, and regularly return there every year, until some catastrophe drives them away for ever.⁵

Common dwellings, family property, analogous to the "long houses" of the Iroquois clans and the phalansteries of the Central American Pueblos, also exist amongst birds. By way of example, I will mention rooks and jackdaws, who

¹ Houzeau, *Facultés mentales*, etc., i. 262.

² *Ibid.*, i. 263.

³ Espinas, *loc. cit.*, 440.

⁴ Audubon, *Scènes de la nature*, i. 226.

⁵ *Ibid.*, ii. 182.

build their nests in families, the former in trees, the latter at the top of ancient edifices.

These birds also go forth to seek their food in common ; and in common they regain their nightly resting-place. Esculent swallows do much more than this ; their sense of property has become collective, and each of them works indifferently at all the nests of the tribe, or at least at those near his own. In like manner, the bird known as the *Social Republican* lives in groups and constructs a mass of nests, covered by a common roof.¹ It is extremely important for general sociology to note, amongst animals, these instances of collective property, of which such numerous examples are found amongst all races of men. They are so many fresh proofs, amongst legions of others, attesting the close relation between the *genus homo* and the rest of the animal kingdom.

Usually the constructions of birds are principally intended to shelter the eggs and young, whether these constructions be the property of a family or of a clan. There are, however, exceptions to this rule ; amongst others the bower framed for courting purposes by the curious *Amblyornis inornata*, a bird of paradise which has become famous since O. Beccari, an Italian traveller, met with it in New Guinea. This bird's abode of love is a conical hut. Before the door the architect lays out a lawn carpeted with moss, its greenness thrown into relief by various brightly-coloured objects which he strews about : berries, seeds, flowers, pebbles, shells, and such like. Moreover, he is very careful to replace withered flowers by fresh ones.² These curious constructions are solid and durable ; they are probably used by various birds for several years. The young are not reared there ; these houses are intended exclusively for courtship.

IV. *Social Property of Ants and Bees.*

The rapid glance we have just cast upon the habits of certain vertebrate animals has shown us a highly-developed instinct of property, manifesting itself in different ways according to the

¹ Espinas, *loc. cit.*, 489.

² O. Beccari, *Annali del Museo civico di storia naturale di Genova*, vol. ix., fasc. 3-4, 1877.

degree of sociability or intelligence attained by the species; and under this head we have been able to bring forward some instructive analogies between animals and men. But the sociology of the invertebrata is perhaps more fertile still in its teaching, for, from our present point of view, their most intelligent species greatly surpass the highest mammals. This is because the zoological hierarchy established by naturalists is only founded upon general characteristics, which by no means hinders the most developed species of a taxonomically inferior type from occasionally surpassing in intelligence the least gifted species of another type, whose general organisation is superior.

Thus, considered as to their social aptitudes and their manner of understanding property, ants and bees not only eclipse all other animals, but even leave the inferior human races far behind; for these intelligent insects are the "primates" of the invertebrata.

Here I have only to occupy myself with their way of understanding property. It is first of all important to remark that, if climate and surrounding circumstances are favourable, ants possess in a high degree the fundamental idea of property, that of hoarding. This idea is wanting amongst the ants of our northern lands, simply because, as they become torpid in winter, they have no need to lay in useless provisions. But *Atta providens* of Hindostan, which preserves its vitality throughout the year, knows how to construct a storehouse during the dry weather, and there heaps up, against the rainy season, a graminaceous plant of the genus *panicum*, exactly as we preserve corn in our granaries.¹ The agricultural ant, observed in Texas by Dr. Linceum, goes much further; each year she clears a circular patch before her ant-hill, sows a graminaceous plant there, and later harvests it, binding it up into a kind of sheaves, which she carries into her granaries. After this, she picks out the seeds from the husks, and, when the stored-up seeds are damp, is even careful to bring them out from time to time, to dry in the sun, afterwards taking them in again.² Now we know that primitive or, which is the same thing, savage humanity was, and still is, a stranger

¹ Houzeau, *Facultés mentales des animaux*, i. 261.

² L. Büchner, *Vie psychique des bêtes*, 121.

to agriculture, which supposes a long-sighted prevision, a care for the future, whereof beings of small intelligence are incapable. Ants possess also in a high degree the feeling for property in land, in the districts of which their city is the centre; they even go so far as to fight furious battles, not only to defend this little fatherland, but to enlarge its borders. Above all, they have that love for their dwelling-place that we call the love of home. I need not here describe the complicated arrangements of the common habitations of ants. Each is guarded with jealous care by the army of workers. In case of attack, and indeed every evening, they barricade its doors with earth or small bits of wood. Sometimes the workers even play the part of living bulwarks, stopping up the exits with their heads.¹ So keen is the desire for property amongst ants, that they willingly satisfy it in a culpable manner. They are continually coveting their neighbours' goods, and their warlike pillaging expeditions are on a huge scale.

Almost as unreasonable on this head as men, they are not content bravely to defend their own country, but must needs be always ready to invade their neighbours. Yet in a certain way the raids of ants are more "humane" than ours. After all, they have no quarrel but with the cattle and pupæ of rival republics; they do not appear to like killing for killing's sake, and do not attempt the lives of their adversaries unless these have the bad taste to defend their belongings, and the hope of their republic, with too much energy. Pillage is enough for these utilitarian amazons. They have no pleasure in slaughter, unless (a trait common to them and to mankind) inferior races are in the case, races entirely foreign and contemptible in their eyes, whose pupæ they only steal to devour. Under these circumstances they slay without mercy.² After a victory, the conquerors are not always content with sacking the vanquished city; sometimes they retain possession, and use it as a sort of palace of delight. Forel mentions a colony of *Formica sanguinea* who thus owned three nests, two being conquests, and inhabited them by turns.

¹ P. Huber, *Fourmis indigènes*, 197.—Büchner, *Vie psychique des bêtes*, 123.

² Büchner, *loc. cit.*, 229.

Such resolute property owners could not stop half-way, and accordingly ant societies have invented two kinds of property, which were long believed peculiar to man: I mean domestic animals and slaves. We were astonished when, at the Anthropological Society, twenty years ago, our fellow-countryman, Lespès, told us of the blind coleoptera, known as clavigers, nourished by ants in their dwellings out of pure greediness, and carefully fed that they may be milked or rather sucked afterwards.¹ We owe another discovery of the same sort to P. Huber—*i.e.*, that of the aphides, fed, cared for, guarded, even reared, that they may serve the ants as cattle, milch cows, and, at need, butcher's meat. Without dwelling over long upon these curious facts, of which the mention is obviously sufficient, I will, however, remind the reader that certain ants collect the eggs of the oak-aphis, stack them in cells, and carefully watch over their hatching;² that they sometimes construct actual stables for these cattle, where they can be securely milked;³ that they carry the aphides, exercise them, follow them solicitously; that they quarrel for them; that nest steals them from nest, as pupæ are stolen; finally, that in time of scarcity they devour them.⁴

Intelligent animals, who are always architects, sometimes agriculturists, sometimes cattle-keepers, that is to say who are compelled to do hard work, could not fail to invent slavery. Ants, we know, have done so; certain warlike species, *Formica sanguinea*, and *Formica rufescens*, have subjugated a negro species, *Formica fusca*. Here again ants, whilst behaving like men, have never allowed themselves the abuses of force to which men are accustomed. They never enslave adult ants;⁵ they seize upon the pupæ, bring up the young, treat them gently, and thus make them into docile and zealous servants. These slave ants, who have never known the city whence they sprang, do all the inferior work of the community with eager alacrity; care for the larvæ, carry their mistresses, feed them, barricade the approaches in case of siege, receive the victorious amazons with joy when they return from a fruitful expedition,

¹ *Bulletins de la Société d'Anthropologie.*

² P. Huber, *Fourmis indigènes*, 185.

⁴ *Ibid.*, 171-173.

³ *Ibid.*, 177.

⁵ *Ibid.*, 298, 195.

and relieve them of the pupæ captured in the raid.¹ They are so heartily at one with their owners that they venture sometimes, not without peril to themselves, to molest them when they return from an expedition with empty mandibles.² As for the slaves, their labour is purely domestic; in some English ant-hills they do not even come out of the nest, in Switzerland, however, they go aphis-hunting,³ inferior work, scorned by the warrior ants.⁴ But these latter always consider the black, or rather ash-coloured ants, who serve them, as their property, and though habitually they lazily cause themselves to be carried by their slaves, they in their turn do not disdain to carry their servants for safety's sake when changing house, or, in case of a siege, to drag them hastily down into the depths of the subterranean dwelling. Such, at least, are the proceedings of *Formica sanguinea*.⁵

This system of slavery has certainly lasted for many centuries in the ant world, but it has not existed always, as is attested by certain survivals. Thus, amongst some species, that pampered and revered progenitrix, the queen, participates in the labours of the community, exactly like a humble worker. Moreover, after the nuptial flights from an ant-hill, some females may be seen digging themselves underground nests and thus spontaneously founding new colonies.⁶

Now these abnormal facts suffice to indicate that ants, like men, have evolved; that formally, when their societies originated, no hierarchy, no castes as yet existed there, and that, in those far-off times, the obligation to work must have been general for every citizeness of the republic.

In the course of ages, ant societies, like those of men, have been perfected; their structure has become more complicated, and in some of their cities, occupations looked upon as inferior have devolved upon slaves of a black race. It is interesting to note what has been the effect of this aristocratic organisation upon the ruling and idle classes of the ant-hill. It has been so lamentable that even the

¹ P. Huber, *Fourmis indigènes*, 196, 256, 298.

² Büchner, *loc. cit.*, 208.

³ P. Huber, *loc. cit.*, 299.

⁴ *Ibid.*, 205.

⁵ *Ibid.*, 256, 257.

⁶ Büchner, *loc. cit.*, 403, 404.

physical formation of the slave-owners has degenerated. Amongst the amazon ants (*Formica* or *Polyergus rufescens*), who not only do not demean themselves by working, but even have the food put into their mouths by slaves, the jaws have become elongated, narrow and powerful, and project in sharp points, very suitable for piercing an adversary's head, but unfit to lay hold of food. Without the help of their slaves, these distinguished ants would die of inanition. When one of these amazons is hungry, she merely taps with her antennæ upon the head of a slave, who thereupon injects some food from her own mouth into that of her mistress. These ants are fine ladies, and good for nothing, except slaying their foes. They are so aristocratic that they no longer know how to construct their nest, or rear their larvæ, or feed themselves. Huber, in his celebrated experiment, shut up thirty amazon ants with their larvæ, their pupæ, and abundance of provisions; but the captives did not know how to feed themselves, they were so well-bred; and most of them died of hunger. Then, amongst the survivors, the experimenter introduced one single black slave (*Formica fusca*), who set to work then and there, like the plebeian she was, fed and saved her exhausted mistresses, constructed cells, placed the larvæ in them; in a word, put everything to rights.¹ But what is perhaps still more curious, is that amongst certain species, idleness, prolonged during a sufficient series of generations, has ended by rendering the aristocratic ants unskilful even in the warlike exploits to which their life has been solely consecrated. Thus the *Strongylognathus testaceus*, says Forel, has become a sort of caricature of the amazon. She has preserved the bellicose instinct, but in her expeditions her courage is betrayed by her physical weakness; she exhausts herself in futile efforts to carry off the pupæ she has conquered, and would utterly fail, were it not for the aid of her slaves, who accompany her, and bear away the booty without any difficulty.² In the trade of war mere courage is not enough; there is also a necessity for muscles.

In citing these curious facts, familiar nowadays to every one who takes even a superficial interest in natural

¹ P. Huber, *loc. cit.*, note.

² Büchner, *loc. cit.*, 233.

history, my sole object is to draw comparisons between human and animal nature, to point out their connection. Now in human societies we see the abuse of property, social parasitism producing, like organic parasitism, very analogous results to those that may be observed amongst animals. Parasitism, as is well known, is not uncommon in the animal kingdom, and its law has been very justly summed up by Espinas in these terms: "The effect of parasitism is a correlative diminution of vital power in the animal that submits to it, and of organic complexity in the animal that practises it. It is the antipodes of social life," he excellently remarks; "for this is characterised by mutual profit and improvement,"¹ and in support of his dictum he mentions some typical facts, notably the retrogression observed amongst certain lernæan crustaceans, who suddenly descend in the animal scale directly their parasitic phase begins.

Organs and functions are atrophied by inactivity. This was one of the great laws upon which Lamarck based his transformist theory. I cannot, without wandering from my subject, instance here the numerous facts which demonstrate its truth in the animal kingdom.

We have just seen how this law is verified amongst the slave-holding ants, and we know that in human societies warrior and still more financial aristocracies fall more or less quickly victims to physical and mental retrogression, which must end in sterility and extinction. Effort—I mean continuous but not excessive effort—is a condition of existence and duration for man and beast.

My aim not being to give a lesson in natural history, but simply to point out the principal manifestations of the proprietary instinct amongst animals, I may confine myself to mentioning the other insects which, like ants, live in industrial republics. I will cite in passing the nests of termites, constructions rising four or five feet into the air, and containing myriads of rooms, arches, cupolas, and store-houses well-furnished with gums, resins, flour, seeds, fruits, etc. The *Termes mordax*, met with in the Soudan by the traveller Barth, lays up such an accumulation of seeds that the poor negroes can obtain their supplies therefrom. Thus

¹ Espinas, *Sociétés animales*, 164.

the idea of keeping the common property safely, of putting the reserves of food in a secure place, is the principal reason for the existence of termites' nests.—The colonies and hives of bees are at least equally interesting, and I must certainly say a few words about them also. Every one knows how these intelligent insects cull nectar and pollen for their community; how the pollens are sorted and warehoused in cells constructed for the purpose; how other cells are filled with honey and furnished with lids, if their contents are a hoard, a supply in reserve; how much bees respect social property, the cells destined to provide for the daily consumption of the tribe always remaining open with impunity, without any citizeness taking therefrom more than is required to satisfy her need at the moment; and a great deal more of the same sort.

The communal system is far from rare in human societies. I shall have to quote many examples of it; but never amongst mankind shall we find so absolute and complete an absorption of the individual by the social group as in the cities of ants and bees, where individual property has never, it seems, been even imagined. In these republics, what one citizeness has for herself belongs to all the others. Does a hungry bee meet one laden with booty returning to the city? She lightly taps her on the head with her antennæ, several times, and instantly the latter hastens fraternally to disgorge part of the nutriment provisionally received by her own stomach.¹ Ants proceed in the same way, but in addition, the ant thus sustained is very careful to show her gratitude. "The ant who feels the need of food," says P. Huber, "begins by tapping her two antennæ, with a very rapid movement, upon the antennæ of the ant from whom she expects succour. Immediately they may be seen approaching one another with open mouth and extended tongue, for the communication of the liquid which one passes to the other. During this operation, the ant who receives nourishment does not cease to caress the friend who is feeding her, continuing to move her antennæ with singular activity."² The collective system of property must have lasted amongst ants and bees for many thousands of years, for, apart from cases of demoralisation such as may, for

¹ Büchner, *loc. cit.*, 367. ² P. Huber, *Fourmis indigènes*, 159.

example, be produced amongst bees by giving them a taste for drunkenness, these intelligent insects show the most absolute deference and devotion to social property. Their primitive selfishness has broadened out into a collective or patriotic egoism.

But these very social species, with their more than Christian charity, have not reached this high degree of civilisation at one bound. In the ant and bee worlds, as in our own, there are savage peoples. There are still at the present time certain species of ants ignorant of the division of labour, carried so far amongst their civilised congeners. The benevolent sentiments, which the communal life of these insects is so well suited to develop, are not equally energetic in all ant-hills. There, as amongst ourselves, they are doubtless connected with the historical duration of the city. In some communities social duties are got through without any display of feeling; in others they are accomplished with urbanity and assiduous eagerness. P. Huber describes a nest of tawny ants where the most extraordinary harmony reigned. They were never tired of mutually offering one another food, caressing each other and carrying one another about in a friendly way.¹

It is the same with bees. The longer the period of culture in the past of their race the more civilised they are; their division of labour is more complete, the architecture of their hives more skilful. No American bee, says Bates, has attained the high degree of architectural ability reached by the bees of Europe. Species may be found that are not yet redeemed from savagery, and it is the same amongst humble-bees and wasps. Moreover, the American melipon (*Melipona scutellaris*), and also the female of the mason bee (*Megachile muraria*), still remain in the elementary stages of comb architecture.

Even amongst the most civilised bees, the queen bears undeniable vestiges of the ancient days of equality upon her hind legs, in the shape of "baskets," indispensable to a worker in pollen-carrying; a formation which clearly attests the primitive baseness of her origin.

¹ P. Huber, *Fourmis indigènes*, 153.

V. *Robbery and Jealousy.*

Without departing from my subject, I shall close this chapter by a few considerations connected with experimental psychology. The essential function of the nervous centres being, as is well known, to retain the impressions of actions performed, it must necessarily be that the manner of life creates instincts and habits; thus we have seen the sociable qualities developed amongst animals in proportion to the strictly communal nature of their property system. But once created, certain propensities may show themselves in different ways. The instincts of preservation and far-sighted prudence have had for corollary, as we have remarked, an inclination for property amongst very many animal species. But the propensity to appropriate, so praiseworthy when its object is the preservation of the individual, the family, or the group, easily degenerates into a less moral inclination, that for robbery, widely spread amongst animals, and, as we know, common enough amongst men.

Ants and bees, who show scrupulous respect for the social wealth of their own community, have no scruple at all in appropriating the riches of other cities, and the like doctrine regarding theft is also current in many little-civilised or uncivilised human societies. The whole life of certain species is spent in predatory raids. Bees do not appear to practise military marauding on a grand scale, like ants, but many of them shamelessly live upon petty larcenies committed individually at the expense of foreign hives. They may be seen slyly trying to cheat the vigilance of the sentinels, and slip into their neighbours' cities, that they may steal, and gorge themselves with the provisions there. Sometimes they even commit highway robbery, lying in wait in small bands near a strange hive, for the return of laden bees, and plundering them on the road. The sentinels of the hive, on their side, keep off foreign bees, denying them entrance into the city, and, if exasperated by attempts at robbery, even chase the prowlers and try to kill them.¹ In this bees imitate a great number of human societies, where robbery has seemed the greatest of crimes, expiable only by death.

¹ Büchner, *loc. cit.*, 370, 389, 390.

Amongst animals nothing is commoner than piracy and robbery: they are the necessary consequences of the struggle for existence. The inclination to steal, exactly like that to hoard, springs from the instinct of appropriation. It is simply a socially harmful manifestation of it. The ravens, whom I have cited as jealous proprietors, maraud without scruple upon the property of other birds; they attack rooks' nests and carry off the young to give them to their own offspring for food.

Dogs possess the feeling and inclination for property to a large extent; in fact it is this which makes them useful as its faithful guardians; but for this very reason they have often a propensity to rob. And men having inculcated morality upon them on this head, they generally steal with a full consciousness of their misdoing, as is clearly shown by their attitude when caught in the act. But in their canine opinion robbery is only guilty when it is practised at their master's expense. Between themselves they are less particular, and the stronger has no scruple in seizing upon the bone that the weaker is gnawing.¹

The instinct of appropriation, by the very closeness of its connection with that of preservation, easily engenders selfish passions and feelings: avarice, which is simply the hypertrophy of the inclination to hoard; envy, arising from the exacerbation of the proprietary appetite, maddened by covetous desire. It is also with the profound and powerful instinct of appropriation that must be connected the essence of a feeling violent as selfish, but too common amongst men and frequent amongst animals: I mean sexual jealousy, the genesis of which it seems to me easy enough to discover by studying it amongst animals, particularly dogs. In a savage state the dog, like all carnivora, had no other resource than the chase. Naturally he regarded as his property the prey he succeeded in capturing, and energetically defended it against the attempts of rivals who would ravish it from him. Even now it is not prudent to take a bone from "the friend of man," when he has it between his teeth. In such a case he

¹ This is not always the case between dogs living in the same family. These often show considerable respect for each other's possessions.

most pacific dogs often become fierce and fall back into barbarism. But this instinct of appropriation is not confined to the pittance doled out by the master. It is considerably enlarged in canine mentality, and embraces the flock, the house, the master himself, and the master's caresses. Dogs have often cruelly bitten children whom some one has ventured to caress in their presence. Others, of tenderer nature, have become melancholy and allowed themselves to die of hunger for the same reason.¹ Now these are the two principal forms of jealousy in man: jealousy which avenges itself, and jealousy which suffers. This jealousy, based on the instinct of property, is, as we know, that of primitive man, who makes no attempt to disguise it. In a foregoing work,² I have more than sufficiently established that in savage societies the wife seems to her husband a piece of property like any other, that her errors, her adulteries, are always punished, not in the name of outraged morality but in that of violated proprietorship.

Thus we hold both ends of the chain, and it is difficult not to recognise a mental echo of the rude instinct of appropriation at the bottom of our sexual jealousy, that gnawing and egotistical sentiment so rebellious to the most refined culture. When he is struggling in the pangs of jealousy, Shakespeare's Othello is in the right to exclaim, "Nature would not invest herself in such a shadowing passion without some instruction. . . . It is not words that shake me thus." (Act IV., Sc. i.) No, it is not words. It is a tyrannical because a primordial sentiment, and when, blinded by fury, by the "green-eyed monster," Othello smothers Desdemona, his passion proceeds, along the lengthened chain of ages and generations, from the bestial irritation obeyed by the wolf claiming his prey, the dog defending his dinner, and refusing to allow any encroachment upon their proprietary rights.

But enough. The facts I have just enumerated suffice to establish that the instinct of property is but one mode of the tyrannous instinct of self-preservation; and, on the other

¹ Espinas, *Sociétés animales*, 181.

² *The Evolution of Marriage*. Contemporary Science Series (Walter Scott).

hand, that the varied sorts of appropriation observable in human societies are also to be found amongst animals, but in their case without varnish or disguise; which enables us easily to unravel the psychological motives of human thought, and is not without its uses in throwing light upon their deep-seated springs.

CHAPTER II.

PROPERTY AMONGST PRIMITIVE HORDES AND TRIBES.

I. *Property and Political Organisation.*—Four stages of evolution.

II. *Property amongst Anarchic Hordes.*—Human races inferior to ants—Primitive savages in Borneo—The Veddahs of Ceylon—The Bushmans—Sociability of the Bushmans—The Fuegians—Property amongst Fuegians—Feelings of solidarity amongst Fuegians—No private property.

III. *Property in Australia.*—The Australian clan—Hunting-grounds—*Punctum saliens* of individual appropriation—Why articles of personal use are destroyed at the owner's death—Excessive regulation—Absence of the idea of hoarding—Regulation as to food amongst the Kurnai—Property in girls—Singular point of honour amongst Narrinyeri women—Confused relationships in the kindred clan—Girls collective property—Communism in Australia—Does private property exist in Australia?

IV. *Property amongst Animals and Primitive Men.*—Primitive man has less foresight than many animals—The gluttony of primitive man—Primitive solidarity—No artificial dwellings amongst certain primitive folk—Manufactured articles and private property.

I. *Property and Political Organisation.*

In approaching the vast subject which I have undertaken to sketch in rough outline in this volume, my first care must be to find a logical method of exposition, corresponding to the main evolutionary phases of property. Now these phases are correlative with those of political evolution. Indeed the right of property is of such capital importance that every profound modification in the social structure necessarily reacts upon it, and often is but the inevitable consequence of some novel manner of regarding ownership.

I shall therefore study property: firstly, amongst hordes still anarchic; secondly, amongst tribes already organised but nevertheless republican; thirdly, in ethnic groups of more differentiated structure, already possessed of an aristocracy, often of slaves, almost always of a monarchic chief; fourthly, in the great primitive monarchies.

These four principal stages might well include all those coloured races which we, a little too contemptuously perhaps, call inferior, and also the major portion of the white races. But, as these latter have carried their political and social evolution further, by greatly developing its later phases, I shall study them separately, that I may be able to follow them from their primitive savage or barbarous state to later times, without breaking the thread of my exposition and disassociating the humblest beginnings from the last results.

II. *Property amongst Anarchic Hordes.*

The rapid excursion we have made into the animal kingdom has there shown us the principal modes of appropriation in use amongst the various societies of mankind. We have even ascertained that certain species carry the organisation of collective property to extreme perfection. We shall see that, in this respect, there are human societies far from being as civilised as ants. The conception of property amongst backward savage tribes is no more intelligent than amongst troops of the cercopithecus. It is even allowable to suppose that certain numerically small and quite inferior human races, who have stopped at, or fallen back to, the humblest grade of social life, are strangers to the rude idea of hunting grounds, so common even amongst animals. In fact, if the boundaries of such a district are to be observed, its proprietors must be either individually formidable, like the larger beasts of prey, or already aggregated in sufficiently numerous hordes possessing instincts of solidarity.

Neither of these conditions exists amongst those savages who wander through the central woodlands of Borneo, in families which may be monogamous, but are certainly beast-like. They rove the virgin forest like wild animals,

and get a mate by carrying her off and pairing with her in the jungle. At night they take shelter under some large tree, where they light a fire to keep off the wild beasts; the children are hung up amongst the branches. The parents, the male and female, thus coupled, generally separate directly their young are able to find victuals for themselves.¹

The Veddahs of the Ceylon woods are depicted in similar colours. They are described as so unintelligent that their rudimentary language has as yet no name for any number.²

These Asiatics, as near to the greater monkeys as to man, may be compared with the South African Bushmans, who live by hunting; mostly by marauding amongst the cattle of Kaffres, Hottentots, or Whites. Having neither houses, artificial shelters, nor flocks, they wander in very small hordes, always hunting, often hunted, and, like the negroids of Borneo and Ceylon, seem in no condition to claim the exclusive ownership of hunting-grounds. Man, however, is naturally so sociable an animal that even the Bushmans are susceptible of kindness and indeed of generosity. Thus it is usual in their little hordes to share any provisions that come to hand, and if a present is given, it is noticeable, says Moffat, that the recipient regales his friends and takes the smallest portion for himself. Furthermore, the same native kindness is sometimes exercised towards white men, and we know how seldom charity and gentleness are extended by one race to another. Moffat tells how one day, on a journey, his provisions were exhausted, and he was threatened with death by starvation, when a Bushman woman generously saved his life by giving him a meal of ant larvæ; a charitable act that inspired the missionary with a lively sense of gratitude.³

The Fuegians of Tierra del Fuego may well be compared with the poor Bushmans; they are, however, a little more intelligent. They are able to make bark canoes, but have not perfected them in any way since the seventeenth century. They also know how to build in an hour rough conical huts of branches stuck into the ground, the interstices stopped with leaves, turf, skins, and so forth. In

¹ Lubbock, *Origin of Civilisation*, 10.

² *Revue Britannique*, April 1876.

³ Moffat, *Twenty-three Years in South Africa*.

these primitive huts the naked or nearly naked Fuegians lie heaped five or six together upon the damp earth, much like pigs in a sty.¹ They live principally on shell-fish, and make "kitchen refuse heaps," *kjokkenmøddings*, of the shells, like our far-off, prehistoric ancestors. Their wandering hordes are but little larger than those of the Bushmans. Yet the Fuegians have already some very precise notions about property.

Darwin was inclined to believe that their little communities voluntarily isolate and divide themselves from one another by deserted spaces, or marches, which would imply some idea of hunting, or rather fishing grounds appropriated and claimed by the different groups.² These territories must be of considerable extent, as the Fuegians' manner of feeding obliges them constantly to change their encampments; but they return at intervals to the same spots, as is evident from the piles of old shells, which must often amount to many tons in weight.³

Foresight, care for the morrow, are almost unknown by the Fuegians. If they happen to kill a seal, they gorge themselves with its flesh regardless of the future. When a rare piece of good luck enables them to fall, like a troop of vultures, upon the carcass of a stranded whale, they hold high carnival, even if the animal is putrid. But even on these gala days they show instinctive social feeling. In time of famine, and such times are not infrequent, each native horde sends out some of its members to scour the country for any and everything eatable. When these messengers are so happy as to light upon a stranded whale carcass, there is something rudely patriarchal in the home scenes to which their return gives rise. First of all, the scouts detach great pieces of blubber from the whale, and, that they may carry them the more easily, make a big hole in the middle of each, and pass their heads through it, wearing the meat like Chilians do their *ponchos*. Loaded in this original fashion, they return to their own people, and the methodical sharing of the spoil begins. An old man takes the meat, cuts it into slices, grills them for a moment over the fire, muttering the while, and then distributes them to

¹ Darwin, *Voyage of a Naturalist*, 153, 154 (Hundred Books Series).
² *Ibid.*, 156.
³ *Ibid.*, 153.

the hungry group. On these occasions the Fuegians sometimes, though rarely, rise to the notion of hoarding, and when the supply is superabundant bury what is left in the sand, just as animals do, for instance.¹

The Fuegians seem to have scarcely any idea of private property. "Even a piece of cloth given to one," says Darwin, "is torn in shreds and distributed, and no one individual becomes richer than another."² They appear, however, to respect such property as is tolerated at all; family property, at least, and on ordinary occasions. "If," recounts Darwin again,³ "any present was destined for one canoe, and it fell near another, it was invariably given to the rightful owner." Neither are they strangers to notions of exchange, of commerce. Darwin having given a Fuegian the (to him) valuable present of a large nail, the native immediately picked out two fish, and held them up in exchange on the point of his spear.⁴ But these practices may have been suggested to the natives of Tierra del Fuego by European navigators.

In such embryonic societies, doubtless the last specimens of a primitive condition through which all races of mankind must have passed, the idea of property is still on the whole in a nascent state. It seems that the Veddah or the Bushman only claims property in the article he holds, and the food he has painfully procured. The Fuegians, however, appear vaguely to claim property in the territory wherein they drag out their bestial existence; but amongst all these primitive folk the existence of a certain solidarity has been undeniably proved, and without it no ulterior social progress would be possible.

The few human types I have just cited occupy the lowest rank in the hierarchy of our species. The humblest of the races, or rather societies, which we are now going to study, have already emerged from the condition of an anarchic horde and formed themselves into more or less organised ethnic units, into tribes, which are often subdivided into clans subservient to traditional regulations. Now, during this tribal stage, the property system in all races takes a somewhat analogous form, meriting special study.

¹ Darwin, *loc. cit.*, 155.

² *Ibid.*, 166.

³ *Ibid.*, 165.

⁴ *Ibid.*, 165.

III. *Property in Australia.*

Whilst possessing many common characteristics, clearly indicative of a similar origin, the Melanesian groups had reached very unequal degrees of social evolution when first visited by Europeans. The least advanced were the Tasmanians; the most civilised were, and still are, the Vitians¹ and New Caledonians. The Australians held a middle place between the two. But the frankly republican system of the primitive tribe is no longer to be found excepting amongst the Australians.

The Tasmanians, though but little more intelligent than the Fuegians, yet had well-defined hunting-grounds, which men belonging to foreign tribes could not violate without laying themselves open to be driven back by armed force.² We have otherwise but the most meagre sociological information about the usages and customs of this race, so savagely destroyed by the English colonists.³ But we are more fortunate as regards the natives of Australia, who are closely related to the Tasmanians.

The Australians have attained already a complex social organisation. They form tribes, subdivided into clans, and ruled by a mass of traditional customs having the force of law. The leading characteristic of these primitive tribal habits is communism. In my *Evolution of Marriage* I have described the group marriage usual in certain Australian tribes; a communal marriage whereby all the men of one clan are, by right of birth, the husbands of all the women of another clan. I shall not therefore revert to this; but the communal system extends to everything, and if the women are subject to it, this is merely because they are looked upon as things in possession.

The clan system is universal in Australia,⁴ and all the members of a clan are straitly bound by solidarity; all mutually owe one another aid and vengeance; all are equals, no other distinctions exist between them but such as are caused by real or supposed personal qualities, such as

¹ Fijians of Viti Levu.

² Bonwick, *Daily Life and Origin of the Tasmanians*, 83.

³ See Ling Roth, *Aborigines of Tasmania*, 1890.

⁴ *The Folk-lore of the Australian Aborigines* (Adelaide, 1879), 11.

strength, experience, or the magic power attributed to certain sorcerers supposed capable of commanding the winds and tempests.¹ But all of them obey customs, regulating, often most minutely, every act of life; and these customs are followed blindly, almost instinctively.

In Australia, as in Tasmania, there are well-defined hunting-grounds, whence marauders are expelled. For instance, the black swans' eggs which may be found on such and such an island are the exclusive property of a group, of one given clan. No stranger may seize upon them without settling accounts with the legitimate owners.² But these eggs belong to all the members of the proprietary group. The clan holds a certain right of eminent domain³ over all things; and nothing is more natural, for all the members of the clan have the same *totem* and consider themselves akin.⁴ In virtue of this consanguinity all belongs to all, and such things as clothing and utensils pass rapidly from hand to hand. Each individual is possessed of a right to hunt within the group territory, subject, as we shall presently see, to certain regulations. He has also a right to a fixed share of the provisions.⁵ The women, when not in common according to traditional law, willingly lend or exchange themselves.⁶

There are, however, articles in which a certain right of personal property is recognised as belonging to individuals. These are, first and foremost, weapons, then ornaments and particular utensils. Here we grasp the actual origin of the *punctum saliens*, of individual appropriation. At the owner's death these privileged articles are sometimes transmitted to his next of kin, according to the rules of which I shall have to speak later; but more often they are buried or burnt with the departed; occasionally they are merely thrown away or broken.⁷ This custom of funereal destruction is found amongst the most various races, and it has often been far too sentimentally interpreted by observers. It has been supposed that the kindred of the dead, moved by a feeling of refined

¹ Fison and Howitt, *Kamilaroi and Kurnai*, 232. ² *Ibid.*, 226.

³ The right which a government retains over the estates of individuals to resume them for public use.

⁴ *The Folk-lore*, etc., 11.

⁵ Fison and Howitt, *loc. cit.*, 249.

⁶ *Ibid.*, 52.

⁷ *The Folk-lore*, etc., 59, 88, 90.—Fison and Howitt, *loc. cit.*, 245.

delicacy, were horrified to derive any sort of advantage from their kinsman's decease; but these are scruples unknown even to the most civilised persons. It is, I think, unexampled in our own Europe, that the most sincerely afflicted relatives should refuse, from an excess of delicacy, to enter into possession of the inheritance of those for whom they weep. Again, it has been said that the Australians rid themselves of the articles thus sacrificed, though so precious, simply because these things recall the mournful memory of a beloved being. But such sentimentality is unknown to primitive men. The Australians particularly have so little fear of the remembrance of their dead that they often preserve a bit of the skeleton, the skull for instance. Their singular disinterestedness at funerals is susceptible of but one explanation, which moreover is very simple, and is justified by other observations of a like nature. For most savages, the little accident of death does not seriously interrupt the course of existence. In their opinion, the defunct has only assumed a somewhat more attenuated form, and gone as a shade to lead a posthumous life, strictly modelled upon the former one, in a Beyond at some distance,—over a mountain, in an island, or under the sea. Nothing then is more natural than to provide him with all he may find useful or pleasant during this dangerous journey beyond the grave. Cremation is in general use amongst savage peoples, principally with the object of separating the inner and outer selves of the dead, of disengaging his shade from a body that has become useless and inert, and the same process logically applies to the defunct's weapons, clothing, and ornaments. The Polynesians, who did not burn their dead, buried the deceased's weapons with his body, carefully breaking them *that they might be killed*.¹ Without this, they thought the shades of these indispensable articles could not be utilised in the Viti beyond the tomb by the shade of their owner.

Assuredly it was the same childish reasoning that sometimes led our ancestors of the neolithic age to break the hatchets which they also buried with their dead. Some ornamental celts found in the tumuli at Morbihan had been thus intentionally broken. We are here in presence of one

¹ Ch. Letourneau, *Sociologie*, liv. iii., chap. iv., 257, 2^e. édition.

of those numerous cases wherein existing ethnography, the living prehistoric age, throws light upon the prehistoric age of the past.

I have said above that in virtue of the communal system flourishing in Australian clans, each member of the kindred (the clan is but a large family¹) has a right to subsistence; but the exercise of this right is not left to caprice; it has been rigorously limited and defined.

Civilised men, hemmed in by a throng of written laws, are generally inclined to believe that in savage societies each has no other rule than his own whims. It may be so; it does appear to be so amongst races who have stopped on the very lowest rung of the social ladder. Amongst the Fuegians, for instance, there is almost complete anarchy; but directly the tribal system is constituted all is changed. Then the individual, very far from enjoying unfettered freedom, is bound down by an aggregate of customs, traditionally transmitted from generation to generation, and strictly obligatory. It often happens that these customs deal with every action of life, even those with which our most perfected legislation disdains to occupy itself.

However cramping these traditional rules may be, they cannot be infringed without peril, and sometimes in the end they result in semi-instinctive moral tendencies which to us seem incomprehensible. Witness the *Law of the Emu*² and its effect upon the Australian conscience.

In all concerning the right to subsistence, Australian regulations are precise even to minuteness; for the interests involved are of the highest order.

The Australian is not as yet either herdsman or agriculturist; therefore the subsistence of Australian clans absolutely depends upon good or ill luck in hunting or fishing, in gathering certain plants, or collecting certain gums, etc.³ Moreover, the Australian is entirely destitute of foresight, being, in this respect, inferior to many animal species.

In a general way, not the most elementary idea of providing, or preserving nourishment for a future occasion,

¹ Ch. Letourneau, *Evolution of Marriage*, pp. 261, 270.

² Ch. Letourneau, *L'Evolution de la Morale.—Sociologie*, liv. iv., chap. v.

³ Ch. Letourneau, *Sociologie*, liv. i. et ii.

enters his head. In his hours of plenty he gorges without care for the morrow, and when hunger, voracious hunger, is once appeased, he wastes and even voluntarily destroys all that is left.¹

In Australia cases of foresight are rare and entirely personal. An English traveller, Cunningham, recounts, however, how he found a woman's neck and shoulders preserved for future needs in the bag of a native who accompanied him.²

To return to the right of subsistence. The rigid rules under which it exists in Australian clans arise out of both the manner in which food is obtained, and the degree of kinship amongst the consumers. If, amongst the Kurnai for example, a man kills a kangaroo with the aid of two fellow-tribesmen, a hind leg and the beast's tail, an important joint in a kangaroo, belong of right to one of the helpers, whilst the second hind leg and one haunch fall to the other. The rest of the captured animal is assigned to the principal hunter; but custom minutely prescribes the use he must make of it, and in this case rights springing from kinship come into play.

The occupations of men and women in Australia are extremely different, and naturally they also are fixed by the traditional custom which regulates everything. "A man," said a native of the Kurnai tribe, "hunts game, spears fish, fights, and sits about;" which means that all else is a woman's business. Thus she must build the hut, cook, gather vegetables and edible shell-fish, sew the skin bags, bear the children of course, light the fire, feed it, and moreover always keep in reserve a glowing fire-brand, for the Australians find it a ticklish matter to make fire.³ But however enthralled the Australian woman, the clan system nevertheless prevents her from being an entirely isolated creature. Her kinsfolk always consider her as belonging in some degree to them, as being their thing, and claim on her account the rights resulting from their kinship, and these rights are taken into serious consideration in that very grave business the sharing of provisions. Thus, in the example

¹ Fison and Howitt, *Kamilaroi and Kurnai*, 202.

² Peter Cunningham, *Two Years in New South Wales*, etc.

³ *Ibid.*, 206.

just quoted, the principal hunter must, in the sequel, divide the fore-quarters of kangaroo which fell to his own lot: the head and neck, with another joint, cutlet or fillet, he must hand over to his father-in-law; the rest is adjudged to his own father; but the father and father-in-law, in their turn, must make a final division of the meat amongst the members of their respective families.¹

If it is a native bear that has been slain, the beast is split longitudinally into two halves, of which the right is adjudged to the kinsfolk of the man, and the left to the kinsfolk of the woman. The hunter for his share takes only the head and liver; moreover, he gives a portion of this head to his wife, and she again assigns the ears to her sister, if she has one.

If, instead of large game, fish for instance, is in question, the rules are no less precise, and generally they too are based upon kinship. If a man has speared a medium-sized fish, the tail-end belongs to him; the other falls to his wife. If, on the contrary, a haul of little fish has been taken, six eels for instance, four of which are large and two small, the division is made thus: the man, his wife, and his maternal uncle with his wife have each a right to one of the big eels; the last reverts to the elder and younger brothers. Of the two remaining small eels, one is destined for the children of the mother's brother, and the other, circumstances permitting, for the fisherman's married daughter and her husband.²

We shall again find this excessive regulation amongst many savages. If in Australia it is specially minute in all concerning food, this is because in that ill-endowed land subsistence is scanty and famine frequent. In the same connection, it is important to remark how this rude and primitive communism fetters the individual, what infinitesimal details it thinks proper to regulate.

The whole of life in Australia is more or less strictly administered by communist customs analogous to those just cited. But differences exist between tribe and tribe. Thus amongst the Kamilaroi it is the clan and not the individual that marries, since, simply by the fact of birth, each man is really or virtually the husband of every woman in a given clan. But in many other tribes the taste for

¹ Fison and Howitt, *loc. cit.*, 207.

² *Ibid.*, 263.

