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TRANSACTIONS
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SOME CONSIDERATIONS ON THE ORIGIN OF
MONARCHICAL GOVERNMENT.

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THERE is nothing more beneficial to the philosophy of human thought than the scientific study of human institutions. To know how man's thought has grown to what it now is from the rudest atom of intellect must be a contemplation worthy of the greatest consideration, and that by the greatest minds. It is only of late years that it has been at all possible to penetrate into the reality of primordial society, whatever might have been the extent of its mythical existence; and this has been accomplished by the great inductive sciences. Comparative philology has led the van, and shown the track; it only remains for comparative jurisprudence to hesitate no longer on the threshold of its existence,* but to follow up these indications, thereby bringing us nearer to our primeval ancestors, in thought as well as history; and, consequently, nearer to ourselves.

* "I hesitate to call it comparative jurisprudence," says Sir H. Maine in his Rede Lecture at Cambridge, 22nd May, 1875, "because if it ever exists its area will be so *much wider than the field of law*." Bolingbroke has predicted the position law would hold among the "sciences" when men find leisure and encouragement to climb up the vantage of science instead of grovelling all their lives to the little acts of chicane.—*Vide* "Bolingbroke's Letters," No. 5.

Foremost among the institutions of mankind, ancient as well as modern, stands monarchical government ; and it is to this, in its relation to primeval thought, it is now proposed to direct attention. At first we are able to draw some line of demarcation between the first principles, if they may be so termed, and their after growth ; but it very quickly vanishes before the new elements gradually associated with them. The attributes attached to the idea of personal government were originally derived from the mind of the people themselves—when, indeed, the “people” had hardly earned that term ; and though democracy is generally described as the popular form of government, it was in the popular imagination that the sanctity of the throne and the royalty of the person of the sovereign first found an origin.* Their recognition of this ideal chief was much modified, if, indeed, it did not entirely vanish, when the circumstances calling forth the hero had passed away. But those who had assumed the character and partaken of the privileges of kingship were not disposed to allow it to be easily thrown aside, and it became their object to promulgate gradually increasing ideas of kingly power, which in its primitive state really owed its establishment to popular opinion.

An instance of an epoch in early thought with regard to government is shown when the Greeks transferred their word *kubernan*, to steer a vessel—a word in every day use among them—to the person or persons entrusted with the direction of public affairs, and restricted the term finally to mean “to rule.”† This is clearly an indication of a decisive and distinct step in Grecian thought ; how it altered, how it assimilated itself to new conceptions, is lost amidst the many variations accompanying the development of Rome from

* Vico points out the personifying instinct as the spontaneous philosophy of man to make himself the rule of the universe, and to suppose everywhere a quasi-human agency.—*Vide* a long and learned note in Mr. Grote’s “Greece,” vol. i., page 473, note 1.

† This is from the Greek colonists of Italy, who adopted the latter interpretation, and clothed it with the Italian garb “*gubernan*,” used by the Romans, whence it was adopted by ourselves in “governor.”

these Grecian colonists ; but it is by landmarks like these that we are enabled to trace back full-grown ideas to primitive conceptions. Although no record is left of the earliest tendency of man's thoughts, it is but natural to assume that those which first partook of a homogeneous character were in relation to his social welfare ; and the most important, if not the *first in point of time*, must have been the germs which ultimately led to the formation of monarchical government, for truly may we say with Carlyle, "How indispensable everywhere is a king in all movements of men !"*

Some kind of government, call it by what name you will, must have been adopted as soon as social existence began to develop itself. Modern thought cannot conceive a time when mankind existed on the earth without having some one to look up to as a superior, some higher power than his own unregulated passions to obey. One of the happiest passages of Bolingbroke is peculiarly true here,—“There is a strange distrust of human reason in every human institution, and this distrust is so apparent that an habitual submission to some authority or other is forming in us from our cradle.” Whether the conceptions of modern philosophy are strictly applicable to the remote past cannot receive proof now : among the ancients, Aristotle perceived very clearly that union in a political society is *essential to human nature* ; but though we cannot distinctly trace opinions on this point much further back, it seems indeed to be inherent in man's

* The memorable dictum in the “Iliad” is a heritage of early times. “The rule of many is not a good thing : let us have one ruler only, one king—him to whom Zeus has given the sceptre and the tutelary sanctions.” Democracy was a later Grecian thought. Histiaëus, in his speech at the Council of the Ionians who guarded the bridge over the Ister for Darius, says, “There is not one of them (Grecian cities) which will not prefer democracy to kingly rule.”—“Herodotus,” iv., cap. 137. This change of opinion is some proof of the statement in the text. Plato almost suggests my quotation from Carlyle in the question by the Athenian to Cleinias (“Laws,” book i.), “Would you not acknowledge that in all gatherings of mankind, of whatever sort, there ought to be a leader ? Certainly I would.”

† Letter to Lord Bathurst on “Retirement and Study.”

nature to be governed ; for it is seldom that even the wildest dreams of fanatics or enthusiasts advocate the total abolition of it. The original people, a forest tribe of the Malay peninsula, are noted by Dr. Pickering ("Races of Man," p. 305) to have neither king nor chief of any kind ; but even here we find one remaining limb showing a connection with the archaic rules of civilized law. There is one man among them to whom they refer all their requests and complaints, and invariably adopt his decision ; and in him can be easily recognised a type of the umpire, *vir pietate gravis*, endowed with so much importance by Sir Henry Maine in his considerations on the origin of justice.* We often meet with notices of a people possessing no laws (as, for instance, the Androphagi of Herodotus, book xiv., cap. 106) ; but Sir John Lubbock's remark is pretty generally true, that "the lower races of man may be said to be deficient in any idea of *right*, though quite familiar with that of *law* ;" or, in other words, judging from the illustration that follows, which I preserve in a note,† of government.

Though the germs of monarchical government are intimately connected with the origin of law, there will be no necessity at this juncture to enter into those abstract questions relating to law and sovereignty which have occupied the attention of analytical jurists. The power to enforce obedience must have existed before the definition of any mode which that obedience was to adopt—except that it was to be *absolute* ;‡ and, as we shall see afterwards on the extreme sterility of primitive thought, made very little distinction among rules of action that now are widely divergent.

* *Vide* Maine's "Ancient Law," pp. 376, 377, and "Early Institutions," p. 253.

† Lubbock's "Primitive Man," p. 269. "At Jenna," he continues, "whenever a town is deprived of its chief the inhabitants acknowledge no law, and until a successor is appointed all labour is at an end."

‡ Obedience is described in the Behistun inscription in these forcible terms,—"That which has been said to them by me, *both by day and by night*, it has been done by them." Compare speech of Megabazus to Darius, "Herodotus," book v., cap. 22, where the same expression, "by day and by night," is used.

The much-vexed question of the origin of society may perhaps be considered only a necessary commencement to an inquiry on the origin of government. But this is, and must ever be, a matter of pure conjecture, which, as I hope to show, is not the basis upon which these inquiries are made. What Mr. Fiske has termed cosmic philosophy attempts to deal with the subject of an incipient social evolution in a manner "entirely new in all its features," and on its face it bears a mark of strong plausibility, *not* wholly opposed to historical criticism. It is based on certain causes and effects arising from a supposed prolonged infancy of man, and forms, in the author's opinion, a clue to the solution of the entire problem as to the origin of the human race. It recognises the important influence of paternal authority; it bears evidence to original family groupings, and a subsequent clan formation; it can perceive feelings of hostile rivalry arising among different clans; and it almost points to an extension of paternal into patriarchal chieftainship. That eminently original thinker, Vico, forcibly sets forth the strong mental analogy between the early stages of human society and the childhood of the individual; and this idea again finds an echo amidst the researches forming the science of religion.

But there is no need for our present purpose to anticipate the question of man's social existence so far back in the great past as this, for it is laid down by the incontrovertible rules derived from comparative jurisprudence, that we may fairly treat the stage at which *the family* is constituted as that at which the history of human society, in the proper sense of the term, begins; and we are justified in calling the usages of that stage the primitive institutions of society. That the family was the *original unit of society* cannot reasonably be doubted in face of all the overwhelming proofs we have of the almost universal influence which it has exercised, and still exercises, on the social history of man; but that many disturbing causes constantly upset its regularity of development is of course equally apparent, and it is to this fact we may ascribe one or two instances of unregulated people to be met

with in the history of ancient nations. We have an example in the Auseans of Herodotus, who neither married *nor lived in families*, but dwelt together like the gregarious beasts (book iv., cap. 180). Disturbing causes are to be discovered in each of the three ethnic divisions of mankind, but not in equal proportions. The Turanians are the most liable to their influence, while the Aryans have presented to us, even in modern times, many customs undoubtedly existing before the separation of man from a common home.

It may be as well perhaps to say something as to the guides accompanying us in our investigation, who, though differing widely in the character of their researches, are uniform in the results they bring forward. The common origin of mankind from our first parents is but the natural beginning of the formation of the family ; and the common origin of mankind is a fact proved alike by the historian and the philologist, the naturalist and physiologist, though there exist sections of each school who adopt a contrary theory. "The institutions of all ancient nations," says Niebuhr, "have originally a great resemblance to one another ; but in later times they diverge till all resemblance disappears.*" It does not follow from this, however, that all notions of the early social existence of mankind must necessarily be obtained from primeval record. The principles of the comparative method gives a broader ground work of investigation, but it is unnecessary to enter into any details as to the line of inquiry which this method adopts ; it will suffice to draw attention to the fact that societies developing within historical times, and societies which have not been progressive, are conceived to be types of that primitive state of which no direct record has descended to modern times, and therefore analogies drawn from their history may be taken as arguments and facts concerning primeval society.

It will not be an inapt illustration of this system to quote

* "Ancient History," vol. i., p. 290. Sir G. Wilkinson also remarks of Egypt, that at the most remote period into which we have been able to penetrate civilized communities already existed, and society possessed all the features of later ages.

the aphorism of Solomon, that "nothing is new under the sun." History repeats itself, not once or twice, but over and over again, in a manner not to be mistaken, and from this established axiom in the cycle of man's life we get a view of primitive society, not chronologically set out certainly, but arranged in unmistakable epochs, contemporary, so far as events are concerned, though not in point of date.* Savigny, in the eloquent preface to his first volume, has explained the object and procedure of the historical school of jurisprudence. Sir Henry Maine, in the first chapters of his "Ancient Law," has been a further exponent of this method; and I am anxious to travel, if possible, the same line of inquiry, in order to elucidate, by this means, some of the principles attached to the origin of monarchical government.

The help which Sir Henry Maine renders in his work on ancient law, though opening up many new fields of research, and directing, in a great measure, the manner to set about our work, is necessarily limited in its extent. He describes an order of things and a description of thought relating almost entirely to modern Aryanism (if I may so term it), which, though stripped from the preponderating influence of Roman jurisprudence, are not always carried further back than the germ thus obtained. This germ no doubt has enabled researches to be made for similar phenomena elsewhere, and has thus *established a primitive characteristic*; but nearly all the evidence it produces on the question of primeval society is derived from institutions and thoughts existing *after* the establishment of the Roman legal system, which, argued through the influence-exerting medium of

* "People ask what is gained by comparison. Why, all higher knowledge is gained by comparison and rests on comparison. If it is said that the character of scientific research in our age is pre-eminently comparative, this really means that our researches are now based on the widest evidence that can be obtained, on the broadest inductions that can be grasped by the human mind."—(Max Muller's "Science of Religion.") But Niebuhr also says truly that instances are not arguments, though in history of scarcely less force; above all, where the parallel they exhibit is in the progressive development of institutions.—"Rome," i., p. 345.

Roman jurisprudence, or interpreted by the type that Roman society has presented, gives but little elucidation of actual ante-Romaic history, except by the force of analogy. This would be invaluable if we possessed nothing more. The Hindoo village community is not entirely divested of these considerations, though much less influenced by them. But there exists a wonderful storehouse of knowledge in the discoveries of Sir Henry Rawlinson and others among the monumental inscriptions of Asia, which, though not very widely divergent, present a somewhat purer view of early thought than when it has been sifted through the sieve of Roman influence. Sir John Lubbock, too, demands some attention to the claims of the barbarians of the present time, as well as the barbarians of Tacitus, to be considered as a branch of the once undivided human race, and therefore capable of giving evidence for the comparison of social institutions. A remark of Dr. Pickering lends authority to this claim. "If the human family," he says, ("Races of Man," p. 291), "*has* had a central origin and has regularly and gradually diffused itself, followed by the principal inventions and discoveries, the history of man would then be inscribed on the globe itself; and each new revolution obliterating more or less of the preceding, his primitive condition should be found at the furthest remove from the geographic centre." But though quite acknowledging the truth of these arguments, I cannot imagine that Sir Henry Maine's conclusions would in any way be materially affected by additional considerations from modern barbarism taken from the standpoint he adopts. Sir John Lubbock seems to think this would be the case; but those existing tribes which are stated to differ in their organization from ancient society may have fallen lower than their original primitiveness, in consequence of desuetude and idleness,* as we may ascribe the same disturbing causes I have

* "In historical inquiries," says Niebuhr, "we generally conceive things as in a progressive development, and do not take into consideration that the course of events often resembles a cycloid. When we see a state in the condition of progress we imagine that during the preceding

already mentioned, and consider them to be the representatives of those illiterate branches of the human family who are classified by Bunsen as having hitherto taken no place in the history of the world.*

Another fertile source of information, comparative philology, is the chief means of directing the student where comparative history by itself would have failed him. "A history of Aryan civilization has been written from the archives of language," says one of the most distinguished and learned scholars of this valuable science, "stretching back to times far beyond the reach of any documentary history." It clearly and decisively gives evidence on the one important point, round which all the remaining portions of our inquiry cluster, namely, the common ancestry of races and the common ancestry of mankind. "The millions of people," to use a quotation from the same author just referred to, "who speak and have spoken for centuries, from Ceylon to Iceland, in innumerable dialects, shrink together into one small point, and are represented, as it were, by one patriarchal individual, the first Aryan, the ancestor of the Aryan race; for on all the Aryan dialects there is one common stamp,—a stamp of definite individuality, and intelligible only as the work of *one creative genius*."† It is impossible to mistake the tendency of such facts as these, and the influence they must have on the elucidation of the principles of personal government, only as yet dimly shadowed forth in an incongruous infancy.

But language teaches yet more during the progress of our

period also it was always in a similar state of advancement, and we overlook the fact that a country often makes a great movement in advance then goes backward, then rises again, and again becomes retrograde."—"Ancient History," vol. ii., p. 97.) May we not apply this to tribes as well as to nations?

* *Vide* Bunsen's "Philosophy of Universal History," vol. i., p. 64, 1st sect.

† Max Muller's "Essay on Comparative Mythology," "Oxford Essays," 1856.

‡ Max Muller's "Turanian Letter."

investigations. It does not allow us to penetrate into these remote periods of time, show us one grand fact as a starting-point, and then leave us to grope our way to modern times by the help of a vivid imagination or a too easy deduction of speculative theories. It lends an important aid all along our line of march. For instance, it is open to proof that the word adopted by different nations as a distinctive title for their monarch indicates the original idea from whence the monarchy sprang, and therefore the real characteristic of their respective chiefs. That this is not improbable, or even impossible of proof, I think may be shown from numerous historical instances :—The Greeks on settling in Africa appear to have adopted many customs from their barbarous neighbours. As their monarchs took the name of “battus,” the native term for king, so the citizens generally conformed to African manners (Rawlinson’s Herodotus, Book iv., vol. iii., page 165). This clearly points to an adoption of manners leading to an alteration of title, and solely from a popular point of view ; for Niebuhr has observed and illustrated what we must recognise as truth, the magical power exercised by the Greek national character and language over foreign races that came in contact with them (Rome, i, p. 50). Again, when the Eupatrids of Athens formally abolished the name of “king,” and substituted that of archon or ruler (Justin, ii., 7), such a change undoubtedly implied more than it explicitly asserted. The alteration of title (to use the words of Rawlinson himself) would symbolize, and thereby tend to produce, a diminution of authority. (*Vide* Rawlinson’s Essay, II., App., book v. Herodotus, vol. iii.) Thus, though history relates the monarch’s views of his title and power, the science of language will throw some light on the popular opinions which led to the placing of the sovereign power in the hands of an individual.*

The first axiom to be derived from these considerations is that men are first seen distributed in perfectly insulated

* “I conceived that by ascertaining the original meaning of the designation of an office, we should be better enabled to form a judgment of its original duties.”—*Hampson’s Preface to “Origines Patriciæ.”*

groups, held together by obedience to a parent;* and it would be well to first clearly understand this primitive unit of society, which has always existed in ancient history, and tends to exist in modern, however much it may have been absorbed in larger groupings.

Its fundamental principle of existence was obedience to a parent. History and analogy point out this early power of a father over his own household to be *despotic* and *supreme*. Theorists have endeavoured to picture a state of nature as beautiful in conception as it is impossible in reality, and have used this very organization of family groups as an argument in favour of their ideal of original civilization and happiness of early mankind. "In the infancy of nations," says *Volney* ("Ruins of Nature," p. 30), "original equality, without the aid of convention, maintained personal liberty and produced order and good manners." The modern school of utilitarianism adopt as a basis of their reasoning the same idea of the original equality of man. But all history is opposed to this theory, which is altogether a much later conception, and produced by entirely different circumstances.† Contrast it with what we know of the earliest formations of society—Biblical, Roman, Hindoo, and Sclavonian, and *there* the absolute supremacy of the parent is shown to extend in his own household, unqualified and unquestioned, even to life and death. The Institutes of Gaius, perhaps the most perfect body of archaic law in existence, sufficiently prove, and Sir Henry Maine's valuable commentaries sufficiently explain, to what an almost unprecedented extent this power was carried among the Romans. Sir Gardner Wilkinson has examined the subject among the Egyptians and his views are hardly less conclusive; while a tablet of primitive Accadian laws

* Sir H. Maine's "Ancient Law,"—"According to the laws of all nations, and of all times, the father must be recognised as the head of the family."—*Savigny*, "*Priv. Int. Law*," xxxvi., p. 379.

† Rawlinson alleges that it originated from Greek thought. Amidst the toils and dangers shared alike by all in the troublous times of Greece the idea of political equality took its rise.—"*Man. of Anc. Hist.*," p. 124.

given in the third volume of "Records of the Past," from a translation by Mr. Sayce, points decidedly to a rigorous parental power. Among the Greeks, also, similar power was permitted to the fathers, and the Spartans even prevented the parent from nourishing his children unless deemed sufficiently healthy to bear the ills of life. Aristotle, in his general theory of government, follows Plato in laying down the position that the earliest sources of obedience and authority *are personal*, exhibiting themselves most perfectly in the type of *paternal supremacy*. Consult, again, the histories of the savage tribes of the present time, and we have represented a picture of society which, placed side by side with the records of prehistoric times, indisputably shows the marks of an uncontrollable despotism. Even in modern civilized countries, though the power of the parent is much modified, there still exist undeniable proofs of its despotic origin; and in Russia a married son does not establish a separate household as long as the head of the family is living.* Language presents decisive evidence on this point: Grimm identifies, *arbja* heir, with the Slavonic *rab*, slave; supposing that sons and heirs were the first natural *slaves*. Sir Henry Maine, indeed, suggests that many causes which helped to mitigate the stringency of the father's power do not lie upon the face of history. We cannot tell, he says, how far natural affection may have rendered it endurable. This no doubt explains away many difficulties that appear to *modern thought*; but the existence and the uninterrupted exercise of parental despotism, when necessity called for it, must be an undoubted phase in the history of man's social organization. Natural affection would exert itself where the children are not many; but as Montesquieu says, when a great many wives are taken the father comes to have such a multitude of children that he can hardly have any affection for them, nor the children for one another.† It

* *Vide* Rev. J. Long's "Village Communities in India and Russia," Appendix B. "Relics of the Patriarchal System in Russia."

† Artaxerxes, for instance, put all his children to death for conspiring against him (Justin); and the well-known exercise of parental power by

is only on such an assumption as this, bearing great internal proof, as well as indirectly confirming the wonderful growth of population among early mankind, that we can comprehend the nature of such proofs of the complete submission of man to the control of one of his own race; and it is the *earliest form of government* he is known to have instituted or recognised.

I must here mention, what I am indebted to Sir Henry Maine for discovering, that this selfsame unit of society is the only one allowed by Austin to be an exception to the rule that sovereignty is universal among mankind. But *family society* was to Austin only a theory, or a fact but dimly foreshadowed; now it has become one of the most important discoveries of history that the comparative method has brought to light. I will give the passage at length as illustrating what I have already advanced, and as representing in language far more forcible than I could use the original commencement of personal sovereignty:—"Let us suppose that a single family of savages lives in absolute estrangement from every other community. And let us suppose that the father, the chief of the insulated family, receives habitual obedience from the mother and children. Now, since it is not a limb of another and larger community, the society formed by the parents and children is clearly an independent society, and since the rest of its members habitually obey its chief, this

Brutus in executing his sons does not indicate much natural affection. We know it also to be a question of history that some people sell their children for slaves—the Moschi of Herodotus, for instance.

* Proofs from all ancient society are not wanting. Niebuhr says of Egypt that they had only a very small number of names, and in order that in legal documents there might be no doubt as to the identity of persons, they always mentioned the name of the father. A person is described as the son of So-and-so, &c., &c.—("Anc. Hist.," vol. i., p. 46.) "To the present day," says Wilkinson ("Egypt," i., p. 73), "a son is not expected to sit in the presence of his father without express permission." St. Paul, in his Epistle to the Galatians, alludes to the peculiarity of their law: "The heir as long as he is a child differeth nothing from a servant, though he be lord of all" (iv. 1); and *vide* chap. xx. of Grote's "Greece."

independent society would form a society political, in case the number of its members was not extremely minute. But since the number of its members *is* extremely minute, it would, I believe, be esteemed a society *in a state of nature*; that is, a society consisting of persons not in a state of subjection. Without an application of the terms which would somewhat smack of the ridiculous, we could hardly style the society '*a society political and independent*;' the imperative father and chief '*a monarch or sovereign*,' or the obedient mother and children '*subjects*.'"—(Vol. i., page 183.)

But this simple grouping of mankind could not continue in its integrity; for parental power assumed other aspects with the growth of ideas among mankind. Long before the combination of families was allowed to grow into a tribe, long before these isolated groups of human beings thought of any extensive alliance with each other, wrongs had been committed, and the father became judge; religion had found its generating spring, and the father became priest. Yet parent, judge, and priest were so essentially bound up together, that government, law, and religion are traceable to one common origin—the father governing his children and dispensing justice—the *true* dawning of religion—between brother and brother.

Before proceeding to the next stage of development, another consideration of parental society (if the primitive state here indicated may be so termed) must be noticed. It arises from some late investigations on the subject of consanguinity among early mankind, and has been touched upon by Sir Henry Maine in his last work upon "Early Institutions" (Lect. iii.), which I have already extensively used. Theories, especially when based upon solid and firm foundations, are very apt to become conventional, and using the terms "family," "parental," would induce many to suppose that parental society must have come into existence *after the establishment of marriage between single pairs*. If we consider the ancient family from the modern point of view this would appear to be only a necessary conclusion; but that it cannot be so considered becomes apparent from the most superficial study, and

the internal evidence of man's progress does not teach this view. The study of primitive customs gives no reason to suppose that women did not hold originally an equal position with men, and therefore allowed themselves equal rights with regard to forms of marriage. The so-called cosmic philosophy presents us with a theory from which may be dimly gathered an origin of marriage between pairs at a very early stage of human existence, and which indeed would form also a cause for the formation of family groups. But the position here assigned to the children is too unhistorical, too peacefully homelike, to be accepted at once, however it may recommend itself to our fancy. "A man," says Sir John Lubbock, "was first regarded as merely related to his family." And what constituted this relation? Not the fact of being born of a certain mother, but being the offspring of a man who had become powerful enough to undertake the duties of a parent, to be chief (and therefore protector), judge, and priest of a household owing its very existence, and therefore its constitution, to this one generator. It matters not whether we see at this early date the dawn of that great problem now vexing the modern political arena, namely, the position and property of married women; for whatever may be considered by the best scientists to have been the most primitive form of marriage, the one great fact remains that the children born were considered to be the offspring and property of the chief, without any reference to the mother; they held their father's name, and were considered to be of his blood and his generation.* This phase of thought became stereotyped to modern

* Of course there are exceptions to be met with even to this almost universal rule. Herodotus mentions that the Lycians had one singular custom, in which they differed from every other nation in the world. They take the mother's and not the father's name.—(Cap. 173, book i.) Among the Nairs of Malabar the institutions all incline to a gynocracy, each woman having several husbands, and property passing through the female line in preference to the male.—(*Ibid.*, Rawlinson's Notes to book iv.) But a remark of Wilkinson on the Egyptians (vol. ii., p. 66) alludes no doubt to a type of the general custom which the text mentions. The same customs prevailed among the Egyptians regarding children as with Moslems and

times in the custom of certain savage tribes of America taking every care of the father at the birth of a child, while the condition of the mother is not thought to be of any moment. It grew on to further stages, to become the most important incentive which led to the fiction of adoption, thereby making the ancient idea of a family a much more important unit of society than modern thought can well conceive it to have been. It was the very looseness of the marriage tie, even if we can imagine any tie to have existed at all, that dispelled the important influence of natural affection, thereby making adoption possible; and these differences from the modern family formed the antidote to a too restricted conservation of social existence, leading portions of mankind to expand into wider circles, and so allow the whole human race to escape a lukewarm existence or thorough decadence, and ultimately direct us with finely graduated but ever accelerating steps to modern civilization.

But at the very outset we meet with a question of consanguinity which materially assists us to understand this extension of parental power into its wider form. The ideas as to what the family really was were undergoing a change as population began to increase; and on the breach made in the *natural* formation of society, the *institutional* built up a foundation. I cannot do better than quote at length a passage from a letter from Mr. Morgan, the American scholar already alluded to, which appeared in *Nature*, for June 3rd, 1875: "In prosecuting my investigations one of the questions to be determined was whether the systems of consanguinity were artificial or natural. If the former, they are without ethnological value; but if natural systems, showing the relationships which actually existed when they were respectively formed, then they would possess immense value, because they concerned and demonstrated a condition of ancient society of

other Eastern people, no distinction being made between their offspring by a wife or any other woman, and all equally enjoying the right of inheritance, for they considered a child indebted to the father for its existence, and the mother to be little more than a nurse."

which previously we had no definite conception. From each system, in such a case, can be deduced with almost unerring certainty the form of marriage and of the family in which it originated. It was by this course of reasoning that I discovered the necessary antecedent existence of the inter-marriage of brother and sister in a group to account for the existence of the Malayan system of consanguinity. This fact gives us the starting-point in which ancient society commences with the proof that it did so commence. Hence the second member of the sequence above named (Malayan system). This sequence on its face, and these solutions in express terms, treat these systems as natural in every respect."

Now it was the expanding qualities of primitive thought that extended natural groupings into institutions. Nowhere is this more clearly illustrated than by Sir Henry Maine, in his elucidation of the Brehon notions of fosterage. Conceiving Irish society at that time to be only just developing from primitiveness, he points out that the association between institutions arising from true kinship and institutions based on artificial kinship (such as gossipred, a priestly relation, and fosterage, a parental relation) is sometimes so strong, that the emotions which they respectively call forth are practically indistinguishable ("Early Institutions," p. 247).* If we, therefore, divest ourselves of the modern notions of natural family consanguinity, we can well understand how parental power assumed to itself characteristics derived from the elasticity,†

* So in Niebuhr's "Rome," i., p. 172, we are told that the obligation is an essential characteristic of the *gens* (house); the reciprocal exercise of this noble relation could not but excite in the first instance a feeling that led them to regard each other like kindred, and by degrees a belief that they were so. These feelings of mutual devotion between kinsmen constitute the *bright spots* in a dark age, remarks Mr. Grote ("Greece," iii., p. 116).

† We have an instance of this elasticity in Egypt. Perhaps, in its later growth, no more exclusive nation ever existed, owing to the stringency of its castes, which would admit no one among them. Yet if we go back to their infancy we find that the Libyans, adopting the Egyptian religion, had become so much like them by this communion that they were allowed to enter their administrations, and soon grew to be indistinguishable.

because of the meagreness, of primitive thought; and gradually became extended beyond the functions of parental authority over children.

This stage of society presents itself at various successive epochs of history. That it once formed the most advanced—nay, the sole political aggregate of human beings, is a conclusion to be inferred from the foregoing remarks, though this admits of great modification, without the compass of the present paper, according to the views taken as to the incipient progress of primitive thought along the line of improvement. Beginnings are naturally slow compared with the accelerated progress afterwards made, and perhaps a prolonged infancy of social thought may have followed a prolonged infancy of evolutionary progress. At all events, if history does not present a view of the crystallization of family society, it *has* furnished us with retrograde movements to this state. Savage tribes may give us specimens of the former, though there are no decided proofs of this supposition; but, for the latter, customary law can be traced to its origin only by the assumed existence of larger groups, which at a later date dissolved into the independent collection of families forming the cultivated communities of the Teutonic and Hindoo races.* This, at any rate, serves to show the conservatism of human thought when not acted upon by powerful outward influences—such as those, for instance, that again thrust forward the Teutonic families, and made them combine to form the leading empire of civilization and power to be found on the pages of history.

I have thus far endeavoured to show how parental society came to be extended from a simple relationship to wider definitions; and the next step in our line of progress is the position taken up by the father when the circle of human community expanded into its next stage, namely, that of race,† which

* Maine's "Village Communities," p. 156.

† Difference of race does not necessarily imply difference of language. "What we are accustomed to call race," says Max Muller ("Turanian Letter"), "may date from a period in the history of the world anterior to any division of language."

says Ewald (*"Lehre der Bibel von Gott,"* i., 190), taken in its oldest sense, is only the expansion of the house. The father's influence over his own children, or a household of his own creating, is natural; the extension of this influence, as the representative descendant of a departed ancestor, is institutional. It was the priestly character acquired by the father that became the moving cause of this extended power, by allowing the eldest son to be the only person capable of taking upon himself the growing important duties of priest,* inherent in him as the firstborn of his father.† Round this descendant from their common ancestor, gradually believed in as their hero-god, clustered the various families; and thus we come upon the dawn of clan society, with the parent assuming the position of "patriarch."

The stronghold of parental society, as we have seen, was filial obedience; and the stronghold of patriarchal society was that reverence for departed ancestors we find so generally distributed among mankind. The interval between the formation of family groups in their last and more complete stage of development, and the growth of patriarchal groups, is conceivably so short that it would be difficult to say any dis-

* The father of the house might hold the position of hereditary priest of this often already numerous community; and how long this relation lasted, especially among the old shepherd peoples, is sufficiently shown by the remembrance of the patriarchs of Israel. The sometimes very arduous duties of the sacrifices were in the same way the lot, since the oldest periods, of the eldest sons, as those most nearly bound and ordained (justified in taking the office): this is a primevally old custom of which many traces remained down to the time of Moses and even later.—Ewald, *"Lehre der Bibel von Gott,"* i., 190.

† "Many new sects or voluntary religious fraternities acquired permanent establishment as well as considerable influence. They were generally under the superintendence of hereditary families of priests."—(Grote's *"Greece,"* i., p. 36.) Priesthoods were hereditary among the Jamids and Telliads of Elis (*"Herodotus"* ix. 33, 34), the Talthybiads of Lacedæmon (viii. 134) and the Telinids of Gela in Sicily (vii. 153). Other writers, says Rawlinson (*"Notes to Herodotus,"* vol. iii., bk. vi., cap. 60, note 7), furnish a very much larger catalogue of priestly families (consult *"Hist. de l'Acad. des Inscrip.,"* tome xxiii., p. 51 et seq.).

turbing causes had as yet interfered with the development. Patriarchal society may therefore at one time have universally existed as a distinct epoch in man's progress ; but what is perhaps still better proof are the many traces of this social union having afterwards dissolved, with its originating germs still living in the altered form ; to which cause, as I have already stated, Sir Henry Maine traces the beginning of much of the customary law existing in all societies. Beyond this, however, types only of each system are to be found, though they never entirely fade away from history, but, on the contrary, always exercise an influence on the subsequent stages, and mainly underlie the principles of all government, individual or collegiate, even at the present time.

During the infancy of mankind, when society was in its nomadic state, and families made regular marches to some fresh pasture as soon as the forage of a certain district was consumed, it is easy to understand that it was almost unnecessary, even if possible, for the patriarch to exercise an important or powerful control over any other but his own immediate household. From the considerations just given on the systems of consanguinity, we can imagine the family to have been an extensive one, and always capable of still greater extension , but there was wanting that spirit of *political* combination which produces the elements of a *nation*, and we only see mankind spreading themselves over the earth in primitive family groups, each individual amenable first and foremost to the parental laws, and the parent, in his turn, recognising some influence from a common ancestor, or his representative, the existing head of the family. In short, they may be conceived to be exactly in that state of living under an absolute despotism when, as Niebuhr says, it is difficult to decide how far a people could feel an interest in the supremacy of its own race over that of another.* It was doubtless this quiescent spirit that kept them from combining against each other too soon ; for distinctions of race must very early, and for a long period, have been one of the ele-

* Niebuhr's "Anc. Hist.," vol. ii., p. 98.

ments of primitive society to have produced those great ethnic wars, which, exceeding in fierceness the political wars of later times, have left no slight record of their struggle to modern times.* Thucydides has said of the Scyths that no single nation could match them if they were but united among themselves; and doubtless a similar truth soon became apparent to the struggling races, and was the chief disturbing cause of this period.

But though preceding these wars people were not yet organized into a nation, they undoubtedly formed a series of independent tribes or clans; and, having no territorial influence to bind them together, naturally made a link-hold of their romance of ancestry round which to gather. We have seen this ancestry strengthened by the invigorating influence of religion, the priests of which were descendants of the hero-ancestor. As in the retrospective faith of a Greek, so among mankind generally at this early period the ideas of ancestry and worship coalesced. "Every association of men," to use the words of the Greek historian,† "large or small, in whom there existed a feeling of present union, traced back that union to some common initial progenitor; and that progenitor, again, was either the common god whom they worshipped, or some semi-divine being closely allied to him." Yet, though believing in the divine ancestry of their patriarch, the members of this society never once thought of their chief as a god, never once let go the connection he had with them, and therefore, in a sense a common basis of equality. Even when kings, as we know them, had established themselves, they were never able to assume more than a partial share of divine nature. The Egyptian king, whom Wilkinson supposes to be the earliest, is represented in the sculptures as making an offering to himself,

* Consult Max Muller's *Turanian Letter* in Bunsen's "Philosophy of Universal History."

† *Vide* Grote's "Greece," vol. i., p. 110.—"In early times princes and afterwards the great aristocratic families traced their pedigrees to heroes and through them to the gods, just as the northern kings trace theirs to Odin."—*Niebuhr*, "*Anc. Hist.*," ii., p. 169.

his human doing homage to his divine character. This shows how the human and divine natures were then thought to be distinct ; and the breach has never been lessened.*

The view here taken is giving ancestry a wide and powerful influence, and a primitive and primordial origin ; but what else could have been the tie that held a race together, and kept distinguished, after an ethnical division, a branch of one family from another, until other and more important influences appeared on the face of history ? Climatization had something to do with it, no doubt ; but it could not do all ; for in the progress of history we hear of a section of the Aryans being surrounded by a Semitic people †—race was kept distinguished in all the great Eastern empires, *e. g.*, the satrapies of Persia—and within the reach of modern observation intermixture of race among the tribal Indians has taken place to a large extent, without destroying the nationality. We have only, therefore, to fall back upon the custom (and it was a natural one) of observing the lineage of each individual through the parentage of his family to the progenitor of his race, which tacitly avowed an influence, not always defined, of patriarchal power.

* *Vide* also "Herodotus," Rawlinson's Notes, vol. ii., cap. 3.

† "In Western Asia, the cradle of the human race," says Rawlinson ("Herodotus," App. Bk. i., Essay xi.), Semitic, Indo-European, and Tatar or Turanian races, not only divided among themselves this portion of the earth's surface, but lay confused and interspersed upon it in a most remarkable entanglement."

"Some combined association of individuals, some clannism seems requisite to the preservation of a language in the midst of a foreign nation. Thus it may be inferred that the Hebrews retained their language during their sojourn in Egypt."—(Pickering's "Races of Man," p. 287.) The system of castes is an evidence of the distinction of nationality on the same territory. "The Egyptian division of castes is very ancient, and certainly shows that the country was conquered by foreigners. The example of India also shows that the castes are the result of conquest, and that they represent different nationalities,"—(Niebuhr's "Anc. Hist.," ii., p. 65.) I may also mention, that the detached territories under a Persian satrapy are described by Heeren to be ethnic divisions rather than geographical.—*Vide* also Rawlinson's "Herodotus," vol. ii., app. iii., p. 562.

Again, we can trace an incipient influence of this power which can only have been exercised through the tie of ancestry in that community of law whose basis and limit is *race*. It is only in modern times that territorial law has found an existence. The laws of a tribe were generally respected and allowed to remain unaltered of the most tyrannous of conquerors, even as we now find in the Turkish empire. When we can trace the very germ of all laws to their origin as obedience to the commands of a parent chief—*principes erant quasi animatæ leges*—we can perceive motives for ancestry beyond the vanity which dictates similar ideas to modern society.

If the universality of this custom is proof of its primitive origin, and inductive reasoning would teach this view, instances can be multiplied over and over again from the early history of almost every people. It forms the fundamental portion of Biblical history, and was the chief means of obtaining a chronological datum for it. The ancient Greeks, as Niebuhr tells us, had the inclination peculiar to human nature to derive all that exists from individual persons; their whole social existence was saturated with this idea, and the greater part of their mythology and legends is occupied with tracing the lineage of some tribe or house to a hero eponymous. It formed in its integrity the basis of early Roman society;* and afterwards, by the addition of the legal fiction of adoption, was the germ of the later jurisprudence. It is now proved to have extensively existed among the Celtic tribes of primitive Europe. It ran through the whole constitution of the Teutonic invaders of Rome, who, according to Sir Henry Maine, remembered or believed in the direct descent of the families from whom they chose their chiefs, from a common ancestor;†

* Consult Niebuhr's "Hist. of Rome," vol. i. It would be useless to quote passages, there are so many applicable to the question of the genealogical phenomena of primitive history. But note particularly the chapter on Etruscians and Pelasgians.

† "Village Communities," p. 145.

and it still remains a chief feature of modern barbarism,*—nay, of modern civilization. To this universality of opinion as to ancestry the science of language lends yet one more proof in the derivation and application of the word *race*. What we are accustomed to call race (I quote from Max Muller's Turanian letter), and what, as Humboldt has shown, should more properly be called vanity, may date from a period in the history of the world anterior to any division of language; or, on the other hand, its first effects may have been felt long after the confusion of speech had led to the dispersion of mankind. This gets rid of any supposed intimate connection between ethnology and philology; and in a note in the same work I find that race is derived, not from *radix*, as hitherto supposed, but from the old German *reiza*, line, or lineage.

But this ancestral influence was still wanting in one essential to make it all-important. Among nomads, remarks the author just quoted, empires were no sooner founded than they were scattered again like the sand-clouds of the desert; no laws, no songs, no stories outlived the age of their authors. Thus we see that the institutions then existing, primitive and simple as they were, were destitute of solidity; and therefore the first and most important, namely, patriarchal sovereignty, was at this stage not self-commanding like parental power. It must have gained this subsequent element by means of territorial appropriation; and it is now that it will assume more of the aspects of historical monarchical government.†

* Schoolcraft, "Indian Tribes" ii., p. 49. "The totem of the redskins is a symbol of the name of the progenitor. Its significant importance is derived from the fact that individuals unhesitatingly trace their lineage from it, and families are thus traced were expanded into bands or tribes." Lubbock's "*Primitive Man*," p. 173.

† By territorial appropriation I do not mean to imply that it became a territorial sovereignty. This was distinctly an offshoot of modern feudalism. Consult Sir H. Maine's "*Anc. Law*," pp. 103—107.

‡ Before dismissing the subject of patriarchal society I would refer to cap. v. of Maine's "*Anc. Law*." It gives some varied and important information on patriarchal power, and though relating

Patriarchal government, we know, did not of itself immediately produce historical kingdoms.* The notions of ancestry connected with it served, as the mythical pedigrees of Greece did, to unite together special clans or *gentes* rather than the bulk of any community—in fact it produced the *elements* of a nation without the political combining power so materially associated with historical empires. As an instance of how little ancestry had to do originally with territorial occupation, the country called Attica, which during the historical ages formed one social and political aggregate, was originally distributed among various hereditary sects—that is, a multitude of persons, *not necessarily living in the same locality*, but bound together by an hereditary communion, and claiming privileges as well as performing obligations, founded upon the traditional authority of a common ancestor.† Such privileges and obligations are still traceable in much of the customary law of modern nations ; and Sir Henry Maine, without any reference to the instance of Attica, considers the most plausible account that can be given of them is that they were at the outset obligations of kinship sanctioned by patriarchal authority.‡ This is proof that patriarchal society may not only continue to exist without necessarily forming itself into a nation, but that it may, after a long period of non-pro-

more particularly to Roman law, helps to obtain an enlarged view of this state of primitive man. See “Village Communities,” pp. 111, 156.

* Professor Jowett, in his Introduction to Plato's Laws, p. lxiii., remarks “that the chief object of Plato in tracing the origin of society is to show the point at which regular government superseded the patriarchal authority, and laws common to many families took the place of the old customs. The laws were systematized by legislators, and new forms of government began to spring up.” The ideality of Plato's mind would suggest much that his restriction to Grecian history might otherwise prevent, but it would not suggest enough. “The history of the world,” says Max Müller, in his essay on Comparative Mythology, “has laid open new avenues of thought, and it has enriched our language with a word which never passed the lips of Socrates, or Plato, or Aristotle—mankind.”

† *Vide* Grote's “Greece,” vol. i., p. 264.

‡ “Village Communities,” p. 111.

gressive existence, suddenly obtain the desire and the intellectuality to become a territorial empire.

According to the doctrine of Montesquieu, republicanism would be the natural development from paternal government, the sons obtaining together the power wielded by the father. But history does not thoroughly coincide with this view,* for, at its very dawn, government by a single person universally bursts upon our view; and though in many cases other influences than patriarchal power may have been at work, we have evidence that the law of primogeniture is an heirloom from these times, and enabled the descendant, either actual or representatives of a patriarchal governor to establish a government. From this point of view the influence of ancestry and the priesthood of the father may be considered as modifications of a regular development of government, though they work in so well with man's natural instincts, and begin so early in his history,† that we can hardly distinguish them from a law of nature. The Teutonic monarchies—perhaps the most perfect illustration of a pure development from patriarchal society—unite all the principles of democracy with most of the sentiments of ancestral faith, and invariably does the term applied to the office of the personal ruler, though in many cases admitting a subsequent signification, come from a root originally meaning "father." One thing is certain, that patriarchal power, with all its component, or perhaps tributary elements of ancestry and sacerdotalism, has never faded from the face of history, from the remotest ages of which we can glean records down to the

* That is to say as a general rule, and among the more powerful empires. The tale commonly believed by the Greeks as to the formation of the confederacy of twelve cities into the Ionia of historic times is based upon the asserted rights and co-existent sovereignty of the twelve sons of Codrus.—(*Vide* Rawlinson's "Herodotus," iii., App. bk. v., Essay 2.) The Suliot, again, mentioned by Niebuhr ("Rome," i., p. 265), were actual families descended from a common stock, each under its captain, who was its judge and leader; the captains collectively made up a senate.

† Vico dwells upon the religious and poetical susceptibilities as the first to develop themselves in the human mind.

present time ; and in this power can be distinctly seen the germs of monarchical government.

The connection which monarchical government has with the social elements I have treated of, and how the important element of chieftainship has been left out of consideration by writers on the origin of society, I cannot further illustrate now ; but I may be permitted to express a hope that I have sufficiently shown the real interest and worth of the subject, to be enabled at a future time to lay before the Society some additional researches which I have partly made. It is a subject worthy of history ; worthy of the greatest study and reflection ; and worthy, I hope, of showing what the great Bunsen has taught in his immortal words—"the desire to fix in that course called the universal history of mankind some landmarks pointing out the progress of our race."