

## THE FAMILY AND PROPERTY

Private property, even private property in land, exists in some of the most primitive forms of human society; monogamic marriage likewise exists in some of the most primitive and barbarous forms of society. It is not possible to construct any scale or ladder of consecutive stages under either of these heads, starting from some most rudimentary and negative organization, and rising higher and higher, as it approaches nearer to what now exists in civilized states. It should be understood that no sociologist, evolutionist or other, attempts to do anything of the kind. Evolution would, in fact, account for and show the necessity of retrogressions and anomalies, interrupting any such series.

In fact, retrogressions and anomalies meet us at every turn, and a scientific student of sociology is sure to be timid about those generalizations which seem the most tempting; this is, in fact, the strongest reason for the impatient rejection of the easy dogmatizing which is in fashion and which has fastened upon property as its especial prey. To dictate what our neighbors shall do with their property is, of course, the next pleasantest thing to having property of our own at our disposition. Property is the most fundamental and complex of social facts, and the most important of human interests; it is, therefore, the hardest to understand, the most delicate to meddle with, and the easiest to dogmatize about. There is not at the present time any similar disposition to dogmatize about the family, and it has seemed to me

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that I could show the error and fallacy of a great deal of the current talk about property if I should follow out the parallel between property and the family and should show their intimate and mutual relations as social facts.

It is as impossible to find the origin of property as it is to find the origin of marriage, and for exactly the same reason — namely, that no society could exist without each. Marriage means reproduction and property means nutrition, and no society could exist without both. If a man took a plant or an animal out of nature for his own support, he had to appropriate it into private and exclusive property. Therefore, it is plain that, if property is an “institution,” so is marriage an institution in exactly the same sense and in exactly the same degree. In both cases there is a natural fact, just as essential to the life of the race and just as independent of human assent in the one case as in the other; in each case the artificial construction bears the same relation to the natural fact.

In the lowest forms of society the prevailing germ of the family consists of a mother with her child; it is the father who remains longest without a place or share in the family. In this form of society we also find the first germ of sentiment; for the woman, although otherwise treated as a beast of burden and destitute of rights, almost always enjoys a degree of respect when she is a mother. In general, and due allowance being made for the anomalies already referred to, the family organization just described is that of the hordes which possess property in common. The men of the horde conduct its affairs and look upon the children, especially the boys, as the strength of the horde in the future; they therefore value them, but they have no rights “in severalty” over the children. In countless instances it is known

that the father of certain children was a stranger, a man of another tribe, long since departed; indeed, the law of the tribe would not have allowed any other sort of person to become the woman's husband. With the children in common, and the property in common, we have a type of the communalism, not to say communism, which is so captivating to some of our contemporaries among civilized man. It is plain that the society, however, is consistent in its parts, and that its organization is conducive to its interests. Investigation also shows, in every case known to me, that the organization was convenient under the economic circumstances of the tribe, and was dictated by those circumstances, except when it appears to have remained as a survival, under tradition and religious sanction, into a higher social development for which it was unfitted.

Our modern students, then, searching into the history of property, find these rudimentary communal forms, and they present to us the result of their work as if these facts carried with them some proof as to the only correct or justifiable forms of property, or furnished some criticism of present institutions. But, if the primitive forms of property bear any authority as to the proper forms of property, why do not the corresponding facts in regard to primitive marriage and the primitive family carry with them authority for the criticism of existing family institutions? If the fact that communal property has existed widely in primitive society goes to prove that communal property is a presumptively better or purer form of property than that which now exists, why is not the same argument good in favor of communal marriage? In fact, the fallacy is one which is very familiar under the form of the ecclesiastical dogma of "primitiveness."

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Throughout a wide range of rudimentary society women are treated as beasts of burden. When regarded industrially they are drudges or slaves. The most disagreeable work is all put upon them. They are therefore regarded as property, and are assimilated to property to such a degree that the rights which the men have in respect to women are logically developed from the notion of property in the wives. The right of property in this case, as in other primitive cases, rests upon force; a man has more wives than one just as he would have more slaves than one, if he could capture or keep them. The polygamous form of the family is immensely higher than the form last described; but, when the man first enters upon permanent relations with his wife or wives and his children, we find him ruling by pure brute force. "Ruling" in this case was not a passive carrying of authority, but a persistent and active domination, or force, in the form in which one person's will overrides and crushes that of others.

Furthermore, wives are obtained, in this stage of society, by capture; that is, by force actively and actually exerted against the woman, her relatives, and weaker rivals. No other social arrangement can be mentioned in whose history force has played so large a part as in property.

Now it seems to be believed that the legitimacy or moral justifiableness of property is impaired by showing that force has marked its history and growth from the beginning, and especially it seems to be believed that property in land, the only property sufficiently permanent to run back to the times of force, can be proved unjustifiable, and its owners can be dispossessed in favor of other persons, by the power of this learned investigation; but if force proved against property proves it illegitimate,

why does not force proved against marriage prove that marriage is an unjustifiable institution? If we inherit property with the taint of all the ancient fraud and violence in the form of it, and in our ideas about it, so do we also inherit our family institutions with the taint of all the old fraud and violence in the form of them which we practise, and in our ideas about them.

The women of to-day are the true descendants of their great-grandmothers who were captured and reduced to drudgery; the men of to-day owe their ideas about women, and the women of to-day owe their ideas about themselves, largely to the traditions of the times I have mentioned. Can we inherit the world any otherwise than as it comes to us? Can we study history in the hope of going back to alter it? Can we live to-day for the sake of a sentimental attempt to redress the errors, crimes, and ignorances of the past generations? If we cannot do it with one part of the social organism, how can we do it with another?

To study history in order to observe the action of social forces and win instruction for our own undertakings of to-day and to-morrow is wise and right; to study history in order to destroy anything which cannot be shown to stand free and clear of wrong in the past is revolutionism and folly. The two procedures have not the remotest relationship to each other.

When the family consisted of a woman and her child, while the father was off hunting, fighting, or playing, the woman picked up a living for herself and her child as best she could. Property was common, that is, she had none of it; the father of her child was sharing all there was with other men. When the second grade of the family which I have mentioned above came in, things were not much better; later, however, when a woman

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came to be considered a "toy" she ceased to be a drudge; when she came to be esteemed as a woman she lost value as a slave whose labor could be productively employed. Then, however, she began to get a share in the use and enjoyment of wealth, if not in the legal title to it. Then, too, her husband began to want property, not as a share in a common stock owned with his comrades, but as a possession which he could not only consume and enjoy, but dispose of and give away to the wife and children who possessed a special and lasting claim on him. Of course this distinction between participating in a momentary enjoyment of a common stock, and "having and holding" things, so as to dispose of them, is of immeasurable importance in the theory of property. What, then, is the authority for us, as regards our institutions, of any facts about property as it existed where "having and holding" was unknown? But it is plain that the development of the family was what drew in its train an imperative necessity for goods to have and to hold and to dispose of. A permanent family bond led to a permanent property title.

The most reasonable explanation of the different forms of marriage which has been proposed, due allowance being made for anomalous cases, is that they have been due to variations in the conditions of the struggle for existence. Polyandry has existed where the conditions of life have been hard, and the cost of offspring great. Polygamy has not always been expensive; where women have been drudges they have not, of course, been costly. The decline of polygamy, however, in connection with the advance of luxury, has been distinctly traceable to considerations of expense, that is to say, of property. The development and perfection of the monogamic fam-

ily is an affair of expense. As luxury grows, and the demands made on life by man on his own behalf, and on behalf of his wife and children, advance, the necessity for capital, and for exclusively appropriated capital, advances in a disproportionate ratio. Here, then, we have another series of facts bearing in the most important manner on the relations of family and property.

The monogamic family, with its legitimacy of descent, and the undivided devotion of the parents to a single group of offspring, has become the seat of family ambition and pride, reaching out in both directions. The parents have learned sacrifice for the children and pride in their success. The strain of the parents to provide education and preparation for success in life on the part of their children, and the happiness won by them from their children's success are as important as the more familiar form of family pride which is felt by children in a view back upon their ancestry. Every step in the achievement of family ambition requires property, and requires it in disproportionate measure as the expense of education and the whole standard of living rises. We hear constantly about the development of character, etc., in contrast with the accumulation of property; it is one of the crudest and most superficial of the commonplaces now in fashion; the accumulation of property is no guarantee of the development of character, but the development of character, or of any other good whatsoever, is impossible without property. It is only in transcendental visions that people use a jargon of culture in which they seem to cut loose from the limitations of fact; when they return to the level of facts it is always found that their speculations have not strengthened, but have weakened, human nature.

On the plain level of facts, then, it appears that the

possession and application of exclusively appropriated products to the advantage of specific individuals is an inevitable condition of the education and preparation of children for success in life; and that the acquisition of property consequently must absorb more and more of the zeal of civilized men as the monogamic family is more and more developed. Furthermore, in proportion as the love of parents is intensified by the development of the monogamic family, the father's mind will reach out with more intense longing to the future, and he will desire to secure his children against the ills of life so far as that can be done by a provision of capital. There are very few men, also, who ever have the power to "found a family," and who rise superior to the ambition of doing so. The tide of popular prejudice is running strongly against some of these feelings and sentiments, but where are the signs that they are felt any less intensely now than formerly? or that they are felt any less intensely in this country than in old countries?

The family sentiment is the most essentially conservative force which exists. If each generation spends itself to advance the next, we see the motive force of a constantly advancing struggle against nature. It is appalling to look at history and see how impossible it has been to maintain any regular or steady advance of this kind; families, generations, and states have gained a little for a time, and then it has all been swept away in some social convulsion. No doubt it must always be so. One generation will be sacrificed without advancing the next, but the family affection and devotion come in here to reinforce the deathless hope, and here to renew the never-ending struggle on which all civilization depends. Moreover, the family sentiment aims to hold and defend what has been achieved; it therefore often

comes in conflict with the new and rising forces, and presents itself in the guise of a conservative force which is obstructive. The family security which has been obtained, and which is guaranteed by property rights, comes to stand across the path of struggle to security for some new, and as yet unsecured, family interests.

If now there is anything in our modern society upon which we may look with complacency when we compare it with any older form of society, it is the fact that our family ambition has gained depth and solidity and sobriety. In place of court intrigues for place and rank, we have earnest and honest endeavor, maintained by wide sections of the population, employing honorable means, enjoying a reasonable hope of success, and directed toward sober and commendable ideals. In place, therefore, of the clash of sordid interests on a narrow arena, and, often enough, employing destructive means, we have a spontaneous effort of the whole mass of the population. It manifests itself chiefly in the strain to win wealth and to secure property. It is one of the marks of our time. The moralists and socialists who set themselves against it bear loudest witness to the fact that the tendency exists, and that nothing can arrest it. Their invectives against capital in the hands of those who have it are double-faced, and, when turned about, are nothing but demands for capital on behalf of those who have it not, in order that they may do with it just what those who now have it are doing with it. There are some who talk with singular fatuity about a time when men worked not to win wealth, but to get a living. When was that time? It was when they could not get a living by all the work they could do. When did they begin to work to win wealth? Just when there was a chance that by work wealth might be won.

We see, then, that the interests of property are all interwoven with family sentiments, and that this is the reason for their very great strength; also that they are interwoven, through and by the family sentiments, with the very fiber of civilization. Now comes the question: how is any one to destroy or reconstruct the doctrine of property, and the conception of the right of property, on any *a priori* or "ethical" grounds? Every one whom it is intended thus to affect will respond that you threaten the interests for which he works and lives. You tell him that he is strong by virtue of his property and that you propose to rob him of it. Why will he not use his strength to defend his interest? You threaten the future of his children, and expect that he will not defend it, although at the same time you denounce him for being so strong that he is dangerous. You assail his patrimony, and expect him to expend it for his own destruction, all out of respect to "ethics." Hitherto in history the family interest has been able to exert ingenuity sufficient not only to defeat every device which the law-makers have invented to restrain it, but also to use those very devices to attain its purposes. Yet we are gravely told now, and, in one breath, that capital never was as strong as it is now, and, in the next, that the most puerile devices are about to fetter capital and deprive it of its power.

Property is dear to men, not only for the sensual pleasure which it can afford, but also because it is the bulwark of all which they hold dearest on earth — above all else because it is the safeguard of those they love most against misery and all physical distress. It is marvelous to hear the attempts which are made to devise a theory of property as a foundation for the state or for social science. Property gives the theory to all the rest.

The reason why I defend the millions of the millionaire is not that I love the millionaire, but that I love my own wife and children, and that I know no way in which to get the defense of society for my hundreds, except to give my help, as a member of society, to protect his millions.