

PRIMITIVE MAN, STATE,  
AND SOCIETY

Fritz Kern, the well-known anthropologist and historian has stated in his work:<sup>1</sup> 'It is impossible to arrive at a comprehensive knowledge of mankind from any study of history that omits primitive peoples. Once this broad basis of the history of man is given due consideration, we arrive at a *historia perennis* of all human existence.' Though the more general significance of this pronouncement cannot be denied, it becomes particularly valid with reference to the beginnings and primitive forms of man's social and community life. In the following short exposition the main emphasis will be laid on these. It is innate in man to regard the early phases of his own race as something exceptional, one might say something normative. Without doubt this holds equally true for the forms and characteristics of primitive society and of the primitive state, in short, for every aspect of community life as it was at the dawn of man's existence—so far as we can know it.

Two new branches of science can be of help to us within this frame of

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<sup>1</sup>F. Kern, *Historia Mundi* (Berne, 1952), p. 13.

reference: anthropology, and to a certain extent, prehistory, the history of prehistoric man.

That the great mass of the earth's so-called primitive peoples cannot be thought of as a homogeneous whole nor treated as such, is a concept now generally accepted. Various peoples and their cultures must therefore be classified historically on the basis of objective criteria. This has not yet been satisfactorily done in all respects. However, it has been relatively easy and simple to study the so-called ethnological primitives who, down to the present day, have best preserved early and original forms of existence. Among such surviving primitives we may cite the Indians of Tierra del Fuego, certain primitive stocks in California as well as in other parts of North America, the Arctic regions and south-east Australia, the pygmies of Central and South-east Asia, and a number of primitive jungle tribes of the Indian peninsula which have only been recently studied. All of these are primitive hunters and gatherers who even today stick to a purely acquisitive economy and who, as the evidence shows, have never had a more advanced form of economic organisation.

The life of the primitive community cannot be understood without knowledge and understanding of the primitive family. All anthropologically established evidence points to the fact that human life began with the *individual family*. This was known and recognised as long as forty years ago by the well-known psychologist, W. Wundt, who stated: 'There is scarcely a discovery in the field of man's evolution which has so surprisingly and so convincingly destroyed opinions hitherto widely accepted, as the discovery of monogamy among primitive peoples.' The facts that have come to light since Wundt's time have in no way weakened his statement. On the contrary. The well-known Danish anthropologist, Kaj Birket Smith, for example, writes in his work:<sup>2</sup> 'We thus proceed from marriage as a universal human institution and one, moreover, which in its most primitive forms does not differ greatly from the institution as we ourselves know it.' As a particular trait of the oldest forms of marriage known to us, mention might also be made of the complete freedom, in most instances, of the marriage partners, not only the male, but also the female. We need merely indicate in this context that in later stages, particularly among more advanced pagan cultures the case is often quite different.

Like the family, it looks as though the state, too, harks back to the earliest days of mankind. Not of course the sovereign state, which owes

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<sup>2</sup> Kaj Birket Smith, *Geschichte der Kultur*, 1948.

its existence or its character to later historical events, such as wars, but the simple, I might almost say, naturally developed, primitive state as it still exists in the local group among primitive hunters and gatherers. Such a type of local group ordinarily consists of from six to twenty families according to circumstances.

Let me here point out as a particularly illuminating example an attempt made some thirty-five years ago, which unfortunately had almost no further results. I refer to an essay by the Swiss A. Knabenhans,<sup>3</sup> published in 1919. Although Knabenhans limited his subject to Australia, his findings, as we shall see, have a far wider application.

According to Knabenhans, the state develops organically out of human society, and like it, harks back to the very beginnings of mankind. He rejects the view of those (Ratzel, Schurtz, Oppenheimer, Wundt) who limit the concept of 'state' too narrowly and as a result regard it as reserved for the higher stages of human development. On the other hand, he dissents also from E. Meyer according to whom the state was already in existence in the animal kingdom; while Knabenhans holds (and of course many others as well) that there can be no talk of animal-states except in a metaphorical sense.

Investigation of the question as to who among the Australian aborigines actually represents the state leads Knabenhans to the conclusion that obviously it is the local group. As a matter of fact, among the Australian aborigines, the local group is in the first place 'the only large and permanent organisation outside the natural ties of the family or the clan'. On closer inspection this group is seen to be distinguished by an unequivocal territorial autonomy, by a completely autonomous solidarity in the event of war, and further and above all by a common leadership in the guise of leaders of the group (council of elders) or chieftains exercising various public functions. On the other hand, the tribal organisation and the tribe relationships are much too loose to be thought of as political entities or actually functioning state organisations. Certain ties, particularly those of language and culture, are naturally present, and asserted from time to time, as for example on the occasion of common initiation ceremonies. But with the exception of these, the life of the state proceeds within each separate local group. On the basis of his comparative source material, Knabenhans estimated that the size of this Australian community averages fifty heads, that is, ten to fifteen families.

<sup>3</sup>A. Knabenhans, *Die politische Organisation bei den Australischen Eingeborenen. Ein Beitrag zur Entwicklungsgeschichte des Staates* (Berlin, 1919).

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Following Malinowski's well-known and valuable researches:<sup>4</sup> Knabenhans recognises the individual family as a universal Australian phenomenon. But he further states: 'Among the Australians there is everywhere another authority superior to that of the paterfamilias; nowhere is there an absence of what one might loosely designate as a government, and most important of all, we see here no arbitrary rule of the stronger, but a wholly ordered and regulated condition of rule by law.'

Knabenhans expressly inveighs against Wundt, according to whom the essence of the state or the political organisation lies above all in the 'presence of an organised sovereign, collective will with the two-fold characteristic of autonomy in external affairs and authority in internal affairs (a legal system)'. Wundt does not consider these conditions met among the mass of primitive peoples, and accordingly concludes that in their case we can speak only of pre-state conditions. Not until the emergence of the sovereign state, brought into being by wars and other historical events, could any community be looked upon as a state in our meaning of the word. Knabenhans sees the setting-up of this type of condition as an arbitrary limitation of the concept 'the state'. On the other hand, he points out that, on closer inspection, the three criteria set up by Wundt are completely realised in the aforementioned Australian communities, that is, in the local groups. These are then, according to him, to be looked upon as 'small state entities in the process of coming into being'. And the first beginnings of the state hark back clearly not to war and conquest, its origin being already discernible 'in the small, socially organised community of the local group'.

So much for Knabenhans's pregnant and fully illustrated treatment of the Australian aborigines. As I said, it was published some thirty-five years ago. Since then investigations along similar lines have been made on primitive hunters and gatherers which, on the whole, confirm Knabenhans's theories. Here we cannot go into them further.

The primitive state thus recognised and defined does indeed presuppose the existence of human families, but on the other hand, it should not be considered as a mere congeries of families. It represents something new which reaches beyond the individual family. This new thing exists and lives primarily in the knowing and willing of its members, more particularly, the adult males of the local group.

This innate and essential feature of the (primitive) state clearly flows

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<sup>4</sup>Malinowski, *The Family Among The Australian Aborigines* (London, 1913).

from the very nature of man. The animal lives its life; the human being leads his life. Thus there arise problems of domicile, nourishment, training of the young, welfare and the like, with which the individual family is not competent to deal, for the solution of which social planning and action are essential. Since the animal has no conception of *family* in any proper sense, we can speak only metaphorically of an animal state, as has recently been convincingly demonstrated by the well-known Basle zoologist and biologist, Adolf Portmann.

Students of law and government consider certain characteristics to be essentials of the state. Let us see whether the more important of these exist in our 'primitive state', the local group.

*Authority* in internal affairs is inherent in the obedience given to the chieftain, to the oldest man, or to the council of elders in the given case. Here also belongs the punishment of evil-doers of whom there is not infrequent mention.

*Sovereignty* or *autonomy* also normally inheres in the local group, insofar as it exercises control over its *territory* as its own property, which will be defended at need. Closer study of the sense of property among these primitives has proved that nowhere is the concept of private property so definitely and characteristically developed as on this most primitive level. Even children have control over their own personal possessions—a right which is respected by adults.<sup>5</sup>

*Social welfare* is administered by the local group insofar as its leaders in time of emergency decide upon changes of location, regulate the division of certain foodstuffs (especially large game), look after the care and feeding of the ailing and orphans, and finally, also undertake the special education and training of the young on the approach of puberty. Together with Professor M. Gusinde, I was privileged in 1922 to take an active part in such initiation ceremonies among the Yamana in Tierra del Fuego. By virtue of these ceremonies we became members of the Indian tribe, and even to this day are not a little proud of our tribal citizenship.<sup>6</sup>

The *system of laws* which obtains in these primitive states is looked upon as *ordained by nature*. Subject to it are not only the ruled, but also the 'rulers'. Whoever in a given instance issues orders contrary to law and custom, must face open opposition and rebellion.<sup>7</sup> Behind this system of laws and the clear awareness of its existence, we can sense that 'natural

<sup>5</sup> W. Schmidt, *Das Eigentum in den Urkulturen* (Münster i. W., 1937).

<sup>6</sup> W. Koppers, *Primitive Man and his World Picture* (London-New York 1952), pp. 140 *et seq.*

<sup>7</sup> Paul Schebesta, *Die Bambuti Pygmaen von Iture* (Brussels 1948), vol. II.

law' which today is once more, and probably quite rightly, being placed in the foreground, along with the conception of an ethically oriented Supreme Being which, in the course of recent decades, has been shown to be particularly characteristic and lively precisely among ethnologically primitive peoples.<sup>8</sup>

The local group (primitive state) is an *arbitrary union*, in that the administration of the community can assume different forms in concrete instances. Sometimes we are dealing with a permanent group of elders or a chieftain, again, there may be no chieftain, and the council of elders functions only occasionally. But even so the state, even if only latently, is continuously in existence.

Even though the primitive state does not represent a simple extension of the family, there can be no doubt that essentially its disposition towards the family is distinctly favourable. In a way, the motto seems to be: As little state (and as much family) as possible. In this aspect *the family takes precedence over the state*. This is assuredly a significant dictum. In the light of such facts the rights of the family are paramount.

It goes without saying that the simple and uncomplicated external conditions which are the general rule among primitive hunters and gatherers work out to advantage. Of course we must not overlook the fact that ordinarily a majority of the members of a local group are blood relatives. Naturally these ties of blood strengthen the sense of community within the group.

Morgan and his followers emphasise the *territorial* factor, to the exclusion of any other, as the explanation for the origin of the state, because they start out with the notion of a primitive horde in which no family exists. They held that the factor of consanguinity entered into the picture only much later. Today the concept prevails that the territorial and the consanguinity factors are essentially of the same age, and it only remains to say that the primitive state, as discussed above, does not represent a mere extension of the family.

It needs no more than a passing remark in the light of all these new findings, to conclude that in the case of the primitive hunters and gatherers we should not talk about wild hordes or bands nor yet about savages (*sauvages*). After all that we ourselves have experienced in modern times, we Europeans in particular have every reason to be careful how we use the word 'savage' when we are dealing with exotic races and peoples.

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<sup>8</sup> W. Schmidt, *Historia Mundi*, p. 411 *et seq.*

The experts in ethnology are today agreed that the oldest groups of human beings of whom we have any knowledge were peace-loving rather than warlike, and further, that such things as cannibalism and slavery were wholly unknown accomplishments.

It becomes a matter of interest to examine how matters stood with regard to the family, community life and the state, in so-called prehistory, especially in the Early Palaeolithic age. Since no direct observation of these problems is possible, the question arises whether anything at all, and if so, just what, can be ascertained.

It is today an established fact that even the oldest prehistoric man of whom science can give us any knowledge made use of tools, weapons and utensils, and naturally, also, constructed these for the purpose. But the quality of being human cannot be split up into parts. The users and makers of these tools and utensils were naturally and necessarily full-fledged human beings, and if so, they must also have been conversant with language, the family, religion, and certainly also with some sort of community organisation. It is extraordinarily interesting that this concept, especially in more recent times, is accepted by various leading students of prehistory in Germany and elsewhere, and that it is also supported from the philosophical-psychological side, specifically, as originated and formulated by Professor R. Meister, by way of indirect documentation.<sup>9</sup>

If now we look back, we shall not be able to deny that the picture which recent research is in a position to draw of the beginnings of man's community life has likeable and appealing traits. Probably most impressive is the fact that in general the primitive state is benevolently oriented toward the *individual* as well as toward the *family*. Actually in these matters the following dictum appears to hold: As much freedom for the individual and for the family as possible, and on the other hand as little state and compulsion as possible.

It would however certainly be absurd to draw the conclusion: 'Back to the primitive state!' To the life of primitive hunters and gatherers. Quite aside from the fact that such a return would be impossible in practice, it would reject the task obligatory upon mankind of always striving for further development in the realm of the material-spiritual. But if in the process, man would permit as much as possible of the *spirit of the primitive state* to come to the fore once again, that would assuredly be to his advantage.

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<sup>9</sup> W. Koppers, 'Zusammenarbeit von Ethnologie und Prähistorie', *Zeitschr. für Ethnologie*, 1953.

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Finally, there can be no doubt that a consideration of these findings of recent historical-anthropological research might provide a valuable supplement as well as wholesome correctives to various sociological theories now prevalent. On the one hand, scarcely anything of importance seems to result from setting back into the animal realm the origin of the state (here there is too much danger of being caught in unfruitful analogies); on the other hand, those theories come to nothing which see the state as emerging only later, be it peaceably (theory of contract) or forcibly (theory of compulsion). Rightly understood, the state goes back to the earliest time of mankind, and in saying this we confirm once again the well-known words of Aristotle, the Sage of Stagira, 'From the very beginning, man is not only an individual being, but *zōon politicon*, a social being'.