

family would be absolutely unchanged. All rights available to the family would be as available after the demise of the headship as before it—except that the Corporation would be obliged—if indeed the language so precise and technical can be properly used of these early times—would be obliged to sue under a slightly modified name.

The history of jurisprudence must be followed in its whole course, if we are to understand how gradually and tardily society dissolved itself into the component atoms of which it is now constituted—by what insensible gradations the relation of man to man substituted itself for the relation of the individual to his family and of families to each other. The point now to be attended to is that even when the revolution had apparently quite accomplished itself, even when the magistrate had in great measure assumed the place of Pater-familias, and the civil tribunal substituted itself for the domestic forum, nevertheless the whole scheme of rights and duties administered by the judicial authorities remained shaped by the influence of the obsolete privileges and coloured in every part by their reflections. There seems little question that the devolution of the Universitas Juris, so strenuously insisted

upon by the Roman Law as the first condition of a testamentary or intestate succession, was a feature of the older form of society which men's minds had been unable to dissociate from the new, though with that newer phase it had no true or proper connection. It seems, in truth, that the prolongation of a man's legal existence in his heir, or in a group of co-heirs, is neither more nor less than a characteristic of *the family* transferred by a fiction to *the individual*. Succession in corporations is necessarily universal, and the family was a corporation. Corporations never die. The decease of individual members makes no difference to the collective existence of the aggregate body, and does not in any way affect its legal incidents, its faculties or liabilities. Now in the idea of a Roman universal succession all these qualities of a corporation seem to have been transferred to the individual citizen. His physical death is allowed to exercise no effect on the legal position which he filled, apparently on the principle that that position is to be adjusted as closely as possible to the analogies of a family, which in its corporate character was not of course liable to physical extinction.

See Graburn, W. (ed) - Readings in kinship and social structure, New York 1971

THE COMPARATIVE STUDY
OF FAMILY SYSTEMS

Lewis H. Morgan

In the systems of relationship of the great families of mankind some of the oldest memorials of human thought and experience are deposited and preserved. They have been handed down as transmitted systems, through the channels of the blood, from the earliest ages of man's existence upon the earth; but revealing certain definite and

From Lewis H. Morgan, *Systems of Consanguinity and Affinity in the Human Family*, Smithsonian Institution—Contributions to Knowledge, 17, v-vii, 3-4, 10-15. Reprinted by permission of the Smithsonian Institution Press. Originally published 1870.

progressive changes with the growth of man's experience in the ages of barbarism. To such conclusions the evidence, drawn from a comparison of the forms which now prevail in different families, appears to tend.

All the forms thus far discovered resolve themselves, in a comprehensive sense, into two, the *descriptive* and the *classificatory*, which are the reverse of each other in their fundamental conceptions. As systems of consanguinity each contains a plan, for the description and classification of kindred, the formation of which was an act of

intelligence and knowledge. They ascend by the chain of derivation to a remote antiquity, from which, as defined and indurated forms, their propagation commenced. Whether as organic forms they are capable of crossing the line of demarcation which separates one family from another, and of yielding evidence of the ethnic connection of such families, will depend upon the stability of these forms, and their power of self-perpetuation in the streams of the blood through indefinite periods of time. For the purpose of determining, by ample tests, whether these systems possess such attributes, the investigation has been extended over a field sufficiently wide to embrace four-fifths and upwards, numerically, of the entire human family. . . .

A comparison of these systems, and a careful study of the slight but clearly marked changes through which they have passed, have led, most unexpectedly, to the recovery, conjecturally at least, of the great series or sequence of customs and institutions which mark the pathway of man's progress through the ages of barbarism; and by means of which he raised himself from a state of promiscuous intercourse to final civilization. The general reader may be startled by the principal inference drawn from the classificatory system of relationship, namely, that it originated in the intermarriage of brothers and sisters in a communal family, and that this was the normal state of marriage, as well as of the family, in the early part of the unmeasured ages of barbarism. But the evidence in support of this conclusion seems to be decisive. Although it is difficult to conceive of the extremity of barbarism, which such a custom presupposes, it is a reasonable presumption that progress through and out from it was by successive stages of advancement, and through great reformatory movements. Indeed, it seems probable that the progress of mankind was greater in degree, and in the extent of its range, in the ages of barbarism than it has been since in the ages of civilization; and that it was a harder, more doubtful, and more intense struggle to reach the threshold of the latter, than it has been since to reach its present status. Civilization must be regarded as the fruit, the final reward, (1) of the vast and varied experience of mankind in

the barbarous ages. The experience of the two conditions are successive links of a common chain of which one cannot be interpreted without the other. This system of relationship, instead of revolting the mind, discloses with sensible clearness, "the hold of the pit whence [we have been] digged" by the good providence of God.

INTRODUCTION

As far back as the year 1846, while collecting materials illustrative of the institutions of the Iroquois, I found among them, in daily use, a system of relationship for the designation and classification of kindred, both unique and extraordinary in its character, and wholly unlike any with which we are familiar. In the year 1851 (*League of the Iroquois*, p. 85) I published a brief account of this singular system, which I then supposed to be of their own invention, and regarded as remarkable chiefly for its novelty. Afterwards, in 1857 (Pt. II, p. 132), I had occasion to reexamine the subject, when the idea of its possible prevalence among other Indian nations suggested itself, together with its uses, in that event, for ethnological purposes. In the following summer, while on the south shore of Lake Superior, I ascertained the system of the Ojibwa Indians; and, although prepared in some measure for the result, it was with some degree of surprise that I found among them the same elaborate and complicated system which then existed among the Iroquois. Every term of relationship was radically different from the corresponding term in the Iroquois; but the classification of kindred was the same. It was manifest that the two systems were identical in their fundamental characteristics. It seemed probable, also, that both were derived from a common source, since it was not supposable that two peoples, speaking dialects of stock-languages as widely separated as the Algonkin and Iroquois, could simultaneously have invented the same system, or derived it by borrowing one from the other.

From this fact of identity several inferences at once suggested themselves. As its prevalence among the Seneca-Iroquois rendered probable its like prevalence among other nations speaking dialects of the Iroquois stock-language, so its

existence and use among the Ojibwas rendered equally probable its existence and use among the remaining nations speaking dialects of the Algonkin speech. If investigation should establish the affirmative of these propositions it would give to the system a wider distribution. In the second place, its prevalence among these nations would render probable its like prevalence among the residue of the American aborigines. If, then, it should be found to be universal among them, it would follow that the system was coeval, in point of time, with the commencement of their dispersion over the American continent; and also that, as a system transmitted with the blood, it might contain the necessary evidence to establish their unity of origin. And in the third place, if the Indian family came, in fact, from Asia, it would seem that they must have brought the system with them from that continent, and have left it behind them among the people from whom they separated; further than this, that its perpetuation upon this continent would render probable its like perpetuation upon the Asiatic, where it might still be found; and, finally, that it might possibly furnish some evidence upon the question of the Asiatic origin of the Indian family.

This series of presumptions and inferences was very naturally suggested by the discovery of the same system of consanguinity and affinity in nations speaking dialects of two stock-languages. It was not an extravagant series of speculations upon the given basis, as will be more fully understood when the Seneca and Ojibwa systems are examined and compared: On this simple and obvious line of thought I determined to follow up the subject until it was ascertained whether the system was universal among the American aborigines; and, should it become reasonably probable that such was the fact, then to pursue the inquiry upon the Eastern Continent, and among the islands of the Pacific.

GENERAL OBSERVATIONS UPON SYSTEMS OF RELATIONSHIPS

Marriage the basis of the Family Relationships
—Systems of Consanguinity and Affinity—Each Person the Centre of a Group of Kindred—The

System of Nature Numerical—Not necessarily adopted—Every System embodies Definite Ideas—It is a Domestic Institution—Two Radical Forms—The Descriptive, and the Classificatory—Aryan, Semitic, and Uralian Families have the former—Turanian, American Indian, and Malayan the latter—Divergence of Collateral Lines from Lineal, Characteristic of the First—Mergence of Collateral Lines in the Lineal, of the Second—Uses of these Systems depend upon the Permanence of their Radical Forms—Evidence of their Modification—Direction of the Change—Causes which tend to the Stability of their Radical Features.

In considering the elements of a system of consanguinity the existence of marriage between single pairs must be assumed. Marriage forms the basis of relationships. In the progress of the inquiry it may become necessary to consider a system with this basis fluctuating, and, perhaps, altogether wanting. The alternative assumption of each may be essential to include all the elements of the subject in its practical relations. The natural and necessary connection of consanguineal with each other would be the same in both cases; but with this difference, that in the former the lines of descent from parent to child would be known, while in the latter they would, to a greater or less extent, be incapable of ascertainment. These considerations might affect the form of the system of consanguinity.

The family relationships are as ancient as the family. They exist in virtue of the law of derivation, which is expressed by the perpetuation of the species through the marriage relation. A system of consanguinity, which is founded upon a community of blood, is but the formal expression and recognition of these relationships. Around every person there is a circle or group of kindred of which such person is the centre, the *Ego*, from whom the degree of the relationship is reckoned, and to whom the relationship itself returns. Above him are his father and his mother and their ascendants, below him are his children and their descendants; while upon either side are his brothers and sisters and their descendants, and the brothers and sisters of his father and of his mother and their descendants, as well as a

much greater number of collateral relatives descended from common ancestors still more remote. To him they are nearer in degree than other individuals of the nation at large. A formal arrangement of the more immediate blood kindred into lines of descent, with the adoption of some method to distinguish one relative from another, and to express the value of the relationship, would be one of the earliest acts of human intelligence.

Should the inquiry be made how far nature suggests a uniform method or plan for the discrimination of the several relationships, and for the arrangement of kindred into distinct lines of descent, the answer would be difficult, unless it was first assumed that marriage between single pairs had always existed, thus rendering definite the lines of parentage. With this point established, or assumed, a natural system, numerical in its character, will be found underlying any form which man may contrive; and which, resting upon an ordinance of nature, is both universal and unchangeable. All of the descendants of an original pair, through intermediate pairs, stand to each other in fixed degrees of proximity, the nearness or remoteness of which is a mere matter of computation. If we ascend from ancestor to ancestor in the lineal line, and again descend through the several collateral lines until the widening circle of kindred circumscribes millions of the living and the dead, all of these individuals, in virtue of their descent from common ancestors, are bound to the "*Ego*" by the chain of consanguinity.

The blood relationships, to which specific terms have been assigned, under the system of the Aryan family, are few in number. They are grandfather and grandmother, father and mother, brother and sister, son and daughter, grandson and granddaughter, uncle and aunt, nephew and niece, and cousin. Those more remote in degree are described either by an augmentation or by a combination of these terms. After these are the affineal or marriage relationships, which are husband and wife, father-in-law and mother-in-law, son-in-law and daughter-in-law, brother-in-law and sister-in-law, step-father and step-mother, step-son and step-daughter, and step-brother and step-sister; together with such

of the husbands and wives of blood relatives as receive the corresponding designation by courtesy. These terms are barely sufficient to indicate specifically the nearest relationships, leaving much the largest number to be described by a combination of terms.

So familiar are these ancient household words, and the relationships which they indicate, that a classification of kindred by means of them, according to their degrees of nearness, would seem to be not only a simple undertaking, but, when completed, to contain nothing of interest beyond its adaptation to answer a necessary want. But, since these specific terms are entirely inadequate to designate a person's kindred, they contain in themselves only the minor part of the system. An arrangement into lines, with descriptive phrases to designate such relatives as fall without the specific terms, becomes necessary to its completion. In the mode of arrangement and of description diversities may exist. Every system of consanguinity must be able to ascend and descend in the lineal line through several degrees from any given person, and to specify the relationship of each to *Ego*; and also from the lineal, to enter the several collateral lines and follow and describe the collateral relatives through several generations. When spread out in detail and examined, every scheme of consanguinity and affinity will be found to rest upon definite ideas, and to be framed, so far as it contains any plan, with reference to particular ends. In fine, a system of relationship, originating in necessity, is a domestic institution, which serves to organize a family by the bond of consanguinity. As such it possesses a degree of vitality and a power of self-perpetuation commensurate with its nearness to the primary wants of man.

In a general sense, as has elsewhere been stated, there are but two radically distinct forms of consanguinity among the nations represented in the tables. One of these is descriptive and the other classificatory. The first, which is that of the Aryan, Semitic, and Uralian families, rejecting the classification of kindred, except so far as it is in accordance with the numerical system, describes collateral consanguineal, for the most part, by an augmentation or combination of the pri-

mary terms of relationship. These terms, which are those for husband and wife, father and mother, brother and sister, and son and daughter, to which must be added, in such languages as possess them, grandfather and grandmother, and grandson and granddaughter, are thus restricted to the primary sense in which they are here employed. All other terms are secondary. Each relationship is thus made independent and distinct from every other. But the second, which is that of the Turanian, American Indian, and Malayan families, rejecting descriptive phrases in every instance, and reducing consanguineal to great classes by a series of apparently arbitrary generalizations, applies the same terms to all the members of the same class. It thus confounds relationships, which, under the descriptive system, are distinct, and enlarges the signification both of the primary and secondary terms beyond their seemingly appropriate sense.

Although a limited number of generalizations have been developed in the system of the first-named families, which are followed by the introduction of additional special terms to express in the concrete the relationships thus specialized, yet the system is properly characterized as descriptive, and was such originally. It will be seen in the sequel that the partial classification of kindred which it now contains is in harmony with the principles of the descriptive form, and arises from it legitimately to the extent to which it is carried; and that it is founded upon conceptions entirely dissimilar from those which govern in the classificatory form. These generalizations, in some cases, are imperfect when logically considered; but they were designed to realize in the concrete the precise relationships which the descriptive phrases suggest by implication. In the Erse, for example, there are no terms for uncle or aunt, nephew or niece, or cousin; but they were described as *father's brother*, *mother's brother*, *brother's son*, and so on. These forms of the Celtic are, therefore, purely descriptive. In most of the Aryan languages terms for these relationships exist. My father's brothers and my mother's brothers, in English, are generalized into one class, and the term *uncle* is employed to express the relationship. The relationships to *Ego* of the

two classes of persons are equal in their degree of nearness, but not the same in kind; wherefore, the Roman method is preferable, which employed *patruus* to express the former, and *avunculus* to indicate the latter. The phrase "father's brother" describes a person, but it likewise implies a bond of connection which *patruus* expresses in the concrete. In like manner, my father's brother's son, my father's sister's son, my mother's brother's son, and my mother's sister's son are placed upon an equality by a similar generalization, and the relationship is expressed by the term *cousin*. They stand to me in the same degree of nearness, but they are related to me in four different ways. The use of these terms, however, does not invade the principles of the descriptive system, but attempts to realize the relationships in a simpler manner. On the other hand, in the system of the last-named families, while corresponding terms exist, their application to particular persons is founded upon very different generalizations, and they are used in an apparently arbitrary manner. In Seneca-Iroquois, for example, my father's brother is my father. Under the system he stands to me in that relationship and no other. I address him by the same term, *Hä-nih'*, which I apply to my own father. My mother's brother, on the contrary, is my uncle, *Hoc-no'-seh*, to whom, of the two, this relationship is restricted. Again, with myself a male, my brother's son is my son, *Hä-ah'-wuk*, the same as my own son; while my sister's son is my nephew, *Ha-yä'-wan-da*; but with myself a female, these relationships are reversed. My brother's son is then my nephew; while my sister's son is my son. Advancing to the second collateral line, my father's brother's son and my mother's sister's son are my brothers, and they severally stand to me in the same relationship as my own brother; but my father's sister's son and my mother's brother's son are my cousins. The same relationships are recognized under the two forms, but the generalizations upon which they rest are different.

In the system of relationship of the Aryan, Semitic, and Uralian families, the collateral lines are maintained distinct and perpetually divergent from the lineal, which results, theoretically as well as practically, in a dispersion of the blood.

The value of the relationships of collateral consanguinei is depreciated and finally lost under the burdensomeness of the descriptive method. This divergence is one of the characteristics of the descriptive system. On the contrary, in that of the Turanian, American Indian, and Malayan families, the several collateral lines, near and remote, are finally brought into, and merged in the lineal line, thus theoretically, if not practically, preventing a dispersion of the blood. The relationships of collaterals by this means is both appreciated and preserved. This mergence is, in like manner, one of the characteristics of the classificatory system.

How these two forms of consanguinity, so diverse in their fundamental conceptions and so dissimilar in their structure, came into existence it may be wholly impossible to explain. The first question to be considered relates to the nature of these forms and their ethnic distribution, after the ascertainment of which their probable origin may be made a subject of investigation. While the existence of two radically distinct forms appears to separate the human family, so far as it is represented in the tables, into two great divisions, the Indo-European and the Indo-American, the same testimony seems to draw closer together the several families of which these divisions are composed, without forbidding the supposition that a common point of departure between the two may yet be discovered. If the evidence deposited in these systems of relationship tends, in reality, to consolidate the families named into two great divisions, it is a tendency in the direction of unity of origin of no inconsiderable importance.

After the several forms of consanguinity and affinity, which now prevail in the different families of mankind, have been presented and discussed, the important question will present itself, how far these forms become changed with the progressive changes of society. The uses of systems of relationship to establish the genetic connection of nations will depend, first, upon the structure of the system, and, secondly, upon the stability of its radical forms. In form and feature they must be found able, when once established, to perpetuate themselves through indefinite periods of time. The question of their use must turn

upon that of the stability of their radical features. Development and modification, to a very considerable extent, are revealed in the tables in which the comparison of forms is made upon an extended scale; but it will be observed, on further examination, that these changes are further developments of the fundamental conceptions which lie, respectively, at the foundation of the two original systems.

There is one powerful motive which might, under certain circumstances, tend to the overthrow of the classificatory form and the substitution of the descriptive, but it would arise after the attainment of civilization. This is the inheritance of estates. It may be premised that the bond of kindred, among uncivilized nations, is a strong influence for the mutual protection of related persons. Among nomadic stocks, especially, the respectability of the individual was measured, in no small degree, by the number of his kinsmen. The wider the circle of kindred the greater the assurance of safety, since they were the natural guardians of his rights and the avengers of his wrongs. Whether designedly or otherwise, the Turanian form of consanguinity organized the family upon the largest scale of numbers. On the other hand, a gradual change from a nomadic to a civilized condition would prove the severest test to which a system of consanguinity could be subjected. The protection of the law, or of the State, would become substituted for that of kinsmen; but with more effective power the rights of property might influence the system of relationship. This last consideration, which would not arise until after a people had emerged from barbarism, would be adequate beyond any other known cause to effect a radical change in a pre-existing system, if this recognized relationships which would defeat natural justice in the inheritance of property. In Tamilian society, where my brother's son and my cousin's son are both my sons, a useful purpose may have been subserved by drawing closer, in this manner, the kindred bond; but in a civilized sense it would be manifestly unjust to place either of these collateral sons upon an equality with my own son for the inheritance of my estate. Hence the growth of property and the settlement of its distribution might be expected

to lead a more precise discrimination of the several degrees of consanguinity if they were confounded by the previous system.

Where the original system, anterior to civilization, was descriptive, the tendency to modification, under the influence of refinement, would be in the direction of a more rigorous separation of the several lines of descent, and of a more systematic description of the persons or relationships in each. It would not necessarily lead to the abandonment of old terms nor to the invention of new. This latter belongs, usually, to the formative period of a language. When that is passed, compound terms are resorted to if the descriptive phrases are felt to be inconvenient. Wherever these compounds are found it will be known at once that they are modern in the language. The old terms are not necessarily radical, but they have become so worn down by long-continued use as to render the identification of their component parts impossible. While the growth of nomenclatures of relationship tends to show the direction in which existing systems have been modified, it seems to be incapable of throwing any light upon the question whether a classificatory form ever becomes changed into a descriptive, or the reverse. It is more difficult, where the primitive system was classificatory, to ascertain the probable direction of the change. The uncivilized nations have remained substantially stationary in their condition through all the centuries of their existence, a circumstance eminently favorable to the permanency of their domestic institutions. It is not supposable, however, that they have resisted all modifications of their system of consanguinity. The opulence of the nomenclature of relationships, which is characteristic of the greater portion of the nations whose form is classificatory, may tend to show that, if it changed materially, it would be in the direction of a greater complexity of classification. It is extremely difficult to arrive at any general conclusions upon this

question with reference to either form. But it may be affirmed that if an original system changes materially, after it has been adopted into use, it is certain to be done in harmony with the ideas and conceptions which it embodies, of which the changes will be further and logical developments.

It should not be inferred that forms of consanguinity and affinity are either adopted, modified, or laid aside at pleasure. . . . When a system has once come into practical use, with its nomenclature adopted, and its method of description or of classification settled, it would, from the nature of the case, be very slow to change. Each person, as has elsewhere been observed, is the centre around whom a group of consanguine is arranged. It is my father, my mother, my brother, my son, my uncle, my cousin, with each and every human being; and, therefore, each one is compelled to understand, as well as to use, the prevailing system. It is an actual necessity to all alike, since each relationship is personal to *Ego*. A change of any of these relationships, or a subversion of any of the terms invented to express them, would be extremely difficult if not impossible; and it would be scarcely less difficult to enlarge or contract the established use of the terms themselves. The possibility of this permanence is increased by the circumstance that these systems exist by usage rather than legal enactment, and therefore the motive to change must be as universal as the usage. Their use and preservation are intrusted to every person who speaks the common language, and their channel of transmission is the blood. Hence it is that, in addition to the natural stability of domestic institutions, there are special reasons which contribute to their permanence, by means of which it is rendered not improbable that they might survive changes of social condition sufficiently radical to overthrow the primary ideas in which they originated.