

ON THE ORIGIN OF PRIVATE PROPERTY AND THE FAMILY

It is reasonable to begin human history 5 million years ago, when the human line of evolutionary descent separated from that of our closest non-human relative, the chimpanzee. It is also reasonable to begin it 2.5 million years ago, with the first appearance of *homo habilis*; or 200,000 years ago, when the first representative of “anatomically modern man” made its appearance; or 100,000 years ago, when the anatomically modern man had become the standard human form. Instead, I want to begin only 50,000 years ago. This is an eminently reasonable date, too. By then humans had developed a full-fledged language, which involved a radical improvement in their ability to learn and innovate, and “anatomically modern man” had evolved into “behaviorally modern man.” That is, man had adopted the hunter-gatherer life-style of which even today some pockets remain in existence.

About 50,000 years ago, the number of “modern humans” may not have exceeded 5,000, confined to northeast Africa. They lived in societies composed of small bands of people (10-30) who occasionally met and formed a common genetic pool of about 150 and maybe up to 500 people (a size which geneticists have found to be necessary in order to avoid dysgenic effects). The division of labor was limited, with the main partition being that between women – acting mostly as gatherers – and men – acting mostly as hunters. Nonetheless, life initially appears to have been good for our forebears. Only a few hours of regular work allowed for a comfortable life, with good (high protein) nourishment and plenty of leisure time.

The life of hunters and gatherers faced a fundamental challenge, however. Hunter-gatherer societies led essentially parasitic lives. That is, they did not add anything to the nature-given supply of goods. They only depleted the supply of goods. They did not produce (apart from a few tools) but only consumed. They did not grow and breed but had to wait for nature to regenerate and replenish. What this form of parasitism involved, then, was the inescapable problem of population growth. In order to maintain a comfortable life, the population density had to remain extremely low. It has been estimated that one square mile of territory was needed to comfortably sustain one to two persons, and in less fertile regions even larger territories were necessary.

People could of course try to prevent such population pressure from emerging, and indeed hunter-gatherer societies tried their best in this regard. They induced abortions, they engaged in infanticide, especially female infanticide, and they reduced the number of pregnancies by engaging in long periods of breast-feeding (which, in combination with the low body-fat characteristic of constantly mobile and moving women, reduces female fertility). Yet while this alleviated the problem it did not solve it. The population kept increasing.

Given that the population size could not be maintained at a stationary level, only three alternatives existed for the emerging “excess” population. One could give up the hunter-gatherer life and find a new societal organization-mode, one could *fight* over the limited food supplies or one could *migrate*. While migration was by no means costless – after all one had to leave familiar for unfamiliar territories – it appeared as the least costly option. Hence, setting out from their homeland in East-Africa, successively

the entire globe was conquered by bands of people breaking away from their relatives to form new societies in areas hitherto unoccupied by humans.

The process was essentially always the same: a group invaded some territory, population pressure mounted, some people stayed put, a subgroup moved further on, generation after generation. Once broken up, practically no contact existed between the various hunter-gatherer societies. Consequently, although initially closely related to one another through direct kinship relations, these societies formed separated genetic pools and, confronted with different natural environments and as the result of mutations and genetic drift interacting with natural selection, in the course of time they took on distinctly different appearances.

It appears that this process too began about 50,000 years ago, shortly after the emergence of “behaviorally modern man” and his acquisition of the skill to build boats. From this time until around 12,000 to 11,000 years ago global temperatures gradually fell (since then we are in an interglacial warming period) and the sea levels accordingly fell.¹ People crossed over the Red Sea at the Gate of Grief, which was then merely a narrow gap of water

¹ Actually, the last great warming period had ended already about 120,000 years ago. During this period, i.e., more than 120,000 years ago, hippos had lived in the Rhine and the Thames and northern Europe had something of an “African appearance.” From then on, glaciers moved steadily further southward and the sea level eventually fell by more than 100 meters. The Thames and the Elbe became tributaries of the Rhine, before it streamed first into the Northern Sea and from there into the Atlantic. When this period ended, quite suddenly, about 12,000 years ago, the glaciers rapidly retreated and the sea level rose, not by millimeters per year but very quickly in an almost flood-like fashion. Within a very brief period England and Ireland, which had previously been connected to the European continent, became islands. The Baltic Sea and much of the contemporary North Sea came thus into existence. Likewise, most of today’s Persian Gulf only dates from about this time.

dotted with islands, to land at the southern tip of the Arabian peninsula (which enjoyed a comparatively wet period at the time). From there onward, preferring to stay in tropical climates to which one had been adjusted, the migration continued eastward. Travel was mostly by boat, because until about 6,000 years ago when man learned how to tame horses, this form of transportation was much faster and more convenient than travel by foot. Hence, migration took place along the coastline – and proceeded from there into the interior through river valleys – first all the way to India. From there, the population movement seems to have split into two directions. On the one hand it proceeded around the Indian peninsula to southeast Asia and Indonesia (which was then connected to the Asian mainland) and finally to the now foundered continent of Sahul (of Australia, New Guinea and Tasmania, which were joined until about 8,000 years ago), which was then only separated from the Asian mainland by a 60 mile wide channel of water sprinkled with islands permitting short-distance island hopping, as well as northward up the coast to China and eventually Japan. On the other hand, the migration process went from India in a northwesterly direction, through Afghanistan, Iran, and Turkey and ultimately Europe. As well, splitting off of this stream of migration, people pressed in northeasterly direction into southern Siberia. Later migrations, most likely in three waves, with the first about 14,000-12,000 years ago, went from Siberia across the Bering Strait – then (until about 11,000 years ago) a land bridge - and onto the American continent, apparently reaching Patagonia only about 1,000 years later. The last migration route set out from Taiwan, which was occupied about 5,000 years ago, sailing across the Pacific to reach the Polynesian islands and finally, only about 800 years ago, New Zealand.

Regardless of all complicating details, then, at some point in time the land mass available to help satisfy human needs could no longer be enlarged. In economic jargon, the supply of the production factor “land” became fixed, and every increase in the size of the human population had to be sustained by the same, unchanged quantity of land. From the economic *law of returns* we know that this situation must result in a Malthusian problem. The law of returns states that for any combination of production factors – in the case at hand: land and labor – there exists an optimum combination. If one deviates from this optimum by increasing the input of only one factor – in our case: labor – while the input of the other – land - is held constant, then the physical output produced either does not increase at all or at least not in the ratio of the increased input. That is, other things remaining the same, an increase in the size of the population beyond a certain point is not accompanied by a proportional increase of wealth. If this point is passed, the physical output of goods produced per head diminishes. Living standards, on the average, will fall. A point of (absolute) overpopulation has been reached.

What to do when faced with this challenge? Of the formerly three available options in response to an increasing population pressure: to move, to fight or to find a new mode of societal organization, only the latter two remained open. Here I will concentrate on the last, peaceful response.

The challenge was answered by a two-fold response: on the one hand through the economization of land and on the other hand through the “privatization” of the production of offspring – in sum: through the institution of the family and of private property.

To understand this response one must first take a look at the treatment of the production factor “land” by hunter-gatherer societies.

It can be safely assumed that private property existed within the framework of a tribal household. Private property existed with regard to things such as personal clothing, tools, implements and ornaments. To the extent that such items were produced by particular, identifiable individuals (during their own leisure time) or acquired by others from their original makers through either gift or exchange they were considered individual property. On the other hand, to the extent that goods were the results of some concerted or joint effort they were considered collective goods. This applied most definitely to the means of sustenance: to the berries gathered and the game hunted as the result of some intra-tribal division of labor. (Without doubt collective property thus played a highly prominent role in hunter-gatherer societies, and it is because of this that the term “primitive communism” has been frequently employed to describe primitive, tribal economies: each individual contributed to the household “income” according to his abilities, and each received from the collective income according to his needs.)

What about the ground land on which all tribal activities took place? One may safely rule out that ground land was considered private property. But was it collective property? This has been typically assumed to be the case. In fact, however, ground land was neither private nor collective property but instead constituted part of the *environment* or more specifically the *general conditions* of action.

The external world in which man’s actions take place can be divided into two categorically distinct parts. On the one hand, there are those things that are considered *means* – or *economic goods*; and on the other hand, there are those things that are considered *environment*. The requirements for an element of the external world to be classified as a means or an economic

good are threefold. First, in order for something to become an economic good, there must be a human need. Second, there must be the human perception of a thing believed to be endowed with properties causally connected with the satisfaction of this need. Third, and most important in the present context, an element of the external world so perceived must be under human *control* such that it can be employed to satisfy the given need. That is, only if a thing is brought into a causal connection with a human need *and* this thing is under human control can one say that this entity is appropriated – has become a good - and hence is someone's property. On the other hand, if an element of the external world stands in a causal connection to a human need but no one controls and interferes with this element then such an element must be considered part of the un-appropriated environment and hence is no one's property.

Before the backdrop of these considerations one can now answer the question regarding the status of ground land in a hunter-gatherer society. Certainly, the berries picked off a bush are property; but what about the bush which is causally associated with the picked berries? The bush is only lifted from its original status as an environmental condition of action and a mere contributing factor to the satisfaction of human needs to the status of property and a genuine production factor once it has been appropriated: that is, once man has purposefully interfered with the natural causal process connecting bush and berries by, for instance, watering the bush or trimming its branches in order to produce a certain outcome: an increase of the berry harvest above the level otherwise, naturally attained.

Similarly, there is no question that a hunted animal is property; but what about the herd of which this animal was a part? The herd must be regarded as un-owned nature as long as man has done *nothing* that can be

interpreted (and that is in his own mind) causally connected with the satisfaction of a perceived need. The herd becomes property only once the requirement of *interfering* with the natural chain of events in order to produce some desired result has been fulfilled. This would be the case, for instance, as soon as man engages in the *herding* of animals, i.e. as soon as he actively tries to control the movements of the herd.

What about the ground land on which the controlled movement of the herd takes place, however? According to our definitions, the herdsman cannot be considered the owner of the ground land. Because herders merely follow the natural movements of the herd and their interference with nature is restricted to keeping the flock together so as to gain easier access to any one of its members should the need for the supply of animal meat arise. Herdsmen do not interfere with the land in order to control the movements of the herd; they only interfere with the movements of the members of the herd. Land only becomes property once herders give up herding and turn to animal husbandry instead, i.e., once they treat land as a (scarce) means in order to control the movement of animals by controlling land. This would require that land is somehow em-bordered, by fencing it in or constructing some other obstacles which restrict the free, natural flow of animals. Rather than being merely a contributing factor in the production of animal herds, land thus becomes a genuine production factor.

What these considerations demonstrate is that it is mistaken to think of land as the (collectively owned) property of hunter-gatherer societies. Hunters are not herdsman and still less are they engaged in animal husbandry; and gatherers are not gardeners or agriculturalists. They do not exercise control over the nature-given fauna and flora by tending to it or

grooming it. They merely pick pieces from nature for the taking. Land to them is no more than a condition of their activities, not their property.

What can be said to be the first step toward a solution of the Malthusian trap faced by growing hunter-gatherer societies, then, is precisely the establishment of property in land. Pressured by falling standards of living as a result of absolute overpopulation, members of the tribe (separately or collectively) successively appropriated more and more of the previously un-owned nature (land). This appropriation of land had an immediate twofold effect. First, more goods were produced and accordingly more needs could be satisfied than before. Indeed, this fact was the very motive behind the appropriation of land: the insight that land stands in some causal connection with the satisfaction of human needs and can be controlled. By controlling land, man actually began *producing* goods instead of merely using them up. (Importantly, this *producing* of goods also involved the *saving and storing* of goods for later consumption.) Secondly and consequently, the higher productivity achieved through the economization of land made it possible that a larger number of people could survive on the same, given quantity of land. Indeed, it has been estimated that with the appropriation of land and the corresponding change from a hunter-gatherer existence to that of agriculturists-gardeners and animal husbandry a population size ten to one hundred times larger than before could be sustained on the same amount of land.

However, the economization of land was only part of the solution to the problem posed by an increasing population pressure. Through the appropriation of land a more effective use was made of land, allowing for a larger population size to be sustained. But the institution of land ownership in and of itself did not affect the other side of the problem: the continued

proliferation of new and more offspring. This aspect of the problem required a solution as well. A social institution had to be found that brought this proliferation under control. The institution designed to accomplish this task is the institution of the family. As Thomas Malthus first explained, in order to solve the problem of overpopulation along with the institution of property “the commerce between the sexes” had to undergo some fundamental change as well.

What was the commerce between the sexes before and what was the institutional innovation brought about in this regard by the family? In terms of economic theory, the change can be described as one from a situation where both the benefits of creating offspring – by creating an additional potential *producer* – and especially the costs of creating offspring – by creating an additional *consumer* (eater) – were socialized, i.e., reaped and paid for by society at large rather than the “producers” of this offspring, to a situation where both benefits as well as costs involved in procreation were internalized by and economically imputed back to those individuals causally responsible for producing them.

Whatever the precise details may have been, it appears that the institution of a stable monogamous and also of a polygamous relationship between men and women that is nowadays associated with the term family is fairly recent in the history of mankind and was preceded by an institution that may be broadly defined as “unrestricted” or “unregulated” sexual intercourse or as “group marriage” (also sometimes referred to as “free love”). The commerce between the sexes during this stage of human history did not rule out the existence of temporary pair relationships between one man and one woman. However, in principle every woman was considered a potential sexual partner of every man, and vice versa. In the words of

Friedrich Engels: “Men lived in polygamy and their women simultaneously in polyandry, and their children were considered as belonging to all of them. Each woman belonged to every man and each man to every woman.”

What Engels and many later socialists failed to notice in their glorification of the past and supposedly again future institution of free love, however, is the fact that this institution has a direct effect on the production of offspring. As Ludwig von Mises has commented: “it is certain that even if a socialist community may bring ‘free love,’ it can in no way bring free birth.” What Mises implied with this remark is that free love had consequences, namely pregnancies and births, and that births involve benefits as well as costs. This did not matter as long as the benefits exceeded the costs, i.e., as long as an additional member of society added more to it as a producer of goods than it took from it as a consumer – and this may well be the case for some time. But it follows from the law of returns that this situation cannot last forever. Inevitably, the point must arrive when the costs of additional offspring will exceed its benefits. Then, any further procreation must be stopped – moral restraint must be exercised - unless one wants to experience a progressive fall in average living standards. However, if children are considered everyone’s or no one’s children because everyone entertains sexual relations with everyone else, then the incentive to refrain from procreation disappears or is significantly diminished. Instinctively, by virtue of man’s biological nature, each woman and each man is driven to spread her or his genes into the next generation of the species. The more offspring one creates the better, because the more of one’s genes will survive. No doubt, this natural human instinct could be controlled by rational deliberation. But if no or little economic sacrifice had to be made for simply following one’s animal instincts, because all children were maintained by

society at large, then no or little incentive existed to employ reason in sexual matters, i.e., to exercise any moral restraint.

From a purely economic point of view, then, the solution to the problem of overpopulation should be immediately apparent. The ownership of children or more correctly the trusteeship over children had to be privatized. Rather than considering children as collectively owned by or entrusted to “society” or viewing child-births as some uncontrolled and uncontrollable natural event and accordingly considering children as owned by or entrusted to no one, children had to be regarded as entities which were privately produced and entrusted into private care.

Moreover and finally: with the formation of monogamous or polygamous families came another decisive innovation. Earlier on, the members of a tribe formed a single, unified household, and the intra-tribal division of labor was essentially an intra-household division of labor. With the formation of families came the breakup of a unified household into several, independent households and with that also the formation of “several” – or private – ownership of land. That is, the previously described appropriation of land was not simply a transition from a situation where something that was earlier on un-owned became now owned, but more precisely something previously un-owned was turned into something owned by separate households (thus allowing also for the emergence of inter-household division of labor).

Consequently, then, the higher social income made possible by the ownership of land was no longer distributed as was formerly the case: to each member of society “according to his need.” Rather, each separate household’s share in the total social income came to depend on the product economically imputed to it, that is, to its labor and its property invested in

production. In other words: the formerly pervasive “communism” might have still continued *within* each household, but communism vanished from the relation between the members of different households. The incomes of different households differed, depending on the quantity and quality of invested labor and property, and no one had a claim on the income produced by the members of a household other than one’s own. Thus, “free riding” on others’ efforts became largely if not entirely impossible. He who did not work could no longer expect to still eat.

Thus, in response to mounting population pressure a new mode of societal organization had come into existence, displacing the hunter-gatherer lifestyle that had been characteristic of most of human history. As Ludwig von Mises has summarized the matter: “Private ownership in the means of production is the regulating principle which, within society, balances the limited means of subsistence at society’s disposal with the less limited ability of consumers to increase. By making the share in the social product which falls to each member of society depend on the product economically imputed to him, that is, to his labour and his property, the elimination of surplus human beings by the struggle for existence, as it rages in the vegetable and animal kingdom, is replaced by a reduction in the birth-rate as a result of social forces. ‘Moral restraint,’ the limitations of offspring imposed by social positions, replaces the struggle for existence.”

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