

THE FAMILY

BY

HELEN BOSANQUET

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PREFACE

THE intention of this book is to bring together the materials for an estimate of the meaning and importance of the Family as an institution in human society. In order to understand its structure and influence as we now know it, and to judge whether it is an essential or merely temporary form of organisation, it seemed to be necessary to understand also something of its development and function in the past. Hence the first part consists of an attempt to explain some of the leading theories and facts of the history of the past, and to show their bearing upon the modern Family; while the second part is devoted to an analysis and description of this modern Family, and a consideration of its influence in social life. It is quite remarkable how seldom the present student or reformer of society shows any recognition of the importance of the Family as compared with other and more artificial institutions. Indeed, the very word institution means in popular usage an asylum or a hospital or a reformatory; something with plenty of bricks and mortar and a large staff of officials. If we find a reference in a newspaper to some "excellent institution," it may prove to be an orphanage or a

soup-kitchen; it certainly will not be a Family. An institution which needs no subscription list for its support, no committee for its management, which is both self-contained and self-propagating, seems so independent of our conscious efforts that we are apt to forget how large a part of human life is devoted to its maintenance, and how large a part of human life depends upon it for physical and moral existence. From time to time, it is true, statesmen and economists have recognised its deep significance for political and social movements; and I offer the book partly from this point of view, but partly also as a tribute to a most "excellent institution."

HELEN BOSANQUET.

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PART I
THE FAMILY HISTORY

INTRODUCTORY

WHAT is a Family, and what is its purpose? No one will feel himself at a loss in answering the question; man, woman, and child, the "practical syllogism," two premisses and their conclusion, these in their combination form the Family, and the purpose of the combination is the mutual convenience and protection of all the members belonging to it.

This is the Family as we know it and see it amongst us, without pausing to reflect upon it. Nevertheless in its past history, its present significance, and its importance for the future, it involves a whole heaven and earth beside.

Even as we conceive it in this simplest form there is ambiguity and doubt involved. Must the union which constitutes a Family be permanent and exclusive in its nature, or may the individual members under given conditions break away and form fresh families with other individuals? It is a question which the law of the land decides one way, but which the Church would fain decide the other. Is the relation between parents and children one of mutual responsibility, or is it binding upon one side alone? There have been times when the rights of parents

and the duties of children were almost exclusively predominant; but to-day more would be found to emphasise the rights of children and duties of parents, while not a few treat the relationship of duty or responsibility between parents and children at all as obsolete.

But apart from these ambiguities, in our simplest conception of the Family, we find it susceptible of the widest divergences of interpretation. In extent it has varied, and still varies, from signifying just one pair and their offspring to including all the generations which have sprung from any one known or reputed ancestor. In practice almost any degree between these two extremes may be found as constituting the accepted Family. It is a matter of very differing custom, even in different parts of the same country, how nearly related a cousin must be in order to be accounted of the same Family; while probably as individuals we should assume a different attitude according as his claim was to be entered on the pedigree, or admitted into the family circle. And how largely this question of the extent of the family relationship is one of human convention we learn still more emphatically from history, when we find that there have been times when only those descending through males were accounted of the Family, while yet again there have been other times when only those descending from the females were recognised.

The purpose of the Family, as conceived by those

who have reflected upon it, has varied even more than its extent. Some find in it mainly an institution for the care of the children, whose state of helplessness is prolonged so far beyond that of the offspring of other animals; and there has probably never been a time, when in a greater or less degree, and more or less consciously, the Family has not achieved this object.¹ Others, again, say that its original purpose was for the sake of the parents and ancestors, that their cult might be preserved; and there have certainly been long periods of time amongst great peoples when this motive seems to have been the predominant one. Others, again, maintain that it had its origin in private property and was organised for purposes of inheritance; while others yet again find in it only a device whereby the man is enabled to turn the labour of wife and child to his own account. To some it is the expression of a religion, indeed one of the most primitive and ultimate of all religions; to others a merely material phenomenon, explicable entirely on economic grounds. The origin of justice, the source of law, the fountain of morality, the necessary prelude to the State, the most formidable rival to the State, a merely passing phase in the development of civilisation, an essential condition in all stages of human progress; all these the Family has been held to be, and for nearly all views some justification may be found in past or present.

It does not, of course, follow that these aspects

¹ I am aware that this proposition has been disputed, but see p. 36.

and objects of the Family were consciously present in the minds of the individuals who found themselves grouped in families. Many of the great processes of social life develop themselves through generations of unconscious instruments; individuals, that is, who are of course keenly conscious of their own lives and purposes, but realise only partially, or not at all, how these form part in some far wider scheme. It is only when reflection comes, and when the advance of history and science enables man to take wider views backwards and forwards along the stream of human life, that he begins to be aware of the wider purposes which include his own, and to accept them consciously as his.

Towards this widening of our outlook what fact can have contributed more potently than the fact of the Family itself in its binding together of the generations? It was interest in what *our* fathers have done in this world which gave the first impulse to history; it was wonder as to what they were doing after they were lost to this world which was the root of religious speculation; and it is the thought of *our* children's lives which has always been the strongest link with the future which is so mysteriously hidden from ourselves.

It is true that when we try to read the development of the Family in this way we find ourselves moving with much uncertainty and even bewilderment. We find ourselves driven to realise that the Family as we know it most intimately is only one

stage in a long process of change, and that to argue from its present constitution to what it has been in its past or will be in its future is full of danger. It is true, of course, that its present form is the outcome and contains the essential spirit of all that has gone before; and equally true that if it has a future, if the present is not, as some say, a final stage of decay, then that future also must in germ be there. But in order to interpret the facts before us, we need much more material in the way of studied observation and history than is available.

It is mainly in recent years that the Family as an institution has attracted the attention of the thinker and historian. It is so intimate a part of life, so inseparable from existence in all normal communities, that, like the air we breathe, it eludes observation, and we only notice it when something goes wrong. And so it happens that far less is known about it than about analogous institutions such as states, and churches, and cities. But without some attempt to realise the past development, if only in its broader outlines, it will be impossible to appreciate even the present significance of the Family in all its fulness. As we get glimpse after glimpse of first one aspect and then another predominating in the past, our conception of it gains in richness and completeness, and we first begin to realise the importance of the part it has played in the history of humanity. But so far much of our reading of the past is little more than a very tentative construction out of materials which are hard to collect and still harder to interpret. There is a large

and growing literature gathering round the subject, but it can hardly be said that there is as yet any generally accepted doctrine of the history of the Family. At best our investigators can point to the certainty that certain phases have existed in its development, and to the probability that these phases have succeeded each other in a certain order; and on both points much difference of opinion exists. In the summary I shall attempt to give of the results so far attained, I shall mainly follow the line taken by Professor Howard in his admirable work on *Matrimonial Institutions*.

CHAPTER I

THE PATRIARCHAL FAMILY

THERE is one class of men who from time to time have taken a keen and practical interest in the constitution of the Family, and they are the Statesmen. They have realised how intimately the welfare of the State depends upon the influence and nature of the Families from which it is constituted; and they have endeavoured that the State in turn should mould and influence the Family to its own purposes. Hence it comes about that the first and most obvious material which presented itself for the study of the Family was found in ancient law. Law of course did not make, any more than it can destroy, the Family; but in law we have the systematic exposition of those customs which the rulers of a people desire to perpetuate or enforce; and the code of laws of a people represents its recognised way of life as distinct from its caprices and aberrations. Great stress has been laid, especially in the earlier stages of inquiry, upon the information to be obtained about the organisation of the Family amongst the Greeks and Romans and Hindoos, from what remains to us of the laws of these

peoples; and there is no doubt that we can construct from them a very vivid picture of what the Family was at certain stages of its development. But it would be a mistake to assume that these laws, however primitive themselves, necessarily record primitive institutions. Laws are the outcome of a considerably advanced state of social development, and represent a society and institutions which may be far removed from their original simplicity. All that can fairly be said is, that the Family as represented in ancient law is the first of which we have documentary evidence; and the first therefore which we can realise to ourselves with definiteness and certainty.

The particular form of the Family which early investigators, basing their inquiries upon ancient law, assumed to be original and primitive, is that known as the Patriarchal Family; and from it they derived, not only later developments of the Family itself, but also the organisation of the State, and the power of kings. It is a form which it is easy for us to understand, because in its essential idea it is one with our own. That essential idea is, the supremacy of the Father in the Family; and our modern institution differs mainly from the typical patriarchal Family in the greater or less degree in which that power is limited. The limitations are imposed partly by law and partly by custom; and differ very greatly between different peoples even of the present day. A man's power may be absolute over his own children, but limited to one generation, or even to

the earlier years of that generation ; or, again, it may extend to his children's children, and so to all descendants during his lifetime. Or, indeed, if we take into consideration the facts of ancestor-worship as still practised amongst some peoples, it is clear that to a large extent his power continues even after death over the generations of the living. We shall have occasion to consider these and other modifications in detail, further on ; meanwhile we may note in passing some of the more important points in which the power of the father has gradually been limited in the development of the modern Family :—

1. The freedom of the sons to start independent households during the lifetime of the father.

2. The freedom of the children to acquire independent property.

3. The freedom of the children to order their own lives on attaining majority.

4. The freedom of the children to marry as they choose.

5. The right of children under age to protection from the State against the father.

In one respect only has the power of the father been increased, and that is in his relation to the Family property, and his greater freedom of bequest. (See Chapter xi.)

The typical Patriarchal Family, which Sir Henry Maine and other writers have taken to represent in its structure the primitive form, is the Roman Family

in the days when the *Patria Potestas*, the power of the father, was at its strongest. It consisted of the Head of the Family or *Pater*, and all descendants in the male line (including adopted sons and their descendants), and slaves. Over these his power was absolute . . . “the parent, when our information commences, has over his children the *jus vitae necisque*, the power of life and death, and *à fortiori* of uncontrolled corporal chastisement; he can modify their personal condition at pleasure; he can give a wife to his son; he can give his daughter in marriage; he can divorce his children of either sex; he can transfer them to another family by adoption, and he can sell them” (Maine, *Ancient Law*, p. 138). Even the eldest son who was to succeed to his authority had no rights apart from him so long as he lived; he was always in subjection, and might not even start a separate home. Though married and himself the father of children he still remained a minor, subject to the complete control of his father.

Though the Patriarchal Family is large in the sense of including all living generations, it is limited in the case before us by the fact that it included within its kinship only descendants through males. A woman when she married passed out of her original family into that of her husband and became subject to the power ruling therein; a fact represented to the present day by a woman's assuming her husband's name on marriage. But with us the change of name involves no change of