

## Chapter IV

THE dire consequences of the removal of a neighbour's landmark, vividly described in all histories of ancient peoples, were practically the same, no matter how much the folk differed in race and time. From the Amur to the Nile, from the Caucasus to Ur of the Chaldees, like causes brought like results. In essentials, man-made laws, with two exceptions, might have sprung from one pitiless mind. Reforms, such as they were, followed the first pattern. Restoration without redemption, redemption without restoration, a little less slavery, a little more freedom, a bit more charity were conceded grudgingly. The exceptions were those already dealt with: the Hebrews and the Chinese. The settlement of the Hebrews in Canaan, and that one described in the *Li Ki*, approximate economic justice. The rise of man from the stage of primitive agriculture, when he took a fixed abode, to the stage of the organization of the primitive community and the beginning of the state, marks a period of well-being in history overlooked by modern recorders. The economic examples in the *Li Ki* and the Pentateuch seem to have escaped their notice. Perhaps these are of no great significance, not nearly as interesting as the type of pot early man made, the kind of weapon he used. An economic condition cannot be exhibited in a museum. His misery seems to have been quite another thing, for it has received attention from anthropologists, archæologists, sociologists, and poets. The reason for this may be that it is readily found; guessing is unnecessary, for man's misery is the very basis on which his recorded history is usually built up.

Hindustan in history is the great region of man's misery. There he knew it in all the forms man could invent. The great emigrations were misery movements; flood, climate, hunger driving men hither and thither, like hordes of wolves, like locusts, consuming all in the tragic struggle of finding a settlement. The Vedic hymns suggest the horror of it all, and what the hymns merely suggest the laws of man proclaim in the decrees and penalties imposed on offenders. It has been suggested that there was a time when the Aryans knew not the system of private ownership of land. That is probable, but there is little support for the suggestion in the Vedic hymns. Perhaps, before the great emigration through the Khyber Pass, before the Aryans descended on the native tribes in India, they had held land in common. Be that as it may, the invasion meant removing landmarks when they reduced the conquered people to slavery. In the civil and communal law section of the *Apastamba*, "Hell (is the punishment) for a theft of land," which might be construed to mean that land was either held in common or owned privately. But, the law also states, "if a person who has taken (a lease of) land (for cultivation) does not exert himself, and hence (the land) bears no crop, he shall, if he is rich, be made to pay (to the owner of the land the value of the crop) that ought to have grown." Here the system referred to is one of private ownership with leasehold powers. Leasing land, either from the state or from private owners, must have been general with the Aryans, for the punishments for bad and careless husbandry cover pretty nearly all the sins of cultivators. A servant in tillage who abandoned his work was to be flogged. The herdsman who left his work suffered the same penalty. The Sudra could own no land. Agriculture and trade were lawful for a Brahmin, provided he did not do the work himself. The utter hopeless-

ness of the Pariahs ordained by law to be "everlasting wanderers" is expressed in the phrase of being "dressed in the garments of the dead." The laws of Manu concerning the state of the Sudra and the Pariah are the most horrible the thought of man has produced. If a Sudra listen intentionally to a recitation of the Veda, his ears were filled with molten tin or lac; if he recited Vedic texts, his tongue was cut out; if he remembered them, his body was split in twain. A strange mixture, the laws of Manu, of injustice and attempts at crude justice, of ferocity and strict discipline.

"Cursed be he that removeth his neighbour's landmark. And all the people shall say, Amen." And the curse has lain on India ever since the Aryan invasion.

The code of Hammurabi deals with questions of land ownership more extensively than any other ancient set of laws. With great detail it touches every branch of agriculture and irrigation. It recognizes complete private ownership of land, but some areas were reserved by the state and leased to cultivators. A slave wore a proprietor's disk, upon which his name was stamped. Duties were levied on goods and on the use of public utilities. A political state code based on slavery, and complete in every respect, it was effective for a longer period than any other ancient code—some sixteen hundred years. But the time that elapsed between Hammurabi and Cyrus gives no adequate idea of the actual time since the Babylonian state was founded.

Only recently, Woolley, working at Ur, has unearthed buildings of the First Dynasty, erected by a king who, a few years ago, was held to be mythical. This discovery carries Babylonian history back several centuries. Woolley says: "The history of the Ziggurat goes back from 2300 to 3000 B.C." He has found massive walls, none less than nine and a half feet

thick; one, the outer wall, is nearly thirty-six feet thick. Origins are on the move; horizons of civilizations are retreating; and the age of slavery grows older and older as the archæologist digs deeper.

Hammurabi provided for everything but economic justice. Legal justice abounds in his laws; legal equity is administered sometimes for all three classes: patricians, serfs, and slaves. But the political means, the ruling classes, had all the best of it, the slaves the worst of it. It is the same old story of the growth of the state: the exploitation of the many for the benefit of the few. And, like all states, it toppled from the height of its grandeur when slavery reached the maximum, undermined by the economic cancer upon which it rose to greatness.

Greek literature is rich in stories concerning the use and abuse of land. The date named by modern scholars for the works of Hesiod is the middle of the ninth century. In *Works and Days*, he tells his brother Perses that there are two kinds of strife all over the world: "One fosters evil and battle, being cruel; her no man loves; but perforce through the will of the deathless gods, men pay harsh strife her honour due; but the other is the elder daughter of dark night, and the son of Cronos, who sits above and dwells in the ether, set her in the roots of the earth, and she is far kinder to men. She stirs up even the shiftless to toil; for a man grows eager to work when he considers his neighbour, a rich man who hastens to plough and plant and put his house in good order; and neighbour vies with neighbour as he hurries after wealth. This strife is wholesome for men." The legends of Prometheus and Pandora are gems of economic symbolism. Prometheus stole fire from Zeus to give to man to aid him learn the secret of satisfying his desires and needs with less exertion. The revenge taken by Zeus was terrible. He fashioned Pandora, the wonder-

ful, to appear like riches, and gave her a jar containing gifts from the gods to men who eat bread, every gift a plague, save one, Hope, which hid under the rim of the jar. Dazzled by her rich garments and jewels, men were foolish enough to ask for the gifts sent by the gods, and she scattered them all, save Hope, and filled the earth with evils. The moral: men who know the secret of the means of life need not gifts, for they can produce wealth. Deuteronomy says: "Neither take a gift; for a gift doth blind the eyes of the wise. . . ." But Hesiod says: "Ere this the tribes of men lived on earth remote and free from ills and hard toil." And in another tale, there lived "a golden race of mortal men who lived like gods without sorrow of heart, remote and free from toil and grief, who had all good things, dwelling in ease and peace upon their lands." In the Greek legends of weal and woe there are descriptions of periods of well-being which point to hearthside tales bearing from a remote past a tradition marked indelibly in the peasant mind. Justice was not a meaningless abstract notion to the Greek; it was a precious active system, once known and operative; else how can its persistence, the longevity of the memory of it, from Hesiod to Socrates, be explained? It is always there in the consciousness of the people, generation after generation, in biography, history, and drama. Hesiod warns Perses to avoid violence: "The better path is to go by on the other side towards justice; for justice beats outrage when she comes at length to the end of the race. But only when he has suffered, does the fool learn this. For oath keeps pace with wrong judgments. There is a noise when justice is being dragged in the way where those who devour bribes and give sentence with crooked judgments take her . . . they who give straight judgments to strangers and to the men of the land, and go not aside from what is just, their city flourishes, and the peo-

ple prosper in it . . . neither famine nor disaster ever haunt men who do true justice; but light-heartedly they tend the fields which are all their care." The difference laid down here between justice and judgment is distinct; the confusion which so often besets these terms in the Pentateuch is absent. Pindar says: "Will he make justice his high tower, or fortify himself with crooked deceit?"

The reforms of Lycurgus are recorded by Plutarch, and those who are perplexed by the economic problems of unemployment and the crushing burdens of bureaucracies might find a hint worth taking in Plutarch's *Lives*. The condition of Laconia in the middle of the eighth century before this era was not unlike that of many great states of this day. Of the many reforms attributed to Lycurgus those of land redistribution and the currency are of especial interest here. The inequalities of land-holding were dreadful; "the city was heavily burdened with indigent and helpless people, and wealth was wholly concentrated in the hands of the few." This description of Sparta fits England, America, France; indeed, it might be taken from the speech of a modern liberal legislator. "Determined, therefore, to banish insolence and envy, and crime and luxury, and those yet more deep-seated and afflictive diseases of the state, poverty and wealth, he persuaded his fellow-citizens to make one parcel of all their territory and divide it up anew, and to live with one another on a basis of entire uniformity and equality in the means of subsistence. . . . Suiting the deed to the word he distributed the rest of the Laconian land among the free provincials in fifty thousand lots, and that which belonged to the city of Sparta in nine thousand lots, to as many genuine Spartans."

Plutarch points out, there was a difference of opinion as to the number of lots redistributed. Whatever the number,

Lycurgus thought the lot "was large enough to produce annually seventy bushels of barley for a man and twelve for his wife, with a proportionate amount of wine and oil. . . . Sustainance enough to promote vigour and health of body, and nothing else." One day at harvest time, surveying the heaps of grain, he turned to those with him, and said: "All Laconia looks like a family estate newly divided among many brothers." Inequalities still remained as to possession of movable goods and caused envy and theft, and, as the owners of much were averse to sharing with the owners of little, Lycurgus hit upon a political expedient for overcoming avarice. "He withdrew all gold and silver money from currency and ordained the use of iron money only." Ten minas' (about £40) worth of goods "required a large store-room in the house, and a yoke of cattle to transport the commodities." At a stroke he solved the gold and silver questions of Laconia and put an end to bribery, corruption, and theft. For, "when this (iron) money obtained currency, many sorts of iniquity went into exile." Gangsters, boodlers, keepers of harlots, racketeers, and gamblers found no graft, spoil, or tribute in Laconia.

Lycurgus instituted common mess and assigned the functions of law-making wholly and entirely to education. He forbade "making frequent expeditions against the same enemy in order not to accustom such enemies to frequent defence of themselves, which would make them warlike." To those who demanded a democracy he said: "Go thou, and first establish democracy in thy household." His idea of preparedness against invasion was simple and inexpensive: "By remaining poor, and by not desiring to be greater the one than the other." When asked why he made so few laws, the answer was: "Men of few words need few laws." A man of ideas was Lycurgus, but, though he made powerful Spartans and kept his state dis-

ciplined in every department, the Helots, who made all the reforms possible, groaned under the yoke without hope. "In Sparta the freeman is more a freeman than anywhere else in the world, and the slave more a slave." The reforms of Lycurgus endured for some two hundred years, but they were reforms only and left the economic basis of the state, the exploitation of the many for the benefit of the few, intact.

Two hundred years after Lycurgus, the Athenian state was sorely troubled. In the biography of Solon, Plutarch says: "The disparity between the rich and the poor had culminated, as it were, and the city was in an altogether perilous condition; it seemed as if the only way to settle its disorders and stop its turmoils was to establish a tyranny. All the common people were in debt to the rich. For they either tilled their lands for them, paying them a sixth of the increase, or else they pledged their persons for debts, and could be seized by their creditors, some becoming slaves at home, and others being sold into foreign countries. Many, too, were forced to sell their own children (for there was no law against it), or to go into exile because of the cruelty of the money-lenders." The man of the moment, the man for the job, was Solon. In his youth he travelled to get experience and learning, rather than to make money. To the question: "Which is the most civilized city?" Solon replied: "That city in which those who are not wronged, no less than those who are wronged, exert themselves to punish the wrong-doers." The Athenians, knowing he was neither associated with the rich in their injustice, nor involved in the necessities of the poor, urged him to put an end to the prevailing trouble. The ancient Athenians were accused of covering up the ugliness of things with polite and auspicious terms. Thus they called harlots "companions," taxes "contributions," the garrison of a city its "guard," and the prison a

"chamber." But Solon was the first, it would seem, to use this device, when he called his cancellation of debts a "disburdenment." He enacted that existing debts should be remitted and money should not be lent on the person of the borrower. Debt pillars stood everywhere, "the Earth was in bondage," so Solon said in one of his poems. His difficulties in attempting to solve the land problem were many, some of them most amusing, but in the end his "disburdenment" policy triumphed. The successful issue was commemorated by a public sacrifice called Seisachthera or Disburdenment. Many of the laws of Draco, said to be written, not in ink, but in blood, were repealed during the dictatorship of Solon.

Aristotle is nowhere clear as to what justice is. In *Politics*, he lays it down that "justice is a political virtue, by the rules of it the state is regulated," but it may be claimed that justice is not necessarily a political virtue because the rules of it regulate the state. If the rules of justice as a political virtue are the criterion, as Aristotle says, of what is right, how can the slave basis of the state be reconciled with such rules? That he is aware of a hitch in his reasoning is plain. He says: "Some persons have thought that the power of the master over his slave originates from his superior knowledge, and that this knowledge is the same in the master, the magistrate, and the king, as we have already said; but others think the herile government is contrary to nature, and that it is the law which makes one man a slave and another free, but that in nature there is no difference; for which reason that power cannot be founded in justice but in force." What others think sways him no more than the touch of a fly. He merely cites contrary opinion to brush it aside. The principle he grants one moment is abolished the next by a political expedient. "Since, then, some men are slaves by nature, and others are freemen, it is clear that where

slavery is advantageous to anyone, then it is just to make him a slave." Evidently, justice concerns not slaves; it is a virtue allotted politically to freemen. So far away is Aristotle from Socrates in this respect, that the former does not hesitate to lay the foundations of a state historically unstable, while the latter made sure to build his idea of the simple state on a firm economic basis. Political justice, born of force, is no more than an attempt through man-made law to enforce rules in a state where economic justice does not exist. This is demonstrably true in the case of Aristotle's state. His *Politics*, Book VII, Chapter x, gives the scheme for the division of the land, the methods of cultivating it, and tells by whom it shall be tilled. He says: "The landed property ought to belong to the military and those who partake of the government of the state; and that, therefore, the husbandmen should be a separate order of the people . . . we by no means hold that property (in land) ought to be common. . . . Could one have one's choice, the husbandmen should by all means be slaves, not of the same nation, or men of any spirit; for thus they would be laborious in their business and safe from attempting any novelties. . . . Let those who are to cultivate the private property of the individual belong to that individual, and those that are to cultivate the public territory, belong to the public." He sees clearly enough that for the maintenance of a slave system it is necessary for land to be owned by individuals and by the state also.

Aristotle's term for slaves was "living implements." He tells us in the *Athenian Constitution* that before Solon's day the poor were "in absolute slavery to the rich." It has been estimated that to one freeman there were four slaves. Whatever the correct ratio was, there can be no doubt that slavery was general, and Greece, like Babylon, fell. In *The Nemesis*

*of Nations*, a brilliant study of the economic conditions of Hindustan, Babylon, Greece, and Rome, by W. R. Paterson, perhaps the first real attempt at a physiognomic or morphological treatment of history, there is a vivid description of the last days of Greece, and of the causes which undermined her strength and hastened the day of chastisement and retribution. Paterson says:

Never, indeed, have internal and external causes combined so suddenly for the destruction of a state. The Athenians had become the parasites of their slaves, but it was more ominous still that they had become the parasites of their allies. Aristotle tells us that more than 20,000 citizens—in other words, almost the entire free adult male community—were supported by the tribute of the allies. "In this way," he says, "they earned their living." Thus the causes which were wrecking Athens from within were really the same causes which were threatening to wreck her from without. . . . When, therefore, those who had once been the allies and those who had always been the enemies of Athens at last combined for her destruction, we are presented with a very dramatic spectacle. For the Athenians who at that moment were among the greatest slave-owners of Greece were now fighting in order to prevent *themselves* from falling into slavery. From our present point of view this is the real interest of the Peloponnesian War (431 B.C.). It is clear that the people had now become aware that they were in the predicament of their own slaves, because Pericles attempted to divert their thoughts from that fact by insisting on the larger issue, the maintenance of the empire. Within those walls of Athens thousands of slaves had been struggling for freedom during generations of tyranny. . . . Their greatest thinker had said it was just to enslave one's enemies, but now Greeks were enemies of Greeks. . . . We must notice how Athenian pride was humbled when, for instance, the Samians, with a kind of malignant ingenuity, branded the free-born Athenians whom they captured as slaves with the stamp of the coat-of-arms of Athens. And we hear that, after the disaster at Syracuse, hundreds of Athenians were branded on the forehead with the figure of a horse before they were thrown into

the quarries, where the forced labour was even more terrible than in their own silver mines.

There must have been a time when justice meant to the Greeks something more than the man-made body of legal principles for determining right and wrong. Hesiod undoubtedly reveals a wide distinction between justice and the practice of courts. In *Works and Days*, there are many references to wrong and crooked judgments, to devourers of bribes, and the "mad folly of princes, who, evilly-minded, pervert judgment and give sentence crookedly." And there is also "Virgin Justice, the daughter of Zeus, who is honoured and revered among the gods who dwell on Olympus." The one is divine, the other is not divine. But even in Hesiod's day there were slaves. He says: "Set your slaves to winnow Demeter's holy grain when strong Orion first appears." Then at the time of Lycurgus there were two distinct notions of justice, but helots in Laconia knew every torture of slavery. In one of his poems Solon says:

Wealth I desire to have; but wrongfully to get it I do not wish.  
Justice, even if slow, is sure.

But when Anacharsis heard about the reforms Solon had in mind, he "laughed at him for thinking he could check the injustice and greed of the citizens by written laws which were just like spiders' webs; they would hold the weak and delicate who might be caught in their meshes, but would be torn in pieces by the rich and powerful." And that is what happened to Solon's reforms. In his old age he wrote poems in which he heaped reproaches on the Athenians.

When men like Lycurgus and Solon, conscious of the evils which reduced freemen to slaves, reformed the iniquities of mortgage and debt, but maintained the system of the alien

slaves, "living implements," the notion of the "Virgin Goddess" must have been a sheer abstraction, and divine justice, at best, merely an idea to be exploited in their speeches and poems. Perhaps, after all the lessons taught by China, India, Babylon, and Greece, and their slave-built civilizations, the true purpose of man is to discover the real kingdom and its divine justice.