

Flesh and Blood

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In the mid-twentieth century, a British anthropologist named A. M. Hocart proposed that monarchs and institutions of government were originally derived from rituals designed to channel powers of life from the cosmos into human society. He suggested that “the first kings must have been dead kings,” and that individuals so honored only really became sacred rulers at their funerals. Hocart was considered an oddball by his fellow anthropologists, and many accused him of being unscientific. Ironically, contemporary archaeological science now compels us to start taking him seriously. To the astonishment of many, but much as Hocart predicted, the Upper Paleolithic has produced evidence of grand burials, carefully staged for individuals who indeed seem to have attracted spectacular riches and honors largely in death.

The ritual principle doesn’t just apply to monarchy but to other government institutions as well. Private property first appeared as a concept in sacred contexts, as did police functions and a whole panoply of formal democratic procedures, such as election and sortition. When Europeans first encountered North American societies, the only kings that existed were ritualistic play kings. If they overstepped the line, their subjects were always free to ignore them or move someplace else. The same went for any other system of authority. A police force that operated for only three months of the year and whose membership rotated annually was, in a certain sense, a play police force—which makes it slightly less bizarre that their members were sometimes recruited from the ranks of ritual clowns.

Today, it’s clear that something about the nature of power and authority in human society has changed since the time of our ancestors. We are no longer free to walk away from the forces that rule us. And looking at the violence in our homes, schools, workplaces, and police departments, this change has not been a good one. What happened to us?

The question has proved difficult to answer, partly because our own intellectual traditions oblige us to use what is, in effect, imperial language to do so. Existing debates almost invariably begin with terms derived from Roman law, which conceive of freedom as based on the power of the individual (by implication, a male head of household) to dispose of his property as he sees fit. It is a blunt reality that someone in possession of a thing can do anything he wants with it, except that which is limited “by force or law.” Jurists have struggled with this formulation ever since, as it implies that freedom is essentially a state of primordial exception to the legal order. It also implies that property is not a set of understandings between people about who gets to possess things, but rather a relation between a person and an object of absolute power. What does it mean to say that one has the natural right to do anything one wants with a hand grenade, say, except those things one isn’t allowed to do? Who would come up with such an odd formulation?

An answer is suggested by the sociologist Orlando Patterson, who points out that conceptions of property (and hence of freedom) in Roman law can be traced back to slave law. It is possible to imagine property as a relationship of domination between a person and thing because, in Roman law, the power of the master rendered the slave

a thing, not a person with rights or legal obligations. Private life was marked by the patriarch's freedom to exercise absolute power over his wife and children, and over the conquered people who were considered his property. The very word "family" shares a root with the Latin *famulus*, meaning "house slave," via *familia*, which referred to everyone under the domestic authority of a male head of household.

To understand how this concept of freedom has altered human society, it's instructive to examine the case of the Wendat people in the age of Kandiaronk, who were of course free of Roman law's influence. In certain ways, the Wendat (and Iroquoian societies in general around that time) were extraordinarily warlike. There appear to have been bloody rivalries in many northern parts of the Eastern Woodlands even before settlers began supplying indigenous factions with muskets. The early Jesuits noted that the ostensible reasons for wars were entirely different from those they were used to. All Wendat wars were, in fact, "mourning wars," carried out to assuage the grief felt by close relatives of someone who had been killed. Typically, a war party would strike against traditional enemies, bringing back a few scalps and a small number of prisoners. Captive women and children would be adopted. The fate of men was largely up to the mourners, particularly the women. If the mourners felt it appropriate, a male captive might be given a name, even that of the original victim. The captive would henceforth transform into the victim, and if for any reason he was not fully adopted into society, he suffered an excruciating death by torture.

In these cases, the Jesuits observed a slow, public, and highly theatrical use of violence. True, they conceded, the Wendat torture of captives was no more cruel than the kind directed against enemies of the state back home in France. What seems to have really shocked them, however, was not the whipping, boiling, branding, or cutting up of the enemy, but the fact that almost everyone in a Wendat village took part, even women and children. The violence seems all the more extraordinary once we recall how these same societies refused to spank children, punish thieves and murderers, or take any measure that smacked of arbitrary authority. In virtually all other areas of social life they were renowned for solving problems through calm and reasoned debate.

What, then, was the meaning of these theaters of violence? One way to approach the question is to look at what was happening around the same time in Europe, where Roman law had largely reshaped society. As the historian Denys Delâge points out, while Wendat people who visited France were appalled by the torture exhibited during public punishments and executions, what struck them as most remarkable was that "the French whipped, hanged, and put to death men from among themselves" rather than external enemies. The point is telling. As in seventeenth-century Europe, Delâge notes,

almost all punishment, including the death penalty, involved severe physical suffering: wearing an iron collar, being whipped, having a hand cut off, or being branded. . . . It was a ritual that manifested power in a conspicuous way, thereby revealing the existence of an internal war. The sovereign

incarnated a superior power that transcended his subjects, one that they were compelled to recognise.

While Native American rituals showed the desire to seize the strength and courage of an outsider so as to combat him better, the European ritual revealed the existence of a dissymmetry, an irrevocable imbalance of power within society itself. As a Wendat traveler observed of the French system, anyone—guilty or innocent—might end up being made a public example. Among the Wendat, a captive warrior might either be treated with loving care and affection or be the object of the worst treatment imaginable, but no middle ground existed. Prisoner sacrifice was not merely about reinforcing group solidarity, but also about proclaiming the internal sanctity of the family and the domestic realm as a space of female governance, where violence, politics, and rule by command did not belong. Wendat households, in other words, were defined in opposite terms from the Roman *familia*.

In this respect, French society under the ancien régime presents a similar picture to imperial Rome. In both cases, household and kingdom shared a common model of subordination. Each was made in the other's image, with the patriarchal family serving as a template for the absolute power of kings, and vice versa. Children were to submit to their parents, wives to husbands, and subjects to rulers, whose authority came from God. In each case the superior party was expected to inflict stern chastisement when he considered it appropriate: that is, to exercise violence with impunity.

All of this was assumed to be bound up with feelings of love and affection, and notions of family. Public torture in seventeenth-century Europe created searing, unforgettable spectacles of pain and suffering to convey the message that a system in which husbands could brutalize wives, and parents could beat children, was ultimately a form of love. Wendat torture, in the same period, created searing, unforgettable spectacles of pain and suffering to make clear that no form of physical chastisement should ever be countenanced inside a community or household. Violence and care, in the Wendat case, were to be entirely separated.

This connection—or confusion—between care and domination is critical to the larger question of how we lost the ability to freely re-create ourselves by re-creating our relations with one another. It is critical, that is, to understanding how we got stuck in a violent and cruel world, and why we can hardly envisage our future as anything other than a transition from smaller to larger cages.

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