Chapter 03: Basic concepts

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Chapter 3: Basic concepts

Dealing with basic concepts of legal anthropology in Chapter 3, the presently much discussed (and practically important, see Chapter 13 V.1.), a focus is on the issue of ethnicity and cultural identity. Furthermore, Chapter 3 offers a freshly organized presentation of what may be called the issue of civilizational stages, in preparation of Chapter 9 where correlations between organizational, economical, religious and thought-modal traits are discussed. In Chapter 3, definitorial and functional aspects of basic concepts of anthropology are separated. For example, big man society, lineage, ramage, and clan structures are presented as such, and not as forms of government (unlike Bohannan 1992). Also, we will look at religions and other normative belief systems, and base this discussion on Leopold Pospíšil’s distinction between religious types and total religions. As a new component in this context, the concept of the so-called “axial age” asks for closer consideration.

I. Culture and Cultures.

Culture is an attribute of a society. Thus, a society has one or more cultures, and a culture characterizes or shapes a society. One can speak of both a society’s culture and cultures, and of a culture’s society and societies. This is important for understanding the multiplicity (or: plurality, pluralism) of cultures, and correspondingly of societies. One and the same person can belong to more than one culture, and to more than one society. For example, a student may belong to the levels of cultures of her campus, its city, that city’s country and that country’s part of the world (Harvard, Boston, US, Western mind-set), as well as to vertically neighboring or for other reasons adjacent cultures (home country Iran, guest country Germany, scholarship donor Europe). The societies sheltering these horizontally or vertically multiple cultures may again be in multiple ways composed (see II., below).

At this point, a host of issues involving culture and cultures arise. One of them is the definition of the concept of culture as applied by mainstream cultural anthropology. Yet, finding a mainstream is not easy. Specialists have listed more than 100 definitions of culture. Still most frequently quoted is Edward B. Tylor’s definition of 1881: “Culture is that complex whole which includes knowledge, belief, arts, morals, law, custom and other capabilities and habits acquired by man as a member of society.”

A cautiously modernized version would include more attributes than those listed by Tylor. It would reflect time, and try to integrate biological patterns of regularity. The definition would read then as follows: Culture is the attribute of a society that refers to the patterns of conduct of its participants – traditional but open to change – in situations concerning knowledge, belief, art, morals, law, custom or other mentally reflected themes.  

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1 The theory of the plurality of cultures is of basic importance to the concept of culture, see Chapter 1 I, above, and in this Chapter I. 2., below. There follows a brief summary in the present context of defining culture:

2 For details, see W. Fikentscher (1995/2004, XXIV ff., esp. XXXVIII – XL; 23 note 11; 25 f., with the authorities. The definition distinguishes between culture and society, but it links these two concepts together in a way similar to Tylor’s (1881, see p.95, infra), Murdock’s (1932), Redfield’s (1955, at 13), and Pospíšil’s (1986b). It retains the “activist” (conduct) element discernible in most of the definitions of culture.

3 W. Fikentscher, MoT 2d, 23. The word „social“ preceding the word „situations“ is omitted here because “society” has been already mentioned at the beginning of the sentence and, to be precise, the rather clumsy phrase “social or societal or both” would have to be used.
Holistic sense of culture

Cultural anthropology applies the term “culture” in two distinct senses: Used “holistically”, that is, in the singular, it describes the ability to deal with nature, an ability generally assigned to human beings and not animals. A being can be said to have culture when it is able to say: I am aware of nature, and can do without my natural drives. I can even act against them and behave non-natural by controlling nature. Culture in this sense is used in the singular. Its opposite is nature. The decisive line between nature and culture is crossed when the being whose culturability we test, becomes aware of nature and can distinguish it from what it plans to do. “Ich kann auch anders” (I can do it in a manner different of what my environment including myself tells me) generates culture. This “I can do it differently” opens the myriads of possibilities, the explosion of variations, that gives human evolution a distinct quality. Ultimately, it seems to be an issue of quantity according to which culture can be distinguished from nature: the quantity of developmental possibilities. This is not startling because the massiveness of cultural behavioral possibilities compared to natural ones amounts to that “turn from quantity to quality”. Some may call it narrow, but a distinction between the two remains.

Culture in this sense of opening the field for a-natural behavior is sometimes called the holistic concept of culture. It tries to encapsulate the whole of the human condition across time and space and as expressed in its livelihood. Holistic (from Greek; holos = whole, encompassing) is a culture (in the singular) because it encompasses human behavior, feelings, relating to the environment, sense for justice, religion, and beauty, etc.

Other authors opt for different tests to define culture. Paul Bohannan thinks that culture exists wherever there is use of tools and meanings. However, Darwin’s Galapagos finches use thorns and little sticks to harvest worms, and apes use all kinds of tools to get food, or attention and respect. The use of tools would include many an animal in the realm of culture. Bohannan adds meanings which need to be active in the human mind to create culture. He ties these meanings to symbols, and defines symbols as carriers of meaning. According to Bohannan only human are able to understand the meanings of symbols and operate with them.

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5 Bohannan (1991), 11: “Culture is what makes human animals human.”


7 loc. cit.

8 de Waal (1991)

However, this second criterion would seem to include finches and apes, because symbols are well observed by some animals, often more intensely than by humans. When a cow sees a stick in the hand of the farmer, it knows that it has to find its way in a certain direction, for example the stable. A scare-crow is a well observed and obeyed symbol for “don’t gather your food here, or else I’ll get my rifle.” Understanding meanings of symbols cannot be a relevant culture test. Meanings independent from nature’s bounds is what define culture, but then it is no longer the meaning but the independence from the evolutionary paths of nature that sustain the difference.

The chosen definition of culture in the holistic sense uses the word patterns in order to stress the point that culture involves some ethological regularity. On the other hand, culture cannot be restricted to traditions but is always open to change. The inventory of cultural themes (“knowledge, belief, … etc.”) is taken from E. B. Tylor’s classical definition, but is enlarged by the open (yet to a certain degree self-defining) concept of “other mentally reflected themes” to underline the fact that there may be more themes than those listed by Tylor that comprise the contents of culture. The term “mental … reflect(ion)” is included because culture is certainly involved in the general thinking patterns of humans. Of course, one can speak of a materialistic culture, or of material components and fundamentals of culture. However, culture always involves its participants’ reflections upon the material conditions under which they live. This is what is meant by saying that culture involves thought (and therefore, also in view of plurality and variability, modes of thought).

While everyone needs her or his culture as a spiritual homeland, actual reflection by every participant in a culture is obviously not required, but it is important that themes of culture be somehow reflected as a postulate for the definition. The fact that themes comprise the components of the definition demonstrates the limiting nature of cultural decisions: culture carves a set of themes out of the almost infinite number of possibilities of conduct, for example in the case of taboos.

By limiting cultural possibilities, the resulting selection of themes also calls for a corresponding emphasis. The above definition of culture avoids the notion of the individual because of the great disparities in that concept within various cultures; instead, it uses the neutral term participant. “Participant” and “society” are not unrelated, but rather the participant is involved in social situations. In a simplified form the definition can be restated as follows: Culture is a set of reflected limitations of human conduct related to a particular society. Culture regulates human conduct in three respects: Every culture has to provide rules to regulate incest, the “big man” problem (rich and influential vs. poor and “low class”), and the relation to the supernatural. Not a single culture has been observed that does not deal with these three basic cultural problems.

Cultures can be compared. This means that there have to be criteria for comparison and they include categories of which cultures are composed. Otherwise no comparison is possible. The theory that deals with these components of cultures is called the Structures of Cultures. It will be discussed in connection with the attributes of culture in Chapter 5 I. below.

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12 See W. Fikentscher (1975a), 60–79; (1977a), 195f.; Bourdieu (1987); Geertz (1973); Bischof (1985), 576; Ortner (1984), 152; B. Whorf’s similar view on the role of language, see text near note 131, above.

2. Plurality of Cultures. Subcultures. Counterculture

A second way of using the word culture is to speak of cultures in the plural. Giving the word culture a pluralist sense, changes its meaning. While the opposite of holistic culture (“culture in the singular”) is nature, the opposite of culture in the plural is society (for the concept, see II., below).

There are authors who prefer merely to speak of cultures instead of culture. The leading advocate of the multi-cultural approach is Franz Boas (1858–1942), who, in reacting to cultural evolutionism, insisted on the equality and comparability of all cultures despite the fact that similar cultural traits may have in reality developed into various cultures for different reasons. Boas and his followers thus opened the way for cross-cultural comparison. Their Erkenntnisinteresse was to promote cross-cultural understanding and tolerance. For the “Boasians” Leslie Spier, R. H. Lowie, Ruth Benedict, Margaret Mead and others, cross-cultural data collection is an important part of the anthropologist’s work. This multi-cultural program of the Boas school points to the importance of the various modes of thought underlying culture.14

With the widespread acceptance of Boas’ comparative approach, speaking of the many cultures has become commonplace. No anthropologist would deny that in history and presence about 10,000 cultures could be identified and compared if somebody would attempt to solve this superhuman task. Many authors speak of culture and cultures in a combinatory way. Examples are Ruth Benedict (1887–1948) combines plural and singular even in the title of her classic “Patterns of Culture” (1934). Ralph Linton (1893–1953) uses the Gestalt (“configuration”) idea which Benedict applied to cultures to identify “personality configurations” (1945); Edward Sapir (1884–1939) holds that culture is intrinsically the organization of feelings and ideas which constitute the individual, and that therefore the true locus of culture is in the interaction between individuals (1924). George Peter Murdock (1887–1985) follows Herbert Spencer (1820–1903) and Alfred Louis Kroeber (1876–1960) in conceiving of culture as something “superorganic”, a tentatively equilibrated open system of traits and institutions (1932). A. F. C. Wallace (1923–) holds that culture is not shared values, motives or goals, nor even cognitive patterns, but a shared contact “making possible the maximal organisation of motivational diversity” (1970, 23). Melville Jean Herskovits (1895–1963), whose definition of culture as “the man-made part of the environment” (1949: 17) is so broad that it almost turns the holistic approach into its opposite. Herskovits was mainly interested in the concept of separate cultures

A purely holistic approach is hardly able to justify research into characteristics of cultures (such as, e.g., the modes of thought that characterize the various cultures). One should envisage a compromise between the holistic and the multi-cultural approach to make the study of culturally defined traits and complexes worthwhile. For example, Leslie Alvin White proposes to separate the role of culture (of mankind) as a whole, serving and promoting the welfare of the individual, from specific aspects of this whole, that is, the cultures of the various tribes and peoples. White’s proposal to build a complete field of “culurology” upon this distinction (1968) did not find many followers, however. In legal anthropology, Rüdiger Schott (1985) demonstrated the immutability of legal culture inherent within the multitude of legal cultures, thereby avoiding the strict opposition of culture and cultures. Clifford Geertz (1973) thought that culture should be defined objectively, as a phenomenon that exists in the outside world and not merely in human minds. This approach, too, combines the holistic and multi-cultural attitudes. The same result holds true for those theories which deal with “kinds” of culture, e.g. Oscar Lewis’ “culture of poverty” (1951, 1959), or what may be called “constituents” of culture. Some types of such “constituents” are worth mentioning:

14 a modern approach: Greverus, esp. at 71ff.; a good survey: Bohannan and Glazer 1988).
“cultural traits” (Boas: traits similar in different cultures for different reasons); “traits of cultural
generality” (M. Sahlins); “cultural things” (Marvin Harris 1964: 7); “cultural subsystems” (Meyer
Fortes 1940, 1953); “cultural universals” (B. Malinowski, R. Linton, M. Mead, I. Eibl-Eibesfeldt),
and “culturally built-in structures” and “time-scales” (M. Gluckman 1954, 1955). The extension of
research into the kinds and constituents of culture is an attempt to extend cultures beyond their
limits, for example, to establish “culture areas” (Clark Wissler 1927, 1940).

Speaking of a multitude of cultures promotes a basic insight into what culture means: Developed by
Leopold Pospíšil (1971/1974/1982a/1987), the theory of the plurality of cultures implies that culture
– and society – cannot be fixed to a certain level or degree of human amassment, for example the
nation state, but that cultures – and their societies – can be found at various levels of social or
political integration. John Griffith’s criticism (1986, 5) of this theory of cultural multiplicity
overlooks that, for Pospíšil, culture and society share this multiplicity (Rouland 1988:85). One may
speak of, for example, talk of a world culture, of a culture of the African or European continent, of
the Nuer people, of the Swiss, of the canton of Neuchatel, of the city of Fribourg, of the University
of Fribourg, or of the Faculty of Law at the University of Fribourg. The Human Relation Area Files
list about 330 cultures on this planet (see Chapter 15 II., below). Most of these cultures belong to
the “Nuer” or “Swiss” level in the foregoing system. Cultures on this level form the main interest of
anthropologists, ethnologists, and ethnographers. Then there may be a world society, an African
society, the Nuer society, a Neuchatel society, and so on. Cultures and societies at various levels
have different degrees of consistency, but this does not invalidate the overall theory. Cultural themes
may be strong on one level, weaker on others: the impact of a mode of thought is a cultural theme.
One important mode of thought, for example, the Marxist, has had a relatively insignificant impact
on the shaping of what may be called “the” Marxist culture or “the” Marxist society, but it has had
considerable influence on the more integrated levels e. g., Russian society, and also Belorussian
society, or on the cultures of the city of Minsk, or of the Tübingen Stift (a Protestant dormitory at the
University of Tübingen). One of the many advantages to the theory of the plurality of cultures is
that it provides a firm basis for the study of culture change, the transfer of cultural themes, and
acculturation. Thus it seems that Marxism, for example, has been much more enculturated in some
student dormitories of the Western hemisphere than in all Russia. The above theories also serve to
trace cultural influences.

Against this background of Boas’ opinion that every culture stands on its own and exists for its own
sake, and Pospíšil’s theory of the plurality of cultures (in this sense), distinguishing between culture
and subculture, or counterculture, must be logically wrong. Sub- and countercultures are cultures,
and that suffices. However, the two terms are in frequent use, in musicology more than in other
social sciences, but not limited to musicology. Generally, in sociology, anthropology, and cultural
studies a subculture is being defined as a group of people with a culture which differentiates them
from the larger, dominant culture to which they belong. If characterized by an internalized and
openly expressed opposition to that culture, the subculture may be described as counterculture (e.g.,
Dick Hebdidge 1979; George McKay 1996; Rupa Huq 2006). The mention of “the larger” and the
“sub’-culture as a culture “belonging” to another culture helps solving the problem of definition:
Sub- and a countercultures are cultures in the full sense as every other culture. As such, they are
exposed to cultural pluralism as every other culture, so that the rules of legal pluralism as developed
above apply. If in addition a relationship between the two cultures shows regular and typefied
tensions between large and small, oppression and being oppressed, mainstream and marginalization,
overt and covert, official language and slang, average dress and “masquerade”, etc., this relationship
may be identified as sub- or countercultural. It is a name for a type of plural-cultural relation. The
sign at the shop or restaurant door “No shirt, no shoes, no service” tells of the presence of such a
subcultural relationship: the members of the subculture prefer wearing no shirts and shoes, the
mainstream reciprocates by “no service”. In acculturation theory, sub- and countercultures may
indicate reaction (see Chapter 5 VI. 3.).
3. Modes of Thought

Modes of thought can serve to classify cultures. The 10,000 cultures which ethnographers estimate to have existed and contemporaneously exist on this planet do not live unrelated to one another. They can be formed into groups. It may fairly be said that all South and East Asian cultures are in one way or the other related to Hindu and Buddhist philosophies through their tendencies to be critical of this world and its sufferings. Western cultures have grown from the Pre-socratic and classical Greek way of looking at this world in an evolutionary and “activist but tragic” manner, in subsequent combination with the Judaic and Christian monotheisms of an active god. The Islam-influenced cultures can readily be combined to the strict and non-evolutionary monotheism of Islam itself. Marxist cultures focus on use values as being unfit for dialog, and on the ensuing need to define them (including cost) by dictatorship of cooptative cadres, etc.

In anthropology, a mode of thought is a mind-set that connects human data perception with mentally reflected behavior in a culture-shaping way that is predominantly covert. Empirically, there are to be found ten to fifteen modes of thought behind the many cultures, using the cultures as their deployment throughout reality. Modes of thought are composed from elements. Thus, their number is not closed, rather they can be artificially invented.

If a mode of thought claims world dominance, this a legitimate concern of the members of the other modes of thought as prospective victims of that claim. They are permitted to defend themselves and their modes of thought. Are there other concepts similar in content to culture and cultures which may serve our definitional purposes here? This brings us to a discussion of identity, ethnicity (4.), and society (II., below).

4. Identity and ethnicity

The concept of identity is important for the determination of a given culture. There can be talk of a culture only when enough people identify themselves with that culture. Since culture is a core concept for anthropology, identity studies have become long since an integral part of anthropological literature.  

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15 See the description of the step from the Greek Tragic mind to Judaic and Christian self-and-world assuredness in Paulus, Letter to The Romans, ch. 7.


17 For more details of the modes of thought, W. Fikentscher (1995/2004); see also note 140, above.

As a rule, identification – by language, religion, geography, history, ancestry, or physical traits (Kottak 84), or several of these elements – creates the ethnicity that may make an ethnic group unique and different from others, seen either from the inside of that group, from the outside, or from both sides. For practical purposes, in cultural anthropology, one of these sides should be enough for “identification”, but the writer should make clear the chosen point of view. As long as this is done, ethnicity and identity are parallels.

There are at least two exceptions, however: (1) Ethnicity may not be enough to justify anthropological identity. Then, identity is “ethnicity plus”, and the “plus” may consist in a constitution such as in Switzerland and Belgium being countries combining several ethnic groups to a single identity, or in historical scissions such as the distribution of Germans, Italians, French, Jews, Kurds and many other ethnia over a number of countries (the diaspora phenomenon). (2) The other exception may be called “non-ethnic identities”. They may be found in non-ethnic cultures, for instance suburbs, airports, stock markets, hospitals, and gas stations, or in cases of political identifications. When in 1963 John F. Kennedy said at the Brandenburg Gate: “Ich bin ein Berliner” (I am a Berliner), he meant to say that politically he felt to be a citizen of the artificially divided city. Ethnically he remained a national of the US. An anthropology of fan-cultures (heavy metal, hip hop, etc.) may combine both: an institution and ethnicity (cf., Erika Lee Doss 1999; Lisa A. Lewis 1992). Both exceptions show that the concept of anthropological identity may be wider than the one of ethnicity.

In his ethnological conflict research, Günther Schlee (2006, see note 183) offers an interesting theory on the correlation between ethnicity and identity: At first, for reasons of better defense, more efficient agriculture, gaining more intertribal respect, or for other reasons, an ethnic group tries to be as encompassing as possible (“we are your bone and flesh”, 2 Samuel 5.1; “We are all Iroquois”, Hiawatha is said to have addressed the five tribes in pre-Columbian time): The identity expands. Later, once the unit has been stabilized, a smaller in-group begins to regard themselves as the “genuine ones” among that larger entity. Descent, knowledge of rites or texts, special skills or abilities, purity standards (cf., Mary Douglas, 1966/2002, 157 ff.) etc. are used to form a core group of the “real ones”: The identity shrinks. Differences are increasingly asserted. Then, among the carved out “genuine” participants, an even smaller group of the “truly real ones” may attach itself to additionally invented identity attributes, and so on. Schlee here finds one of the reasons why enmity may be particularly strong between the most similar and the most intense related, while contrary to widely held opinion ethnical and religious differences as such hardly contribute to intercultural strife.

II. Society

In an anthropological context, society is the body of human beings which is composed of two elements: (1) an agglomeration of participants, and (2) an objective criterion of any sort which lends commonality to that agglomeration. For example, a population in the sense of behavioral groupings of beings (Chapter 9 I 1., below) is a society because the haphazard agglomeration of the participants is defined by the reason why they are agglomerated in this way. Of course, most societies will be more structured and show more inner ties than a mere population in the behavioral meaning. A society of human beings is the population within which most human behavior takes place.

19 The (extreme) example of a population in Ch. 9 I 1. are the animals that happen to be washed ashore or having arrived flying at a newly born volcanic island.
For cultural anthropology, societies are important as foundations and carriers of culture (see I.). Therefore, most sociological definitions of society mention the idea of functioning as a carrier for further purposes. Thus, culture is the attribute of a society that refers to the patterns of conduct of its societal participants. The given definition combines objective and subjective elements designating culture as an attribute of society so that there can be talk of both a society’s culture, and of a culture’s society. By this attribution a correlative function is implied between society and culture.

In other words, society is the aggregate of participants within which most human behavior takes place in an either ego-related social or a non-ego-related societal context. This distinction between social and societal – proposed by Pospíšil – will be observed throughout this book. The distinction indicates that the composition of society is made up of social (ego-related) and societal (objective) structures, and it implies that the term “social” suggests some consistency and narrowness of the aggregate (a cinema audience is no social, but a societal entity).

The definition of society presented above avoids Murdock’s (1932) reference to “organized” clusters because there are societies without organization (in the true sense of the word), e.g., any vertical society that works without organs (cf. Fikentscher (1975a) 125ff.). The word context is included to show that a society is the empirical framework for culture. The structural inside aspect of a society is, in anthropology, open and not defined in a special sense. Therefore concepts such classes, membership, community, collectivity etc. are not elements of the definition. These qualifications may play a role on a more specific level, though. Society is culture’s frame, in a twofold sense: projected horizontally, the frame renders a culture diverse which results in in a culture’s diversity; projected vertically, the frame lets a culture appear manifold which results in the plurality of multiplicity (Pospíšil) of a culture.

The separation of society (Gesellschaft) and community (Gemeinschaft), the latter characterized by personal links as in a family or club, is anthropologically irrelevant because it has no culturally categorical meaning. Again, on a more specific level, for example in ethnological studies of family or tribal sodalities, the differentiation may occur in connection with other cultural traits. But as such society vs. community is not an anthropological issue.

Durkheim’s importance for sociology follows from his assumption that there are inherent general rules that govern societies, similar to behavioral universals in humans. For Durkheim, these laws of societies have to be discovered and studied for the interpretation of societies. Many sociologists pay tribute to Durkheim’s thinking by using models. Anthropologists would say that such rules and models lack empirical verification. Maybe, herein lies the most incisive difference between sociological and anthropological work.

III. Civilization. Civilizational stages

Civilization is a term which in anthropology is generally used for designating a certain kind of culture. A civilization involves urbanization, regardless of urban development or form (Max Weber: “Western, oriental, archaic”; see, however, the broader use of the term by Redfield (1955):


21 Similarly, Pospíšil (1971), who compares Durkheim’s sociological rule mysticism with Otto von Gierke’s group will mysticism.
civilization as a composite of a “great” and a “little” tradition). A city is defined by its reliance on an agricultural hinterland, because not all supplies needed for the maintenance of city life can be produced by the urban dwellers alone. A civilization therefore implies a certain division of labor between the city population and the inhabitants of the rural surroundings (Pospíšil).

Civilization can be used in a positive sense (“a high civilization”, “civilized people”, “civil (or civilized) society”, “les principes généraux de droit reconnus par les nations civilisées” = art. 38 Statute of the International Court of Justice, The Hague, etc.). Civilization can also be used in negative, pejorative sense (“allergies and diabetes are a civilizational diseases”). Any judgmental connotation of the words “civilized” or “educated” as opposed to “uncivilized” and “savage” is of no anthropological interest and is avoided here, as is the term “primitive” (see, however Lévy-Bruhl 1922, 1927; Hallpike 1979). Every civilization has its intrinsic educational and other values. Also, for studies of history, the concept of civilization may remain indispensable.\(^{22}\)

The word can also be used in a neutral valuation (“urban civilization includes separation of labor”, “clash of civilizations”\(^{23}\)). In this book, civilization is used neither with a positive nor with a negative connotation, but in a neutral, descriptive sense. This requires a substantive explanation of what “civilization” is to mean. In Latin, *civis* is the citizen, and he lives in a *civitas*, a city. The adjective is *civilis*, civil. In anthropology it is most useful to tie the concept of civilization to city culture. Therefore, applied in a neutral, technical sense, civilization, for anthropological purposes, should not be separated from urban culture. This does not imply that forager and farmer societies are uncivilized because every positive or negative meaning of “civil” is excluded.

The link of civilization to city life merits for a look at the theories of civilizational stages. Almost every ethnologist and cultural anthropologist uses her or his own concepts and terminology of what here is called the theory of civilizational stages. There is neither consent on such stages, nor has been – as far as can be seen – a comparative study on the theories brought forward up to now. The theory of civilizational stages could also be discussed in the context of evolutionism (see Chapter 2 II). But one need not believe in evolutionist allegations such as diffusionism in order to observe and state some cultural development in the history of mankind. Since statements of stages in the cultural development of mankind are usually being discussed in terms of “less civilized” to “more civilized” – a linear thinking which is quite outmoded -, it may be permitted to mention this discussion of developing civilizations in the present context of “civilization.”

For dedicated evolutionists, a step-by-step evolution of human beings is centerpiece of their science. They could be called the *one-phase* or *no-phase* theorists because they believe in one continuous growth. Various proposals have been made, but none stuck, and one-dimensional evolutionary cultural anthropology - whether diffusionist or weaker in form - faded away around 1900.\(^{24}\) Theoretically, both followers of the American comparative school (“Boasians”) and British and other functionalists and social anthropologists ought to deny any evolution: The first oppose evolutionism (at least in principle), and the second any diachronic sequence. However, practically all anthropologists concede the influences of civilizational developments, certainly not moncausal or rule-governed, but still in a practical, empirically grounded sense. It can simply not be denied that the scratch plow preceded the turning plow, not vice versa, that the latter was technically developed from the former, and that this had substantial demographic importance because many


\(^{24}\) See the description of the schools of cultural anthropology in Chapter 2, above.
more people could be fed. Here follows a survey on the theories on civilizational development in phases. Completeness cannot be achieved, neither can justice be done to every author. Guesswork and speculation prevail. One can observe that authors indeed vary in the the number of civilizational steps, or stages, from two to four:

Few authorities see only two steps. Most writers apply a tripartite system of civilizational development. And an important group distinguishes four civilizational stages. Wilhelm Schmidt (1868 – 1954), the renowned religious anthropologist, is one of the few who content themselves with two stages, Altvölker (old peoples) with their Urkultur (arch-culture), and modern peoples, and he distinguishes only these two steps to support his theory of original monotheism. Richard Thurnwald (1869 – 1954) who invented the term Wildbeuter (forager) contrasts this type of early man with Hochkulturen (high cultures) of later periods. He was careful not to firmly typify phases in between and rather sees a broad field of non-linear evolution and development between the one end and the other, being reluctant to give the stage in between a fixed conceptual name. Another author who considers merely two stages is Lucien Lévy-Bruhl (1857 – 1939); he introduced the concept of primitive mentalité as opposed to modern mentalité.

Most cultural anthropologists identify three stages. Adolf Bastian (1826 – 1903) distinguishes nature peoples (Naturvölker), half cultures (Halbkulturen, basic organization, but no script), and cultured peoples (Kulturvölker). Henry S. Maine (1822 – 1888) separates family societies, tribal societies, and territorially defined (“state”) societies. Edward B. Tylor (1832 – 1917) distinguishes savagery, barbarry, and civilizations. Many anthropologists follow Tylor’s tripartite system. In the literature of civilizational stages, one of the most frequently quoted theorizers (besides E. B. Tylor) is another tripartitionist, V. Gordon Childe (1892 – 1957). He distinguishes foragers (hunters, gatherers, and fishers, characterized by the attribute that they all do not reproduce in the full sense—but see note 198 below); reproductionists (animal breeders, nomadic or sedentary, and early farmers such as “horticulturalists”); and those who - instead of doing all kinds of work for their livelihood - separate labor and through this become both specialists and city dwellers by the same token. The turn from foraging to reproducing is called by Childe neolithic revolution (around 12,000 -10,000 years ago), the turn from reproducing all items of livelihood to separation of labor and flocking together in cities urban revolution (around 5,000 years ago). As a general compass. Childe’ tripartite scheme is useful because it combines livelihood and form of society.

It is applied in this book (more in Chapter 5). Regarding the term civilization this means it will be restricted to labor-separated, urban life. For the theories of societal power (Herrschaft) and

25 See also Chapter 2. II. 1 ff.

26 See also note 198, below.


28 See note 253, below.

29 See note 254, below.

30 See also note 254, below.

31 On him, see Ch. 5 I. 1, below; also notes 298 and 362, below.
personhood (including human rights), the triade foraging, reproduction, and urban separation of labor will be of great importance; it gives rise to the theory of societal inertia which explains tricky and so far unsolved issues of governance (see Chapter 9, below).

Strictly speaking, the term “civilizational stages” would have to be replaced, in Childe’s system, by a wider term, because foraging and reproduction become “pre-civilizational.” The imprecision may be acceptable, but should be noted.

To the three stages of foragers, reproductionists, and labor-separated civilizations, a unique theory adds a stage, called “harvester peoples”, to be placed between the foragers and the reproductionists (Harvester people theory, Erntevölker-Theorie).32 This would lead to a four-stage pattern. However, the only defender of the harvester peoples theory, Julius Lips, did not envisage four stages. Lips saw that foragers use different methods of collecting from nature: Some simply hunt by running using clubs, some use more sophisticated gear such as nets, spears and traps, and some try to intensify natural growth (by only partial harvesting, aid in natural seeding, forest farming, low-heat burning, or plant tending, etc.) In his fieldwork and writings, Lips concentrated on what he called the harvester peoples, by which he thought of foragers who develop a special interest in certain crops and therefore are tending without really cultivating them. A widely known example are the Chippewa (who call themselves Ojibway) who live around the Great Lakes in North America. They gather the wild rice which grows in shallow water, using canoes. In order to ensure future harvesting the wild rice, they hit bundles of the gathered wild rice on the canoe’s railing so that mature kernels fall into the water and sink to the bottom. Of Australian aborigines it is said that they tend certain trees in a favorable way to have the trees’ produce during the following season. (Also negative tending is possible: Early Germans used to eradicate taxus because its berries are poisonous to both animals and men).

In some regions of the world, hunters and gatherers may have invented techniques of foraging with foresight so that planned harvesting results. This looks indeed like a link between mere hunting, fishing, and gathering, and planned reproductive activities such as horticulture and cattle raising. But a full-grown economic phase of human evolution did not develop from this. Harvesting Peoples’ techniques rather seem to be a dead-end road in the progress of economic know-how. Yet, they - and their discoverer Julius Lips – should be mentioned.

The group of anthropologists who distinguish four independent stages can claim to include two major names in the field, Elman Service (1915 – 1996) who distinguishes bands, tribes, chiefdoms, and states,33 and Carl Phillip Kottak who accepts Service’s model and uses it for his influential textbook.34 Both authors separate tribes and chiefdoms, among other criteria, by the chief’s power which in tribes is said to be weak, and in chiefdoms strong. Moreover, they regard chiefdoms as a transitory civilizational stage between tribe and state so that chiefdom does not function as a real civilizational step. Another problem with this four-stage system is the concept of state because the state takes very different forms which depend on factors of the axial age and of societal inertia. The theory of societal power as developed in Chapter 9 attempts to solve this riddle.35


\[34\] Kottak 242 ff.

\[35\] see Chapter 9 IV.
IV. People

The term *people*, as a concept of cultural anthropology, can have various meanings. It usually connotes a large group of participants sharing, for the most part, five elements: a common history, language, phenotypic similarity, area, and common name. On the subjective side, there is the sense of belonging to a unit. The problem of segmentary peoples where things may be different, will be discussed in Chapter 9.36

V. Nation, Tribe, Clan, Lineage, Ramage

Nation and tribe are used interchangeably. In Canada, the Indian tribes call themselves “The First Nations.” The Navajo a their Navajo Nation Code.37 The word tribe is sometimes disliked by the people concerned because they think it could be understood as indicating cultural backwardness. (“tribalism”): Other ethnic groupe are proud of being “tribes”, and some authors even predict that the future of world civilization belongs to the tribes. A *nation* or *tribe* may be identical to a “people”, or, together with other tribes, it may form a sub-unit of a people. As a rule, a tribe is composed of lineages, clans, or both.38

A *lineage* is a *descent group* based on the belief in a *demonstrated* (= recitable by name) *descent* from the same *apical ancestor* (Latin: *apex* = top). If the apical ancestorship is *stipulated*, that is, assumed to be of supranatural character, the descent group is called a *clan* (“we descend from the eagle”, “from the sun forehead”, “from the oak tree”, “from the squirrel”, “from the bear”, “from that mountain”, “from the flute”, etc). The clans are called accordingly.

When the ancestorship is real, as a rule by blood relationship, the historical head is called the *demonstrated apical ancestor*, and descent group *lineage*. Lineages and clans (and their ramified conceptuality) will be discussed in detail as central concepts of family and kinship.39

A *ramage* is a branched-off (sub-)lineage. It shares with the main lineage its demonstrated apical ancestor, but each ramage has its own (sub-)ancestor.40 Thus, ramage create a system of lineages and sub-lineages fit for government of lineages one over the other. There is inequality between the lineages. Paul Bohannan says that a ramage system is well on the way toward chiefship.41 But chiefship is a form of societal order (see Chapter 9). Families, lineages and clans are forms of (widely understood) family ties. Of course, in tribal practice both societal and family orders are close, but they should conceptually be distinguished because in tribal life the former do not necessarily follow the latter or vize versa.

Pre-axial-age societies are shame societies, not guilt societies (see Chapter 11). There is not yet a worldwide good-bad dichotomy. Shame societies do not assign individual membership roles and responsibilities to their participants. A wrong is committed by a family, lineage or clan member, and the family, lineage or clan has to account for it. Therefore, belonging to family, lineage, and clan is essential for a human’s social acceptance, survival, and protection. In many societies, for this the

36 see Chapter 9 II.
37 Cooter & Fikentscher (2007)
38 see Chapters 3 and 8.
39 Chapter 8 II 5 and 6.
40 Bohannan (1992), 157 ff.
41 Bohannan, at 158.
clan is of paramount importance. Hence, feuds are often fought between clans. When a member of the Navajo nation (=people) and within that nation of the raven clan, happens to come, or be brought, to another nation, that person will be happy to find the other nation also having a raven clan. The “host” raven clan will shelter the raven man in a way similar to the help given to a raven clan member of the own nation. The foreign raven man will be granted protection, food, and given guidance to get back to his own people.

This interethnic assistance for members of a like-named clan is explained, by some ethnologists, on the assumption that the clan societal order must historically be older and the later nation-building order: first clans, then nations. However, this assumption misjudges the nature of the clan as artificial, metaphoric family tie. In our example, the raven is the stipulated apical ancestor of humans. Since this relationship is (etically speaking) artificial, and thus the clan a family metaphor, the raven people in the home nation must logically be artificially related to the raven people in the guest nation: There is only one sun in the sky, one sun forehead, one moon, one flute and one raven, because these entities are “stipulated”.

VI. Moiety, Phratry

1. Moieties

A moiety (from French; moitié=the half) is a half-tribe. Moieties do not exist as a general rule, but only in certain cultures. Where they exist, they usually assign every tribal member to either one or the other moiety so that no moiety-free members are to be found. Sometimes, the moieties live at separate or marked of locations within the tribal settlement (e.g., in San Ildefonso Pueblo, New Mexico, a tree), sometimes no special localities are reserved for members of moieties.

Moieties may serve to establish endogamous or exogamous marriage rule and thus regulate incest taboos. Polynesian moieties are reported to work this way. The Pueblo moieties in New Mexico have nothing to do with marriage. They exist as constitutive elements of the Pueblo as a societal unit. Moreover, they serve as elements of Pueblo religion and various societal ends. Elsewhere, theory and practices of the moiety system are told. Moieties represent one of the most remarkable examples of the role of dualism in societies (such twin gods, twin mythologies, societal strata, two-party systems, etc).

To reiterate, culture seems to have not more than three societal tasks: to regulate incest, power, and the relationship to the supranatural (see also Chapter 8 I. 9.). The three institutions performing these three tasks are families, lineages and clans (incest control), societies and sodalities (power control), and shamans, caciques, medicine men, religious leaders (who have access to supranatural things). In this structure which may be said to be typical for early societies, the moieties are the controllers of the controllers: they control families, lineages and clans; they limit the power of societies and sodalities; and they control shamans, medicine people, caciques, etc. It follows that moieties are no kin metaphors (such as clans, phratries, and brotherhoods), and they should not be. Wherever they exist, they ensure the unit of the tribe. Often one can see three kivas, as symbols, as it were: One kiva for each moiety, and one for the tribe.

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43 See the San Ildefonso story at Ortiz (1969) 135; W. Fikentscher (2004a), 277 (moieties as examples of cultural dualism), 282 – 284 (decision-making in a moiety).
Moieties can have many functions: incest avoidance, marriage prescripts, societal and social ties, organization of religious, traditional, or sports events, peace-keeping, ethnic bridge-building, anti-witchcraft accusations mechanism, etc. In many ways, moieties provide each tribal group an ideological and political homestead by offering a system of half-tribes. For example, in the Tewa Pueblos they serve to placate the antagonism between the older (pre-neolithic) hunters’ and gatherers’ tradition and the younger (post-neolithic) horticulturalists and early farmers. By alternating tribal government based on the changing seasons, the Tewa speaking Pueblos developed a dynamic and adaptable way to share public power, and th balance societal segments in a pacifying manner. The structurally important part of the cultural trait of having society-related moieties is the establishment of the concept of public office, applied in tribal practice by the exercise of teibal government für limited but reiterating periods of time, similar to the Ancient Greek polis and the Frankish cooperative constitution. The picture becomes clear when this Tewa system is compared with the neighboring Keresan speaking Pueblos: In Tewa, the cacique who leads each moiety – the highest ceremonial office holder as the animist “chief penitent” –is moiety-born and holds a time-limited reiterating office within an organization, a superadditive entity. In Keresan, the cacique is society-born and a person.

Dualism as constituent of societal leadership can also be found in the two-party systems of developed democracies such as USA and, to a lesser degree Great Britain, Canada, and Australia.. Where democratic superaddition is so internalized in the citizens’ minds that a majority understands the necessity to boil down the many possible opinions to two opposing views between which there can be decided by yes or no, there political leadership will be determined by the working of a two-party system. In turn, the two-party system needs primaries in order to prepare the vote between the two main candidates. In a multi-party democracy such as Germany, therefore the essence of the institution of primaries will not be understood, hence the helplessness and incompetence of German media’s reports on US primaries. The reverse of the “boiling down” to that dualist alternative is the multitude of political opinions to be found in the country and fed into the primaries. The topics which will engage US interior and exterior politics of the US can be gathered and predicted for the next four to five years by simply watching the US primaries and listing the points of views raised there: other topics will hardly play a role. For world politics, the most influential items on that list are the to be expected discontinuities of US politics which encourage and enable nations without a four-years cycle of elections to pursue their anti-US strategies.

2. Cultural duality. Phratries

A few cultures use a dual pattern of their societal structure similar to, but not identical with the moiety system. Clans may flock together and combine to a more or less permanent unit. If in a tribe, for example, three clans combine to form unit A and three others combine to form unit B, the existence of the two units A and B may look like moiety duality. But the two units are no moieties which can be told from their clan-defined inside structure. Such clan-composed units are called phratries. They are super-clans, sometimes for exogamous marriage rules, at other places for political reasons. An example for phratries is the Keresan-speaking Pueblo of Santa Ana in New Mexico.

An explanation of the Santa Ana phratries is this: The Tewa pueblos north of Santa Ana have moieties because there hunting for larger animals in still wooded terrain continued even after the introduction of Mexican agriculture from the south. But under the influence of a gradually warming climate, the south and the west turned so arid that the hunt for larger animals faded away when agriculture came. Therefore, moieties as representations of the hunting and the farming parts of the population as tension-reducing tribal institutions made sense among the Tewa, but no longer among...
Acoma, Zuni, and Hopi. There, in the more arid west and south the clans had to serve that purpose, whereas in Tewa the clans became more and more obsolete after the moieties worked to strengthen the nuclear families.

The location of Santa Ana (both the old and the new part) is exactly between the Tewa and the southern pueblos of Acoma, Zuni, and Hopi, Santa Ana had and has clans. But the Tewa moiety system also seems advantageous. Santa Ana had forests for hunting larger animals and must have had similar inner-cultural tensions as the Tewa speaking pueblos. As a consequence, Santa Ana might have glued together two groups of clans so that half tribes similar to moieties resulted, mainly for political reasons, not so much for having marriage rules. This explanation is the exact opposite of Robin Fox’ (The Keresan Bridge, 1967) who holds that the two systems (moieties to the north, clans to the south) developed in both directions from a Keresan center in the middle (a theory that Fox later partly withdrew with regard to Alfonso Ortiz’ criticism). The explanation offered here sees the Santa Ana phratry as a rather unique result of a combination of ecologically and societally conditioned types of tribal order. This explanation takes climate change and cultural diffusion from the south into account, and it contains another more basic facet of anthropological theory: as a rule, mixed cultural forms are results, not causes.

3. Moieties as parts of a system of separate powers

Lineages are true blood-related families, whereas clans and phratries are family-metaphors, and thus offer artificial family ties. By contrast, moieties are neither families nor family-metaphors. They derive their raison d’être not from family conceptions, but from historically grown tribal interest groups, such as hunters and gatherers on the one side, and horticulturalists and early farmers on the other. For tribal interior politics, moieties often serve as controlling instances directed against the influence of (wealthy, powerful) families, lineages, and clans. The stronger the moieties, the less witchcraft accusations (in former times an available instrument in inter-families warfare) occurred.

4. Moiety as part of a superadditive unit

Of the many human attempts to ensure peace and to create reasons for peaceful behavior, the moiety is one. The concept of moiety makes use of duality, of the conception of two things belonging together. Thus, a moiety is a superadditive entity (more in Chapter 9): The product of the two things belonging together is a new, a third thing. That is to say, the whole is more than the sum of the parts. Once the idea of the whole which is more than the sum of the parts is conceived, and thus superaddition understood, it is not difficult to add more than two to this entity (three, four, a dozen). The result is a cooperative (in the country-side), and a polis or corporation (in the city as civitas). Anthropologically speaking, a corporation is multilaterally unfolded duality. For applied anthropology this suggests to focus on duality first in countries such as Afghanistan and Kongo, and only then police organization, independence of the judiciary, and internal revenue service.

VII Extended Family, Nuclear Family, Household (this text, containing the footnotes47 and 48, is not included here. For these three concepts reference may be made to Chapters 8 I. and 9 I).
VIII. Race

Although the term *race* has been refuted as having no scientific basis it is still used for analytical purposes in physical anthropology. William S. Laughlin (1963) defines race “as a population which differs significantly from other human populations in the frequency of one or more genes” and gives some instructive examples. After having been a subject of major – often speculative - interest in the 17th, 18th and 19th century, in today’s socio-cultural anthropology race is no longer a workable concept. Franz Boas (1911 b, 1931) was one of the first who argued against race as acceptable subject of study in what became sociocultural anthropology (see also Winthrop 1991: 227). Luigi Luca Cavalli-Sforza presented materials from biological anthropology eliminating the justification of using racial criteria in anthropology. On criminal abuses committed in connection with anthropological studies and experiments and the role of the German Kaiser-Wilhelm-Gesellschaft during the Hitler regime herein, in-depth studies and historical materials have been published.

IX. Belief System. Religion. Myth

1. Belief system

A belief system is a world view that provides guidance for conduct by accepted metaphysical (*i.e.* unempirical) values. It usually, but not necessarily, uses a cosmology and a code of ethics often but not always related to it. The expression *belief system* includes religion and other metaphysical conduct-motivating world views such as totemism (which in its pure form is not so much a religion as a setting of secular norms since it lacks religion’s ordering force as an imaginary relationship between human beings and a remote object) or Marxism which, in order to motivate revolutionary behavior, uses as its central concept the unempirical, non-operational notion of *use value*, a concept which like a totem does not serve as remote object in the religious sense.

2. Religion

Religion has been defined by religious authorities as well in the social sciences in manifold ways.


[^51]: W. Fikentscher (1995/2004) 27, 192 – 199 (following Richard Thurnwald). Totem and idol are not the same. Both are solutions to the human desire to form concepts. But totem is a ascription of normative relation to humans, and idols are ascriptions of normative relations to objects of nature and environment. In other words, a totem creates a forum for humans, an idol creates a forum for nature. Or briefer: An idol is a totem for natural things. On Marxism as a belief system focusing on use value determination by the cadres, W. Fikentscher (1976), Chapter 28.
Fikentscher (1995/2004), Chapter 7 I 1 discusses a number of definitions and makes a proposal for choosing one of them for the study of culture-defining modes of thought. In the present context, for sake of brevity, reference is made to that study. A graph on definitorial possibilities and a brief explanation follows here:

Graph: Kinds of religion from MoT, see next page

As shown in the survey, religion is best defined for anthropological ends when it is related to some object to which, by humans, non-cultural ordering power is being attributed. Of importance is the distinction between pre-axial age religious types (such as totemism, deus-otiosus beliefs, dream time, cult of the dead, ancestor worship, animatism, witchcraft, sorcery, idolatry, masks and symbols, animism (in the narrow sense), fetishism, magic and taboos, shamanism, divination, causality-conscious self-blame, polydaemonism, polytheism, culture-specific and therefore non-total monotheism) and post-axial age total religions or belief systems (characterized by claiming general explanations of humanity and world, such as the Greek Tragic mind (= the religion of the polis), Confucianism, exilic Judaism, Christianity, Brahmanism-Hinduism, Buddhism, Islam, Bahá’i, modern totalitaries such as use-value-defined Marxism and “blood-and-soil” defined national socialism). With few exceptions, religious types are competitive among each other and therefore do not struggle with one another. In fact, they can often easily be combined, both with each other. This is why Eastern religious types as a rule are tolerant of each other and, from their side, of total religions, such as Shintoism (a type of ancestor worship) and Buddhism. Total religions tend to be mutually and also in relation to religious types exclusive, such as Islam and Judaism.

Whether monotheism can be categorized under religious types is a new question that has not yet been solved. Pospíšil does not mention monotheism among his examples of religious types. Monotheism is certainly one of the prominent forms of total religions, and thus of post-axial provenance. It may surprise that a clear case of monotheism dates back to its defender and propagator Amenhotep IV. Akhenaten (Echnaton) who reigned as Egypt’s pharaoh between 1365 and 1349 B.C.E. His Great Hymn to Aten, the sun god as creator and supporter, is an impressive confession of monothestic belief. The translation by Miriam Lichtheim in Bartlett’s Familiar Quotations, Justin Kaplan, gen. ed. (16th ed. Boston 1992 Little, Brown, p. 5) speaks of the “sole god”, congruent to the sole god mentioned by Suti and Hor, two architects of Akhenaten’s predecessor Amenhotep III. a generation earlier. To reserve monotheism conceptionally to the axial age would mean to historically move the axial age back in time by 800 years. The reductionism

52 idem (2004a) Ch. 7 I 1, following L. Pospíšil’s proposal.
contained in the step from polytheism to monotheism speaks in favor of this redating. The typical facets of the axial age, namely, the connection of dogmatics and ethics, the replacement of clan and tribal ethics by abstract good-bad standards, a theodicee (“is God just?”), and a worldwide claim of validity cannot be found in Akhenaten. Therefore, the majority of reasons point to monotheism as an exceptional form of religious type. Pater Wilhelm Schmidt’s “Ursprung der Gottesidee” (Ch. 2 II 1) in pursuit of that work’s main idea comes close to this result and may offer more examples.

*Besides,* several *traditional* “dei otiosi” may have also be conceived as sole gods (Ch. 2 II., near III.).

However, important as the distinction between religious types and total religions is, there are influences going back and forth between them. When as part of the axial age enlightenment pre-axial-age religious types gave way to total religions, many older conceptions were introduced into the new religious world and got adapted there. For example, animist fertility spirits reappeared as Christian saints, such as Santa Margalida *and the Astarte-Juno-Uni-Daeira-Aphrodite (as Dionysos’ elesininc mother)-Mary (as God’s mother) xuirell* on the Balearic Islands (Robert Graves; Ingo Wolff 196, 226 ff.). Moreover, it should be remembered that all religious types might have had there own, specific understanding of (collective) guilt, shame, and unfortunate events such as suffering and disaster. These understandings may also have been of influence on a later total religion. For example, animist purity rites can become essentials of a total religion in form of food and other taboos. This context is important for the analysis of any concrete existing religion.

In view of the foregoing, it can be maintained that religion may be understood as a reflection on a culture-like order for nature. Thus, religions (pre-axial types and post-axial belief systems) are the (rational or irrational) order-establishing explanation of a relationship between human beings and an (often remote) object conceived by them. This object typically represents or offers behavioral guidance. This definition of religion resp. belief system is wide enough to embrace religious types such as mere nature-generated awe and fear without any belief in a higher being and non-magical totemism, as well as total belief systems such as modern atheism and use-value geared (and thus as to its contents cadre-defined) Marxism.

Religion implies a natural or nature-related (“super-natural”) world organized by its own rules, and the belief that these natural or super-natural rules may be meaningful for man as a guide of conduct

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54 as developed in W. Fikentscher 1975 a: 79ff.; see also Bohannan (1992), 250 ff. on cults.

55 When Knud Rasmussen asked an Inuit in what Inuit believe, the answer was: „We don’t believe, we fear.”


57 Only total religions pose the problem of tolerance. Religious types have no difficulties of being combined with one another, or with a total religion, and quite often they are. However, followers of total religions may feel to be obliged to missionize (cf., Matthew 28. 19, 20) and then tend to step on other religions’ turf, both “type” or “total” (contra: Matthew 10.14). When St. Augustin was asked by contemporary church leaders whether Christian missionary work permits – or excludes - the use of violence in spreading the gospel, he answered that in Luke 14.23 the master asks his servant to force people to join the dinner (compelle intrare) from which it follows that forceful mission is permissible. Millions of tortured and killed people were the consequence. St. Augustine was mistaken because he followed the erroneous translation, in the Vulgata, of the Greek original anagkein into the Latin compellere. Compellere is taken from Latin farmers’ language and means to drive livestock, for example, into a stable. Anagkein probably means to put one’s arm around the shoulder of another in order to persuade that person to go into a certain direction; cf., H. Frisk, Griechisches etymologisches Wörterbuch, vol. I, Heidelberg 1960: Carl Winter, 101.
in the following way: Man is defined by (reflected) culture, and culture by definition implies “non-natural” norms; looking back on nature, man discovers “nature norms” and their relevance for himself, and this relevance he may take to be binding or not binding. The acceptance of this relevance is, for anthropological purposes, the essence of religion. Accordingly, man may or may not use, inversely, nature’s norms to check or control the cultural norms by speaking of natural law. Evaluation thus involves making ethological decisions based upon cultural (but naturally and religiously influenced) exigencies.

There should be no confusion between the source of religion, which is outside of culture, and the role religion plays within culture. Once people come to terms with what culture tells them to do with nature, a realization which one may give the name religion has occurred. Religion in this way becomes part of that general whole called the culture of man. Religion is included within the definition of culture (belief), and the anthropology of religion is part of sociocultural anthropology.

The source of religion, the reason why there is religion at all, does not derive from an awareness that people are cultural beings, or that nurture is different from nature. The source of religion is the awareness of the fact that what surrounds people, nature, is distinct from culture, and that people must strike a deal with nature by using their cultural abilities. Thus, religion is a function of culture because once culture develops, the nature surrounding human beings, the environment, the “non-culture,” had to be evaluated. People could master culture, they therefore could no longer take the events and forces of nature for granted: There had to be an explanation for what could not be mastered. The this-worldly contrasted to the other-worldly. In short, religion is culture’s reflection on uncontrollability of nature. The ensuing explanation produces religion’s dogma, and the dogma the ethics, of most religions. As the graph above demonstrates, most definitions of religion are narrower than the one chosen here (cf., Bürkle 1996). But anthropological empiry requires such a broad definition. Otherwise belief systems such as Inuit “mere fear”, (magic-free) totemism, cultless animism, and modern atheism are out of reach for anthropological study of religion.

3. Myth

Myths are educative knowledge under conditions of aliterality (cf., Chapter 9 II 3, below). Myths are wisdom whenever stories are not written down but orally transferred from generation to generation. As such, myths have nothing esoteric, magic, or secret about them. They simply consist of communications handed to the next generation, for its benefit, education and entertainment. A myth contains educative or otherwise useful knowledge in an illiterate environment. Often, it is dressed in the form of creation stories. A totem pole of an Alaskan or Northwestern tribe (Tsimshian, Haida, Tlingit, etc.) tells the story of a clan, a lineage, or an individual.

X. Law. Justice

These two concepts have been discussed in Chapter 1, above. Law (in the sense of ius, not stature)

58 Fikentscher (1975a) 88.
59 op. cit. (1975a) 78.
is thought – not necessarily spoken – justice. To restate the methodological results from Chapter 1: Law is an (1) authorizing (2) sanctioned (3) ought based on the result of (4) values (5) methodically applied in (6) system and (7) time, the relative weight of the four latter factors changing between one another according to the given culture. The elements of “authorizingness,” “sanction” and “ought” define what law is. Justice, implied in the ought, defines the purpose that law is meant to serve. The four requirements: values, method, system, and time explain from what elements law comes into being. Since this definition of law includes the element of justice, it is not positivistic (in the sense of a positivism defining law as being conceptually separated justice).

XI. Bibliography

Bargatzki, Thomas, Ethnologie: Eine Einführung in die Wissenschaft von den urproduktiven Gesellschaften, Hamburg 1997: Buske (on religion, myths, civilizational stages)

Bürkle, Horst (1996). Der Mensch auf der Suche nach Gott – die Frage der Religionen, Paderborn: Bonifatius (an introduction to comparative religion)


Fikentscher, Wolfgang, Wissenschaft und Recht im Kulturvergleich, in: Christoph Engel & Wolfgang Schön (eds.), Das Proprium der Rechtswissenschaft, Tübingen 2007: Mohr Siebeck, 77 - 86 (discusses the relationship between science and law in a culture-comparative perspective)


Hahn, Hans Peter, Raumkonzepte bei den Kassena (Burkina Fasso), 95 Anthropos 129 – 148 (2000)


Rauscher, Anton (ed.), Die Bedeutung der Religion für die Gesellschaft: Erfahrungen und Probleme in Deutschland und den USA, Berlin 2004: Duncker & Humblot

---


Schmidbauer, Wolfgang, Mythos und Psychologie, München & Basel 1999: Ernst Reinhardt
