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Offering a systematic overview of primitive law

PRIMITIVE LAW

By

E. Sidney Hartland, F.S.A.

“His book is not only a most learned and brilliant achievement; it comes also most useful and handy in the present state of our knowledge, for it is a veritable masterpiece of lucid, competent, thorough synthesis of past and contemporary researches and theories of primitive law. Mr. Sidney Hartland is one of the great representatives of the comparative school of anthropology, and, like some other writers of this school, he has been able to vindicate the claims of anthropology to be a genuine science in that he foretold discoveries not yet made at this time.

His new work deserves to rank among the best recent contributions to anthropology: it should be read by all those students who recognise that our science has not done justice to the study of primitive law and by all the observers of savage races who wish to work out what will prove, perhaps, the most fertile plot of their field.”

— B. Malinowski (1925). *Nature* 116, 230.

Primitive law refers to the rules or customs that governed societies in a lower culture, the customs that governed savage people. The validity of these customs was dependent on their acceptance and recognition, as there were no written laws. Formal changes were seldom made and, though unwritten, customs were followed and obeyed and often indistinguishable from the written laws we have today.

Well known to readers of anthropological literature, E. Sidney Hartland provides a systematic overview of primitive law and legislation. This work, filling in a long existent gap in the literature focusing on primitive law in English, is far superior to other works of this nature, such as Letourneau’s *Evolution of Law*.

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