In addition to Marx’s notes on Morgan’s *Ancient Society*, which Engels addressed to some extent in his *Origin of the Family, Private Property and the State*, Marx also took notes on a variety of other anthropological sources, including John Budd Phear, John Lubbock, Maxim Kovalevsky, Henry Sumner Maine, and Ludwig Lange. The notes regarding Ludwig Lange’s *Römische Alterthümer* (‘Ancient Rome’) and Henry Sumner Maine’s *Lectures on the Early History of Institutions* are, for the purposes of this study, the most significant sources that Engels did not deal with in *The Origin of the Family*. Similarly to the notes Marx took on Morgan, these were never written up for publication; nor is it clear what he intended to do with them. They remain important, however, since they contain a number of important passages on the position of women in various societies including ancient-Roman, Irish, and Indian societies based on the clan.

This chapter will examine Marx’s notes on Maine and Lange in an attempt to elucidate the general direction of these notes with respect to gender and the family. In contrast to Marx’s generally sympathetic reading of Morgan, his notes on Maine contain a great deal of harsh criticism. In his discussion of Irish and Indian clan-society, Maine uncritically assumed the existence of the patriarchal family in early communal societies, supported British
colonialism, and viewed the role of Christianity in Irish society as positive. Marx takes issue with all of these assumptions as well as a number of others. Most significantly, Marx’s notes on the position of women in both societies show a great deal more nuance than Maine’s portrait does. Moreover, these notes support the argument that Marx saw no ‘world-historic defeat of the female sex’ as Engels did. Instead, Marx saw the position of women in these societies as variable, based on a number of factors. While it was clear that women could not be completely emancipated in these early societies, given the low level of technological development, this is not the same as saying that their position did not change at all or only changed as a result of processes in which they were not involved. Women were necessarily an important force in the historical development of humanity, since they did not and could not exist completely outside of society. Women were often both wives and mothers, with at least some subtle influence over the men in their lives. While large-scale changes may not have been initiated by women in these ancient societies, their actions as well as the actions of their male kin and eventually the state, to either allow women to gain more rights or to further restrict their rights, at times had interesting and important effects on other areas of society as well.

Marx’s notes on Lange look at a number of issues with regard to women, property and the patriarchal family. Here, Marx appears to be tracking a number of changes in Roman society as the state took over from the patrician clan with its family-law as the most significant governing authority. It was the conflict between the plebeians – who were not included in clan-law – and the patricians that led to the development of a new institution, the state, to mitigate conflict. This led to a number of changes in status for plebeians, as well as for women. As women came under the control of the state at the expense of the paterfamilias and other men in the family, their position in society tended to improve somewhat, at least for those in the upper classes.

Maine’s Lectures on the Early History of Institutions

Henry Sumner Maine’s Lectures on the Early History of Institutions contains a series of lectures on Irish and Indian law in the periods before each was replaced by British colonial law.1 Maine’s sources mainly include the ancient written law in both societies: the Senchus Mor and Book of Aicill in Ireland and the Mitakashara in India. His discussion focuses on the origin and development of property, ancient forms of legal remedies, and sovereignty.

1 Maine 1875.