CHAPTER 3

Security of Persons and Property

A man will not risk what he has in trade, except for the prospect of very large gains, if he is likely to be robbed by pirates, or to be oppressed by the government if he is successful in business.

WILLIAM CUNNINGHAM

There shall be no loss (of property belonging) to an Assyrian in your country, rope, peg or anything. If there occurs a loss in your country you shall search (the lost object) and you shall return it to us. If there occurs blood(s)hed in your country you shall hand over the killers to us and we shall kill (them). You shall not make Akkadians come (to your country). If they travel overland to your country you shall hand (them) over to us and we shall kill (them).

Treaty between Assur and Anatolian Kings

Another story is told by the Carthaginians. There is a place in Libya...where men live beyond the Pillars of Heracles; they come here and unload their cargo; then, having laid it in order along the beach, they go aboard their ships and light a smoking fire. The people of the country see the smoke, and, coming to the sea, they lay down gold to pay for the cargo, and withdraw from the wares. Then the Carthaginians disembark and examine the gold; if it seems to them a fair price for their cargo, they take it and go away; but if not, they go back aboard and wait, and the people come back and add more gold until the sailors are satisfied.

Herodotus, The Histories

Commerce and trade require security of persons and property if buyers and sellers are to continue exchanging goods and commodities, particularly with outsiders or strangers. As Adam Smith declared: “When people find themselves every moment in danger of being robbed of all they possess, they have no motive to be industrious.” All our pre-industrial societies developed a broad

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1 Quoted in Altman (2012), 76.
variety of legal and informal rules and institutions intended to secure persons and property. Security was critical not only for commerce and trade but also for political liberty and economic growth.4

Property and personal security in local markets generally was provided by general legal rules against theft and bodily harm, reinforced by informal reputational constraints and face-to-face social controls. Foreign resident and itinerant merchants received additional and more commerce-specific security protection through guarantees granted in interstate agreements (where polities were sufficiently organized to be capable of entering into cross-territory agreements), resident registration and shared beliefs.

Security of persons and property in long-distance trade – brigandage on land and piracy on sea – posed considerable hazards in pre-industrial societies, which generally lacked the public resources to control and police transit routes between polities, at least compared with modern societies. Piracy has been a serious concern from even the earliest times.5 Because of this, a wide variety of legal and informal institutions were developed to secure persons and property outside local markets. These included silent trade, fictional kin relationships, neutral intermediaries, interstate treaties and agreements, merchant networks, private armies and public order.

1 Security in Local Markets

1.1 General Security Institutions
The largest risk facing the farmer selling her vegetables and the artisan selling his ceramics was theft. Personal security raised more concerns with respect to in transit long-distance trade. We will focus here on property security in local commerce where the principal concern was theft of goods and commodities offered for exchange.

Rules against theft and supporting institutions are found in all our pre-industrial societies, from hunter/gatherers to Qing China.6 Sanctions against theft could be quite severe, including fines, flogging, imprisonment, amputation

5 See Anderson, “Piracy and World History: an Economic Perspective on Maritime Predation,” Journal of World History 6, no. 2 (Fall 1995): 175. Of course, even today security is not perfect as demonstrated by piracy off the Somali coast.
6 As to the latter, see Jungjian (1994), 43, 45.