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"The Unfinished Project of J.J. Bachofen and the Gender Wars on the Home Front" by Marsha R. Robinson

"All my reading and studies, considered in the light of day, struck me as insignificant, as meager food for the soul, as irrelevant to the fulfillment of what is immortal in us."

"A time inevitably comes when the scholar seriously examines his studies for their relation to the supreme truths. He becomes aware of a desire, an urgent need, to come a little closer to the eternal meaning of things."

"Sometimes it even seems to me that something of the divine, eternal meaning of human ideas will be revealed to me at the end of this road. If it is true, as Aristotle says, that like can be grasped only by like, then the divine can only be apprehended by a divine mind, and not by the rationalistic self-conceit that sets itself above history."

"It is one of my profoundest convictions that without a thorough transformation of our whole being, without a return to ancient simplicity and health of soul, one cannot gain the merest intimation of the greatness of those ancient times and their thinking, of those days when the human race had not yet, as it has today, departed from its harmony with creation and the transcendent creator."

"I see more and more that one law governs all things, and that primordial man planned and regulated his earthly life with the regularity, as it were, of animal instinct."


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1 This essay is an extension of an idea published by the author in Matriarchy, Patriarchy and Imperial Security in Africa: Explaining Riots in Europe and Violence in Africa (Lexington Books, 2012). The author is grateful for the support that she has received for her research over the years from the Ohio State University, Otterbein University and Miami University. She is also grateful to the Swiss American Historical Society for the opportunity to share this research and for the encouragement that she received at its 2014 annual meeting held at the Athenaeum of Philadelphia, Pennsylvania.
The Legal Historian Who Lived in Interesting Times

Johann Jakob Bachofen gestated and was born in one of the more turbulent years of European history. 1815 was the year in which patrician families like those of his father and of his mother reasserted their sovereignty over a brief democratic interlude led by Napoleon Bonaparte. It was a year in which Klemens von Metternich concluded the Congress of Vienna wherein titled families triumphed in conserving their political positions after a sanguine lesson from the majority population, namely that European nobility was created as an obligatory relationship of the elite few to sustain the humanity and economic security of the majority during times of great economic upheaval and re-ordering of global trade. Bachofen sensed a reincarnation of a historic social contract that was authentic in the early Industrial Age as it was true after the collapse of the ancient Roman Empire.

Bachofen came of age in Basel, Switzerland, when many in Europe continued to smart from the lessons of inter-class mutual obligation, sustainable human dignity and economic opportunity during the revolutions of the 1830s in Poland, Belgium, and France. For a moment, an echo of the Habsburg alliance with the House of Bourbon manifested itself in the ascendance of Louis-Philippe to the French throne in the July Revolution of 1830.

By the time he was a young man of 30 years, Bachofen had completed his studies in Switzerland, in Germany, in Paris, and in England. He had a doctorate in law, specializing in ancient Roman law with extensive study of French and British law. Among his professors, there is an interesting juxtaposition of law professors. One was Pelligrino Rossi and another was Friedrich Karl von Savigny. American philosopher Joseph Campbell paid attention to the influence of jurist and historian Savigny on Bachofen, noting that this inspiring professor of the history of law . . . 30 years before had nched the brothers Grimm on their world-celebrated pioneering...

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1 "Bachofen was born December 22, 1815, in Basel, where both his father’s family and his mother’s family had been established and respected since the sixteenth and seventeenth centuries. “Burgomasters and city counselors were numbered among his ancestors.”
careers in Germanic philology, mythology, and folklore.” As for Professor Rossi, Bachofen described him as an insincere constitutionalist. Bachofen and Rossi traveled along similar paths, but the results were quite dissimilar. Rossi had been a professor in Switzerland around the time of Bachofen’s infancy. Bachofen studied with Rossi in Paris, and “Rossi fell on the second day after my arrival” in Rome during the 1848 Italian Revolution. No doubt Bachofen had hoped to converse at least one more time with his professor who had returned to his natal city as French ambassador to Rome and then had become a chief minister to Pope Pius IX. Bachofen noted that Rossi used to have bodyguards in Paris because of his role in the French revolutions. Rossi’s was not an inordinate fear. When Bachofen heard of Rossi’s assassination in the Italian Revolution, he experienced a moment when the ideal world of the scholarly Academy clashed violently with the harshness of the real world.

Those revolutionaries in Italy played the midwife to a new intellectual persona in Bachofen, one that was born in the Motherland of Rome. In his autobiographical essay, Bachofen recalled two moments. One was an assault on the safety of his person when “a little later in Tivoli I received a good deal of undesired attention from the populace, which suspected me of being a French spy; and finally, on my journey homeward, I beheld the breakdown of all order.” This was not the organized warfare about which one read in von Clausewitz. This may have been Bachofen’s first glimpse of anarchy and his first personal appreciation of the Reign of Terror in the French Revolution. There is one other event that may have been traumatic for a scholar of ancient Roman history. “Wherever Garibaldi appeared with his flaming red shirt and coal-black stallion, escorted by a Negro on a white horse, every hat in the quarter was tossed into the air.” Here was Garibaldi, battle-trained in the Gaul of his day, Uruguay, crossing the Rubicon of his day, the Atlantic, to take his place in the Triumvirate of his day, namely that of Count Cavour, Mazzini and Garibaldi, in order to take over the

3 Campbell, “Introduction.”
capital of the Holy Roman Empire. More often, the white horse has been assigned to Garibaldi, and Bachofen’s version of the horse colors has not been confirmed as of this writing. The inversion of black and white in Bachofen’s description represented the economic order of his day, but a true scholar of Roman history would have recognized the African allusion to the Severan Dynasty from Libya that ruled the late Roman Empire in the second and third centuries CE. Given these possible incongruities between the ideals of academia and the realities of revolution, Bachofen may have lived through enough traumatic events to experience post-traumatic stress and a scholarly nervous breakdown of a degree that we can now describe as nausea after the philosophies of Jean-Paul Sartre and Soren Kierkegaard.⁸

Bachofen went to Italy to study Etrurian tombs. Instead, some aspect of his own academic naïveté died during his stay in Italy, and he returned to Switzerland with what I believe is the impetus for his most renowned theory of Mother Right. He had seen and experienced something that was very wrong with modern civilization and he must have searched for a corrective.

Mother-Right as Myth-History

Bachofen returned eventually to his natal city from the Roman motherland, and he married a twenty-year-old in 1865 after losing his maternal parent in 1856. In between these momentous events involving female relatives, Bachofen presented a novel theory on September 24, 1856 to the German Philologists, Orientalists and Scholars Society, an idea he would later publish as Das Mutterrecht in 1861. Damian Valdez summarizes Bachofen’s effort. “In it he developed his grand conception of the struggle in the ancient world, a stage he called ‘the antiquity of antiquity,’ between the spiritual ‘Father-Right’ and the “earth-bound, material and corporeal Mother-Right,’ as universal stages in human history,” ideas which Valdez and others summarize as “the most exciting myth of the nineteenth-century.”⁹ Why? Quite simply, writes Valdez in

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2009, because “Mother-Right contradicts everything to which we are accustomed.”

Mother-Right is such a contradiction that Bachofen’s exhaustive search for evidence of matriarchy in classical Greco-Roman myths and histories by persons such as Herodotus, Pliny, Strabo, Plutarch, Aristotle, Ovid, Virgil and Cicero has been dismissed as non-historical. Many of the sources that Bachofen used fail to follow the rules of history established by Leopold von Ranke in the nineteenth century. Bachofen experienced something that many scholars of African, indigenous American, Asian, and pre-Roman European history also encounter. The odd thing about such dismissals is that modern anthropologists and sociologists have documented that these are all regions in which more female friendly and gender-egalitarian societies have existed and continue to exist. Some Western scholars have documented these societies, many by reviewing literature or by using methods acceptable to social scientists, including William Oliver Farnsworth, Clair Hayden Bell, Raymond Thomas Smith, Heide Göttner-Abendroth, and Peggy Reeves Sanday. Others, such as Deborah B. Gewitz, Peter Davies, Robert Briffault, Julius Evola, and Fei Wu, have expanded upon Bachofen’s approach. Perhaps this is appropriate since Bachofen was also considered to be an early anthropologist.

What is clear is that Valdez’s observation that Mother-Right is an exciting idea that contradicts what is generally known has merit. Early twentieth-century journalist Catherine Gasquoigne Hartley wrote in


1914 that “this great supporter of women was a dreamer, rather than a calm and impartial investigator” for “he enfolded his arguments in a garment of pure fiction” and “the rhapsodies of a poet.” Hartley judged “the impossibility of accepting Bachofen’s mythical account of its origin.”

13 Nearly a century later, Hartley’s critique was reprised by Cynthia Eller who also found Bachofen’s myth to be less than progressive, writing “how is it possible that the myth of matriarchal prehistory could ever serve other than a conservative, regressive, even fascist political agenda?”

14 To be fair, when Bachofen penned *Das Mutterrecht*, he was not thinking of the National Socialist German Workers’ Party or of the National Fascist Party.

It would be unfair to give all of the impetus for Mother-Right to the 1848 Italian Revolution. Some of it can certainly be attributed to his time spent in England.

**Mother-Right as Allegory**

In our age of rational science, after historians took to the methods of von Ranke with evidence-based history rather than reasoned history by natural philosophers, many of us in the profession may have forgotten that Bachofen presents himself as an heir to a Socratic line of academic inquiry. Therefore, truth is not in the validation of myth as history; rather, truth is validated by the allegory which is its translation device.

Peter Davies gave a sympathetic eye to Bachofen on Bachofen’s terms. “Bachofen sees the root of all human cultural development in a religious conflict between male and female principles that extends its influence over legal structures and the regulation of family life.”

15 Davies sees that Bachofen was after something better than what many people were experiencing in Europe. Bachofen was looking for “what is origi-
nally a state of relative harmony” even though such a state “degenerates into abuses and corruption, and is in its turn overthrown and repressed by the extreme patriarchal societies of the ancient world, namely Hellenistic Greece and Imperial Rome.” Davies argues that Bachofen, “the conservative Swiss Christian patrician,” was looking for some higher degree of humanity, one that transcends the earthly materialism of “Muttertum” and promotes the more spiritual or “geistig” principles of “Vatertum.” The Roman Empire fell because it became decadent and focused on the “matriarchal conditions.”16 Valdez argues that Bachofen blamed the fall of Rome on its return to material, matriarchal values.

I want to believe that this was Bachofen’s way of addressing the rising materialism of capitalism, consumerism and the Industrial Revolution. Perhaps Bachofen saw Rossi’s assassination as a human sacrifice on the altar to Materialism. In the old, Roman-influenced political-economic order, only the elite aspired to conspicuous consumption; however, as Cavour and Mazzini understood the European-dominated global economy, this kind of nostalgia for the old patrician way weakened the Italian states. Valdez argues this in a slightly different way, saying that “Bachofen’s own intense preoccupation with the universality and inescapability of this confrontation between the feminine-material and the masculine-spiritual principles” led to the fall of “the ancient world’s greatest phenomenon: Rome and its empire.”17 I think this is too literal an interpretation. Bachofen was in Italy, if not still in Rome, when Pope Pius IX fled the Vatican. Mazzini of the modern Triumvirate took up residence in part of the Papal compound for a time. This was simply wrong in a patrician’s eyes, but it was a traumatic reality for Bachofen.

“The matriarchal period is indeed the poetry of history by virtue of the sublimity, the heroic grandeur, even the beauty to which woman rose by inspiring bravery and chivalry in men, by virtue of the meaning she imparted to feminine love and the chastity and restraint that she exacted of young men.” [83]

“Let us never forget that when the power to perform high deeds flags, the flight of the spirit falters also, and incipient rot permeates all spheres of life at once. [84]

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16 Davies, “Myth and Maternalism,” 503.
We began by showing matriarchy to be a universal phenomenon, independent of any special dogma or legislation. Now we can go further in our characterization and establish its quality of natural truth. Like child-rearing motherhood, which is its physical image, matriarchy is entirely subservient to matter and to the phenomena of natural life, from which it derives the laws of its inner and outward existence; more strongly than later generations, the matriarchal peoples feel the unity of all life, the harmony of the universe, which they have not yet outgrown...

"Hellenism is hostile to such a world."

"Matriarchy is followed by patriarchy and preceded by unregulated hetairism." The progress from the maternal to the paternal conception of man forms the most important turning point in the history of the relations between the sexes...the triumph of paternity brings with it the liberation of the spirit from the manifestations of nature, a sublimation of human existence over the laws of material life.

"By and large the decline in women’s virtue sets in when the men begin to look down on them, when with advancing civilization the males develop a foppishness for which our own cultivated times have coined so many euphemistic terms. The progress of civilization is not favorable to woman."


Mother Right as Homeopathy for Social Peace

Bachofen’s treatment of interpersonal violence in *Das Mutterrecht* and his nostalgic yearnings for harmonious social relationships make it at once one of the most promising feminist and one of the most dangerous misogynist social treatises of the Romantic Era.

At times, Bachofen walks in step with French Revolutionaries Olympe de Gouges, author of the “Declaration of the Rights of Woman and the Citizen,” and British ex-patriot Mary Wollstonecraft, author of the “Vindication of the Rights of Woman” and “Vindication of the Rights of Man,” when he proclaimed the poetic nobility of the matriarchal age. As he progresses in his chapters, he dedicates one to the story of the people of Lemnos in which the women murdered the men who abandoned them for Thracian slave women. In this story, a matriarchy existed because men were away so much that women ruled the local
economy, tended the fields and used weapons to defend the home. These same powerful women later killed their unfaithful husbands. This story in the age of mercantile capitalism, warfare and colonialism could teach men to fear the women upon whom they depended while they were away at sea. This was a Hellenic story.

At other times, his passages seem to endorse male dominance over women, and a chilling, disturbing, violent dominance at that. In the Lycia chapter, Bachofen culls stories of non-Hellenic people from Asia Minor, Africa and Southern Europe who do not practice monogamous heterosexual relationships in which many men use a woman until she is exhausted. He also gives stories from Strabo, a Hellene, in which brothers seek their father’s assistance in enforcing the brothers’ incestuous relationship with their sister. This story can be used to teach men to believe that gang rape is a right protected by patriarchal authorities. By 1870, Bachofen was presented in at least one American periodical as a scholar who naturalized the communal ownership of women.

These are just two points that, like homeopathic medicines, are poisonous even if Bachofen intended a social cure. Bachofen was not unique in presenting information that normalized violent heterosexual relationships. Sir John Lubbock was known for writing that marriage originated as a violent relationship. "It had nothing to do with mutual affection or sympathy; that it was invalidated by any appearance of consent; and that it was symbolized, not by any demonstration of warm affection on the one side and tender devotion on the other, but by brutal violence and unwilling submission." Lubbock justified marital rape.

These scholars present evidence that can be used to justify marital rape, gang rape, and incest and this begs the question of what was happening in the domestic scene. I do not have the language skills to review German sources on the topic. Anna Clark’s book, *The Struggle for the Breeches: Gender and the Making of the British Working Class*, is a transformative history of domestic and interpersonal violence between

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1780 and 1850. A November 1853 article from the *Morning Chronicle* gives an indication: “Since the commencement of the present month, the metropolitan police-courts have sat nineteen days; and during that period, our reports of the proceedings of these tribunals record no fewer than sixteen cases of the same crime. This is a startling social phenome- 

... History tells us of certain mental epidemics.” The crime was wife-beating which the author defined as “a complex system of atrocities, in which we find the husband, almost as a matter of course, mauling, kicking, bruising, and stamping upon his wife.” Here are some of the cases:

- November 1. “We recorded the case of Grinny, charged at Lambeth with cutting his wife’s throat.” She testified against him after she was discharged from the hospital.

- November 2. “Lindsay was charged with a ferocious assault on a poor prostitute who, not accepting his advances, was fearfully beaten on the face and eyes.”

- November 4. “[Mr.] Hooker, convicted at Hammersmith of kneeling on and strangling his wife.”

- November 5. “Brooke was convicted at Hammersmith of smashing his wife.”

- November 8. “The disgusting case of M’Namara whose wife, ten days afterwards was scarcely able to quit the hospital to give evidence. This man had beat her and cut his victim till she was found apparently lifeless, and weltering in a pool of blood.”

- November 11. “We meet at Worship-street with a wretch named Walker, who, on some trifling dispute, assaults a female, stamps upon, and kicks her, tears all her clothes off her, leaving her an offence to public decency—and all this in the

https://scholarsarchive.byu.edu/sahs_review/vol51/iss1/3
presence of a large mob, who by their passive acquiescence, assented to this practical vindication of the rights of man.”

- November 19. “At Worship-street one DeLane is convicted of a furious assault on his wife. He had been in the habit of beating her—it was his custom, but on this occasion, because she had just been confined [a mid- to late-stage of pregnancy], he introduced two prostitutes into his house, and half-murdered the poor creature for their amusement.”

The reporter described the “unmanly violence” which produced “eyes smashed out, limbs dislocated, throats cut—of kicks and stripes, and murderous atrocities.” The writer included that “the tacit approval of neighbors lends a peculiarly revolting aspect to the matter.” England had laws against such violence, and the author believed that the six months at hard labor were insufficient deterrents. The author also advocated that flogging, something that was common in the British military and navy for some non-violent crimes, should be the punishment so that wife-beaters could feel what it was like to be beaten “to fainting, and literally within an inch of his life, on the very spot which he desecrated by kicking, stamping on, gouging, and tearing the naked form of her whom he has sworn to love and cherish.”

The author is clear that the punishment ought to meet the same level of violence suffered by the victims. “Unless we can check this wholesale system of woman mutilating, society itself must relapse into its primitive barbarism.” By this the author was referring to the era that Bachofen described as pre-matriarchal and pre-civilisation. “The monsters we have to control are not men.” This violence was occurring in what Bachofen would refer to as a Hellenic patriarchal society where men were victorious in reaching a higher spiritual plane of religion. In fact, an English newspaper reported in 1856 that there was a Christian sect in the Whitehall district of London that promoted wife-beating. “The Rev. George Bird, formerly rector of Cumberworth, near Huddersfield, has established himself there, and drawn together a congregation; to

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23 Anon. “Wife murdering in London.”
whom he preaches the doctrine that it is perfectly Scriptural for a man to beat his wife.” After one of his parishioners was sentenced to a month of hard labor for beating his wife, Rev. Bird “delivered a course of lectures” in which “he contends that it is a man’s duty to rule his own household and that if his wife refuse to obey his orders, he is justified, according to the law of God, in beating her in order to enforce obedience.”

Meanwhile, in the United States, Rev. Hubbard Winslow and Mrs. John Sanford published *The Lady’s Manual of Moral and Intellectual Culture* in which Rev. Winslow advocated that a woman ought to show “appropriate reverence and homage to her husband” which sounds like a form of religious worship. Winslow referred to Olympe de Gouges’ assassination. “The female Quixote broke her lance in vindicating the ‘Rights of Women,’ and no one sympathized in her defeat.” Winslow seems to agree with Rev. Bird. “A dictatoral and unyielding disposition is characteristic of man.” After Winslow’s lessons on how women are to worship their husbands, a step beyond Bachofen’s Hellenism, Mrs. John Sanford advised women who were visiting a suffering female friend that “surely, religion never seems more lovely, or is more truly sublime, than when she stifles the cry of pain, and wipes the drops of anguish from the sufferer’s brow,” and that the visitor is not to tell people about the injuries that she had seen on her friend whose marriage suffered from “want of congeniality.” Mrs. Sanford taught that it was very wrong, even by ordinary persons, to carry domestic secrets beyond our own walls” because the form of Christianity that Winslow taught “encourages no meddling interference, it asks for no human sympathy.” Bachofen’s Hellenic triumph of male-dominant spiritual religion over female-friendly matriarchal values was complete in these particular Christian communities. Winslow’s reference to the French Revolution of 1789 is interesting. It shows that he chose to advocate violence against women as a definition of manhood.

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27 Winslow and Sanford, *The Lady’s Manual*, 362
Conclusion: The Unfinished Work

Bachofen observed a trend in Greco-Roman history. He called it a Hellenic struggle against matriarchy. Bachofen preferred the harmonious society of the early matriarchal age when men lived in harmony with women. In his mind, neither male-domiance nor female-dominance produced stable societies. This is as far as Bachofen, the patrician Basel philosopher, could take his readers. Johann Jakob Bachofen’s work of restoring harmony between genders is unfinished.

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