

INTRODUCTION

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The papers in the present symposium deal with diverse aspects of marriage. Three give accounts of ethnographical observations in African tribal societies and the fourth offers a re-analysis of data extracted from that treasury of ethnographical riches, Malinowski's Trobriand *corpus*.

So much is now known about the customs and institutions of marriage in all human societies that it might seem doubtful if anything new can be added. Nor are there conspicuous lacunae in the theoretical study of the subject. It so happens that Malinowski, Lowie and Radcliffe-Brown, surely the three foremost authorities of their time on the comparative sociology of marriage, all left comprehensive statements of their conclusions (Malinowski 1929; Lowie 1933; Radcliffe-Brown 1950); and the general principles they set forth do not seem to me to be invalidated by later research. Add the massive investigations of Lévi-Strauss and his colleagues, as well as such compendious recent works as *African Systems of Kinship and Marriage* and the *Survey of African Marriage and Family Life*, and there would seem to be little an ethnographer can now contribute save further illustrations of well-known facts and principles.

Such, indeed, is the main intention of the four essays collected together in this volume. Conceptual and theoretical considerations are kept well under control. But they are not irrelevant; for however particular an ethnographic inquiry may be, direction is given to it by implicit conceptual categories and theoretical criteria. And even so thoroughly explored a terrain as marriage in tribal society may yield unexpected theoretical surprises to a new approach.

An apt illustration occurs in Dr La Fontaine's paper. Like the Taita and some other East African peoples with developed patrilineal lineage systems, the Gisu do not prohibit marriage between agnates outside the range of the minimal lineage. In fact, marriage with lineage kin beyond the prohibited degrees is common. But, says Dr La Fontaine, after marriage the affinal relationship ousts the descent relationship. The individuals are the same people as before. But before the marriage, the husband and his close patrilineal kin defined the wife and her minimal lineage as co-descendants of common patrilineal ancestors. They were therefore vested with rights and duties, entitled to loyalties and regarded with the sentiments that are mandatory for patrilineal kin. Now, after the marriage, their social relations undergo what looks like a striking reversal. Instead, for example, of the familiarity which is normal between kin they must behave with the mutual

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deference which is obligatory between affines; instead of the unqualified support which kinsfolk must give one another in war, affines may withhold aid if they wish.

The inherent antithesis between kinship bonds and affinal relations is common, probably normal, in all societies in which genealogical connexions between persons otherwise eligible as spouses are recognized and where kinship within fixed degrees is a lawful impediment to marriage. It is an antithesis which epitomizes the cleavage between the domain of kinship and the domain of non-kinship in social structure. What Dr La Fontaine documents is that people cannot be both kinsmen and affines to one another in the same context of social relations. Hence if prospective spouses are kin in their premarital status relations their kinship must be extinguished for them to be able to marry. This is done among the Gisu, and thereupon affinity takes its place.

It is pertinent that this shift is implemented and kept in being, not only among the Gisu, of course, but very generally in African society, by the flow of marriage payments. However, what I want to draw attention to here is the bearing of Dr La Fontaine's observation on a wider theoretical issue. Recent studies of South Indian kinship and marriage institutions (Dumont 1957; Gough 1959) have been concerned with the relative significance of affinal status and kinship in adherence to rules of cross-cousin marriage. The African conception typified by Gisu custom is closely paralleled by South Indian data. [1] To my mind what emerges clearly from both sets of observations is that, in dynamic terms, it is marriage which generates affinal relationship and not vice versa (cf. Goody 1959, for an incisive criticism of Dumont's contrary hypothesis). In formal terms, marriage is the bridge between the kinship side and the affinal side of the dichotomy that is of necessity built into the total genealogically defined domain of social relations which we find in every social system. It is a necessary corollary of the incest law, as Lévi-Strauss has so cogently demonstrated (1949). In other words, there would be no point to marriage ceremonies and legal instruments if the pre-marital status of the spouses in relation to each other and to their relevant kin were already affinal in character.

This brings me to one of the most interesting contributions of this collection of essays. A complex and fundamental problem in the comparative sociology of marriage is that of the regulations, conditions and criteria governing the choice of a spouse and the procedure of espousal entailed thereby. For everything connected with marriage is directed to this outcome.

Marriage, some say, is a lottery; or, as Montaigne says more vividly in his essay 'Of Three Good Women', it is 'a bargain full of thornie circumstances'. In discussing the selection of spouses and the formalities of marriage we are, in effect, asking what kind of bargain is struck, who are the parties to it and

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what are the rules and circumstances of the bargaining game. I put it this way because it is tempting to describe the process in the language of the Theory of Games, with the simplest two-person zero-sum game as the 'model'. The data are not at hand, in the papers under discussion, to go as far, for instance, as Dr Barth in his ingenious use of this approach in the analysis of Swat Pathan intra-lineage politics (Barth 1959). But Dr Harris's paper, in particular, includes data that do lend themselves to a re-statement on the lines of game theory.

If we consider marriage as an event in a life history it can be treated as a transaction between two parties. In the type of society we are concerned with they consist of the principals—the bride and bridegroom—and certain designated kin of each, determined by jural and moral tenets and rules relating to the status of persons. In connexion with my earlier remarks about affinal relations, it is important to note that these two parties are normally defined as being non-kin within the context of the marriage transaction. The 'game' requires that they be defined as opponents, each aiming at profiting rather than losing by the outcome. Custom gives reiterated expression to this theme, often in the mimicry of ceremony. Characteristically and significantly, the controlling position in each party is held by the parents, notably the father, or a parental collateral, or deputy, of quasi-paternal status.

The 'game' is played subject to a body of rules, conventions, and constraints which, in part, limit and, in part, direct the strategies and tactics of the 'players'. The rules comprise jural and moral ordinances that emanate from the politico-jural domain of social structure and will be enforced by agencies of society. These include the very common rules of incest and exogamy and such special cases as, for example, the Taita rule that marriage is not allowed between the descendants of a common grandfather. They also include procedural rules such as those relating to the sequence of gifts and counter-gifts in Trobriand marriage, to bride-price negotiations, and so on. An instance of a convention is the permissibility of recourse to elopement in certain circumstances. And a good example of a constraint is the economic need for particular kinds of farming land among the Taita, or for affinal support in gaining political advancement among the Gisu.

To continue the analogy, we can try to determine what are the values at stake, though it is not easy to keep this in line with the 'constant sum' model of the theory. Most anthropologists would agree that the Capital Value is the set of rights in the bride's sexual and procreative capacities and the domestic services that go with them. But our task is complicated by the coupling of this value with the bride-price or other marriage gifts, payments and services. The sum total of marital rights and the marriage prestations constitute a single fund of value from an outsider's point of view. Our problem is to account for the distribution of its components. Bride-price and marital rights

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move in opposite directions and remain on opposite sides, as between the parties. [2] But they tend towards a balance, in jural terms, and it is of special interest to note, from such data as are provided both by Dr Harris and by Dr La Fontaine, how the balance between the two components is often kept in suspense. This is brought about by arrangements for the transfer of the bride-price and other prestations to be spread out over a period of time, and, concomitantly, for the rights of the husband to be handed over seriatim.

The 'game' is further complicated by the Ancillary Values that are realizable through a marriage in consequence of the status relationships and connexions of the parties. The alliance with a spouse's relatives may be valued for the wealth, influence, political power or mere goodwill it can mobilize. Social geography may be a consideration when, as among both the Taita and the Gisu, the advantages of proximity of residence to a father-in-law with command over land resources have to be weighed against the attractions of an extra-neighbourhood marriage which is attainable without delay for a poor man.

Whether or not he reckons up the alternatives systematically—and doubtless he does not—a Taita suitor and his party have three plans of action to choose from. Dr Harris describes them under the headings of Completed Betrothal, Curtailed Betrothal and Elopement, the last being perhaps resorted to by young men only when the more formal and approved procedures fail. The bride's party, for their part, can either stand out for the first form, compromise on the second, or accept the third with as good a grace as they can muster. They exploit the law that no marriage can be legitimate without the transfer of the bride-price, in whole or in an agreed part, in developing their strategy. That is to say they manoeuvre in terms of the kind and amounts of marriage prestations they will accept in return for the marital rights they are obliged to concede. For the Taita, it is tempting to guess that the half-way house of Curtailed Betrothal is likely to be the compromise most acceptable to both parties.

The point of principle need not be laboured any further. A marriage is an event in the career of an individual and in the developmental cycle of families and kin-groups (cf. *Cambridge Papers*, I, 1958). It comes about by individuals making use of economic resources, social relations, laws and beliefs, in choosing the most rewarding way—within the limits set by social norms—of fulfilling their private purposes. This is the aspect of marriage I have been comparing to the procedures that figure in Game Theory.

But if we are looking at marriage as an institution, the more appropriate questions are where does it fit into the structure of society and what are the ingredients of custom that mark it off as a distinctive institution.

Let us consider, again, the manoeuvres to gain a spouse. Before they can begin a choice has to be made. In such famous and voluminously discussed

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closed or prescriptive systems as those of Australia and of Southern India, this is ostensibly fixed by rules that prescribe eligibility for marriage in advance. A man must marry a cross-cousin, or rather, to put it more generally, a woman who can be placed in a category designated by the kinship term for cross-cousin by virtue of a recognized classificatory rule which, in extreme cases, simply divides all the opposite sex members of one's own generation in the endogamous group into non-marriageable 'siblings' and marriageable 'cross-cousins'. This fixes the structural provenance of spouses quite strictly by reference to their pre-marital genealogical identification and classification. Manœuvres to gain a particular person as spouse are limited in scope and may even be prescribed.

It is quite different in the open (or proscriptive) systems we are dealing with here. In theory spouses can be taken from any genealogically and politically licit group—for instance, one that is not proscribed by rules of incest or exogamy, or is not a member of an inferior caste—in a population that is likely to be large by comparison with that of an Australian tribe or South Indian local caste group. Is the actual selection of spouses in a given generation, or over a stretch of several generations, then purely random or is there some implicit or explicit regularity in it?

Dr Harris and Dr La Fontaine have addressed themselves to this problem. They confirm observations that have previously been made in other parts of Africa, for example among the Tallensi of Northern Ghana (Fortes 1949, ch. xi). Allowing for the bounds set by incest prohibitions and exogamic regulations, which may be implicit rather than explicitly formulated, as, for instance, in the Israeli Kibbutz described by Spiro (1958: ch. xiv), it seems that there is a distinct preferential bias in these open systems. The bias is in favour of marriage within close permissible geographical or social range, rather than far afield. Thus there is a high incidence of inter-marriage between members of geographically neighbouring or socially related families and groups, whether these are genealogically, locally, occupationally or otherwise defined, and the rate decreases along a regular gradient as the spatial or social distance between the parties increases. The inference is that, whatever rationalizations people may give for their choices of spouses, in open systems the odds are large that they will fall within the nearest accessible circle of mates defined as eligible in jural and other customary terms. The same results may come about in closed systems; but this is because eligible spouses are specified by genealogical or ritual rules, or by physical conditions that impose propinquity on spouses, as in an island community.

It should be noted that this tendency is not confined to tribal societies. It occurs to some extent in North Indian castes (cf. Gould 1960), and has been encountered in some segments of western industrial societies. Residential propinquity has been shown to have a strong influence on the choice of

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spouses in some American cities (cf. Marches and Turbeville 1953, which reviews and adds new data to earlier well-known studies of this propensity). There are cities in which up to 70% of marriages, in certain areas, take place between persons who reside within twenty blocks of each other. Social propinquity, in the sense of class, occupational, educational, religious and such-like solidarity, is commonly believed to influence marriage and many studies have confirmed that this is true for the United States (cf. for example, Centers 1949).^[3] It was, of course, a firmly held ideal and practice in Europe, as readers of nineteenth-century novels know, and still prevails in many areas. Among recent studies in Great Britain, Mrs Stacey's description of social life in Banbury shows that there is a distinct tendency towards class and local endogamy among native-born inhabitants of the town (Stacey 1960, App. 7), and this is probably characteristic of similar small towns and villages in England. A more striking example comes from rural Holland where, as Dr Ishwaran's fascinating monograph (Ishwaran 1959, pp. 50ff.) brings out so vividly, marriage is quite explicitly circumscribed by considerations of class, denominational, educational and local solidarity.

I adduce these American and European data for a particular reason. They indicate that the preference for propinquity in the choice of spouses is not due to such accidental factors as the simplicity of economic life or the limitations on freedom of movement due to poor communications or rudimentary political institutions in tribal society. It arises from an invariable concomitant of marriage that is taken into account in all anthropological discussions of the subject but is apt to be ignored by other social scientists. I mean, of course, the structural consequences of the fact that the principals in marriage are normally not isolated individuals but status-endowed persons whose union commits both them and those with whom they have pre-marital social ties to new social relationships. The most general and most important of these are the inescapable affinal relationships. These are critical because it is through them that the structurally discrete conjugal unit is fitted into the external systems of political, juridical, economic and religious institutions and arrangements. Structural propinquity between the parties is conducive to marriage because it facilitates continuity and consistency between the network of status relations in which they and their kin were placed before their marriage and the status arrangements that are the result of the marriage. Local intra-marriage is but a special case of this more general principle. At its simplest, it may make it easier for both the spouses and their kin to manage their mutual affinal relationships without detriment to the loyalties and obligations that persist from their pre-marital social and personal relations.

But by the same token structural propinquity may be associated with wide geographical separation; for different status values may act in what seem like contrary directions to achieve what appears to be the same end of maximizing

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affinal solidarity. Dr Harris and Dr La Fontaine have some highly instructive data on this subject. The newly married young Taita benefits by living in his wife's father's neighbourhood because this makes it feasible to borrow land from his affines. The father-in-law, in turn, thinks it useful to have his son-in-law close under his eye. The Taita elder, on the other hand, with his established economic and jural position, stands to gain coveted political prestige by marrying into a distant community and making use of his affinal ties to win support abroad. The richest and the poorest among the Gisu both tend to marry far away, but they seek spatially distant affines for contrary reasons. Trobriand chiefs, Mrs Robinson reminds us, follow a policy of taking wives from a wide range of clans so that they may have a wide network of affinal allies and well-distributed sources of supplies.

To choose a spouse with an eye to the in-laws one may become connected with is a common enough practice in many societies. In some cases the aim, avowedly, is to build up or maintain affinal alliances. Marriage then appears as virtually nothing more than an indispensable adjunct to such alliances. Doubtless there are traces of this in, for instance, the marriages of Taita elders. Let cynics make what they wish of the motives and attitudes that may be inferred from such practices. We must remember, however, that they conform to standard patterns in the societies we have been discussing; and their main interest for us lies in the structural principles and customary norms which they represent. The manner in which status position influences choice of affinal alignments has been noted. Prospective affinal alignments and interests in turn decide which of the several jurally permissible modes of espousal is adopted, be it at the demand of the woman's party or merely by their acquiescence. This is where the game-like manoeuvres play a part. And in passing it is worth noting how widely espousal by elopement is conceded. The reason is simple. It is a kind of escape mechanism. It enables marriages to be achieved when the principals are in all respects well suited and lawfully eligible but adventitious impediments stand in the way of orthodox procedure, for example when the jural superiors of one or the other are unjustifiably recalcitrant or when the suitor is handicapped by poverty. This relates to the basic limiting fact in marriage. In tribal societies it is normally accepted that every adult has a right to get married. It is regarded as a necessary attribute, not only of maturity, but of citizenship, in the sense of membership of the widest political community. A parent or any other person who uses authority derived from his domestic or descent status to obstruct this right without just cause may incur public censure. The *fait accompli* of an elopement may be as welcome a way out for the responsible parent as it is for the young couple.

The issue of status is central. To adapt (without disrespect to its distinguished author) the most hackneyed of all sociological aphorisms, marriage

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could be briefly defined as the sanctioned movement from the filial status of son or daughter to the conjugal status of husband or wife. This holds, in the broadly descriptive sense, at any rate, for first marriages. And first marriages are decisive both for the spouses, for the domestic groups from which they move, and for those which they eventually start. A person's first marriage constitutes a critical, that is an irreversible change of status, one of the most important in the life cycle. Dr Goody's study provides an insight into what this means. A Gonja woman's first marriage creates once and for all the inextinguishable and irreversible status of wife for her. Frequent divorce and remarriage is customary among the Gonja. But later marriages do not add to or subtract from the uxoral status gained by a first marriage. This is symbolized and sanctioned by the requirement that a woman must be ritually freed from the sexual control of her first husband when he dies, no matter how many husbands she has had since. This concept of uxoral status is found in other parts of Africa (e.g. among the Hausa: cf. M. F. Smith 1958) and elsewhere. I would guess that it is implied in the Trobriand manner of establishing a marriage and in such nuptial ceremonies as the Nayar *tali* tying rite. In structural terms one might say that first marriage establishes the husband-wife constellation as an entity which is maintained through the entire life of the partners as if it were ideally the same, regardless of any permutations of the members of the unit. This is analogous to leviratic marriage, if it is thought of as the original marriage of the widow continued with the aid of a new incumbent of the office of husband, primarily in his physical aspect, as sexual and economic mate.

Dr Goody's observations confirm what we know from other sources, that the significant feature for which first marriage is thus jurally and ritually singled out is the sexual roles it creates. Anthropologists agree that what distinguishes the conjugal relationship uniquely from all other dyadic relationships, and isolates it as the core of the domestic domain, is the exclusive, or at the minimum privileged sexual rights and claims of the spouses on each other. These rights and claims pertain to socially responsible procreative sexuality as opposed to the irresponsible juvenile and adolescent sexual indulgence which is often condoned, if not freely allowed, pre-maritally. These rights may be delegated (e.g. by a sterile husband), distributed (as in polyandry), split up into a bound moral and symbolic element and a free physical element (as among the Nayar) or transposed in context. This does not alter their significance as the distinctive feature of the conjugal relationship. For it is by entering legitimately into conjugal sexual relations that the transition in status—not, be it noted, in physical maturity—from daughter to wife and son to husband is effected. This transition is accomplishable only once and for all in a person's lifetime, and that only with the concurrence of society—or rather, to put it more exactly, with the necessary jurial authorization.

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Dr Goody's account shows that Gonja social structure generates very divergent pulls on a person, and so disperses all social relations both temporally and spatially. The result is that marriage inevitably becomes a very unstable partnership. But this applies only to particular marriages. The institution itself, in essence the jurally validated conjugal relationship, is not thereby annulled or even diminished in structural importance. As in all societies, a precise demarcation between unmarried co-habitation, even if it imitates marriage in all particulars of residence, housekeeping, sexual association and procreation, and true, that is legal marriage is maintained; and this is aptly symbolized in the once-for-all status of spouse conferred by first marriage. It is consistent with the Gonja adaptation of the form of marriage to their peculiar economic and political conditions that *de facto* marriage should be regarded as redundant for women past child-bearing and therefore easily terminable. There is no other legitimate way in which a woman can divest herself of the many contingent duties and responsibilities of the conjugal bond. This is jurally effective because, as Dr Goody demonstrates, the woman is able to resume her filial status in this situation.

My argument implies that the conjugal relationship derives from the marital status of the spouses, that is from the rights and duties, claims and capacities that are conferred on them from the outside, so to speak, I mean from the politico-jural domain. I stress this because it is easy to fall into the error of regarding marriage as a purely domestic matter. That it is not so is evident from the rule that the rights and duties of spouses, once authorized, must be respected by all others, hence the common practice of imposing jural penalties for adultery.

No aspect of marriage has more frequently been described than the ceremonies in which jural and religious sanction as well as social recognition is accorded to it. And none of them is so well known as those by which a bride-price and other marriage gifts are transferred. The African forms of such transactions have been authoritatively elucidated by Dr Lucy Mair and the other contributors to the *Survey of African Marriage and Family Life* (Phillips 1953). The general view is that these transfers, whether they take the form of valuables, livestock, money, labour service, or largely symbolic goods, certainly in the circumstances typical of societies with a patrilineal descent organization, signalize the transfer to the husband of marital rights over his wife and parental rights over any children that will be born to her. The papers in the present volume all give some attention to these prestations; and they suggest some comments on current views.

Marriage payments and gifts appear to consist of two constituents, a Prime Prestation and Contingent Prestations. The Prime Prestation is stipulated by the marriage laws. It is normally fixed in kind and amount, and is often restricted to the context of marriage as regards its disposal by the recipient

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(e.g. it is earmarked for the bride-price of the brother of the girl for whom it is given or is offered as a sacrifice to ancestors to announce the marriage). It is the part of the marriage payments which constitutes the *sine qua non* for lawful marriage and which is, therefore, strictly speaking, the sole jural instrument for the transfer of marital rights. Thus it is the part of the marriage payments which stands for the nuclear sexual and parental rights and relationships of the spouses and thus corresponds to the Capital Value in marital rights. Bargaining cannot enter into this. For no matter what its economic worth may be its significance lies in its binding power as a jural instrument. That is why it is returnable when a marriage is terminated by divorce, and can more reasonably be equated with a pledge than with a purchase price.

The Contingent Prestations have a different meaning, even when they are made up of the same kinds of goods or services as the Prime Prestation. They are often open to bargaining and may be partly or wholly counter-balanced by reciprocal gifts or services from the recipients. This is understandable, for they are not a jural instrument for the transfer of rights but a means of winning and preserving the goodwill of those with the power to transfer marital rights. There is an element of barter in them. In other words, they are the medium through which affinal relations are established and maintained. That is why they are often, if not normally, spread out over time and may be linked with the fortunes of the family. They correspond to the Ancillary Values realized in marriage.

The distinction I am drawing has some interesting corollaries. Clearly it is the Prime Prestation that mediates the movement of the spouses from their pre-marital to their conjugal statuses. But the existence of affinal relationships presupposes that the pre-marital statuses of the spouses are not entirely extinguished by their marriage. If marriage were completely to wipe out a person's filial and sibling status, that is to say his or her pre-marital kinship ties, then neither spouse (nor, by derivation, their kin) could have affinal relations with his or her spouse's kin. Conjugal status does not replace filial status, it is added on to it; and their potentially conflicting co-extension is regulated by arrangements which segregate their respective fields of operation.

It is in this connexion that such incidental features of marriage as co-residence and common housekeeping are relevant. Transfer of the critical marital rights focused in the sexual relationships of the spouses necessitates only the relinquishment by parents of their control over their child's sexual and procreative capacities. It does not require them to give up all other claims on and rights over their child. They may be entitled to hold on to some domestic services from their child and to his or her physical presence in their home at times when the spouse's rights are not thereby infringed. That is why first-married spouses, in some societies, continue to reside with their