

Kinship, Networks, and Exchange

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WEALTH TRANSFERS OCCASIONED BY MARRIAGE: A COMPARATIVE RECONSIDERATION

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INTRODUCTION

The theory of marriage payments has been oriented toward explaining why various categories of practice take place under particular ecological and technological conditions (Bossen 1988; Goody 1973; Spiro 1975; Harrel and Dickey 1985; Kressel 1977; Schlegel and Eloul 1988; Tambiah 1989; and others). This effort has been productive of a wide range of important analytical findings. However, the results of this chapter suggest that some of that work should be reconsidered by reference to a more systematic and scientifically established set of analytical categories. The attempt here is to observe wealth transfers associated with marriage in all forms of society and to reexamine those transfers on the basis of a set of theoretical understandings that have, heretofore, remained only inchoate in the literature. The principal theoretical issue is the importance of identifying individuals as incumbents of person-categories within socially constructed collectivities. The prevailing analytical perspective tends to present *reciprocity* as the elementary unit of social action, as is well illustrated by the influential work of Sahlins (1972), and it presents the individual as the elementary social actor. This perspective is related to a view of human action that has deep roots in post-Enlightenment thought, but it constitutes, I believe, a serious disability for the advancement of our understanding of a broad range of social processes. The presentation here makes no attempt to construct a case against the individualist-reciprocity paradigm. Rather, this is a positive presentation that explores the behavior of corporate groups in relation to marriage, and it is hoped that the utility of this approach will encourage acceptance.

A few examples will illustrate the problem:

- If we define *dowry* as an intergenerational transfer to the bride from her kin, conceptual problems arise if the gifts are received by in-laws within a joint family (as in India). Does it matter that these gifts are received by in-laws?

- If bridewealth is defined as a transfer of wealth between kin, do we allow the bride to be a member of her own kin group? If so, can she receive her own bridewealth?
- If bridewealth in an African culture is a "circulating fund" among unilineal descent groups, can it still be called bridewealth in the absence of such descent groups and in the absence of "circulation"?
- Or if bridewealth existed in California as an elite practice, would anthropologists recognize it?

This paper begins with a characterization of various forms of wealth-holding corporate groups, such as lineages and other configurations of kin, and consumption-oriented corporate groups, such as households and hunting bands. This discussion effectively locates individuals in the social groups within which are provided access to resources and their responsibilities toward others. Only then do we attempt to assess the social implications of wealth-transfers that putatively are received by those individuals.

FORMS OF CORPORATE GROUP

The *corporate group* is a well-established concept in anthropology with foundational development beginning significantly with Sir Henry Maine (1960[1861]). Corporations take many forms: the household, the lineage, the tribe, the ritual caste, the nation, the state, and, of course, the business enterprise. However, the prevailing use of the concept appears to be in reference to wealth-holding lineage groups in which well-defined decision-making processes and rules of inheritance operate, rules and processes by which individuals are connected to the wealth-assets of the group. Organizations of this sort have much in common with the corporate enterprise of contemporary societies. However, we shall attempt to avoid the term *corporation* and make use of the concept of corporate groups. The difference is that a corporation is defined by reference to the resources that it controls, whereas a corporate group is defined by the characteristics of the individuals who have rights to those resources.

A corporate group is a set of individuals who have socially recognized claims -- *rights* -- to consume or use a specific resource or set of resources. By implication the resource(s) in question must be scarce, so that the rightful claim of an individual must be limited to a *share* of that resource. And the set of rights is viable so long as the demand for the set of rightful shares does not overwhelm the available supply. A corporate group, therefore, is a domain of sharing in relation to some set of scarce resources. However, in "traditional" forms of social relation, membership within corporate groups is defined by age, sex, and parentage, as is the case in domestic groups, lineages, tribes, and nations. In particular, age, sex, and parentage become the basis for defining *categories of person* that differ in the size and composition of their rightful claims. In other words, the shares that accrue to individuals are determined by their socially ascribed characteristics and cannot be transferred among individuals. This in-

alienability separates these shares fundamentally from those held by stockholders of the modern corporation. The most foundational of corporate groups is the domestic group, wherein one has rights to receive the essentials of life. These essentials always differ across categories of person. Categories include older and younger adults, male and female, adolescent children (both male and female), infants, and so forth; and the shares that accrue to individuals can vary quite widely on the basis of category. A residential community may be a corporate group if its members share use-rights to a set of natural resources, thus giving rise to a "commons." Such a community is a corporate group in relation to that set of natural resources. Hence, a band of reindeer hunters, who, as described by Ingold (1980), may coalesce and/or disperse seasonally in response to the availability of game, is a corporate group, one formed opportunistically and varying in composition intertemporally. As Ingold indicates, this hunting band is the group of male hunters, and, as a locus of sharing, it has functional and ethical primacy over the nuclear family unit. Men share food, hunting implements, and wives; and in the severe absence of food, they are willing to consume their wives before falling upon one another.

A centrally important form of corporate resource is wealth, which takes the form of women, animal stock, land, reefs, totems, traditions, magic, and implements for production. In order for some resource to constitute wealth, two factors are required: The resource must be capable of indefinitely long life under reasonable management; and it must be the basis of a stream of consumption benefits. It must be useful without being rapidly used up. While a herd of cattle can be consumed as food, it may be managed in such a way that only the male and/or older female animals are subject to slaughter, this allowing the herd to grow. Similarly, a unit of agricultural land may be rapidly consumed by practices that fail to preserve its productivity, or it may be managed appropriately as wealth. And, historically, an important and sought-after form of wealth has been the fertility of women, which, acting as a capital resource, promotes an exponential increase in the demographic power of a group. In most cases the eligibility of individuals to membership in wealth-holding corporate groups is by means of inheritance. Within each age-cohort of a multigenerational wealth-holding group, inheritance rules identify the individuals who have rights to control and use the assets of a corporation, and it is by reference to inheritance rules that different societies select the set of persons who are eligible to receive a distribution from the corporate estate and who are allowed to determine the timing of that distribution.

Consumption groups and wealth-holding groups are the principal forms of the corporate group. These two basic forms are illustrated by the two forms of Indian joint family, as described by Tambiah (1973). There is the property-holding joint family (a wealth-holding corporate group) that consists only of men, their sons, grandsons, and great grandsons - a four-generation agnatic group that constitutes the "co-parcenary." There is also the residential house-

hold (a consumption-based corporate group). The residential joint family, unlike the agnatic group, has limited duration as a concrete social entity. In principle it can change daily (like the Inuit hunting band), as people come and go; but unlike the wealth-holding group, its household contains wives and daughter who have rights to shares in the benefits that accrue to it, including those benefit that are derived from corporate wealth. But since those women do not inherit, they are not members of the wealth-holding corporate group.

THE MARRIAGE MARKET

Market has come to connote characteristics of the very special cultural articulation of market processes associated with capitalism. This is most unfortunate because all processes of voluntary exchange are defined by markets – albeit markets of many different kinds and levels of elaboration. Unless the selection of marriage partners is prescribed narrowly by socially recognized rules, such selection requires the kind of choice processes that define markets. In many cultures, including those in India and the United States, these markets involve the use of newspaper advertising and costly brokering by professional intermediaries. In some other cultures marriage markets are confined to networks alliances or limited to geographically and/or to socially delimited sets of options. However, we cannot understand marriage payments unless we recognize that they are associated with markets for spouses. We have a market whenever individuals or groups are allowed to surrender or alienate rights over some resource in exchange for receiving rights in some other resource. The existence of a market is indicated by the fact that individuals or groups have the option of entering a competition to gain access to a set of benefits in exchange for the provision of benefits to another party. A market becomes more "perfect," other things equal, as the number of individuals or groups involved in this competition increases, thereby increasing the alternatives available to each party.

The end result of the negotiation that eventuates in a mutually acceptable bid-price for a bride or groom is the outcome of a competitive process in which each party has the option of considering different bids from a variety of bidders. These negotiations are generally unrelated to the personal concerns of the principals per se. Rather, the negotiations are devoted to issues that are salient to the corporate groups with which the principals are associated. There will be objectives on each side, but in the event that bridewealth is an element of the system, those negotiations involve a transfer of rights in the effective reproductivity of a woman' in exchange for some form of movable wealth.

A *marriage payment* is a negotiated, or predetermined, commitment to the timely transfer of wealth between corporate groups as a *necessary condition* to the formation of a new conjugal unit. In every case a corporate group, by offering

1 A woman's effective reproductivity is the product of her fertility and her ability to contribute to the nurturing of children, thereby producing mature offspring.

Wealth transfers occasioned by marriage

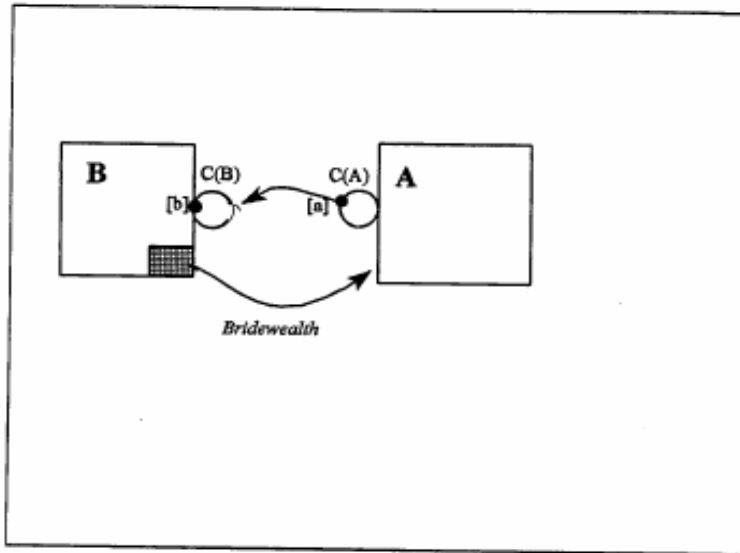


Figure 9.1 A Transfer of Wealth in Order to Obtain the Wealth Value of Female Reproductivity

a form of wealth, seeks the rights to some or all of the wealth (e.g., children, trade goods) that is anticipated as the product of this conjugal unit! Marriage payments are *always* oriented toward the transfer of rights to wealth.

In Figure 9.1 there are two patrilineal wealth-holding corporate groups, A and B, and attached to them are two consumption-based corporations (domestic groups), C(A) and C(B). The husband, [b], belongs to B and to C(B). His bride, [a], is transferred from C(A) to C(B) at the time of marriage. She belongs to neither A nor B because she has inheritance rights in neither. However, she is incorporated into C(B) - meaning that she has rights and responsibilities in a household that is supported by B. Bridewealth arises when marriage requires the transfer of wealth from B to A, and it is groomwealth when the negotiated flow of wealth is from A to B.

If B is willing to expend a portion of its precious wealth for this purpose, it is because the future growth of its wealth (in women, cattle, and so on) will be favorably affected by the transaction. In other words, B will not transfer wealth to A in order to secure private sexual and other conjugal pleasures for [b]. If [b] wants those things, he can simply move into C(A), or he can seek his satisfactions in "the bush." B is interested only in (rights to) wealth, and only

for wealth will wealth be transferred. Indeed, even a potential husband may have little interest in obtaining conjugal rights; he may be more concerned with improving his social position by accepting a marriage that is instrumental to the interests of B.

Since the exchange value associated with the transfer of rights in [a] is defined by the level of bridewealth and since [a] is worth more to B than to A (assuming that A has sons who need wives), A is better off replacing [a] with a daughter-in-law - a replacement facilitated by the bridewealth for [a]. No matter how vigorous and self-seeking the negotiation process, if there is a positive resolution of this process, both sides should be better off.²

In the traditional bridewealth case, one group offers wealth in the form of female reproductivity, whereas the other offers wealth in the form of animal stock land or some other productive asset. When this is done, those with large stocks of movable wealth will gain greater access to the services of women and enjoy higher demographic growth (with potential military and political advantage) thus disadvantage those who lack wealth. A specific model of this process is discussed by Bell and Song (1994). It is quite possible that the two parties are equivalent in wealth-holdings, but if they are not equivalent, the use of bridewealth leads naturally to a net transfer of fertility to the wealthy. If the party with less wealth wants to accumulate wealth, it may do so by exporting daughters and allowing that wealth to grow by not taking wives. But in doing so it will suffer a loss in population growth and be at risk ultimately of political domination by others. On the other hand, if the less wealthy party uses bride-wealth from daughters for the acquisition of wives, it will continue to suffer a deficiency in wealth. These asymmetrical consequences of bridewealth for the relative positioning of corporate groups arise even though each marriage transaction is to the advantage of both sides.

The rights and responsibilities that accrue to husbands and wives are located in C(B) - or in C(A) in the case of uxorilocal options - and they are defined differently within each culture. However, rights to wealth are, by definition, located within B or A. Hence, the rights of husbands, per se, are conjugal in form and can be recognized as consumption goods and services, whereas rights in the effective fertility of women accrue to wealth-holding groups as a form of wealth Tambiah (1989) has made note of this fact as a characteristic of African systems of marriage and bridewealth. However, it is a fact in relation to all systems that contain marriage payments - and that includes the great majority of Indian marriages which, until only recently, were affected by means of bride-wealth.

If a full market price is paid for this transfer of rights (in which the wealth component in bridewealth is not predetermined by custom or chiefly edict), the payment of bridewealth *completes* the transaction. A full price eliminates all

2 This discussion establishes the falsity of Sahlins' notion of negative reciprocity. Unlike theft, barter and negotiation are aspects of voluntary, mutually beneficial exchange.

residual obligations from both sides of the transaction, and rights in the products of the bride can be said to be *sold*. That is, bridewealth becomes a market-clearing price on effective fertility, justifying the label *brideprice*. However if a full price is not paid or if it is paid and then returned as "dowry" a residual claim can be made, not against the bride but against **B**, the group to which she has been transferred. In the case where bridewealth levels are administered by chiefly regulation, those who seek a given bride are prevented from using wealth alone as a basis for pressing a claim, and if there are many parties willing and able to offer the prescribed level of bridewealth, some additional basis for selecting among suitors must be found. This new basis necessarily involves alliance or friendship. The party most likely to be chosen will be one with whom the wife-givers already have a valued alliance, so that the offer of a bride is a confirmation of the existing relationship; or wife-givers will select a party for whom the (below-market) offer of a bride can act as the opening gambit for a new alliance. Those who do not pay full price implicitly receive a gift that is equal to the shortfall, and this gift is symptomatic of a social relation. The term *bridewealth* is justified only because marriage payments are often but not always socially constructed to be bids that are below "market-clearing" prices for the rights in question. However, we shall use this term inclusively so that brideprice (groomprice) is a form of bridewealth (groomwealth).

Bridewealth can further the establishment of alliance between A and B but *only by reference to its socially constructed inadequacy*. In other words 'it is not the paying of bridewealth from B to A that facilitates alliance. That objective is accomplished by the gift from A to B that is implied by the difference between bridewealth and brideprice. It is possible that socially regulated bridewealth levels developed as a means of avoiding the inflation of prices that may otherwise develop in unregulated markets for brides. However, such regulations have the consequence of forcing upon those systems a prominence of alliance and a de-emphasis on wealth as a basis for the selection of mates.

In most hierarchical social systems, an important advantage of higher status is a net accumulation of women, so that bride-takers tend to be superior in wealth to bride-givers. In these societies, such as Imperial China or India one would not expect administered levels of bridewealth, because fixed levels of bridewealth enable B to obtain brides at below market prices and implicitly force a transfer of wealth from A to a richer B as a condition for marriage. Although groups are seldom reluctant to exploit those less rich than themselves, we will find that marriage payments are never constructed in this way in hierarchical societies. Transfers of wealth from A to B are more likely to exist in marriage systems in which B is not presumed to be superior to A -- that is we expect this path to alliance formation in "egalitarian" systems of the form found in Africa. The problem is as follows: If B is superior in wealth and status to A then a marriage between [b] and [a] is at risk because of the social inadequacy of A. Hypergamy must always struggle against the forces of isogamy and the alliance that A seeks with B is made more tenuous by a forced (below-market)

level of bridewealth that makes B yet richer and A yet poorer. Hence, price controls on levels of bridewealth are antagonistic to purposes of A and B in hierarchical systems.³

Bridewealth becomes a "circulating fund" when A uses the bridewealth from B to acquire a wife for a man in A, thereby passing the bridewealth along in an indefinite siring of transactions. However, this characteristic is neither necessary nor sufficient in defining bridewealth. Bridewealth is more likely to have this property when animal stock is the means of payment, and a number of social relations may develop therefrom that are important to the meaning of bridewealth within those cultures. However, it is for the sake of protecting the cultural variability of marriage payments that leads us to define them very narrowly. In other words when we say that culture X has a system of bridewealth, you may deduce only that there is a transfer of rights *of some kind* from A to B in exchange for wealth, leaving open for cultural particularity the determination of the type of rights or the kind of wealth to be transferred; such cultural particularity also determines the composition of A and B and the future path along which that wealth will travel. Only then do we have a conception of bridewealth that is fully portable across cultures.

MARRIAGE PAYMENTS: EXAMPLES OF BRIDEWEALTH AND GROOMWEALTH

Among peoples who are Muslim there is a very wide array of marriage practices and marriage payments. In most cases, it is recognized that the Qur'an requires the payment of a *mahr*, but the nature and significance of this payment varies widely. Since World War II, there has been a slow process of Islamization within the Middle East and elsewhere, by which cultural practices come more into conformance with Islamic law. But this process is quite incomplete. Hence, the following discussion of Islamic law in relation to marriage payments varies in its relevance for any particular Muslim culture.

The Qur'an contains explicit rules of inheritance. Islamic law requires that with the death of her father or mother, a woman receives from the estate a share that is one-half that of her brother. In contrast to her position in the pre-Islamic period, she now inherits and becomes a member of A, a wealth-holding group in a bilateral framework. However, the wealth of A that accrues to a woman is not expected to be distributed at the time of marriage. Rather, she is to remain a member of A. Any wealth that she receives at the time of marriage and during marriage is to be held by a joint wealth-holding group, BA, to which she and

3 It would appear that dowry could have the effect of impoverishing A in the interest of B, but this is not so in principle. Since dowry is a transfer from A to C(B) and since B is expected to make large investments into C(B) as well, there is no necessary implication that the marriage reduces the wealth of A by more than it reduces the wealth of B. Indeed, the ethics of dowry, I think, derive from the assumption of a joint sacrifice by A and B on a venture of mutual interest.

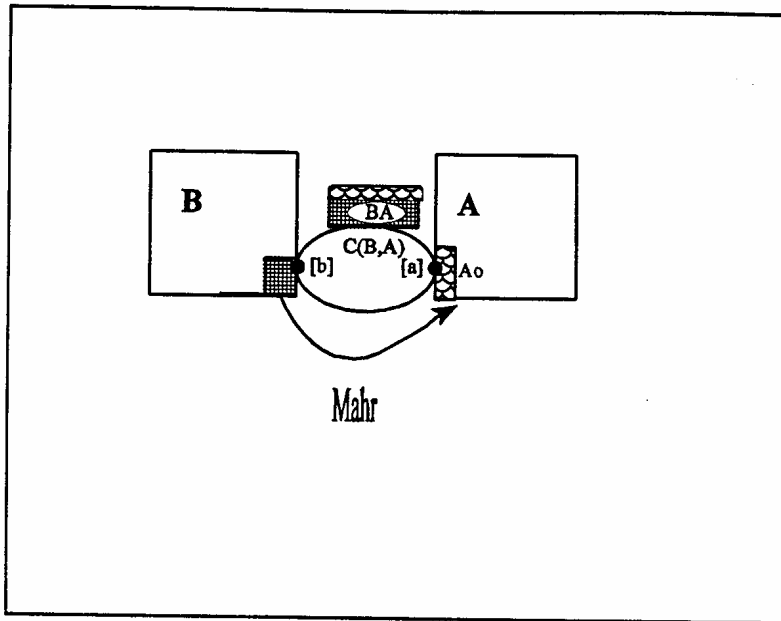


Figure 9.2 Transfer of Wealth by Islamic Rules

her husband and children belong. Her inheritance from the conjugal estate depends on whether or not she has children. Although there is clearly the formation of a corporate group with her husband, the Qur'an is explicit in giving primarily to her children and her parents. It is said: "Ye know not whether your parents or your children are nearest to you in benefit" (Sura IV, 11). Since this statement omits any consideration of her husband, a woman's post-marital membership in A is unambiguous, even as she and her husband form BA. (See Figure 9.2.)

Figure 9.2 shows that a woman retains assets in A, labeled A° , while gaining shares in BA. All of her assets may devolve upon her children and, hence, revert to B. However, if she has surviving parents, each of them would take a one-sixth share, and unless A° is actually transferred to her, it is likely to be inherited by her brothers. (Were she to take control of A° , she would be severing her ties to A and be at great risk in the event of divorce.)

As a complement to the ease with which men are able to divorce their wives, Islamic law requires a prenuptial agreement to the payment of a *mahr*, part of which may be paid immediately before the marriage and the remaining portion held in reserve, to be paid to the wife in case she is divorced against her will or in case of the husband's death.⁴ Once divorced, she may receive maintenance (Sura II, 241) and the *mahr* (both the immediate and deferred portions). Hence,

⁴ When a man dies, his wife inherits one-eighth of his estate if there are children and one-fourth otherwise (Sura IV, 12).

the significance of the *mahr* as a transfer of wealth - "... to grant the wife financial security and independence ..." (Ali 1987: 98) - depends on the frequency of divorce and widowhood.

Since the woman's primary location is in A, it is as a member of A that she is promised the *mahr*. Hence, the *mahr* is an expected transfer from B to A and constitutes bridewealth.⁵ There can be no other characterization that fits the facts before us. Whether the wealth of B goes to her, to her father, or to other members of A, it remains a transfer between wealth-holding corporate groups.

In most states of the United States, a Community Property Law stipulates that property owned by either party prior to marriage remains the property of that person. It further stipulates that wealth accumulated during the marriage accrues equally to the separate estates of the parties, so that such additional accumulations are to be divided equally in the event of divorce. Since divorce requires the dismemberment of the joint wealth-estate, the subsequent distribution of its assets is, technically, an inheritance process.

However, in some cases one of the parties is willing to be married to this specific other party if and only if there is a *prenuptial agreement* that places an upper limit on the amount or percentage of the accumulated assets to be distributed to the other person in the event of divorce (Perry 1990). A very wealthy person may require that a potential spouse not share fully in his or her future earnings, or a person in a family of modest wealth may seek to assure a better settlement than would be expected from a court settlement. In such prenuptial agreements one of the parties may abandon his/her right to share community property. This person is thereby disinherited from the conjugal estate while the other person, having promised a compensating wealth-transfer, assumes sole rights to the prospective marital estate. This prenuptial agreement involves a marriage payment because the wealth-transfer constitutes a payment for the transfer of a right from B to A as a condition for marriage. The bride and groom are single-person corporate groups in an atomizing system of devolution by bequest. Hence, the only member of A is the bride and the only member of is the groom.

It is possible to analyze this case incorrectly by focusing on the fact that the larger wealth transfer may be associated with the transfer of rights. However, the expected monetary value of this right is irrelevant to a characterization of the process. All that matters is that a right *of some form* has been exchanged

5 It has been suggested (Peters 1990:217) that it is confusing and misleading to use the term bridewealth for transfers between the spouses only, and on the whole he may be correct. Indeed, Peters demonstrates the importance of determining precisely the set of persons who provide bridewealth and the set of persons who receive it. However, in this case the woman remains a member of A, and it is as a member of A that the *mahr* assumes significance. We are well aware of the fact that this particular provision of Islamic law is widely violated in practice. Women are enjoined to waive their rights to resources in A in favor of their brothers, who are thereby indebted to their sisters.

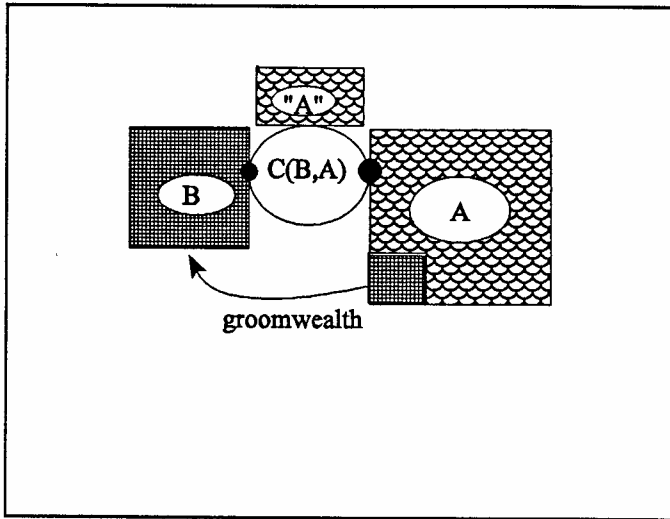


Figure 9.3 Groomwealth in California

for wealth; this process carries the label *bridewealth* when the right is transferred from A to B, and it is *groomwealth* when the right is transferred from B to A. (See Figure 9.3.)

Marriage payments in California are different from the *mahr*, although both are associated with prenuptial agreements. The difference is an inheritance rule. In California the wealth accumulated by either party becomes part of a joint estate and inheritance is equal. The Islamic rule is that all wealth accumulated by a person belongs to that person (and his/her heirs) in the event of divorce.

GIFTS FOR ALLIANCE: DOWRY

A dowry is not a marriage payment. That is, it is not a transfer of wealth that is provided in exchange for a transfer of rights between wealth-holding groups. For many people this is a difficult fact to understand, given the presumption that any wealth transfer between groups must be a payment of some kind. However, there are two basic forms of between-group transfer. There are payments (for rights to services or things) and there are offers of friendship or alliance (for the benefits that such an association may convey). In both cases a reciprocal form of relation is to be expected. However, in the case of alliance the benefits are undefined and presumed to be intrinsic to the characteristics of the interacting parties, insofar as these characteristics will be revealed over time. But with marriage payments the rights to be transferred are unambiguous. Furthermore, dowry is (in principle) a transfer of *consumption goods* from A to C(B), in

contrast to the transfer of *wealth* from B to A that defines bridewealth. However dowries occasionally include wealth, but that wealth is typically a direct gift to the bride, not to the household. Even so, wealth to a bride is likely to form part of a reserve fund, potentially to be converted into consumption goods in this event that there is a serious shortfall in the couple's income.

Gift-giving is quite common to the interactions associated with marriage. Although our interest is focused on dowry as an auspicious asymmetrical form of gift, such gifts can be defined in general as a transfer of benefits to another party with the goal of establishing or continuing an exchange relation between the parties. However, even in the case of dowry, there is the necessary implication that something is expected to be obtained in return. There is considerable confusion in the literature in relation to the reciprocal character of gifts. There is, in fact, the concept of "free gifts," for which no reciprocal response is expected. However, it has been demonstrated by Bell (1992) that free gifts are not gifts at all, being in every case a *within group* allocation based on rightful claims. A transfer of resources can be a gift only when those resources are rightfully those of the giver (implying that the giver has the right to retain those resources for him/herself or to give them to someone else). But if this is the case, no one would give a free gift if "free" means that there is no apparent "response" to the gift. Clearly, a lack of response or a response of insufficient strength from the receiver would imply a lack of appreciation, implying that the giver has wasted the gift on an unappreciative individual. It would have been better to have retained the gift or to give it to someone whose response implies great appreciation. Hence, a gift-giver who fails to seek a receiver whose response is most expressive (in some sense) appears to be indifferent to the well being of his associates.⁶

In the context of gift exchange, the desirability of each party to the other (its expected response to a gift) depends on an evaluation of the party's capacity to provide a (beneficial) response, together with its willingness to do so. However, in most cases it is difficult to anticipate the ultimate value of an exchange relation, because it is a relationship that is expected to continue over an indefinite length of time and because it is considered to be improper to reduce a friendship or alliance relationship to a set of bargained, or negotiated, interactions. In the context of marriage formation, there may be many forms of gift. Often, gifts are presented prior to the wedding as the two families begin to become better acquainted; and gifts between the parents and other kin of the bride and groom may continue to be exchanged at the wedding itself. However, in hierarchical systems the gift of greatest prominence is often a transfer of goods from the

6 There is a single *apparent* exception to this rule: charity. In the case of charity it is presumed that the receiver is an individual who benefits greatly from the "gift" but whose personal qualities and abilities preclude an effective reciprocal response. However, the giver of charity always perceives the recipient as being deserving and hence as having a right to the resources in question; and, as shown in Bell (1992) and in the argument regarding dowry, rightful allocations are not gifts at all.

bride's kin to the couple - a gift that has the effect of assisting B in the establishment of C(B). This transfer is principally a transfer of consumer durables from A to C(B).

In India prior to the modern period, the Brahma rites constituted the esteemed practice, involving the offering of a wealth-endowed virgin as a gift to a structurally superior groom. Both the bride and her accompanying endowment were transferred to the husband's group with the objective of establishing an affinal relation between groups. The husband's family was structurally superior to that of the bride. As Dumont (1983) has suggested, the goal was to gain status through affinity - i.e., by becoming a member of a higher-status marriage circle, or by assuming a higher position within a given marriage circle - within a system of castes that make such striving more difficult and more important (Silverberg 1968).

It is now more widely recognized that the caste system of India has never been absolutely rigid (Barber 1968). While the movement of a caste or sub-caste from one *varna* (or ritual status) to another has been rare, it was not uncommon for subgroups to experience upward and downward movements within a given *varna*. These movements were generally predicated on the realization of upward mobility in an occupational category (with ritually cleaner tasks) and on a level of an income high enough to permit certain culturally meaningful pretensions. The social recognition of this improvement in occupational or income position would be manifested by changes in the set of permitted marriage partners.

Hypergamy would be sought and was socially important precisely because the system strained toward isogamy. Marriage into a sub-caste was controlled by an exogamous group, the *biradari*, that sought to protect the ritual status of the subgroup (Cohn 1971). A *biradari* would be concerned about preventing affinal connections with lower-status groups; however, its continued position within the *jati* (the endogamous group) might benefit from an infusion of new money. Hence, one can surmise that a *biradari* would be more likely to accept a marriage (alliance) with a rich but lower-ranked family if, already, its status were eminently threatened by a lack of economic success among its members. It is within a complex and unstable structure of self-interested *biradaris* that individual patrilineages struggle for status through marriage. Those who are able to give daughters to more prestigious families are able to receive more worthy brides, thereby realizing the fruits of economic success.

Sharma (1980, 1984) has indicated that much of the dowry falls into the hands of the groom's parents, so that any cash component may become the property of the co-parcenary and become (potentially) part of a "circulating fund." She argues that the mother-in-law is likely to redistribute non-cash items among her daughters and daughters-in-law while cash is managed by the father-in-law. Furthermore, as Sharma makes clear, the endowment that arrives with the bride is only the opening gift of an anticipated alliance between groups:

Even before the actual wedding, the business of ostentatious gift making has begun at the engagement, which involves ceremonial presentations to the groom's parents. Subsequently the bride's kin will make further gifts to both her and her husband on a number of important ritual occasions. A gift relationship is established in which the bride's father or brothers must continually give, and the amount of dowry indicates the kind of expectations which the husband's family may entertain (1980:143).

It is evident that this relationship has often suffered from the avarice of B and from explicit demands for gifts of an extortionate nature. However, the status sought by A can be pursued only in the context of an alliance of some form. The peculiar fact about this form of gift is its asymmetry. The groom's kin need not reciprocate in material terms. As Dumont (1983) has emphasized, this is an alliance of affinity whose value to the wife-giver arises from the proximity of social status that the marriage implies. On the other hand, since this proximity is accomplished in part by a transfer of resources, an increase in its magnitude is auspicious for the receiving family. It is for this reason that the wife-givers are under pressure to show respect for the wife-takers.

The struggle for status by Indian families has many parallels in dynastic China. However, China has not been predominantly a caste society; it is a society that has permitted considerable individual social mobility since the Sung dynasty. Yet both societies feature the use of endowed brides as a mechanism for social mobility among the elite classes. In the Indian case, the fact of affinity carried rewards in the form of status, given the fine-grained ranking of *biradaris* within the marriage market. In China alliance between elite lineages had direct political and administrative advantages; alliance was materially instrumental, rather than largely symbolic as in India.⁷

In China we find considerable variation both diachronically and synchronically. In the ancient elite tradition of China, the family of the groom was expected to give gifts to the family of the bride, including a goose, silk, deer skins, and the like; and the bride was often endowed with clothing, jewelry, and maid-servants. "Nor were the objects she brought termed gifts; they were simply her possessions" (Ebrey 1991:97). The "wedding gifts" provided by the groom's kin were bridewealth,⁸ and the bride's possessions were gifts to her, not to C(B). Hence, they were not dowry. Possessions given to the daughter strengthen the relationship between the daughter and her kin; they do not promote an alliance between A and B. The wealth of the bride was hers as a single-person corporate group. These assets may devolve into B by bequest, but they could be given to

7 The Indian case corresponds closely to the "prestige" mode that is emphasized by Harrell and Dickey (1985). However, prestige is an overarching goal of most economic activity, and it is useful to isolate particular mechanisms that are instrumental in the realization of prestige, such as affinity and alliance.

8 More correctly, some elements of the marriage gift, especially the silk, constitute bridewealth; but some of the gifts were consumption goods, such as the goose if the goose were destined for ceremonial consumption.

her daughters as pre- or postmortem gifts and devolve into alien lineages. The independent control of wealth that these aristocratic women enjoyed did not survive into later periods.

During the T'ang dynasty of China (618-907 A.D.), the ruling aristocratic elite presented gifts from A to B that matched or exceeded the level of bride-wealth. The elite had status and political and economic power in a coherent system of social dominance, so that any element of bargaining over dowry would be unlikely. However, during the Sung dynasty (960-1279 A.D.) aristocratic families offered their daughters hypogamously to men who had been successful in the new examination system. Since the desirability of noble blood was great and descent through women was recognized, men were willing to pay handsomely for an affinal link into the nobility, a gender and status inversion of the Indian case. However, it is clear that husbands secured in this way were useful -- so useful, in fact, that the government issued nepotism rules that forbade the receipt of patronage from the families of an individual's mother, married sister, mother's mother, and so forth; and the emperor required that the elite return all brideprice as dowry (Ebrey 1991). In other words, the government sought to prevent the realization of benefits that were likely to flow through affinal alliance.

It then became established in Chinese tradition that the marriage gift would be negotiated with intensity over many hours with the use of a go-between to assist in maintaining decorum; but once established, the totality of this marriage gift would be expended on the wedding and on gifts for C(B) that would be selected by the bride's parents. Furthermore, if the two parties were of similar social and economic standing, it was expected that the bride's family would bestow upon the bride *from its own resources* a gift of equal or greater value, relative to the marriage gift (Fei 1939). This transfer from A was intended to contribute to the furnishing of C(B) (with little or no control by [a]) and would affect the status of a man relative to his married brothers. Furthermore, this support for C(B) constituted a form of assistance to B, since the formation of separate quarters for the new conjugal unit was often a major expense. Hence, the gift from A to C(B) and the negotiated "marriage gift" were a joint transfer from A and B to C(B) - a cooperative venture with implications for long-term and effective alliance.

Technically, the totality of expenses associated with the marriage of [b], including the construction of living quarters and provisioning thereof, is the *dower of [b]*, of which only a portion is the "wedding gift." The estate planning of B would include a specification of the dower or dowry of each child and a portion for the maintenance of the aging parents, with the remainder of the estate being inherited by sons. Hence, an increase in the dower of [b] implies an increase in his wealth at the expense of his brothers. If B is willing to augment the assets of C(B) relative to the households of brothers, it announces the superiority of A relative to the status of the families of other in-marrying women. Since this higher status implies the potential for a more important alliance re-

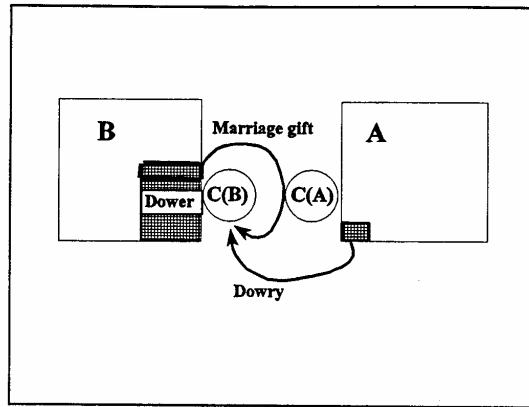


Figure 9.4 Dowry and Dowry in Chinese "Major" Marriages

lation, A responds appropriately with a larger dowry, thereby validating the larger dowry.

If a woman is to become a first wife in a family whose status is similar to that of her natal family, her parents seek to assure that her household is not inferior to those of her sisters-in-law, persons with whom she will experience a notoriously vicious relationship. Given the fact that there may be secondary wives without dowry from inferior families and primary wives with smaller dowries from poorer families within the joint household, the status of A *relative to that of other wife-givers* is at risk when [a] enters marriage. The group A will necessarily take a position within a pecking order defined by the relative well-being of the conjugal units attached to B (each wife and concubine of each brother constituting a unit). Hence, A would seek the largest possible dowry from B, even though a larger dowry imposed a larger reciprocal financial burden.

Both the dowry and the dowry are gifts to C(B). In Figure 9.4 the marriage gift or dowry is shown as a transfer from B to C(B) that only passes through C(A). It is inappropriate to use the term *indirect dowry* for this case. Doing so implies that use-rights to the dowry were *socially expected* to accrue to A or C(A) and that A or C(A) freely decided to convert the gift into dowry. In fact, an appropriation of the gift by A would have been outrageous in middle- or upper-class society. This case is complicated by the fact that there were marriages in which a similar marriage gift constituted bridewealth: marriages among the very poor or concubines for the rich. However, within the particular social context, the nature of rights that apply to the marriage gift are unambiguous. We present the case here of the marriage gift as a subset of the dowry of [b]

that never belongs to A. It is a transfer from B to C(B) and constitutes a wealth whose conversion into goods is the responsibility of A.

The relevance of dowry for alliance is clear from the fact that concubines obtained by elite families are *sold* to them - i.e., they are typically not endowed and the wedding gifts are bridewealth. The general rule is that concubines are provided by families whose status would not permit alliance. Similarly, the inauspiciousness of infant betrothals is also inimical to alliance. According to Fei (1939), during the economically depressed 1930s, nearly 39% of the marriages in his village were of this "foster daughter-in-law" form - where A receives bridewealth, "milk money," to "cover the expenses of having a baby" and the child is raised in the household of her mother-in-law. This practice reduces the level of brideprice for the wife-takers and largely eliminates wedding expenses (which could amount to the equivalent of a peasant family's annual income). Again, the daughter is "sold," and there would be no alliance between the two families or lineages. Other parents disposed of adolescent daughters as "maids" to elite families - for a price - allowing their new masters to sell them subsequently as wives or concubines. And, finally, families in need of maximal prices would sell daughters into slavery, with a potential resale into marriage. Hence, brideprice affected a very large percentage of Chinese marriages.

The dower-dowry form may have been the esteemed practice, but it was often a luxury that the common people could not afford. China has had a complex and highly differentiated market for human beings, and the dower-dowry marriage is esteemed because it removes such marriages from the general purchase-market for wives. Arguably, this purchase-market has been the dominant one, so that it is not justified to claim that dowry is the characteristic marriage transaction for China. The ethnographic facts support this claim only for the elites, and the inclination to apply this form to the society as a whole seems to be related largely to an ideological evolutionism. The same statement can be made with even greater force for India. It has been only in recent years that a wide array of caste groups has begun to adopt elite marriage forms. Prior to the current period, the overwhelming majority of marriages made no attempt to mimic the "gift of the virgin" model of the elite. Commoners married with bridewealth.

DOWRY AS INHERITANCE?

The practice in modern Greece (Friedl 1968) has been to disburse the inheritance of out-marrying daughters at the time of marriage. The shares of sons and daughters in the landed estate of parents are equivalent, but since sons continue to reside with their fathers, there is no need to distribute their shares until the death of the father. Although the particular pieces of land to be included in a woman's inheritance are the subject of intensive negotiation at the time of marriage, the value of the inheritance is the pro rata share of the wealth of the parents. Here, a woman's inheritance, called her *dowry*, is simply her wealth; and like other

personal attributes, such as family position or physical appearance, it may affect her attractiveness as a wife. However, it is not a marriage payment, because marriage affects only the time of its distribution, not its value.

Dowry was also important in ancient Athens; and it was considered improper for a woman to go into marriage without one. In the absence of parental resources a bride would generally be given a dowry by the state or by concerned citizens (Lacey 1968). However, this ancient dowry was not an inheritance; inheritance was restricted to sons. This is a notable fact, because the frequent warfare in which Athens engaged led to the death of many sons and the need to have heirs produced through surviving daughters, a matter that was addressed by considerable legislation.

The practice of dowry was adopted by Rome, as were many things Athenian, but dowry was separate from inheritance. Dixon points out that in early Rome the estate of the father would be divided equally among all sons and all *unmarried* daughters. In this way an unmarried "woman's dowry was her intestate portion" (1985:359). This limited form of female inheritance is found also during the Sung dynasty (960-1279 A.D.), with the obvious intent in both cases of assuring access to dowry by unwed daughters in spite of the indifference of greedy male siblings. Initially, this dowry became the property of the husband at marriage. However, Roman practice and law changed significantly over time, as Rome grew in wealth and divorce increased in frequency. By the first century BC women had come under the authority of their fathers even after marriage, and they inherited equally with brothers. This inheritance remained in the control of the woman's natal group, did not follow her into marriage, and devolved to her siblings not her children, at her death. This was an exceptional form of marriage featuring a total separation between the estates of the husband and wife. The husband would have access to a dowry that he could manage during the marriage but this was returnable at divorce. It appears that there was no time during the periods of ancient Rome or Athens that a woman's dowry functioned as a premortem inheritance. Indeed, the case of modern Greece is one of the few available ethnographic examples of a premortem inheritance to brides.

Nevertheless, Goody (1973) has promoted the practice of referring to dowry in general as a form of premortem inheritance. Since a restriction of inheritance to sons implies an indifference of parents to the welfare of daughters. Goody may be concerned to show that the many cultures that fail to offer inheritance to daughters, including European cultures, have provided an alternative form of devolution to daughters at the time of marriage. However, Goody's characterization of marital gifts as inheritance encounters two serious difficulties. It fails to distinguish inheritance from bequests, and it implies that dowries are the property of the bride.

It is common for English speakers to use the term *inheritance* loosely and incorrectly, with the consequence that neither inheritance nor dowry can be understood. A system of inheritance is one in which the claims upon a person's estate are *socially prescribed* by unambiguous rules of devolution. In such sys-

terms, one's heirs, however they may be designated, have a rightful claim on assets that arise from their position within a wealth-holding corporate group, and in the absence of a formal process of disinheritance by which an heir is socially divested of eligibility, the choices of an anterior generation are strongly circumscribed. This is because the existence of an inheritance process reduces any current controller ("owner") of a resource into the role of a corporate trustee of an estate that has indefinite duration. The true owners of this corporate asset are both those who currently control it and all future (unborn) generations of individuals who possess rightful claims on the assets on the basis of the rules of inheritance. It is the responsibility of each generation to manage this asset in the best interest of the collectivity of future heirs, who constitute the set of owners.

In its construction of feudalism in Europe, the Catholic Church rejected prevailing systems of inheritance in favor of a system of bequests. Although it is true that a man would most often designate his oldest son as beneficiary, he was often encouraged by the attending priest to save his soul from an eternal unpleasantness by giving one-third or all of his land, serfs, and slaves to the Church, leaving his "heirs" to find other means of survival. The Church declared that failure to draft a will was sinful. Systems of inheritance commonly have a provision both for the devolution of assets by bequest (i.e., wills) in order to accommodate the possible absence or incapacity of "rightful heirs," and for the disposal of ancillary assets. However, the European system of devolution is one that features bequests as a primary basis, with rightful shares as a possible default basis.

The Church-induced abandonment of inheritance in Europe was momentous, because in order for a person to bequest and freely give something to someone, he or she must fully own the right to alienate property, and such a presumption implied that this person is the only member of the relevant wealth-holding group (having no heirs of full standing to which he or she must be responsible). While one's offspring may have an inside edge in the competition for the assets of a will, there is technically an uncountable number of others who may be among the *beneficiaries* - especially including the Church. A *system of bequests is a form of devolution, but it is not a form of inheritance, notwithstanding the conventional European usage.* Inheritance continues to exist in this system only as a default in the absence of a will. In systems of inheritance, on the other hand, bequests are employed when rightful heirs are nonexistent or for ancillary assets (especially personal goods), to which inheritance rules may not apply. Second, Goody's characterization of dowry as inheritance is disconcerting because in the general case, it is not received by the bride. Although it is clear that dowry accompanies the bride to her new household, she is seldom the owner of the totality thereof. Sharma (1984) points out that in northern India, the greater part of dowry accrues to the joint family to which the bride is transferred, and it falls under the control of her in-laws. Indeed, we have characterized dowry precisely in this way. That is, dowry is a transfer from A to C(B), not from A

to [a]. Only as a transfer to C(A) can dowry be an opening gift leading to alliance formation. Similarly, in China there may be items of jewelry and clothing that can be said to belong to the bride, but the greater part of the dowry is likely to be consumer durables that contribute to the formation of the couple's estate within the larger household.

THE TRANSITION FROM BRIDEWEALTH TO DOWRY

Since bridewealth reflects a positive social valuation of rights in the productivity and reproductivity of women, many observers have concluded that the absence of bridewealth implies a reduction in the market value of wives and that, a fortiori, the replacement of bridewealth by dowry would imply that women constitute a net burden on the rights of others. Dowry is represented as a negative marriage payment in which one pays to be relieved of an unproductive person. This is, to my mind, a very peculiar notion. It should be clear that in the classic Chinese transfer process, the brideprice is fully established through negotiations, even though that price is forfeited for the sake of alliance. The bride is given away with dowry only after a large positive valuation has been placed upon her.

In the case of India, the bride's inferiority is not a function of her own personal characteristics and productivity; it is a function of the status differential between wife-takers and wife-givers. Hence, it reflects the social inferiority of her father (!). By being very productive (well-educated), she may compensate to some degree for this differential in social position, but it is quite difficult for the merit of an individual to overwhelm the consequences of social ascription (a fact that we can observe in the United States, as well). Moreover, we have seen that Indian communities have abandoned brideprice and have adopted esteemed dowry practice in recent years without any corresponding changes in the social positions and responsibilities of women (Epstein 1973). It is true that women are sometimes made to be useless. However, their inactivity is always contrived to validate the social positions of their husbands and to promote the representation of wives as luxury goods, a fact which is emblematic of their high status. In these cases, the worthlessness of the wife is precisely the source of her value, and it would be absurd for wife-takers to demand a compensation for that worthlessness. Indeed, those who cannot afford nonproductive wives should not have them.

In order for dowry to imply a low valuation of women, it must be the case that their parents have attempted to find the highest positive prices for them -- actively seeking brideprice -- only to find that the highest prices are negative. However, we know that the payment of dowry does not imply the inability to sell the bride for a positive price. On the contrary, the giving of dowry becomes a prestige practice, not the unfortunate consequence of having a worthless daughter. Dowry and brideprice are not different points on the same scale; they

correspond to entirely different institutions. In India the "gift of the virgin" (*kanyaddna*) is an esteemed practice. Tambiah makes this point clear:

First of all, there are the notions of purity, auspiciousness, and divinity that attach to the status of virgin and that form an essential part of the concept of *kanyaddana*.... Indeed, the ideology of both Hindu and Sikh marriage is that *kanyaddna* earns good *Karma* (spiritual benefit), because the gift of a virgin must be made in the spirit of perfect unselfishness. "Thus [quoting from Hershman 1981:157-8] 'the gift of a virgin' along with a lavish dowry, and the continual process of gift-giving to the sister, her husband and her children, are all acts of *sagan* (auspicious ritual) which gain spiritual benefit . (1989:418)

It can hardly be suggested that dowry, in this description, is the highest bid in a (brideprice) market for rights in women, or that the value of those rights has been found to be negative relative to the value of women whose market valuations are positive.

In India and China there are customary prestations and interactions associated with affinal relations. These customs help to structure and routinize alliance into a form of institutionalized friendship. A shift from brideprice to dowry implies nothing at all about the value of rights in women; it implies, instead, that corporate groups expect to realize more effectively an increase in their wealth and status by the formation of alliances rather than by the direct production of wealth through the agency of women. This fact is clear from Chinese social history. During the Sung dynasty the value of direct production and reproduction became secondary to the benefits of connections with administrators and with young men who had passed examinations. It was no longer possible for the elite to rely on social status as a basis for political influence, and without the latter, the former was at risk. Without any diminution in the importance of wives, the relative importance of alliance began to dominate.

Similarly, in India the great majority of the common people continue to need the productivity of women. However, the Indian social system is dominated by concerns for rank position, and a shift to dowry would be justified for those families whose accumulation of wealth and occupational status are discordant with social position. Given the disruptive nature of a modern economy, the likelihood of such discordance has increased and become incident on a wider range of social groups. According to Karen Leonard (personal communication), the incidence of social mobility is more probable among the midlevel castes than among the lower, and there is little reason to believe that the mimicry of elite custom by the common peasantry properly reflects a shift in its real economic interests in either India or China. Some of these people have a potential for upward mobility through alliance or through affinity. But for most of them dowry is little more than a potential source of shame (when dowry is either very small or nonexistent), or it is a cause for gross indebtedness in the avoidance of shame. Even when a system of bridewealth is economically rational for the

peasantry, it may be overwhelmed by social pressures for which economic rationality is irrelevant.

Economistic reasoning systematically overlooks the fact that prestige is an ultimate goal whose value has no finite upper bound. Economic productivity is readily sacrificed for the sake of prestige. This point is made prominently in the discussion of hunter-gatherers, in which men forfeit the greater nutritional gains associated with gathering in order to pursue the uncertain and less nutritious, but more prestigious, gains from hunting (Hawks 1993). Even at the hunter-gatherer level of well-being, consumption is readily sacrificed for prestige. It can hardly be surprising, then, that the productivity of wives is noncompetitive with alliances, if the latter constitute direct routes to prestige. There is no one, male or female, whose direct productivity is a match for that. It is clear that the value of women's reproductivity has declined in the face of a land frontier in most economies. But reference to such declines is not necessary for explaining a shift to dowry. The key to understanding this fact is that bridewealth is a payment for rights and dowry is gift for alliance.

CONCLUSION

The relationship between marriage payments and forms of wealth-holding is framed by the rules of inheritance, and the rules of inheritance relate directly to the structure of wealth-holding groups (if any) within society. This point has been stressed by Goody (1973:30-1). However, Goody allows European practice to become the model of inheritance by which the rest of the world is understood, thereby confusing inheritance with bequests.

The finding that bridewealth and groomwealth are an elite practice in a post-industrial culture may prove troublesome to those who associate bridewealth with technologically less complex societies. However, my effort has been to develop well-defined analytical categories by which to characterize the relevant cultural practices. One of the benefits - perhaps the main one - is that we are able to discover things that are not anticipated by ideological preconceptions. On the other hand, by allowing forms of marriage payment to become manifest across a wider range of cultures, we see why they cease to carry the conventional connotations with which we are so comfortable. One should not say, "Bride-wealth. Oh, like in Africa!" The realization that we should not say this is the first step toward developing a theory of marriage payments. For too long, the "like in Africa" has paraded as theory.

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