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In Memory of Monogamy: an Epitaph

Abstract

Monogamy is ethnographically peculiar as an ethical ideal and emerged in the Early Middle Ages as a form of sexual repression imposed by the Church and employed by secular authorities to decompose powerful elite lineages. In its continued modern form, the independent and isolated monogamous household has been advanced as socially optimal by economists and as essential to civilization by anthropologists. Although, if considered as a rightful claim on the sexuality of a woman, marriage is a nearly universal institution, recent legislation and judicial opinion in both Europe and the United States have abrogated this basic marital right with the new crime of “marital rape”, thereby undermining the essential and defining characteristic of marriage. It is argued herein that these changes reflect the loss of relevance and significance of the domestic household to contemporary systems of capital accumulation; and it is in this new context that same-sex marriage becomes feasible.

The political theatre

On June 26, 2015, the United States Supreme Court declared the legality of same-sex marriage in every state. Of relevance to this paper is the popular claim that this decision allows people to “marry who you love”. Few, I suspect, understand that this phrase, as a characterization of marriage, is revolutionary in recognizing the *reduction* of marriage to a personal relation, implicitly accepting its elimination as an essential feature of social structure.

The fact that anthropologists have discussed, described and dissected marriage ceremonies, gender structures and household organizations for thousands of societies seems not to have conferred upon many of them the posture from which to produce an exposition on marriage as a general cultural artifact. Indeed, as I was making my first steps into the mossy rainforest of economic anthropology, I was asked to comment on a paper by Gary S. Becker at an annual meeting of the Society for Economic Anthropology. Becker is a Nobel Prize winning economist from Chicago, whose brilliant work on the social behavioral fringes of economic life has separated him strongly from the pack. On the other hand, when economists stray from the familiar domain of capitalist market processes, they are expected and rewarded for advancing models and theories which have been created for studying the contemporary economy. As one might expect, then, Gary Becker provided the assembled anthropologists with models of household optimization for the nuclear family, wherein market wage rates apply to both market and household work of husbands and wives, featuring the male breadwinner and the largely domestic wife and kiddies which were the central characters of the ideal early 20th century isolated, independent, nuclear family.

William Goode (1974) commented on an earlier draft of Becker’s model at a 1974 meeting of the Cowles Commission. Goode asserted the particularity of the atomistic nuclear family household as a cultural ideal and pointed out that Becker’s optimality conditions were unlikely to be pursued or appreciated in any part of the world: his models were functionally irrelevant. However, anthropologists are not immune to their own versions of the same inclination, in spite of the abundance of contrary information which they have painfully accumulated. Consider the

arguments of the great Bronislaw Malinowski in his debates on BBC with Robert Briffault in 1931 (Montagu 1956: 69):

In most human societies there exists an almost mystical bond of mutual dependence between husband and wife. The notion is universal that the honour and success of the husband depend upon his wife's conduct, while the welfare of the wife is determined by what the husband does. In the traditional ethics of Europe, the wife's misconduct brings dishonour on the husband--a dishonour which, according to the ethics of dueling, can only be washed in blood. To the savages a similar notion tells that the wife's adultery may have fatal or, at any rate, dangerous consequences for the husband.

The fact that a knowledgeable anthropologist could make such absurd claims reflects the effectiveness of political exigencies in the formation of public utterances. In this and in other ways, Malinowski asserts the universality and prehistoricity of early 20th century British ideals in relation to an independent and self-sufficient marital pair. To be sure, there is no ethnographic justification to these assertions, in spite of the praise provided M. F. Ashley Montagu in the Introduction. Montagu, indeed, warns the reader that Briffault may be a Marxist whose views should not be trusted. And Malinowski makes it clear that his views are justified by the challenging socio-political threats of the time:

If once we came to the point of doing away with the individual family as the pivotal element of our society, we should be faced with a social catastrophe compared with which the political upheaval of the French revolution and the economic changes of Bolshevism are insignificant. (p. 76)

While the threat which was Malinowski's motivation is now long past, it should be noted that the early 20th century was a period during which American and European elites were attempting to impose the isolated nuclear family model upon its working classes. With the exception of the lower classes from which household servants and other menials were to be obtained, women were to be in the family kitchen or on the veranda with smiling children on their knees. However, this structure was presumed to be under threat from experiments ongoing in the Soviet Union or, more broadly, from elements of Marxian ideology. The threat is clear in the words of Friedrich Engels: [Monogamy] "appears as the subjection of one sex by the other, as the proclamation of a conflict between the sexes entirely unknown hitherto in prehistoric times." "...the first condition for the emancipation of women is the reintroduction of the entire female sex into public industry; and that this again demands that the quality possessed by the individual family of being the economic unit of society be abolished." (Engels 1884:108)

The implication of Engels argument is that the monogamous, independent nuclear family unit is to be challenged and overturned, not by Bolshevism, but by a removal of women from their roles as housewives. And accordingly, the principal goal of the emerging Western propaganda of the time was to convince women of the essential nobility of their roles as wives and mothers. Indeed, Becker's model of the optimal household suggests that it is the "complementarity" of husband and wife roles, with wives in household support roles, which justifies the marital institution. Engels' mistake, I believe, was in assuming that a full return of "bourgeois" women to the labor force would require a communist revolution.

The birth of monogamy

Frances and Joseph Gies (1987: 4) point out, that before the 18th century, there was no term in English for the mother-father-children unit. The Roman term “family” (*familia*) had referred to the “house” which included any number of related and unrelated persons, including servants and slaves. “The conjugal unit did not exist in isolation as it does today; therefore it did not need a name.” An elite household, numbering hundreds of people, was a defense, political, economic and judicial entity in its own right, controlled by the strong hand of a dictatorial male, the *paterfamilias*: “The newborn was laid before him, if he picked it up it was admitted into the family and given a name; if not, it was “exposed,” that is abandoned with the chance that it might be rescued.” (Gies: p. 19) Children and their fates, therefore, were the property and prerogative of the *familia*, not of their parents.

This grand elite household possessed an independence and power which seriously discomfited the Church and secular authority. The power of kings, suitably augmented by the authority of the Church, was eventually successful in deposing the *familia* by putting an end to prevailing practices of polygamy and concubinage, that is, by the imposition of monogamy. Marriage became, as St. Augustine (354-430AD) would require, a sacrament before God and hence a permanent union (‘til death do you part)--*uniting each man to a single woman for life*. It was, to be sure, a form of life imprisonment; and properly so, because sex is sinful, even in marriage. According to Psalms 51:5, “Behold, I was brought forth in iniquity, and in sin my mother conceived me.” In this way the Church seized control over the rampant sexual urges of men in a *program of sexual repression*. It was not an easy effort, but after several centuries, the Church was finally victorious.

No doubt it was common in prehistory for most men to have but one wife; but there is nothing very natural about monogamy as an ethical ideal, to be accepted even by those of great wealth. And it is the very un-naturalness of monogamy which enabled the Church to achieve preeminence over society—rising above the elite and the masses with a doctrine of ethical and moral superiority, a doctrine to be propounded by men who were ostensibly celibate. We saw similar processes of imperial delegitimization when Western capital prepared for its colonial advance during the 19th and 20th centuries, using ideals of Christianity as a force for destroying the integrity of targeted cultures. By contradicting the ideas of their elders, announcing them as sinful, the Church asserted its grandeur and moral purity and facilitated secular domination by corporate interests.

In contrast with Malinowski in his role as a “public intellectual”, there was a different Malinowski (1929: 135-136) as a sensitive ethnographer. In *The Sexual Lives of Savages* he wrote the following:

At present a stop is being gradually put to the whole system of the chief’s polygamy. The first administrators, benevolently conceited and megalomaniacally sensitive as all those with arbitrary power over an “inferior” race are apt to be, were not guided by any sympathetic understanding of native custom and institutions...They tried to destroy such native power as they found, instead of using it and working through it. Polygamy, a practice uncongenial to a European mind and indeed regarded by it as a sort of gross indulgence, seemed a weed proper for extirpation... At the death of the present chief,

however, a complete disorganization is sure to take place among the natives of the Trobriands, and is certain to be followed by a gradual disintegration of culture and extinction of the race.

Here, Malinowski describes with brilliant clarity the economic institution of chiefly polygamy on which chiefly power depended; and he anticipates a tragedy, not so different from the tragedy which befell the *familia* of early Europe.

Becker argues that polygamy reduces aggregate household production, which would be true if female roles are restricted to housework and the production of children. But we really have no way of measuring the gains and losses of aggregate social benefit associated with polygamy. Clearly, wealthy men and men who by other means accumulate multiple wives would be better off. Further, women would be better off, especially if they are free to express their marital choices, because of their greater options in the marriage market. And if the experience of early Europe is our guide, we know that polygamy encourages considerable upward mobility for women as second or third wives or as concubines. The losers in this model would be men of lesser status, many of whom would remain unmarried and forced to seek the comforts of prostitutes. But even those losers may not lose much.¹ While polygamy is offensive to the Church, its campaign of sexual repression, centered on monogamy, has very likely imposed significant net losses in social wellbeing on every culture within its reach.

Sexual freedom

While the search for sexual pleasures has often, if not typically, led people to stray from heterosexual intercourse, sexual acts between males have not usually defined a specific category of persons, nor a particular subculture, until rather recently. According to Milt Ford, the social and demographic disruptions of the industrial age ruptured the integrity of villages and parishes of Europe, creating urban spaces which lacked the social controls of the past. It was in these urban free spaces that men (and women) had a potential for gravitating toward sexual object sources which were heavily condemned by proponents of conventional ethics and by established authority. Not until the 1860s and 1870s did European officials begin to recognize and study “these populations, whom they characterized as sexual deviants and grouped according to the particular practices they engaged in. One such class of deviant came to be called ‘homosexuals’.” (Ford n.d.)

It was later, during similar processes of social disruption in the early 20th century, when homosexual cultures evolved in the United States. Ford indicates that San Francisco played a special role:

¹ A few years ago, I was present at a discussion about the emigration of young women from the Chinese countryside who sought work in the export industries. Although the presenter lamented the “forced bachelorhood” of the countryside, they found that unmarried men had sex more often than married men.

After W.W II, thousands of gay and lesbian people were dishonorably discharged from the armed services, and many were simply dumped in port cities. At times, several hundred ex-service people were deposited in San Francisco per day. They could not go home in disgrace, so they stayed.

The American gay culture expanded, principally in San Francisco, Los Angeles, New York and Boston and by 1970 it had become powerful and self-conscious, prepared to confront ongoing violence, discrimination and hatred. This struggle for liberation reflected the formation of active communities of gay people, openly expressing their sexual preferences. It was this advancing subculture which gave rise to the 1970s as a "golden age of gay awakening." Older gay men reminisce about the wonderful and vibrant days of sexuality in the bath houses, restrooms and parks, having no concern about sexually transmitted diseases. Theirs was a life of unrepressed sexuality, in stark contrast to the dull monogamy of the surrounding heterosexuals—a life of pleasure which was unrestrained by religious prohibitions. The fact that some men lived together as devoted partners did not in general limit access to the promiscuity outside their doors. This was a life worth fighting for.

As we all know, this life of liberation was attacked during the 1980s, not simply by police, but more seriously by the "gay disease"-- HIV-AIDS. It appeared to be, as some triumphant preachers would declare: God's wrath as a punishment for their iniquity. A whole generation of artists, dancers, designers, musicians, scientists, etc. disappeared from the scene, watched as they died by partners who would often follow. And understandably sexual liberation lost much of its allure. Certain pockets of unrestrained promiscuity have remained, but they are discouraged by the majority. And it is in this context that an ideology of sexual repression began to find support among them—the sacrament of Christian marriage.

The political theatre, once again

The Executive Board of the American Anthropological Association on February 26, 2004, published a statement in response to a feared movement toward a Constitutional amendment banning gay marriage:

The results of more than a century of anthropological research on households, kinship relationships, and families, across cultures and through time, provide no support whatsoever for the view that either civilization or viable social orders depend upon marriage as an exclusively heterosexual institution. Rather, anthropological research supports the conclusion that a vast array of family types, including families built upon same-sex partnerships, can contribute to stable and humane societies.

The Executive Board of the American Anthropological Association strongly opposes a constitutional amendment limiting marriage to heterosexual couples.

And it is true that anthropological research has uncovered an uncountable variety of family types and sexual practices. However, the practices of natives in the colonies have seldom been recommended for adoption by the metropolis. Indeed, more often, colonial authorities have sought to intervene and introduce elements of civilization and enlightenment. Few of the practices found around the world by anthropologists are likely to be suggested for contemporary

American and European implementation, even if they seem to be consistent with “stability” in other societies.

But more to the point: Let us note that the prohibition which was likely to be advanced in the Congress would have required marriage to be between a *man* and a *woman*. It would not be about “same-sex partnerships” and “heterosexual institutions”; and I suspect that the Board understood the sleight of hand involved here. The salient *ethnographic* examples implied in this statement are the *berdache* among Native Americans and “woman-woman” marriage in a number of African societies. However, these are actually examples of marriages involving persons who, today, would be called *transgendered*, such that one of the women in the “woman-woman marriage” is actually a (female) man who is properly called “father” by his children. The classic female husband seeks to be a man in every non-clinical respect, while some may remain women in relation to their own husbands (Cardigan 1998). (I am surprised that the gender transition is generally denied. It would be more accurate to refer to an *institution of female husbands*, rather than woman-woman marriage.) But they are definitely not lesbians. On the other hand, the male *berdache* is described as a super woman who possesses special abilities and valuable roles in the society. Indeed, the homosexual feature of Berdache life was not salient in Native American cultures and, indeed, not restricted to *berdache*. But, by being *socially* different they were recognized as having unique connections to the Spirit world (Roscoe 1998). So, by referring only to sex rather than gender in their reference to the lessons of ethnography, the Board of the AAA “pulls a fast one”.

So, should the Board of the AAA disseminate proclamations in support of same-sex marriage? Should Malinowski offer anthropology as a defense against a feared intrusion of communist ideology? I believe that they should not, because doing so may require a less than straightforward presentation of facts and theory, with damaging effects on anthropology, itself. And while same-sex marriage appears to be a significant civil rights issue at the moment, in the long run it is moot—a claim on which I shall elaborate.

Marriage as an element of social structure

Consider domestic arrangements among Inuit reindeer hunters, as described by Hoebel (1954). Here, households feature a woman (and possibly more than one woman) under the domination and control of one man; and this domination is maintained in the absence of a controlling institution above the household. There is neither a lineage nor tribal level entity for enforcing the rights that might apply to the relationship. *And, in the absence of socially established rights and regulations, the man’s domination can be largely unlimited, sometimes including maiming and homicide.* Hoebel tells us that a man is able to keep a woman only by his personal charisma and willingness to fight those who would seek to take her from him. His brothers might offer limited assistance in the event of violent conflict, while the challenger must be unaided (in order fully to demonstrate his machismo). There is much to be said about this case, but it is mentioned here only to suggest that the securing of a woman into a man’s residence against the possible challenges of others does not constitute marriage. The sharing of a residence and the performance of a full range of conjugal activities does not define a marital relation. Marriage exists only when there are broader social forces which support the claims of one or both parties; *and in the presence of those broader social forces, the relevant claims become rights.*

There is a very important theoretical principle to be examined here. The existence of “rights” as an aspect of various benefits is not a new idea, but it appears that most people have failed to fully interrogate the concept. The dictionary will equate rightful with “moral” and “legitimate”. But these synonyms fail to capture important factors: First, a right must be defined in relation to a *category of person*, such as women, boys, teenagers, elderly, the poor, etc. It is not defined in relation to an individual, except as he or she belongs to such a category. Secondly, rights exist only to the extent that there is social support for the protection or provision of a particular benefit. We know that rights are often claimed in the absence of such support as part of a campaign to gain support. So, we can say that rights exist *to the extent* of social support, the extent being variable from zero to one. *In summary: we will refer to rights as socially supported claims to benefits for members of some social category.*

Social support implies a willingness of a broader set of person categories to expend time, effort and/or resources in order to assure the realization of the rightful claim. And there are noteworthy moral implications when those who are expected to provide support to a claim will, themselves, suffer a deficit in benefits as a consequence—as when a critically undernourished woman is socially expected (by herself and by others) to deny food for herself in order to satisfy the less severe hunger of her husband. It is essential that rightful claims be defended by those whose welfare is potentially denied or limited by the recognition of those claims. On the other hand, special rights provided to a category of person must commonly be justified by reference to benefits for a larger collectivity, including those who appear to be disadvantaged. For example, giving extra food to a husband can be justified by the need to strengthen him as the provider of consumption goods and protection for the entire household, including the woman who appears to be starving. I may be wrong on this, but I suspect that rightful claims are *never* justified by the benefits gained solely by the rights holders. We must then ask: Are there any special benefits to be gained by society in an institution of same-sex marriage? Or, equivalently, are the general social benefits of heterosexual marriage similarly and equally to be gained from same-sex marriage? The fact that homosexuals may enjoy benefits is not sufficient.

Marriage must be recognized as an institution which was created to further the interests of dominant and controlling forces in a society, such as the elders of lineages, powerful lineages within a tribe or political elites in capitalist states. It is always those social forces which arrogate to themselves the responsibility for determining the social contract. In its matrilineal-matrilocal form, marriage is often a strategy of the elders, where the sexuality of daughters is employed to capture and control the energies of hapless young males, while retaining possession of their daughters’ fertility. In this way, men are induced to support the growth and welfare of groups to which they do not belong. By recruiting a man into her hut, a female’s fertility can be expressed with greater confidence. Nevertheless, it is an arrangement which young women are likely to resist, given that the selection of husbands generally rests on criteria which differ from those which they had employed in seeking lovers. Indeed, husbands are likely to be older experienced hunters, whose productivity has been fully demonstrated to their in-laws’ satisfaction. And women, too, must assume new responsibilities, even though initially they are often only very young girls, barely entering their teens. Furthermore, young men are often in no position to refuse marriage to the chosen bride, given the conventional reciprocal benefits which are promised to their own lineages. But, of course, men are assured of support from the brides’ parents for the right of sexual access—a prize whose value depends inversely on the extent of premarital liberty.

In the Trobriand Islands, as described by Malinowski (1922) and Annette Weiner (1976), young men were placed in charge of young children, only to have them removed into the authority of their wives' brothers in a hypogamous matrilineal structure. And, indeed, given the common access by women to lovers, a husband can presume neither legal nor biological connection to his children. In the context of *pre-contact* population dynamics, members of some lineages had little or no access to land. They would have few yams to eat and certainly no yams for conspicuous display; and the more desperate of them might climb into canoes and make the desperate and generally futile attempt to find territory in a land, unseen, over the seas. This was the circumstance which could be exploited by the stronger matrilineages; and the responsibilities of husbands are illustrative. We see here, again, the configuring of marital rules within the general system of social relations, as a consequence of competing resource claims among lineages.

For those who resist accepting marriage in its various manifestations as variable elements of social structure, the marital practices of Bedouin camel-herders of the Sahara Desert are instructive—the practice of marrying a daughter to the son of her father's brother. This marital selection is forbidden in the West but preferred among Bedouin. But why do Bedouin pursue this rule? Must we accept it as one of those inscrutable features of culture, or is there a direct and logically compelling reason for it? I have addressed this issue at length in a paper published by the *Journal of Social Evolution and History*, a journal published in Moscow, to which some readers may not subscribe (Bell 2004). In outline the issue is as follows:

Although the desert is unable to accommodate a large population, separate and independent camel camps attempt to grow large in order to be victorious in predictable struggles over territory and camels. In this tragedy of the commons, there must be some mechanism for affecting the expulsion of excess population (Barth 1954). Bell and Song (1994) have shown by computer simulation that the effectiveness of animal stock as an object of exchange against the fertility of women depends on its higher fertility rate—making it possible to expend stock for brides (“bridewealth”) while continuing the accumulation of stock. However, *the fertility rates of camels is lower than those of women* (Dahl and Hjort 1976), so that an exchange of brides for camels is irrational, leading to a continuous decline in the group's per capita possession of camels—progressive impoverishment.

A macro-solution to this problem would be for each camp to limit its growth rate to that of its herd by means of infanticide, thereby maintaining a balance between the human and animal populations. But there is no institution for the establishment of that solution. The chosen solution is for each camp to attempt to accumulate a sufficient fighting force of young men who will risk their lives in attempts to raid the camels of others. In this way the inadequacy of the fertility rates of camels is accommodated through raiding. However, the required young warriors are the product of the fertility of daughters. Consequently, a daughter's fertility is highly valued, even in the face of over-population at the macro-level. The raiding for camels not only provides a camel camp with camels, but it leads to the forced exit of victims from the desert (Musil 1928). Clearly, then, it is not sensible to offer daughters (and their fertility) to alien camps in the absence of a compensating resource, and we know that camels are inadequate for that purpose. The solution is for daughters marry within the *agnatic* camel camp, especially to the son of the father's brother.

Hence, the macro structure of a Bedouin tribe in relation to the fickle ecology of the Sahara combines with the low fertility rates of camels to give a compelling foundation to father's brother's son marriage. The view that such marriages are potentially adverse in the promotion of

dysfunctional genes is effectively challenged by the much greater and more immediate danger that the camp will be overwhelmed by powerful neighbors whose numbers have swelled under the force of closely guarded and retained human fertility. Furthermore, the tribe as a whole is strengthened by the progressive culling of weaker lineages, enabling it to be more successful in tribal-level conflicts.

Defining marriage

Edmund Leach is famous for an academic article in which marriage is characterized by a set of ten or more specific rights for one or the other party to the relation (Leach 1955). However, not one of these rights, or any combination of two or more, is deemed to be essential to the characterization. To me, this approach is foundational to much muddle headedness. It suggests that scholars should be so flexible in their definition of marriage that different systems of marriage might have no overlapping characteristics. And the goal, perhaps, of this approach is to assure that a system of marriage can be attributed to every society by some exceptionally imaginative combination of traits. Bell (1997) challenged this approach in a paper which was apparently, but not surprisingly, upsetting for many readers. His goal was to identify a critical characteristic (or set of characteristics) which could be *used in cross-cultural research*, so that there would be something in common to marriage in all societies which are said to have a system of marriage; and as it happens, there is only one such universal characteristic: *Marriage can be recognized by the right of a man (male or female) to control the sexuality of a woman.*²

While this definition is strikingly at variance with contemporary political correctness, it was the definition of marriage employed by 19th century anthropologists. And while those men, long dead, were no doubt often wrong, their definition of marriage was abandoned for the wrong reasons. It was abandoned during the early 20th century in concert with the efforts of industrial capital to firmly establish the nuclear household for the working classes, featuring feminine domesticity. Moreover, marriage was now to be advanced by anthropologists as a primordial feature of humankind, as a cultural universal. Marriage had to be defined idiosyncratically for each society, including the Nayar of southern India for whom E. K. Gough (1959) was the principal ethnographer. The ethical problem for this ethnographer was that the Nayar did not want to be described as promiscuous; and Gough made strenuous, and amusing, efforts to configure a form of marriage out of an otherwise obvious promiscuity.

The Nayar belonged to a commoner caste and lived in the shadows of the high ranking Nambiduri Brahman. In the late 19th century, the Nayar abandoned their conventional marriage system so that those of its highest rank could secure a three day defloration in the hands of a Nambiduri. This opportunity arose from the fact that Nambiduri were primogenital and only the eldest son could marry. This left a large number of young unmarried men who would gladly perform the service. And by having a Nambiduri perform the defloration, it was possible for a Nayar to be born with Brahman blood, leading to bragging rights and maybe some recognized augmentation in social rank for the caste as a whole.

² Remember that *rights* are seldom absolute, and the degree of “control” is highly variable across and within societies.

While the ceremony was only a “*droit du seigneur*” from the perspective of the Brahman, the Nayar attempted to imbue it with as much meaning as possible, including a ritual mourning of husbands at their death, even though the “marriages” had been much earlier terminated after three days and even though the Brahman were not allowed to marry. I should point out that once the three day ceremony was terminated, the girl could begin her career as a woman, freely attempting to accumulate more lovers than her age mates. Strongly embedded in my mind is the image of a man who, upon finding the sword of another man outside of the woman’s hut, decided to sleep beneath the hut while he awaited her availability.

In addition to the Nayar who have abandoned marriage in favor of promiscuity, there are the Na of southern China who have long been similarly promiscuous, as men travel the roads in the evening with the joyous possibility of finding a woman unattended (Cai 2001). And I have already mentioned the Inuit who are not promiscuous, but who lack a system of marriage, given the absence of lineages or clans above the household level by which social support for rightful claims could be provided. Surely, no actual system of marriage can be fully characterized by reference to a single right. There are typically other rights (and responsibilities), including possible rights of children to parental support. However, once we begin to supplement the sexual access right with other rights, the number of societies which lack a system of marriage grows quickly. Moreover, a definition of marriage should not pretend to be its description in any particular instance. A full description of each case usually requires a book-length manuscript, drafted by an exceptionally observant ethnographer. Yet, a definition of marriage which rests on a single right of husbands fully locates marriage in almost every society in the anthropologist’s data base.

Group marriage

George Murdock published a paper on patterns of interaction among affines (Murdock 1971). He considered forms of respect, avoidance, informality, sexual joking and sexual license. Of relevance to us here is sexual license: “the observance of a pattern of social interaction in which sex relations prior to or outside of marriage are either fully or conditionally approved, i.e., do not incur the social sanctions customary in other relationships.” Of course, a man’s *license* to have sex with a particular other person is not necessarily a *right* to do so. A right cannot exist unless there is some social support to the provision of the resource. So, in relation to our concern with a right of sexual access, Murdock’s discussion of “license” is ambiguous. The issue would be fully clarified only if some women resisted copulation and suffered social condemnation from others as a consequence. However, ethnographic reports indicate, if anything, an eagerness of women to participate. Men and women readily “negotiate” the sexual encounter whenever the husband is not present; and it is reasonable to presume that her willingness is consistent with social expectations.

Murdock’s data for 168 societies of hunter-gatherers and agriculturalists indicate that sexual “license” among affines exists in 14 percent of all cases and among one-third of hunter-gatherers. Most common is the right of younger brothers for access to the wives of older brothers and cousins. Additionally, older brothers may have access to the wives of younger brothers and finally men may have access to the sisters of their wives and, perhaps, to the sisters of their brother’s wives. This set of licensed and I would say, *rightful*, claims to the primary wives of others constitutes a set of supplementary and secondary marital relations, given a definition of marriage as a man’s sexual claim on a woman. It constitutes the form of “group marriage” which

Morgan and others of the 19th century group of anthropologists presumed to have evolved out of an earlier state of promiscuity.

For example, among the Gilyaks of Sakhalin, an island off the eastern coast of Russia, a man is expected to marry one of the daughters of his mother's brothers (Shternberg 1910). That is, a man follows his father by taking a wife from the patrilineage of his mother. From his birth all of the women of this patrilineage and age-category are recognized as his (secondary) wives and remain so even after they have become the primary wives of other men. Among the Gilyaks, men who are without these rights of sexual access by birth risk death if found consorting with a married woman. Indeed, given the large number of men for whom rightful sexual access to a woman is a precious privilege of patrilineal descent, it is not surprising that a woman's sexual liberties are strongly constrained.

However, the existence of group marriage has been vigorously dismissed by the wisdom of 20th century anthropological investigation. This attack has rested on the requirement that marriage be associated with the formation of a nuclear household (which most group marriage does not), so that group marriage disappears by definition. They have also rejected the companion theory that the earliest societies were promiscuous. It is now claimed that *we know* that the earliest societies were not promiscuous! However, this claim is entirely ideological. We in fact have no basis for identifying the earliest forms of sexual relations; and forms of group marriage, as defined by earlier anthropologists, have clearly been very common, even among contemporary hunter-gatherers. If we adopt an evolutionary perspective on the matter (and I don't usually do so), the earliest human societies would either have been promiscuous (with women remaining attached to their natal matrilineal households for food and shelter) or they would have had the Inuit form of patriarchic household where a lack of social support for sexual claims would deny the existence of marriage (as defined herein). In other words, it is arguable that group marriage was the first true form of *marriage*, leaving the antecedent household formations unidentifiable or variable among societies. Unfortunately, speculations of this kind became politically inadmissible in the face of efforts by corporate elites to advance Christian marriage as a universally and prehistorically instituted ideal.

Contemporary changes in marriage rules

Until about 1960 the industrial ruling classes in the United States and Western Europe relied on the nuclear family household as a complementary agent in the accumulation of capital, where the household provided for the support of working husbands and facilitated the acculturation of children. This is the structure which Malinowski was so desperate to defend and for which Gary Becker provided a mathematical optimization. Within this structure men were on the front lines of production and were thought to require power within their domestic units and, hence, power over their wives. However, this structure began to fall away after 1960 as it became clear, under the newly developed household and market technologies, that women could be more valuable as *direct* agents of production than as supplementary household resources for husbands. This offered an opening for campaigns on the part of (especially, upper middle class) women to claim the opportunities which were becoming apparent. And consequently, the household lost ground; it lost its role as an important element in the accumulation of capital. It no longer mattered, at

least not so much, whether or not the domestic unit was preserved or that it was preserved in specific configurations.

The class character of this new campaign is revealed by the fact that relatively poor women were already in the workforce, seeking to supplement the inadequate incomes of their husbands. However, the far better jobs desired by upper middle class women had not been available to them. The opening of opportunities for the more fortunate women coincided with a campaign against the household as an institution and as a valued site for the socialization of children, thereby absolving women of a heretofore glorified responsibility. It was an ugly campaign which challenged and eventually led to the abandonment of public financial support of poor women with small children for whom wages were often less than the cost of childcare. Having lost its role in service to the accumulation of capital, the household became an object of vilification.

The rise of women in the workforce required their liberation from intra-household domination, as well as a suppression of rights which had been long held by men. Arguably, the theoretically most significant of the changes in marriage rules has been the post-1970 movement to recognize *marital rape* in the United States and in much of Western Europe. Prior to 1970, the dictates of British common law had been maintained, consistent with biblical injunctions:

⁴The wife does not have authority over her own body, but the husband *does*. And likewise the husband does not have authority over his own body, but the wife *does*.

⁵Do not deprive one another except with consent for a time, that you may give yourselves to fasting and prayer; and come together again so that Satan does not tempt you because of your lack of self-control. (1 Corinthians 7:4-5, *New King James Version*)

The Bible (New Testament) tells us that the only occasions which would permit a woman to refuse her husband would be for the sake of fasting and prayer! However, by 1993, every state in the United States had passed laws removing the “marital exception” from the crime of rape, thereby creating a new crime: *marital rape*. Laws on this issue are continuing to evolve in a number of countries, but already the rights of husbands to demand access or control of the sexuality of their wives is in tatters. Violent assaults upon wives had commonly been dismissed as domestic affairs, as one would expect given an ideology which posited independent households as instruments of capital; and previously, it was assumed that the “rape” of a wife could arise only with her improper and unjustifiable refusal of consensuality. She was at fault for inviting Satan who “tempts you because of your lack of self-control.” Now, however, in this post-industrial period, the household continues only in liminality, allowing women to be seized by the impersonal forces of capital accumulation, while presuming to grant women rights to their own bodies. It has been a revolution in social relations; and *it marks the end of marriage as an element of social structure*: challenging the singular right by which marriage can be recognized, ethnographically. “Marriage” now continues as a private social relation. And it is into this new system that the issue of same-sex marriage emerges—more or less, as an exclamation point.

Sex and the anticipation of sexual intercourse continue to float above marriage as now configured. And no doubt it is this fact which leads homosexuals to prefer marriage to civil unions, even when civil unions accommodate each and every civil right involved in marriage. The relevance of sex becomes apparent with the possibility that a marriage can be annulled and declared to have never happened if there is a failure of consummation. In England, Wales and Scotland non-consummation is a basis for annulment, *but not for same sex marriages*. However,

many states of the United States allow annulment due to non-consummation and in those states where same-sex marriage is legal they too may be annulled. So, even with contemporary marriage as only a shell of its historic self, it nevertheless constitutes a major advance for homosexuals and lesbians by implicitly legitimating their forms of sexual activity, this being true whether or not they chose to marry.

Remarks

Since the first day on which a young man was induced, with the promise of sexual rights, to devote himself to the provision of meat for a soon to be pregnant daughter, marriage has been a vital element of social structure. That is, it has provided the dominant forces within the families, lineages, tribes, kingdoms and states with a mechanism for advancing recognized social objectives. However, with the arrival of contemporary market and household technologies and the placing of women into the front lines of production, marriage no longer serves those functions and consequently households are increasingly reduced to the level of private social relations for which the rulers of the system of accumulation are largely indifferent. Of course, like the Nayar before us, we are reluctant to declare the end of marriage and continue to place that label on an increasingly empty shell. Earlier, I claimed that in the long run the issue of same-sex marriage is moot; and it is moot because marriage is itself a sinking ship. It is only because it is sinking that homosexuals are now being allowed onboard.

The contemporary economy requires an emancipated woman in the same way that an earlier industrial capitalism required the dominated housewife. However, housewives of the pre-1960 period were not particularly unhappy. Indeed, many look with nostalgia upon the time when men were able to support their diligent and energetic wives and managed to educate several children. And while such nostalgia is probably based on selective forgetting, the 1950s was a time of a jubilant and expansive industrial capitalism, as economies rose from the horrors of World War II. Today, however, marriage remains attractive as a personal option for a declining percentage of the population, although for many it remains an important source of wellbeing. Nevertheless, having lost its moorings in social structure, it is destined to disappear. It will disappear in concert with modifications in a system of accumulation for which it no longer possesses critical relevance.

A continued atrophy of the marriage concept opens the way for innovation in social relations. For example, it becomes feasible for the care of children to be assigned under contract to variable associations of men and women, gay and straight; and social processes would be more efficient if taxation, household organization, child care and other matters rested on the individual person and the free associations thereof, rather than on the “mystical bonds of mutual dependence” which defined the atomistic nuclear family. New contractual forms might even reinvent essential elements of marriage in the form of contractually established rights of sexual access by which several persons could be formally attached to a single man or woman. In a world of increasing inequality, contracts of this kind would yield benefits to women and men of great wealth and to the men and women who establish contracts with them. While such a set of relations seems very distant from current practice, it has the advantage of returning social life toward a more natural structure of sexual pairings, unhampered by the arbitrary constraints of Christianity. Future changes in the macro-system and in its components will require ethical and political legitimation on the stages of political theatre; but it would be advisable for anthropologists to leave those stages to others.

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