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# Changing Social Norms

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## Common Property, Bridewealth, and Clan Exogamy<sup>1</sup>

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by Jean Ensminger and  
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Much has been written on change in social norms, but with few exceptions such efforts have failed to synthesize the growing theoretical literature with the specifics of empirical cases. Attempting such a synthesis, we develop a theoretical framework for explaining norm emergence and change that builds on Barth's idea of generative models. We identify three mechanisms offered in the contemporary theoretical literature to account for the dynamic process of norm change: (1) coordination on focal points, (2) competitive selection among contracts, and (3) bargaining. We investigate three examples of norm change among the Galole Orma—common property rights, bridewealth, and clan exogamy—and show that examination of strategic decision making within the constraints presented by social context can produce adequate accounts of such change. We conclude that the primary mechanism in norm change among the Orma is bargaining and that the most important sources of such change are asymmetries in bargaining power.

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Cultures do not respond to pressures. Rather, individual human beings cope as best they can, formulate rules, follow and break them; and by their statistical patterns of cumulative decisions, they set a course of cultural drift.

In this process, the effect of ecological forces has often been conceived too mechanically. We need a theory of change in social structure that takes into account both the clear importance of ecological adaptation and the importance of humans as creators and manipulators of rules.

... boundaries of rights, duties, and authority are in this view continually open to negotiation—with rules being created, broken, redefined, and elaborated. Shifts in the ecological balance may enhance the bargaining power of men or women, increase the self-sufficiency of spouse-pairs, and so on; and it is cumulative individual deviations from a rule or norm that make possible the assertion of a new one. But changes in the rule are not simply *produced* by changes in ecology or in the statistical patterns of individual action. Rules are at once statements and metaphors about the state of the battle lines, challenges against previous rules, and targets for renegotiation. And violations and deviations from public norms are also, in a sense, assertions of new ones. [Keesing 1975:140–42]

Why are the Orma of northeastern Kenya, in the face of their centuries-old tradition of common property in land, petitioning the government for cooperative ranches? Why may the norm of bridewealth that structured Orma property exchanges at marriage be giving way to a new norm of indirect dowry? Why has clan exogamy, until recently universal, given way not only to marriage within the clan but even to marriage within the extended family? Such questions call attention to a general phenomenon of social life: change in social norms.

Analyses of social norms form the basis of much anthropological work. In many areas of research the status of social norms is merely implicit. For example, the literature emphasizing culture and social practice rests on an acknowledgment of the important relationship between social action and social structure, of which social

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mance of Natural Resource Systems. We thank the Office of the President, Government of Kenya, for granting Ensminger research clearance on three occasions to carry out the field research on which this paper is based. Ensminger also acknowledges the intellectual support and institutional affiliation she received while in Kenya at the Institute for Development Studies, University of Nairobi. Robert Auger, Fredrik Barth, Ted Bestor, John Bowen, Mary Brinton, Margaret Brown, Paul Ingram, Jim Johnson, Lisa Martin, Victor Nee, Andrew Rutten, Alice Schlegel, and five unidentified referees offered constructive criticisms on earlier drafts of this paper. Many helpful suggestions were also received in seminar presentations at Cornell University and Harvard University. While our readers may not endorse all of the changes that their very thoughtful comments inspired, we feel that their contributions resulted in a considerably clearer and stronger final product.

norms are an integral part. The role of social norms is central to our understanding of how communities maintain and transmit dominant social practices (Ortner 1984).

In other areas the fundamental importance of social norms is more explicit. Legal anthropology (including the growing body of research on dispute resolution) focuses on the ways in which social norms and other social rules affect the basic social interactions in a community. Much of the early work in this field produced static ethnographic accounts of the role of law in developing societies. The primary issues were what constituted "law" and whether this phenomenon existed in non-Western cultures (Nader 1965). The most important weakness of this research was that it generally sought to apply traditional Western conceptions of law, narrowly drawn from Anglo-American jurisprudence, to the analysis of these societies. This often led to the conclusion that rule-governed behavior was not a major feature of many developing societies.

Subsequent work sought to broaden the anthropological study of law in two main ways that are relevant to our present research. First, analysts expanded their object of study beyond jurisprudential conceptions of law to include the wide range of social norms and conventions that affect social life. Law as hierarchically enacted and enforced standards became merely one of many types of social rules to be considered (Gulliver 1963, 1979; Moore 1978). Second, many anthropologists of law shifted their focus from static accounts of the effects of law and other social rules to a more general treatment of the relevance of rules to larger social processes (Snyder 1981). We would place among the initiators of this trend not only those scholars who emphasized the strategic use of rules in social life (Comaroff and Roberts 1981) but also the growing number of anthropologists who have focused their attention on questions of formal legal change (Starr and Collier 1989).

Although a great deal has been written on norm change in the broader anthropological literature, the vast majority of this work is either almost exclusively theoretical or exclusively empirical. As Hakansson notes (1988:19), "how and why norms change has remained largely unexplored in anthropology." Efforts to combine theory and case studies are relatively rare, though Cancian (1975), Holy (1986), and Saul (1992) are notable exceptions. In this paper we attempt to bring together diverse theoretical explanations of change in social norms with empirical specifics from the Orma case. In doing so we hope to enrich our understanding of both the emergence of and the subsequent changes in the norms that structure social life.

One of the ongoing debates throughout the social sciences is over the conceptualization of social norms. Bailey (1969) and Barth (1981) treat norms as rules that structure strategic behavior. Barth's interactional model of social life is a concise statement of this common conception; in this account participants engage in strategic decision making within the constraints presented by social norms and other institutions (1981:30–31). Norms

constrain behavior by affecting the incentives for various actions. They are treated as analogous to any other informal rule: people comply with norms when it is in their self-interest to do so.

Bourdieu (1977), while acknowledging that norms have many of the features of rules, considers this characterization insufficient. His criticism focuses on the tendency to reduce social practice to rational compliance with established rules of behavior (pp. 10–30). Bourdieu argues that such a reduction fails to capture two important aspects of social norms. One of these is alternative motivations for norm compliance. The major alternative, grounded in the sociological tradition, emphasized nonconsequential motivations: people comply with norms because they define the behavior that is appropriate in a specific context.<sup>2</sup> In Bourdieu's conception, when individuals act in accordance with a social norm, their action is governed by a rule, and they will follow the rule even if it is not in their narrow self-interest to do so. The other aspect is the process whereby a social practice comes to attain the status of a norm.

We adopt a conception of norms that is consistent with Barth's interactional model but allows us to address some of Bourdieu's concerns about process.<sup>3</sup> In our account, social norms are informal rules that structure behavior in ways that allow individuals to gain the benefits of collective action.<sup>4</sup> By collective action we mean not just the usual large-scale interactions implied by the term but any activity in which two or more people gain benefits, otherwise unrealizable, from acting together. Although we rely primarily upon strategic considerations to explain why social actors comply with norms, we do not reject other motivations. In fact, we agree with Bourdieu that habit is an important one. What we would argue is that the primary effect of social norms, regardless of motivation, is to stabilize social expectations and thus establish commitments to particular ways of acting in common social situations. From a purely behavioral perspective, this raises the question what distinguishes a social norm and the behavior that it induces from a mere behavioral regularity or social

2. See Elster (1989a) for a discussion of the implications of the different ways in which social scientists have explained why social actors comply with norms.

3. We also acknowledge an intellectual debt to Heath (1976) for his early application of rational-choice theory to the origin of social norms.

4. Our emphasis on the informal nature of social norms is intended to highlight a difference between norms and laws. We distinguish laws, which are backed by the sanctioning force of the state, from norms, which are informal in the sense that people comply with them for reasons other than a concern for the penalties that might be imposed by a formal enforcement authority. While it is true that many laws are merely the formalization of preexisting norms, this distinction allows us to capture the fact that norms and laws have distinct effects on social life.

"Benefits" here is given the broadest possible meaning. People benefit from collective social interactions in many ways. These benefits may be material or nonmaterial, direct or indirect. Regardless of form, social norms are more often than not necessary for social actors to succeed in the activities from which such benefits derive.

practice. This is an especially difficult question because once a social norm has been firmly established in a community, the only thing that we should observe is the regularity in behavior embodied in it (see Knight 1992: chap. 3). But there is an important difference here, and it lies in the reaction of other members of the community to deviations from that regularity.

To clarify the distinction, we must look at the problem from the perspective of the members of the community themselves (Hart 1994). When individuals deviate from their normal behavior, the social actors with whom they interact may be surprised or disappointed, but they do not feel either the need or the right to sanction them for the deviation. In contrast, when individuals deviate from compliance with social norms, the other members of the community generally feel that their expectations have been violated and that they have a right to employ whatever means of informal sanctioning are at their disposal to make sure that the violation will not be repeated (see Taylor 1982 on these informal sanctions). This difference in reaction suggests that distinguishing social norms from mere regularities in behavior will require focusing on the behavior of the community when deviations from regular social practices are observed. When we observe sanctioning of deviant behavior, we have evidence for the existence of a social norm.

In any social situation there are usually various ways in which rules stabilize social expectations and thus structure collective action. Therefore, as Bourdieu argues, explanations of social norms must do more than merely acknowledge the constraining effects of normative rules on social action. They must go on to address the process that culminates in the establishment of one of these rules as the norm.

It is this dynamic process that is at the heart of our analysis. We pursue this task in the spirit of Keesing's (1975) recommendation. Social norms are the product of "individual human beings [who] cope as best they can." In this process, they "formulate rules, follow and break them." But this process is a complex one, and the efforts to establish and change social norms take place in a social context. An adequate explanation of the emergence of and changes in social norms must incorporate both choice and context (Taylor 1989). Building on Barth's basic idea of generative models (1981:9), we offer such an approach.<sup>5</sup> The goal of such models is to explain aggregate social phenomena in terms of the intentional acts of social actors. But such models do not reduce to simple explanations based on choice. Rather, they seek to explain change systematically by identifying what Barth calls "operations" (1981:32) and what, following Elster (1989b), we will call "mechanisms" that explain how the intentional choices of strategic actors interact

with the social context of these choices to establish a norm of behavior in a community.<sup>6</sup>

## Explanations of Change in Social Norms

Drawing on a number of theoretical explanations of norm emergence in terms of the actions of social actors, we focus on those that are grounded in the rationality of actors.<sup>7</sup> They share the initial premise that social actors pursue some set of preferences in a rational way—that is, seek to achieve their most-preferred outcome at the least possible cost—but go on to develop different explanations about how social norms emerge and change. These explanations can be characterized by the basic mechanisms they identify: coordination on focal points, competitive selection among contracts, and bargaining (for a more general discussion of these mechanisms, see Knight 1995). Rather than treating these approaches as competing and mutually exclusive, we propose to treat them as mechanisms that explain the emergence of individual norms under different empirical conditions.

### COORDINATION ON FOCAL POINTS

One approach explains the emergence of social norms as the resolution of a problem of social coordination (Ullman-Margalit 1978, Sugden 1986). It builds a theory of norm emergence from a characterization of norms as social conventions. The explanation rests on an account of how the convention is recognized and how coordination is achieved. Contemporary versions of this account build on Schelling's (1960) concept of salience. According to Schelling, since actors prefer coordination to its absence, they will readily use whatever information they have at their disposal as a way of achieving it. Focal points serve to coordinate actors' expectations about what other actors are going to do.

Coordination is achieved through repeated interactions upon which actors formulate their expectations. Some actors will eventually focus on a particular outcome and others will in time follow suit, establishing a convention. Focal points must be identified in the social context in which the interactions occur; in this way context enters the explanation as a coordinating device. The information that keys the coordination on a particular rule may come from anywhere: environmental characteristics in the community, the nature of the activity, some visible characteristic of the actors involved, etc. In these accounts, the selection of information is arbitrary; social actors will use whatever resources they can in order to achieve a coordination of their activity. Stan-

5. In fact, interpreting Bourdieu's criticisms of an interactional approach as directed at Barth (at least on the process of norm emergence and change) amounts to a misreading of Barth, who is very clear on the importance of treating social life as a dynamic process (1981:32).

6. These two concepts are not exactly equivalent. Barth's "operations" are logical features of models designed to simulate empirical processes, while Elster's "mechanisms" are identifiable causal processes. We follow Elster in emphasizing the relationship between analytical models and empirically identifiable causal factors.

7. In addition to Barth's discussion of generative models, there are important related research strategies in political science (Taylor 1989) and sociology (Hechter 1990).

dard examples of norms that emerge as solutions to coordination problems include rules of etiquette and laws governing whether we drive on the left- or the righthand side of the road (Elster 1989a, Hardin 1982).

Given the assumption of rational self-interested behavior, the coordination approach will best explain the emergence of social norms where the individual benefits of coordination are equal for all of the actors. Where individual benefits are unequal, the distributional effects of the norm are relevant considerations. The actors will have conflicting preferences among alternative norms, and the arbitrary resolution postulated by this approach is less plausible.

#### COMPETITIVE SELECTION AMONG CONTRACTS

A competitive-selection approach explains the emergence of social norms primarily as the product of the social context in which individual-level social exchanges occur. In this account individuals enter into contracts that structure their social interactions (Coleman 1990; Hechter 1987, 1990), but they may be pressured to alter those contracts in the face of competition from other social actors (Alchian 1950, Eggertsson 1990). The surviving contracts constitute the social norms that structure collective interactions in the community. While some general evolutionary accounts focus on selection at the group level, the competitive-selection approach focuses on the level of the individual norm.

This approach combines two distinct mechanisms: exchange and competition. First, the logic of the exchange relationship is one of mutual benefit. When any two social actors perceive that they can achieve benefit from exchange, they must agree on the terms of that exchange. Among these terms are the rules governing the actions of the parties during the course of the exchange. In the context of the theory, these contracts constitute the social norms produced by social actors to facilitate the achievement of socially beneficial outcomes. The main mechanism that explains the selection among possible norms is agreement. Social actors create these norms because they can achieve benefits which they would not enjoy without them.

Here the emphasis in the explanation of the emergence of norms is on their efficiency effects. These effects take many forms (wealth maximization, social efficiency,<sup>8</sup> functional need), but they share a tendency to enhance the aggregate benefits of collective action. From the perspective of individual self-interest, the plausibility of the social-exchange mechanism is open to question when norms affect the distribution of benefits. Here rational self-interested actors will usually prefer a contract that maximizes their individual benefits over one that maximizes aggregate benefits. The classic example of this tension between individual and collective efficiency is the prisoner's dilemma. Only in the cases in

which one contract satisfies both criteria will the contract mechanism alone provide a satisfactory explanation of the emergence of norms.

The competitive-selection approach maintains the primary emphasis on collective benefits by invoking a second explanatory mechanism, the effects of competitive pressure on the efforts of social actors to bargain for individual advantage. According to the advocates of this approach, competition selects out those activities that fail to maximize joint benefits in the long run. In a competitive environment, those actors who participate in social interactions which produce the most efficient forms of cooperation will crowd out and ultimately extinguish actors who choose less efficient activities. Thus, competition creates an incentive for rational self-interested actors to select social norms that are more socially efficient. The competitive-selection mechanism has been used to explain a wide range of social institutions, especially forms of economic organization and property rights (Eggertsson 1990).

In analyzing this mechanism, it is important to remember that competition is not a dichotomous variable; there are degrees of competition and therefore degrees of competitive effect. In this account, the effects of competition on the selection of social norms will be greater the more the community is characterized by the following empirical conditions: (1) there are many competitors for a common pool of resources, (2) there is full information about the availability of alternatives, and (3) transaction costs<sup>9</sup> are low (Scitovsky 1971).

There are two levels at which competition may operate, within groups and among them. Intragroup competitive pressure can affect the bargaining power of actors: as competition increases, asymmetries in bargaining power among actors within a particular social interaction diminish. In other words, those with greater bargaining power are forced by competitive pressure to accept social norms that are less distributionally favorable to them than would be the case without competition. Intergroup competitive pressure may constrain the range of alternatives from which a group can select its norm; only those alternatives that can withstand the pressure from neighboring groups will survive in the long run. If an explanation of the evolution of norms is to invoke competition as a relevant factor, then the conditions of competition must be empirically satisfied in one of these contexts.

#### BARGAINING

The bargaining approach explains the emergence of social norms primarily in terms of the distributional effect of the possible norms (Knight 1992). In this account, social norms are a by-product of strategic conflict: actors produce social norms in the process of seeking distribu-

8. By "social efficiency" we mean the maximization of aggregate benefits.

9. Transaction costs include the costs of negotiating, monitoring, and enforcing contracts.

tional advantage.<sup>10</sup> In some cases they will create norms consciously; in other cases the norms will emerge as unintended consequences of the pursuit of strategic advantage. In each case the focus is on the substantive outcome; the development of the norm is merely a means to that end. As in any bargaining situation, there are factors that distinguish the actors and thus influence the bargaining outcome in favor of one of the parties. These factors are what we usually mean when we speak of bargaining power (Bachrach and Lawler 1981, Raiffa 1982).<sup>11</sup> In any social situation, each of the actors will have some bargaining power; the resolution of the conflict depends on their *relative* bargaining power. The task of a bargaining theory of norm emergence is to identify those factors that are most likely to explain (1) how bargaining is resolved in a single interaction and (2) how a particular outcome is generalized to the community as a whole.

In our analysis asymmetries in resource ownership serve as a proxy for bargaining power.<sup>12</sup> Asymmetries in resource ownership affect the willingness of rational self-interested actors to accept the bargaining demands of other actors. Unlike other sources of bargaining power, asymmetry of resource ownership is a factor common to a wide range of bargainers in a society. This is a desirable feature of any theory of norm emergence; only factors that are widely shared will produce the systematic resolution of interactions necessary for the emergence of social norms.

Social actors suffer significant costs for the failure to coordinate on social outcomes, but those costs need not be suffered uniformly. Actors who have either fewer alternatives or less beneficial ones than others will be more inclined to respect the demands of those others.

10. While "distributional advantage" may mean seeking advantage in material benefits, we take it also to include the full range of nonmaterial benefits such as power, status, and even the ability to assert one's own ideological preferences over those of others.

11. A wide variety of social processes is collapsed within the general concept of bargaining. These processes may be as simple as informal haggling over the terms of an exchange or as complex as physical violence and warfare. The fundamental similarities among these processes that we seek to explain are (1) that there is a conflict of interest that generates the process and (2) that the resolution of the process tends to favor the parties with a relative bargaining advantage.

12. As one referee pointed out, supernatural power and witchcraft may also be important sources of bargaining power. We are entirely in agreement, and these forces can easily be incorporated into our broad definition of bargaining power above. However, for our purposes here we lose little by reducing the measure of bargaining power to resource ownership. As is the case in many African pastoral societies, witchcraft is not very significant among the Orma. What is more, in the few cases in which elders were assumed to have some powers, they were also very wealthy and thus would have had high bargaining power in any case. Supernatural power, including elders' curses, was not mentioned by Orma as an important consideration in any of the social norms we considered. In cases where supernatural power would be a significant force, the bargaining perspective is not undermined. Supernatural power merely becomes one more resource in the equation affecting overall bargaining power.

In this way, the existence of resource asymmetries in a society can significantly influence the choice of a social norm. One factor that discourages innovation is the sanctioning of deviations from norms. Those with greater resources are able to deviate from norms and create new ones because they are less likely to receive negative sanctions from other members of the society.

If norm creation is intentional and the result of some form of collective decision-making process, the analysis of bargaining is straightforward. We would anticipate a process of bargaining among the members of the community, with the resulting norm being the product of resource asymmetries among the participants. If, in contrast, the emergence of the norm is the result of an ongoing decentralized process, then the analysis will focus on that process. Individual bargaining will be resolved by the demands of those who enjoy a relative advantage in substantive resources. As others recognize that they are interacting with an actor with superior resources, they will adjust their strategies to achieve their best outcome given the anticipated commitments of others. Over time rational actors will continue to adjust their strategies until they converge on a particular social outcome. As this becomes recognized as the socially expected combination of actions, a social norm will be established.

When social norms generate an unequal distribution of the benefits of collective social interactions, the bargaining mechanism should be the primary focus of analysis. It requires us to analyze the social context to see if there is systematic asymmetry of resource ownership in the community. If asymmetry exists and is associated with those actors who benefit from the distributed effects of the social norm, then the bargaining approach provides the most plausible explanation of norm emergence and change.<sup>13</sup>

We turn now to an empirical examination of the role

13. A possible challenge to the bargaining approach might be that it oversimplifies the relationship between the interests of the actors and the distributional effects of the norms. Social life is indeed complex, and social actors are often affected by norms in many ways, often in the different roles that they may play in a particular social interaction. Given this complexity, one might argue that the actors do not always have a clear sense of the effect of a norm on their own interests. For example, Coleman (1990) points out that social actors may have conflicting views of the effects of rules governing the behavior of corporations. They may be affected in one way as citizens but in quite another and often countervailing way as shareholders in a corporation. Thus, given their multiple roles vis-à-vis the corporation, they may not have a strong preference for the effects of one norm over another. This phenomenon is similar to what Sugden (1986) has in mind in his discussion of "cross-cutting" norms. A norm is "cross-cutting" if it sometimes favors and sometimes disfavors a particular individual, with the result that its long-term net distributional effect is minimal. In response to this challenge we want to emphasize that whether a norm is "cross-cutting" is an empirical question. More generally, we doubt that there are many social norms with long-term distributional effects so unclear as to make it impossible for social actors to choose among them. Nonetheless, we acknowledge that when this is the case, an explanation in terms of bargaining is undermined.

of these three mechanisms in change in social norms in an East African pastoral society.

## A Case Study

The Galole Orma<sup>14</sup> of northeastern Kenya are a pastoral population, still partly nomadic and living primarily on the products of livestock (cattle, sheep, and goats). Like most pastoralists in Africa, they are increasingly market-oriented and in recent years have had to adapt to considerable changes in their economic and political system (see Ensminger 1992 for details). Today, less than a third of the Galole Orma are nomadic and depend on dairy products exclusively when milk yields allow it, resisting the sale of their stock in order to maximize herd sizes. The vast majority of Orma are now sedentary and sell stock on a regular basis to purchase their daily foodstuffs and household needs. They are effectively commercial ranchers, harvesting their annual off-take much as farmers harvest their crops. Large numbers of Orma also derive the majority of their income from wage labor and trade.

The examples of change in norms we have chosen for consideration include both those directly involving critical economic resources (property rights in land and cattle transfers at marriage in the form of bridewealth) and those more directly concerned with other social relationships (clan exogamy).<sup>15</sup> By examining cases of these different kinds we hope to expand and clarify our theoretical understanding of the role of different mechanisms in the process of change in social norms.

In these cases we examine, first, the effects of the norm on the distribution of economic resources, power, or other benefits. To the extent that a norm distributes these resources unequally, there is a potential conflict of interest in the establishment of the norm which we would expect to see resolved in favor of those with the most bargaining power. Second, we look for evidence of the different mechanisms (coordination, competition, and bargaining) that might explain the establishment of a norm. For the coordination mechanism, we look for focal points which might direct attention to potential norms; for the competition mechanism, we look for evidence of competitive pressure on the emergence of potential norms; and for the bargaining mechanism, we look for asymmetries in relevant resources that would lead to differences in bargaining power and to distributional consequences of norms that would provide an incentive for the use of bargaining power.

## CHANGES IN PROPERTY RIGHTS OVER LAND

The commons system that prevails among the Orma today is typical of East African pastoralists. Land is held in common while livestock are owned individually, with the head of the household (usually male) controlling most of the stock.<sup>16</sup> Water is also owned communally, but a well dug in a dry-season riverbed is owned by the head of the lineage of the individual who digs it. Although such systems remain the norm today in Africa, numerous government experiments with cooperatives, group ranches, and privatization have been attempted (see Galaty 1980, 1994; Oxby 1982; Sandford 1983). In Kenya, the Maasai have been the most frequent targets of such experiments. Among the Orma they have been less numerous, though large tracts of land owned historically by the Orma have been alienated to various non-Orma. The state has appropriated enormous areas for game reserves (Tsavo East, Tana River Primate Reserve, and Kitui Reserve), irrigation schemes (Hola, Bura, and the Tana Delta Rice Project), and group and private ranches (the largest of which is the Galana). For the purposes of this discussion, we are not interested in these categories of changing property rights, which are clearly top-down mandates. Rather, we are concerned with attempts by the Orma to effect changes in their property rights over land in the context of constraints imposed upon them by the government. It goes without saying that these initiatives are in part a response to exogenous changes in land law and to the population pressure consequent on state expropriation of land. In this context, we shall describe the process by which the Galole Orma have moved from having a classic grazing commons to petitioning the government for a cooperative ranch that will exclude nonmembers.

Communal property is distinguished from open access by the fact that a recognized group manages the resource in common. While use-rights are generally equal within the group, outsiders are excluded. Open access means that there are no restrictions on use and the resource is available to everyone (Feeny et al. 1990:2). Presumably, open access preceded the commons historically. The fact that a commons system allows for the exclusion of nonmembers suggests that the transition from open access to commons may have been related to group identity formation or division.

Commons systems face two obvious threats—population pressure from within the group and pressure from competing groups. We argue that internal pressure is likely to create divergent interests, over which differential bargaining power will be brought to bear to influ-

14. The case data are based upon Ensminger's 43 months of fieldwork with the Orma (1978–81, 1987, and two brief return visits in 1994 and 1996). The Orma are split into three divisions: the Chaffa in the south, the Galole in the middle, and the Hirman in the north. Although the Galole can usually be considered representative of the entire population, this should not be assumed.

15. Elsewhere (Knight and Ensminger n.d.) we have considered another noneconomic example, the effort to change norms regarding female circumcision.

16. "Ownership" is a problematic term. Male heads of households have historically had the right to sell all stock in the patrimonial herd, including those already allocated to their minor children as the nucleus of a future herd. While husbands cannot "legally" sell women's stock (dowry, for example) against their will, such things do happen. Wives have significant use-rights in specific animals and in particular, own the milk and skins of animals allocated to them for subsistence use but have no right to sell or resist the sale of such animals.



ence the change in norms. Competition from external forces, however, creates a common threat for the members of the group and may force a settlement before internal bargaining is complete. The Orma case illustrates both of these potentialities.

Garrett Hardin (1968) suggested that common ownership carries with it the threat of the "tragedy of the commons," as it is in the interests of each producer to use as much of the common resource as possible without concern for the long-term effects on that resource. Thus, in the case of pastoralists, Hardin assumes that the coupling of private ownership of livestock with common ownership of land gives each owner an incentive to overgraze the land and ultimately leads to environmental degradation. Yet, the historical viability of pastoralism and the existence of any number of common resources elsewhere indicate that the "tragedy" is not inevitable; people are capable of changing institutions as the need arises.<sup>17</sup>

As a common resource begins to deteriorate, perhaps through population growth or sedentarization, people have an incentive to incur the costs of restructuring their property rights. Examples of such restructuring abound. Netting (1972, 1976, 1982) observed that Swiss meadows were protected by the development of informal monitoring systems; Acheson (1975) found the development of de facto property rights in fishing grounds to prevent the overfishing of Maine lobsters; Blomquist and Ostrom (1985) and Ostrom (1990) reported on a solution to the common-pool problem concerning an underground water basin in Los Angeles County; and Behnke (1985) describes a case of spontaneous range enclosure in Sudan analogous to the situation described here.<sup>18</sup>

When small numbers of Galole Orma began to settle in the Wayu area in the late 1940s and early 1950s, there were at first no detrimental consequences to either the ecology or the well-being of their livestock.<sup>19</sup> No alteration in the common tenure system was required. By the 1960s, however, population had increased enough to place some pressure on local resources. Settling is incompatible with East African pastoralism because rainfall tends to be highly localized. Ideally pastoralists need to pursue the rains and grazing to match herd density with resource availability.<sup>20</sup> As stocking pressure

increased, there was nothing to stop nomads from using the lush grazing in the settled area, thus leaving insufficient grazing for the sedentary's milking herds during the dry season. Addressing this dilemma early in the 1960s, the sedentary elders declared a small area around the permanent village of Wayu off-limits for wet-season grazing to any stock but that owned by the sedentary villagers. In the 1960s and 1970s the restricted area was not large enough to represent a serious threat to the nomads, and conflict was relatively easily avoided; such incursions as occurred did not jeopardize the resource base of the settled households.

Over the years, the settled villagers gradually increased the restrictions on this grazing area by limiting the period recognized as "dry-season" and including all grazing lands within a day's walk from the center in every direction. By 1985 the restricted area was substantial and closed to outsiders year-round. As always, nomads still had the option of settling and enjoying access to the restricted grazing, but there were costs. All settlers were obliged to send at least some of their children to school and to contribute to *harambee* (self-help) fund raising (the primary means of taxation). The most significant economic cost associated with settling, however, was the loss of productivity; milk yields fell by at least half, and cattle fertility and robustness suffered.

Significantly, by 1985 the new property rights were being enforced by the state. This shift coincided with a shift in the relative share of the sedentary versus the nomadic population from one-third to two-thirds between 1980 and 1987. Up to the early 1980s, trespassers were reported to the elders by herdboys and sanctions imposed through traditional Orma institutions. Almost invariably, the nomads obeyed the elders and moved their stock when asked. Prior to the early 1980s, the chief (a state civil servant) never arrested herders for trespassing on the restricted grazing. By the mid-1980s, however, he was commonly using his police to arrest both Orma and Somali encroachers. Typically, offenders were warned or detained briefly and fined, not sent to prison. It is difficult to overstate the support of the sedentary population (by then the majority) for this policy. When the chief visited settled villages along the Galole, it was often the first issue raised by the inhabitants, rich and poor alike, and much emotion accompanied the pleas of herders for the chief to act quickly against territorial incursions. Nevertheless, while the majority of the settled Orma supported the chief in this policy, the Orma nomads were clear losers, and some settled households were sympathetic to the nomads' cause.

Ensminger and Rutten (1991) and Ensminger (1992) have argued that the reason for the shift from enforcement by the elders to third-party enforcement was the lack of consensus on the policy among Orma. Most no-

17. Hardin does in fact acknowledge this possibility.

18. For recent anthropological examples of commons situations, see Acheson (1988), Baxter and Hogg (1990), Feeny et al. (1990), McCabe (1990), and McCay and Acheson (1987).

19. While we often think of sedentarization as synonymous with a transition to farming, this was not the case for the Orma. Although the chief experimented with large-scale commercial agriculture in the 1960s, subsistence farming by many households did not develop until the 1970s. Farming expanded enormously in the 1980s but even today is at best an opportunistic strategy; the river flooding on which it depends yields reasonable harvests on average only one wet season in four, or roughly once every other year.

20. The wealthy sedentary households solved this problem by keeping only small milking herds in the village and having sons and hired herders take the majority of their stock to remote and highly mobile cattle camps. As the settled population grew, however, even milking herds became too much for the sedentary villagers. By

1987 much smaller numbers of milking stock were being kept in the village, and some wealthy herders declined to keep any because the grazing conditions were so detrimental to the stock. This change meant almost complete dependence upon the market for subsistence foodstuffs, at least during the dry season.

mads and some sedentarists with loyalty to or trading interests with them rejected restrictions on common grazing. It is evident that the majority sedentarists, including many of the wealthiest and most powerful, needed and were able to use the state to enforce their will. Although they had the majority of the Orma population behind them on this initiative, the ability to deploy third-party enforcement reduced the necessity of using costly threats and offers to gain the compliance of the dissenters within the community (Taylor 1982). For its part, the state had an interest in settling the nomads because sedentary villages were easier to administer and police.

Up to this point our story is a fairly straightforward one of superior bargaining power on the part of well-off sedentarists. But the story of the dismantling of the commons between 1960 and 1996 is not complete without consideration of the external threat posed by the Somali and other groups interested in Galole Orma land. In 1980 large numbers of Degodia Somali invaded Galole territory, furthering the cause of the sedentarists, who argued that the restricted grazing was the answer not only to internal pressure but also to the Somali threat.

The traditional means of dealing with external threats to the commons was military defense. But since the 1860s the Orma have not been militarily capable of defending their territory, and since colonial times they have lacked the legal right to do so. The state preempts all authority for group defense, but it does not always take responsibility for the defense of group borders. Commons are particularly problematic for the state in this regard. Just as the transition from open access to the commons was tied to group identity formation, commons ownership today is linked with ethnic identity.<sup>21</sup> One challenge for any new state is to promote national identity at the expense of ethnic identity, and the state is therefore ambivalent with regard to access to the commons. Commons work best when a recognized and legitimate leadership can regulate use of the land. The Orma and the Somali recognize different institutions and different leadership. The state wishes its own institutions to be supreme, and enforcing Orma exclusivity with regard to the commons would reinforce ethnic identity, local institutions, and local leadership. This conflict of interest has been used by the Somali when seeking access to Orma territory; they argue that "Kenya is for *all* Kenyans," the presumption being that "all Kenyans" have rights to "all commons." This argument, however, runs the risk of turning the commons into open access. Resolution of this contradiction is particularly problem-

atic for states with different ethnic groups competing for the same commons.

Periodically since independence, the government has stood firmly behind the Orma's right to exclusive control of their commons. The Chief's Act is the primary legal means of defending Orma territory. Chiefs are authorized to expel people and livestock that cross into their "locations" (political territorial units). However, the state has been inconsistent in the vigor with which it has sought to maintain the integrity of the commons. As a consequence, the Orma are now seeking alternative means to secure their land against encroachment. Both the Boran (Dahl and Sandford 1978, cited in Sandford 1983:93; Hogg 1990) and the Maasai (Galaty 1980) have embraced restrictions on the commons for exactly the same reason: as a means to prevent encroachment on their land by outsiders.

In 1994 residents of the Galole area formally petitioned the government for recognition of a cooperative ranch; this move is in keeping with the general direction of land-tenure policy in Kenya, which since the Swynnerton (1954) plan has been toward privatization. Although membership in the ranch would be open to any legal resident of Wayu Location, there would be a membership fee.<sup>22</sup> The Orma believe that the move would grant them more legal control over their land and reduce the ambiguity associated with commons and rights of access. The dangers include disenfranchisement of many current residents (in the short or long term) and the numerous ecological and development effects of ranches (see Evangelou 1984; Galaty 1980, 1994; Hansen, Woie, and Child 1986; Sandford 1983; Simpson and Evangelou 1984). Indeed, the history of cooperative and group ranches in Kenya is a dismal one. Some elite Galole are already anticipating the division of the cooperative ranch into individual ranches some years down the road; the Maasai experience points to this as a predictable but unfortunate eventuality (Galaty 1994).

It is too early to predict the nature of the bargaining that will take place, but the definition of the boundaries of the ranch has brought several coalitions together. The poor support it because it includes a valuable stone quarry where many families earn a substantial proportion of their income. Some wealthy sedentarists support the ranch while opposing restricted grazing because it requires them to establish their cattle camps at a distance. Families that depend entirely upon hired herders have a supervisory problem when their cattle camps are far away, and they support the ranch because it is large enough to contain their cattle camps relatively nearby.

Recent events on the Kenya-Somali border have intensified the Orma initiative for a change in land tenure. Somali encroachment, serious in the 1980s, was catastrophic in the 1990s. As the world witnessed devastation in Somalia in 1992 and 1993, the Orma experienced an enormous influx of Somali not just from northern Kenya but from Somalia itself. Along with huge herds

21. Definitions of "ethnic identity" are problematic in most circumstances and the more so when access to resources is at stake. For example, the Wardei are descendants of the Orma captured by the Somali in warfare in the last century. Although they speak Orma and claim Orma clan affiliation, they are extremely Somali-like, having lived with the Somali for several generations on the east bank of the Tana River. Conditions are now significantly more favorable for them on the Orma side of the river, and large numbers are attempting to reclaim their Orma ethnic identity and by so doing secure access to land on the west bank.

22. Registration involves an initial fee of KSH 100, and full membership costs KSH 3,000 (\$1.82 and \$54.55 respectively in 1994).



of camels came machine guns, the former devastating to the environment and the latter to the human inhabitants. In September 1993, after numerous armed attacks, the Galole Orma declared "war" upon the Somali and took matters into their own hands. Many deaths and four days later, the Orma had run all of the Somali, bandits and innocent pastoral households alike, out of the territory. Later that year the government increased the number of "homeguards" (legal rifles) carried by Orma villagers to defend their territory against similar incursions. As of summer 1996 the Somali had not returned.<sup>23</sup>

The Galole Orma are aware that other third parties have petitioned the government for ranches on their land. The government process for vetting such applications involves review of all proposals by the local development committee, which is made up of Galole Orma. Although it is highly unlikely that the Galole would vote to give their land to outsiders, the mere fact that the government has received such applications has been used as a bargaining chip by those pushing for a local ranch. The implication is that if the Orma themselves do not hurry they will lose their land to better-organized outside interests.

It is difficult to determine the interactive effects of the internal and external threats to the commons. Perhaps all that the external threat has done is speed up the process. In this case the norm which is perceived to be the only viable response to the external threat is also the norm that benefits the most powerful members of the community. The shift to greater privatization has clear distributional consequences, but the Orma are aware that if they do not act quickly all could be lost. Elders have even talked about the demise of the Orma as a people and fear the loss of most of their land to outsiders.<sup>24</sup> The same result could, however, derive from the eventual full privatization of the cooperative ranch, should the government later on grant title deeds and allow sale of the land by Orma to non-Orma (Galaty 1994). Competition from outside may actually facilitate the outcome (privatization) sought by those with the greatest bargaining power, the sedentary elite.<sup>25</sup> Hogg (1990:25) suggests that exactly the same situation existed among the Boran, who were also losing territory

to the Somali: internal strife and sedentarization were driving land-tenure change, and the Somali threat became a pretext for furthering this change. In the Orma case the threat is so compelling that those inclined to consider the long-term effects upon the poor and the nomads may not have the luxury of such reflection. The external threat has undermined the position of those who wish to maintain the status quo. The Orma are faced with a choice not between less and more restrictive commons but between open access and a cooperative ranch. With the choice structured in this way, most Orma, even those who earlier opposed restrictions on the commons, view the cooperative ranch as preferable.

The case of the commons involves elements of bargaining and competitive selection. Property rights clearly have distributional effects, and this dimension provides a significant incentive for the sedentary elite to push for greater privatization. Competitive pressure enters in in terms of the real threat of the commons' degrading into open access. A reversion to open access is the least desirable alternative for virtually all Orma and creates pressure for coordination around some other norm. The competitive threat also reduces the bargaining power of those who might have been in a position to hold out for a more favorable outcome but cannot do so given the pressure to ward off the immediate disaster of open access.

#### FROM BRIDEWEALTH TO INDIRECT DOWRY

Like many East African pastoral societies (Schneider 1979), the Orma have historically had a high rate of polygyny and high bridewealth. Polygyny is still common, but bridewealth has fallen from an average of 12–16 cattle in the late 1970s to about 4 in the mid-1990s. Meanwhile, some families have begun to substitute indirect dowry for bridewealth.<sup>26</sup>

Goody and Tambiah's (1973) seminal work drew our attention to the geographic distribution of these systems and the correlates of such divergent patterns of exchange in marriage. Africa, of course, has a predominance of societies practicing bridewealth. Numerous factors have been suggested to explain the existence of both bridewealth and dowry. Much of the literature has sought to explain change in the size of bridewealth payments. These explanations have tended to be "market" explanations. Goldschmidt (1974:323), writing about the Sebei of Uganda, puts it most bluntly: "What can be said, however, is that among the Sebei, a strategy for attaining such a goal [more progeny] involves treating brideprice as a market negotiation; i.e., in terms of immediate maximization of outcome, with the result that size of payment responds to market factors." Similarly, Borgerhoff Mulder (1995) finds evidence for change in Kipsigis bridewealth through time as a response to changing

23. Although the Orma were successful in this military confrontation with the Somali, no one sees local military defense as a permanent solution to land competition.

24. This may be an example of the sort of pressure for survival that serves as the basis of more general evolutionary accounts of social change. It is clear that many members of the community believe that the very survival of the Orma as a people is at stake. Our argument here focuses on this belief as part of the internal bargaining process.

25. It should be noted, however, that while the cooperative ranch has widespread support from sedentarists, it is the young men who are the most vocal in promoting it. Sandford (1983:241) has suggested that ranches favor the young and educated (see Bates 1989 for a similar argument) because they are in a better position to manipulate information (through literacy) and communications with the government (through fluency in Kiswahili). This suggests that the potential distributional consequences of the change in property rights are a strong motivation for the advocates of greater privatization.

26. Bridewealth consists of payments from the groom's family to that of the bride. Following Goody (1973), "indirect dowry" is the term used for payments from the groom's family to the bride herself.

costs and benefits. In other words, many scholars agree that some factor is bidding the price of marriage up and down. Explanations of bridewealth invoke assumptions of supply and demand regarding the value of property and rights that are transferred at marriage, and competitive selection is identified as the primary mechanism affecting change in the amount of bridewealth.

One of the more common arguments is that bride-wealth relates to the value of women's labor: the higher the productive value of women's labor the higher the bridewealth (Borgerhoff Mulder 1988; Boserup 1970:46; Hakansson 1988:93). Another argument relates bride-wealth to women's fertility or descent-group rights in children of the union (Goody 1973); Mair (1969) suggests that bride-price be thought of as "child price." Still others have related bridewealth to the relative scarcity of women, which may be exacerbated by polygyny: the fewer women there are, the higher the bridewealth demanded (Goldschmidt 1974). Schneider (1964), in a cross-cultural study of 48 African societies, found bride-wealth inversely correlated with divorce and positively with the wealth of the society and with the proportion of rights in women and offspring transferred at marriage. Summarizing his earlier results (1979:87), he noted that "the amount of bridewealth transferred for rights in women correlated with the ratio of livestock to people; the richer the society, the more they paid, and the greater the rights they obtained." Further, Schneider (p. 98) found that "if one attempts to relate the amount of brideprice paid in various societies to rights obtained in wives . . . one striking revelation is that from one part of Africa to another the amount of rights gained seems to be about the same for about the same number of cattle. It is as if we are dealing with a rationalized market in which monetary values are equalized over the whole area." Borgerhoff Mulder (1995) and Hakansson (1988) also argue that the general level of wealth in society can explain historical fluctuations in bridewealth payments.

These hypotheses are by no means mutually exclusive, and indeed there is evidence among the Orma to support almost all of them. For example, in the wealthiest and southernmost third of Orma territory (Chaffa), bridewealth in the early 1980s was approximately double that in the poorer Galole area (Ensminger, field notes, and Hilarie Kelly, personal communication). In the area immediately to the north of Galole, which is poorer yet, bridewealth was half that of Galole, and it diminished to nothing among some very poor Boran families (with whom the Orma married) farther north. Thus the north-south wealth gradient was paralleled by a bridewealth gradient and a flow of women from north to south. Goldschmidt (1974) noted a similar flow of women to the wealthiest portion of Sebei territory. This is consistent with the notion that bridewealth varies according to the wealth of society (see also Kelly 1992:336). Kelly also argues (p. 341) that women were in short supply in the southern part of Orma territory and that this contributed to the higher bridewealth there. Historically, when bridewealth was high, Orma also practiced levirate marriage and had virtually no divorce. All of these factors are consistent both with

Schneider's (1964) cross-cultural patterns and with his argument that bridewealth is correlated with the proportion of rights in women and offspring transferred.

This literature focuses primarily on changes in costs within the general framework of bridewealth. In contrast, we are primarily interested in explanations of the origin of bridewealth as opposed to the establishment of an alternative norm such as indirect dowry. As some of these researchers have also noted (see, in particular, Borgerhoff Mulder 1995), bridewealth has significant distributional consequences, and therefore bargaining power was almost certainly an agent in its creation. The institution of bridewealth, when coupled with polygyny and arranged marriages, is an extremely effective mechanism for the concentration of women in fewer hands. In particular, it provides a powerful means by which older men (who control most of the wealth in pastoral societies) can attract disproportionately large numbers of spouses for themselves and their sons. There is reason to believe that in the absence of bridewealth and other coercive norms young women would more often choose mates closer to their own age and less often choose to join polygynous unions; these are in fact their stated preferences today. For these reasons we argue that bride-wealth originated because it served the interests of those with more economic resources. Although there may be a tendency in many societies for women to prefer marriages to older and wealthier men, the institution of bridewealth greatly facilitates the practice at rates beyond that which might be voluntarily chosen by young women.

Given the significant distributional effects of bride-wealth on the allocation of women, we find the bargaining explanation of its emergence a compelling one, and this structures our analysis of subsequent change in the norm. As with any norm that was initially the product of asymmetries in bargaining power, in attempting to explain the potential decline of bridewealth we should look initially at some restructuring of the bargaining situation. Among the Orma, after years of pressure on bridewealth payments, the institution of bride-wealth itself may be under threat.

The amount of bridewealth has been declining since at least 1978, as has the incidence of levirate marriage; meanwhile, divorce has been on the rise. These changes exactly parallel the direction of correlation that Schneider (1964) found in his cross-cultural study of African societies. Simultaneously, there has been the beginning of a transition from bridewealth to indirect dowry. In contrast to bridewealth, indirect dowry has been associated in the literature with enhanced status for women (Goody 1990:468; Schlegel and Eloul 1988:306).

The Galole Orma converted to Islam in the 1920s and 1930s. Their Orma neighbors to the north preceded them slightly in this conversion. The Orma to the north currently display considerably different patterns of marriage payments from the Galole and the southern Orma that are related to their interpretation of Islamic law. While the Koran does not forbid bridewealth, it does mandate the payment of indirect dowry (*mahr*). The northern Orma tend to pay little or no bridewealth and

abide by the Islamic prescription to pay indirect dowry, set at four cattle. In the case of divorce these cattle need not be repaid. Some northern elders have lived among the Galole for many years and continue to practice their northern custom of indirect dowry rather than bride-wealth, which they hold to be truer to Islamic law. One elder, described as a particularly "polite" and devout man, has never accepted bridewealth for his daughters' marriages but insists upon *mahr*, which his daughters keep. Another group of brothers from the north has also refused bridewealth for its daughters over the past 20 years and insists upon four cattle for indirect dowry instead. However, at least one of these elders does not turn the dowry over to his daughters but keeps it "on their behalf" (Mir-Hosseini 1989, cited in Goody 1990:376, notes that this practice is found in other Islamic societies as well). There is considerable talk in the village these days to the effect that forgoing bridewealth in favor of indirect dowry is a good thing, although to date this transition remains merely talk. A similar trend is reported among the Kikuyu (Worthman and Whiting 1987). What we may be seeing in these cases is the beginning of a shift to a new norm that has been brought to people's attention as a new focal point. The interesting question is how this new focal point originated and under what conditions it might be widely adopted as the new norm.<sup>27</sup>

The cases are far too few to offer any definitive answers, but there is sufficient evidence to suggest possible causes for such a change. Several writers, notably Goody (1973, 1990), have argued that dowry systems may evolve out of bridewealth systems as a function of increasing societal stratification, with lower-status families paying dowry to marry their daughters to higher-status families. But when the change is from bride-wealth to indirect dowry (still paid by the groom's family) the logic of this explanation is somewhat weaker.<sup>28</sup> Furthermore, as noted by Borgerhoff Mulder (1995) and Comaroff (1980), bridewealth is not necessarily associated with socioeconomic equality. Nevertheless, we leave open the possibility that increasing stratification in wealth (as documented in Ensminger 1992) may encourage a transition to indirect dowry. Elite fathers may contemplate using indirect dowry to increase the probability of attracting more desirable sons-in-law. In the Orma case, however, the transition would be not about hypergamy (wealthy but low-status families marrying their daughters to high-status, perhaps poorer, families) but rather about building endogenous class relations. In this scenario, a wealthy father might wish to have his daughter marry into another wealthy family in order to increase his ties to economically and politically useful families. To accomplish this end he might be willing to forgo bridewealth and accept indirect dowry, which might initially benefit the new couple more di-

rectly than himself. For their part, the parents of the groom would be likely to prefer indirect dowry, as it funnels resources to the conjugal couple and their descendants rather than to the father of the bride and his lateral kin. This is more consistent with the perspective argued by Schlegel and Eloul (1988), who note that a defining feature of indirect-dowry systems is that they lead to a concentration of wealth. Such an analysis is of course perfectly consistent with our general thesis that bargaining power plays a role in directing the course of change in norms.

But if, as we have argued, bridewealth serves the interests of the elite by allowing wealthy old men to monopolize women, why would these elders acquiesce in its decline? Changes in the political economy have shifted more income into young men's hands, and we speculate that it is more equitably distributed among them.<sup>29</sup> As young men increasingly earn their own living in trade, civil service jobs, and wage labor, they are less dependent upon their elders for marriage decisions and bride-wealth. If their fathers refuse to allow them to marry when they are ready to do so, they have the financial means to set up an independent household. What is more, young women report that they prefer to marry young men rather than even rich old ones. Young men do not need to attract young women by offering their fathers large bridewealth payments, and, given that the income disparity among young men is not as great as it is among old men, they have less reason to compete among themselves through an institution such as bride-wealth. At the same time, there has been a shift in bargaining power in favor of young women,<sup>30</sup> who are now finding support in both the civil and the Muslim courts against "forced" marriages.<sup>31</sup> This undermines their fathers' efforts to hold out for marriages with high bride-wealth. In 1994 four of the ten most recent marriages were elopements. But while this scenario of increasing

29. Whereas wealth, measured in livestock, was less equitably distributed in 1987 than in earlier periods, income was more equitably distributed (Ensminger 1992). This anomaly is explained largely by the increasing significance of income from wage labor and trade. The analysis did not include a specific comparison of incomes among young men still dependent upon their fathers; however, there is reason to believe that even more equity would be apparent in that comparison because with the exception of the top strata of young men (those in trade and holding civil service jobs) there is little difference in the income-earning capabilities of sons of rich and poor men. This pattern is quite likely to change in the future as education becomes a significant factor.

30. Although relatively few women take their cases to the civil courts, the exceptions are much talked about even in the most remote areas, where elders often resign themselves to precedent-setting court outcomes rather than sticking with old norms and assuming that there is a low probability that an actual dispute in which they are involved will make its way to court. The tendency for legal action to have this effect has been noted in the literature (Mnookin and Kornhauser 1979). Furthermore, the chief has some judicial powers and frequently hears domestic cases brought by women, who view his rulings as "friendly" to their causes.

31. The young women should not be viewed as new actors in the bargaining game. They had interests before, which may have affected the outcomes of some decisions, but then they lacked sufficient bargaining power to assert their will. What has changed is the distribution of bargaining power among the relevant actors and the corresponding probability that their interests will prevail.

27. Although some Orma have long practiced a form of dowry whereby men gave cows to their daughters, indirect dowry is new. 28. If, however, the transition is associated with a significant *decline* in payment, as is the case for the Orma, or if the gift to the woman is perceived to revert over time to her husband, the argument does hold.

bargaining power on the part of young men and women could explain the abandonment of bridewealth, it would not explain a shift to indirect dowry.

To explain the new interest in indirect dowry we find both Schelling's concept of coordination on focal points and the possibility of a preference change to be helpful supplements to the bargaining account. As noted above, a few religiously motivated men practiced indirect dowry, keeping the norm available as a possible alternative for others. In 1978 bridewealth was frequently on the order of 12 to 16 cattle while dowry was 4, and therefore it would be difficult to make the case that economic or political gain was motivating these elders; the costs in cattle forgone relative to the value of beneficial affinal ties appear to be too great. Significantly, this norm was not being adopted by other Galole; bridewealth served the interests of those with bargaining power in the society, and dowry would have represented a large economic cost. As we have said, this example seems to us to illustrate the manner in which ideologically motivated behavior can create new focal points or alternative norms (Johnson 1991). Ideology may motivate a small subset of the population to engage in some form of deviant behavior and by doing so expand the set of salient forms of behavior, but this new behavior will not be widely adopted unless it is of reasonable cost and serves the interests of those with bargaining power. In the case of indirect dowry among the Orma both of these conditions are close to being met. By 1994 it was not uncommon for bridewealth to be as little as four cattle. A change from bridewealth to dowry would therefore represent minimal loss to a father, especially if he kept the dowry cattle "on behalf of" his daughter. Part of the attraction of receiving dowry instead of bridewealth is also that dowry does not have to be repaid upon divorce. In the climate of rising divorce rates, this has not gone unnoticed.

To summarize, in our examination of bridewealth and indirect dowry we have seen numerous contexts in which bargaining power has played a role in the transformation of these norms. Although we agree with many researchers who correlate the rise and fall of bridewealth payments with a variety of variables including competitive selection, we note the marked distributional effects of this norm and the manner in which it serves the interest of those with the most resources—usually senior males. We argue that the decline in bridewealth is brought about primarily by the increasing bargaining power of young men and women at the expense of those elders. Young women are more inclined to choose young men as marriage partners, and young men have less need of bridewealth to ensure a supply of marriage partners. The potential establishment of indirect dowry as the new norm has intriguing implications for a theory of norm change. Here we see the role of ideology in increasing the feasible set of norms but not in resolving the selection of the norm around which general behavior eventually coalesces. If indirect dowry takes hold, it will likely do so because its cost is not too great and because it serves the interests of elite fathers who, in an environ-

ment of increasing divorce, see it as a means of avoiding the unpredictable expense of repaying bridewealth.

#### CLAN EXOGAMY

Like many patrilineal African societies, the Orma have historically practiced clan exogamy; marriage within the clan was forbidden. But in the past decade this norm has all but totally eroded. Anthropologists have proposed many explanations for the existence of clan exogamy; here we make some tentative suggestions about the mechanism by which such a norm became established in the first place and the means by which it is currently changing among the Orma.<sup>32</sup>

Explaining the origins and functions of clan exogamy is one of the oldest (Tylor 1889) and most extensively discussed issues in anthropology, as it is intimately tied to the debate over descent and alliance theory (see Buchler and Selby 1968, Kuper 1982a, and Schneider 1965 for reviews). In 1889, Tylor proposed that clan exogamy was developed because it facilitated political alliances. This thesis continues to be widely accepted, but Tylor made a far broader claim, arguing that clan exogamy persisted because of its adaptive advantages. The latter, of course, is a functionalist claim in the spirit of coordination accounts of norm emergence, and it is one of two possible explanations that might be proposed. This account would emphasize the benefits to the group of an exclusionary rule such as clan exogamy, and it would be most persuasive when it could be demonstrated that clan exogamy had no distributional consequences and was in the interest of all members of the group. In this case, it is certainly conceivable that most if not all elders gained by forming alliances with people outside their sphere of influence. The important point was to force alliance and cooperation with people outside the kin group. In this account, Schelling's focal-point coordination would offer an adequate explanation of the emergence of the norm. The choice of rule is somewhat arbitrary; what is important is that people's attention is focused on some rule with the desired effect, and clan exogamy is one possibility. A related motivation for the rule could have been the desire of elders to avoid conflict within the kin group by extending a preexisting exclusionary marriage rule that may have been very restrictive to a larger group encompassing what eventually became the "clan." Again, the definition of "clan" as opposed to some other large kinship unit is potentially arbitrary. Nothing in this account requires that we make Tylor's far more demanding claim that the norm survived because it had selective benefits.

32. It is undoubtedly the case that the decline of clan exogamy either is driven in part by the decline in bridewealth or vice versa or both are driven by broader economic forces such as the transition to a commercial economy and the increasing stratification that this engenders. While we have touched briefly upon some of these important connections, we have specifically chosen not to address the nature of these important theoretical issues but rather to focus on the proximate, processual level of change by analyzing the *mechanisms* that come into play in actual cases of specific norm change.

A second possible explanation would place primary emphasis on the relative bargaining power of the members of the community. While everyone in the community would benefit from some norm that structured marriages, members would differ over the nature of the particular rule. For example, in the case of clan exogamy, it is in the interests of elders to gain alliances but not necessarily in the interests of youths, who might wish to marry some of the potential spouses who are being defined as off-limits. Assuming that the bargaining power of the elders far exceeded that of youths, perhaps by right of ownership of the cattle necessary for bridewealth payments, the latter would have had little choice in the matter. Similarly, even some elders, for example, those who had been anticipating marriage for themselves or their sons to particular women now "married out," might not have welcomed the emergence of a norm of clan exogamy. If there was such a conflict of interest among the elders, then the norm of clan exogamy might have been initiated by the entrepreneurial behavior of some elder or elders who had the political and economic force to deny daughters in marriage to those who had most reason to expect such unions; they could "compensate" the wife losers for the loss and thereby realize a net gain in political relations with outsiders that did not cost them equally in worsened relations with nearer groups. Thus, the explanation of the marriage norm in this second account is more in terms of the superior bargaining power of some elders over others and all elders over young men.

Orma clans are nonterritorial and responsible primarily for dispute resolution within the clan, arrangement of marriages, and general assistance such as help following droughts and contributions to bridewealth and funeral payments. All of these clan functions were in decline at the time of the first breaches of clan exogamy. The first recorded cases of marriage within the clan date to approximately 1980 and occurred simultaneously in the south and in Galole. As we have seen, Orma tradition recognizes three forms of marriage: by arrangement (*kadda*), elopement (*adaban*), and force (*buta*).<sup>33</sup> Until recently arranged marriages were by far the most numerous, though elopement was a common method for young women to avoid arranged marriages to old men. Older women, often grandmothers, were helpful in arranging for young girls to run away with young men in order to avoid undesirable matches. Forced marriage, in which the young man literally captured the girl in the bush and raped her with the intent of forcing a marriage, is still rare.<sup>34</sup> Elopement is greatly on the rise. In the past,

elopement did not involve intraclan marriages, but today it is the means by which young men and women of the same clan manage to get consent for their union from their parents.

At least since conversion to Islam, the Orma have placed great emphasis upon virgin marriage. In the past the fact that a boy and girl eloped did not necessarily mean that the marriage was consummated. Nevertheless, the parents often consented to the union after heavy persuasion on the part of their supporters. The threat was of course ever present that if the parents did not consent then the couple could always run away together again and consummate the marriage, thus forcing the issue, as the woman's marriageability would then be considerably reduced. Today, young men and women of the same clan who elope are more likely to consummate the marriage prior to informing their parents of the elopement. They may even stay away as long as three days if this is necessary to convince their parents of their determination. The consequence of such actions is that the parents almost always relent, and marriages within the clan are now quite common. Much to the chagrin of the elders, young men and women are marrying for love without concern for clan.

We hold that this change in norms is a direct result of the increasing bargaining power of young men and women vis-à-vis elders pointed to above. Today sons in many cases are supporting their fathers, a complete reversal of past practice, and many more extended families are splitting up prior to the death of the father. Furthermore, as we have seen, marriage payments are also declining. Women's bargaining power is increasing as a result of national governmental initiatives (such as the pressure from the central government to include women on district development committees) and judicial decisions that have recognized women's rights to inherit property from their deceased husbands. Both young men and women appear to prefer love marriages over arranged marriages. Sedentary women consistently report that they seek to avoid at all costs a marriage to a nomad or a very old man. If such a marriage has been arranged for a sedentary woman, she is at great risk for elopement. The fact that sedentary women are restricting their marriage pool to young sedentary men also reduces the size of that pool and increases the chances of their seeking to marry within the clan.<sup>35</sup>

Young men and women appear not to be concerned with the consequences of intraclan marriage that worry their elders. One source of support that they have mustered in their defense is the Koran, which does not require clan exogamy. Young Orma sometimes point to the fact that the Arabs of the district commonly marry

33. The Orma report that until recently bridewealth was significantly higher in the case of elopement than in arranged marriages and still higher in marriage by force. They explain the "premium" for elopement as compensation to the girl's father for not having had the benefit of choosing his son-in-law and attribute the change to increasing doubts about the virginity of the bride.

34. There may, however, be an increasing tendency for young men and women who wish to elope to do so and *call* it a marriage by force. This way the girl appears to her parents to be an innocent victim in an unapproved marriage which she in fact wishes to enter.

35. The Islamic courts (*kadi*) have also supported women's right to resist marriages which they do not enter into voluntarily. A virgin, commonly referred to as a "girl," can still be legally married against her will according to Orma practice, but if a "woman" is prepared to admit publicly that she is not a virgin the Islamic courts will not agree to allow a marriage against her will. More women today are prepared at least to threaten such action in order to resist the marriages that have been arranged for them.

father's brother's daughters, and Islam has often been cited in the debate with elders over this transition. Islamic leaders have felt it necessary to mention in the mosque that the Koran does not prohibit such unions. There are in fact now cases among the Galole Orma of father's brother's daughter marriage. The elders have given up trying to fight marriage within the clan but warn that the domestic disputes that arise from such unions will bring conflict within the clan among people who should always cooperate. They also cite the example of the Somali, who though putatively clan-exogamous do have territorial clans and a high incidence of clan endogamy (Kelly 1992:50) and are known for interclan fighting. Orma elders fear that the Orma too may get to the point where they *prefer* to marry within the clan, which will lead to hostilities between clans that they see as the root of the recent ethnic clashes in Somalia. In short, some Orma elders subscribe to Tylor's analysis of the function of clan exogamy in maintaining political alliances and peace. We do not dispute this function but look more to bargaining power to explain the norm's emergence and change.

## Conclusion

The cases from Orma society that we analyze encompass a significant range of situations in which social norms emerge. We have looked at examples with and without economic consequences; we have looked at change brought about by changing prices, changing bargaining power of the actors, and changing ideology or preferences (for further discussion see Knight and Ensminger n.d.) We suggest that the lessons drawn from the explanations of these diverse examples can contribute to a more general understanding of the process of norm emergence and change.

From a methodological perspective, our analysis shows the value of Barth's generative models. By examining ongoing interactions in which participants engage in strategic decision making within the constraints presented by social context, we can produce adequate accounts of the dynamic process of change in social norms. The major contribution of such models is that they allow us to identify how the intentional choices of strategic actors interact with the social context of these choices to establish a norm of behavior in a community.

From a substantive perspective, our analysis suggests some conclusions about the relative importance of the different mechanisms for explaining norm emergence and change. These conclusions reinforce Keesing's intuitions about the pervasiveness of power, intuitions shared by many students of social norms, such as Bourdieu. We contend that micro-level explanations such as those we present in this paper can capture the role of power in the process of norm emergence and change.

Bargaining is the primary mechanism for generating social norms. The most important sources of norm emergence and change are the asymmetries in bargaining power that exist in a community. In almost ev-

ery case we analyzed we found that significant distributional consequences characterized the alternatives in the feasible set of norms. When such consequences existed, the identification of relevant asymmetries in bargaining power provided the most compelling explanation for either the emergence of or the change in a social norm. In a dynamic situation the costs of social norms and the bargaining power of different actors are in flux. A change in either may lead in time to the establishment of a new norm based upon the preferences of those with superior bargaining power.

Competition does affect the emergence of social norms in some cases. In the case of norms governing property rights in land, the external competitive pressure generated by the Somali hastened the internal decision making of the Orma. As we saw in this case, competitive pressure can reduce the effect of bargaining power by introducing a common threat. When the alternative is a worst-case scenario for all parties, even the powerful may be forced to accept less personally optimal outcomes.

Although we found a role for coordination on focal points in our cases, it was more complex than the one anticipated by the conventional account. The ideological commitments of a few devout Orma perpetuated indirect dowry as an alternative to bridewealth for a whole generation before its wider adoption was seriously considered. The decline of bridewealth is still best explained as the product of a bargaining process, but the bargaining is over an expanded set of alternatives enlarged by the salience of ideological alternatives.

## Comments

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Ensminger and Knight are to be congratulated for refocusing attention on what should still be a basic anthropological problem—the emergence of norms and institutions. The work of Barth, Bailey, Heath, and Kapferer made the relationship between strategic choice and institutions a major problem for anthropologists from the 1960s to the mid-1970s. Interest in these topics continued in economics, political science, and sociology, and it has resulted in the development of rational-choice theory and the closely related field of institutional economics. These are among the most exciting and rapidly moving fields in the social sciences. Unfortunately, these advances have been made with little or no anthropological involvement. Ensminger and Knight, however, have done more than reintroduce rational choice to anthropologists; they are attempting to make a major contribution to the literature on rational choice itself. Their argument is not without problems and certainly raises some questions.



Perhaps the greatest contribution of the rational-choice theorists to understanding the generation of norms is the idea that norms and institutions are solutions to collective-action problems. For decades after the publication of Mancur Olsen's work in 1965, the collective-action problem was phrased as the "free-rider" problem or the problem of getting people to cooperate in the production of "public goods." Collective action was modeled as a prisoner's dilemma (a case in which a public good would benefit everyone but it was in no person's rational interest to provide it). In the past decade, rational-choice theorists have become increasingly uncomfortable with this conception of the problem. Several have pointed out that there are many kinds of collective-action problems and not all of them can be modeled as prisoner's dilemmas. Key questions are how many kinds of collective-action problems there are, how they can be modeled, and how the choices of individuals produce norms in each situation.

Ensminger and Knight argue persuasively that the three interactional processes they describe can be combined in various ways to produce these different norms. This is a powerful conception of the problem. Knight's (1992) major contribution to the field has been to emphasize that a very large number of norms come about in the bargaining that occurs during distributional fights. This commitment is reflected in the primary argument of this article.

I have several questions. First, can't a norm have several different kinds of consequences? Do all norms of a particular type have the same function? The authors tell us that conventions are a response to coordination problems and that contracts increase the level of economic performance in a society. But isn't it also true that contract law and property rights facilitate exchange for individuals by decreasing transaction costs, as the institutional economists (e.g., Douglass North, Oliver Williamson) have pointed out? How do Ensminger and Knight defend their assertions about what these norms do?

Second, might there be more than three norm-producing processes? The sections entitled "Coordination on Focal Points" and "Competitive Selection among Contracts" focus on cases which present coordination problems. "Bargaining" contains cases that can be modeled as a game in which there are multiple equilibria which benefit different groups in the society. Those with differential power have the capacity to force the imposition of norms beneficial to them. These may produce a Pareto-optimal result, but this need not be the case. The many welfare-for-the-rich-schemes in the United States are cases in point. But can't some of the most important kinds of public-goods interactions be fruitfully described as prisoner's dilemmas? Can the processes that Ensminger and Knight argue produce norms be applied to these cases in which what is rational for the individual leads to Pareto-inferior results for the society? Such cases have attracted a good deal of attention, since they describe some of the most vexing problems faced by modern societies. Can prisoner's-dilemma

games be transformed into bargaining problems under some conditions? In addition, Michael Taylor argues that many collective-action problems can best be represented as still other games, such as "assurance games" and "chicken games." Will the three processes described by Ensminger and Knight account for norms produced by these games?

Third, there are two ways in which a collective-action problem can be solved: people can achieve cooperation voluntarily, or they can appeal to the state. Involvement of the state presents some very different considerations, since the state's interests are different from those of private citizens and its agents have their own agendas. The Galole Orma solved the commons problem by appealing to the government of Kenya. Changes in the norms regarding bridewealth and clan exogamy were effected by decentralized means. The question remains: Under what conditions will the government be called in to solve a collective-action problem, and when will the problem be handled on the local level? Doesn't involving a government have a major impact on the way in which norms are produced? Can the same concepts used to describe the production of norms in decentralized societies be used to describe the production of norms when the state is involved?

Ensminger and Knight have produced an enormously stimulating article. It is one that should lead to a good deal of research on the relationships between norms, rational choice, collective action, and game theory.

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While the particular social processes mentioned here have been analyzed before in many contexts, the theoretical understanding of how and why norms change has remained undeveloped. Ensminger and Knight have therefore made a substantial contribution by bringing analyses of changing norms together under a single theoretical umbrella. This article provides fertile ground for further research by delineating explicit hypotheses. I have two related sets of comments, the first concerning the possible extension and contextualization of their framework and the second some particular issues emerging from their analysis.

What is the relationship between preexisting norms and new norms? Do preexisting norms place constraints on the development of new ones? For example, the current land tenure system of the Gusii of western Kenya was based on preexisting norms for the allocation and inheritance of cattle. That the Orma do not simply cease paying bridewealth rather than showing an interest in indirect dowry may have to do with the transfer of cattle to legitimize marriage. Furthermore, in many eastern and southern African societies there are cosmological notions relating cattle to human fertility and the primacy of male procreative power (Hakansson 1990, Kuper 1982b). At least in the short term, such notions may

also influence the universe of possible norms at any given time.

Norms seem to occur as interrelated sets, a change in a norm affecting one sector of social relationships having repercussions in other spheres of interaction. If bride-wealth is necessary to legitimize inheritance, a new norm for marriage may affect property devolution. While this may not be the case for the Orma, bridewealth as a legal instrument affecting other property relationships was (and is) very important in a number of societies in East Africa. While young Gusii men would like to avoid paying, in order to secure their inheritance they simultaneously stress the importance of the bridewealth paid for their mothers. When a man takes a new woman his sons rally to their mothers' defense, partly to protect their inheritance. The result is that either the father pays bridewealth for the new woman or she is forced out of the homestead. Bargaining around bridewealth may therefore focus on values (in Barth's sense) other than the immediate transfer of cattle.

Finally, while the current distributional effects of certain norms may benefit specific groups in a society, this condition does not necessarily account for the origins of the institutions. The hypothesis for the origin of exogamy and bridewealth is derived from their supposed effects in the contemporary context. The argument that bridewealth benefits wealthy old men and therefore was promulgated by them is a chicken-and-egg question, since the old men's wealth may be an effect of the bride-wealth system in the first place. In a purely pastoral economy with bridewealth and polygyny, the wealth of old men is partly a result of having more daughters than sons. Since the authors have stated this hypothesis clearly, it may be fruitfully investigated in societies, such as the Sukuma of Tanzania, which allow marriages both with high bridewealth and with token payments, the different payments being accompanied by different rights in children, rights between spouses, and residential patterns.

I also wonder why women would be interested in elopement and cohabiting without bridewealth. Is it the case that this transaction among the Orma does not affect the rights of a woman and her children to cattle and land owned by the husband? The context of women's decisions is not clear. If woman can control resources independently of men, this should enter into their bargaining position.

To sum up, Ensminger and Knight have presented a coherent theoretical proposal which is likely to engender future research. I am especially interested in how it can be extended to encompass aspects of both structure and process.

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Ensminger and Knight extend an invitation to anthropologists. From my limited and partial reading in the

field, it seems to me an invitation that anthropologists, even if they will not exactly *welcome* it, should seriously entertain. My remarks here amplify their invitation.

In his appraisal of the dispute between Sahlins and Obeyesekere over the demise of Captain Cook, Clifford Geertz observes of the disputants that "the matters that divide them are not, at bottom, mere questions of fact" (Geertz 1995:5). What separates the two authors, on Geertz's account, is conceptual and theoretical questions concerning culture and reason—how we characterize them and the ways that they relate and, on that basis, how we might understand the ways that they inform human interaction. What Geertz seems not quite to see—and in this he seems typical of the discipline generally—is that such matters cannot *even in principle* be resolved by means of the sort of "data slinging," the "endless parading of fine detail," at which Sahlins and Obeyesekere, like most good anthropologists, seem especially adept (Geertz 1995:5). Geertz is correct that any robust empirical study marshals a host of "facts, supposed facts, and possible facts" (Geertz 1995:4–5). But the gathering and interpreting of facts presupposes a refined appreciation of conceptual and theoretical issues of the sort that divide Sahlins and Obeyesekere.

Anthropologists may object that they understand all of this. At a general level this may be so. At the level of particular studies, however, I find little evidence to support their objection. This is not simply the griping of an impolitic outsider. For example, despite the abundant, richly detailed ethnographies that they have produced, cultural anthropologists possess no persuasive account of "culturally or symbolically ordered causality." They lack a theoretical account of how culture works, one that identifies a "comprehensible mechanism" to explain how symbols actually influence social and political events without at the same time depriving relevant actors of "choice, agency, and intentionality" (Ortner 1990:90–91, 84). Absent such an account, the seemingly incontestable claim that symbols are "an active force in history" (Ortner 1990:54) remains underspecified and unconvincing.

Here Ensminger and Knight, writing about norms rather than symbols, provide an insightful example. They side with Obeyesekere in his dispute with Sahlins to the extent that they see "others," in this case the Galole Orma of northeastern Kenya, largely as (in words that Geertz uses to characterize Obeyesekere's view) "'pragmatic,' 'calculating,' 'strategizing,' 'rationalists' rather like ourselves, indeed rather like everybody" (Geertz 1995:6). Instead of engaging those who would portray "others" otherwise, Ensminger and Knight identify and compare three mechanisms (coordination, contract competitive selection, and bargaining) that might explain how strategic actors contribute to the transformation of aggregate patterns of informal social norms. Their sketch of these mechanisms—of their internal workings and the empirical conditions under which they have purchase—distills an argument that is defended more fully elsewhere (Knight 1992, 1995). At least some of the fieldwork upon which they draw like-

wise has been reported elsewhere (Ensminger 1992). What is especially refreshing in this paper is the sustained effort to bring theory and a range of empirical materials together.

I agree with Ensminger and Knight's analysis and with the analytical priority that they accord to bargaining explanations of social norms. Here I wish to highlight three broad themes that they touch upon and that anthropologists seem especially apprehensive about. In each case I suggest why such apprehension is misplaced.

*Strategy.* Ensminger and Knight depict social norms as the unintended aggregate outcome of interactions among strategic actors. Although anthropologists invoke strategic metaphors, they do so ambivalently (e.g., Ortner 1984:150–52). As I argue elsewhere, such ambivalence is misplaced for several reasons (Johnson 1991). Here I focus on apprehensions regarding the nature of strategic actors.

Strategic actors understand that their social environment partially consists of other intentional actors and that, in formulating their own plans, they must take account of what those others are likely to do. Strategic actors, however, need be neither narrowly selfish nor myopic. They need only be rational in the sense of being goal-directed in a consistent and forward-looking way (Harsanyi 1986, Crow 1989). This does not mean that all behavior is intentional or that all intentional action is strategic. It does, however, suggest how far theorists like Bourdieu stray from normal usage when they deny not only that strategies are unconscious and that they are reducible to rules (including presumably rules of thumb) but also (paradoxically) that strategies "are the product of conscious and rational calculation" (Lamaison 1986:112).

*Equilibrium.* For Ensminger and Knight "the primary effect of social norms . . . is to stabilize social expectations and thus establish commitments to particular ways of acting in common social situations." I take this to mean that they see social norms, like other institutions, as *equilibrium* outcomes (Knight 1992; Calvert 1995a, b). Such institutions are self-enforcing because, within a relevant population, everybody expects everybody else to act in particular ways under particular circumstances and, given those expectations, nobody has good reason to act otherwise (Harsanyi 1986:92–93). It is important to see what equilibrium analysis *does not* entail (Schelling 1978:11–43). First, it does not imply market interaction. Markets are a special case of the sort of institutional arrangement that is susceptible to equilibrium analysis. Second, an equilibrium need not be efficient, and those actors who have contributed to its emergence need not have been motivated by social efficiency. Third, it follows—and this is Ensminger and Knight's main theoretical point—that to represent some arrangement as an equilibrium tells us very little about how it came to be one. As Ensminger and Knight make clear, actors engaged in bargaining generate equilibrium outcomes that are driven by distributional considerations and, hence, are especially sensitive to power asymmetries. Fourth, consequently, to portray some institution or behavioral pattern as an equilibrium does

not mean that the analyst finds that institution or pattern normatively attractive. Finally, equilibrium analysis does not imply determinism. Indeed, it is replete with indeterminacy in the form of multiple equilibria (Harsanyi 1986:102). It is therefore consistent with the recommendation that since social and political life is centrally characterized by "disorder, multiplicity, and underdeterminedness," we should formulate theories that accommodate such indeterminacy by recognizing the contingencies through which particular identities, practices, and institutions are constructed (Barth 1993:3–8).

*Causality.* Anthropologists strenuously resist any suggestion that they offer *causal* accounts of particular actions, events, or practices. The most notorious purveyor of this view perhaps is Geertz, who seems to think that offering a causal account means that social science is committed to both the search for covering laws and the aspiration to predict events (Geertz 1973:5, 26). Neither apprehension is warranted.

Ensminger and Knight identify and explore *causal* mechanisms (Elster 1989b). The sort of analysis that they recommend allows social scientists to examine causal patterns in ways that allow us to recognize regularities in social and political life and, on that basis, to offer generalizations about them. Such regularities are "phenomenal" in the sense that they are generated by particular causal mechanisms rather than governed by general laws (Little 1993). This renders any strong predictive program unlikely. It also renders concerns about the deductive-nomological model of explanation moot.

I have focused on theoretical and conceptual issues that, in the first instance, are not matters of fact. Anthropologists too often neglect such issues. In this they are like many political scientists (Johnson 1996). On my reading Ensminger and Knight forcefully propose a remedy for this neglect.

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As I read in my *New York Times* (Dugger 1996) about the trials and tribulations of a mother who arranged for her daughter to escape genital circumcision, I find myself applying the bargaining model of norm change offered by Ensminger and Knight. Not surprisingly, it works and works well. A more important test of its plausibility, however, is the extent to which the model explains instances of norm change *and maintenance* that have little to do with the traditional values of the particular group of African herders that is the focus of their article. Although the authors apply to their cases two theoretical accounts developed independently of their own research, namely, coordination on focal points and competitive selection among contracts, these fare less well than the third approach. The bargaining account derives from arguments first developed by Knight and then applied to field research undertaken by Ensminger, and the mode of presentation suggests that they con-

structed their hypotheses deductively and a priori. Nonetheless, if the bargaining account is as general as they claim, then it should make sense of cases from other places and times and kinds of society.

Research on military service policy over the past 200 years in six democratic countries (Levi 1997) reveals at least two instances of norm change. The first is the late-19th-century elimination of the practice of "buying out" from the draft in France and the United States. The second is the gradual popular and governmental acceptance of conscientious objection in the 20th century.

Buying out appears to fit the bargaining model fairly well, although competition may also have a role. Commutation, substitution, replacement, and other devices for purchasing exemptions served the interests of the propertied, who could afford the going market price and who had electoral or other influence with policymakers. Nor, initially, was there much opposition. Buying out was Pareto-optimal; men who chose to become replacements or substitutes preferred military service to the alternatives. However, in France, the price of substitutes and replacements fluctuated widely in response to regional labor markets and the number of troops required. When peasant proprietors could no longer afford to buy their sons out of the army and when more fathers gained the vote, a demand for change emerged. In the United States during the Civil War, substitution was retained because it served rural interests with clout in Congress, but commutation was abolished when draft riots crippled New York.

Although relative bargaining power long maintained the norm of purchase and although change in relative bargaining power led to the eradication of the norm, the bargaining model does not quite capture the full story. A competitive pressure enforced the change in France. As a consequence of their ignominious military performance against Prussia, the French sought a better model and turned to the more successful Prussians, who had eliminated buying out. At the same time, the republican ideology of equality of sacrifice began to swamp the norm of special elite privileges. This is an instance of the authors' argument that the ideological commitments of a few may create focal points that enlarge the set of alternatives until the point when the alternative better serves the interests of those with bargaining power.

But this cannot possibly be the explanation of the acceptance of conscientious objection. Conscientious objection has never served the direct interests of any but a small minority. Moreover, it requires a popular norm that seems to violate the very definition of a norm given by Ensminger and Knight; it requires tolerance of those who seem to choose not to cooperate in fighting the common enemy. Conscientious objection appears to violate the principle of equality of sacrifice, the very norm that had defeated buying out. Hostility to it was particularly strong in France, where it was prohibited by law until 1962. In the Anglo-Saxon democracies, with their histories of dissenting religions, conscientious objection has almost always been legal, but conscientious objectors were often subject to brutality and punishment. The

current tolerance of conscientious objection did not really emerge until the middle of World War II.

The development of a norm of tolerance for conscientious objection seems to be an example of moral suasion by the few willing to pay the price for their convictions. However, both competition and bargaining help illuminate why this more pluralistic norm evolved. First, government officials came to realize that the relatively few conscientious objectors would not produce a groundswell that would inhibit their efforts to build an efficient fighting force. Second, supporters of conscientious objection used the media, the churches, and other forms of bargaining power to create public pressure to accept it.

Consideration of conscientious objection reveals the significance of several factors that Ensminger and Knight recognize but do not adequately develop as part of their account of norm emergence and change. First, the interests of those who bargain for a norm need not be material or selfish. Second, although deviations will precipitate sanctions by others in the relevant population, equally important is that deviations may produce more deviations and, thus, an unraveling of the social cooperation a norm is meant to sustain.

Ensminger and Knight have provided us with a powerful explanatory model of norm emergence and change. Nonetheless, to comprehend the antagonism towards conscientious objection—or the support of genital circumcision—requires a more explicit recognition of the emotions, particularly fear and outrage, that motivate sanctions.

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Ensminger and Knight ask how social norms are established and changed. They distinguish between norms and simple regularities of behavior, but they do not distinguish between norms, the "should," and moral rules, the "must." This distinction would have been useful, for the three cases fall into these categories: the custom of the commons seems a regularity, since it was changed with so little opposition, bridewealth is a "should," and clan exogamy used to be a "must" whose violation was regarded as incest.

The models of behavior they employ are all based on rational choice—actors furthering their own best interests. When norms appear to work against their interests, individuals attempt to change them. Ensminger and Knight outline three ways in which this is done. The first two are coordination, when cooperation is to everyone's benefit, and competitive selection among contracts (loaded with the implication that social behavior is contractual), when the best of the innovations wins out over the others. These modes of interaction imply voluntary agreement. The third mode is bargaining, which is undertaken when power relations between the

bargainers are unequal. I wonder if this has been misnamed, for if the powerful are the ones who gain, where is the bargaining?

I will confine my discussion to clan exogamy and bridewealth. Ensminger and Knight credit the breakdown of clan exogamy to the growing power of the young, who are increasingly in a position to defy their elders. They claim that sedentary women do not want to marry nomad men, thus restricting the size of the marriage pool for the settled villagers. However, over two-thirds are sedentary, suggesting that young people have plenty of choice. The greatest shrinkage would seem to be of the marriage pool of the nomads—are they marrying outside the clan? In fact, the first step toward a norm change occurred when the Galole Orma converted to Islam 60 years ago. The Koran not only permits but encourages intralineage marriage. Thus, intraclan marriage has become thinkable, whereas it would not have been so before conversion. We are not given enough information about clans to know whether other clan functions have withered, but the breakdown of exogamy might reflect a decline in importance of clans in general.

The ground for the transition from bridewealth to indirect dowry was also prepared by conversion, for the *mahr* is mandated by the Koran. The argument that Ensminger and Knight propose is, like that for intraclan marriages, the ability of young men to escape from dependence on their fathers in their need for bridewealth cattle. But since the number of cattle needed for indirect dowry, four, is the same as that needed for bridewealth, why should young men prefer one form to the other? It would seem that the elders, who are in any event providing the cattle, are the ones making the decision.

In a cross-cultural study of marriage transactions (Schlegel and Eloul 1988), Eloul and I found that while subsistence pastoralists generally give bridewealth, indirect dowry is the form most commonly found with commercial pastoralism such as that of North Africa and the Middle East. The sedentary Orma have now become commercial livestock raisers. Changes in marriage transactions can be understood only in terms of other changes in family life, such as inheritance practices, use of wealth, and the value of women for their labor or fertility, set within a larger context of economic change (in this case toward market-oriented pastoralism). Without further information on which families are giving and receiving indirect dowry that would illuminate the processes and mechanisms of change, I can only say that in moving toward indirect dowry the Orma are following a predictable pattern.

There are two polar positions one can take on norm change: the behaviorist, which is that new norms come about when enough people have made individual choices to change that a tipping point is reached, and the idealist, which is that once a new idea is accepted it becomes a new norm and then behavior starts to conform to it. Neither of these by itself is satisfactory, for both processes are generally at work, although probably to different degrees, in any norm change. The rational-choice or behaviorist models presented in this paper are

useful for describing the decision making of any single individual or set of individuals within a given set of constraints and opportunities, but they are not adequate for explaining large-scale norm changes, because they cannot account for the changing contexts within which individual decisions are made. It is likely that changes in both intraclan relations and marriage transactions are responses to major changes in the means and relations of production, aided in these cases by a previous normative change with the acceptance of Islam.

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Ensminger and Knight's method for discerning norms is brilliantly Durkheimian: by studying reactions to deviations from norms we will see norms *and* change. For their definition of social norms alone this article is invaluable. Its ethnographic content is equally resonant. We see how, thanks to their positioning, specific sets of Orma individuals play pivotal roles in shifting Orma attitudes toward what are usually highly contestable matters (property rights, bridewealth, and marriage). Thanks to the power of Ensminger's observations, we can easily slip into Orma shoes and understand why such shifts in Orma logic have occurred. This is ethnography in the best anthropological tradition.

Ironically, though, it is this ethnography which makes me wonder about the norm-changing mechanism Ensminger and Knight find most compelling: bargaining. Is it a bargaining mechanism or having bargaining power which helps shift social norms? More significant, do "asymmetries in bargaining power" explain enough, or might not the erosion of certain bargaining positions explain more? For instance, in each of the instances they describe, hasn't the need to bargain largely disappeared? Perhaps I am being too literal, unable to move beyond my own sense of what bargaining means. But when there are glaring asymmetries of power, do people really bargain, or do the more powerful members of society simply act while the less well-positioned accede? Often isn't it the elite and powerful who simply set the course for everyone? Ensminger and Knight suggest that, indeed, those with greater resources do usually get their way and that they are particularly able to "deviate from norms and create new ones" because "they are less likely to receive negative sanctions from other members of the society."

What this suggests to me is that changes in norms follow shifts in nodes of power and occur when new opportunities for autonomy arise. For instance, in the case of clan exogamy, young men and women can now be freer agents than their parents were. Parents today have little leverage, which in turn implies that parental authority has eroded—or that today's elders still have certain sanctions at their disposal but applying them might do irreparable harm to intergenerational bonds. Presuming that there *are* sanctions that parents could

apply, do we then construe the bargain as one in which parents choose to *not* apply them? And if there are no effective sanctions, what is it that parents bring to the table?

If, as Ensminger and Knight state, "the intentional choices of strategic actors" drive norm change, what is bargained *for*? What do strategic actors need from the individuals they are so willing to act apart from? Arguably, acquiescence does require a sort of quid pro quo and might well lend a form of collective power to those who otherwise play no discernible *individual* role in shaping norms.

Alternatively, there is the collective position of the Orma within a world religion (Islam), in a larger state (Kenya), among hostile peoples (e.g., Somalis), while Orma individually still jostle with one another to gain (better) access to land, cattle, and spouses and to ensure a future for themselves, their offspring, and their clans. This makes for a complex gyroscope. Holding some norms in common, clearly, keeps the Orma gyroscope spinning. All the spheres have to somehow stay in sync. Has Islam, though, received more spin recently, as the change from bridewealth to indirect dowry and increased acceptance of clan endogamy suggest?

As Ensminger and Knight point out in a footnote, the sets of changes they examine may well form a constellation. But I wonder, too, whether we wouldn't see thick links between a relatively few strategic actors at the most critical nodes. In fact, what this Orma case study most strongly suggests to me is that positioning determines who the agents of change are likely to be. According to Ensminger and Knight, they will be the individuals least likely to be sanctioned (or to be affected by negative sanctions). Not coincidentally, these are also the ones who can best afford to deviate from norms—though, as Bourdieu might want us to ask, do they really deviate, or is it the norms instead which fail? Given conditions of flux in our own society (e.g., in styles, in whom fame elevates, etc.), we should recognize the unpredictability of power flows. Clearly, the mechanisms Ensminger and Knight propose help regulate jolts. In this sense, I find their norms reminiscent of Kuhn's paradigms, although the systemic goal they describe is recovery, not discovery, as individuals struggle to keep their world *their* world.

## Reply

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Our commentators have raised a number of significant issues. Some involve general theoretical concerns, while others go to the specifics of the ethnography. In the interest of conserving space—and mindful of Johnson's observation that anthropologists are prone to try to win debates by "data slinging"—we will be selective in our

discussion of the ethnographic questions and hope that better specification of the theoretical model will result in broader clarification.

Johnson highlights the underlying logic of our analysis. First, his discussion of the nature of our causal claims is well-taken. In attempting to explain what causes norm change among the Orma, we first identify certain regularities in behavior and then try to explicate the basic mechanisms that generate them. The emphasis on common mechanisms allows us to develop knowledge rigorously across cases and, in doing so, to justify general claims about the process of norm change. Our goal is understanding and explanation, not prediction *per se*. Nothing in our analysis either relies on or implies the existence of general causal laws. An example raised by Schlegel nicely illustrates the superior power of an emphasis upon causal mechanisms. Schlegel notes that the Orma shift in the direction of indirect dowry at the expense of bridewealth reflects the trend "predictable" from her work with Eloul revealing a correlation between subsistence economies and bridewealth (found mainly in sub-Saharan Africa) and commercial pastoralism and indirect dowry (found mainly in North Africa and the Middle East). She argues that since the Orma are increasingly commercial they are merely fitting the predicted pattern. But is the causal mechanism commercialization or Islam? And even if it is the latter, when are the prescriptions of Islam followed and when not? We have argued that it is indeed Islam that has increased the feasibility set (or, as Schlegel so nicely puts it, made new alternatives "thinkable"), but only bargaining power and the will of the elite can explain the timing of the shift or, indeed, whether there is a shift at all. The Koran is equally explicit about female inheritance, but there is no movement among the Orma to give daughters half the share of their brothers' inheritance.

Simons raises a related point when she asks whether Islam has "received more spin recently, as the change from bridewealth to indirect dowry and increased acceptance of clan endogamy suggest." The answer is yes; the explanation is *why*. It is interesting that both Schlegel and Simons associate clan endogamy with Islamic ideology. Schlegel states, "The Koran not only permits but encourages intralineage marriage." In fact, while the Koran does not forbid certain forms of clan endogamy, nowhere does it "encourage" such marriages. Both Schlegel and Simons seem to imply that adherence to Islam is the mechanism of change in the movement toward clan endogamy. We suspect that this notion stems from the well-known correlation in some Middle Eastern societies and a preference for patri-parallel-cousin marriage. But the fallacy of imputing the causal mechanism to ideology is well demonstrated in this case, as the ideology is in fact silent on this practice.

Second, our reliance on rational-choice models does not commit us to any *a priori* claims about the content of the preferences of social actors. Schlegel implies that in employing rational choice we are committed to the view that social actors are motivated by narrow self-interest. This is a common misunderstanding of strate-



gic explanations. As Johnson points out, the only thing that the assumption of strategic behavior implies is that the actors are goal-oriented, not that they have any particular goals. Although we emphasize the distributional consequences of social norms, we define distributional concerns broadly to include a wide range of goals, including ideological ones. Levi's insightful comment further reminds us of the importance of ideological factors within a strategic explanatory framework. An emphasis upon bargaining power allows us to understand why the ideologies of some actors prevail over others'.

Third, rational-choice explanations involve more than a demonstration of what is rational behavior for individuals in equilibrium. We need to emphasize two points here. On the one hand, Schlegel's claim that rational-choice explanations are only "useful for describing the decision making of any single individual or set of individuals within a given set of constraints and opportunities" is a somewhat common view, but it is a misguided one nonetheless. Rational-choice explanations are grounded in individual decision making, but they are not limited to it as an explanatory focus. Our analysis explains the changes in social norms as the consequence of the *aggregation* of many individual choices. An important feature of this analysis is the identification of those aspects of the social context that affect this process of aggregation. By combining choice and context, we are able to explain not only individual action but also some of the social structures that are the unintended consequences of the aggregate of these actions (Boudon 1982).

On the other hand, Johnson correctly emphasizes that it is not enough to demonstrate that a particular social arrangement is an equilibrium outcome. This is a standard weakness of many rational-choice explanations. Given that many if not most social situations may be characterized by the possibility of multiple equilibrium outcomes, an adequate explanation must account for the mechanism that generates a particular equilibrium from this set of possibilities. For example, since a number of possible norms could structure any particular feature of Orma social life, an adequate explanation of norm change must identify the mechanism that causes the transition from one equilibrium outcome to another.

Our main substantive argument is that bargaining is the primary mechanism generating norm change among the Orma. The helpful comments of Simons and Acheson persuade us that we need to clarify features of this argument. The most important clarification involves what is meant by bargaining. Simons asks whether bargaining requires evidence of actual negotiation among the parties. Our answer is no, because we intend the bargaining mechanism to capture the various ways in which asymmetries in resource ownership generate changes in social norms. The key here is not the particular form that the interaction takes but that the resolution of the interaction is a product of the underlying asymmetries. Simons also asks whether it is really bargaining when the powerful members of the community get to establish norms that favor them. Given the

explanatory emphasis on power asymmetries rather than actual negotiation, our answer is yes. But we understand why Simons might question the appropriateness of calling this process bargaining if the powerful were able to get a norm that gave them all of the benefits of cooperation. Our response is that we think that it is seldom the case that even the most powerful members of a community are able to get the total benefit of joint activity. As long as there is some distribution of these benefits, the bargaining mechanism remains appropriate. In other words, the bargaining is implicit if not iterative, though it may often be the latter. When the powerful reach too far and attempt to establish a norm that overreaches their ability to enforce it, they meet with resistance. Resistance is likely to be strongly affected by the distributional effects of the norm and the relative bargaining power of those who stand to lose. The back-and-forth process of experimentation before a new norm is established is part of the bargaining process but must result in an enforceable compromise before a new norm is recognized.

Acheson raises an additional challenge to the bargaining model. He rightly points out that social norms have consequences in addition to the distributional one. The important issue, however, is which of these consequences is most important for explaining why norms change. As we have said, each of the three theories of norm change answers this question differently. We argue that, when distributional consequences exist, they will be the primary focus of social actors. Nowhere do we deny that norms can simultaneously have effects on efficiency and distribution.<sup>1</sup>

Hakansson raises a similar point that is both valid and important. He reminds us that norms occur as interrelated sets and a change in one sector has repercussions in other spheres of interaction. We completely agree and see this not as a challenge to the bargaining mechanism but rather as an elaboration. It means that more may be at stake than meets the eye and that efforts to change norms may confront more resistance than might be expected. This concept of a "lock-in" effect associated with interdependency has been well-developed in the literature known as "path dependency" (Arthur 1983, David 1985), a literature that should be of considerable interest to anthropologists and to which anthropologists could make invaluable contributions.

We propose and defend an analytical approach to norm change that emphasizes rigor and precision in social explanation. We focus on a range of causal mechanisms

1. Acheson also argues that many social interactions are not best described by bargaining models. He emphasizes the importance of such models as the prisoner's dilemma and assurance games. This primarily involves us in debates within the rational-choice literature that are beyond the scope of this reply. For our purposes here it is sufficient to say that while we do not deny the relevance of such models for describing various social interactions, we believe that, in the dynamic social conditions necessary for the emergence and maintenance of social norms, social interactions that are characterized by these other models can also be conceived as bargaining interactions (see Knight 1992: chap. 3).

that are grounded in the aggregation of individual strategic choices in social contexts. Our application of the approach to the Orma case is suggestive of the power of strategic explanations. Many traditional critics of rational choice decry its narrowness; we think that the Orma cases reflect the breadth and flexibility of the approach. Levi suggests yet another extension of the perspective, calling attention to the importance of emotions for understanding why people will sanction noncompliance with dominant social norms. We heartily endorse this suggestion. But the invocation of emotions must be done in a systematic way, and we believe that the strategic approach provides a framework for incorporating these other important factors. In the end, one of the primary benefits of this approach may be the way in which it allows us to identify the social and, by Levi's extension, the psychological factors that affect choice and thereby produce the structures of social life.

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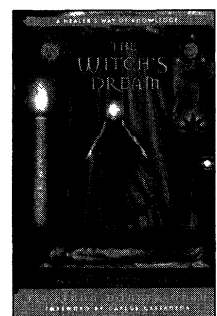
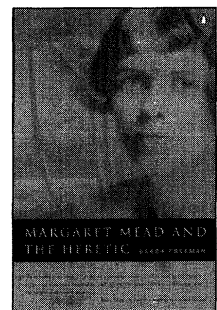
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