

the vast majority of marital dispute cases handled by the Kadhi's Court, the state-recognized institution that deals primarily with family law matters between Muslims in Kenya.

To make her case, Hirsch draws on various forms of evidence, especially the following: linguistic and feminist research on understanding legal disputing as well as gender relations and subject positions through narratives, performance, and discourse; her own ethnographic understanding of Swahili family dynamics and, particularly, concerns over respectability; and the changing position and attributes of the Kadhi Courts in postcolonial Kenya at the level of national legislation and Swahili community politics. Although she has a chapter on broad themes in the rich ethnography and historiography of Swahili communities, the key to her analytic argument is the unpacking of the linguistic means, features and contexts that have enabled Swahili women to generally win their cases by telling stories of family troubles which, in turn, opens themselves up for moral censure.

Through careful linguistic examination of the interactive speech of case transcripts she recorded in the 1980s and the broader enduring frameworks of discursive formations and linguistic ideologies that inform (but not determine) the court narratives of conflict, Hirsch asks the reader to understand the complicated and contradictory ways Swahili women and men are constituted as gendered speakers and subjects in court and how that has helped to transform gender relations. In particular, she focusses on how women narratively perform compelling stories of themselves as persevering wives in a context of family tumult. This performance of gender not only facilitates their victories in divorce and maintenance cases in Islamic courts but, at the same time, exposes them to censure for exposing family secrets, a trait Swahilis commonly associate with women. Thus these women simultaneously challenge and reinscribe gender hierarchies through their victories. Nonetheless, she stresses that by reworking gender relations in court and, she alludes, through other contexts, these Swahili women may, with an emphasis on the contingency of social action, be transforming gender hierarchies on a broader scale.

But, as Hirsch reminds us, for many of the women in her book, this is not a struggle waged under the icon of "women," but through being "persevering wives." Through attending to such culturally specific processes of gender hegemony and struggle, her ethnography demonstrates a felicitous analytical and political direction for postcolonial feminist anthropologists to follow—one that neither reifies nor romanticizes Islamic African women but rather examines the localized cultural and linguistic politics in which they wage their struggles.

Although I think that Hirsch's argument would be stronger if she included more evidence of the views of different Swahili women and men about this change in court results since the 1970s, and of the ways in which these court victories by Swahili women are effecting other changes in gender relations more widely in Kenyan coastal communities,

I find her ethnography to be an astute example of the importance of attending to discourse at a variety of levels and in particular contexts to understand how social hierarchies are perpetuated and challenged in complex ways. Despite being theoretically dense in a few places, given the range of debates covered and the current importance of Hirsch's argument for those anthropologists (and others) engaged in understanding and debating postcolonial politics, *Pronouncing & Persevering* is an excellent ethnography for many, many audiences.

Wendy James and N.J. Allen (eds.), *Marcel Mauss: A Centenary Tribute*, New York and Oxford: Berghahn Books, xii + 260 pages.

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This volume contains a selection of papers from a 1998 conference at Oxford which celebrated the centenary of the *Année Sociologique*. The editors are to be congratulated for assembling a diverse collection of stimulating papers. There is barely a weak one in the bunch.

A paper by the Russian sociologist, Alexander Gofman, wittily pinpoints a central problem in Maussian scholarship:

One could easily formulate a quasi-law whereby the more a theory or a concept is clear, well defined, and open to unequivocal interpretation, the less are its chances of success within the community of sociologists. And conversely, the more a theory or concept is ambiguous, obscure and confused, the more it is likely to dominate the sociological mind. (p. 64)

Mauss's work, like that of Marx and other important writers, is "rich in ideas but incomplete." It is full of ambiguities. Gofman and other contributors note and in varied ways evaluate the deceptive transparency of such notions as *the gift*, *total social facts* and *l'homme total*. Beyond doubt, they are Mauss's most influential concepts, but he did not advance consistent definitions for them. For example, Gofman observes that *total social facts* may denote the idea of social holism, which includes not merely all social institutions but the *totality of the actor*, individual and collective. More specifically the concept refers to institutions which are *total* inasmuch as they are simultaneously religious, political and economic in nature. For my own part, I always thought that the last of these meanings was primary.

No less than four essays (Tim Jenkins, Alain Testart, Paul Dresch, Ilana Silber) are devoted to the evaluation of the arguments of the *Essai sur le don*. In the first half of his paper, Jenkins outlines Derrida's critique of Mauss which has been advanced in *Donner le temps* (1991) and a couple of early essays. Derrida has developed an ideal-typical picture of the gift. Basically, it should not appear to be a gift at all. There can be no principle of reciprocity, because any acknowledg-

ment of such a principle immediately introduces an idea of calculated self-interest. Donors cannot acknowledge their status lest self-aggrandizement ensue (this is a form of return on the gift). Recipients cannot acknowledge their status, because that very acknowledgment is also a form of return on the gift. If such be a pure gift, then no such phenomenon was described in the *Essai sur le don* (pp. 84-87). Jenkins also gives an interesting explanation of Derrida's idea of *general economy* which relates two opposed principles: the excessive even violent display of conspicuous consumption which disrupts the cycle of social time, and calculated, long-term cyclical exchange based on production and the law of scarcity. The writing style emulates Derrida's abstruseness. Too much is attempted in too brief a space.

Three essays (Testart and particularly Dresch and Silber) make reference to Jonathan Parry's influential essay, "*The Gift, The Indian Gift and the 'Indian Gift'*" (Parry, 1986). Parry believes that a correct construction of tribal gift exchange in Mauss's work must stress that it simultaneously acknowledges the principle of obligatory reciprocity and emphasizes generosity, consumption and (sometimes agonistic) excess. Mauss's evolutionary perspective is evident in his argument that contemporary capitalism has divorced contractual reciprocity from the action of giving. Parry further explains that Hindu religious gifts do not fit Mauss's model, inasmuch as there is no expectation of human reciprocity, albeit there may be a hope of *karma*. Notions of pollution inherent in the gift and its recipient imply ritual danger in such transactions. In such cases, the "spirit of the gift" (a notion Parry endorses, *pace* Sahlins) does not compel its return.

Testart thinks that there is indeed a fundamental weakness in Mauss's argument: the obligation to return the gift may be no obligation at all, inasmuch as the donor may not even expect a return gift, or else has no enforceable claim-rights. Were he (Testart) to give money to a beggar, he would not expect the beggar to acknowledge any obligation. Potlatch transactions create obligations which may not be enforceable aside from social pressures (a chief who does not return gifts may lose face and position). The many poor people who are entertained at potlatches have no obligation to make return gifts. However, a kula trader who does not receive an appropriate valuable as return-gift may exercise a claim-right—an appropriate valuable may be seized from the defaulting partner. In this way, kula resembles pure contract. Testart disregards Parry's recension of Mauss's argument about the spirit of the gift, as well as forms of reciprocity in the form of reputational or moral rewards. He also fails to deal with Mauss's obvious heightened regard for collective obligation.

Dresch's paper is an historical and ethnographic exposition of views concerning exchange in Islamic societies. Trading may be a profitable activity in many Arab and Central Asian countries, but exchange is not a total social fact. There is no mystique attached to objects of exchange or the exchange process. Indeed, a strong egalitarianism and a

desire to escape from dangerous social entanglements often inhibits exchange. Thus a rich person is enjoined by the Qur'an and Arabic tradition to escape from family obligations and spend riches in the granting of hospitality and in gifts to the poor. Marriage exchanges with strangers carry the risk of dishonour for either party. Endogamy is preferred. Islamic societies therefore express in a very strong form the salience of Mauss's remarks about the "poison" which may be inherent in the gift. However, Mauss had very little to say about the Middle East in the *Essai sur le Don*.

In an inventive essay, Silber discusses corporate philanthropy. Superficially, this is very different from Maussian exchange, nor does it fit easily into either of the contemporary spheres of gift and contract which (according to Parry) Mauss distinguishes. It is impersonal, involves money rather than objects with a personal history, and there is no obligation to return the gift. Furthermore, philanthropy may have disreputable motives, including a need to extend corporate power. However, Silber observes that a very personal element may still be involved in philanthropy. By selecting charities, designating worthy groups, and actively seeking some solidarity with them, philanthropists and members of the boards of charitable organizations endeavour still to ensure that donors, in bestowing a gift, give away part of themselves. Furthermore, some charitable functions may constitute an equivalent to Maussian exchange ceremonies. They may be total social facts.

Abandoning the strict sociological determinism of his uncle, Émile Durkheim, Mauss explored the interrelationship of society, the body and even the psyche in a series of essays produced in the 1920s and 1930s. That interrelationship is expressed in modes of bodily comportment, gestures, illnesses and also in the way the body is deployed in various technical activities. Such activities in turn may influence the social domain. Bruno Karsenti discusses a 1926 paper by Mauss which investigated the roles played by social, psychological and biological factors in the phenomenon we now know as "Voodoo Death." Claudine Haroche demonstrates the utility of Mauss's ideas in the comprehension of patterned bodily activities such as gestures of deference and precedence in processions. In a complex and brilliant essay, Nathan Schlanger reminds us that Mauss examined the possibility that activities such as weaving and ploughing (and not merely sacred ceremonial) might serve as models for social classification. It was, in fact, Mauss rather than our contemporary Bourdieu, who first used the word "habitus" to describe such social aspects of the human body. Schlanger also describes the diffusionism which became part of Mauss's ethnology by the 1930s, and the ways in which it differed from the nationalist form of diffusionism embraced by Marin and Montandon. He did not view cultural traits as the products of any peculiar national genius, and observed that they were eminently borrowable.

One of the editors, Wendy James, contributes an excellent introduction to the collection ("Marcel Mauss and

'English' Anthropology') as well as an article on Mauss's reviews of *Africana* in the *Année*. African societies were not utilized as models in the work of Durkheim and Mauss. However, Mauss learnt much about Africa from his voluminous reading. In his reviews, he is rarely guilty of the "sin" Johannes Fabian has dubbed "*allochronicity*" (James doesn't use the word), the false separation of traditional space/time from the "hot" political theatre of modernity in which "tribes" interact with both neighbours and colonizers. James draws particular attention to Mauss's comparison of the Masai to the Hebrews in terms of pastoralism, ritual, military organization and relationships (from hostility to symbiosis to mutual influence) with neighbouring groups, and his insistence that these similarities were evolutionary or functional parallels rather than the product of Semitic migration.

Two essays deal with Indian themes. Nick Allen, the second editor, builds on a small essay by Mauss (*Anna-Viraj*) to explore aspects of Hindu Samkhya cosmology with particular reference to notions of universal substance. The 25 *tattvas* of Samkhya are explored with reference to ideas of humours, moral qualities, colour and number symbolism, etc. Allen is a follower of Georges Dumézil, but in Samkhya as elsewhere he finds that, "Dumézilian triads are substructures within pentadic wholes" (p. 185). Jonathan Parry notes that Louis Dumont, as a pupil of Mauss, deliberately used traditional India as an extreme case to illustrate the principle of hierarchy, just as Beuchat and Mauss had once used the Inuit as an extreme case of seasonal variation in social morphology. He contributes an elegant defence of Dumont against detractors who claim that *Homo hierarchicus* was the work of a sympathizer with the pre-war Catholic Right in France or who advance the view that distinctions between status and power were a product of British colonialism, before which kings enjoyed both maximum status and power. He tries to show that such detractors quite simply have their facts wrong. Parry does offer his own views on hierarchy and complementarity, and in so doing reverses the usual criticism of Dumont by saying that the latter's stress on complementarity is a view from the bottom up. The Vaishya could not deny relationship with the Brahman, but the Brahman could indeed deny his relationship with the Vaishya, and might even renounce the world.

Last but not least, the volume contains an interesting "intellectual self-portrait" by Mauss himself. This is a translation of a memorandum written in 1930 when Mauss was a candidate for election to the Collège de France. It is of much historical interest as a memento, but it is not particularly informative to those who can already trace an outline of Mauss's career and intellectual development. Significantly and not surprisingly, it makes no explicit reference to Mauss's religious background which is the theme of an essay by W.S.F. Pickering. The latter concludes his piece with a somewhat peculiar binary contrast between Durkheim and Mauss. Inasmuch as Christianity tends to formal creeds, dogmatic theology and rationalism, and Judaism has precisely the opposite

tendency (apart from Spinoza), Durkheim, who liked Descartes and favoured grand theoretical statements, may be described as a follower of Enlightenment Christianity, whereas Mauss, who preferred themes to systems and investigated the "connectedness" of human life, was loyal to his Jewish ancestral roots. Pickering, who has contributed so much to our understanding of Durkheim's statements on religion, seems strangely unaware of the rationalist stream in contemporary Judaism or of the agnostic reflections on Jewish religious practice which, more than any fictional corroboree or half-imagined totemism, probably underlie the exposition of such notions as effervescence, the positive and the negative cult. I do not believe that Durkheim's "Jewishness is the key to his sociology" (p. 48), but I do think that Pickering may not appreciate the subtlety of Durkheim's stance toward the religion he partially abandoned (see Lyons, 1981).

Above all else, this well-organized and well-edited volume demonstrates that Mauss, rather than Tylor, Morgan, Frazer or Durkheim, may be seen as the true founder of social anthropology, inasmuch as so many of the questions he raised continue to demand attention.

References

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Nicolas Peterson and Bruce Rigsby, (eds.) *Customary Marine Tenure in Australia*, Oceania Monograph, 48, Sydney: Oceania Publications, University of Sydney, 1998, vi + 263 pages.

Reviewer: Colin H. Scott
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In the past quarter century anthropology has ostensibly shed the blinkers that occluded our view of customary marine tenure, impelled by the decolonization of island and coastal peoples, proliferating marine resource crises, and indigenous rights actions. Peterson and Rigsby, in an instructive introductory chapter on the burgeoning literature, examine the mutually conditioning influences of ethnography, property theory and indigenous rights in shaping this development. Sharp, focussing on the Celtic fringe of Britain, attributes the historic "invisibility" of marine tenures to the capitalist enclosure of terrestrial property, and the hegemonic efficiency of an accompanying imperial doctrine of "freedom of the seas." In a quite different vein, Pannell critiques customary marine tenure ("CMT") as a recent anthropological invention, a cate-